



**Australian  
Competition &  
Consumer  
Commission**

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13 July 2012

By email

Dear Sir/Madam

**Victorian Potato Growers Council application for revocation of A91048 and substitution A91321 – interested party consultation**

The Australian Competition and Consumer Commission (**ACCC**) has received an application for reauthorisation (application for revocation and substitution) from the Victorian Potato Growers Council (**VPGC**) for an agreement between current and future members of the VPGC to collectively negotiate the terms and conditions of contracts between VPGC members (potato growers) and potato buyers, with or without the assistance of the VPGC.

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](http://www.accc.gov.au/AuthorisationsRegister)>.

**Background**

On 27 June 2007 the ACCC granted authorisation A91048 to the VPGC to represent its current and future members in collective negotiation with potato buyers until 31 July 2012.

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

**Interim authorisation**

Given that the ACCC's assessment of VPGC's application for reauthorisation will not be completed prior to the expiry of the existing authorisation on 31 July 2012, VPGC 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 VPGC's application for interim authorisation please do so by **18 July 2012** and for the substantive application by **1 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.

<b>9 July 2012</b>	Lodgement of application and supporting submission.
<b>13 July 2012</b>	Public consultation process begins on interim authorisation and substantive application.
<b>18 July 2012</b>	Closing date for submissions from interested parties for interim authorisation.
<b>1 August 2012</b>	Closing date for submissions from interested parties for substantive application.
<b>August 2012</b>	Applicant responds to issues raised in the public consultation process.
<b>September/October 2012</b>	Draft determination.
<b>October/November 2012</b>	Public consultation on draft determination including any conference if called.

<b>November/December 2012</b>	Final determination.
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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



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