

FILE No.
DOC:
MARS/PRISM:

# Form GA

Commonwealth of Australia

Competition and Consumer Act 2010 — section 93AB

## NOTIFICATION OF COLLECTIVE BARGAINING

This form is to be completed by applicants proposing to engage in collective bargaining arrangements.

In lodging this form, applicants must include all information, including supporting evidence that they wish the Commission take into account in assessing their notification.

Where there is insufficient space on this form to furnish the required information, the information is to be shown on separate sheets, numbered consecutively and signed by or on behalf of the applicant.

Protection provided by the notification extends only to the collective bargaining arrangements described in the form.

To the Australian Competition and Consumer Commission:  
 Notice is hereby given under section 93AB of the *Competition and Consumer Act 2010* of intention:

- to make, or to propose to make, a contract containing a provision of the kind referred to in subsection 44ZZRD (2) or paragraph 44ZZRD (3) (a) or (b) of that Act.
- to give effect to a provision of a contract where the provision is of the kind referred to in subsection 44ZZRD (2) or paragraph 44ZZRD (3) (a) or (b) of that Act.
- to make, or to propose to make, a contract containing a provision of the kind referred to in paragraph 45 (2) (a) of that Act.
- to give effect to a provision of a contract where the provision is of the kind referred to in paragraph 45 (2) (b) of that Act.  
*(Strike out if not applicable)*

PLEASE FOLLOW DIRECTIONS ON BACK OF THIS FORM

AUST. COMPETITION &  
 CONSUMER COMMISSION  
 - CANBERRA  
 26 SEP 2012

### Section A – general information

#### 1. Applicant

(a) Name of the applicant:  
*(refer to Direction 1)*

CB00227  
 CB00228  
 CB00229  
 CB00230  
 CB00231  
 CB00232  
 CB00233  
 CB00234  
 CB00235  
 CB00236  
 CB00237  
 CB00238  
 CB00239  
 CB00240  
 CB00241

**PaintRight Ltd on behalf of its members**

.....  
 .....

(b) Description of business carried on by the applicant:  
*(refer to Direction 2)*

**PaintRight Ltd represents a group of 55 independently owned and operated paint retailers across Australia.**

.....  
 .....

CB00243  
CB00244  
CB00245  
CB00246  
CB00247  
CB00248  
CB00249  
CB00250  
CB00251  
CB00252  
CB00253  
CB00254  
CB00255  
CB00256  
CB00257  
CB00258  
CB00259  
CB00260  
CB00261  
CB00262  
CB00263  
CB00264  
CB00265  
CB00266  
CB00267  
CB00268  
CB00269  
CB00270  
CB00271  
CB00272  
CB00273  
CB00274  
CB00275  
CB00276  
CB00277  
CB00278  
CB00279

- (c) Is the representative of the applicant lodging the notice a trade union, an officer of a trade union or a person acting on the direction of a trade union?  
*(refer to Direction 3)*

No.....  
.....  
.....

- (d) Address in Australia for service of documents on the applicant:

.....  
.....

**PaintRight Ltd**  
**101 Rosamond Rd**  
**Maidstone Vic 3012**

**2. Lodged on behalf of**

- (a) Provide names and addresses of all persons on whose behalf the notification is lodged and who propose to participate in the collective bargaining arrangements:  
*(refer to Direction 4)*

**Peter A & Karen L Walker t/a E.W. Bulte**  
**4-6 Queen Street**  
**ARARAT VIC 3377**  
**[ewbulte@vic.chariot.net.au](mailto:ewbulte@vic.chariot.net.au)**

**Meredith Seed Co Pty Ltd t/a Meredith Paints**  
**114 Taylor St**  
**ARMIDALE NSW 2350**  
**[meredithseedco@westnet.com.au](mailto:meredithseedco@westnet.com.au)**

**Ivan B Pollock t/a PaintRight Bacchus Marsh**  
**64B Grant St**  
**BACCHUS MARSH VIC 3340**  
**[rangersaustralia@hotmail.com](mailto:rangersaustralia@hotmail.com)**

**Conroys Paint & Tile Specialists P/L**  
**104 Skipton St**  
**BALLARAT VIC 3350**  
**[conroys@ncable.net.au](mailto:conroys@ncable.net.au)**

**Dubi Holdings Pty Ltd t/a Belmont Colour Centre**  
**174 High St**  
**BELMONT VIC 3216**  
**[belmontcolour@bigpond.com](mailto:belmontcolour@bigpond.com)**

**Henry Haymes Pty Ltd t/a Bendigo PaintRight**  
**46 High St**  
**BENDIGO VIC 3550**  
**[bendigo@haymespaint.com.au](mailto:bendigo@haymespaint.com.au)**

**Younger Colour Concepts Pty Ltd t/a Berwick PaintRight**  
**14 Adams Lane**  
**BERWICK VIC 3806**  
**[paintright\\_berwick@bigpond.com](mailto:paintright_berwick@bigpond.com)**

**Bennett's Paint Centre Pty Ltd t/a Bennett's Paint Centre**  
3A Walker Street  
BUNDABERG QLD 4670  
[bennettspaintcentrepvtltd@bigpond.com](mailto:bennettspaintcentrepvtltd@bigpond.com)

**DEX Enterprises Pty Ltd t/a The Paint Specialists**  
122 Scott St  
CAIRNS QLD 4870  
[dwain@paintspecialists.com.au](mailto:dwain@paintspecialists.com.au)

**Dale's Discount Pty Ltd t/a Dale's Discount**  
16 Elizabeth St  
CASTLEMAINE VIC 3450  
[castlemaine@paintright.com.au](mailto:castlemaine@paintright.com.au)

