



Australian  
Competition &  
Consumer  
Commission

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By email

Dear Sir / Madam

### **Cairns Regional Council application for authorisation A91544 — interested party consultation**

The Australian Competition and Consumer Commission (the ACCC) has received an application for authorisation from Cairns Regional Council on behalf of itself, Douglas Shire Council and Mareeba Shire Council. The ACCC invites you to comment on the application.

Cairns Regional Council is seeking authorisation to jointly tender to acquire waste collection services for an initial term of nine years with options to extend the initial nine year term for two additional 12 month periods (ie up to 11 years). A full copy of the application for authorisation is available on the ACCC's website [www.accc.gov.au/AuthorisationsRegister](http://www.accc.gov.au/AuthorisationsRegister).

#### **Interim authorisation**

Cairns Regional Council has requested interim authorisation to prepare and issue a Request for Tender, evaluate tender responses and negotiate with waste collection contractors. No new waste collection contracts will become effective unless and until final authorisation is granted by the ACCC.

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.

Submissions in relation to interim authorisation should be provided by **13 July 2016**.

If you intend to provide a submission in relation to the substantive application for authorisation, please do so by **22 July 2016**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au) with the subject "A91544 – Cairns Regional Council– submission."

Alternatively, if you would like to provide comments orally, please contact Kabita Prasad on (02) 6243 1187 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 [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

Indicative date	Stage in assessment process
28 June 2016	Lodgement of application and supporting submission, including request for interim authorisation.
1 July 2016	Public consultation process begins.
13 July 2016	Closing date for submissions on interim authorisation.
Late July 2016	ACCC decision regarding interim authorisation.
22 July 2016	Closing date for submissions from interested parties on substantive application for authorisation.
August 2016	Applicant responds to issues raised in the public consultation process.
August/September 2016	Draft determination.
September/October 2016	Public consultation on draft determination including any conference if called.
October/November 2016	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 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.

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 Kabita Prasad on (02) 6243 1187 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely



Darrell Channing  
Director  
Adjudication Branch