



Our ref: AA1000430
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Julian Bodenmann
Associate
Preston Law

By email: jbodenmann@prestonlaw.com.au

Dear Julian

Central Highlands Regional Council & Isaac Regional Council – application for authorisation AA1000430 – draft determination and interim authorisation

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged by Central Highlands Regional Council and Isaac Regional Council (**the Applicants**).

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 enable the Applicants to collectively tender and enter into contracts for the acquisition of waste collection services until 4 October 2029, inclusive of any options to extend by one or both of the Applicants.

The ACCC notes your recent correspondence advising that the Applicants intend to engage in some aspects of this procurement process jointly, some on an individual basis, and other activities they will decide whether to engage collectively once tenders have been evaluated. Authorisation enables the councils to engage in such activities collectively, should they decide to do so.

The ACCC also proposes to grant authorisation to allow the Applicants to continue to give effect to their existing waste collection contract, entered into following authorisation A91087 granted by the ACCC in 2008, beyond the expiry of that authorisation on 31 December 2018 until 4 October 2019.

The ACCC has also granted interim authorisation to allow the Applicants to continue to give effect to their current waste collection contract beyond 31 December 2018 until the date the ACCC's final determination comes into effect or interim authorisation is revoked. Interim authorisation in respect of the existing contract will commence on 1 January 2019.

Next steps

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

If you wish to make a submission in response to the ACCC's draft determination, please **lodge your submission by 9 January 2019**.

A pre-decision conference provides the opportunity for interested parties to 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 January 2019.

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

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
28 September 2018	Lodgement of application and supporting submission.
16 October 2018	Public consultation process begins.
24 October 2018	ACCC decision regarding interim authorisation.
17 December 2018	Draft determination and second interim authorisation.
December 2018/January 2019	Public consultation on draft determination including possible pre-decision conference (if called).
February 2019	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 Sophie Mitchell on 03 9290 1822 or adjudication@acc.gov.au.

Yours sincerely



Susannah Black
Director
Adjudication