**Pickstone, Mitchell Ben t/a Colour Spot**  
202 Charlestown Rd  
CHARLESTOWN NSW 2290  
[mitch@colourspot.com.au](mailto:mitch@colourspot.com.au)

**PaintRight Unit Trust t/a Nth Coburg PaintRight**  
949 Sydney Rd  
COBURG NORTH VIC 3058  
[paintcob@bigpond.net.au](mailto:paintcob@bigpond.net.au)

**DA & PM Goodacre t/a Colac PaintRight**  
314-316 Murray St  
COLAC VIC 3250  
[dale@paintrightcolac.com.au](mailto:dale@paintrightcolac.com.au)

**Henry Haymes Pty Ltd t/a Dandenong PaintRight**  
160 Princes Hwy  
DANDENONG VIC 3175  
[rwalton@haymespaint.com.au](mailto:rwalton@haymespaint.com.au)

**AP & DA Overton t/a Devonport PaintRight**  
65 Formby Rd  
DEVONPORT TAS 7310  
[prd@signon.net.au](mailto:prd@signon.net.au)

**Rosalu Pty Ptd t/a Astley's Plumbing & Hardware**  
Cobbora Rd  
DUBBO NSW 2830  
[stuart@astleys.biz](mailto:stuart@astleys.biz)

**PJ Ritchie and S Ritchie t/a PaintRight Echuca**  
3/361 Ogilvie Avd  
ECHUCA VIC 3564  
[echucapaintright@bigpond.com](mailto:echucapaintright@bigpond.com)

**Gregg, Robert James t/a PaintRight Glendale**  
2/686 Main St  
EDGEWORTH NSW 2285  
[rgregg@bigpond.com](mailto:rgregg@bigpond.com)

**Henry Haymes Pty Ltd t/a Eltham PaintRight**  
30 Bridge St  
ELTHAM VIC 3095  
[rwalton@havmespaint.com.au](mailto:rwalton@havmespaint.com.au)

**Glass Hill Mansions Pty Ltd t/a Hill's Colour Centre**  
726-728 Nicholson St  
FITZROY NORTH VIC 3068  
[tony.hill@paladinonline.com.au](mailto:tony.hill@paladinonline.com.au)

**A & B Building, Plumbing and Paint Supplies Pty Ltd**  
20 Sam St  
FORBES NSW 2871  
[gecko.79@bigpond.com](mailto:gecko.79@bigpond.com)

**Bodera Unit Trust t/a Capricorn Colour Centre**  
53 Lord St  
GLADSTONE QLD 4680  
[capcol@capricorncolour.com](mailto:capcol@capricorncolour.com)

**The Trustee for Carlyle Trust t/a PaintRight Superstore**  
210 Murray St  
HOBART TAS 7005  
[rcarlyle@netspace.net.au](mailto:rcarlyle@netspace.net.au)

**The Trustee for DR & NJ Wade Family Trust t/a Wades Gas & Paint**  
70 Hamilton St  
HORSHAM VIC 3400  
[adrian@wadesgp.com.au](mailto:adrian@wadesgp.com.au)

**The Haggarty Group Pty Ltd t/a Aussie Paint Barn**  
347-349 Brisbane St  
IPSWICH QLD 4305  
[info@haggarty.com.au](mailto:info@haggarty.com.au)

**The Trustee for the Hall Family Trust t/a Kyabram PaintRight**  
140 Allan St  
KYABRAM VIC 3620  
[kyabrapaintright@bigpond.com.au](mailto:kyabrapaintright@bigpond.com.au)

**KG & KM Watts t/a Kriskens PaintRight**  
160 Mollison St  
KYNETON VIC 3444  
[kriskens@bigpond.net.au](mailto:kriskens@bigpond.net.au)

**G Bradshaw & CA Williams t/a Lavington Paint Centre**  
329 Urana Rd  
LAVINGTON NSW 2641  
[lavington@paintright.com.au](mailto:lavington@paintright.com.au)

**HMDS Robel Pty Ltd t/a Lilydale PaintRight**  
170 Main St  
LILYDALE VIC 3134  
[paintright\\_lilydale@bigpond.com](mailto:paintright_lilydale@bigpond.com)

**Henry Haymes Pty Ltd t/a Maribyrnong PaintRight**  
Unit 2, Cnr Hampstead & Williamsons Rds  
MARIBYRNONG VIC 3032  
[rwalton@haymespaint.com.au](mailto:rwalton@haymespaint.com.au)

**Prime's Discount Store Pty Ltd t/a Prime's Discount Store**  
70-76 Nolan St  
MARYBOROUGH VIC 3465  
No email address

**Campmaster Pty Ltd t/a Maryborough Paint Centre**  
77 Adelaide St  
MARYBOROUGH QLD 4650  
[mpc77@bigpond.com](mailto:mpc77@bigpond.com)

**Simpkin, Penelope Ann t/a Melton Paint Shop**  
20 Bakery Square  
MELTON VIC 3337  
[paintrightmelton@vahoo.com.au](mailto:paintrightmelton@vahoo.com.au)

**Henry Haymes Pty Ltd t/a Mildura PaintRight**  
115 Eighth St  
MILDURA VIC 3500  
[rwalton@haymespaint.com.au](mailto:rwalton@haymespaint.com.au)

**Attiwill Pty Ltd t/a Attiwills Home & Industry**  
110 Penola Road  
MOUNT GAMBIER SA 5290  
[ian.attiwill@attiwills.com.au](mailto:ian.attiwill@attiwills.com.au)

