



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2006/2021  
Contact Officer: Nadia Cooke  
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23 November 2006

[Address]

Dear [Salutation]

**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 any 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**.

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](mailto:nadia.cooke@acc.gov.au)

Yours sincerely



 David Hatfield  
A/g General Manager  
Adjudication Branch

## **Interested parties**

Amcor Australasia  
ASK Equipment Sales  
Australia Paper – Shoalhaven Mill  
BIS Cleanaway Limited  
Brandown Pty Ltd  
Breen Holdings Pty Ltd  
Collex Pty Ltd  
Dial a Dump Industries  
Environmental Protection Authority  
Global Renewables  
KAAL Australia Pty Ltd  
Local Government and Shires Association of NSW  
Metalcorp Recyclers Pty Ltd  
MRI  
New South Wales Jurisdictional Recycling Group  
Norske Skog  
Pioneer Waste Management Pty Ltd  
Reflex Pty Ltd  
Resource NSW  
Rethmann Australia Environmental Services Pty Ltd  
SITA Environmental Solutions  
SULO  
Thiess Services Pty Ltd  
Total Environment Centre Inc  
United Resource Management  
Veolia Environmental Services  
Visy Recycling  
Waste Contractors and Recyclers Association of NSW  
Waste Management Association of Australia  
WSN Environmental Services