



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2009/1885  
Contact Officer: Erin Donohue  
Contact Phone: (02) 6243 1291

24 February 2010

[Address]

Dear [Salutation]

**The Tasmanian Farmers & Graziers Association application for re-authorisation  
A91197 - draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Tasmanian Farmers & Graziers Association (TFGA) on 13 November 2009.

The TFGA is seeking re- authorisation of an agreement between present and future vegetable grower members to collectively negotiate the terms and conditions of growing contracts with McCain Foods (Aust) Pty Ltd and Simplot Australia Pty Limited and any future vegetable processor in Tasmania. The TFGA also seeks authorisation to assist vegetable grower members in their negotiations.

**Draft determination**

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to grant re-authorisation, subject to a condition, for five years.

**Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **12 March 2010**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **12 March 2010**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

Submissions will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### **Timetable**

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>13 November 2009</b>	Lodgement of application and supporting submission.
<b>16 November 2009</b>	Public consultation process begins.
<b>4 December 2009</b>	ACCC grants interim authorisation.
<b>24 February 2010</b>	Draft determination issued.
<b>12 March 2010</b>	Deadline to request a conference and for providing further written submissions.
<b>March/April 2010</b>	Conference if requested. Final determination.

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 Erin Donohue on (02) 6243 1291.

Yours sincerely



Dr Richard Chadwick  
General Manager  
Adjudication Branch