**Mudgee Home Décor Pty Ltd t/a Mudgee Home Décor**  
32 Market Street  
MUDGEE NSW 2850  
[homedec@hwy.com.au](mailto:homedec@hwy.com.au)

**Akshar Services Pty Ltd**  
142 Springvale Rd  
NUNAWADING VIC 3131  
[jigar@paintrightnunawading.com.au](mailto:jigar@paintrightnunawading.com.au)

**Stoland Pty Ltd t/a Kent's Building Supplies**  
151 Dalton St  
ORANGE NSW 2800  
[bam@kentsbuildingsupplies.com.au](mailto:bam@kentsbuildingsupplies.com.au)

**AR & NM Perrins t/a Paddington Hardware**  
272 Given Terrace  
PADDINGTON QLD 4064  
[arperrins@bigpond.com](mailto:arperrins@bigpond.com)

**Wingdome Pty Ltd t/a Parkes Paint & Heating**  
125 Clarinda St  
PARKES NSW 2870  
[parkespaint@westnet.com.au](mailto:parkespaint@westnet.com.au)

**Mogan Holdings Pty Ltd t/a Paintaway Preston**  
250 High St  
PRESTON VIC 3072  
[joe@paintaway.com.au](mailto:joe@paintaway.com.au)

**Henry Haymes Pty Ltd t/a Ringwood PaintRight**  
104 Maroondah Hwy  
RINGWOOD VIC 3134  
[rwalton@haymespaint.com.au](mailto:rwalton@haymespaint.com.au)

**The Trustee for Dohrman Trust Fund t/a PaintRight Walls & Windows**  
177 Fryers St  
SHEPPARTON VIC 3630  
[karl@wallsandwindows.com.au](mailto:karl@wallsandwindows.com.au)

**Paddy's Joint Pty Ltd**  
25 Grant St  
SOMERVILLE VIC 3912  
[paddysjoint@bigpond.com](mailto:paddysjoint@bigpond.com)

**Henry Haymes Pty Ltd t/a South Morang PaintRight**  
2/545 McDonalds Rd  
SOUTH MORANG VIC 3752  
[rwalton@haymespaint.com.au](mailto:rwalton@haymespaint.com.au)

**Colours R Us Pty Ltd t/a Colours'R'Us**  
495 Malvern Rd  
SOUTH YARRA VIC 3141  
[colours1@tpg.com.au](mailto:colours1@tpg.com.au)

**ME Buffrey & RJ Buffrey t/a Springwood Discount Paints**  
278A Macquarie Rd  
SPRINGWOOD NSW 2777  
[info@letspaint.com.au](mailto:info@letspaint.com.au)

**The Trustee for Kalitsis Family Trust**  
t/a Annandale Paint and Wallpaper  
74 Parramatta Rd  
STANMORE NSW 2048  
[annpaint@bigpond.net.au](mailto:annpaint@bigpond.net.au)

**Tony G Rathgeber t/a Stawell Paint Centre**  
Shop 4, 16 Longfield Street  
STAWELL VIC 3380  
[stawell@paintright.com.au](mailto:stawell@paintright.com.au)

**TD's Paint Spot Pty Ltd t/a TD's PaintRight**  
222 Bridge St  
TAMWORTH NSW 2340  
[sales@tdspaintspot.com](mailto:sales@tdspaintspot.com)

**Taree Paint Centre Pty Ltd t/a Taree Paint Centre**  
Cnr Stevenson & Victoria Sts  
TAREE NSW 2430  
[tareepc@bigpond.net.au](mailto:tareepc@bigpond.net.au)

**The Trustee for Tumut Hydraulics Trust**  
**164 Adelong Rd**  
**TUMUT NSW 2720**  
**Colleen@tumuthydraulics.com.au**

**Fitzpatrick RJ & IA t/a PaintRight Wagga Wagga**  
**1 Pearson St**  
**WAGGA WAGGA NSW 2650**  
**fitzys10@bigpond.net.au**

**JL Taylor & KT Taylor & LP Taylor Taylor t/a Taylor Home Décor**  
**126 Percy St**  
**WELLINGTON NSW 2820**  
**painttav@bigpond.net.au**

**Simmers and Co Pty Ltd**  
**21 Ferguson St**  
**WILLIAMSTOWN VIC 3016**  
**office@simmers.com.au**

- .....  
.....
- (b) Provide proof of the consent of each of the persons listed at 2 (a) above agreeing to the lodgement of the notification on their behalf:  
*(refer to Direction 5)*

**.Please find attached authorities from each store, consenting to collective bargaining on their behalf.**

.....  
.....

- (c) Provide the following information relating to a notification:
- (i) Does this notification relate to a notification previously lodged with the Australian Competition and Consumer Commission and for which a concessional fee is claimed?

**.Yes**

.....  
.....

- (ii) details of the first-mentioned notification, including but not limited to:
- (A) the name of the applicant; and
  - (B) the date the notification was said to be lodged; and
  - (C) if known or applicable — the registration number allocated to that collective bargaining notification.

