



Australian Competition & Consumer Commission

Ref: C2004/30  
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3 March 2004

Mr Anthony Reed  
Group Manager – Public Works & Services  
Locked Bag Box 2069  
North Ryde NSW 1670

Dear Mr Reed

***Trade Practices Act 1974***  
**Application for Authorisation A30231**  
**Lodged by Hornsby Shire Council, Hunters Hill Municipal Council, Lane Cove Council,  
North Sydney Council, the City of Ryde, Willoughby City Council, Mosman Municipal  
Council and Warringah Council (the Northern Sydney Region of Councils)**

**Request for interim authorisation**

I refer to your application for authorisation A30231 in relation to the advertising of a tender and subsequent joint tendering for the services of qualified contractors to provide waste transfer, processing and disposal services and request for interim authorisation to commence the process of advertising the tender.

As you may be aware, interim authorisation protects the arrangements for which authorisation is sought from legal action under the *Trade Practices Act 1974* ('the Act') while the Commission considers and evaluates the merits of the application.

The Commission has considered the request for interim authorisation, and has decided to grant interim authorisation to the Northern Sydney Region of Councils to proceed with advertising the tender while the Commission considers the substantive application. Interim authorisation has not been granted to allow the Northern Sydney Region of Councils to enter into contracts with tenders.

In assessing the request for interim authorisation, the Commission gave consideration to the following:

- granting interim authorisation would not permanently alter the state of the market or inhibit it from returning to its pre interim authorisation state if final authorisation is later denied; and
- granting interim authorisation is unlikely to harm any party.

Interim authorisation has been granted until the date the Commission issues a draft determination in relation to the Northern Sydney Region of Councils' application for authorisation, at which time the Commission will review the need for interim authorisation.



Please be advised that the Commission's decision in relation to interim authorisation should not be taken to be indicative of whether or not final authorisation will be granted by the Commission.

Please also note that under subsection 91(2AB) of the Act, the Commission may revoke an interim authorisation at any time.

I attach for your information a copy of the letter sent to interested parties informing them of the Commission's decision.

If you have any questions please contact Tania Mayrhofer on (02) 6243 1070.

Yours sincerely

Tim Grimwade  
General Manager  
Adjudication Branch