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By email

Dear Interested Party

South Australian Oyster Growers Association (SAOGA) and the South Australian Oyster Research Council (SAORC) - application for re-authorisation AA1000531 — Draft determination

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged by SAOGA and SAORC (together **the Applicants**) on 9 October 2020.

For the reasons set out in its draft determination, the ACCC proposes to grant unconditional re-authorisation for 10 years to enable SAOGA and SAORC to continue to charge a levy on purchases of juvenile oysters (**spat**) by oyster growers.

The ACCC is satisfied that the arrangement is likely to result in public benefit by continuing to facilitate the availability of more funding, greater coordination of research and development for the South Australian oyster industry, and wider dissemination of the results of this research and development, compared to a situation with no levy arrangement in place.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [authorisations public register](#).

The Applicants have been authorised to collect the levy since 1999 and the most recent authorisation was due to end in late October 2020.

On 22 October 2020, the ACCC granted interim authorisation so that the Applicants could continue to collect the levy while the ACCC considers the substantive application for re-authorisation.

Next steps

The ACCC invites submissions on the draft determination.

Submissions are due by Friday 12 March 2021 and can be lodged by emailing exemptions@acc.gov.au with the subject "AA1000531 – SA Oysters – submission". The ACCC will consider any submissions received by this date in making its final decision about whether to re-authorise the levy arrangements.

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](#).

Optional pre-decision conference

In some cases, the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to the draft determination. If a conference is called in this matter, it will be open to the applicant and interested parties to attend and 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 for the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **12 March 2021**. Any request for a conference should be emailed to exemptions@acc.gov.au.

We prefer to hold a conference in a way that enables attendees to attend in person. In the current circumstances, with the spread of COVID-19 and the need to significantly limit social contact, a face-to-face conference may not be possible. There may be options for the ACCC to hold a conference via video or teleconference. If you are considering requesting the ACCC hold a conference please contact us as early as possible to discuss the options for holding a conference before requesting one.

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
9 October 2020	Lodgement of application and supporting submission.
22 October 2020	ACCC decision regarding interim authorisation.
19 February 2021	Draft determination.
12 March 2021	Deadline for submissions on the draft determination.
March 2021	Applicant responds to issues raised in the public consultation process.
Late March/April 2021	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 Simon Bell on 02 6243 1232.

Yours sincerely



Darrell Channing
Director
Competition Exemptions