



**Australian
Competition &
Consumer
Commission**

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Our Ref: 42241
Contact Officer: Ben Davis
Contact Phone: (02) 6243 4942

1 June 2010

[Name]
[Address]

Dear [Name]

**Agsafe Limited application for revocation and substitution of authorisations
- interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for revocation and substitution of authorisations from Agsafe Limited (Agsafe). 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.

Agsafe Limited (Agsafe) currently has authorisations to enforce the Agsafe Code of Conduct (The Code). The Code provides for the imposition of trading sanctions on businesses that are involved in the storage and handling of agricultural and veterinary chemicals and are not accredited under Agsafe Accreditation and Training Program (The Program). These authorisations will expire on 29 June 2010.

Agsafe is seeking to substitute its current authorisations with new authorisations that would allow it to continue to enforce The Code for a further three years. During this period, Agsafe proposes to transition The Program to an incentive-based scheme that would not involve sanctioning non-accredited businesses.

A full copy of the application for authorisation is available on the ACCC's website www.accc.gov.au/AuthorisationsRegister. Alternatively, you can contact the ACCC to obtain a hard copy of the application and submission.

Interim authorisation

Agsafe has requested interim authorisation to continue to enforce the Agsafe Code of Conduct until the ACCC makes a final decision on whether to grant Agsafe's application for revocation and substitution.

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.

If you would like to make a submission in relation to interim authorisation, please contact the ACCC as soon as possible. Due to time constraints, submissions on interim authorisation should be provided to the ACCC by **close of business on 10 June 2010**. I appreciate that this is a very tight timeframe. If you would like to make an oral submission please ring Ben Davis on (02) 6243 4942 to outline your view on the application.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. In particular the ACCC would appreciate your views on the following issues:

- In applying for its current authorisations, Agsafe submitted that The Program was likely to result in public benefits in the form of:
 - increased knowledge and skill of persons involved in the handling, storage and transport of chemicals, resulting in the safer use, handling and transportation of agricultural and veterinary chemicals
 - benefit to end users from dealing with persons with the above increased knowledge and skill
 - facilitation of compliance with legislative requirements relating to the use, storage and handling of agricultural and veterinary chemicals.

Please comment on whether these benefits have been realised and, if so, to what extent.

- If the ACCC did not grant authorisation to Agsafe for the proposed arrangements and Agsafe was no longer able to impose trading sanctions, how would this affect the agricultural and veterinary chemicals industry?
- Any comments about the proposed transition to a new, incentive-based scheme.

If you intend to provide a submission in relation to Agsafe's application for authorisation, please do so by **close of business on 21 June 2010**.

Alternatively, if you would like to provide comments orally, please contact the ACCC to organise a suitable time.

Submissions, including a written record of 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. An indicative timetable is set out below for your information.

1 June 2010	Lodgement of application and supporting submission.
1 June 2010	Public consultation process begins.
10 June 2010	Closing date for submissions on interim authorisation.
22 June 2010	Closing date for submissions from interested parties
June 2010	ACCC decision regarding interim authorisation.
2 July 2010	Applicant responds to issues raised in the public consultation process.
July/August 2010	Draft determination.
August 2010	Public consultation on draft determination including any conference if called.
September/October 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 the 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 Ben Davis on (02) 6243 4942, or by email to ben.davis@acc.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'R Chadwick', with a long horizontal line extending to the right.

Dr Richard Chadwick
General Manager
Adjudication Branch

**Agsafe Limited application for revocation and substitution of authorisations
A91027-A91030**

List of interested parties

1. Australian Bureau of Agricultural and Resource Economics
2. Australian Centre for International Agricultural Research
3. Grains Research and Development Corporation
4. Australian Health Ministers' Advisory Council
5. Biofuels Association of Australia
6. Biodynamic Agriculture Australia
7. Conservation Agriculture and No-Till Farming Association Inc.
8. Fertilizer Industry Federation of Australia
9. The High Security Irrigators – Murrumbidgee Inc
10. AusBiotech Ltd
11. Agribusiness Employers' Federation
12. AgForce Queensland
13. Australian Chamber of Commerce and Industry
14. CHOICE
15. ACCORD
16. Australian Retailers Association
17. Council of Small Business of Australia
18. National Farmers Federation
19. NSW Farmers Association
20. SA Farmers Federation
21. Victorian Farmers Federation
22. Western Australian Farmers Federation
23. Queensland Farmers Federation
24. Tasmanian Farmers and Graziers Association
25. Virbac Australia Pty Ltd
26. Ruralco Holdings Limited
27. Tylers Hardware & Rural Supplies
28. Mr David Jesse
29. Mike Barrett and Associates
30. Mabon's Timber Protection (Australia)
31. WG Welch Consultants
32. Australian Association of Agricultural Consultants
33. Veterinary Manufacturers & Distributors Association
34. Savage Baker & Backhouse Pty Ltd
35. Southern Farm Supplies, Bega
36. SAI Global Limited
37. Guyra Rural Services
38. Bowa Organics Pty Ltd
39. Mellor Olsson
40. The Aerial Agricultural Association of Australia
41. Mr and Mrs Mathew and Liz Staples
42. Elders
43. Kerang Rural Supplies
44. Horsfield Trading Pty Ltd
45. Bayer Australia Ltd

