



**Australian
Competition &
Consumer
Commission**

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11 March 2009

John Hexton
Director Group Services
Inghams Enterprises Pty Ltd
Burton Rd
Burton SA 5110

(by email: jcolman@ingham.com.au)

Dear Mr Hexton

**Collective Bargaining Notification lodged by the South Australian Farmers
Federation on behalf of a group of South Australian chicken growers CB00070**

I refer to the above mentioned collective bargaining notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 27 February 2009 and your letter of 9 March 2009 expressing some concerns with the proposed arrangements.

In particular, Inghams submitted that the ACCC should consider the issue of the SAFF representing the notifying parties in collective negotiations prior to immunity commencing for the notified conduct on 14 March 2009.

As discussed in our phone conversation on 11 March 2009, the ACCC will have concerns with a collective bargaining notification and may move to issue a draft notice prior to immunity commencing if the following aspects are part of the proposed conduct:

- participation in the arrangement is not voluntary
- there are little or no restrictions on the coverage, composition and representation of the bargaining group and
- there is a collective boycott involved.

The notified conduct does not appear to raise concerns with respect to these issues.

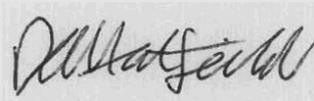
As such, the ACCC will continue its assessment of the notification in a timely manner and will endeavour to issue a decision in respect of the notification within 28 days of its lodgement.

While immunity for the notified conduct commences automatically 14 days after lodgement, should the ACCC conclude that the proposed arrangements are not in the public interest, it can revoke that immunity.

The ACCC has written to the applicants seeking clarification on the proposed election or appointment of negotiating representatives.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact Simon Mitchell on 03 9290 6909 or at simon.mitchell@acc.gov.au

Yours sincerely

A handwritten signature in black ink, appearing to read 'David Hatfield', is written over a light grey rectangular background.

David Hatfield
Director
Adjudication Branch