**PaintRight Ltd on behalf of its members**

**21 August 2009**

**CB00081 – CB000137**

.....  
.....  
**Section B – collective bargaining arrangements**

**3. Proposed collective bargaining arrangements**

- (a) Provide: the name and address of the target; the name, position and telephone contact details of an appropriate contact at the target; and a description of the business carried on by the target:  
*(refer to direction 6)*

**3M**

**John Fliteroft**

**National Business Manager - Paint & Decorating Channel**

**950 Pacific Highway**

**PYMBLE NSW 2073**

**Ph 02 9498-9659**

**Mb**

**[jafliteroft@mmm.com](mailto:jafliteroft@mmm.com)**

**Manufacturers of adhesives, abrasives, film, foam, projection equipment and textiles for use in industry, commerce and agriculture.**

**Australian Brushware Corporation**

**Nathan Lowe**

**143-147 National Blvd**

**CAMPBELLFIELD VIC 3061**

**Ph 03 9358 0688**

**Fx 03 9358 0690**

**Mb**

**[nathanlowe@austbrush.com.au](mailto:nathanlowe@austbrush.com.au)**

**Manufacturers and distributors of paint brushes and painting accessories.**

**Bondall**

**Stephen Burns**

**National Channel Manager**

**113 Belmont Ave**

**BELMONT WA 6104**

**Ph 08 6272-3800**

**Fx 08 9277 4068**

**Mb**

**[stephenb.sales@bondall.com](mailto:stephenb.sales@bondall.com)**

**Manufactures building and renovating products for both the domestic and international market.**

**Bostik**

**Mark Nilsson**

**National Manager – Key Accounts**

**Construction & Consumer**

**51-71 High St**

**THOMASTOWN VIC 3074**

**Ph 03 9279 9201**

**Fx 03 9279 9240**

**Mb**

**[mark.nilsson@bostik.com](mailto:mark.nilsson@bostik.com)**

**Manufacturers of adhesives and sealants.**



**C & A Brushware**  
**Tony McTeigue**  
**1/7 Adventure Pl**  
**PO Box 2880**  
**TAREN POINT NSW 2229**  
**Ph 02 9531-8200**  
**Fx 02 9531-8299**  
**enquiries@cabrush.com**  
**Manufacturers of paint brushes and roller covers.**

**Campbells Wholesale Pty Ltd**  
**Olly Dartnall**  
**Director**  
**21 Ballantyne Rd**  
**KEWDALE WA 6105**  
**Ph 08 9353-3354**  
**Fx 08 9353-6994**  
**od@campbellsws.com.au**  
**Distributors of products to the Automotive, Hardware, Painting, Construction, Agricultural, Marine and Mining industries.**

**Colourtrend**  
**Robert Fortunato**  
**General Manager**  
**481-483 Victoria St**  
**WETHERILL PARK NSW 2164**  
**Ph 02 9756-2400**  
**Fx 02 9756-2405**  
**Mb**   
**robert@colourtrend.com**  
**Manufacturer of architectural house paints.**

**CH Paint Rollers Pty Ltd**  
**Bob de Groot**  
**Ph 03 6229-9896**  
**Fx 03 6229-1290**  
**bobdegroot@bigpond.com.au**  
**Manufacturer of sheepskin roller covers.**

**Commonwealth Bank of Australia**  
**Riaz Hussain**  
**Relationship Manager**  
**Lvl 1, 641 Mt Alexander Rd**  
**MOONEE PONDS VIC 3039**  
**Ph 03 9909-0633**  
**Fx 1300 522 329**  
**Riaz.hussain@cba.com.au**  
**Banking and financial services.**

**Contract Blinds**  
**Greg Meadows**  
**National Sales and Marketing Manager**  
**16 Jersey Rd**  
**BAYSWATER VIC 3153**

**Ph 03 9720-8877**  
**Fx 03 9720-7230**  
**Mb**   
**greg@contractblinds.com.au**  
**Manufacturer of window furnishings.**

**Melpaint Products Pty Ltd t/a Dispose-a-tray**  
**Garry Walker**  
**PO Box 119**  
**RINGWOOD VIC 3134**  
**Ph 03 9883-5392**  
**Fx 03 9876-4579**  
**Mb**   
**disposeatray@iinet.net.au**  
**Distributors of paint accessories.**

**Dominion Plastics**  
**Euan Sutherland**  
**Director**  
**PO Box 7358 MD**  
**SHEPPARTON VIC 3630**  
**Ph 03 5821-1477**  
**Fx 03 5821-1755**  
**Manufacture waterbased, rubberised, non-slip decorative membrane.**

**Dulux**  
**Colin Joell**  
**Business Manager**  
**1970 Princes Hwy**  
**CLAYTON VIC 3168**  
**Ph 03 9263 9204**  
**Mb**   
**colin.joell@orica.com**  
**Manufacturers, distributors and marketers of decorative and protective surface coatings to industry, professional painters, and retail stockists.**

**E-Sime**  
**Jason Mathwin**  
**National Account Manager**  
**1a, 1-3 Endeavour Dr**  
**CARINGBAH NSW 2229**  
**Ph 02 9525-5102**  
**Fx 02 9525-5103**  
**Mb**   
**jason@esime.com.au**  
**Importers and distributors of spray equipment.**

**Express Rollers**  
**Graeme Donoghue**  
**Managing Director**  
**32 Laidlaw Dr**  
**DELACOMBE VIC 3356**  
**Ph 03 5336-4828**  
**Fx 03 5336-4916**  
**graeme@expressrollers.com**

