



Our ref: CB10000459
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Dear Sir/Madam

Collective Bargaining Notification CB10000459 lodged by Agility Logistics Pty Ltd — interested party consultation

Introduction

On 30 October 2018 the Australian Competition and Consumer Commission (**the ACCC**) received a collective bargaining notification from Agility Logistics Pty Ltd (**Agility**) to enable it to collectively negotiate with various shipping lines (or their agents or suppliers) on behalf of three independently owned and operated vegetable (specifically, carrot and onion) exporters from Tasmania and any future vegetable exporters that join this group.

Agility proposes to collectively bargain rates on behalf of members in relation to the provision of aggregated volumes by the individual group members, as well as improved general trading terms and conditions.

A copy of Agility's notification is available from the [ACCC's public register](#).

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.

Collective bargaining notification process

Collective bargaining occurs where two or more competitors come together to negotiate terms and conditions (including price) with a supplier or customer. Without the legal protection provided by a collective bargaining notification, these arrangements can breach the *Competition and Consumer Act 2010* (the Act).

The legal protection provided by a collective bargaining notification commences 14 days after the notification is lodged, unless the ACCC objects within this period.

In this case, Agility Logistics seeks immunity for the proposed collective bargaining conduct for up to ten years.

Request for submissions

When the ACCC receives a collective bargaining notification it will assess the likely public benefits and detriments, including any lessening of competition, to determine whether it should object to the notification.

You are invited to comment on the likely public benefits and likely effect on competition, or any other public detriment, from Agility's proposed collective bargaining arrangements.

Submissions should be provided by **Friday, 16 November 2018**. Please email submissions to the General Manager, Adjudication at adjudication@acc.gov.au with the subject title "CB10000459 – Agility Logistics – submission."

Alternatively, if you prefer to make an oral submission please contact Ellie Dwyer on 03 9290 1874 to set up a time.

Submissions received by the ACCC will be placed on a public register, subject to any requests for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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 Ellie Dwyer on 03 9290 1874.

Yours sincerely

A handwritten signature in black ink, appearing to read "M Drake". The signature is written in a cursive style with a large, prominent "M" and "D".

Michael Drake
Director
Adjudication

Interested Parties

Australian National Line (ANL)

Mediterranean Shipping Company (MSC)

Maersk

Orient Overseas Container Line (OOCL)

Hamburg Sud

CMA-CGM

Customs Brokers and Forwarders Council of Australia

Link Logistics

CRE Enterprises

Australian Horticultural Exporters Association

AusVeg

Tasmanian Farmers and Graziers Association

Tasmanian Agricultural Productivity Group

Moore's Farm Fresh Vegetables

Perfecta Produce

Sumich

Tasmanian Fruit and Vegetable Export Facilitation Group

Tasmanian Department of Primary Industries, Parks, Water and Environment

Department of Agriculture and Water Resources

Tasmanian Chamber of Commerce and Industry