

Blanch, Belinda

From: Rouw, John
Sent: Wednesday, 12 August 2009 2:29 PM
To: !Adjudication Administration Team
Subject: FW: TRIM: ACCC - application A91179 - IPs letter for PR/Web and WF [SEC=UNCLASSIFIED]

From: Rouw, John
Sent: Wednesday, 12 August 2009 2:27 PM
To: Rouw, John
Subject: TRIM: ACCC - application A91179 [SEC=UNCLASSIFIED]

Our Ref: C2009/1228
Contact Officer: John Rouw
Contact Phone: (03) 9290 1402

12 August 2009

Dear Madam/Sir

Transport Workers Union of Australia SA/NT Branch - application for authorisation A91179 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has received a further application for authorisation from the Transport Workers Union of Australia SA/NT Branch (the TWU).

The application is to take account of amendments introduced by the *Trade Practices Amendment (Cartel Conduct and Other Measures) Act 2009* that commenced on 24 July 2009. The conduct for which authorisation is being sought under application A91179 is the same conduct for which the TWU originally sought authorisation on 25 June 2009 (authorisation application A91146).

In particular, the TWU seeks authorisation to collectively negotiate with dairy processors National Foods and Parmalat on behalf of milk vendors in South Australia.

A copy of the new application A91179 is available from the ACCC's website (www.accc.gov.au/AuthorisationsRegister).

As you may recall the ACCC published a draft determination in respect of application A91146 on 22 July 2009, proposing to grant authorisation to these arrangements for five years.

The ACCC has now issued a draft determination responding to the application for authorisation lodged by the TWU on 5 August 2009. In reaching this determination, the ACCC had regard to the submissions of the applicants and interested parties previously provided to it in response to application A91146. **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 **27 August 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **27 August 2009**.

The ACCC will consider any submissions it receives, including any submissions previously provided to it in respect of application for authorisation A91146, 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.

The ACCC is proposing to release a final determination in response to both applications for authorisation (A91146 & A91179) in September 2009.

Timetable

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

5 August 2009	Lodgement of application and supporting submission.
12 August 2009	Draft determination.
August/September 2009	Public consultation on draft determination including any conference if called.

September 2009	Final determination.
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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 John Rouw on (03) 9290 1402.

Yours sincerely

Gavin Jones
Director
Adjudication Branch



2009-08 TWU
cartels draft det ...

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