



**Australian
Competition &
Consumer
Commission**

GPO Box 3131
Canberra ACT 2601

23 Marcus Clarke Street
Canberra ACT 2601

tel: (02) 6243 1111
fax: (02) 6243 1199

www.accc.gov.au

Our Ref: 43277
Contact Officer: David Seccombe
Contact Number: 02 6243 1394

15 September 2010

Mr Jamie Restas
Partner
Kelly & Co Lawyers
GPO Box 286
Adelaide SA 5001

via email: ljarrret@kellyco.com.au

Dear Mr Restas

**Third line forcing notification N94895 lodged by Australian Grain Growers
Cooperative Ltd**

I refer to the above third line forcing notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 29 July 2010. The notification has been placed on the ACCC's public register.

AGG proposes to make membership of AGG, including supplying membership benefits, conditional on growers supplying a minimum of 150 tonnes of grain in any three year period to its service provider, currently Plum Grove Pty Ltd, and to AGG's proposal to pay a rebate to members on condition that they supply grain to a service provider.

As noted in my previous letter, legal immunity conferred by the notification commenced on 12 August 2010. The immunity relates to this conduct only, and not to any other conduct in which AGG may be engaging or in which it may engage in future.

On the basis of the information that you have provided, it is not intended that further action be taken in this matter at this stage.

As with any notification, please note that the ACCC may act to remove the immunity afforded by the notification at a later stage if it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

This assessment has been made on the basis that AGG and Plum Grove will disclose all relevant terms and conditions to prospective clients.

A copy of 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 David Seccombe on (02) 6243 1394.

Yours sincerely

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

Dr Richard Chadwick
General Manager
Adjudication Branch