46. Becker Underwood Pty Ltd
47. Du Pont (Australia) Ltd
48. Farmoz Pty Ltd
49. Pfizer Animal Health
50. Monsanto Australia Limited
51. Sipcam Pacific Australia Pty Ltd
52. Sumitomo Chemical Australia Pty Ltd
53. Agrisearch Services Pty Ltd
54. Cotton Growers Services
55. Australian Dried Fruit Association Inc
56. Australian Environmental Pest Managers Association Ltd
57. David Gray & Co Pty Ltd
58. Grain Growers Association
59. Ricegrowers' Association of Australia
60. Rural Marketing and Supply Association Inc
61. Ancare Australia Pty Limited
62. OzBioPharm Pty Ltd
63. CSL Limited
64. Elanco Animal Health
65. Intervet Australia Pty Limited
66. Novartis Animal Health Australasia Pty Ltd
67. Syngenta Crop Protection Pty Limited
68. FMC Australasia Pty Ltd
69. Chemtura Australia Pty Ltd
70. Dow AgroSciences Australia Ltd
71. Accensi Pty Ltd
72. BASF Australia Ltd
73. Nufarm Limited
74. Grains Council of Australia
75. NT Cattlemen's Association
76. Growcom
77. SA Chamber of Fruit & Vegetable Industries
78. Vegetable Growers Association of Victoria
79. Pastoralists & Graziers Association of WA
80. CRT
81. IHD Pty Ltd
82. Fort Dodge Australia Limited
83. Landcare Australia
84. Australian Veterinary Association
85. Country Fire Authority of Victoria
86. Animal Health Alliance
87. Garrards Pty Ltd
88. Ospray Pty Ltd
89. Kenso Agcare
90. Victorian Chemicals
91. Spraygro Liquid Fertilizers
92. Aerosol Association of Australia Inc
93. Nursery and Garden Industry Australia
94. Plastics and Chemicals Industries Association
95. Mr Allan Blair

96. Mr David Rose and Ms Elizabeth Hak
97. Mr Allan Porter
98. Mr George Kinnisburgh
99. Department of Environment, Water, Heritage and the Arts
100. Department of Innovation, Industry, Science and Research
101. National Drugs and Poisons Schedule Committee
102. Therapeutic Goods Administration
103. Victoria State Emergency Service
104. State Emergency Service of South Australia
105. ACT Emergency Services Agency
106. Food Standards Australia New Zealand
107. Therapeutic Goods Administration
108. Australian Quarantine and Inspection Service
109. National Health and Medical Research Council
110. Department of Health and Ageing
111. Office of Chemical Safety and Environmental Health
112. Australian Federal Police
113. Attorney-General's Department
114. CSIRO
115. Department of Primary Industry, Fisheries and Mines Northern Territory
116. NSW Department of Primary Industries
117. Victorian Department of Primary Industries
118. Department of Primary Industries and Fisheries QLD
119. Department of Agriculture and Food WA
120. Primary Industries and Resources SA
121. Department of Primary Industries, Parks, Water and Environment Tasmania
122. Department of Health and Families
123. NSW Department of Health
124. Department of Health and Human Services Tasmania
125. Department of Health Western Australia
126. Environmental Health Branch
127. Queensland Health
128. Department of Health SA
129. ACT Health
130. NT Worksafe
131. ACT WorkCover
132. SafeWork SA
133. WorkSafe Victoria
134. WA Department of Commerce
135. WorkCover NSW
136. Department of Justice Tasmania
137. Workplace Standards Tasmania
138. Department of Education and Training NT
139. Department of Emergency Services
140. Queensland Department of Transport and Main Roads
141. Environmental Protection Agency-SA
142. Department of Environment and Resource Management
143. EPA Victoria
144. Department of the Environment, Climate Change, Energy and Water
145. Department of Environment and Conservation WA

146. NSW Department of Environment, Climate Change and Water
147. Department of the Prime Minister and Cabinet
148. Productivity Commission
149. Australian Pesticides & Veterinary Medicines Authority
150. Department of Agriculture, Fisheries and Forestry
151. Safe Work Australia
152. Comcare
153. National Transport Commission
154. Office of Transport Security
155. Department of Infrastructure, Transport Regional Development and Local Government
156. Northern Territory Fire and Rescue Services
157. Worksafe WA
158. Department of Employment, Economic Development and Innovation Queensland
159. Department of Justice Victoria