



**Australian
Competition &
Consumer
Commission**

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Our Ref: TRACKIT 55195
Contact Officer: Gina D'Ettorre
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15 October 2015

Dear Sir/Madam

**Australian Seafood Industries Pty Ltd - application for authorisation A91444
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Australian Seafood Industries Pty Ltd on 14 July 2014.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

The Australian Seafood Industries Pty Ltd (ASI) together with the South Australian Oyster Growers Association, the South Australian Research Council, the Tasmanian Oyster Research Council Limited and participating oyster hatcheries, is seeking authorisation for the imposition of a levy on the purchase of Pacific oyster spat.

ASI will use the proposed levy to fund research and development into producing Pacific oyster broodstock with an increased resistance to the Pacific Oyster Mortality Syndrome (POMS).

ASI proposes to remove the existing royalty fee of \$2.00 per 1000 spat and to replace it with a levy commencing at \$2.80 per 1000 spat, indexed annually by CPI, to be collected for a period of up to 10 years.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for ten years.

Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **Thursday, 30 October 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91444 – Australian Seafood Industries Pty Ltd – submission".

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **Thursday, 30 October 2014**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to the application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Timetable

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

14 July 2014	Lodgement of application and supporting submission.
22 July 2014	Public consultation process begins.
8 August 2014	Closing date for submissions on the application (including the request for interim authorisation).
14 August 2014	Interim authorisation decision.
15 October 2014	Draft determination.
30 October 2014	Closing date for submissions on Draft Determination and requests to call a conference.
November/December 2014	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 final determination stage. 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 draft determination.

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 Gina D'Ettorre on 03 9290 1483 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hatfield', is positioned above the printed name.

David Hatfield
Director
Adjudication Branch