



**Australian  
Competition &  
Consumer  
Commission**

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28 August 2012

Dear Madam/ Sir

**Transport Workers' Union of Australia Queensland Branch – application for  
authorisation A91331 – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from the Transport Workers' Union of Australia (TWU) Queensland Branch. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process, including how to make a submission to the ACCC.

The TWU is seeking authorisation on behalf of existing and future owner drivers contracted to Hanson Construction Materials Pty Ltd in its Queensland operations to engage in collective bargaining with Hanson, for the purpose of establishing new contractual arrangements for the cartage of concrete. The TWU is seeking authorisation for five years.

A full copy of the application for authorisation is available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>. Alternatively, you can contact John Rouw on (03) 9290 1402 to obtain a hard copy of the application and submission.

**Interim authorisation**

The TWU has also requested interim authorisation to commence collective bargaining while the ACCC assesses its application. It undertakes not to finalise bargaining before the ACCC makes a final determination in this matter.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors including:

- harm to the applicant and other parties if interim is or is not granted
- possible benefit and detriment to the public

- the urgency of the matter, and
- whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

The ACCC requests your comments on the request for interim authorisation by **3 September 2012**.

### **Request for submissions**

The ACCC also invites you to make a submission on the substantive application lodged by the TWU including the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to the TWU's application for authorisation, please do so by **24 September 2012**. As noted above, submissions in relation to interim authorisation should be provided by **3 September 2012**.

Alternatively, if you would like to provide comments orally, please contact John Rouw on (03) 9290 1402 to organise a suitable time. Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

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

<b>22 August 2012</b>	Lodgement of application and supporting submission.
<b>28 August 2012</b>	Public consultation process begins.
<b>3 September 2012</b>	Closing date for submissions from interested parties on interim authorisation.
<b>September 2012</b>	ACCC decision regarding interim authorisation.
<b>24 September 2012</b>	Closing date for submissions on substantive application.
<b>September/ October 2012</b>	Applicant responds to issues raised in the public consultation process.
<b>By November 2012</b>	Draft determination.

<b>November/ December 2012</b>	Public consultation on draft determination including any conference if called.
<b>By February 2013</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact John Rouw on (03) 9290 1402.

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch

**Transport Workers' Union of Australia Queensland Branch –  
Authorisation application A91331 – initial consultation - addressees**

Adelaide Brighton
Australian Government Department of Education, Employment and Workplace Relations
Barro Group
Boodle's Concrete
Boral
Cement Australia
Cement Concrete and Aggregates Australia
Chamber of Commerce and Industry Queensland
Cordwell Concrete
Excel Concrete
Hanson
Holcim
Hymix
Hyrock NSW
Independent Cement and Lime
Mixcrete Concrete
Neil Mansell Concrete/ Mansell Premix
Neilsen's Concrete/ Neilsens
Nucon Concrete/ Nucrush
Owner Drivers Australia
Pioneer North Queensland
Q-Crete
Queensland Department of Employment, Economic Development and Innovation
Queensland Department of Transport and Main Roads
Slack's Concrete
Zanows' Concrete