

Our Ref: 55259  
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**Australian  
Competition &  
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24 July 2014

## **BY EMAIL**

Dear Sir/Madam

### **Metropolitan Waste Management Group & Ors - applications for authorisation A91445 & A91446 - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from the Metropolitan Waste Management Group, on behalf itself and the Participating Councils of Knox City Council, Maroondah City Council, Yarra Ranges Shire Council, Manningham City Council and Whitehorse City Council (the **Applicants**). As a potentially interested party, the ACCC invites you to provide a submission in relation to this application. If you do not wish to make a submission, no further action is required.

#### **Application for authorisation**

The Applicants are seeking authorisation to jointly tender for organic waste processing services.

Under the arrangements:

- Metropolitan Waste Management Group (MWMG), a Victorian statutory body corporate whose role is to coordinate joint procurements of this kind, proposes to act on the Participating Councils' behalf and facilitate the procurement.
- The Applicants propose to jointly procure, negotiate and contract for the supply of organic waste processing services, and propose to make joint decisions regarding the ongoing administration of the contracts for the supply of organic waste processing services.

The Applicants have sought authorisation for a total period of 18 years, comprising: a three-year period for the remainder of the joint procurement process, the negotiation/execution of the contracts and the construction/ commissioning of the new facilities; and a proposed 15-year operating term.

A full copy of the application for authorisation is available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>. Further information about the authorisation process is available here: <https://www.accc.gov.au/publications/authorisation>

#### **Interim authorisation**

The Applicants have also sought interim authorisation to commence the joint procurement process, including MWMG entering into Memorandum of Understandings

with the Participating Councils, and commencing the tender and contract negotiation process to procure organic waste processing services that meet the requirements of the Participating Councils. This interim authorisation would not permit the councils to collectively enter into any contracts with a successful tenderer.

The ACCC endeavours to deal with requests for interim authorisation as soon as possible. The *Competition and Consumer Act* allows the ACCC to grant interim authorisation where the ACCC considers it appropriate to allow the parties to engage in the conduct while the ACCC is considering the substantive application for authorisation.

The ACCC decides whether to grant interim authorisation on a case by case basis. Should an applicant request interim authorisation, the ACCC will usually consider a range of factors, including harm to the applicant and other parties if interim is or is not granted, possible benefit and detriment to the public, the urgency of the matter and whether the market would be able to return to substantially its pre-interim state if the ACCC should later deny authorisation.

### **Request for submissions**

The ACCC invites you to make a submission on the likely public benefits and effect on competition, or any other public detriment, which might result from the proposed arrangements.

If you intend to provide a submission in relation to the Applicant's application for authorisation or interim authorisation, please do so by **8 August 2014**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91445 & A91446 - Metropolitan Waste Management Group – submission".

Alternatively, if you would like to provide comments orally, please contact the Anna Giannakos on (03) 9290 6920 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion. Further information about excluding information from the public register is available here:

[www.acc.gov.au/excludinginformationfrompublicregister](http://www.acc.gov.au/excludinginformationfrompublicregister).

### **Timetable**

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

<b>16 July 2014</b>	Lodgement of application and supporting submission.
<b>24 July 2014</b>	Public consultation process begins.
<b>8 August 2014</b>	Closing date for submissions on interim and substantive authorisation.
<b>August 2014</b>	Applicant responds to issues raised in the public

	consultation process.
<b>August /September 2014</b>	ACCC decision regarding interim authorisation and draft determination.
<b>September 2014</b>	Public consultation on draft determination including any conference if called.
<b>September/October 2014</b>	Final determination.

Please advise if you do not wish to make a submission at this time, but would like to be informed of the progress of the application at the draft and final determination stages. If you are able please provide a nominated contact email address for future correspondence.

You can also forward this letter to any other party who may wish to make a submission to the ACCC regarding the application.

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 Anna Giannakos on 03 9290 6920 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Susan Philp  
 Director  
 Adjudication Branch

## **Authorisations A91445 & A91446 - Interested Parties List**

Consolidated Waste Management Pty Ltd  
Department of Environment and Primary Industries  
Dial-A-Dump Industries P/L  
Enviromix Pty Ltd  
EPA Victoria  
JJ Richards & Sons  
Polytrade Recycling  
SITA Environmental Solutions  
Sustainability Victoria  
Transpacific Cleanaway  
Transpacific Cleanaway Pty Ltd  
Valoriza Servicios Medioambientales, on behalf of Sacyr Industrial Pty Ltd  
Van Schaik's Bio Gro Pty Ltd  
Veolia Environmental Services (Aust) Pty Ltd  
VISY  
Waste Contractors & Recyclers Association  
Waste Management Association of Australia  
Western Composting Technology