



**Australian
Competition &
Consumer
Commission**

Our Ref: A91048
Contact Officer: Molly Choucair
Contact Phone: 02 6243 1272

PO Box 1199
Dickson ACT 2602
470 Northbourne Ave
Dickson ACT 2602
Tel: (02) 6243 1111
Fax: (02) 6243 1199
www.accc.gov.au

15 June 2007

[Address]

Dear [Name]

Victorian Potato Growers Council application for authorisation A91048

On 23 May 2007 the ACCC issued its draft determination in relation to the authorisation lodged by the Victorian Potato Growers Council (VPGC) A91048.

You will recall that the VPGC has sought authorisation in relation to an agreement between current and future members of the VPGC to collectively negotiate the terms and conditions of contracts between VPGC members (potato growers) and potato buyers, with or without the assistance of the VPGC. The VPGC has applied for authorisation for collective negotiations to take place with four specific potato buyers (Snackbrands Australia (Arnott's SnackFoods), McCain Foods, Smiths Snackfoods and Elders Limited) as well as other unidentified potato buyers in the future.

The VPGC has also applied for authorisation to allow it to participate in any dispute resolution mechanism for disputes between potato growers and buyers.

In its draft determination, the ACCC formed the view that the public benefits associated with the arrangements were likely to outweigh any anti-competitive detriment and accordingly proposed to grant authorisation.

In our letter to interested parties, including yourself, dated 23 May 2007, the ACCC invited requests to hold a conference (to be made by 8 June 2007) and further submissions (to be made by 14 June 2007). No requests for a conference were made and to date, the ACCC has not received any further submissions.

Accordingly, the ACCC will proceed to consider the final determination. This is likely to result in a final decision being made ahead of the indicated timetable issued in our letter to interested parties including yourself on 24 April 2007.



Any final comments you may have should therefore reach the ACCC no later than Thursday 21 June 2007.

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 Molly Choucair on 02 6243 1272.

Yours sincerely

Scott Gregson
General Manager
Adjudication Branch

List of interested parties for A91048

24-May-07

Arnett's Snackfoods Limited
Ballarat Certified Seed Potato Grower Group
Department of Primary Industries (Victoria)
Elders Limited
Gippsland Certified Seed Potato Growers Group
Kinglake Certified Seed Potato Grower Group
McCain Foods
McCain Grower Group
National Farmers Federation
Otways Certified Seed Potato Grower Group
Portland Certified Seed Potato Grower Group
Potato Crisping Research Group
Potato Processing Association of Australia
Produce & Grocery Industry Ombudsman
Seed Potatoes Victoria
Smiths Snackfoods
VFF Gippsland Potato Grower Group
Victorian Farmers Federation