**Distributors of lambswool painting accessories.**

**The Flood Company**

**John Willis**

**General Manager**

**4 Nelson Ave**

**PADSTOW NSW 2211**

**Ph 02 9790-5158 or 1800 226 113**

**Fx 02 9709-2604**

**Mb**

**[john\\_willis@floodaustralia.com](mailto:john_willis@floodaustralia.com)**

**Suppliers of paint additives and surface treatment products.**

**G James Glass & Aluminium Pty Ltd**

**Tony Spiteri**

**PO Box 1376**

**EAGLE FARM BC QLD**

**Ph 07 3877-2771**

**Fx 07 3877-2285**

**Mb**

**[anthony\\_spiteri@gjames.com.au](mailto:anthony_spiteri@gjames.com.au)**

**Integrated glass and aluminium manufacturer and contractor.**

**Hartman Pacific Pty Ltd t/a Gorilla Ladders**

**Gavin Rundle**

**Sales Director**

**1/1 Federation Way, Chifley Business Park**

**MENTONE VIC 3194**

**Ph 1300 362 393**

**Fx 1300 135 369**

**[gavinr@gorillaladders.com.au](mailto:gavinr@gorillaladders.com.au)**

**Manufacturers of ladders.**

**GSB Chemical Co Pty Ltd**

**Ed Ball**

**5 Beatrice Ave**

**WEST HEIDELBERG VIC 3081**

**Ph 03 9457-1125**

**Fx 03 9459-7978**

**Mb**

**[eball@gsbchem.com.au](mailto:eball@gsbchem.com.au)**

**Manufacturer of water and solvent based chemicals.**

**Handi Home Supplies**

**Ray McClusky**

**50 Longview Court**

**THOMASTOWN VIC 3074**

**Ph 03 9466 1611**

**Fx 03 9466 2100**

**[handihome@ozemail.com.au](mailto:handihome@ozemail.com.au)**

**Wholesaler distributor of specialty products.**

**Haymes Paint**

**Rodney Walton**

**General Manager**

**1 Waringa Dve,  
Wendouree BALLARAT VIC 3355  
Ph 03 5338 1222  
Fx 03 5338 1868  
[rwalton@haymepaint.com.au](mailto:rwalton@haymepaint.com.au)  
Manufacturers of architectural and decorative paints.**

**HiChem Industries  
Ivan Moldovan  
Managing Director  
73 Hallam South Rd  
HALLAM VIC 3803  
Ph 03 9796 3400  
Fx 03 9796 9500  
Mb   
[ivanm@hichem.com.au](mailto:ivanm@hichem.com.au)  
Distributors of metal protection products.**

**Hills Industries  
Anthony Jackson  
Business Manager  
5 Cambria Rd  
KEYSBOROUGH VIC 3173  
Ph 03 9238 2542  
Fx 03 9238 2515  
Mb   
[anthony.jackson@hills.com.au](mailto:anthony.jackson@hills.com.au)  
Manufacturer, distributor, and retailer of home and hardware, electronic security and entertainment, and building and industrial products.**

**Hiretech  
Jerry Kruzsa  
PO Box 274  
EMU PLAINS NSW 2750  
Ph 02 4735 6688  
Fx 02 4735 6682  
Mb   
[enquiries@hiretech.com.au](mailto:enquiries@hiretech.com.au)  
Supplier of commercial Floor Sanding equipment and Wallpaper Strippers.**

**HSBC  
Frank Mancini  
Business Development Manager, Consumer Finance  
271 Collins St  
MELBOURNE VIC 3000  
Mb   
[frankmancini@hsbc.com.au](mailto:frankmancini@hsbc.com.au)  
Banking and financial services.**

**Hume Internationale  
Barry Walters  
Unit 2/5 Ovata Drive  
TULLAMARINE VIC 3043  
Ph 03 9335 6711  
Fx 03 9335 6788**

**barry.humint@bigpond.com.au**

**Importers and distributors of vinyl, fabric and wallpaper.**

**ITW Polymers & Fluids P/L**

**Paul Redding**

**100 Hassall St**

**WETHERILL PARK NSW 2164**

**Mb**

**marketing@itwpolymersandfluids.com.au**

**Manufactures and supplies a range of products for use in metal protection and for lubrication.**

**Ladder Solutions**

**Ian Smith**

**Unit 2, 12 Watsford Rd**

**CAMPBELLTOWN NSW 2560**

**Ph 02 4620-4011**

**Fx 02 4620-4955**

**Mb**

**ian@laddersolutions.com.au**

**Distributors of ladders and access equipment.**

**Macron Marketing**

**Ron Macgowan**

**18 Redland Dr**

**MITCHAM VIC 3132**

**Ph 03 9873 7822**

**Mb**

**macronmarketing@bigpond.com**

**Distributors of abrasives.**

**Oldfields**

**Ray Titman**

**General Manager**

**8 Farrow Road**

**CAMPBELLTOWN NSW 2560**

**Ph 02 4627 0777**

**Fx 02 4627 0888**

**Mb**

**ravt@oldfields.com.au**

**Manufacture, sale & distribution of paint equipment, and accessories.**

**Orica Woodcare**

**Iain Simpson**

**Business Manager**

**1956 Dandenong Road**

**CLAYTON VIC 3168**

**Ph 03 9263 5859**

**Fx 03 9263 5886**

**iain.simpson@orica.com**

**Manufacturers of timber coatings.**

**Pace Advertising**

**Nick Heath**

**Managing Director**

**6 Brougham St  
GEELONG VIC 3220  
Ph 03 5273-4777  
[nick@pace.com.au](mailto:nick@pace.com.au)  
Marketing and web based services.**

**Phillro  
Geoff Cuthbert  
49 Wharf Road  
PORT MELBOURNE VIC  
Ph 03 8645 2900  
Fx 03 9646 4816  
Mb   
[geoffc@phillro.com.au](mailto:geoffc@phillro.com.au)  
Distributors of spray equipment.**

**PPG  
Martin Raftery  
18 Breene Place, MORNINGSIDE QLD 4170  
Ph 03 9263-6000  
Fx 03 9263-4657  
Mb   
[mraftery@ppg.com](mailto:mraftery@ppg.com)  
Manufacturers of architectural and decorative coatings.**

