



Collective bargaining class exemption notice

Draft for consultation – June 2019

Collective bargaining groups wishing to rely on the collective bargaining class exemption must fill out this notice and return it to the ACCC. Once completed, it will be placed on the ACCC's public register.

The collective bargaining class exemption

The ACCC has developed a class exemption that provides a 'safe harbour' for eligible businesses to collectively bargain without the risk of breaching the Competition and Consumer Act 2010 (C'th). Businesses that meet the eligibility criteria of the class exemption get automatic protection to collectively bargain.

The class exemption allows:

- a business or independent contractor with aggregated turnover of less than \$10 million in the preceding financial year, to form or join a collective bargaining group to negotiate with suppliers or customers about the supply or acquisition of goods or services
- franchisees who have franchise agreements with the same franchisor to collectively bargain with their franchisor regardless of their size or other characteristics, and
- fuel retailers who have fuel re-selling agreements with the same fuel wholesaler, and operate under the same system or marketing plan determined, controlled or suggested by the fuel wholesaler or an associate of the fuel wholesaler, to collectively bargain with their fuel wholesaler regardless of their size or other characteristics.

In addition to these requirements, the proposed collective bargaining group must provide this notice providing details about the formation of the group:

- **to the ACCC when the bargaining group is formed, and**
- **to any target business the group proposes to collectively bargain with, when the group or their representative first approaches the target business.**

The legal protection afforded by the class exemption only applies to businesses if the bargaining group they are forming or joining has complied with these steps.

If some members of your proposed bargaining group do not meet the eligibility requirements for the class exemption, they may still be able to seek legal protection to collectively bargain by using the ACCC's ['authorisation'](#) or ['notification'](#) processes.

Key points for lodging your notice

The notice does not require technical or complex information, so it can be completed without the need to seek legal advice or other outside assistance.

The notice includes basic instructions about how to fill it out. More detailed information is available [here](#) and we encourage you to consult this guidance note prior to lodging this notice. If you have any questions you should contact the ACCC at adjudication@accc.gov.au.

This notice will be published on the ACCC's public register, but contact details will not be published.

Email the notice to adjudication@accc.gov.au.

Businesses in the group will have legal protection to collectively bargain, provided they meet the eligibility criteria for the class exemption. The ACCC will provide bargaining groups with a letter confirming receipt of their notice.

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1. Who is in the collective bargaining group?

Describe or list the current members of the group and those who may join the group in the future.

If you have a small group that will not change you can list the names of all members, but in most cases, to enable the addition of new members over time, you should provide a **general description of the members of the group**. For example: *A group of dairy farmers in the Manning Valley area in New South Wales.*

2. Who does the group propose to collectively bargain with?

Describe or list the target business(es) or type of target business(es) the group proposes to collectively bargain with.

If you intend to negotiate with just one particular target business, or a small number of known target businesses, you can list the names of each target business, but in most cases, to enable the addition of new target businesses over time, you should provide a **general description of the type of target businesses the group intends to collectively bargain with**. For example: *Dairy processing companies.*

3. What does the group propose to collectively bargain about?

Describe the terms and conditions that the group proposes to bargain about with the target businesses. For example: *Supply of raw milk.*

4. Contact details

Provide the contact details for a person the ACCC can contact in relation to the collective bargaining arrangements. This can be any member of the group or a nominated representative, provided they are in the position to provide the ACCC with further information about the group should it be required. Contact details will be redacted when the ACCC places this notice on its public register.

If the contact person, or their details, change, please advise the ACCC.

Contact person (name and, if relevant, position): _____

Telephone number: _____

Email address: _____

Signature of contact person: _____