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31/05/2018

## By email

Dear Sir/Madam

### **Metropolitan Waste and Resource Recovery Group application for revocation of authorisations A91489 and A91490 and substitution of new authorisation AA1000422 – interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for revocation of authorisations A91489 and A91490 and substitution of a new authorisation, received from Metropolitan Waste and Resource Recovery Group (MWRRG) and the Victorian local councils of Brimbank City, Melbourne City, Port Phillip City, Wyndham City and Nillumbik Shire (together, **the applicants**), on 22 May 2018.

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. Please see the ACCC's publication [Guidelines for Authorisation of conduct \(non-merger\)](#) for a summary of the authorisation process and how to make a submission to the ACCC.

## Background

The ACCC previously granted authorisations A91489 and A91490 to MWRRG and Brimbank City, Melbourne City, Port Phillip City, and Wyndham City Councils (together, the **Central and Western Recyclables Group**) to jointly procure services for the receiving, sorting, compacting and processing of kerbside collected recyclable materials until 31 July 2027.

The applicants are now seeking revocation and substitution of a new authorisation to add Nillumbik Shire Council to the Central and Western Recyclables Group.

## Interim authorisation

Recent changes to China's policy of importing foreign waste and recyclable materials has resulted in many Australian local councils changing arrangements for recyclables' processing. The applicants have sought interim authorisation so that Nillumbik Shire Council can participate in the joint decision-making and planning for these changes that is currently underway by the Central and Western Recyclables Group.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim authorisation is or is not granted
- possible benefit and detriment to the public
- the urgency of the matter and
- whether the market would be able to return to substantially its pre-interim authorisation state if the ACCC later denies authorisation.

### **Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any public detriment, from the proposed arrangements. In particular, the ACCC would appreciate your views on adding the Nillumbik Shire Council to the Central and Western Recyclables Group.

Further, the ACCC invites you to outline your general experience of MWRRG and the Central and Western Recyclables Group's joint procurement of waste management services during the term of the current authorisations (that is, A91489 and A91490). The ACCC would also welcome your views on the public benefits and detriments you consider have actually resulted from the MWRRG and the Central and Western Recyclables Group's joint procurement of waste management services during the current authorisation period.

If you intend to provide a submission in relation to the applicants' request for interim authorisation or their substantive application for authorisation, please do so by 13 June 2018. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "AA1000422– Metropolitan Waste and Resource Recovery Group – submission".

Alternatively, if you would like to provide comments orally, please contact Jacob Campbell on 02 6243 1109 or via email [jacob.campbell@acc.gov.au](mailto:jacob.campbell@acc.gov.au) to organise a suitable time.

Submissions, including oral 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 progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>22 May 2018</b>	Lodgement of application and supporting submission, including request for interim authorisation.
<b>31 May 2018</b>	Public consultation process begins.
<b>13 June 2018</b>	Closing date for submissions.
<b>June/July 2018</b>	Applicant responds to issues raised in the public consultation process.
<b>July/August 2018</b>	Draft determination including decision regarding interim authorisation.
<b>August 2018</b>	Public consultation on draft determination including any conference if called.
<b>September 2018</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able to, please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Jacob Campbell on 02 6243 1109 or via email - [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Simon Bell  
Director A/g  
Adjudication Branch

## **List of interested parties consulted**

**AA1000422**

J J Richards and Sons

JR Richards

Polytrade Recycling

SITA C&D

SKM Recycling

Southern Cross Recycling

Transpacific Cleanaway

Veolia Bulla

Victorian Waste Management Association

Visy Recycling

Waste Contractors & Recyclers Association

Waste Management Association of Australia