

Your Ref:

Our Ref: ATL 5/50723

Reply to: Melbourne

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Nevett ford

LAWYERS

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6 July 2015

Attn: Tanya Hobbs
Dr. Richard Chadwick
General Manager
Adjudication Branch
Australian Consumer and Competition Commission

Email only: Tanya.hobbs@accc.gov.au

Dear sir

South Australian Chicken Growers Application for minor variation of authorisation A 91214

We refer to the submission dated 22 June 2015 from Mr Des Hindson, Executive General Manager- Southern Region Ingham Enterprises Pty Ltd.

It appears that Ingham's support the variation applied for, and we would respectfully suggest that this is the only relevant part of the submission. As you are well aware it is not open to Ingham's to request a different variation of the authorisation and the power to seek variation is conferred under section 91 A of the Competition and Consumer Act on the parties to whom the authorisation is granted.

For the record, and for the following reasons, issue is taken with the assertions in the Inghams' submission that free range broiler growers and commercial barn raised broiler growers must be treated separately with respect to the authorisation:

1. authorisation A 91294 was granted to South Australian Chicken Growers generally to collectively bargain with Inghams.
2. in their Victorian operations Inghams have not felt constrained by the incompatibility asserted in the Inghams' submission. The current Victorian contracts include differing fee structures and other arrangements collectively negotiated by the single grower group with Inghams for conventional and also free range growers.
3. nearly all the free range growers listed in the Inghams submission also raise conventional non-free range chickens for Inghams
4. in a number of instances Inghams are currently including provision in new contracts requiring the grower to meet both RSPCA free range and RSPCA barn raised accreditation standards, apparently so that Inghams will have the option to place either with the grower.

There is no basis for excluding Hunter Poultry (Robert Sherrah) as a party to the authorisation. Mr Sherrah is a longstanding Inghams grower and we would suggest that

when a new farm is being established is very much a focal point in time for negotiation of fee arrangements and contractual terms.

Yours faithfully

Nevett *ford*



Andrew Lumb