



Australian  
Competition &  
Consumer  
Commission

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11 May 2016

John Chapman  
Small Business Commissioner (SA)

By email: [sasbc@sa.gov.au](mailto:sasbc@sa.gov.au)

Dear Mr Chapman

### **Council Solutions & Ors - Application for authorisation A91520**

Thank you for your correspondence received on 4 May 2016 in relation to the ACCC's draft determination on the application for authorisation lodged by Council Solutions.

In your correspondence you raised concerns relating to the ACCC's decision to extend the statutory timeframe for the release of a final determination until 23 December 2016. You have also requested an update on the likely timing of the final determination in this matter.

#### **Extension to statutory timeframe for the ACCC to make a final determination**

By way of update, on 13 April 2016 Council Solutions requested an extension of time to provide a written submission to the ACCC and noted that it is continuing to engage with industry in relation to the proposed arrangements for which authorisation is sought.

In response to Council Solutions' request, the ACCC has decided to extend the relevant period for considering the application until 23 December 2016, which is essentially the maximum extension permitted (six months) under the *Competition and Consumer Act 2010* (Act). The Act only permits one extension to this period.

Council Solutions will now provide its written submission in response to oral and written submissions by 30 May 2016. Interested parties will then be invited to make any comments on any new information or arguments provided to the ACCC as part of Council Solutions' written submission.

#### **Timetable**

Although the statutory timeframe has been extended until December, the ACCC will continue to progress its assessment of the application for authorisation in a timely manner and our current expectation is concluding our assessment well before December 2016.

An indicative timetable, including steps in the process that have occurred to date, 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 public submissions from interested parties ( <i>First opportunity for interested parties to provide written submissions</i> )
<b>19 January 2016</b>	Applicant responds to issues raised in public consultation process
<b>11 February 2016</b>	ACCC issues draft determination and ACCC decision regarding interim authorisation
<b>26 February 2016</b>	Closing date for interested parties to request that the ACCC convene a pre-decision conference
<b>11 March 2016</b>	Closing date for public submissions on the draft determination (extended from 26 February 2016) ( <i>Second opportunity to provide written submissions</i> )
<b>21 March 2016</b>	Pre-decision conference held in Adelaide ( <i>Opportunity for Applicant and interested parties to make oral submissions on the draft determination</i> )
<b>4 April 2016</b>	Closing date for written submissions following the pre-decision conference ( <i>Third opportunity for interested parties to provide written submissions</i> )
<b>29 April 2016</b>	Six month statutory timeframe to make a final determination extended from 2 July 2016 until 23 December 2016
<b>30 May 2016</b>	Applicant to respond to issues raised in public consultation process (extended from 18 April 2016)
<b>June 2016</b>	Consultation with interested parties in relation to information and issues raised in Council Solutions' written submission ( <i>Fourth opportunity for interested parties to provide written submissions</i> )
<b>July / August 2016</b>	ACCC issues final determination

We will shortly be providing this revised timetable to the applicant and interested parties. Please note that this timetable is subject to Council Solutions providing a written submission by 30 May and any further consultation that the ACCC may need to undertake.

I trust this information is of assistance and thank you for taking the time to write in relation to your concerns. Should you wish to discuss this matter further, please contact me on (02) 6243 3067. This letter will be made available on the ACCC public register.

Yours sincerely



Baethan Mullen  
Acting General Manager  
Adjudication Branch