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Our ref: AA1000414  
Contact officer: Gavin Jones  
Contact phone: 03 9290 1475

14/09/2018

John Fitzpatrick  
Public Officer  
Waste & Recycling Association of South Australia

By email: [johnfitzpatrick5081@gmail.com](mailto:johnfitzpatrick5081@gmail.com)

Dear Mr Fitzpatrick

**Authorisation AA1000414 submitted by Council Solutions & Ors – request for material to be excluded from the public register**

I refer to the Waste & Recycling Association of South Australia's (WRASA) submission in relation to the above listed application for authorisation, confidential version provided on 24 August 2018 and public register version provided on 12 September 2018.

I have considered your request that the confidential version of Part A of your submission 'WRASA Executive Summary' be excluded from the ACCC's public register.

As you are aware, the ACCC is generally required under section 89 of the *Competition and Consumer Act 2010* (the **Act**) to place documents provided to it in relation to an application for authorisation on the ACCC's public register. The Act provides that a person submitting a document in relation to an authorisation application may request that the document or parts thereof be excluded from the public register by reason of the nature of certain information contained in the document.

I do not consider that WRASA has provided reasons justifying a request for exclusion from the public register for all the information that WRASA has requested be excluded. For example, some of the information for which exclusion from the public register has been requested, such as figure 4.53 of the submission, is already publicly available.

However, given the delay in WRASA providing a public version of the submission, the limited time left before the ACCC must make a final determination, and the importance of providing Council Solutions with an appropriate opportunity to respond to the issues raised in those parts of the submission that you have not sought to exclude from the public register, I have decided to grant your request to exclude the confidential version of the submission from the public register.

Accordingly, as a person authorised to make a decision for and on behalf of the ACCC in relation to such a request, I advise that the confidential version of your submission will not be placed on the public register.

As previously advised, the exclusion of this information from the public register may limit the ACCC's ability to test that information publicly which, in turn, may limit the weight that the ACCC can give to the information.

The public register version of Part A of your submission, provided on 12 September 2018, will be placed on the public register in the form it was provided to the ACCC. The public register version of the submission has also been provided to Council Solutions.

A copy of this letter will also be placed on the public register.

My decision to exclude the confidential version of WRASA's submission from the public register relates only to the confidential version of the document titled 'Part A – WRASA Executive Summary.'

I note that you also submitted a variety of other documents on 24 August 2018 and 12 September 2018 over which you are claiming confidentiality. In respect of many of these documents you have advised that you will provide redacted versions for the public register, but have not yet done so.

The Act provides that submissions or information received after the deadline may, but need not be, taken into account. Please provide redacted versions of the other relevant documents as soon as possible if you wish them to be taken into account. The ACCC will not make a decision about whether to exclude the confidential versions of these documents from the public register until public register versions have been provided.

If you wish to discuss any aspect of this matter, please do not hesitate to contact Gavin Jones on 03 9290 1475; or via email ([adjudication@accc.gov.au](mailto:adjudication@accc.gov.au)).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D Jones', is positioned above the typed name.

David Jones  
General Manager  
Adjudication