



Our ref: AA1000430
Contact officer: Sophie Mitchell
Contact phone: 03 9290 1822

23 Marcus Clarke Street
Canberra ACT 2601

GPO Box 3131
Canberra ACT 2601

tel: (02) 6243 1111
adjudication@acc.gov.au

www.accc.gov.au

17/12/2018

By email

Dear Sir/Madam

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**).

As you may recall, the Applicants seek authorisation to jointly procure services for the collection of kerbside and bulk bin waste and recyclables for domestic and commercial premises; the collection of public waste and recyclables; and the collection of public waste located at council facilities.

The ACCC previously granted authorisation (A91087) in 2008 to the Central Queensland Local Government Association on behalf of four regional councils, including Central Highlands and Isaac Regional Council, to collectively tender for a range of waste services, including collection services. The contract entered into following authorisation A91087 expires on 4 October 2019, while the authorisation itself expires on 31 December 2018.

As such, on 14 November 2018 the Applicants amended the current application for authorisation to also enable them to continue to give effect to their existing waste processing contract until 4 October 2019.

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 a contract 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 Applicants have indicated they 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 in collectively once tenders have been evaluated. Authorisation enables the Applicants 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, beyond the expiry of that authorisation on 31 December 2018 until 4 October 2019.

On 24 October 2018, the ACCC granted interim authorisation to enable the Applicants to commence preparations for the collective tender process. The ACCC has now granted interim authorisation to enable 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.

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 January 2019**.

Submissions should be emailed to adjudication@acc.gov.au with the subject "AA1000430 – Central Highlands and Isaac Regional Council – submission". If you prefer to make an oral submission, please contact Sophie Mitchell 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 January 2019.

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