



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/768
Contact Officer: Lauren Roy
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29 July 2009

Name/Address

Dear Sir/Madam

**Australian Brick & Blocklaying Training Foundation Limited application for
authorisation A91166 - request for interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has received a further application for authorisation from the Australian Brick & Blocklaying Training Foundation Ltd (ABBTF).

The application is to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* which commenced on 24 July 2009. The conduct for which authorisation is being sought under application A91166 is the same conduct that the ABBTF originally sought authorisation for on 15 April 2009 (authorisation application A91133).

A copy of the new application A91166 is available from the ACCC's website (www.accc.gov.au/AuthorisationsRegister).

The ACCC granted interim authorisation to application A91133 on 13 May 2009, allowing ABBTF, Think Brick Australia and the Concrete Masonry Association of Australia to continue to impose a levy of \$2 per 1,000 clay bricks and 10 cents per square metre on concrete masonry products. 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.

The ACCC has decided to grant interim authorisation in respect of the application for authorisation lodged by the ABBTF on 24 July 2009. The practical effect of this decision is to provide protection for this conduct in respect of the new cartel provisions. A copy of the ACCC's decision is attached.

Next steps

The ACCC is proposing to release a draft determination responding to application A91166 in the near future. This draft determination will take account of submissions from the ABBTF and interested parties previously provided to the ACCC in respect of A91133.

The ACCC will give both the ABBTF 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

A handwritten signature in black ink, appearing to be 'R. Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch