



Australian
Competition &
Consumer
Commission

Our Ref: C2005/780
Contact Officer: Liam Stewart
Contact Phone: 02 6243 1275

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
ph (02) 6243 1111
fax (02) 6243 1199
www.accc.gov.au

16 June 2005

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Dear

Applications for revocation of authorisation A90745 and substitute by replacement authorisation A90972 lodged by Premium Milk Ltd

I refer to the application for revocation of authorisation A90745 and substitute by replacement authorisation A90972 made by Premium Milk Ltd (Premium) to the Australian Competition and Consumer Commission (ACCC).

You may recall that, as part of their application, Premium requested that the ACCC grant interim authorisation to allow it, on behalf of the dairy farmers it represents, to continue collectively negotiating with Parmalat Australia Ltd (Parmalat) and to give effect to the arrangements after the expiry of A90745 on 30 June 2005, while the ACCC considers the merits of the substantive application (A90972).

ACCC considerations

The ACCC has considered the request for interim authorisation and has decided to grant interim authorisation until it issues a determination in this matter (unless circumstances warrant revocation or amendment of the interim authorisation at an earlier stage).

Accordingly the ACCC has suspended the operation of authorisation A90745 and has granted interim authorisation to the application in substitution (A90972) on the same terms as those originally authorised.

In assessing the request for interim authorisation the ACCC considered that interim authorisation would maintain the status quo in the relevant market(s) while it considers Premium's substantive application. The ACCC has also noted that the authorised arrangements (collective bargaining) have been operating for some time, and in these circumstances considered that the denial of interim authorisation may cause marketplace disruption, particularly if the ACCC were to ultimately grant authorisation.



Please be advised that the ACCC'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 ACCC.

Next steps

For your information, the next step in the process is for the ACCC to release a draft determination which will take account of any submissions from Premium and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will provide both Premium and interested parties with the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

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 Liam Stewart on 02 6243 1275.

Yours sincerely

Scott Gregson
A/g General Manager
Adjudication Branch

Name	Company	Address	Salutation
Mr Ron Turnbridge		20 McLean Rd Mt Mee QLD 4521	Mr Turnbridge
Mr George Freeck		MS 126 Muldapilly QLD 4307	Mr Freeck
Mr Hans Gerick		308 Mullins Rd Goomboorian QLD 4570	Mr Gerick
CP & PF Barbelar		114 River Rd Tinana QLD 4650	Sirs
M & B Quinn	Sunny Brae	MS 571 Murgon QLD 4605	M & B Quinn
PA & RG Braithwaite		PO Box 145 Murgon QLD 4605	PA & RG Braithwaite
Mr Jim Varghese Director General	Dept of Primary Industries and Fisheries	GPO Box 46 Brisbane Qld 4001	Mr Varghese
Mr Andrew Reitz Chief Executive Officer	Metcash	4 Newington St Silverwater NSW 2128	Mr Reitz
Mr Peter Margin Managing Director	National Foods	Pura House 5 Queens Rd Melbourne VIC 3004	Mr Margin
Mr John Fletcher	Chief Executive Officer Coles Myer	800 Toorak Rd Tooronga VIC 3000	Mr Fletcher
The President	Queensland Dairyfarmers	183 North Quay Brisbane QLD 4000	Si/Madam
Mr Roger Corbett Chief Executive Officer	Woolworths Ltd	Level 5 540 George St Sydney NSW 2000	Mr Corbett
Mr Brian Fisher	Executive Director ABARE	Edmund Barton Building Broughton & Macquarie Streets BARTON ACT 2600	Mr Fisher
Mr Paul Sutton	Department of Agriculture Fisheries and Forestry	GPO Box 858 CANBERRA ACT 2601	Mr Sutton
Dr Mike Ginnivan	Managing Director Dairy Australia	Locked Bag 104, Flinders Lane Victoria 8009	Dr Ginnivan
Mr John McQueen	Chief Executive Officer Australian Dairy Farmers Ltd	6 th Floor, 84 William Street MELBOURNE VIC 3000	Mr McQueen
Executive Director	NSW Dairy Farmers Association	Level 7 179 Elizabeth St SYDNEY NSW 2000	Sir/Madam

Mr David Mathews	General Counsel Fonterra	Private Bag 92032 Auckland NZ	Mr Mathews
Mr Bruce Donnison	General Manager Bonlac Foods Ltd	PO Box 4313 MELBOURNE VIC 3004	Mr Donnison
Mr Brett Wright	Group Secretary Dairy Farmers	PO Box 72 Lidcombe NSW 1825	Mr Wright
The Group Secretary	Dairy Farmers Co- operative	1/60 Enterprise Pl TINGALPA QLD 4173	Sir/Madam
The Company Secretary	Murray Goulburn Co- operative Co Ltd	140 Dawson Street BRUNSWICK VIC 3056	Sir/Madam
The General Manager	Metropolitan Milk Producers Co- operative	216 Laceys Creek Road DAYBORO QLD 4521	Sir/Madam
The General Manager	Suncoast Milk Producers Co- operative	“Walwyn” Farm 4 Shadbolt Road Mothar Mountain via Gympie QLD 4570	Sir/Madam
The Chief Executive	Norco Co-operative	PO Box 486 LISMORE NSW 2480	Sir/Madam
The Chairman	Burnett Milk Producers Co- Operative Assoc	PO Box 28 MURGON QLD 4605	Sir/Madam
The Chief Executive	Port Curtis Milk Suppliers Co- operative	PO Box 1007 ROCKHAMPTON QLD 4700	Sir/Madam
Mr Ben Fargher	Chief Executive Officer National Farmers Federation	PO Box E10 Kingston ACT AUSTRALIA 2604	Mr Fargher
Ms Brianna Casey	Executive Director Queensland Farmers Federation	PO Box 12009 George St Brisbane QLD 4003	Ms Casey
Mr Ray Johnson	Chief Executive NSW Farmers Association	GPO Box 1068 Sydney NSW 2001	Mr Johnson
Mr DJ Lord	Managing Director Parmalat Australia	PO Box 3012 South Brisbane Qld 4101	Mr Lord
The President	Australian Milk Producers Association	RMB 1640 Tongala VIC 3621	Sir/Madam