



**Australian  
Competition &  
Consumer  
Commission**

Our Ref: C2009/768  
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13 May 2009

[Name/address]

Dear Sir/Madam

**Australian Brick and Blocklaying Training Foundation Ltd (ABBTF) application for  
revocation and substitution A91133  
- interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for revocation and substitution lodged by the ABBTF on 15 April 2009. A copy of the ACCC decision is attached.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application.

**Next steps**

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from the applicant and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will give both the applicant and interested parties the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

As noted in the attached decision, the ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the ACCC.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Lauren Roy on (02) 6243 4940.

Yours sincerely

Darrell Channing  
Director  
Adjudication Branch



**Australian Brick and Blocklaying Training Foundation Ltd  
- Application for revocation and substitution A91133  
– request for interim authorisation**

**REASONS**

**DECISION**

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation with respect to application for revocation and substitution A91133 lodged by the Australian Brick and Blocklaying Training Foundation Ltd (ABBTF) on behalf of itself, Think Brick Australia and the Concrete Masonry Association of Australia (the applicants) on 15 April 2009.

**THE APPLICATION**

The applicants are seeking reauthorisation to impose a levy of \$2 per 1,000 clay bricks sold and 10 cents per square metre on concrete masonry walling products sold in Victoria, New South Wales, Queensland, Western Australia, South Australia, Tasmania and Australian Capital Territory.

The authorisation currently governing these arrangements will expire on 17 May 2009.

Further information regarding the application is available on the ACCC's public register at [www.accc.gov.au](http://www.accc.gov.au).

**THE AUTHORISATION PROCESS**

The ACCC can grant immunity from the application of the competition provisions of the Trade Practices Act 1974 (the Act) if it is satisfied that the benefit to the public from the conduct outweighs any public detriment. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit.

**INTERIM AUTHORISATION**

Section 91 of the Act allows the ACCC to grant interim authorisation without making a decision on the merits of the application.

The ACCC will only grant interim authorisation in appropriate circumstances. In many circumstances it is not appropriate to do so because interim authorisation allows an applicant, for a limited period, to engage in conduct before the ACCC has been able to fully assess whether the conduct satisfies the authorisation test.

#### **CONSULTATION**

Upon receipt of the application for revocation and substitution on 15 April 2009, the ACCC undertook interested party consultation in order to consider the request for interim authorisation. The ACCC did not receive any submissions with respect to the request for interim authorisation.

#### **REASONS FOR DECISION**

In granting interim authorisation the ACCC considers that the protection provided by interim authorisation will allow the applicants to continue to apply the levy as part of the bricklayer training scheme currently authorised under authorisation A90993, while the substantive application for revocation and substitution is assessed.

The ACCC has also taken into account that no objections have been raised to the application for interim authorisation.

#### **RECONSIDERATION OF DECISION**

The ACCC may review its decision on interim authorisation at any time. The ACCC's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted.