

Our Ref: 58503  
Contact Officer: Tess Macrae  
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**Australian  
Competition &  
Consumer  
Commission**

2 December 2015

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[www.accc.gov.au](http://www.accc.gov.au)

Dear Sir/Madam

### **Application for Minor Variation to Maitland City Council & Ors Authorisation A91483 - determination**

The Australian Competition and Consumer Commission (the ACCC) has issued a determination varying authorisation A91483.

Authorisation A91483 was originally granted by the ACCC on 9 July 2015. Without the successful appointment of a contractor under the joint tendering process for which authorisation was granted, the Councils sought to undertake further joint tendering processes and contract arrangements for the tendered services.

In essence, the Councils 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 proposed separate tenders with:

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

A copy of the ACCC's determination is attached.

### **Application for review**

Pursuant to section 101 of the *Competition and Consumer Act 2010*, a person dissatisfied with this determination may apply to the Australian Competition Tribunal (the Tribunal) for a review of the determination. An application for review must be made within 21 days of the date of this determination; that is, on or before 23 December 2015. If no application to review is lodged by this date, the ACCC's determination will come into force on 24 December 2015.

An application for review of the ACCC's determination should be lodged directly with the Tribunal. The Tribunal is a separate body from the ACCC and is located within the Federal Court of Australia.

For further information about the Tribunal's process to hear applications for review of ACCC determinations please refer to the Tribunal's website at [www.competitiontribunal.gov.au](http://www.competitiontribunal.gov.au).

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.

Yours sincerely

A handwritten signature in black ink, appearing to read 'L. Camilleri', is positioned above the typed name.

Lyn Camilleri  
Director  
Adjudication