



Our ref: AA1000604
Contact officer: Tom Whitby
Contact phone: 02 6243 1012

23 Marcus Clarke Street
Canberra ACT 2601
GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111

28/02/2022

exemptions@acc.gov.au
www.acc.gov.au

Dear Interested Party

City of Hobart Council & Ors (Food Organics and Garden Organics) application for authorisation AA1000604 – interested party consultation

On 17 February 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from the City of Hobart Council, Glenorchy City Council and Kingborough City Council (the **Councils**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

The Councils are seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Authorisation would give them legal protection from competition laws to collectively tender and contract for Food Organics and Garden Organics (**FOGO**) processing services, including acceptance, sorting and disposal. The Councils are seeking authorisation for 4 years and 6 months. A full copy of the application for authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

The Councils have also requested interim authorisation to allow them to progress the tender process, with a view to identifying the preferred tenderer, commencing the negotiation process with the preferred tenderer and preparing the ensuing contractual documents, 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. 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.

If you intend to provide a submission on either the request for interim authorisation or on the substantive application, please do so by **14 March 2022**. If you wish to request an extension, please contact us on the details below as early as possible. Extensions are not normally granted for submissions on interim authorisation. Submissions after the due date (or after any extension granted) may not be taken into account.

Please use the coversheet that accompanied this letter and email your submission to exemptions@acc.gov.au, with the subject 'AA1000604 – City of Hobart Council & Ors

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

(Food Organics and Garden Organics) – submission'. Alternatively, if you would like to provide comments orally, please contact Tom Whitby 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
17 February 2022	Lodgement of application and supporting submission.
28 February 2022	Public consultation process begins.
14 March 2022	Closing date for submissions from interested parties.
March 2022	Applicant responds to issues raised in the public consultation process.
March/April 2022	Draft determination and decision on interim authorisation.
April 2022	Public consultation on draft determination including any conference if called.
May 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 Tom Whitby on 02 6243 1012 or exemptions@accc.gov.au.

Yours sincerely



Susie Black
Director
Competition Exemptions

Interested Party List

Australian Council of Recycling
Australian Packing Covenant Organisation
Department of Agriculture, Water, and Environment
National Waste and Recycling Industry Council
Waste Contractors & Recyclers Association
Waste Management and Resource Recovery Association of Australia
Waste Management Association of Australia
Department of Primary Industries, Parks, Water and Environment (TAS)
City of Hobart
Brighton Council
Central Highlands Council
Clarence City Council
Derwent Valley Council
Glamorgan Spring Bay Council
Glenorchy City Council
Huon Valley Council
Kingborough Council
Sorell Council
Southern Midlands Council
Tasman Council
Aquatec Maxcon
Barpa
BG & JM Barwick
C-wise Holdings
Pure Foods
Remondis Australia
Soilco
Spectran Group Logistics
Pure Living Soil
Veolia Environmental Services (Australia)