



**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: TRACKIT 44973
Contact Officer: Susan Philp
Contact Phone: 02 6243 1347

6 July 2011

Mr Lennard Brajkovich OAM, JP
President
Western Australian Broiler Growers Association
51 Swan Road
Middle Swan
Western Australia 6056

BY EMAIL: lenbrako@iinet.net.au

Dear Mr Brajkovich

**Western Australian Broiler Growers Association
Application for authorisation A91262**

I refer to your letter of 22 June 2011 to the Australian Competition and Consumer Commission (the ACCC) regarding the authorisation decision made by the ACCC in respect of A91262 on 16 June 2011. Specifically you have sought clarification of clause 6.6, dot point 2 of the ACCC's final determination.

Clause 6.6, dot point 2 provides

no participant in, or advisor to, any grower bargaining group will have any involvement with any other bargaining group in sharing knowledge about the bargaining process or outcomes and/or provide any other assistance in relation to contract negotiations to any other bargaining group.

I note that you have raised concerns that this provision may have the unintended effect of restricting collective bargaining groups from obtaining legal or other professional advice and assistance.

The ACCC considers that the ability for collective bargaining groups to share the costs of obtaining legal or other professional advice is an important way for growers to achieve better input into contract terms and conditions and achieve greater efficiencies.

The ACCC does not consider that the provision set out above restricts collective bargaining groups from obtaining legal or other professional advice. Professionals such as legal advisors are subject to their own professional obligations (including the obligation to maintain client confidentiality) which limit the sharing of confidential information.

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 Susan Philp on 02 6243 1347.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Richard Chadwick', written in a cursive style.

Richard Chadwick
General Manager
Adjudication Branch