**Quantum  
Roger Cornelius  
PO Box 2176 SEAFORD VIC 3198  
Ph 03 9776-8831  
Fx 03 9782-4417  
[roger@qtf.com.au](mailto:roger@qtf.com.au)  
Manufacturer of timber coatings.**

**Recochem  
Adam Hodgson  
National Account Manager  
55-57 Miller St EPPING VIC 3076  
Ph 03 9408 4144  
Fx 03 9408 4155  
Mb   
[ahodgson@recochem.com.au](mailto:ahodgson@recochem.com.au)  
Manufacturers of chemicals and solvents.**

**Rokset Industries P/L  
Gary Kerslake  
CEO  
16-20 Ragless St  
ST MARY'S SA 5042  
Ph 08 8276 7666  
Fx 08 8276 6973  
Mb   
[gkerslake@rokset.com.au](mailto:gkerslake@rokset.com.au)  
Distributor of painting accessories.**

**Rustoleum**

**Stan Jankiewicz**  
**Managing Director**  
**PO Box 430**  
**RYDALMERE NSW 1701**  
**Ph 02 9684-6060**  
**Fx 02 9680-0111**  
**[sjankiewicz@rustoleum.com.au](mailto:sjankiewicz@rustoleum.com.au)**  
**Manufacturers of specialist paint products**

**Sceneys**  
**Greg Sceney**  
**Managing Director**  
**17 Third Ave**  
**SUNSHINE VIC 3020**  
**Ph 03 9311-7477**  
**Fx 03 9312-6911**  
**[sceneys@dodo.com.au](mailto:sceneys@dodo.com.au)**  
**Manufacturer of chemicals and solvents.**

**Selleys Chemicals P/L**  
**Paul Beckingham**  
**1 Gow St**  
**PADSTOW NSW 2211**  
**Ph 02 9781 8775**  
**Fx 02 9781 8825**  
**[paul.beckingham@orica.com](mailto:paul.beckingham@orica.com)**  
**Manufacturer of glues, solvents, fillers and other DIY products.**

**Sequence**  
**Ian Green**  
**69-71 Macbeth St**  
**BRAESIDE VIC 3195**  
**Ph 03 9588-1960**  
**Fx 03 9588-1965**  
**[iangreen@sequence.com.au](mailto:iangreen@sequence.com.au)**  
**Distributor of painting accessories.**

**Simister**  
**John Simister**  
**11-12 Lombard Court**  
**NARRE WARREN SOUTH VIC 3804**  
**Ph 03 9700 5122**  
**Fx 03 9700 5133**  
**Mb [\[redacted\]](mailto:digilogic@optusnet.com.au)**  
**[digilogic@optusnet.com.au](mailto:digilogic@optusnet.com.au)**  
**Stainless steel fabricator.**

**St Gobain Abrasives**  
**Chris Flipp**  
**General Manager - Pacific Region**  
**4-6 Colbert Rd**  
**CAMPBELLFIELD VIC 3061**  
**Ph 03 9358 6100**  
**Fx 03 9358 6180**

Mb   
Chris.Flipp@saint-gobain.com  
Manufacturers of glass and abrasives.

Swepdri  
Rick Harris  
Technical Sales Manager  
3 Watson Rd  
PADSTOW NSW 2211  
Ph 02 9771-0011  
Mb   
rick@swepdri.com.au  
Manufacturer of waterproofing membranes.

Tenaru (Sikkens)  
Robin Wordsworth  
184-186 Campbell St  
DARLINGHURST NSW 2010  
Ph 02 9360-4500  
Fx 02 9360-1924  
robinw@tenaru.com.au  
Manufacturers of timber coatings.

Thermoshield  
Gavin Batty  
57 Keys Rd  
MOORABBIN VIC 3189  
Ph 03 9728-8800  
Fx 03 9728-8811  
info@thermoshield.com.au  
Manufacturers of thermal insulating coatings.

Timbermate  
Errol Mymin  
Managing Director  
8 Thornton Cres  
MITCHAM VIC 3132  
Ph 03 9873-4811  
Fx 03 9873-3765  
Mb   
errol@timbermate.com.au  
Manufacturer of timber coatings and preparations.

Uni-Pro P/L  
David Simpson  
Managing Director  
PO Box 657  
BAYSWATER VIC 3153  
Ph 03 9761-7900  
Fx 03 9761-6522  
Mb   
david@unipro.com.au  
Distributors of painting accessories.

Viponds



**Alan Viponds**  
2-4 Norris St  
COBURG VIC 3058  
Ph 03 9350-4188  
Fx 03 9354-2732  
[info@viponds.com.au](mailto:info@viponds.com.au)  
Manufacturers of architectural and decorative coatings.

**Vision W/C (Aust) P/L**  
**Raymond Gray**  
National Sales Manager  
Unit 29/30 1 Jubilee Ave  
WARRIEWOOD NSW 2102  
Ph 02 9997 5222  
Fx 02 9979 5198  
Mb   
[ray@visionwall.com.au](mailto:ray@visionwall.com.au)  
Distributors of wallpapers.

**Wagner Spraytech**  
**Jon Crick**  
Managing Director  
14-16 Kevlar Close  
BRAESIDE VIC 3195  
Ph 03 9587 2000  
Fx 03 9580 9120  
Mb   
[jcrick@wagnerspraytech.com.au](mailto:jcrick@wagnerspraytech.com.au)  
Manufacturers of spray painting equipment.

