

**From:** [Hick, Jamie](#)  
**To:** [Naomi Menon](#); [Hannah Craig](#)  
**Cc:** [Oddie, Carolyn](#); [Maranik, Ryan](#); [Jane Black](#)  
**Subject:** RE: Soft Plastic Stewardship Australia - application for authorisation AA1000695 [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID4250448] [Allens-DMS.FID2503273]  
**Date:** Tuesday, 22 July 2025 7:14:00 PM  
**Attachments:** [image001.png](#)

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Dear Naomi and Hannah

Thank you for your time yesterday.

We have set out SPSA's response to the ACCC's questions regarding the interim authorisation request and exclusive dealing below. We confirm consent for this email to be published on the ACCC's public register for this matter.

### **Interim authorisation and Proposed Conduct (ACCC RFI dated 15 July 2025)**

SPSA proposes a minor clarification to the interim authorisation request and the Proposed Conduct for which it is seeking final authorisation, to ensure authorisation covers all arrangements required to implement and operate the Scheme.

As set out in response to question 10 of the ACCC's RFI of 29 May 2025, SPSA expects to assist facilitate a range of offtake and end market agreements, both directly as an owner of collected material and indirectly as the organisation which will have visibility over the soft plastics supply chain. SPSA will formally assess the industry's preferred operating models, including industry preferences as to the ownership of materials prior to and after processing, through the RFI process. Subject to the results of the RFI, SPSA anticipates that, for some channels, it will be responsible for and own the soft plastic material after processing. For other channels, it is anticipated that processors will take ownership of materials from processing.

As SPSA is seeking authorisation to apply to any offtake partners, we think it is clearer to refer to 'third parties' rather than 'service providers' in the interim authorisation request and the Proposed Conduct.

SPSA wishes to refine the interim authorisation request as follows:

*Interim authorisation is sought for the following conduct:*

1. *SPSA setting and collecting, and the Scheme Participants agreeing to pay, the Scheme Levy and Minimum Levy, which may be passed on by a Scheme Participant as part of their price*
2. *SPSA arranging for services to implement and operate the Scheme by:*
  1. *issuing request(s) for information and/or request(s) for proposal in respect of, and/or*
  2. *negotiation of (but not entering into and/or giving effect to)*  
*contracts with ~~service providers~~ third parties for the collection, transport, sortation, storage, processing and recycling of used soft plastics and third-party services for invoicing, collecting and managing and auditing packaging data*
3. *The sharing of operational information and data between SPSA and Coles, Woolworths and ALDI (being the members of the Taskforce) (as required) to allow SPSA to prepare to*

*transfer the arrangements for the Taskforce instore collection program run by Coles, Woolworths and ALDI to SPSA.*

Otherwise, SPSA confirms that the ACCC's description reflects the conduct for which SPSA seeks interim authorisation.

SPSA wishes to refine the Proposed Conduct for which final authorisation is sought as follows:

*SPSA arranging for and acquiring services to implement and operate the Scheme, including by entering into and giving effect to contracts with ~~service providers~~ third parties for the collection, transport, sortation, storage, processing and recycling of used soft plastics and third-party services for invoicing, collecting and managing and auditing packaging data.*

#### **Exclusive dealing (ACCC RFI dated 18 July 2025)**

As discussed, SPSA has requested authorisation for exclusive dealing conduct out of an abundance of caution.

As set out in response to question 17 of the ACCC's RFI of 29 May 2025, SPSA does not intend to enter into exclusive arrangements with processors. SPSA intends to contract with a diversified network of processing partners to allow SPSA to maximise the proportion of feedstock which can be recycled and ensure that the Scheme remains resilient against disruptions. This approach is also intended to promote innovation and, in the long run, competition amongst processors, thereby contributing to the development of recycling infrastructure in Australia. Further, even without exclusive terms, it is unlikely that the volumes provided by the Scheme would fill the capacity of processors and recyclers will seek to complement feedstock arising from the Scheme with other collections, such as business-to-business soft plastics, to maximise their overall yield.

However, SPSA will have more visibility over possible terms with other service providers once it has conducted the RFI process (for which it is seeking interim authorisation). While SPSA is of the view that any arrangements with service providers are unlikely to constitute exclusive dealing, at this stage prior to conducting the RFI process, SPSA has included a request for protection from section 47 of the Act to ensure it is covered if required.

Please let us know if you have any questions in relation to the above.

Kind regards  
Jamie and Carolyn

Jamie Hick  
Associate, **Allens**

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