



**Australian
Competition &
Consumer
Commission**

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23 February 2010

Dear Sir/Madam

**Victorian Farmers Federation application for revocation and substitution (A40093) -
interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for revocation and substitution of authorisation A40093 from the Victorian Farmers Federation (VFF). The ACCC invites you to comment on the application. Attached is a summary of the authorisation process, including how to make a submission to the ACCC.

The VFF has applied for revocation of authorisation A40093, due to expire on 24 March 2010, and substitution with a new authorisation on substantially the same terms, for a further five years. The re-authorisation relates to Victorian chicken grower groups collectively bargaining the terms and conditions of agreements with the chicken meat processors to whom they supply growing services.

A full copy of the application is available on the ACCC's website at www.accc.gov.au/AuthorisationsRegister, under the link to this matter. Alternatively, you can contact Gina D'Ettorre on 03 9290 1483 to obtain a hard copy of the applications and submission.

Interim authorisation

As the existing authorisation expires on 24 March 2010 the VFF has requested interim authorisation to allow chicken grower groups to continue to collectively bargain with their processors while the ACCC considers the application for re-authorisation.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submission

The ACCC invites you to make a submission on interim authorisation and/or the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

The ACCC is considering the VFF's application under its streamlined authorisation process for small businesses proposing to collectively bargain. This process is described in further detail below. In keeping with the timeframes for considering applications for authorisation under this process if you intend to provide a submission in relation to the VFF's application for re-authorisation and/ or interim authorisation, please do so by **5 March 2010**.

Alternatively, if you would like to provide comments orally, please contact Gina D'Ettorre on the above number to organise a suitable time.

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

Timetable

The ACCC will progress its assessment of the application in a timely manner. As noted, the VFF has applied for re-authorisation under a streamlined authorisation process available for small businesses proposing collective bargaining arrangements. Under the streamlined authorisation process for small business collective bargaining arrangements, the ACCC will undertake to respond to requests for interim authorisation and issue a draft determination within 28 days of receiving an application and finalise its consideration of the application within 3 months.

An indicative timetable is set out below for your information.

18 February 2010	Lodgement of application and supporting submission.
23 February 2010	Public consultation process commences.
5 March 2010	Closing date for submissions from interested parties on interim authorisation and the substantive application.
18 March 2010	Draft determination and decision on interim authorisation.
April 2010	Public consultation on draft determination including any conference if called.
May 2010	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding this application.

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 myself on 03 9290 1475, or Gina D'Ettorre on 03 9290 1483.

Yours sincerely

A handwritten signature in black ink, appearing to be 'G. Jones', written over a light grey rectangular background.

Gavin Jones
Director
Adjudication Branch

Interested Party – consultation list
Australian Chicken Meat Federation
Baiada Poultry Pty Ltd
Department of Primary Industries
Hazeldene’s Chicken Farm Pty Ltd
Inghams Enterprises Pty Ltd
National Farmers Federation
Turin Foods Pty Ltd
Random selection of Victorian chicken growers