



Our ref: AA1000597  
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16/12/2021

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Dear Sir/Madam

### **Gippsland Waste and Resource Recovery Group application for authorisation AA1000597 – interested party consultation**

On 15 December 2021, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from Gippsland Waste and Resource Recovery Group (**GWRRG**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

GWRRG is seeking authorisation<sup>1</sup> under the *Competition and Consumer Act 2010* (Cth) on behalf of itself and six Victorian Councils: Bass Coast Shire Council, Baw Baw Shire Council, East Gippsland Shire Council, Latrobe City Council, South Gippsland Shire Council and Wellington Shire Council (**Participating Councils**) (together, **the Applicants**).

Authorisation would provide legal protection from competition law for the Participating Councils to investigate and potentially jointly procure the provision of domestic waste collection and transport services. In particular, GWRRG and the Participating Councils seek authorisation for:

- a) GWRRG, on behalf of the Participating Councils, to conduct a collaborative competitive tender process for the Services, to evaluate the responses in collaboration with the Participating Councils and to negotiate the contractual framework on behalf of the Participating Councils;
- b) the Participating Councils to enter into contract(s) with the successful supplier(s);  
and
- c) ongoing administration and management of the resultant contract(s) to be undertaken by the Participating Councils

(the **Proposed Conduct**)

GWRRG is seeking authorisation for a period of 12 months to complete the initial joint procurement process and 10 years from the conclusion of the initial procurement process for the provision of the Services. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

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<sup>1</sup> For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

## Interim authorisation

GWRRG has also requested interim authorisation to allow it to progress the tender process, specifically, to issue tender documentation to the marketplace prior to the ACCC's final determination in relation to the substantive application for authorisation.

## Making a submission

The ACCC invites you to make a submission on the application for authorisation and request for interim authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

Further, the ACCC invites you to tell us about your experience with GWRRG during the term of its other existing waste authorisations. The ACCC is particularly interested in the public benefits and detriments you have observed to date.

If you intend to provide a submission, please do so by **21 January 2022**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Please email your submission to [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au), with the subject 'AA1000597 – Gippsland Waste and Resource Recovery Group – submission'. Alternatively, if you would like to provide comments orally, please contact Alex Cicchini via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

## Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
<b>15 December 2021</b>	Lodgement of application and supporting submission.
<b>16 December 2021</b>	Public consultation process begins.
<b>21 January 2022</b>	Closing date for submissions on interim authorisation.
<b>February 2022</b>	ACCC decision regarding interim authorisation.
<b>April 2023</b>	Draft determination.
<b>April/May 2023</b>	Public consultation on draft determination including any conference if called.
<b>May 2023</b>	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Alex Cicchini on (03) 9910 9552 or [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hatfield', is positioned above the typed name.

David Hatfield  
Director  
Competition Exemptions