



Australian Competition & Consumer Commission

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Letter sent to  
attached list  
221414.  
S Lovett.

Ref: C2004/433  
Contact Officer: Stefanee Lovett  
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22 April 2004

«Prefix» «First\_Name» «Last\_Name»  
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Dear «Prefix» «Last\_Name»

**Tasmanian Farmers & Graziers Association  
Application for Authorisation A90914  
– request for interim authorisation**

I refer to my letter to you dated 25 March 2004, advising that the Australian Competition and Consumer Commission ('the Commission') has received an application for authorisation and interim authorisation from the Tasmanian Farmers & Graziers Association ('the TFGA').

The application seeks authorisation to permit vegetable grower members of the TFGA to collectively negotiate the terms and conditions of growing contracts with two processors – McCain Foods (Aust) Pty Ltd and Simplot Australia Pty Ltd (the Processors). The TFGA also seeks authorisation for an arrangement between present and future TFGA vegetable grower members for the TFGA to assist them in their negotiations with the Processors.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the *Trade Practices Act* while the Commission considers and evaluates the merits of the application.

In assessing the request for interim authorisation it is relevant to note that, the Commission considered that:

- granting interim authorisation was unlikely to adversely impact on other parties such as customers and competitors; and



- there was likely to be little if any public detriment in allowing the arrangements to proceed in the short term.

The Commission has considered the request for interim authorisation, and has decided to grant interim authorisation. Please be advised that the Commission's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the Commission.

For your information, the next step in the process is for the Commission to release a draft determination which will indicate the Commission's views on the merits of the application. The Commission will provide both the TFGA and interested parties with the opportunity of making a submission on the draft determination before the Commission issues its final decision. The Commission anticipates releasing a draft determination shortly.

If you have any questions please contact Stefanee Lovett on (02) 6243 1359.

Yours sincerely

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Acting Director  
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Chairman  
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**Australian Competition & Consumer Commission**

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