



Our ref: AA1000560
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Dear Madam/Sir

Gippsland Waste and Resource Recovery Group and Ors – application for authorisation AA1000560 – interested party consultation

On 18 June 2021 the Australian Competition and Consumer Commission (the **ACCC**) received an application for authorisation from Gippsland Waste and Resource Recovery Group (**GWRRG**).

GWRRG is seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth) on behalf of itself and six Victorian Councils (the **Applicants**). The six Councils are: Bass Coast Shire Council, Baw Baw Shire Council, East Gippsland Shire Council, Latrobe City Council, South Gippsland Shire Council and Wellington Shire Council.

Authorisation would give the Applicants legal protection to collaboratively identify and potentially source joint procurement of residual waste treatment and disposal services. The Councils will enter individual arrangements with successful tenderer/s but are also seeking authorisation to cover the potential for their ongoing joint management of the contracts. The Applicants are seeking authorisation for 20 years, in order to allow for the required return on investment for service providers to support investment in new processing infrastructure for the 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 Applicants' 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 Applicants have also requested interim in order to progress the tender process, with a view to then identifying appropriate suppliers and commencing the process of preparing contractual documentation. No supplier will be selected, or contract entered into, unless or until a final determination by the ACCC to grant 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 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 substantive 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 **either or both** the request for interim authorisation and the substantive application for authorisation by **12 July 2021**.

Please email your submission to exemptions@acc.gov.au, with the subject 'AA1000560 – GWRRG and Ors– submission'. Alternatively, if you would like to provide comments over the phone, please contact Anna Pound via the details below.

If you wish to request an extension, please contact us as early as possible. Submissions after the due date (or after any extension) may not be taken into account.

Your submission will be placed on the ACCC's [Authorisations public register](#), unless you have made a request (with reasons) 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.

Indicative date	Stage in assessment process
18 June 2021	Lodgement of application and supporting submission.
28 June 2021	Public consultation process begins.
12 July 2021	Closing date for submissions from interested parties.
19 July 2021	Applicant responds to issues raised in the public consultation process.
July/August 2021	Draft determination and decision on interim authorisation.
August/September 2021	Public consultation on draft determination including any conference if called.
September/October 2021	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 Ms Anna Pound on 03 9290 6920 or exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions