



23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

tel: (02) 6243 1111

Our ref: AA1000414  
Contact officer: Tessa Cramond  
Contact phone: (03) 9658 6516

[adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

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[www.accc.gov.au](http://www.accc.gov.au)

Dear Sir/Madam

### **Council Solutions application for authorisation AA1000414 (Kerbside Collection) — Pre-Decision Conference**

A number of parties have requested that the Australian Competition & Consumer Commission (the **ACCC**) convene a conference in relation to the draft determination issued by the ACCC on 20 July 2018 proposing to grant authorisation AA1000414.

The draft determination follows an application by Council Solutions for authorisation seeking to jointly procure the collection of domestic waste, recyclables and organics through a collaborative tender process (the Kerbside Collection application). The ACCC concluded in its draft determination that overall it was satisfied that the public benefit flowing from the proposed arrangements is likely to outweigh the public detriment and proposed to grant authorisation to the application. A copy of the application and draft determination can be found on the ACCC's website [www.accc.gov.au](http://www.accc.gov.au).

A pre-decision conference provides an opportunity for applicants and interested parties to make oral submissions to the ACCC about its draft determination.

The ACCC will hold the conference on **Monday 27 August 2018** at the **Cliftons Adelaide** (Level 1, 80 King William St, Adelaide). The conference will commence at **10am**. Commissioner Sarah Court will chair the conference.

The pre-decision conference is in relation to Council Solutions' **Kerbside Collection application only**. Council Solutions has lodged further applications for authorisation for separate request for tenders for processing service streams and ancillary service streams. The ACCC expects to release draft determinations in relation to these applications in late August 2018. Following the release of these draft determinations, interested parties will have an opportunity to call a pre-decision conference in relation to one or both of these applications.

Under the *Competition and Consumer Act 2010* (the Act), the applicant and other interested parties may attend the Kerbside Collections conference. If you wish to attend, you must notify the ACCC of your intention in writing by **COB 20 August 2018** and briefly indicate why you or your company or organisation has an interest in the matter. To do so please email: [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

You should provide details of a contact name, telephone number, mailing address and, if possible, an e-mail address so that you can be notified of any late changes to conference arrangements.

If you represent a company or organisation you should also provide a list of attendees and their position titles, and indicate who will be the chief spokesperson.

Please note that, while conference participants may bring outside legal or other professional advisers to assist them, the Act prohibits these advisers from participating in conference discussions.

Attached for your information are procedures usually followed at pre-decision conferences.

#### Submissions in response to the draft determination

The ACCC's original deadline for interested parties to provide a submission on the draft determination was 3 August 2018, and a number of parties were granted an extension of time until 24 August 2018.

However, as the date of the pre-decision conference has now been set as 27 August 2018, if you intend to attend the conference, and you would like your submission to be taken into account at the conference, please provide it by **21 August 2018**.

#### Submissions following the pre-decision conference

There will be a further opportunity for interested parties to provide a submission following the pre-decision conference about the issues discussed at the conference.

The statutory deadline for the ACCC to make a final decision about the Kerbside Collection application is **22 October 2018**. The Act stipulates that if the ACCC has not made a decision by this date, Council Solutions Kerbside Collection application for authorisation is deemed to have been granted. Therefore, in order to ensure that the ACCC is able to make a final decision by 22 October 2018, we will have limited flexibility in granting extensions for interested parties to provide further submissions.

A copy of this letter has been placed on the ACCC's public register. If you require any further information in regard to the conference or wish to clarify whether you may be considered an 'interested person' within the terms of the Act, please do not hesitate to contact Tessa Cramond on 03 9658 6516.

Yours sincerely



Gavin Jones  
Director  
Adjudication