



**Australian
Competition &
Consumer
Commission**

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9 February 2010

Dear Sir/Madam

**Western Australian Broiler Growers Association Inc application for authorisation
AA91262 - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from the Western Australian Broiler Growers Association Inc (WABGA). 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.

WABGA seeks authorisation for its chicken grower members to collectively bargain with the chicken processors they supply. A copy of this application is attached to this letter.

WABGA seeks the authorisation following the Minister for Agriculture and Food's decision to allow the *Chicken Meat Industry Act 1977 Act* (WA) to expire on 31 December 2010. This Act provided for the setting of an average price to be paid by processors to their growers and a prescribed form of growing agreements.

Interim authorisation

WAGBA has also requested interim authorisation to for its chicken grower members to collectively bargain with the chicken processors they supply.

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 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.

If you intend to provide a submission in relation to WABGA's application for authorisation, please do so by **3 March 2011**. Submissions in relation to interim authorisation should be provided by **17 February 2011**.

Alternatively, if you would like to provide comments orally, please contact Peter Eynaud on (03) 9290 6977 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. An indicative timetable is set out below for your information.

8 February 2011	Lodgement of application and supporting submission.
9 February 2011	Public consultation process begins.
17 February 2011	Closing date for submissions on interim authorisation.
February 2011	ACCC decision regarding interim authorisation.
3 March 2011	Closing date for submissions from interested parties.
March 2011	Applicant responds to issues raised in the public consultation process.
April 2011	Draft determination.
April/May 2011	Public consultation on draft determination including any conference if called.
May 2011	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 Peter Eynaud on (03) 9290 6977.

Yours sincerely

A handwritten signature in black ink, appearing to be the initials 'GJ' or a similar stylized representation of the name Gavin Jones.

Gavin Jones
Director
Adjudication Branch