



**Australian
Competition &
Consumer
Commission**

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Our Ref: C2009/1422
Contact Officer: Jasmine Tan
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7 October 2009

Mr Ken Kanofski
Chief Executive Officer
WSN Environmental Solutions
PO Box 3260
ROHDES NSW 2138

Dear Mr Kanofski

**Hurstville City Council & Ors application for authorisation A91180
- draft determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a draft determination in respect of the application for authorisation lodged by Hurstville City Council & Ors (the Applicants) on 4 August 2009.

The Applicants seek authorisation for 20 years to make and give effect to a contract, arrangement or understanding to jointly tender for the provision of all municipal putrescible waste transfer, processing and disposal services to the respective local government areas.

Draft determination

A copy of the ACCC's draft determination is attached, including a summary of its reasons. For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 20 years.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party 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. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

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 **23 October 2009**.

Alternatively, you are invited to make a written submission in response to the ACCC's draft determination. Submissions should be lodged by **23 October 2009**.

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

Submissions will be placed on the ACCC's public register subject to any request for exclusion.

Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

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|------------------------------|--|
| 4 August 2009 | Lodgement of application and supporting submission. |
| 13 August 2009 | Public consultation process begins. |
| 26 August 2009 | ACCC decision regarding interim authorisation. |
| 7 October 2009 | Draft determination. |
| October/November 2009 | Public consultation on draft determination including any conference if called. |
| November 2009 | Final determination. |

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 Jasmine Tan on (02) 6243 1363.

Yours sincerely



David Hatfield
Director
Adjudication Branch