



Our ref: AA1000695

Land of the Ngunnawal people
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16 June 2025

Chris Foley
Chief Executive Officer
APCO

By email

Dear Chris

Re: AA1000695- Application for authorisation by Soft Plastic Stewardship Australia- request for information

On 18 March 2025, Soft Plastic Stewardship Australia Limited (**SPSA**) lodged application for authorisation AA1000695. The Australian Competition and Consumer Commission (**ACCC**) is currently assessing SPSA's application.

The ACCC is seeking additional information from interested parties to assist its consideration of SPSA's application. The ACCC considers that APCO has information which will assist the ACCC in its consideration of this application. Accordingly, the ACCC requests that APCO provide a response to the 4 questions set out in **Attachment 1**.

This letter will be published on the ACCC's public register. APCO's response will also be published on the public register, subject to any confidentiality claims made by APCO. The [ACCC's guidelines for excluding confidential information from the public register](#) has more information about how the ACCC assesses these requests.

We would be grateful for a response before 23 June 2025. Please contact us if this timeline will create difficulties for you.

Yours sincerely

[REDACTED]

Naomi Menon
Director
Competition Exemptions

Attachment 1: request for information

1. What materials/types of packaging is APCO referring to when using the term *flexible plastic packaging* in the 'Flexible Plastic- Consumption and Recovery' fact sheet? Is the term *flexible plastic packaging* interchangeable with *soft plastic packaging* such as that identified as in-scope of SPSA's Scheme?¹
2. In its submission, APCO indicates that '*multiple schemes operating with overlapping but inconsistent mandates could result in duplication of levies, fragmented data systems and competing reporting mechanisms.*' Please advise:
 - a. How does APCO consider that fee setting, data collection and performance reporting are duplicated through SPSA's Scheme?
 - b. What would be the impacts on APCO's ability to perform its activities in relation to the NEPM and Australian Packaging Covenant if SPSA performed these functions?
 - c. What would be the impacts on APCO members if SPSA performed these functions?
3. APCO and SPSA's joint communication dated 9 May 2025 indicates that both parties are engaged in ongoing discussions about APCO's potential future role in SPSA's scheme. Please advise:
 - a. Assuming APCO was responsible for setting and collecting levies in relation to SPSA's scheme, would APCO require SPSA scheme participants to also become APCO members?
 - b. If APCO was responsible for setting and collecting levies of the SPSA scheme, how does it intend to set future fees? What information would APCO require from the following parties to be able to set and collect levies in relation to SPSA's scheme:
 - i. SPSA
 - ii. SPSA scheme participants who are not APCO members
 - iii. SPSA scheme participants who are APCO members.
 - c. What governance role, if any, will APCO have in relation to SPSA?
4. Have there been any developments in discussions between SPSA and APCO since the parties released the joint communication of 9 May 2025? When is the detailed term sheet expected to be finalised and available to the ACCC?

¹ From [Schedule 5 of SPSA's application](#): shopping bags, fresh produce bags, food wrappers, bags and pouches, over-wrap, cling film, sandwich bags, bags and wrap for clothing, household goods and hardware, postal bags, bubble wrap, plastic sleeves intended to be removed by the consumer and multipack wrap (plastic used to group multiple sales units intended to be taken home by the consumer).