



**Australian
Competition &
Consumer
Commission**

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Our Ref: TRACKIT 55195
Contact Officer: Nikita Harrison
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22 July 2014

Dear Sir/Madam

**Australian Seafood Industries Pty Ltd - application for authorisation A91444
interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from the Australian Seafood Industries Pty Ltd (the ASI). The ACCC invites you to comment on the application.

The ASI, together with 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 fund research and development into producing Pacific oyster broodstock with an increased resistance to the Pacific Oyster Mortality Syndrome (POMS).

The 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.

A full copy of the application for authorisation is available on the ACCC's website <www.accc.gov.au/AuthorisationsRegister>. Alternatively, you can contact Nikita Harrison on 03 9658 6497 to obtain a hard copy of the application and submission.

Interim authorisation

The ASI has also requested interim authorisation to commence collecting the levy prior to the release of the ACCC's final determination. The ASI submits that interim authorisation will enable it to commence collection of the levy in the upcoming sales period, which will prevent the levy from distorting regular production cycles.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible

benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

Request for submissions

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. In particular, the ACCC seeks your views on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements. 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.

If you intend to provide a submission in relation to the ASI's application for authorisation and/or request for interim authorisation, please do so by **Friday, 8 August 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91444 – Australian Seafood Industries Pty Ltd – submission".

Alternatively, if you would like to provide comments orally, please contact Nikita Harrison on 03 9658 6497 to organise a suitable time.

Submissions, including a record of oral 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 progress its assessment of the application in a timely manner. An 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).
August 2014	Interim authorisation decision.
September 2014	Draft determination.
September/October 2014	Public consultation on draft determination including any conference if called.
October/November 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 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 do not hesitate to contact Nikita Harrison on 03 9658 6497, or alternatively email 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