

Our ref: AA1000566
Contact officer: Nissa Burns
Contact phone: 03 9910 9558



AUSTRALIAN COMPETITION
& CONSUMER COMMISSION

tel: (02) 6243 1111

30/08/2021

exemptions@acc.gov.au

www.acc.gov.au

Dear Sir/Madam

Gippsland Waste and Resource Recovery Group and Ors - application for authorisation AA1000566 – interested party consultation

On 23 August 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.

GWRRG is seeking authorisation¹ under the *Competition and Consumer Act 2010* (Cth) on behalf of itself and six Victorian Councils. 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 (**Participating Councils**).

Authorisation would give the GWRRG and Participating Councils legal protection to collaboratively identify and potentially source joint procurement of processing services for **glass and mixed recycling**. It is expected that the Participating Councils will contract separately with the successful supplier(s), although authorisation is sought for the ongoing administration and management of the contracts. Authorisation is sought for approximately 16 years, to cover the initial procurement process and long-term contracts 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 GWRRG'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

GWRRG has also requested interim authorisation 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 is issued granting authorisation.

¹ 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 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 either or both the request for interim authorisation and the substantive application for authorisation by **6 September 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, with the subject 'AA1000566 – GWRRG and Ors – submission'. Alternatively, if you would like to provide comments orally, please contact Nissa Burns 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.

Indicative date	Stage in assessment process
23 August 2021	Lodgement of application and supporting submission.
30 August 2021	Public consultation process begins.
6 September 2021	Closing date for submissions from interested parties.
13 September 2021	GWRRG responds to issues raised in the public consultation process.
September/October 2021	Draft determination and decision on interim authorisation.
October/November 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 Nissa Burns on 03 9910 99558 or exemptions@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'D. Hatfield'.

David Hatfield
Director
Competition Exemptions