



Our ref: AA1000550
Contact officer: Michael Pappa
Contact phone: (03) 9658 6531

21/04/2021

By email

Dear Sir/Madam

Toowoomba Regional Council and Western Downs Regional Council Application for Authorisation AA1000550 — interested party consultation

The Australian Competition and Consumer Commission (the **ACCC**) is currently conducting a consultation process on an application for authorisation received from Toowoomba Regional Council and Western Downs Regional Council (together, the **Applicants**).

The ACCC invites you to comment on the application.

Background

The Applicants are seeking authorisation for 12 years to engage in a joint procurement process, including preparation and advertisement of tender documents for waste and recyclables collection services, and bulk haulage and processing services. The services will comprise of a number of separable portions depending on the type of waste, e.g. residual waste, recyclable, green, and organic.

A copy of the application for 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

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, please do so by **7 May 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000550 – Toowoomba Regional Council & Western Downs Regional Council – Submission'.

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.

2 April 2021	Lodgement of application and supporting submission.
21 April 2021	Public consultation process begins.
7 May 2021	Closing date for submissions on interim authorisation and substantive application.
May 2021	Applicant responds to issues raised in the public consultation process.
May/June 2021	ACCC decision regarding interim authorisation and draft determination.
June 2021	Public consultation on draft determination including any conference if called.
July 2021	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



Darrell Channing
Director
Competition Exemptions Branch

List of parties consulted

Action Metal Recyclers

anuha

Australian Council of Recycling

Australian Organics Recycling Association

BMI Group

Candy Soil

Cleanaway

E&E Waste

Hitachi Zosen Inova

Iolar

JJ Richards

Local Government Association of Queensland

Martin GmbH

MRI (Aust) Pty Ltd

National Waste and Recycling Industry Council

NuGrow

Orgro

Orora

Phoenix Power Recyclers Pty Ltd

Polytrade Recycling

Polytrade Recycling

Queensland Government Department of Environment and Science

Queensland Government Department of Local Government, Racing and Multicultural Affairs

ReGroup Recycling

Remondis

SKM

Substation 33

Suez

Veolia

Visy

Waste and Recycling Industry of Queensland

Waste Management and Resource Recovery Association of Australia

Waste Management Association of Australia

WestRex Services