



Our ref: 63267  
Contact officer: Tessa Cramond  
Contact phone: 03 9658 6516

22/11/2017

Dear Sir/Madam

## **South Australian Baiada Growers application for authorisation AA1000403 – draft determination and interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination and interim authorisation decision in respect of the application for authorisation lodged by the South Australian Baiada Growers Group (**the Growers Group**) on 31 November 2017.

The Growers Group is seeking authorisation, on behalf of current and future members, to collectively bargain with their chicken meat processor, Baiada Poultry Pty Ltd.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years. A copy of the ACCC decision is attached.

The ACCC has also decided to grant interim authorisation to enable the Growers Group to commence negotiations for chicken growing contracts, but not enter into contracts or agreements with Baiada. Interim authorisation provides protection from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

### **Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **11 December 2017**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "AA1000403 – South Australian Baiada Growers – submission".

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **11 December 2017**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the attached publication [Guidelines for excluding information from the public register.](#)

## 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>31 November 2017</b>	Lodgement of application and supporting submission.
<b>22 November 2017</b>	Draft determination and decision regarding interim authorisation.
<b>11 December 2017</b>	Closing date for submissions on draft determination including any conference if called.
<b>February 2017</b>	Final determination.

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 application 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 application.

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 Tessa Cramond on 03 9658 6516 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Marie Dalins  
Director  
Adjudication