



Our ref: AA1000560
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By email

Dear Madam or Sir

Gippsland Waste and Resource Recovery Group – application for authorisation AA1000560 - draft determination & interim authorisation

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation lodged by Gippsland Waste and Resource Recovery Group (**GWRRG**) on 18 June 2021.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to GWRRG and 6 Gippsland Councils until 30 September 2042. The 6 Gippsland 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 is proposed to provide legal protection from competition laws for:

- GWRRG, on behalf of the Participating Councils, to conduct a collaborative competitive tender process for organic waste processing services, to evaluate the responses in collaboration with the Participating Councils and to negotiate the contractual framework on behalf of the Participating Councils
- the Participating Councils to enter into contract(s) with the successful supplier(s) (a flexible approach will be taken as to how the Participating Councils will contract, but it is most likely that the Participating Councils will contract separately with successful tenderers), and
- ongoing administration and management of the resultant contract(s) to be undertaken by the Participating Councils.

The ACCC has also granted GWRRG's request for interim authorisation to enable GWRRG and Participating Councils to progress the tender process, including identifying appropriate suppliers and commencing the process of preparing contractual documentation, while the ACCC is considering the substantive application. Interim authorisation was not sought (and not granted) to release any formal request for tender or to select or enter into contracts with suppliers.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [authorisations public register](#).

Next steps

Once the ACCC issues a draft determination, any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **10 August 2021**. Submissions should be emailed to

exemptions@acc.gov.au with the subject "AA1000560 – GWRRG – submission". If you prefer to make an oral submission, please contact Anna Pound via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **10 August 2021** by email to exemptions@acc.gov.au.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
18 June 2021	Lodgement of application and supporting submission.
28 June 2021	Public consultation process begins.
27 July 2021	Draft determination and decision on interim authorisation.
August 2021	Public consultation on draft determination including any conference if called.
August/September 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 Anna Pound on (03) 9290 6920.

Yours sincerely



David Hatfield
Director
Competition Exemptions