

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

24 August 2005

Dear

**Application for revocation of authorisation A90871 and substitution by
replacement authorisation A90963 lodged by Agsafe Ltd
– final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination granting conditional authorisation in respect of the application for authorisation lodged by Agsafe on 18 March 2005.

A copy of the ACCC's determination is attached. The ACCC has decided to grant conditional authorisation until 31 December 2008 for the reasons set out in its determination.

Condition of authorisation

The ACCC has granted authorisation subject to the following conditions which are also outlined in its determination.

C1 Agsafe is to engage an independent auditor to:

- 1. assess the cost of operating the drumMUSTER and ChemClear programs**
- 2. assess the level of the levy in light of these costs and other sources of funding, including existing reserve funds and**
- 3. to make recommendations as to the appropriate level of the IWRS.**

This assessment is to be completed and provided to the ACCC no later than two weeks after the effective date of this authorisation.

C2 To the extent that the independent audit recommends that the IWRS levy should be set below its current level, Agsafe is to implement its findings no later than 31 December 2005.

Application for review

Pursuant to section 101 of the *Trade Practices Act 1974*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 14 September 2005. If no application to review is lodged by this date, the ACCC's determination will come into force on 15 September 2005.

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 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 Purtil	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-Hopkins	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