

Our Ref: grd:dyk:100492  
Your Ref: 42030 C2010/494

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26 July 2010

Mr Gavin Jones  
Australian Competition & Consumer Commission  
GPO Box 520  
MELBOURNE VIC 3001



By email: gavin.jones@accc.gov.au

Dear Mr Jones

**SOUTH AUSTRALIAN OYSTER GROWERS ASSOCIATION  
- APPLICATIONS FOR AUTHORISATION A91229 AND A91230**

We refer to our telephone conversation on 21 July 2010.

In that conversation you informed us that a draft determination was likely to issue in early August. However, considering that the existing authorisations are due to lapse on 24 August 2010, if our client wished to continue to operate under authorisation a separate interim authorisation request would be required. We are instructed to request such interim authorisation by way of this letter and seek your confirmation that this interim authorisation request will be considered at the same time as the draft determination.

As set out in our letter dated 9 July 2010, we are of the view that the industry supports the continuation of the existing levy. If the authorisation to collect the levy was to cease on 24 August 2010 until such time as the draft determination is finalised, we are instructed that there will be some reasonable inconvenience caused to each of the fisheries through the amendment of their billing and accounting processes. Further, the net result would be a reduction in the amount of funds collected and available for application in the ongoing pursuit of the research which directly benefits the oyster industry as a whole.

Accordingly, we submit that it is in the overall best interests of the industry that the authorisation be continued on an interim basis until such time as the final determination is made.

In the event that the final determination is not supportive of continued authorisation, we submit that the net financial detriment to the oyster growers through payment of the levy during any period of interim authorisation will be, in the overall financial circumstance, largely insignificant.

We look forward to your response.

Yours faithfully  
**COWELL CLARKE**

Per:

  
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