



**Australian  
Competition &  
Consumer  
Commission**

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Our Ref: C2006/1814  
Contact Officer: Louise Hird  
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21 December 2006

Mr Paul Holm  
Partner  
Phillips Fox  
201 Elizabeth Street  
Sydney NSW 2000

Dear Mr Holm

**Re: Municipal Association of Victoria Applications for authorisation A30244 – A30245  
- draft determination**

The Australian Competition and Consumer Commission (ACCC) has issued a draft determination in respect of the applications for authorisation lodged by the Municipal Association of Victoria (MAV) on 21 December 2006.

A copy of the ACCC's draft determination is attached. For the reasons set out in its draft determination, the ACCC proposes to grant the authorisation 10 years.

**Interim authorisation**

On 1 November 2006, the ACCC granted interim authorisation allowing Councils to give effect to the proposed MoU and participate in the tender process, but not extending to the awarding of the final tender. Interim authorisation will continue to protect the proposed arrangements from action under the *Trade Practices Act 1974 (TPA)* until the date the ACCC's final determination comes into effect or until the ACCC decides to revoke interim authorisation.

**Next steps**

Once the ACCC issues a draft determination, the Applicants or any interested party who may be dissatisfied with the ACCC's draft determination may request that the ACCC convene a 'pre-decision conference'. A pre-decision conference provides the opportunity for interested parties to make oral submissions in relation to the draft determination. Under the TPA, the ACCC must set a date within 14 days of which any pre-decision conference must be requested. Accordingly, if you wish the ACCC to hold a pre-decision conference in relation to the draft determination, you must notify the ACCC in writing by **cob 19 January 2006**.



Conferences are conducted informally, without the participation of legal or other professional advisers.

Alternatively, you are also invited to make a written submission in response to the ACCC's draft determination. Written submissions should be lodged by **cob 19 January 2007** at the following address:

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

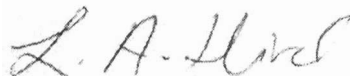
Submissions can also be lodged by e-mail to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) or by facsimile on 02 6243 1211.

Any submission you make will be placed on the ACCC's Public Register. You may request that information you provide in a submission to the ACCC be treated as confidential and not placed on the Public Register. Information excluded from the Public Register for reasons of confidentiality will still be considered by the ACCC when reaching its decision. Guidelines for seeking confidentiality are attached for your information.

The ACCC will consider any submissions it receives, including any oral submissions made should a pre-determination conference be called, and will then release a final determination in relation to these applications.

This letter has been placed on the ACCC's public register. If you wish to discuss any aspect of this matter, please do not hesitate to contact Louise Hird on 03 9290 1484.

Yours sincerely



*h* Gavin Jones  
Director  
Adjudication Branch