



Australian  
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Dan Galligan  
CEO  
Queensland Cane Growers Organisation Ltd

**By email: [dan\\_galligan@canegrowers.com.au](mailto:dan_galligan@canegrowers.com.au); [warren\\_males@canegrowers.com.au](mailto:warren_males@canegrowers.com.au)**

Dear Mr Galligan

**Queensland Cane Growers Organisation Ltd (Canegrowers) application for  
authorisation A91558 – summary of pre-decision conference**

Please find enclosed a summary of the issues discussed at the pre-decision conference held in Brisbane on 10 February 2017. A copy will also be placed on the ACCC's website (see [Authorisations Register](#)) on Tuesday, 21 February 2017.

Please also find enclosed for your information, a copy of the letter the ACCC sent to interested parties today which attaches a copy of the conference summary and outlines the next steps.

**Submissions and information request**

As foreshadowed at the conference, the ACCC now seeks any further written submissions before it prepares its final determination. The ACCC has requested that interested parties provide any submissions by **Friday, 24 February 2017**.

I understand that Canegrowers intends to provide a single submission in response to the draft determination and issues raised by interested parties. The ACCC also requests further information from Canegrowers, including clarification of its proposed information sharing role across growing regions. Please refer to [Attachment A](#) for a list of issues.

The ACCC requests that Canegrowers provide a response to any of the issues raised by interested parties, as well as the ACCC's information request, by **Friday, 10 March 2017**.

Should you consider the summary of the pre-decision conference does not adequately capture your views expressed at the conference, please outline this in a submission to the ACCC which may be placed on the public register.

This letter has been placed on the ACCC's public register. If you would like to discuss any aspect of this matter, please contact Jaime Martin on (03) 9290 1477.

Yours sincerely

David Hatfield  
Director  
Adjudication Branch

**Attachment A – Queensland Cane Growers Organisation Ltd application for  
authorisation A91558**

**Request for information – 17 February 2017**

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1. Many of the concerns raised by interested parties relate to the proposed scope of the authorisation. In particular, while the draft determination does not propose to authorise collective negotiation of a single State-wide Cane Supply Agreement or related agreements, there are concerns that allowing Canegrowers (head office) to share information about 'best practice terms and conditions' across regions could lead to standardisation of cane supply contracts across the industry.
  - i. What is Canegrowers response to these concerns?
  - ii. Please clarify what Canegrowers means by 'best practice terms and conditions', including providing examples where possible.
2. The ACCC understands there are currently common industry terms and conditions in Cane Supply Agreements across the State, with terms and conditions specific to each region typically contained in Schedules to those agreements.
  - i. Please provide further information about common industry terms and conditions in current Cane Supply Agreements.
  - ii. Please provide further detail about the kind of common industry issues that Canegrowers would share information about across growing regions under the proposed authorisation?
3. The proposed authorisation does not extend to Canegrowers (head office) assuming a 'principal bargaining role' in any collective negotiations. However, Canegrowers (head office) proposes to provide advice and assistance it its local Canegrowers companies, as well as possibly being involved in local negotiations in different regions if requested.
  - i. Can you please provide further examples of what advice and assistance Canegrowers (head office) intends to provide to its local companies?
  - ii. Please explain what Canegrowers means by 'principal bargaining role'?
4. Submissions have been made that the proposed authorisation should not extend to collective bargaining in relation to GEI marketing and capturing the value of by-products from sugar cane.
  - i. What is Canegrowers' response to this?
  - ii. Please explain what Canegrowers is seeking to achieve through these aspects of the conduct and what public benefits are likely to result?
5. MSF Sugar has expressed concern that its commercially sensitive strategic information could be communicated to competing mills through the sharing of information between grower groups.
  - i. Does Canegrowers accept that this information could be communicated to other mills? If not, what mechanisms are or would be in place to prevent it?

6. In its submission in response to the draft determination, ISIS Central Sugar Mill (ICSM) notes that it competes with other mills to acquire sugar cane from growers. As a result, it considers that any authorisation should 'not extend to any negotiations with ICSM and expressly exclude ICSM from the authorisation'.
- i. Can you please explain whether Canegrowers currently engages in collective bargaining with ICSM on behalf of member growers? Please outline the number of growers that Canegrowers represents in any current collective negotiations with ICSM.
  - ii. What is Canegrowers' response to ISMC's submission that it should be excluded from any collective bargaining authorisation?