



**Australian  
Competition &  
Consumer  
Commission**

GPO Box 520  
Melbourne Vic 3001

Level 35, The Tower  
360 Elizabeth Street  
Melbourne Vic 3000

tel: (03) 9290 1800  
fax: (03) 9663 3699

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

Our Ref: C2010/494  
Contact Officer: Tess Macrae  
Contact Phone: (03) 9290 1835

1 October 2010

Dear Sir/Madam

**South Australian Oyster Growers Association Inc application for revocation and substitution of authorisation - final determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination in respect of the application for reauthorisation lodged by the South Australian Oyster Growers Association Inc (SAOGA) on 17 May 2010.

SAOGA is seeking reauthorisation for an agreement between SAOGA 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 a SAOGA-owned company, the South Australian Oyster Research Council Pty Ltd (SAORC) for oyster-industry research and development.

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation for 10 years. The ACCC's assessment is set out in Chapter 4 of its determination.

**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 22 October 2010. If no application to review is lodged by this date, the ACCC's determination will come into force on 23 October 2010.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

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 Tess Macrae on (03) 9290 1835.

Yours sincerely

A handwritten signature in black ink, appearing to read 'GJ' or 'Gavin Jones', written in a cursive style.

**Gavin Jones**  
Director  
Adjudication Branch

**List of addressees**

Boylan Oysters
Eyre Island Oysters
Fisheries Research and Development Corporation
Holmes Oysters
Pacific Estate Oysters
Primary Industries and Resources South Australia
Pure Coffin Bay Oysters
South Australian Aquaculture Council