

Our Ref: 54523  
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**Australian  
Competition &  
Consumer  
Commission**

**22 July 2014**

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

Dear Sir/Madam

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

**Transport Workers' Union of Australia Queensland Branch - application for authorisation A91427 – draft determination and interim authorisation**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Transport Workers' Union of Australia (the Applicant) on 5 May 2014.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

The Applicant seeks authorisation for its owner driver members contracted to Toll Transport Pty Ltd to engage in collective bargaining with Toll, with the assistance of the Applicant, for the purpose of establishing new contractual arrangements for the supply of air freight transport.

The ACCC has also decided to grant interim authorisation in respect of the application for the Applicants to commence the negotiation process but not to enter into the contracts.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

**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 3 years.

**Next steps**

Once the ACCC issues a draft determination, the Applicants 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 **8 August 2014**. Submissions should be emailed to [adjudication@accc.gov.au](mailto:adjudication@accc.gov.au) with the subject "A91427 Transport Workers' Union of Australia – submission".

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 **8 August 2014**.

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 this application.

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.

<b>Indicative date</b>	<b>Stage in assessment process</b>
5 May 2014	Lodgement of application and supporting submission.
14 May 2014	Public consultation process begins.
22 July 2014	Draft determination and granting of interim authorisation
July/August 2014	Public consultation on draft determination including any conference if called.
August/September 2014	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 Sam Campbell on (03) 9290 1870 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch