

From: [Eddie Scuderi](#)
To: [Lyle, Tom](#)
Cc: [James Cameron](#)
Subject: Application for revocation and substitution - GVWRRG, NEWRRG and Participating Councils
Date: Friday, 29 April 2022 4:15:03 PM

Dear Tom

Thank you for your time on the phone this morning with me and James discussing the applicants' request for interim authorisation.

We have conferred with our clients regarding their request for interim authorisation and the ACCC's expectation of being able to issue a draft determination within approximately 6-8 weeks. Our instructions are that the applicants wish to maintain their request for interim authorisation for the following reasons:

1. The Waste and Resources Recovery Groups (GVWRRG and NEWRRG) are supporting a majority of the participating councils and alpine resorts listed as applicants in the application to conduct a joint procurement process for the following kerbside waste and resource recovery services:
 - Collection of kerbside residual waste, comingled recyclables, Food Organics and Garden Organics (FOGO) and separate glass. This includes collection of these materials (only) from council owned Resource Recovery Centres/Transfer Stations;
 - Acceptance and sorting of the collected comingled recyclables;
 - Acceptance and sorting of the collected glass;
 - Acceptance and processing of FOGO; and
 - Acceptance and disposal of residual waste.
2. Because a number of the existing kerbside waste and resource recovery service contracts made with the participating councils are due to expire as soon as February 2023, the 16th of May 2022 has been scheduled for the release of a tender for the services listed above. (The release date is subject to obtaining approval from both the Minister for Environment as well as ACCC). Unfortunately, the release of a draft determination within 6-8 weeks will not enable the applicants to lawfully proceed with a release to market on or around 16 May 2022.
Note: Section 4.3 of the application states that contracts with some of the Participating Councils are due to expire as soon as 2022. We are instructed that this remains the case however those contracts relate to recyclables acceptance and sorting services being conducted under the section 186 exemption referred to in footnote 7 of the application, and which may be extended through procurement exemptions being explored by those Participating Councils.
3. The 16 May 2022 release date is critical to allow Service Providers to have reasonable lead times from contract award to service commencement to be able to purchase vehicles/plant/equipment and establish/upgrade facilities to mobilise (transition into) the services. If a reasonable lead time is not provided that may impact on the quality of responses received, and on the extent of competition able to be generated from, the market. For example, it may be prejudice to smaller market participants that need more time to finance and procure necessary vehicles, plant and equipment.

We trust this provides you with a sufficient basis to grant interim authorisation however if you need any further information or documents, please let us know.

Kind regards,

Eddie and James

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