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Our ref: AA1000451
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28/08/2019

adjudication@acc.gov.au
www.acc.gov.au

By email

Dear Sir/Madam,

Metropolitan Waste and Resource Recovery Group & Ors (recycling sorting) application for authorisation AA1000451 — 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 30 councils located in metropolitan Melbourne (together, the **Applicants**).

The ACCC invites you to comment on the application. Further information about the authorisation process is provided in the ACCC's [Guidelines for authorisation of conduct \(non-merger\)](#).

Application for authorisation

The Applicants propose to jointly investigate and potentially procure the provision of sorting services for commingled recyclable material which is collected from residents' kerbsides (**Recycling Sorting Services**). In particular, the Applicants seek authorisation for:

- MWRRG, on behalf of the councils, to conduct a collaborative competitive tender process for the procurement of the Recycling Sorting Services, evaluate responses in collaboration with the councils and to negotiate on behalf of the councils the contractual framework,
- The possible establishment of a Special Purpose Vehicle (**SPV**) by the councils to enter into contract(s) for Recycling Sorting Services with the successful supplier(s), and
- The ongoing administration and management of the resulting contracts.

(the **Proposed Conduct**).

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

Related applications by MWRRG

This application is in addition to two separate applications lodged by MWRRG regarding the provision of waste management services across the metropolitan Melbourne area. The first application was lodged on 23 July 2019 by MWRRG 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. The second application was lodged on 2 August

2019 by MWRRG on behalf of itself and a group of 30 councils located in metropolitan Melbourne, seeking to jointly procure services for receiving waste and related ancillary services.

Details about these other applications can also be found on the ACCC's website www.accc.gov.au/AuthorisationsRegister.

Interim authorisation

The Applicants have also requested interim authorisation to enable them to commence the tender process, in particular to approach the market to seek Outline Solutions. The Applicants will not select a supplier or enter into any contracts, until a final determination is issued by the ACCC in relation to the substantive 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 public detriment, from the proposed arrangements.

If you intend to provide a submission in relation to the interim authorisation, please do so by **9 September 2019**. If you intend to provide a submission in relation to the substantive application for authorisation, please do so by **23 September 2019**. Submissions should be emailed to adjudication@acc.gov.au with the subject 'AA1000451 – Metropolitan Waste and Resource Recovery Group (Recycling Sorting) – submission'.

Alternatively, if you would like to provide comments orally, please contact Connie Wu on 08 9325 0637 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](#).

If you do not wish to make a submission at this time, but would like to be informed of the progress of the application, 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.

Timetable

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

| Indicative date | Stage in assessment process |
|-------------------------------|--|
| 22 August 2019 | Lodgement of application and supporting submission. |
| 28 August 2019 | Public consultation process begins. |
| 9 September 2019 | Closing date for submissions on interim authorisation. |
| September 2019 | ACCC decision regarding interim authorisation. |
| 23 September 2019 | Closing date for submissions from interested parties. |
| September/October 2019 | Applicant responds to issues raised in the public consultation process. |
| October 2019 | Draft determination. |
| October/November 2019 | Public consultation on draft determination including any conference if called. |
| December 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 do not hesitate to contact Connie Wu on 08 9325 0637 or via email to adjudication@acc.gov.au.

Yours sincerely



Darrell Channing
Director
Adjudication

**Metropolitan Waste and Resource Recovery Group & Ors (recycling sorting)
AA1000451 — List of interested parties consulted**

Alex Fraser Group

Alpine Waste Services

Apex waste collection

Australian Council of Recycling

Australian Landfill Owners Association

Australian Organics Recycling Association

Australian Paper

Banyule City Council

Bark King

Bayside City Council

Beaver Bricks

Bingo Industries

Biomix

Boroondara City Council

Branin

Brimbank City Council

Broadspectrum

Calleja Transport

Camperdown Compost Co

Carbon Mate Organics Recycling

Cardinia Shire Council

Casey City Council

Casings Australia

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

CIP Copenhagen Infrastructure Partners

City of Greater Dandenong Council

City of Greater Geelong Council

CityWide Service Solutions Pty Ltd
Cleanaway
CMA Ecocycle
Corio Waste (western composting)
CPR Communications & Public Relations
Darebin City Council
Delta Group
Docu-Story
Drive in Salvage Centre
Eco Logs
Ecobricks
Ecocycle Australia
Endeavour Foundation (Vatmi Recycling - Wangaratta)
Enerbi
Environment Protection Authority Victoria
Ferrovia Services International
Frankston City Council
Garden State Mulching Services
GCL Intelligent Energy
Gippsland concrete recycling
Gippsland Water (Dutson Downs)
Glen Eira City Council
Great Southern Waste Technologies
Greater Shepparton Resource Recovery Centre
Greenchip (ILEOWL PTD LTD)
Hanson Wollert Landfill Services Pty Ltd
Hobsons Bay City Council
Hume City Council

Hunt Environmental
IMMIX integrated metal management
J J Richards and Sons
JR Richards
Keppel Prince Engineering
Keppel Seghers
Kingston City Council
Knox City Council
Latrobe Waste/Drouin Waste Recyclers
Macquarie Group
Manningham City Council
Mansfield Bins and Skips
Maribyrnong City Council
Maroondah City Council
Martin GmbH
Mattress Gator (now owned by 'Soft Landing')
Melbourne City Council
Melton Shire Council
Monash City Council
Moonee Valley City Council
Moreland City Council
Mornington Peninsula Shire Council
Mossrock Australia Ltd Pty
MRCB Australia Holding Company
MRI (Aust) Pty Ltd
Murphy's salvage and demolition
National Waste and Recycling Industry Council
Nillumbik Shire 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
Polytrade Recycling
Port Phillip City Council
Potters Industries
Re.Group
Recovered Energy Australia
Regional Recycle
Remondis Australia
Resource Resolution
Rivcow Environmental
Sacyr Industrial
Shoalhaven Recycling
Sims Metal
SOLO Resource and Recovery
Southern Cross Recycling
Statewide Waste (Austral Waste)
Steinert Australia
Stonnington City Council
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
Victorian Waste Management Association
Visy
Viva Energy Australia
Vortex Innovations
Waste Contractors & Recyclers Association
Waste Management and Resource Recovery Association of Australia
Waste Smart/Waste Converters
Whitehorse City Council
Whittlesea City Council
Wyndham City Council
Yarra City Council
Yarra Ranges Shire Council