



**Australian
Competition &
Consumer
Commission**

Our Ref: A91322
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By email

Dear Sir/Madam

South East Potato Growers Association application for revocation of A91057 and substitution A91322 – interested party consultation

The Australian Competition and Consumer Commission (**ACCC**) has received an application for reauthorisation (application for revocation and substitution) from the South East Potato Growers Association (**SEPGA**) to allow it to engage in collective negotiations on behalf of its members with two potato buyers, McCain Foods and Safries.

SEPGA has also sought authorisation to participate in any dispute resolution mechanism in relation to disputes between McCain Foods and Safries and members of SEPGA with regard to agreements collectively negotiated.

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.

A full copy of the application for reauthorisation and the supporting submission is available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>.

Background

On 29 August 2007 the ACCC granted authorisation A91057 to the SEPGA to represent its current and future members in collective negotiation with potato buyers until 29 August 2012.

The current revocation and substitution application seeks to reauthorize these collective bargaining arrangements.

Interim authorisation

Given that the ACCC's assessment of SEPGA's application for reauthorisation will not be completed prior to the expiry of the existing authorisation, SEPGA has requested interim authorisation to enable it and its members to continue to engage in the collective bargaining conduct pending the outcome of the authorisation process.

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 authorisation 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 authorisation state if the ACCC should later deny authorisation.

Request for submission

The ACCC invites you to make a submission on the likely public benefits and the effect on competition, or any other public detriment, from the proposed arrangements.

Further, the ACCC invites you to outline your general experience of the collective bargaining arrangements during the term of the previous authorisation. The ACCC would also welcome your views on the public benefits and anti-competitive detriments you consider have actually resulted from the arrangements during the previous authorisation period

If you intend to provide a submission in relation to SEPGA's application please do so by **3 August 2012**.

Alternatively, if you would like to provide comments orally, please contact Tanya Hobbs on (02) 6243 1029 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.

12 July 2012	Lodgement of application and supporting submission.
18 July 2012	Public consultation process begins on interim authorisation and substantive application.
3 August 2012	Closing date for submissions from interested parties for interim authorisation and substantive application.
August 2012	Applicant responds to issues raised in the public consultation process.
September/October 2012	Draft determination.
October/November 2012	Public consultation on draft determination including any conference if called.
November/December 2012	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 applications 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 applications.

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 Tanya Hobbs on (02) 6243 1029.

Yours sincerely

A handwritten signature in blue ink, consisting of a large, stylized loop on the left and a long horizontal line extending to the right.

Imogen Hartcher-O'Brien
A/g Director
Adjudication Branch

A91322 – South East Potato Growers Association - Interested Parties Initial Consultation List

McCain Foods
Safries