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23/12/2020

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

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<b>18 December 2020</b>	Lodgement of interim and substantive application and supporting submission.
<b>22 December 2020</b>	Public consultation process commences.
<b>22 January 2021</b>	Closing date for submissions on <b>interim authorisation</b> .
<b>5 February 2021</b>	Closing date for submissions from interested parties on <b>substantive authorisation</b> .
<b>February 2021</b>	Interim authorisation decision.
<b>March/April 2021</b>	Draft determination.
<b>June 2021</b>	Final determination

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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](mailto:exemptions@acc.gov.au).

Yours sincerely



Danielle Staltari  
Director  
Competition Exemptions

**Interested parties**

Malec

ForestrySA

PalletCo

KSI Sawmill

SA Pine Pty Ltd

Harvestco