
From: Craig Spagnol
Sent: Tuesday, 27 November 2018 3:17 PM
To: Martin, Jaime
Cc: Dwyer, Ellie; Black, Susannah
Subject: RE: Agility Logistics collective bargaining notification (CB10000459) - consultation process update [DLM=For-Official-Use-Only]

Dear Jaime,

We refer to the submission of Link Logistics International Pty Ltd (Link) dated 13 November 2018.

Link states that it represents “substantial interests in the Perishable Industry” but chooses to not name them and fails to say whether they are speaking on their own behalf or on behalf of those interests. Agility regards this as a lack of transparency

In answer to Link’s specific questions:

- Our application clearly states that other carrot and onion exporters are free to join the group. They are also free to leave the group. There is no objection in principle to exporters of other vegetables joining but the group happens to be carrot and onion growers and Agility does not speak on behalf of exporters of other vegetables for the purposes of collective bargaining.
- If improved rates are negotiated with carrot and onion exporters these are likely to be on the basis of volume of freight (which is essentially the reason for the collective bargaining). It would be at the discretion of the shipping line to offer similar rates to other freight forwarders that seek to negotiate rates on behalf of their clients. Neither Agility nor the group have any control over this. We note there are no obligations on the group – the members are coming together to create an aggregate volume of freight and to speak to the shipping line through one channel.
- We refute the implied allegation that the group has formed a “bloc against their competitors”. The group is not attempting to exclude any exporters and the TFVEG invited others to join. We cannot address whether “other industries will need to band together” – this application does not involve other industries. Further, as groups within many different industries have been given immunity to collectively bargain, we do not see the point of Link’s question.

We reject Link’s allegation that the application is a “cynical exercise by Agility Logistics to protect their interest from competition by Shipping Lines and other Freight Forwarders”. Agility is merely the negotiating body here, not the exporter. The application is being made openly and transparently by Agility on behalf of the group and as contemplated under the *Consumer and Competition Act*.

Finally, we note that Link is free to make a similar application on the part of the substantial interests it says it represents if those parties so instruct it.

Regards

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