



Australian Competition & Consumer Commission

PO Box 1199  
Dickson ACT 2602  
470 Northbourne Ave  
Dickson ACT 2602  
Australia  
Ph (02) 6243 1111  
Fax (02) 6243 1199

Our Ref: C2004/30  
Contact Officer: Tania Mayrhofer  
Contact Phone: (02) 6243 1070

16 June 2004

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

Dear Mr Reed

**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 Councils and Warringah Council (the Northern Sydney Region of Councils)**

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.

As you are aware, on 3 March 2004 the Australian Competition and Consumer Commission (the Commission) granted interim authorisation to the Northern Sydney Region of Councils to allow them to commence the process of advertising the tender for waste transfer, processing and disposal service while the Commission considered the substantive application. Interim authorisation was not granted to allow the Northern Sydney Region of Councils to enter into contracts with the successful contractor(s).

The Commission has issued a draft determination proposing to grant authorisation to the proposed arrangements as requested by the Northern Sydney Region of Councils for the following periods:

- for the period of the collective tender process up to a maximum of nine months from 3 March 2004; and
- for the term of the contracts entered into under the tender process for up to a maximum of 15 years.

A copy of the draft determination is enclosed. The draft determination will also be available on the Commission's website: [www.accc.gov.au](http://www.accc.gov.au).

Before the Commission makes a final decision regarding the application, it provides an opportunity for the applicant and interested parties to make submissions to the Commission. The processes for providing submissions, both oral and written, are provided below.



*Pre-decision conference*

In accordance with section 90A of the *Trade Practices Act 1974*, an interested party may notify the Commission in writing by close of business on **2 July 2004** if that party wishes the Commission to hold a pre-determination conference in relation to the draft determination. The Act does not allow the Commission to extend this deadline.

A pre-determination conference provides the opportunity for interested parties, particularly in the event they are dissatisfied with the Commission's draft determination, to make oral submissions in response to the draft determination. In the event of such a conference taking place it would be held as soon as possible. The Act requires that the conference be held no later than **2 August 2004**.

*Submissions*

Submissions to the Commission should be made in writing. Unless confidentiality is requested, they will be publicly available and placed on a public register for that purpose. If you wish to include information in a submission which is of a confidential nature, it should be clearly marked as such and a claim for confidentiality for the material should also be submitted. You will be informed of the outcome of that claim and, if it is refused, the relevant material will be returned to you if you wish. Material for which confidentiality is granted will not be publicly available, but may be taken into account by the Commission in making a final decision regarding the application. Guidelines for seeking confidentiality are attached.

If you wish to lodge a submission, would you please address it to:

General Manager  
Adjudication Branch  
Australian Competition and Consumer Commission  
PO Box 1199  
DICKSON ACT 2602

Alternatively, submissions may be faxed to (02) 6243 1211 or emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au)

We request that submissions reach the Commission no later than close of business on **9 July 2004**. If you have any queries or if you wish to discuss any aspect of this application further, please contact Tania Mayrhofer on (02) 6243 1070.

Yours sincerely



Gavin Jones  
A/g Director  
Adjudication Branch