



**Australian
Competition &
Consumer
Commission**

Our Ref: C2006/2021
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23 November 2006

Garry Dickens
Manager – Environmental Solutions
Hurstville City Council
PO Box 205
HURSTVILLE BC NSW 1481

Dear Mr Dickens

**Application for authorisation A91019
lodged by the St. George (Sydney) Region of Councils
- request for interim authorisation**

The Australian Competition and Consumer Commission (ACCC) has decided to grant interim authorisation in respect of the above application for authorisation lodged by the St. George Region of Councils (the Councils) on 27 October 2006.

The Councils are seeking authorisation to jointly tender and contract for the provision of waste and recycling kerbside collection services in their combined local government areas.

Interim authorisation is granted to the Councils to:

- prepare documentation to invite tenders from parties wishing to provide waste collection services
- evaluate tender submissions
- prepare tender recommendations to the Councils' executives
- allow the Councils' executives to endorse the recommendations of the tender panel and seek to enter into contractual arrangements pending the final determination of the ACCC.

Interim authorisation protects the Councils from legal action under the relevant provisions of the *Trade Practices Act 1974* while the ACCC considers and evaluates the merits of the application. The Councils did not seek interim authorisation to enter into contracts at the conclusion of the tender process.



Summary of ACCC considerations

The ACCC has considered the request for interim authorisation and decided to grant interim authorisation until it issues a determination in this matter (unless circumstances warrant revocation or amendment of the interim authorisation at an earlier stage).

In assessing the request for interim authorisation the ACCC considered the timeline proposed by the Councils for the tender process. In addition, the ACCC took the view that granting interim authorisation is unlikely to prevent the relevant markets from returning to their pre-interim states should the ACCC later deny authorisation.

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

Next steps

The ACCC has requested interested party submissions in respect of the substantive application for authorisation by Friday 1 December 2006. We will provide you with the opportunity to comment on any public submissions received at this time.

The ACCC will then release a draft determination which will take into account any submissions from the Councils and interested parties and will indicate the ACCC's preliminary views on the merits of the application. The ACCC will provide the Councils and interested parties with the opportunity to provide a further submission on the draft determination before the ACCC issues its final decision.

This letter has been placed on the ACCC's public register and website. If you wish to discuss any aspect of this matter, please contact Nadia Cooke on (03) 9290 1478 or at nadia.cooke@acc.gov.au

Yours sincerely



David Hatfield
A/g General Manager
Adjudication Branch