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Our ref: AA1000449
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Dear Madam/Sir

Metropolitan Waste and Resource Recovery Group application for authorisation AA1000449 —interested party consultation

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for authorisation received from Metropolitan Waste and Resource Recovery Group (**MWRRG**), on behalf of itself and 31 councils located in metropolitan Melbourne (together, the **Applicants**).

The purpose of this letter is to invite you, as a potentially interested party, to comment on the application. Please see pages 20-28 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

Application for authorisation

The Applicants propose to jointly procure services for receiving residual waste and related ancillary services (**Landfill Services**). In particular, the Applicants seek authorisation for:

- MWRRG to conduct a collaborative competitive tender process for the procurement of Landfill Services.
- negotiating and executing the contractual framework for the supply of Landfill Services to Participating Councils and
- ongoing administration and management of the resulting contracts.

A full copy of the application for authorisation is available on the ACCC's website www.acc.gov.au/AuthorisationsRegister.

Related application by MWRRG

This application is in addition to a separate application lodged by MWRRG on 23 July 2019 on behalf of itself and a group of 16 councils located in the south-east of metropolitan Melbourne for the potential procurement of advanced waste processing services. Details about this other application can also be found on the ACCC's website.

Interim authorisation

The Applicants have also requested interim authorisation to enable them to begin the joint procurement process. The Applicants are not proposing to enter into any contracts for Landfill Services before the ACCC issues a final determination in relation to its application.

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 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 state if the ACCC should later deny authorisation.

Request for submissions

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, from the proposed arrangements.

Submissions in relation to interim authorisation should be provided by **21 August 2019**.

Submissions in relation to MWRRG's substantive application for authorisation should be provided by **2 September 2019**.

Please email submissions to adjudication@acc.gov.au with the subject 'AA1000449 – MWRRG (landfill) – submission'.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information

2 August 2019	Lodgement of application and supporting submission.
8 August 2019	Public consultation process begins.
21 August 2019	Closing date for submissions on interim authorisation.
August 2019	ACCC decision regarding interim authorisation.
2 September 2019	Closing date for submissions from interested parties.
September 2019	Applicant responds to issues raised in the public consultation process.
October 2019	Draft determination.
October 2019	Public consultation on draft determination including any conference if called.
November/December 2019	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 Kaitlin Hanrahan on 03 9290 1917 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping flourish at the end.

Darrell Channing
Director
Adjudication

List of Interested Parties consulted

Australian Paper

Alex Fraser Group

Alpine Waste Services

Apex waste collection

Australian Council of Recycling

Australian Organics Recycling Association

Australian Landfill Owners Association

Australian Packing Covenant Organisation

Barkking

Beaver Bricks

Benfield Recycle

Bingo Industries

Biomix

Branin

Broadspectrum

Calleja Transport

Camperdown Compost Co

Carbon Mate Organics Recycling

Casings Australia

China Tianying Inc. / Yangzhou T. Y. Environmental Energy Co. Ltd.

CIP Copenhagen Infrastructure Partners

CityWide Service Solutions Pty Ltd

Cleanaway

CMA Ecocycle

Concorde Blue Energy Australia

Corio Waste (western composting)

Delta Group

Docu-Story

Drive in Salvage Centre

Eco Logs

Ecobricks
Ecocycle Australia
Endeavour Foundation (Vatmi Recycling - Wangaratta)
Enerbi
Environment Protection Authority Victoria
Ferrovial Services International
Garden State Mulching Services
GCL Intelligent Energy
Gippsland concrete recycling
Gippsland Water (Dutson Downs)
Great Southern Waste Technologies
Greater Shepparton Resource Recovery Centre
Greenchip (ILEOWL PTD LTD)
Hanson Wollert Landfill Services Pty Ltd
Hunt Environmental
IMMIX integrated metal management
J J Richards and Sons
JR Richards
Keppel Prince Engineering
Keppel Seghers
Latrobe Waste/Drouin Waste Recyclers
Macquarie Group
Mansfield Bins and Skips
Martin GmbH
Mattress Gator (now owned by 'Soft Landing')
Mossrock Australia Ltd Pty
MRCB Australia Holding Company
MRI (Aust) Pty Ltd
Murphy's salvage and demolition
Naish Waste JJ Richards
National Waste and Recycling Industry Council

Norstar Steel Recyclers
North East Skip Hire
OneSteel
Orora Group (Amcor Limited)
Owens Illinois
Oztek Holdings
Paddy's Bricks
Pinegro Products Pty Ltd
Plain Pallet Sales
Potters Industries
Recovered Energy Australia
Regional Recycle
Remondis Australia
Resource Resolution
Rivcow Environmental
Sacyr Industrial
Shoalhaven Recycling
Sims Metal
SITA Organics
SOLO Resource and Recovery
Southern Cross Recycling
Statewide Waste (Austral Waste)
Steinert Australia
SUEZ Recycling & Recovery Pty Ltd
Sunshine Groupe
Sustainability Victoria
The CIE
The Local Government Association
The Victorian Local Governance Association
TIC Group
Tyre Crumb Australia

Tyrecycle
VATMI
Veolia
Veolia Bulla
Victorian Waste Management Association
Visy Board
Visy Paper
Visy Recycling
Viva Energy Australia
Vortex Innovations
Waste Contractors & Recyclers Association
Waste Management and Resource Recovery Association of Australia
Waste Smart/Waste Converters
Wyndham City Council
Banyule City Council
Bayside City Council
Boroondara City Council
Brimbank City Council
Cardinia Shire Council
Casey City Council
City of Greater Dandenong Council
City of Greater Geelong Council
Darebin City Council
Frankston City Council
Glen Eira City Council
Hobsons Bay City Council
Hume City Council
Kingston City Council
Knox City Council
Manningham City Council
Maribyrnong City Council

Maroondah City Council
Melbourne City Council
Melton Shire Council
Monash City Council
Moonee Valley City Council
Moreland City Council
Mornington Peninsula Shire Council
Nillumbik Shire Council
Port Phillip City Council
Stonnington City Council
Whitehorse City Council
Whittlesea City Council
Yarra City Council
Yarra Ranges Shire Council