



Australian Competition & Consumer Commission

Our Ref: C2003/1363
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16 June 2004

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Dear

Application for authorisation (A90886) lodged by Councils of Camden, Campbelltown City Council, Liverpool City Council, Wollondilly Shire Council and Wingecarribee Shire Council (the Councils)

On 16 October 2003, the Australian Competition and Consumer Commission (the Commission) received an application for authorisation (A90886) from the Councils of Camden, Campbelltown City Council, Liverpool City Council, Wollondilly Shire Council and Wingecarribee Shire Council (the Councils).

Broadly, in their application for authorisation, the Councils seek authorisation to collectively tender for the services of qualified contractors, able to process, market or otherwise dispose of kerbside collected materials. A copy of the application for authorisation and supporting submission is available on the Commission's website – www.accc.gov.au or by contacting Tania Mayrhofer on (02) 6243 1070.

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

- for the period of the collective tender process up to a maximum of nine months from the date the final determination comes into effect; and
- for the term of the contracts entered into under the tender process for up to a maximum of 10 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.

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@accc.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



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