



Australian  
Competition &  
Consumer  
Commission

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[www.accc.gov.au](http://www.accc.gov.au)

24 May 2010

Dear Madam/Sir

**South Australian Oyster Growers Association Inc – application for revocation and substitution of authorisations – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application from the South Australian Oyster Growers Association Inc for the revocation and substitution of authorisations. The ACCC invites you to comment on the application. Attached is a summary of the authorisation process, including how to make a submission to the ACCC.

The Association has applied for revocation of authorisations A60024 and A60025, due to expire on 24 August 2010, and their substitution with new authorisations.

The conduct for which re-authorisation is sought involves an agreement between the Association and five oyster hatcheries growing oyster spat. Under authorisation first granted in 1999, the parties have agreed that the hatcheries shall charge oyster farmers in South Australia a levy on spat. The money is used by an Association-owned company, the South Australian Oyster Research Council Pty Ltd, for oyster-industry research and development.

Under the existing authorisations, the hatcheries charge a levy of \$1 per 1000 spat. As part of its application for re-authorisation, the Association seeks authorisation for an increase in this charge, as detailed in the attached application.

A full copy of the application for re-authorisation is attached and is also available on the ACCC's website at [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister) under the link to this matter. Alternatively, you can contact John Rouw on (03) 9290 1402 to obtain a hard copy of the application and submission.

**Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the conduct. In particular, noting that the arrangements have now been in place for about 10 years, the ACCC is interested in your views about the contribution funds raised by the levy has made to the development of the South Australian oyster industry.

The ACCC is also interested in your views about any impact on competition in the industry the collective agreement to charge the levy may have had.

If you intend to provide a submission, please do so by **16 June 2010**.

Alternatively, if you would like to provide comments orally, please contact John Rouw on (03) 9290 1402 to organise a suitable time.

Submissions, including records of oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

### Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

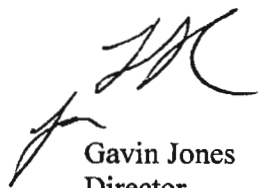
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|---|--|
| <del>17 August 2010</del> <sup>May 08</sup> | Lodgement of application and supporting submission.                            |
| <b>16 June 2010</b>                         | Closing date for submissions from interested parties.                          |
| <b>June 2010</b>                            | Applicant responds to issues raised in the public consultation process.        |
| <b>July 2010</b>                            | Draft determination.   |
| <b>July 2010</b>                            | Public consultation on draft determination including any conference if called. |
| <b>August 2010</b>                          | Final determination.   |

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please contact John Rouw on (03) 9290 1402.

Yours sincerely



Gavin Jones  
Director  
Adjudication Branch

## List of addressees

|   |
|---|
| Aqafood Ltd   |
| Aqa Oysters Ltd   |
| Aquaculture New Zealand   |
| Australian Bureau of Agricultural and Resource Economics                  |
| Australian Centre for International Agricultural Research                 |
| Australian Seafood Cooperative Research Centre                            |
| Bayview Oysters   |
| Bolduans Bay Oysters  |
| Boylan Oysters  |
| BST Oyster Supplies   |
| Bureau of Rural Sciences  |
| Ceduna Oyster Processors  |
| Coffin Bay Oyster Farm  |
| Conservation Council of South Australia                                   |
| Cowell Oysters  |
| Department of Agriculture, Fisheries and Forestry – Australian Government |
| Department of Primary Industries, Parks, Water and Environment – Tasmania |
| Department for Environment and Heritage – South Australia                 |
| Environmental Defenders' Office of South Australia                        |
| Environment Institute, University of Adelaide                             |
| Environment Protection Authority of South Australia                       |
| Evans Oysters   |
| Fisheries Research and Development Corporation                            |
| Holmes Oysters  |
| International Oyster & Seafoods   |
| Kangaroo Island Oysters   |
| Kell-Shell Oysters Coffin Bay   |
| Kiwi's Oysters  |
| Marine Culture  |
| Marine Farming Association  |

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|---|
| Martins Oysters                                     |
| McAsh Oysters                                       |
| Mooka Oysters                                       |
| National Aquaculture Council                        |
| NSW Farmers Association                             |
| New Zealand Seafood Industry Council                |
| Optimum Oysters                                     |
| Oyster Bay Shellfish                                |
| Oysters Amalgamated                                 |
| Oysters Tasmania                                    |
| Pacific Estate Oysters                              |
| Primary Industries and Resources South Australia    |
| Pristine Oyster Farm                                |
| Pure Coffin Bay Oysters                             |
| Rural Solutions South Australia                     |
| Seafood Services Australia                          |
| Seafresh Oysters                                    |
| Shellfish Industry Council of Australia             |
| South Australian Aquaculture Council                |
| South Australian Research and Development Institute |
| Streaky Bay Oysters                                 |
| Tasmanian Aquaculture & Fisheries Institute         |
| Tasmanian Aquaculture Council                       |
| Tasmanian Seafood Industry Council                  |
| Tas Prime Oysters                                   |
| Victorian Marine Science Consortium                 |
| West-Eyre Shellfish                                 |
| Wilderness Society – South Australia                |
| Zippel Smoky Bay Oysters                            |