

23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111

fax: (02) 6243 1199

adjudication@acc.gov.au

www.acc.gov.au

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

28/09/2018

John Fitzpatrick
Public Officer
Waste & Recycling Association of South Australia

By email: johnfitzpatrick5081@gmail.com scott.geer@wrasa.com.au

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) four submissions in relation to the above listed application for authorisation - confidential versions were provided on 12 September 2018 and public register versions were provided on 26 September 2018. The submissions are titled:

- WRASA submission regarding correlation between Council size and waste costs.
- WRASA submission regarding letters of objection and support.
- WRASA submission regarding claims in Council Solutions submission.
- WRASA submission regarding pre decision conference.

I have considered your request that the confidential versions the submissions 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 sufficient 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 Diagram 1 in the submission titled WRASA submission regarding correlation between Council size and waste costs, is already publicly available.

However, given the delay in WRASA providing public versions 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 submissions that you have not sought to exclude from the public register, I have

decided to grant your request to exclude the confidential versions of the submissions 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 versions of your submissions will not be placed on the public register.

As previously advised, the exclusion of this information from the public register, and the delay in providing public register versions of the submissions, 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 versions of your submission, provided on 26 September 2018, will be placed on the public register in the form they were provided to the ACCC.

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

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@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "Joanne Palisi".

Joanne Palisi
Acting General Manager
Adjudication