



Our ref: AA1000543
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25/02/2021

Dear Sir/Madam

Gippsland Waste and Resource Recovery Group application for authorisation AA1000543 – draft determination

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by the Gippsland Waste and Resource Recovery Group (**GWRRG**) on 15 January 2021.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation to GWRRG and six Victorian Councils (the **Applicants**) until 1 July 2042. 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 (the **Councils**). Authorisation is proposed to:

- give the Applicants legal protection from competition laws to jointly investigate and the councils to jointly procure the provision of organic waste processing services
- allow the Councils to sign individual contracts with the successful tenderer/s
- allow the Councils to jointly manage the contracts on an ongoing basis.

The ACCC also granted the Applicants' request for 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 to grant authorisation.

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

Next steps

Once the ACCC issues a draft determination, the Applicant or 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 **18 March 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject "AA1000543 – Gippsland Waste and Resource Recovery Group – submission". If you prefer to make an oral submission, please contact Tanya Hobbs 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 **12 March 2021** by email to exemptions@acc.gov.au.

Timetable

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

Indicative date	Stage in assessment process
15 January 2021	Lodgement of application and supporting submission.
1 February 2021	Public consultation process begins.
25 February 2021	Draft determination and interim authorisation
February/March 2021	Public consultation on draft determination including any conference if called.
April 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 Tanya Hobbs on 02 6243 1029.

Yours sincerely



Gavin Jones
Director
Competition Exemptions