



**Australian
Competition &
Consumer
Commission**

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Our Ref: 58361
Contact Officer: John Rouw
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6 October 2015

Sent via email

Dear Sir/Madam

Transport Workers' Union of Australia SA/NT Branch – collective bargaining – application for authorisation A91514 – initial consultation

The Australian Competition and Consumer Commission (the ACCC) is consulting on an application for authorisation from the Transport Workers' Union of Australia SA/NT Branch (the TWU), regarding collective bargaining with Toll Transport Pty Ltd.

The purpose of this letter is to invite you to comment on the application.

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.

Application

The TWU seeks authorisation for its owner-driver members contracted to Toll Transport Pty Ltd (Toll) to bargain collectively with Toll, with the TWU's help, to establish new contractual arrangements for the supply of freight courier services.

The TWU seeks authorisation for five years.

The TWU also seeks interim authorisation to start collective bargaining while the ACCC assesses the substantive application. The TWU states that, if the ACCC were to grant interim authorisation, the TWU would not finalise bargaining until the ACCC made its final determination.

A full copy of the application for authorisation is attached and available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

This includes inviting your views on:

- the likely alternatives to the proposed conduct or, in other words, the likely future without the conduct
- the parties the conduct would affect, exclude or advantage and how
- the TWU's submissions that, compared with the alternative of individual Toll-driver negotiations, the conduct will produce such public benefits as:
 - amending what it says is an imbalance between Toll and the owner drivers in negotiations
 - transaction-cost savings, from conducting a single negotiation process
 - maintaining appropriate minimum standards for the owner drivers
- the TWU's submissions that the proposed arrangements' will have negligible negative effects on competition, as, among other things:
 - there is now little competition between the proposed bargaining group members
 - the arrangement is voluntary, with no proposal for boycott activity
 - authorisation would be limited to owner drivers contracted to Toll in metropolitan Adelaide, South Australia.

The ACCC also invites submissions on the TWU's application for interim authorisation.

If you intend to provide a written submission, please do so by **20 October 2015**. Please email it to adjudication@acc.gov.au with the subject "A91514 TWU-Toll – submission". If you would like to provide comments orally, please contact John Rouw through the contact details noted at the end of this letter, to organise a time.

Submissions, including oral 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](#).

Please tell us if you don't want to make a submission at this time but you would like us to keep you informed of the application's progress at the draft and final determination stages.

If you would prefer we directed future correspondence to a different contact at your organisation and/ or different email address, please tell us.

You can also forward this letter to any other party that might want to make a submission.

If you do not wish to comment, you do not need to do anything further. If you do not wish to receive any more correspondence on this application, please contact John Rouw through the contact details noted at the end of this letter.

Timetable

Our indicative timetable is:

Indicative date	Stage in assessment process
25 September 2015	Application lodged.
6 October 2015	Public consultation begins.
20 October 2015	Closing date for submissions.
October/ November 2015	Applicant responds to any issues raised in consultation.
November/December 2015	Draft determination and interim-authorisation decision.
November/December 2015	Public consultation on draft determination including any conference if called.
January/February 2015	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions, please contact John Rouw on 03 9290 1402 or through adjudication@acc.gov.au

Yours faithfully



Gavin Jones
Director
Adjudication