



Our ref: AA1000657  
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7 February 2024

Rosannah Healy  
Partner  
Allens

*Via email*

Dear Ms Healy

**Re: Water Services Association of Australia (WSAA) – application for authorisation AA1000657**

I refer to the above application for authorisation lodged with the Australian Competition and Consumer Commission (**ACCC**) on 13 December 2023 by WSAA on behalf of itself and Current WSAA Members and Future WSAA Members (the **Participants**). The ACCC seeks further information to complete its assessment for both the interim and the substantive applications.

**Request for information**

The ACCC has conducted a public consultation process and at the point of writing, we have received 19 submissions from interested parties. All public submissions are (or will shortly be) available on the [ACCC's public register](#) and we invite your response to all submissions.

Specifically, the ACCC seeks your response to the submission provided by IXOM Operations Pty Ltd (**IXOM**) and the Department of Home Affairs (**DHA**). The ACCC is seeking your response to the following:

- IXOM has raised concerns in relation to information sharing between the Participants. Please clarify specifically what information will be shared and how it will be shared, including regarding prices and other confidential contract terms.
- IXOM has raised concerns with the emergency supply measures. Please provide further detail about how the Participants intend to allocate and distribute supply, how they intend to interact with IXOM in any such event and how they can ensure safety and compliance.
- DHA has noted that the National Coordination Mechanism may be activated in a national crisis. Please detail how the Participants intend to interact with government and why authorisation is required in this respect.

## Scope of the Proposed Conduct and Interim Conduct


We are continuing to consider the scope of the conduct for which authorisation is sought in relation to both the interim and substantive applications.

We understand from our discussions with you that interim authorisation is only required urgently for the Participants to begin commercial negotiations with a chlor-alkali producer, including sharing information and engaging in preliminary discussions. Can you please confirm that this is the extent of the conduct for which interim authorisation is sought, notwithstanding paragraph 3.3 of the original application?

In relation to the substantive conduct, we strongly encourage WSAA to consider how its description of the Proposed Conduct could be more succinct and simplified. As part of this, we note that, the Proposed Conduct need only identify conduct to which a provision of Part IV of the *Competition and Consumer Act 2010* would or might apply.

Please provide a response to these matters by COB on 12 February 2024. We would also welcome the opportunity to meet to discuss the above with you. To arrange a time for a meeting please contact Naomi Lizak (03) 9290 1493 or [Naomi.Lizak@acc.gov.au](mailto:Naomi.Lizak@acc.gov.au).

Yours sincerely



Naomi Menon  
Director  
Competition Exemptions