



Director
Direct line
Email
Our ref
Your ref

Emily Shoemark
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21060 ESH

Wednesday, 17 August 2022

Ms Connie Wu
Assistant Director, Mergers Exemptions and Digital
Australian Competition & Consumer Commission
23 Marcus Clarke Street
CANBERRA ACT 2601
Connie.wu@acc.gov.au

Dear Ms Wu

**APPLICATION FOR AUTHORISATION FOR PROPOSED CONDUCT:
RECYCLE MY MATTRESS PRODUCT STEWARDSHIP SCHEME**

I refer to your email of 11 August 2022 seeking further information regarding the scope of the authorisation sought by the ABSC.

Please find below the ABSC's response to your further questions.

1. Scope of authorisation

We understand that the authorisation sought by the ABSC is intended to apply to the ABSC and a range of other parties. We note that only parties that are at risk of breaching the Competition Law need authorisation.

Could you please clarify which other parties the ABSC is seeking authorisation to apply to and why?

Do they only comprise certain participating members of the Scheme, i.e. mattress manufacturers, importers, wholesalers and retailers (including participating charities who do not have an exemption from paying a Product Stewardship Fee). Or, do they also include the following: raw material and component suppliers, collectors/logistics providers, recyclers, local government, charities and social enterprises?

- 1.1 Authorisation is sought for the ABSC, as administrator of the Scheme, its Members, and the Participants in the Scheme (many of which may also be Members).
- 1.2 All such parties will be participating in the conduct in relation to which authorisation is sought, whether directly as a part of the supply chain or as a Member of the ABSC, and therefore participating in the administration of the Scheme.

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1.3 The ABSC sees this scope of the authorisation as important to encourage participation of the Scheme by providing Members and Participants with the confidence and assurance that they are not at risk of breaching the Competition Law. This is expected to increase participation and support the achievement of the Scheme's outcomes.

2. **Membership Tiers**

We also note that Attachment F sets out the ABSC Membership Categories as follows:

Tier 1

1.1 Australian manufacturers of mattresses

1.2 Importers of mattresses to the Australian market

1.3 Australian retailers of mattresses

1.4 Online Retailer of mattresses or Direct to consumer manufacturer

Tier 2

2.1 Upstream mattress material suppliers

2.2 Downstream component recyclers

Tier 3

3.1 Councils

3.2 Commercial, government and health accommodation sectors

3.3 Waste management operators

3.4 Charity organisations

Please could you clarify whether authorisation is sought to apply to Tier 1 members only, or is also sought to extend to Tier 2 and 3 members.

2.1 Authorisation is sought in relation to Tier 1, Tier 2 and Tier 3 Members and Associate Members, for the reasons set out at 1.1 to 1.3 above.

If you require any further information, please do not hesitate to contact me.

Sincerely

EMILY SHOEMARK