



Hurstville City Council & Ors application for authorisation A91180

Interim authorisation decision 26 August 2009

The Australian Competition and Consumer Commission (the ACCC) has decided to grant interim authorisation in respect of the application for authorisation lodged by the Hurstville City Council & Ors on 4 August 2009.

The councils of Hurstville, Kogarah, Rockdale and Sutherland seek authorisation for 20 years to make and give effect to a contract or arrangement to jointly tender for the provision of all municipal putrescible waste transfer, processing and disposal services to the respective local government areas. The councils have also requested immediate interim authorisation until a determination on the matter comes into effect, in order to conduct the joint tender. If authorisation of the substantive application is granted, the councils intend to enter into separate contracts with the successful tenderer(s), although these contracts would contain identical terms and conditions.

Interim authorisation

The ACCC grants interim authorisation to Hurstville City Council & Ors to conduct a joint tender process, including inviting and evaluating tenders, selecting a winner and preparing (but not signing) contracts for the services of the winning tenderer. Interim authorisation is effective until a Determination on the matter comes into effect or the ACCC revokes interim authorisation.

Reasons for decision

In assessing the request for interim authorisation, the ACCC considered that the conduct to be engaged in under interim authorisation was unlikely to significantly or irreversibly alter the status quo. The ACCC considers that the application for interim authorisation is urgent and that granting interim authorisation may increase competition in the market by encouraging potential new entrants to participate in the tender and making it feasible for more firms to submit tenders. Conversely, the ACCC considers denying interim authorisation may foreclose some possible competitors from bidding in the tender process. No objections have been raised in response to the request for interim authorisation.

Reconsideration of decision

The ACCC notes that it may review its decision at any time. The ACCC's decision should not be taken to be indicative of whether or not final authorisation will be granted.