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Our ref: AA1000415
Contact officer: Miriam Kolacz
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22/06/2018

Dear Sir/Madam

Recyclers of South Australia Incorporated (Recyclers SA) application for authorisation AA1000415 - draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Recyclers SA on 16 March 2018.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Recyclers SA is seeking authorisation to collectively negotiate on behalf of, and collectively provide advice to, its member collection depots in relation to their contracts with super collectors.

Recyclers SA states that the collective negotiation and advice would cover the auditing method that determines the refund amount and handling fee, dispute resolution processes, workplace health and safety matters and other terms. The collective negotiations and advice would not address the quantum of the refund amount or handling fee.

Recyclers SA represents 84 members, who collectively operate 111 collection depots in South Australia. Collection depots supply containers to super collectors in return for reimbursement of a refund amount and a handling fee.

A full copy of the application for authorisation is available on the ACCC's website www.acc.gov.au/AuthorisationsRegister. Alternatively, you can contact Miriam Kolacz on (03) 9658 6476 to obtain a hard copy of the application and submission.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 10 years.

Next steps

Once the ACCC issues a draft determination, the Applicant 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 **13 July 2018**. Submissions should be emailed to adjudication@acc.gov.au with the subject "AA1000415 – Recyclers SA – 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 **13 July 2018**.

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 ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

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

| Indicative date | Stage in assessment process |
|-----------------|--|
| 16 March 2018 | Lodgement of application and supporting submission. |
| 28 March 2018 | Public consultation process begins. |
| 13 April 2018 | Closing date for submissions from interested parties. |
| 27 April 2018 | Applicant responds to issues raised in the public consultation process. |
| 22 June 2018 | Draft determination. |
| June/July 2018 | Public consultation on draft determination including any conference if called. |
| August 2018 | Final determination. |

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 Miriam Kolacz on (03) 9658 6476 or adjudication@acc.gov.au.

Yours sincerely



Gavin Jones
Director
Adjudication Branch

List of Interested Parties – Recyclers of South Australian Inc – application for authorisation - AA1000415

Asahi Holdings (Australia) Pty Ltd

Australian Beverages Council Ltd

Brewers Association of Australia

Coca-Cola Amatil (Aust) Pty Ltd

Coopers Brewery Limited

Department of Environment, Water and Natural Resources

Environment Protection Authority South Australia

Flagcan Distributors Pty Ltd

Green Industries SA

Heinz Wattie's Pty Ltd

Lion Pty Ltd

Local Government Association South Australia

Marine Stores Pty Ltd

Sims Metal Roseworthy

Can Recycling (S.A.) Pty Ltd trading as Statewide Recycling

Winemaker's Federation of Australia

Various non-Recyclers SA collection depots