**Wattyl (Vic) P/L**  
**Nigel Brown**  
2-44 Graingers Rd  
WEST FOOTSCRAY VIC 3012  
Ph 03 9688-1220  
Fx 03 9689-9821  
Mb   
[nigel.brown@wattyl.com.au](mailto:nigel.brown@wattyl.com.au)  
Manufacturers of architectural and decorative coatings.

**Yakka**  
**George Eliou**  
Sales Manager  
26 King William Street  
BROADMEADOWS VIC 3047  
Ph 03 9279 1599  
Fx 03 9460-2757  
Mb   
[george\\_eliou@yakka.com.au](mailto:george_eliou@yakka.com.au)  
Sales of Workwear and apparel

---

---

- (b) Provide a description of the goods or services which the participants of the collective bargaining arrangements (listed at 2 (a) above) propose to supply to or acquire from the target:

**See Section B 3(a).**

.....

.....

- (c) Do the participants of the proposed collective bargaining arrangements (see 2 (a) above) reasonably expect to make one or more contracts with the target about the supply to or acquisition from the target of one or more of the goods or services (listed at 3 (b) above)?  
*(refer to direction 7)*

**Yes.**

.....

.....

- (d) In relation to (c) above, provide details of the basis upon which that expectation is held including details of past contracts with the target:

**Members already have agreements in place with most of the suppliers listed in Section B 3(a).**

.....

.....

- (e) Do the participants of the collective bargaining arrangements (listed at 2 (a) above) reasonably expect that contractual payments between the target and each participant will not exceed \$3 million (or any other amount prescribed by regulation) in any 12 month period, and on what basis?  
*(refer to direction 8)*

**Yes, PaintRight Ltd expects that the contractual payments between each member and any of the targets will not exceed \$3 million. Individually, no member spends more than \$500,000 in any 12 month period with any supplier listed in Section B 3(a). We don't expect this to change.**

.....

.....

- (f) In relation to (e) above provide an estimation of the contractual payments expected between the target and each participant in relation to the goods and services (listed at 2 (a) above):

**Members may purchase up to \$500,000 with any of the suppliers listed in Section B 3(a). In most cases it is under \$100,000 per store per supplier.**

.....

.....

- (g) Provide a description of the collective bargaining arrangements proposed including, but not limited to:

- (i) the process by which participants propose to undertake collective bargaining with the target; and

- (ii) the type of terms and conditions expected to be negotiated in collective bargaining arrangements (for example: price; non-price conditions of supply such as contract periods etc); and
- (iii) details of any dispute resolution procedure (if any) proposed between participants throughout the collective bargaining process; and
- (iv) details of any dispute resolution procedure (if any) proposed between participants and the target throughout the collective bargaining process; and
- (v) details of any dispute resolution procedure (if any) proposed to deal with disputes throughout the term of contracts entered into with the target; and
- (vi) details of proposed commencement and duration of contracts to be negotiated with the target:  
*(refer to direction 9)*

**The collective bargaining agreement is required for PaintRight Ltd to negotiate, on the members' behalf, the provision of wholesale and retail support services from suppliers.**

**Prices are negotiated with the supplier and any list-off discount is also negotiated with the supplier.**

**Freight costs and settlement discounts are negotiated on behalf of the members.**

**The trading terms are for 12 months and renewable on June 30 of each year.**

**Product returns procedures are included in the trading terms agreements, where applicable.**

**PaintRight Ltd will not negotiate individual contracts between members and suppliers.**

**Any collective bargaining arrangement will not involve a collective boycott.**

.....  
.....

- (h) Identify any parts of the proposed collective arrangements described in 3 (g) which relate to possible price agreements:

**.PaintRight Ltd proposes to negotiate, on behalf of its members, the maximum price at which members acquire paint and paint accessories from the suppliers listed in Section B 3(a). Trading terms ask for suppliers to provide 30 days notice in the event of a price rise to be sent to members and PaintRight Ltd. Provisions are included for suppliers to provide substantiation of price rises before they are implemented. Freight costs are negotiated with the aim of making all product free into store (FIS)**

.....  
.....

- (i) Identify any parts of the proposed collective arrangements described in 3 (g) which relate to a possible or proposed exclusionary provision(s), including but not limited to:
  - (i) the nature of the proposed or possible exclusionary provision(s) (for example an agreement to withhold supply of the relevant goods or services to the target); and

- (ii) the circumstances in which the collective bargaining participants would engage in the exclusionary provision(s), including but not limited to:
  - (A) details of the events that would trigger any such activity; and
  - (B) details of the process that would be followed in undertaking any such activity; and
  - (C) details of any proposed period of notice to be given to the target prior to the commencement of such activity; and
  - (D) details of any dispute resolution procedure to be applied or offered to the target prior to the commencement of such activity:

*(refer to direction 10)*

**PaintRight Ltd does not propose to engage in conduct which relates to an exclusionary provision. In the event that agreement cannot be reached through collective bargaining, individual agreements will be pursued by members of the group.**

.....

.....

## **Section C – public detriments**

### **4. Market definition**

Provide a description of the market(s) in which the goods or services described at 3 (b) are supplied or acquired and other affected markets including: significant suppliers and acquirers; substitutes available for the relevant goods or services; any restriction on the supply or acquisition of the relevant goods or services (for example geographic or legal restrictions):

*(refer to direction 11)*

**PaintRight Ltd considers that the markets affected by the proposed collective bargaining arrangement include paint re-sellers, paint suppliers, accessories suppliers and road transport services.**

**Paint resellers across Australia can be divided into paint specialists and hardware. Paint specialists can then be divided into groups or chains including 3D Inspirations, Bristol, Paint Place Group, Paint Spot, as well as manufacturer owned and controlled outlets and independents. Hardwares include Bunnings, Mitre 10, Home, as well as independents. Variety outlets such as Kmart and Big W also have paint offers.**

**The paint suppliers to PaintRight also sell to other paint resellers. PaintRight comprises about 2% of the paint reselling market in Australia.**

**When combined, Haymes, Wattyl, PPG and Dulux supply over 80% of the paint in Australia.**

**Suppliers of accessories to PaintRight also sell to other paint resellers. The combined accessories suppliers listed would supply over 95% of paint accessories in Australia.**

**Paint is not an easily transported product with part of the range including solvents and aerosols, making it difficult to send to Tasmania and North Queensland. Suppliers negotiate and organise their own transport.**

.....

