



Our ref: AA1000576
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Dear Sir/Madam

Australia New Zealand Industrial Gas Association application for revocation of authorisation AA1000516 and substitution AA1000576 – interested party consultation

On 13 September 2021, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation from the Australia New Zealand Industrial Gas Association (**ANZIGA**) (revocation and substitution).

The purpose of this letter is to invite you to comment on ANZIGA's application for re-authorisation, including its request for interim authorisation. You are welcome to pass on this letter to others who may wish to make submissions.

ANZIGA is the peak industry body representing companies that produce and distribute industrial gases, including bulk and compressed gas, to industrial, medical, food, scientific and hospitality users in Australia and New Zealand.

The application for re-authorisation

ANZIGA lodged the application on behalf of itself, its current and future members, their related bodies corporate and other suppliers of medical oxygen notified to the ACCC (together, the **Applicants**). The Applicants seek re-authorisation for continued legal protection to exchange information and to make and give effect to contracts, arrangements and understandings to ensure security of supply of medical oxygen to hospitals and similar medical facilities in the event of significant demand increases or supply constraints during the COVID-19 pandemic (the **Proposed Conduct**). Authorisation is sought for a further 12 months from the date of the ACCC's final determination.

A copy of the application for authorisation is available on the ACCC's [Authorisations public register](#).

The ACCC authorised identical conduct on 1 October 2020 subject to notification and reporting conditions including that the Applicants must give written notice to the ACCC prior to engaging in the authorised conduct that includes (where a threat relates to the public health system) confirmation that the relevant state or territory health authority has been notified of the specified threat. ANZIGA has proposed the same conditions in their application for re-authorisation.

To date, the Applicants advise that they have not needed to engage in the authorised conduct under the existing authorisation AA1000516. The existing authorisation expires on 30 September 2021.

Request for interim authorisation

The Applicants seek interim authorisation which would enable them to engage in the Proposed Conduct while the ACCC considers the substantive application.

Making a submission

The ACCC invites you to make a submission on the application for re-authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the Proposed Conduct.

If you intend to provide a submission on the substantive application for authorisation, please do so by **7 October 2021**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Submissions in relation to interim authorisation should be provided **no later than 12:00PM 22 September 2021**. Should you intend to make a submission in relation to interim authorisation, please notify Alex Reed at exemptions@accc.gov.au or on 02 6243 1364 as early as possible.

Please email your submission to exemptions@accc.gov.au, with the subject 'AA10000576 – Australia New Zealand Industrial Gas Association – submission'. Alternatively, if you would like to provide comments orally, please contact Alex Reed via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
13 September 2021	Lodgement of application and supporting submission.
16 September 2021	Public consultation process begins.
22 September 2021	Closing date for submissions on interim authorisation.
September 2021	ACCC decision regarding interim authorisation.
7 October 2021	Closing date for submissions from interested parties.
October 2021	Applicant responds to issues raised in the public consultation process.
November 2021	Draft determination.

Indicative date	Stage in assessment process
November 2021	Public consultation on draft determination including any conference if called.
December 2021	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Alex Reed on 02 6243 1364 or exemptions@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'J Martin', with a long horizontal flourish extending to the right.

Jaime Martin
Acting Director
Competition Exemptions