



Australian
Competition &
Consumer
Commission

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Our Ref: C2011/768
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4 October 2011

Mr Josh Simons
Partner
Minter Ellison Lawyers
25 Grenfell Street
Adelaide SA 5001

Sent via email: josh.simons@minterellison.com, cc: liam.gaunt@minterellison.com

Dear Mr Simons

**Collective bargaining notifications CB00150 – CB00155 lodged by Mai Wiru
Regional Stores Council Aboriginal Corporation**

I refer to the above collective bargaining notification lodged with the Australian Competition and Consumer Commission (the ACCC) on 7 September 2011.

I am writing to inform you of the outcome of the ACCC's assessment of the notification.

The notified conduct

Mai Wiru Regional Stores Council (Mai Wiru) seeks to collectively bargain on behalf of six regional community stores (Amata Anangu Store Aboriginal Corporation, Kaltjiti Anangu Store Aboriginal Corporation, Murputja Homelands Council, Pipalyatjara Patilpa Store Inc, Pukatja Supermarket and Associated Stores Aboriginal Corporation and Wapa Store Aboriginal Corporation) for the procurement of essential grocery and supermarket items to be sold to members of remote indigenous communities within the Anangu Pitjantjatjara Yankunytjatjara Lands. Mai Wiru will seek negotiate terms with six separate suppliers:

- ABC Transport Pty Ltd
- Stuart Bakery
- Independent Grocers
- Central Fruit & Veg Wholesalers
- G & R Wills
- Prime Cut Meats

Mai Wiru proposes to negotiate on behalf of the stores various terms and conditions, such as:

- product supply terms, including quality
- the price at which items will be offered for sale to the stores
- delivery terms and conditions
- ordering procedures
- reliability and continuity of supply

The proposed collective bargaining arrangement is voluntary and does not involve a collective boycott.

The immunity conferred by the notification commenced on 21 September 2011.

ACCC consideration

The ACCC may revoke the immunity provided by a collective bargaining notification at any time if the ACCC considers the relevant tests in section 93AC of the *Competition and Consumer Act 2010* are satisfied. Generally, if the ACCC concludes that the benefit to the public likely to result from the collective bargaining arrangement will not outweigh the detriment to the public, the ACCC can remove the immunity provided by the notification.

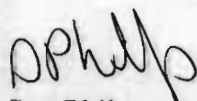
The ACCC considers that the proposed collective bargaining arrangements is likely to result in public benefits by enabling the stores to obtain a reliable supply of essential grocery and supermarket items, which will have a positive effect on the health and wellbeing of members of remote communities in the Anangu Pitjantjatjara Yankunytjatjara Lands.

Moreover, the ACCC considers that the potential for anti-competitive detriment is limited, given the limited number of stores located in different remote communities and the voluntary nature of the arrangements.

On the basis of the information available, the ACCC considers that the likely benefit to the public from the collective bargaining arrangements will outweigh the anti-competitive detriment to the public. The ACCC does not intend to take any further action in relation to the notification at this stage.

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 Clare McGinness on (03) 9290 6909.

Yours sincerely


Sue Philp
A/g General Manager
Adjudication Branch