.....

**5. Public detriments**

- (a) What will be the likely effect of the notified conduct on the prices of the goods or services described at 3 (b) above and the prices of goods or services in other affected markets? In answering this question please provide facts and information to support the claims made:

**PaintRight Ltd believes the anti-competitive effect of the arrangement will be small as:**

- **PaintRight Ltd does not mandate purchases from any suppliers. Members are flexible to buy from suppliers listed in Section B 3(a) or others;**
- **Members are free to negotiate additional price relief and quantity breaks;**
- **Members are free to negotiate individual deals on local marketing and promotions;**
- **Members have not agreed on sell prices. This will be determined individually by members;**
- **Members are free to compete in their local markets with the diversification of their businesses and the services they offer;**
- **Members are encouraged, but not compelled, to participate in group marketing activity.**

.....  
.....

- (b) What other detriments may result from the notified conduct? In answering this question please provide facts and information to support the claims made:

**None**

.....  
.....

**Section D – public benefits**

**6. Public benefit claims**

- (a) Provide details of the public benefits resulting or likely to result from the proposed arrangement. In answering this question please provide facts and information to support the claims made:

**Increased Competition**

**By PaintRight Ltd entering into a collective bargaining agreement, members will be better able to compete against the large corporates such as Bunnings and Masters, offering the general public a choice.**

**Increased Consumer Awareness**

**The agreements are primarily set up for the collection of rebates which are used to market the group. Our marketing is aimed at highlighting the benefits of shopping at paint specialists for paint. Our marketing also benefits other paint specialists.**

**Increased Levels of Service**

**By entering into a collective bargaining agreement, members will have access to deals that they could not access individually. By consolidating their purchasing power they not only command better pricing from suppliers, but also gain leverage when discussing supply issues, product requests and**

additional support. This is also valuable in product development leading to a better product for the public.

**Section E - authority**

**7. Contact details**

- (a) Name, contact telephone number and address of person authorised by the notifying parties to provide additional information in relation to this application:

Mr Jason Buttigieg  
Company Accountant  
PaintRight Limited  
101 Rosamond Rd  
Maidstone Vic 3012

P 03 9317-1500

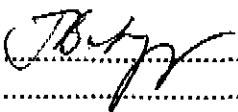
F 03 9318-2542

M

E [jasonb@paintright.com.au](mailto:jasonb@paintright.com.au)

(refer to direction 12) 3.10.12  
Dated.....

Signed by/on behalf of the applicant

  
.....  
.....

(Signature)

(Full Name)

JASON BUTTIGIEG  
PAINTRIGHT LTD  
.....  
.....

(Organisation)

(Position in Organisation)

COMPANY ACCOUNTANT  
.....  
(Position in Organisation)

## DIRECTIONS

1. Where the notice is given by or on behalf of a corporation, the name of the corporation is to be inserted in item 1 (a), not the name of the person signing the application and the application is to be signed by a person authorised by the corporation to do so.
2. Describe that part of the applicant's business relating to the subject matter of the contract, arrangement or understanding in respect of which notification is given.
3. A collective bargaining notification can not be lodged by a trade union or a trade union representative.
4. Where the applicant will be a participant in the collective bargaining arrangements (rather than a representative of participants) the name of the applicant must also be included. Where those persons are corporations, list the corporation's name and address.
5. The applicant, in lodging a notification on behalf of others, must obtain their consent to do so and provide proof of that consent.
6. Where the target is a corporation, provide the corporate name.
7. The collective bargaining notification process is only available to parties that reasonably expect to make one or more contracts with the target about the supply or acquisition of goods or services the subject of the notification.
8. The value of the contract to be collectively negotiated between the target and each participant is not to exceed \$3 million (or such other amount as is prescribed by the regulations) per participant in any twelve month period.
9. To the extent that the collective bargaining arrangements have been reduced to writing, provide a true copy of the arrangement. To the extent that the collective bargaining arrangements have not been reduced to writing, provide a full and correct description of the key terms that have not been reduced to writing.
10. In simple terms an exclusionary provision exists where the proposed contract, arrangement or understanding is made by businesses (at least two of whom are competitors) for the purpose of preventing, restricting or limiting the supply of services to particular persons or classes of persons by all or any of the parties to the contract, arrangement or understanding.

In the context of collective bargaining, an exclusionary provision(s) may include contracts, arrangements or understandings (whether currently in existence or to be made or arrived at during the term of the notification) between collective bargaining participants to limit or restrict their dealings with the target including contracts arrangements or understandings to:

- (a) withhold the supply of goods or services from the target; or
- (b) refuse or decline to acquire the goods or services of the target;

whether such conduct was absolute, limited or subject to certain terms or conditions. This is sometimes referred to as a collective boycott.

11. Provide details of the market(s) likely to be affected by the notified conduct, in particular having regard to goods or services that may be substitutes for the good or service that is the subject matter of the notification.
12. The notification must be signed by a person authorised by the applicant to do so.