

Our Ref: C2005/524
Contact Officer: Cameron Martin
Contact Phone: 02 6243 1107

6 July 2005

Dear

Application for revocation of authorisation A90871 and substitution by replacement authorisation A90963 lodged by Agsafe Ltd

I refer to the abovementioned application for revocation of authorisation A90871 and its substitution by authorisation A90963 received by the Australian Competition and Consumer Commission (the ACCC) on 18 March 2005.

Authorisation A90871 was granted to Agsafe in 2003 and relates to the collection and recycling of empty agricultural and veterinary chemical containers, funded by an industry levy (currently \$0.04 per litre/kilogram). This arrangement is more commonly known as the drumMUSTER program.

Under the proposed substitute authorisation, Agsafe seeks to establish an Industry Waste Reduction Scheme (IWRS), funded by the existing drumMUSTER levy arrangements. The IWRS will involve the amalgamation of Agsafe's drumMUSTER program with its ChemClear program, which is a national scheme for the collection, transport, storage and disposal of unwanted chemical waste.

The ACCC has issued a draft determination proposing to grant authorisation to the arrangements, subject to conditions outlined in the draft determination, for a period of three years. A copy of the draft determination is attached to this letter and will also be available on the ACCC's website: www.accc.gov.au.

Interim authorisation

The ACCC has also decided to grant interim authorisation to the proposed substitute arrangements on conditions outlined in the draft determination. In simple terms, interim authorisation allows parties to engage in the proposed conduct prior to the ACCC releasing its final determination.

Further submissions

Before the ACCC makes a final decision regarding the application, it provides an opportunity for the applicants and interested parties to make submissions in relation to the proposed authorisation. The processes for providing submissions, both oral and written, are provided below.

Pre-determination conference

In accordance with section 90A of the *Trade Practices Act 1974* (TPA), an interested party may notify the ACCC in writing by close of business on **Thursday 21 July 2005** if that party wishes the ACCC to hold a pre-determination conference in relation to the draft determination. The TPA does not allow the ACCC to extend this deadline.

A pre-determination conference provides the opportunity for interested parties, particularly in the event they are dissatisfied with the ACCC's draft determination, to make oral submissions in response to the draft determination. The TPA requires that the conference be held no later than 30 days after it is requested.

Submissions

The ACCC encourages interested parties to provide written submissions commenting on its draft determination. Unless confidentiality is requested, submissions will be publicly available and placed on a public register for that purpose. If you wish to include information in a submission which is of a confidential nature, it should be clearly marked as such and a claim for confidentiality for the material should also be submitted. You will be informed of the outcome of that claim and, if it is refused, the relevant material will be returned to you if you wish. Material for which confidentiality is granted will not be publicly available, but may be taken into account by the ACCC in making a final decision regarding the application. Guidelines for seeking confidentiality are attached.

If you wish to lodge a submission, would you please address it to:

General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

Alternatively, submissions may be faxed to (02) 6243 1211 or emailed to adjudication@acc.gov.au

Submissions should be provided to the ACCC no later than close of business on **Wednesday 10 August 2005**.

If you have any queries or if you wish to discuss any aspect of this application further, please contact Cameron Martin on (02) 6243 1107.

Yours sincerely

Scott Gregson
A/g General Manager
Adjudication Branch

	name	Title	Organisation
1	Miss Margaret Conley	Chief Executive Officer	Australian Veterinary Association
2	Mr Peter Arkle	Policy Manager – Rural Affairs	National Farmers Federation
3			Agricultural Chemicals Retailers Association
4	Mr Robert Schufft	Executive Director	Veterinary Manufacturers & Distributors Association
5	Mr A.R. Jones	CEO	Australian Institute of Agricultural Science and Technology
6		General Manager	Australian Pesticides & Veterinary Medicine
7	Mr Pierre Contat	Managing Director	Virbac Australia Pty Ltd
8	Mr John McNally	General Manager	Intervet Australia Pty Ltd
9	Mr Rob Kelly		ANZ National Sales and Marketing Manager
10	Mr Brian Scarsbrick	Chief Executive	Landcare Australia
11	Mr Jonathon McKeown	Chief Executive Officer	NSW Farmers Association
12	Mr Jon Court	Policy Development Officer	SA Farmers Federation
13	Mr Peter Walsh	President	Victorian Farmers Federation
14	Mr Doug Parker	Executive Director	Western Australian Farmers Federation
15	Mr Geoff Wells	Manager	Environmental Planning and Legislation Environment ACT
16		President	Tasmanian Farmers & Graziers Association
17	Mr Michael O'Neill	CEO	AgForce Queensland
18	Mr James Purtill	Director-General	Queensland Environmental Protection Agency
19	Mr Warren Jones	General Manager, Environment	Department of Primary Industries, Water and Environment
20	Mr Brett Struck	Manager, Waste Operations	Office of Environment and Heritage
21	Ms Joanna Hewitt	Secretary	Department of Agriculture, Fisheries and Forestry

22	Mr David Borthwick	Secretary	Department of Environment and Heritage
23	Mr Claude Gauchat	Executive Director	Avcare
24		General Manager	NSW Agriculture
25	Mr Neil Sammons	President	Veterinary Manufacturers and Distributors Australia
26	Mr Mike Burgess	Chief Executive	Department of Business, Industry and Resource Development
27	Mr Peter Harris	Secretary	Department of Primary Industries Victoria
28	Mr Jim Varghese	Director-General	Department of Primary Industries Queensland
29	Ms Kim Evans	Secretary	Department of Primary Industries, Water & Environment Tasmania
30	Mr Derek Carew-Hapkins	Chief Executive	Department of Environment Western Australia
31	Mr Thor Cruse	Business Director	DuPont (Australia) Ltd
32	Mr Stuart Towers	Country Director	Schering-Plough Animal Health