



Our ref: AA1000657
Contact officer: Naomi Lizak
Contact phone: (03) 9290 1493

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

21 December 2023

exemptions@acc.gov.au
www.acc.gov.au

Dear Interested Party

Water Services Association of Australia Limited – Application for authorisation AA1000657 – interested party consultation

On 13 December 2023, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the Water Services Association of Australia (**WSAA**) on behalf of itself and current and future members. This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

The WSAA is seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Authorisation would give it legal protection from competition laws to jointly discuss, enter into or give effect to any contract, arrangement or understanding, or engage in any conduct, which has the purpose of:

- securing adequate supplies of gaseous chlorine for the Australian water sector;
- ensuring or improving security of supply of gaseous chlorine in Australia for the Australian water sector; and/or
- ensuring an equitable distribution of gaseous chlorine to water utilities in Australia in the event of a material threat to supply

and which falls into one or more of the following categories (summary only):

- a) collective importation of gaseous chlorine including to propose, discuss or exchange information with each other
- b) collective negotiation with suppliers of chlor-alkali products including to propose, discuss, or exchange information with each other
- c) emergency supply arrangements including allocation of gaseous chlorine between members and to propose, discuss or exchange information with each other including to determine whether or not there is a material threat to supply.

Authorisation is sought for a period of 5 years.

A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

Interim authorisation

The WSAA has also requested urgent interim authorisation to engage in the proposed conduct, except with respect to giving effect to any contract, prior to the ACCC's draft determination in relation to the substantive application for authorisation.

Making a submission

The ACCC invites you to make a submission on the application in relation to interim authorisation and the draft determination. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission, please do so by **25 January 2024**. If you require additional time to make a submission, please advise us with reasons as soon as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Submissions should be lodged via the web form accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Naomi Lizak via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up-to-date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
13 December 2023	Lodgement of application and supporting submission.
21 December 2023	Public consultation process begins.
25 January 2024	Closing date for submissions.
January/February 2024	ACCC decision regarding interim authorisation.
February 2024	Applicant responds to issues raised in the public consultation process.
March/April 2024	Draft determination.
March/April 2024	Public consultation on draft determination including any conference if called.
May/June 2024	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Naomi Lizak on (03) 9290 1493 or exemptions@acc.gov.au.

Yours sincerely

A handwritten signature in cursive script that reads "nmenon".

Naomi Menon
Director
Competition Exemptions