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Our ref: RPN10000452  
Contact officer: Tessa Cramond  
Contact phone: 03 9658 6516

1/05/2019

***By email***

Dear Madam/Sir

**Resale Price Maintenance notification RPN10000452 submitted by Meredith Dairy Pty Ltd (Meredith Dairy) – Draft Notice**

The Australian Competition and Consumer Commission (the **ACCC**) has released a draft notice proposing to revoke the resale price maintenance (**RPM**) notification lodged by Meredith Dairy Pty Ltd (**Meredith Dairy**) on 18 April 2019 for its cheese products.

Under the notification, Meredith Dairy proposes to require the retailers who are its direct customers not to sell any of its cheese products below prices nominated by Meredith Dairy, and to require its distributors to impose a similar requirement on the retailers they supply (the **Notified Conduct**).

A copy of the RPM notification is available on the ACCC's [public register](#).

**Draft Notice**

The ACCC may revoke an RPM notification where it is satisfied that the likely benefit to the public from the conduct will not outweigh the likely detriment to the public from the conduct.

Based on the information before it, the ACCC is satisfied that the legal test to revoke the notification is met at this time

Once lodged, protection for the notified RPM conduct begins automatically 14 calendar days after the notification was lodged, unless the ACCC issues a draft notice objecting to the notification within those 14 days.

In this case the ACCC has issued a draft notice within 14 days. This means that Meredith Dairy cannot engage in the notified RPM conduct unless, following public consultation about the notification, the ACCC decides not to issue a final revocation notice.

A copy of the Draft Notice is attached.

**Next Steps**

Meredith Dairy 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 relation to the notification or the ACCC's draft notice, please lodge your submission by **29 May 2019**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "RPN10000452 – Meredith Dairy – submission".

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft notice and the notification. 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 notice you must notify the ACCC in writing by **17 May 2019**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then make a final decision on whether to issue a final revocation notice or allow the notification to stand.

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

### **Timetable**

The ACCC will continue to progress its assessment of the notification in a timely manner. An updated indicative timetable is set out below for your information.

<b>Indicative date</b>	<b>Stage in assessment process</b>
18 April 2019	Lodgement of RPM notification
1 May 2019	Draft notice
May 2019	Public consultation
29 May 2019	Closing date for submissions from interested parties
June/July 2019	Expected timing for final decision (although there is no statutory deadline, and this timing may change)

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



David Jones  
General Manager  
Adjudication