



**Australian  
Competition &  
Consumer  
Commission**

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3 December 2015

**Sent via email**

Dear Sir/Madam

### **Council Solutions & Ors A91520 - interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Council Solutions, on behalf of itself and the Corporation of the City of Adelaide and the Cities of Charles Sturt, Marion, Tea Tree Gully and Port Adelaide Enfield (the Participating Councils). The ACCC invites 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.

Council Solutions, on behalf of itself and the Corporation of the City of Adelaide and the Cities of Charles Sturt, Marion, Tea Tree Gully and Port Adelaide Enfield (the Participating Councils), propose to jointly tender, negotiate and contract for the supply of:

- waste collection services
- receiving and processing of recyclables
- receiving and processing of organics
- waste disposal services

(together, the Service Streams).

In particular, Council Solutions, on behalf of itself and the Participating Councils, seeks authorisation for:

- Council Solutions, on behalf of the Participating Councils, to conduct collaborative competitive tender processes for services within the Service Streams (including the sharing of information), to evaluate the responses in collaboration with the Participating Councils and to negotiate on behalf of the Participating Councils the contractual framework;

- the Participating Councils to individually enter into separate contracts on identical or near identical terms with each Supplier/Operator (the contracts for all services within the Service Streams will be on the same general terms and conditions); and
- certain decisions regarding the ongoing administration and management of the resultant contracts to be made jointly by Council Solutions and/or particular Participating Councils.

Authorisation is sought for a total period of 17 years.

A full copy of the application for authorisation is attached and will be available on the ACCC's website <[www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister)>.

### **Interim authorisation**

The applicants seek interim authorisation in order to allow for an approach to market by March 2016 and to commence the tender and contract negotiation process. The applicants have requested that the ACCC make a decision on interim authorisation at the time of releasing the draft determination.

The ACCC endeavours to deal with requests for interim authorisation quickly. In making an assessment as to whether it is appropriate to grant interim authorisation, the ACCC is not required to undertake a full assessment of the benefit and detriment likely to arise as a result of the proposed conduct.

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 application for authorisation and/or the application for interim authorisation, please do so by **18 December 2015**. Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject 'A91520 Council Solutions & Ors – submission'.

Submissions, including a record of oral 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.

<b>30 November 2015</b>	Lodgement of application and supporting submission.
<b>3 December 2015</b>	Public consultation process begins.
<b>18 December 2015</b>	Closing date for submissions from interested parties.
<b>December 2015</b>	Applicants respond to issues raised in the public consultation process.
<b>February/March 2016</b>	Draft determination and ACCC decision regarding interim authorisation.
<b>March 2016</b>	Public consultation on draft determination including any conference if called.
<b>April 2016</b>	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. If you are able to please provide a nominated contact email address for future correspondence.

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

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](mailto:adjudication@acc.gov.au)

Yours sincerely



Lyn Camilleri  
Director  
Adjudication

## **List of Interested Parties – Council Solutions & Ors – application for authorisation – A91520**

Adelaide Hills Council  
Australian Council of Recycling  
City of Campbelltown  
City of Charles Sturt  
City of Marion  
City of Mitcham  
City of Onkaparinga  
City of Playford  
City of Port Adelaide Enfield  
City of Prospect  
City of Salisbury  
City of Tea Tree Gully  
City of Unley  
City of West Torrens  
Corporation of the City of Adelaide  
East Waste  
Integrated Waste Services  
J.J. Richards  
Jefferies  
LGA of South Australia  
NAWMA  
Peats Soils  
REMONDIS Australia  
SKM Recycling  
Solo Resource Recovery  
Southern Waste Resource Co  
SRWRA  
Suez Environment  
Transpacific Cleanaway  
Veolia  
Visy Recycling  
Waste Management Association of Australia