



Our ref: AA1000543  
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Dear Sir/Madam

## **Gippsland Waste and Resource Recovery Group application for authorisation AA1000543 – final determination**

### **Determination**

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

GWRRG sought authorisation on behalf of itself 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 was sought to give the Applicants legal protection from competition laws to:

- jointly investigate and procure the provision of organic waste processing services
- enter into contracts with the successful tenderer/s, and
- jointly manage the contracts on an ongoing basis.

(the **Conduct**)

A copy of the ACCC's determination is attached, including a summary of its reasons. For the reasons set out in its determination, the ACCC has decided to grant authorisation until 1 July 2042. The ACCC's assessment is set out in Chapter 5 of its determination.

### **Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010* (Cth), a person dissatisfied with this determination may apply to the Australian Competition Tribunal for its review. An application for review must be made within 21 days of the date of this determination; that is, on or before 16 April 2021. If no application to review is lodged by this date, the ACCC's determination will come into force on 17 April 2021.

An application for review of the ACCC's determination should be lodged directly with the Australian Competition Tribunal. The Australian Competition Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the process involved in reviewing decisions in the Australian Competition Tribunal please refer to the tribunal's website located at <http://www.competitiontribunal.gov.au/>.

## **Interim authorisation**

As the ACCC has now made a final decision authorising the Proposed Conduct, the ACCC has varied the interim authorisation so it is on the same terms as the substantive authorisation that the ACCC has granted. This will allow the Applicants to progress the tender process in the manner they have requested until the substantive authorisation comes into force on 17 April 2021. The ACCC's assessment of the interim authorisation decision is set out in Chapter 6 of its 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

A handwritten signature in blue ink, appearing to read 'G Jones', with a long horizontal flourish extending to the right.

Gavin Jones  
Director  
Competition Exemptions