



Our ref: AA1000581
Contact officer: Michael Pappa
Contact phone: (03) 9658 6531

14/10/2021

By email

Dear Sir/Madam

Metropolitan Waste and Resource Recovery Group & Ors (recycling sorting) - Application for revocation of authorisation AA1000451 and substitution AA1000581 — interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for revocation of authorisation AA1000451 and substitution of replacement authorisation AA1000581 from Metropolitan Waste and Resource Recovery Group (**MWRRG**), on behalf of itself and a group of 27 metropolitan Melbourne councils, 8 regional councils, and 3 other regional waste and resource recovery groups (the **Applicants**).

The ACCC invites you to comment on the application.

Application for re-authorisation

The conduct for which MWRRG is seeking authorisation is substantially the same as was permitted by authorisations AA1000451. Authorisation would allow the Applicants to conduct a collaborative tender process to procure sorting services for commingled household recyclable waste collected from kerbsides, with on-going management of resulting contracts by MWRRG (with the support of the regional waste and resource recovery groups).

Due to changes in government policy, MWRRG is seeking to update the original contracting timeline and the make-up of the participating councils. The updated conduct also includes the establishment of a panel of suppliers of recycling sorting services.

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

The authorisation process

Authorisation provides protection from legal action for conduct that may otherwise breach the competition provisions of the *Competition and Consumer Act 2010* (Cth).

Broadly, the ACCC may grant authorisation if it is satisfied that the benefit to the public from the conduct outweighs any public detriment, including from a lessening of competition. The ACCC conducts a public consultation process to assist it to determine whether a proposed arrangement results in a net public benefit

Interim authorisation

The Applicants have also requested interim authorisation to enable them to commence the tender process by 8 November 2021. 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 application for authorisation. In making your submission, please provide information and evidence about the likely public benefits, effects on competition and any public detriment that you consider will result from the proposed conduct.

If you intend to provide a submission in relation to the interim authorisation, please do so by **21 October 2021**. If you intend to provide a submission in relation to the substantive application for authorisation, please do so by **4 November 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000581 Metropolitan Waste and Resource Recovery Group & Ors (recycling sorting) – Submission'. Submissions after the due date (or after any extension granted) may not be taken into account.

Alternatively, if you would like to provide comments orally, please contact Michael Pappa on (03) 9658 6531 to organise a suitable time.

Your submission will be placed on the ACCC's public register unless you request and provide reasons for us to exclude part or all of the submission from the public register (see the [Guidelines for excluding information from the public register](#)).

You can forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

Timetable

An indicative timetable for the ACCC's assessment is set out below.

Indicative date	Stage in assessment process
8 October 2021	Lodgement of application
14 October 2021	Consultation on the application commences
21 October 2021	Closing date for submissions on interim authorisation
4 November 2021	Closing date for submissions on substantive application
November 2021	ACCC decision on interim authorisation
December 2021	ACCC draft determination

December/January 2021

Public consultation on the draft determination

February 2022

ACCC 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 Michael Pappa on (03) 9658 6531 or via email exemptions@acc.gov.au.

Yours sincerely

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

Darrell Channing
Director
Competition Exemptions Branch