



**Australian
Competition &
Consumer
Commission**

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26 October 2015

Dear Sir/Madam

**Application for minor variation Maitland City Council & Ors Authorisation A91483
- interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application to vary authorisation A91483 previously granted to Maitland City Council, Cessnock City Council and Singleton Council (the Councils). The ACCC would like to invite you to comment on the application.

Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process and how to make a submission to the ACCC.

Authorisation A91483 was originally granted by the ACCC on 9 July 2015 to the Councils to:

- conduct a joint tender process for organics collection and processing services and at the election of one or more of the Councils, the collection and delivery of bulky waste services
- each enter into a contract on the same general terms and conditions for those services
- consult with each other and make joint decisions regarding the service-related operational and ongoing administrative matters.

Proposed minor variation to A91483

Without the successful appointment of a contractor under the joint tendering process for which authorisation was granted, the Councils are seeking to undertake further joint tendering processes and contract arrangements for the tendered services.

In essence, the Councils have sought a minor variation to conduct the same joint tendering processes and contract arrangements but with the scope of services divided into separate tendering processes so that the organics collection and organics processing services are not all subject to one tendering process.

Instead of inviting tenders for organics collection and organics processing services as was the conduct for which the authorisation was obtained, the Councils propose separate tenders with:

- one joint tendering process for the organics processing services
- a subsequent joint tendering process for organics collection services for a 7 year term
- another subsequent joint tendering process for organics collection services for a further 7 year term.

For further information on the Councils' application for minor variation, please see the attached submission.

Request for submissions

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

If you intend to provide a submission, please do so by **6 November 2015**. Submissions should be emailed to adjudication@acc.gov.au with the subject "A91483 – Maitland City Council & Ors – submission".

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

16 October 2015	Lodgement of application and supporting submission.
26 October 2015	Public consultation process begins.
6 November 2015	Closing date for submissions from interested parties.
November 2015	Applicant responds to issues raised in the public consultation process.
December 2015	Determination.

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

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 Tess Macrae on 03 9290 1835 or adjudication@acc.gov.au.

Yours sincerely



Lyn Camilleri
Director
Adjudication

