



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/850
Contact Officer: Monica Bourke
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22 October 2008

Dear

Authorisation Application lodged by Dairy Farmers Milk Co-operative Limited (DFMC) and Australian Co-operative Foods Limited (ACF) [A91089] – final determination

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for authorisation lodged by Dairy Farmers Milk Co-operative Limited (DFMC) and Australian Co-operative Foods Limited (ACF).

DFMC and ACF sought authorisation for the inclusion of the back to back milk purchasing policies and back to back pricing arrangements contained in clauses 4.4, 4.6.2 and 5.6 of the amended Milk Supply Agreement which will take effect as and from the Scheme Implementation Date. The back to back pricing and back to back purchasing policies are to apply to several agreements between ACF, DFMC and farmer members.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation for a period of five years.

Application for review

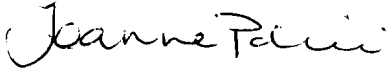
Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 12 November 2008. If no application to review is lodged by this date, the ACCC's determination will come into force on 13 November 2008.


An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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 Monica Bourke on (02) 6243 1351.

Yours sincerely



 Dr Richard Chadwick
General Manager
Adjudication Branch

Application for authorisation – A91089
List of interested parties 22 October 2008

Bega
Brancourts
Challenge Australian Dairy
Coca Cola Amatil
Fonterra Group Co-Op
Harvey Fresh
Jalna
Kraft
Murray Goulburn
Corrs Chambers Westgarth
Nestle
Norco
Nudie
Parmalat
Regal Dairies (Bulla)
Sanitarium
Tatura
United Dairy Power
Warrnambool Cheese and Butter Company
NSW Farmers Association – Dairy
Progressive Collective Bargaining Group (Qld)
Queensland Dairyfarmers' Organisation Ltd
South Australian Collective Bargaining group
South Australian Dairy Association
Southern Collective Bargaining Group
Taree Collective Bargaining Group
United Dairy Farmers of Victoria
7-11
ALDI
Bidvest
Coles
McDonalds
Metcash Trading Limited Australasia
Mobil
PFD
Woolworths
Australian Dairy Farmers
Australian Dairy Products Federation
Cadbury Schweppes Australia and New Zealand
Department of Primary Industries
Department of Primary Industries and Fisheries
Department of Primary Industries and Resources
Dairy Authority of SA
Department of Primary Industries Water and Environment
Food and Agriculture Division
Department of Agriculture, Fisheries and Forestry
National Foods
Freehills
ABARE