

Our ref: AA1000584  
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AUSTRALIAN COMPETITION  
& CONSUMER COMMISSION

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18/10/2021

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[www.accc.gov.au](http://www.accc.gov.au)

Dear Interested Party

### **City of Hobart Council & Ors - application for authorisation AA1000584 – interested party consultation**

On 14 October 2021, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from City of Hobart Council. This letter is to invite you to comment.

The City of Hobart Council is seeking authorisation<sup>1</sup> under the *Competition and Consumer Act 2010* (Cth) on behalf of itself and 11 councils in southern Tasmania. The councils are Glenorchy City Council, Clarence City Council, Kingborough Council, Sorell Council, Derwent Valley Council, Glamorgan Spring Bay Council, Tasman Council, Brighton Council, Huon Valley Council, Central Highlands Council and Southern Midlands Council (the **Participating Councils**).

Authorisation is sought to enable the City of Hobart Council and Participating Councils to jointly negotiate with the successful supplier of a tender for recycling acceptance, sorting, and processing services in each municipal area governed by the City of Hobart Council and Participating Councils. It is expected that the City of Hobart will contract on behalf of the Participating Councils with the successful supplier, while the ongoing administration and management of the contracts would be performed by a Joint Authority that will be established by the Participating Councils. Authorisation is sought for 15 years and half years, to cover the initial procurement process and long-term contract for the provision of services. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

As a potentially interested party, you are invited to make a submission in relation to the application for authorisation, including the City of Hobart Council's request for interim authorisation (outlined further below). Further information about the authorisation process is provided in the ACCC's [Guidelines for authorisation of conduct \(non-merger\)](#).

If you do not wish to make a submission, no further action is required.

### **Interim authorisation**

The City of Hobart Council has also requested interim authorisation in order to commence negotiations as part of the tender process, including identifying preferred tenderer(s), commencing the negotiation process and preparing contractual documentation.

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

The ACCC decides whether to grant interim authorisation on a case by case basis. When it receives a request for interim authorisation, the ACCC will usually consider a range of factors, including:

- harm to the applicant and other parties if interim authorisation is or is not granted
- 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.

## **Making a submission**

The ACCC invites you to make a submission on the request for interim authorisation and/or the substantive application 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.

Please provide submissions on the request for interim authorisation by **25 October 2021**, and on the substantive application for authorisation by **8 November 2021**. 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 'AA1000584 – City of Hobart Council and Ors – submission'. Alternatively, if you would like to provide comments orally, please contact Mandy Bendelstein or Tom Whitby via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register](#), 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](#)).

## **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.

<b>Indicative date</b>	<b>Stage in assessment process</b>
<b>14 October 2021</b>	Lodgement of application and supporting submission.
<b>18 October 2021</b>	Public consultation process begins.
<b>25 October 2021</b>	Closing date for submissions from interested parties on interim authorisation.
<b>8 November 2021</b>	Closing date for submissions from interested parties on substantive application.
<b>October/November 2021</b>	City of Hobart Council responds to issues raised in the public consultation process.
<b>November/December 2021</b>	Draft determination and decision on interim authorisation.

Indicative date	Stage in assessment process
February 2022	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 Mandy Bendelstein on 02 9102 4037, Tom Whitby 02 6243 1012 or [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Yours sincerely



Susie Black  
Director  
Competition Exemptions