



Australian  
Competition &  
Consumer  
Commission

23 Marcus Clarke Street  
Canberra ACT 2601

GPO Box 3131  
Canberra ACT 2601

tel: (02) 6243 1111

fax: (02) 6243 1199

adjudication@acc.gov.au

www.acc.gov.au

Our ref: 62782  
Contact officer: Theo Kelly  
Contact phone: 02 6243 1179

28 August 2017

### ***By email***

Dear Sir or Madam

The Australian Competition and Consumer Commission (the ACCC) is currently conducting a consultation process on an application for authorisation lodged by Loddon Mallee Waste and Resource Recovery Group (Loddon Mallee Group) on 17 August 2017.

The ACCC invites you to comment on the application.

A full copy of the application for authorisation is available on the ACCC's website: <http://www.accc.gov.au/authorisationsregister>. Please see the ACCC's publication [Authorisation process - the basics](#) for a summary of the authorisation process.

Loddon Mallee Group seeks authorisation for 16 years to jointly procure certain waste and resource recovery and resource recovery services on behalf of eight participating councils in Victoria.

The participating councils are City of Greater Bendigo, Rural City of Mildura, Rural City of Swan Hill, Gannawarra Shire, Loddon Shire, Buloke Shire, Mount Alexander Shire and Macedon Ranges Shire.

The 16 year period comprises of a period for initial joint procurement processes and then 11 year contracts (the last of which will commence in 2022).

The services sought include domestic kerbside collection, acceptance and processing of waste (including recyclables and organic waste); the supply, collection, acceptance and processing of bulk bins and skips; and the collection processing and/or disposal of specific material streams (such as e-waste, mattresses, tyres and certain plastics).

The proposed conduct will involve two successive joint tenders. The first will include participating councils whose existing contracts are due to expire in 2018. The remaining councils will tender in 2019.

### **Interim Authorisation**

Loddon Mallee Group also seeks interim authorisation to enable the participating councils to immediately progress their joint procurement and to provide sufficient time to put in place arrangements before relevant contracts expire.

The ACCC endeavours to assess requests for interim authorisation in a timely manner. The ACCC decides whether to grant interim authorisation on a case by case basis.

In deciding 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 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 request for interim authorisation please do so by **4 September 2017**.

Submissions on the substantive application for re-authorisation should be provided by **18 September 2017**.

Submissions should be emailed to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

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

Indicative date	Stage in assessment process
<b>17 August 2017</b>	Lodgement of application and supporting submission, including request for interim authorisation.
<b>22 August 2017</b>	Public consultation process begins.
<b>4 September 2017</b>	Closing date for submissions on interim authorisation.
<b>18 September 2017</b>	Closing date for submissions on the substantive application for authorisation.
<b>September 2017</b>	ACCC decision regarding interim authorisation.
<b>September/October 2017</b>	Applicant responds to issues raised in the public consultation process.
<b>October/November 2017</b>	Draft determination.
<b>November/December 2017</b>	Public consultation on draft determination including any conference if called.
<b>January 2017</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.

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 Theo Kelly on (02) 6243 1179 or [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au).

Yours sincerely

A handwritten signature in blue ink that reads "DChanning". The signature is stylized with a large, sweeping flourish at the end.

Darrell Channing  
Director  
Adjudication Branch