



McCain Foods (Aust) Pty Ltd

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Monday, 3 December 2012

Ms Jasmine Tan
Senior Project Officer
Adjudication Branch
Australian Competition & Consumer Commission

By email: Jasmine.Tan@accc.gov.au

Dear Ms Tan

Draft Determinations – Authorisation Applications A91322 and A91321

McCain Foods (Aust) Pty Ltd and Safries Pty (together "**McCain**") refer to the draft determinations issued by the Australian Competition & Consumer Commission ("**ACCC**") on 5 November 2010 in respect of authorisation applications A91322 and A91321.

McCain opposes the ACCC's draft determinations to authorise, for a term of 5 years, members of the Victorian Potato Growers Council ("**VPGC**") and South East Potato Growers Council ("**SEPGA**") to engage in collective bargaining with potato buyers. McCain continues to rely on the material in its submissions lodged on 10 August 2012 and 4 October 2012, but is not proposing to make any further submissions in response to the draft determinations.

McCain agrees with the ACCC's draft determinations not to authorise the proposal for members of the VPGC and SEPGA to establish a price recommendation for the supply of seed potatoes ("**price recommendation**"). In the event that the ACCC receives any further submissions on the price recommendation, McCain requests the opportunity to respond.

Yours faithfully

A handwritten signature in black ink, appearing to read "D. Varnis", is written over a large, faint, stylized signature watermark.

Damien Varnis

Company Secretary