



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2009/768  
Contact Officer: Lauren Roy  
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5 August 2009

Dear Sir/Madam

**Australian Brick & Blocklaying Training Foundation Limited application for  
authorisation A91166  
- draft determination**

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

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).

In particular, the ABBTF is 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.

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

As you may recall, the ACCC published a draft determination in respect of application A91133 on 15 July 2009, proposing to grant authorisation to these arrangements for five years.

The ACCC has now issued a draft determination respond to the application for authorisation lodged by the ABBTF on 24 July 2009. In reaching this determination the ACCC has had regard to the submissions of the applicant and interested parties previously provided to it in response to application A91133. Attached is a copy of the ACCC's draft determination.

## Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **20 August 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **20 August 2009**.

The ACCC will consider any submissions it receives, including any submissions previously provided to it in respect of application for authorisation A91133, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

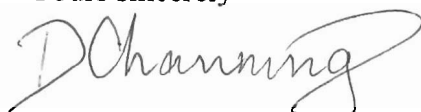
## Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>24 July 2009</b>	Lodgement of application and supporting submission.
<b>29 July 2009</b>	ACCC decision regarding interim authorisation.
<b>5 August 2009</b>	Draft determination.
<b>August 2009</b>	Public consultation on draft determination including any conference if called.
<b>August 2009</b>	Final determination.

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