

Our Ref: 49557
Contact Officer: Anna Giannakos
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**Australian
Competition &
Consumer
Commission**

7 November 2012

GPO Box 3131
Canberra ACT 2601
23 Marcus Clarke Street
Canberra ACT 2601
tel: (02) 6243 1111
fax: (02) 6243 1199
www.accc.gov.au

Dear Madam/ Sir

**Transport Workers' Union Queensland Branch – application for authorisation A91331–
Draft Determination**

The Australian Competition and Consumer Commission (the ACCC) is proposing to grant authorisation in respect of the application lodged by The Transport Workers' Union of Australia Queensland Branch (the TWU) on 22 August 2012.

The TWU is seeking authorisation on behalf of existing and future owner-drivers to bargain collectively with Hanson Construction Materials Pty Ltd, for five years, over matters including:

- cartage rates (including the 'labour component')
- a mechanism for those rates to increase from year to year
- penalties for carrying outside standard hours
- increased rates for specialist loads
- return on investment
- demurrage rates and
- equipment, including painting and badging of prime movers.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 5 years.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **21 November 2012**.

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 **21 November 2012**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, 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. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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.

Indicative date	Stage in assessment process
22 August 2012	Lodgement of application and supporting submission.
12 September 2012	ACCC decision regarding interim authorisation.
7 November 2012	Draft determination.
21 November 2012	Public consultation on draft determination including any conference if called.
December/January 2013	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 Anna Giannakos on (03) 9290 6920 or by email on anna.giannakos@accc.gov.au.

Yours sincerely



Per
Dr Richard Chadwick
General Manager
Adjudication Branch

**Transport Workers' Union of Australia Queensland Branch –
Authorisation application A91331 – Draft Determination Interested
Party Consultation**

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