



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2004/1241
Contact Officer: Michael Green
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27 April 2005

Mr John Royle
Royle and Co Lawyers
98-100 Halifax Street
Adelaide SA 5000

Dear Mr Royle

**Re: Milk Vendors' Association (SA) application for authorisation A90927
- final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination granting conditional authorisation in respect of the application for authorisation lodged by the Milk Vendors' Association (SA) on 3 September 2004.

A copy of the ACCC's determination is attached. For the reasons set out in its determination, the ACCC grants authorisation for five years subject to the following conditions:

1. *Bargaining groups negotiating with each processor must not be represented in negotiation by a common person or persons.*
2. *Neither the members of the bargaining groups or bargaining agents acting on their behalf may disclose information obtained by them in the course of collective negotiations, other than to members of the same bargaining group.*

With the imposition of these conditions, the ACCC considers that any anti-competitive detriment generated by the arrangements would be outweighed by the public benefits.

The ACCC is not satisfied that the benefits to the public from the proposed dispute representation arrangements will outweigh any anti-competitive detriment and as such does not grant authorisation to the dispute representation aspect of the application. However, I note that on many occasions the MVA's representation of vendors in disputes will not raise concerns under the *Trade Practices Act 1974* (the TPA).

Interim authorisation

On 6 October 2004, the ACCC granted interim authorisation to the arrangements, other than to the MVA's proposed dispute representation. Interim authorisation, as amended to reflect



Interim authorisation

On 6 October 2004, the ACCC granted interim authorisation to the arrangements, other than to the MVA's proposed dispute representation. Interim authorisation, as amended to reflect the conditions imposed in this determination, will continue to protect the proposed arrangements from action under the TPA until the final determination comes into effect or until interim authorisation is revoked.

Application for review

Pursuant to section 101 of the TPA, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 18 May 2005. If no application to review is lodged by this date, the ACCC's determination will come into force on 19 May 2005.

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 Michael Green on 03 9290 1960.

Yours sincerely



Gavin Jones
A/g Director
Adjudication Branch