

Our Ref: 57223  
Contact Officer: Hubert Wu  
Contact Phone: (03) 9658 6490



**Australian  
Competition &  
Consumer  
Commission**

15 April 2015

***Sent via email***

Dear Sir/Madam

GPO Box 3131  
Canberra ACT 2601

23 Marcus Clarke Street  
Canberra ACT 2601

tel: (02) 6243 1111  
fax: (02) 6243 1199

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

**Metropolitan Waste and Resource Recovery Group & Ors - A91489 & A91490**  
**– initial interested party consultation**

The Australian Competition and Consumer Commission (**ACCC**) is currently conducting a consultation process on an application for authorisation received from Metropolitan Waste and Resource Recovery Group (**MWRRG**) on behalf of itself and Brimbank City Council; Melbourne City Council; Port Phillip City Council; and Wyndham City Council (together, the **Group**) on 8 April 2015.

The purpose of this letter is to invite you, as a potentially interested party, 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.

MWRRG and the Group seek authorisation to jointly procure, negotiate, and contract services for the receiving, sorting, compacting, and processing of kerbside collected recyclable material. MWRRG and the Group also propose to make joint decisions about the administration of the contracts for the supply of recyclables receiving and processing services.

A full copy of the application and detailed supporting submission is attached. It is also available on the ACCC's website at [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister).

**Interim authorisation**

MWRRG and the Group are seeking interim authorisation to enable the immediate progression of the tender and negotiation process (so that contracts can be executed by February 2016) and for interim supply arrangements to be agreed upon.

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. Nevertheless, submissions in relation to interim authorisation are invited in this matter.

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 authorisation 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 authorisation state if the ACCC should later deny authorisation.

## Request for submissions on interim authorisation and/or substantive application

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 MWRRG and the Group's application for interim authorisation please do so by **22 April 2015**.

If you intend to provide a submission in relation to the substantive application for authorisation please do so by **6 March 2015**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject 'A91483 – MWRRG & Ors – submission'.

Alternatively, if you would like to provide comments orally, please contact Hubert Wu on (03) 9658 6490 or via email [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) to organise a suitable time.

Submissions, including 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](#).

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 applications 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 applications.

### 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>8 April 2015</b>	Lodgement of application and supporting submission.
<b>15 April 2015</b>	Public consultation process begins.
<b>22 April 2015</b>	Closing date for submissions on interim authorisation.
<b>Early May 2015</b>	ACCC decision regarding interim authorisation.
<b>6 May 2015</b>	Closing date for submissions on substantive application for authorisation.
<b>May 2015</b>	Applicants respond to issues raised in the public consultation process.
<b>Late May 2015</b>	Draft determination.
<b>May/June 2015</b>	Public consultation on draft determination including any conference if called.

<b>June 2015</b>	Final determination.
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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 Hubert Wu on (03) 9658 6490 or by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink, consisting of a stylized initial 'R' followed by a long horizontal line.

Dr Richard Chadwick  
General Manager  
Adjudication Branch