



Our ref: AA1000531
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Dear Interested Party

adjudication@acc.gov.au
www.acc.gov.au

South Australian Oyster Growers Association Incorporated (SAOGA) and South Australian Oyster Research Council Pty Ltd (SAORC) application for re-authorisation - AA1000531 – Interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) has received an application for re-authorisation from SAOGA and SAORC (together, **the Applicants**) to continue an existing arrangement to impose a levy on all purchases of oyster spat (juvenile oysters) purchased by South Australian oyster growers from oyster hatcheries (the **oyster spat levy arrangement**).

The ACCC invites you to comment on the application. Included in this letter is a short summary of the application and the authorisation process, including how to make a submission to the ACCC.

Application for re-authorisation

On 9 October 2020, the Applicants applied for revocation of authorisations A91229 and A91230 and substitution of replacement authorisation AA1000529 regarding the oyster spat levy arrangement.

The Applicants applied for re-authorisation to cover themselves, current and future members of SAOGA, four specified oyster hatcheries and any future South Australian oyster hatcheries.

The ACCC granted authorisations A91229 and A91230 on 1 October 2010. These authorisations were granted for 10 years, came into force on 23 October 2010 and are due to expire on 23 October 2020.

The ACCC previously authorised substantially the same conduct in 1999 (A60023) and in 2005 (A60024 & A60025).

The Applicants are seeking re-authorisation for 10 years.

A copy of the application for re-authorisation is attached and available on the [ACCC Public Register](#).

Application for interim authorisation

The Applicants requested interim authorisation to allow the conduct authorised in 2010, under A91229 and A91230, to continue until the ACCC has issued a final determination on the application for re-authorisation.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not

required to undertake a full assessment of the benefit and detriment likely to arise from interim authorisation.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter, and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

On 22 October 2020, the ACCC granted interim authorisation to SAOGA, and such other parties that had the benefit of authorisations A91229 and A91230, to participate in the oyster spat levy agreement on the same basis as previously authorised by A91229 and A91230, while the re-authorisation process continues.

Request for submissions

The ACCC invites you to make a submission to assist with its assessment of the application for re-authorisation.

If you intend to provide a submission in relation to the application for re-authorisation, please do so **by 5:00pm on Friday 6 November 2020**. You should email submissions to exemptions@acc.gov.au with the subject 'SAOGA and SAORC – AA1000531 – Submission'.

Alternatively, if you would like to provide comments orally, please contact Steven Lee on 02 6243 1347 or Simon Bell on 02 6243 1232 to organise a suitable time.

The ACCC will place any submissions, including a record of oral submissions, on the [ACCC Public Register](#) subject to any request for exclusion (see the [ACCC guidelines](#) for more information).

Timetable

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

Indicative date	Stage in assessment process
9 October 2020	Lodgement of application and supporting submission.
22 October 2020	Interim authorisation granted and public consultation process begins.
6 November 2020	Closing date for submissions on the application.
17 November 2020	Applicant responds to issues raised in the public consultation process.
December 2020	ACCC draft determination and consultation on the draft determination.
February/March 2021	Final determination.

Should you not wish to make a submission at this time, but would like the ACCC to update you at the draft and final determination stages, please advise and provide a nominated contact email address for future correspondence.

You may forward this letter to any other party who may wish to make a submission to the ACCC regarding the application. The ACCC will place this letter on the [ACCC public register](#).

If you wish to discuss any aspect of this matter, please do not hesitate to contact Steven Lee on 02 6243 1347 or Simon Bell on 02 6243 1232 or exemptions@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping flourish at the end.

Darrell Channing
Director
Adjudication

List of parties contacted by the ACCC

Allan Catteral
A One Oysters/Darke Family Trust
Alpha Oysters
Angel Oysters Australia Pty Ltd
Astrid Oysters
Boylan Oysters Pty Ltd
Brennan's Oysters
Brenton Lawrence
C & L Hank Nominees Pty Ltd
Coast Oysters
Coffin Bay Oyster Farm
Coffin Bay Pacific Oysters
Coffin Bay Premium Oysters
Coffin Bay Shellfish
Cosmic Oysters Pty Ltd
Cowell Area School
Cowell Oysters
Cowell Seafood Producers
Denial Bay Aquaculture P/L
DJ & DA Mitchell Family Trust
Elite Yacht Services
EP Aquaculture P/L / Pristine
Evans Oysters Pty Ltd
Eyre Escape Oysters
Eyre island Oysters
Eyre Oysters Pty Ltd
Eyre Shellfish
Franklin Harbour Oysters P/L
GM & PJ Owen
Great Southern Oysters
Holmes Oysters
Jadinski BLB Holdings Pty Ltd
JL & SN Hammer
Kangaroo Island Shellfish Pty Ltd
Kellidie Bay Hatchery
Kellshell Oysters Coffin Bay
Kiwi's oysters
Miyagi Oysters
Mooka Oysters
Narungga nation Aboriginal Corporation
Natural Oysters
Odyssey Fisheries
Offshore Oysters
Optimum Oysters
Ostreidae Pty Ltd
Oysteralia Oysters Pty Ltd
Oysterlinc Pty Ltd
Oysters Amalgamated
Oysters Smoky Bay
Pacific Estate Oysters
Paul Dee
Premium Blue Oysters
Pristine

Pure Coffin Bay Oysters
Reece Scott - Kym Roach
Scott Seafood
Sea Struck Aquaculture
Seafresh Oysters
Seajag Oysters
Searange Shellfish Pty Ltd
Shuck Me Oysters
Smoky Bay Oysters
Southern Cross Marine Culture Pty Ltd
Southern Eyre Aquaculture
Southern Yorke Oysters
Streaky Bay Oysters
Sustainable Aquatic Industries Pty Ltd
Tom Bayly
Tondari Fisheries
Turners Oysters & Seafood
Wayrob Pty Ltd
West Coast Aquaculture
West Coast Oysters Pty Ltd
West Eyre Shellfish
Westpoint Shellfish Pty Ltd
Westra Fisheries
Wild West Oysters
Williams Oysters
Yumbah Hatchery Pty Ltd
Zippel Enterprises P/L
Department of Primary Industries and Regions
South Australian Research and Development Institute
South Australian Aquaculture Council
Fisheries Research and Development Corporation