

Our Ref: 49557  
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**Australian  
Competition &  
Consumer  
Commission**

6 December 2012

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Canberra ACT 2601

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[www.accc.gov.au](http://www.accc.gov.au)

Dear Madam/ Sir

**Transport Workers' Union Queensland Branch – application for authorisation A91331–  
Final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a final determination in respect of the application for authorisation lodged by The Transport Workers' Union of Australia Queensland Branch (the TWU) on 22 August 2012.

The TWU has sought 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.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation for 5 years. The ACCC's assessment is set out in Chapter 4 of its determination.

**Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 27 December 2012. If no application to review is lodged by this date, the ACCC's determination will come into force on 28 December 2012.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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](mailto:anna.giannakos@accc.gov.au).

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized 'R' followed by a horizontal line.

Dr Richard Chadwick  
General Manager  
Adjudication Branch

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

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