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**Australian
Competition &
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Commission**

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27 August 2014

BY EMAIL

Dear Sir/Madam

Metropolitan Waste Management Group & Ors - applications for authorisation A91445 & A91446 - draft determination and interim authorisation

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination and has granted interim authorisation in respect of the application for authorisation lodged by the Metropolitan Waste Management Group (MWMG) & Ors (**the Applicants**) on 16 July 2014.

Draft determination

A copy of the ACCC's draft determination and summary of its reasons is attached.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for eighteen years.

Interim authorisation

The ACCC has also granted interim authorisation to allow the Applicants 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 does not permit the Participating Councils to collectively enter into any contracts with a successful tenderer.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

If you wish to make a submission in response to the ACCC's draft determination, please lodge your submission by **12 September 2014**.

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 **12 September 2014**.

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 the application.

Submissions will be placed on the ACCC's public register subject to any request for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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.

Indicative date	Stage in assessment process
16 July 2014	Lodgement of application and supporting submission.
27 August 2014	ACCC decision regarding interim authorisation and draft determination.
12 September 2014	Closing date for submissions on the draft determination including any conference if called.
September/October 2014	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 Anna Giannakos on 03 9290 6920 or adjudication@acc.gov.au.

Yours sincerely



Susan Philp
Director
Adjudication Branch

Interested Parties Consulted

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