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**Australian
Competition &
Consumer
Commission**

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5 February 2014

BY EMAIL

Dear Sir/Madam

Glenorchy City Council & Ors - application for authorisation A91408 - interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Glenorchy City Council, Clarence City Council and Hobart 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 and, following selection of the successful tenderer, individually contract (with common terms) for the collection, acceptance and sorting of kerbside/roadside recyclable materials from households within their respective municipal areas for either disposal or onward transfer for ultimate recycling.

Authorisation has been sought for 9 years.

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

Interim authorisation

The parties have also sought interim authorisation to enable the councils to commence the tender process while the ACCC considers the merits of the application for authorisation. This 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 quickly. The 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, 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 **21 February 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91408 – Glenorchy City Council & Ors – submission".

Alternatively, if you would like to provide comments orally, please contact Hayley Parkes on 03 9290 6926 to organise a suitable time.

Submissions, including oral submissions, will be placed on the ACCC's public register subject to any request for exclusion (guidelines are attached).

Timetable

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

31 January 2014	Lodgement of application and supporting submission.
5 February 2014	Public consultation process begins.
21 February 2014	Closing date for submissions on interim and substantive authorisation.
Mid-March 2014	ACCC decision regarding interim authorisation and draft determination.
March/April 2014	Public consultation on draft determination including any conference if called.
May 2014	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.

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 Hayley Parkes on 03 9290 6926 or adjudication@acc.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Marie Dalins', is positioned above the printed name.

Marie Dalins
Director
Adjudication Branch

A91408 – Glenorchy City Council & Ors – Interested party list

Australian Native Landscapes
Environmental Protection Authority
JJ Richards & Sons
JR Richards & Sons
Local Government Association of
Tasmania
Polytrade Recycling
Remondis
SITA Australia
SKM Recycling
Tox Free
Transpacific Cleanaway
URM
Veolia Environmental Services
VISY
Waste Contractors & Recyclers
Association
Waste Management Association of
Australia
Western Composting Technology