



Our ref: AA1000585  
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19 October 2021

Dear Interested Party

## The University of Adelaide & Ors application for authorisation AA1000585 – interested party consultation

On 15 October 2021 the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from The University of Adelaide, Flinders University and The University of South Australia (together, the **Applicants**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

### Background

The Applicants are seeking authorisation<sup>1</sup> under the *Competition and Consumer Act 2010* (Cth) (the **Act**) to enable universities and other education providers that have campuses in South Australia<sup>2</sup> to jointly establish and effect travel and quarantine accommodation arrangements to facilitate the return of international students to study on-campus at premises in South Australia (the **Proposed Conduct**). This would include:

- jointly appointing travel management service providers and any other service providers needed to effect the arrangements,
- collaborating to establish an international travel corridor to bring international students into South Australia via commercial or charter flights,
- implementing seat allocation arrangements,
- collaborating to facilitate compliance with Government quarantine requirements,
- exchanging information as reasonably necessary, and
- communicating with students seeking to return to Australia through the arrangements.

The Applicants are seeking authorisation until December 2022. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Broadly, the ACCC may grant authorisation, which provides businesses with protection from legal action under the competition provisions of Part IV of the Act, if it is satisfied that the likely benefit to the public from the conduct outweighs the likely public detriment, including from a lessening of competition. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit.

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<sup>1</sup> For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

<sup>2</sup> For example, pathway providers, private higher education providers, English Language Intensive Courses for Overseas Students (ELICOS) providers and Vocational Education and Training (VET) providers.

## Interim authorisation

The Applicants have also requested interim authorisation to allow them to engage in the Proposed Conduct prior to the ACCC's final determination on the substantive application for authorisation, to enable the return of continuing students by early January 2022 in time for the commencement of the 2022 academic year. Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the Act while the ACCC considers and evaluates the merits of the application.

The ACCC decides whether to grant interim authorisation on a case by case basis. When it receives a request for interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim authorisation is or is not granted
- 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.

## Making a submission

The ACCC invites you to make a submission to assist with its assessment of the Applicants' request for interim authorisation and the substantive application for 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 in relation to the Applicants' request for interim authorisation, please do so by **12:00 PM 25 October 2021**. Submissions in relation to the substantive application for authorisation should be provided by **10 November 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. Extensions are not normally granted for submissions on interim authorisation.

Please email your submission to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au), with the subject 'AA1000585 – *The University of Adelaide & Ors – 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
15 October 2021	Lodgement of application and supporting submission.
19 October 2021	Public consultation process begins.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>25 October 2021</b>	Closing date for submissions on interim authorisation.
<b>Early November 2021</b>	ACCC decision regarding interim authorisation.
<b>10 November 2021</b>	Closing date for submissions on substantive application.
<b>November 2021</b>	Applicant responds to issues raised in the public consultation process.
<b>December 2021</b>	Draft determination.
<b>January 2022</b>	Public consultation on draft determination including any conference if called.
<b>February 2022</b>	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](mailto:exemptions@acc.gov.au).

Yours sincerely



Danielle Staltari  
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Competition Exemptions