

From: Len Brajkovich
Sent: Friday, 18 February 2011 3:13 PM
To: Eynaud, Peter
Subject: Amended Draft Email to WABGA for your consideration [SEC=UNCLASSIFIED]

Dear Peter

In response to your email of Friday the 11th. This correspondence via email, is to re-affirm that the ACCC's understanding is in keeping with the WABGA's intent that each grower group will negotiate with that group's processor – at arms length from all other processor groups as alluded to in the WA Broiler Growers Association's Presidents Report to the Growers as part of our application for authorisation. Specifically, paragraph 6, which states,

" Effectively, the WABGA would continue to do what it has always done, participate in all the day to day activities such as the WA Chicken Meat Association and the Avian Industries Consultative Group. ***The key aspect is that each individual Grower Group Committee will negotiate their contracts and growing fee at arms length from each other group.***"

Again in AnnexureA of our submission, it should be noted that continued reference is made to representative of the processor and their growers group.

In Summary , we take this opportunity to confirm that no participant in, or advisor to, any grower bargaining group will have any involvement with any other grower bargaining group in :

- sharing knowledge about the bargaining process or outcome and/or
- provide any other advice or assistance in relation to contract negotiations to any other bargaining group.

Further , I take this opportunity to re-iterate that at no time does the Western Australian Broiler Growers Association Members seek to prevent, restrict or limit the supply of services to the Processors; nor withhold the supply of goods or services from the Processors or refuse or decline to acquire the goods and services of our Processors and to avoid any misunderstanding Annexure A and B of our submission were never intended to be prescriptive but rather a simple guide as to what has prevailed in the past.

Regards

Len Brajkovich

----- Original Message -----

From: Eynaud, Peter
Sent: Friday, February 11, 2011 9:41 AM
Subject: FW: Draft Email to WABGA for your consideration [SEC=UNCLASSIFIED]

Dear Mr. Brajkovich

Thank you for your application for authorisation dated 8 February 2011. The purpose of this email is to clarify two aspects of the proposed collective bargaining arrangements.

Based on previous discussions the ACCC understands that it is proposed that current and future WABGA members will form bargaining groups based on the processor for whom they grow. That is, Inghams growers will form one bargaining group, Baiada growers will form a separate bargaining group and so forth. The ACCC also understands that it is not intended that grower groups formed to negotiate with each processor will have common representation. That is, participants in a bargaining group attached to one processor, and/or their representatives in negotiations will not have any participation in, or share information about the bargaining process or terms and conditions negotiated with members of, any bargaining group attached to another processor.

Can you please confirm whether the ACCC's understanding of the way it is proposed that the collective bargaining arrangements (the subject of your application for authorisation) will operate is correct? If the ACCC's understanding of the way it is intended that the arrangements will operate is not correct please provide further details in relation to the two issues raised above, being the scope of the bargaining groups and common representation across bargaining groups.

This email, and your response will be placed on the ACCC's public register.

Please contact me if there is anything further I can do to help.

Kind regards

Peter Eynaud

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