



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2008/272
Contact Officer: Danielle Staltari
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13 March 2008

Mr Eddie Scuderi
Partner
Corrs Chambers Westgarth
GPO Box 9925
OLD 4001

Dear Mr Scuderi

Re: Premium Milk's Application for Minor Variation to Authorisation A90972

I refer to the above application for minor variation lodged with the Australian Competition and Consumer Commission (ACCC) by Premium Milk Ltd (Premium Milk) on 11 February 2008 and the additional information provided by Premium Milk on 3 March 2008.

As you would be aware, the *Trade Practices Act 1974* (the Act) provides that before the ACCC can progress an application for minor variation, it must be satisfied that the variation is in fact minor.

Having regard to the nature of the variation sought the ACCC has formed the view that the amendments contained in Premium Milk's application for minor variation to authorisation A90972 are not minor.

In particular, the ACCC considers that amendments to the Constitution which extend the membership of Premium Milk to milk producers outside of Queensland are not minor and are likely to involve a material change in the effect of the authorisation. The ACCC is not satisfied that the variation sought is a minor variation.

The ACCC does not consider it appropriate for the undertakings offered by Premium Milk to go to the threshold question of whether Premium Milk's application for minor variation is minor.

Staff would be happy to discuss with you what options are available to Premium Milk should it wish to obtain immunity from the Act for the proposed amendments to Premium Milk's Constitution.

A copy of this letter will be placed on the ACCC's public register.

Should you have any questions please contact Danielle Staltari on 02 6243 1362.

Yours sincerely



David Hatfield
Acting General Manager
Adjudication Branch

