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## By email

Dear Sir or Madam

### **Muswellbrook & Upper Hunter Shire Councils application for authorisation A91598 - draft determination and interim authorisation decision**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination and interim authorisation decision in respect of the application for authorisation lodged by Muswellbrook and Upper Hunter Shire Councils (the Councils) on 25 August 2017. A copy of the ACCC decision is attached.

The Councils seek authorisation to run a joint tender process in relation to the provision of a range of waste collection and processing services.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 16 years.

The ACCC has also decided to grant interim authorisation to the application. Interim authorisation provides protection from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers and evaluates the merits of the application.

## Next steps

Once the ACCC issues a draft determination, the Applicant or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **24 November 2017**. "Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91598 – Muswellbrook & Hunter Shire Councils – submission".

A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **24 November 2017**.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called, and will then release a final determination in relation to these applications.

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 continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>25 August 2017</b>	Lodgement of application and supporting submission.
<b>31 August 2017</b>	Public consultation process begins.
<b>9 November 2017</b>	Draft determination and decision regarding interim authorisation.
<b>November 2017</b>	Public consultation on draft determination including any conference if called.
<b>December 2017</b>	Final determination.

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 Hannah Ransom on (02) 6243 1255 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



David Hatfield  
Director  
Adjudication Branch