



Our ref: AA1000539
Contact officer: Robert Janissen
Contact phone: (02) 6243 1387

13/01/2021

www.accc.gov.au

By email

Dear Sir/Madam

Morgan Sawmill Jamestown application for collective bargaining authorisation AA1000539 — interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) is currently conducting a consultation process on an application for collective bargaining authorisation received from Morgan Sawmill Jamestown on behalf of itself and other timber processors and/or harvesters, as well as future members of the group (together, the **Applicants**).

The ACCC invites you to comment on the application for interim authorisation and the substantive application. Further information about the authorisation process is provided in the ACCC's [Guidelines for authorisation of conduct \(non-merger\)](#).

The Conduct

The Applicants propose to collectively negotiate the terms and conditions (including price) with the South Australian Forestry Corporation (**ForestrySA**) for the supply of logs.

The Applicants include Morgan Sawmill Jamestown, SA Pine Pty Ltd, KSI Sawmill, PalletCo, and potentially Harvestco if it becomes a member of the bargaining group in the future.

The Applicants have also requested interim authorisation to allow them to engage in the conduct while the ACCC considers the substantive application for authorisation. Specifically, the Applicants seek to:

- (a) Engage in collective bargaining activities to negotiate the terms of log supply with ForestrySA
- b) Enter into supply agreements with ForestrySA pursuant to the collective bargaining negotiations, and
- c) Give effect to, or being knowingly involved in the negotiation of log supply agreements.

The Applicants are seeking authorisation for a period of 20 years.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any likely public detriment, from the proposed arrangements. The purpose of this letter is to invite your comments as a party who may be interested in providing a submission to the ACCC in relation to these arrangements.

If you intend to provide a submission on **interim authorisation**, please do so by **22 January 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000539 – Morgan Sawmill Jamestown – Submission'.

If you intend to provide a submission on the **substantive authorisation**, please do so by **5 February 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000539 – Morgan Sawmill Jamestown – Submission'.

Alternatively, if you would like to provide comments orally, please contact Rob Janissen on 02 6243 1387 to organise a suitable 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](#).

If you do not wish to make a submission at this time, but would like to be informed of the progress of the application, please provide a nominated contact email address for future correspondence. You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

An indicative timetable for the ACCC's assessment of the application is set out below.

18 December 2020	Lodgement of interim and substantive application and supporting submission.
22 December 2020	Public consultation process commences.
22 January 2021	Closing date for submissions on interim authorisation .
5 February 2021	Closing date for submissions from interested parties on substantive authorisation .
February 2021	Interim authorisation decision.
March/April 2021	Draft determination.
June 2021	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 Rob Janissen on (02) 6243 1387 or via email exemptions@acc.gov.au.

Yours sincerely



Darrell Channing
Director
Competition Exemptions

Interested parties

AKD (Forest Management)
Alliance Timber
Australian Bluegum Plantations
Australian Forest Products Association
Badenoch's (Forest Management)
Borg Manufacturing (Plantation Pine Products)
Department for Innovation and Skills (SA)
Department of Agriculture, Water and the Environment (Cth)
Department of Industry, Energy, Science and Resources (Cth)
F. Fairthorne & Sons
Finwood Milling
ForestrySA
Green Triangle Forest Products
Hancock Victorian Plantations
Harvestco
KSI Sawmill
Malec
Midway Limited
Minister for Primary Industries and Regional Development
NF McDonnell & Sons
NF McDonnell & Sons
Office of the Industry Advocate
OneFortyOne
OneFortyOne Plantations
Pacific Forest Products
PalletCo
PF Olsen Australia
Plant Health Australia
Plantation Treated Timbers
Portland Pine Products
Primary Industries and Regions South Australia
Primary Producers SA
Roundwood Solutions
SA Pine Pty Ltd
Scheidl Sawmilling
SFM Environmental Solutions Pty Ltd (SFM)
South East Pine Sales
The Institute of Foresters of Australia
Timberlands Pacific Pty Ltd
Timberlink Tarpeena
Whitehead Timber Sales