



**Australian
Competition &
Consumer
Commission**

Our Ref: C2012/617; C2012/630
Contact Officer: Tanya Hobbs; Jasmine Tan
Contact Phone: 02 6243 1029; 02 6243 1363

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

12 December 2012

By email

Dear Sir / Madam

Victorian Potato Growers Council application for authorisation A91321 and South East Potato Growers Association application for authorisation A91322 – final determinations

The Australian Competition and Consumer Commission (the ACCC) has issued determinations in respect of the application for authorisation lodged by the Victorian Potato Growers Council (VPGC) on 10 July 2012 and the application for authorisation lodged by the South East Potato Growers Association (SEPGA) on 12 July 2012.

The VPGC sought revocation of its authorisation A91048 and substitution of a new authorisation to allow present and future members of the VPGC to collectively negotiate the terms and conditions of supply contracts with processors and other buyers, as well as establish price recommendation for supply of seed potatoes to other potato growers in Australia.

SEPGA applied for revocation of A91057 and the substitution of authorisation A91322 to allow present and future members of SEPGA to collectively negotiate the terms and conditions of supply contracts with processors and other buyers, as well as establish a price recommendation for the supply of seed potatoes to other potato growers in Australia.

Copies of the ACCC's determinations are attached. For the reasons set out in its determinations, the ACCC has decided to grant authorisation for five years to VPGC to collectively negotiate the terms and conditions of supply contracts with processors and other buyers. The ACCC has also decided to grant authorisation for five years to SEPGA to collectively negotiate the terms and conditions of supply contracts with processors and other buyers.

However, the ACCC has decided not to grant authorisation to either the VPGC or SEPGA to enable the VPGC or SEPGA to establish a price recommendation for the supply of seed potatoes to other potato growers in Australia.

Application for review

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the Tribunal) for a review of the determination. An application for review must be made within 21 days of the date of this determination; that is, on or before 2 January 2013. If no application for a review is lodged by this date, the ACCC's determination will come into force on 3 January 2013.

An application for a review of the ACCC's determination should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the Tribunal's process to hear applications for review of ACCC determinations please refer to the Tribunal's website at www.competitiontribunal.gov.au.

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 or Jasmine Tan on 02 6243 1363.

Yours sincerely



Dr Richard Chadwick
General Manager
Adjudication Branch