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**Australian
Competition &
Consumer
Commission**

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10 February 2014

BY EMAIL

Dear Sir/Madam

Bankstown City Council & Ors - application for authorisation A91409 - interested party consultation

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Bankstown City Council, Fairfield City Council, Parramatta City Council and Liverpool 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 the receipt and processing of dry waste items that are not collected through the weekly waste collection ("household clean up waste stream", including items such as mattresses, white goods, hot water system, bulky garden waste etc) and enter into individual contracts with successful tenderer/s.

Under the arrangements:

- each council may enter into contract with a separate service provider,
- all councils may enter into a contract with the same service provider, or
- some councils may enter into a contract with the one service provider and other councils may enter into a contract with another service provider.

Authorisation has been sought for 6 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 **26 February 2014**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91409 – Bankstown 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. Further information about excluding information from the public register is available here: www.accc.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.

5 February 2014	Lodgement of application and supporting submission.
10 February 2014	Public consultation process begins.
26 February 2014	Closing date for submissions on interim and substantive authorisation.
Late March 2014	ACCC decision regarding interim authorisation

	and draft determination.
March/April 2014	Public consultation on draft determination including any conference if called.
May/June 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



Marie Dalins
Director
Adjudication Branch

A91409 – Bankstown City Council & Ors – Interested Parties

Central NSW Councils (CENTROC)
Dial-A-Dump Industries P/L
Environmental Protection Authority
JJ Richards & Sons
JR Richards & Sons
Local Government NSW
Polytrade Recycling
Remondis
SITA Australia
Transpacific Cleanaway
URM
Veolia Environmental Services
VISY
Waste Contractors & Recyclers Association
Waste Management Association of Australia
Western Composting Technology
Western Sydney Regional Organisation of Councils
(WSROC)