



Application for authorisation lodged by the Australian Brick and Blocklaying Training Foundation Limited – A91166

Interim authorisation decision

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation under section 88(1A) of the *Trade Practices Act 1974* lodged by the Australian Brick & Blocklaying Training Foundation Ltd on behalf of itself, Think Brick Australia and the Concrete Masonry Association of Australia and their members on 24 July 2009.

The interim authorisation granted by the ACCC will remain in place until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

The applicants are seeking authorisation 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.

Interim authorisation

Interim authorisation, pursuant to section 91(2)(d) of the *Trade Practices Act 1974* (the Act), protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Act while the ACCC considers and evaluates the merits of the application. The decision on interim authorisation in no way binds the ACCC in its consideration of the merits of the substantive applications.

Reasons for decision

The ACCC previously granted interim authorisation to the ABBTF on 13 May 2009 for the same conduct. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions.

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 authorisation is assessed.

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.

29 July 2009