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24/10/2018

***By email***

Dear Sir/Madam

**Campbelltown City Council & Ors – application for authorisation AA1000428 – draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Campbelltown City Council, Camden Council, Liverpool City Council, Wingecarribee Shire Council and Wollondilly Shire Council (**the Applicants**) on 7 August 2018.

As you may recall, the Applicants seek authorisation to collectively tender and contract for the services of qualified contractors able to receive, process, market and dispose (by sale or otherwise) of kerbside collected waste materials.

The ACCC previously granted authorisation (A90886) in 2004 to enable four of the councils (namely, Campbelltown City Council, Camden Council, Wingecarribee Shire Council and Wollondilly Shire Council) to collectively tender and contract for kerbside collected waste processing services. The contract entered into following authorisation A90886 expires on 31 May 2024, while the authorisation itself expires on 6 July 2021.

As such, on 3 October 2018 the Applicants amended the current application for authorisation to also enable them (minus Liverpool City Council) to continue to give effect to their existing waste processing contract until 31 May 2024.

**Draft determination**

A copy of the ACCC's draft determination is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to the Applicants to collectively tender and contract for the provision of waste processing services until 1 July 2044.

The ACCC also proposes to grant authorisation to allow the Applicants (minus Liverpool City Council) to continue to give effect to the existing processing contracts entered into following authorisation A90886 until 31 May 2024.

**Next steps**

The Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

**Making a submission**

If you wish to make a submission in response to the ACCC's draft determination, please **lodge your submission by 9 November 2018**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "AA1000428 – Campbelltown & Ors – submission". If you prefer to make an oral submission, please contact Ellie Dwyer or Jaime Martin via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-decision conference be called (see below), 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](#).

### Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to the draft determination. If a conference is called in this matter it will be open to the Applicants and interested parties to attend and 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 **9 November 2018**.

### 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.

Indicative date	Stage in assessment process
<b>7 August 2018</b>	Lodgement of application and supporting submission.
<b>13 August 2018</b>	Public consultation process begins.
<b>12 September 2018</b>	ACCC decision regarding interim authorisation.
<b>24 October 2018</b>	Draft determination.
<b>November 2018</b>	Public consultation on draft determination including possible pre-decision conference (if called).
<b>November/December 2018</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 contact Ellie Dwyer on 03 9290 1874 or Jaime Martin on 03 9290 1477 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Michael Drake  
Director  
Adjudication