



**Australian  
Competition &  
Consumer  
Commission**

Reference: CB283  
Contact Officer: David Hatfield  
Contact Number: (02) 6243 1266

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

23 May 2013

Mr Robert J Nuss  
Managing Director  
R J Nuss Removals Pty Ltd  
708G Mowbray Road West  
Lane Cove NSW 2066

Dear Mr Nuss

### **Collective bargaining notification CB00141 lodged by R J Nuss Removals Pty Ltd**

I refer to the above collective bargaining notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 6 May 2013.

I am writing to inform you of the outcome of the ACCC's assessment of this notification.

#### **The notified conduct**

R J Nuss Removals Pty Ltd (Nuss Removals) lodged collective bargaining notification CB00141 on behalf of itself, Aussiemove International Movers Pty Ltd, King & Wilson Transport Pty Ltd and FIMPARK Pty Ltd trading as Keys Bros Removals and Storage, proposing to collectively negotiate with Asciano Services Pty Ltd trading as Pacific National for the provision of rail linehaul freight services.

Specifically, Nuss Removals proposes to represent the group and negotiate with Pacific National an annual volume growth rebate based on the aggregate volumes of the participants. Other terms and conditions of the agreement will also be negotiated.

It is not proposed that there will be negotiations in respect of prices (other than those relating to rebates).

The arrangement does not involve a collective boycott.

#### **ACCC consideration**

The ACCC may revoke the immunity provided by a collective bargaining notification if the ACCC considers the relevant tests in section 93AC are satisfied. Generally, if the ACCC concludes that the public benefits likely to result from the collective bargaining

arrangement will not outweigh the anti-competitive detriments, the ACCC can remove the immunity provided by the notification.

The ACCC considers this collective bargaining arrangement may result in public benefits in the form of transaction cost savings and may allow the participants to negotiate a more favourable rebate with Pacific National which may allow them to compete more effectively.

Further, the ACCC considers that the potential for anti-competitive detriment is limited, in particular by the size of the collective bargaining group and the voluntary nature of the arrangement for both Pacific National and participants of the group.

On the basis of the information available, including the experience from having this conduct notified previously in 2007 and again in 2010, the ACCC considers that the likely benefit to the public from the collective bargaining arrangement will outweigh the anti-competitive detriment to the public. The ACCC does not intend to take any further action in relation to the notification at this stage.

As with any notification, the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct no longer outweighs the likely detriment to the public from the collective bargaining arrangement.

A copy of 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 David Hatfield on 02 6243 1266.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'Richard Chadwick', with a long horizontal stroke extending to the right.

Dr Richard Chadwick  
General Manager  
Adjudication Branch