



**Gippsland Waste and Resource Recovery Group and Ors –
Application for authorisation AA1000566
Interim authorisation decision
6 October 2021**

1. The Australian Competition and Consumer Commission (the **ACCC**) has decided to revoke the interim authorisation granted to the Gippsland Waste and Resource Recovery Group (**GWRRG**) and others on 23 September 2021 (included in the Draft Determination) in respect of application for authorisation AA1000566 and grant a new interim authorisation allowing an expanded range of conduct, described below.
2. GWRRG and 6 Gippsland Councils, Bass Coast Shire Council, Baw Baw Shire Council, East Gippsland Shire Council, Latrobe City Council, South Gippsland Shire Council and Wellington Shire Council, (the **Participating Councils**) have applied for authorisation to collectively procure processing services for glass and mixed recycling.
3. On 23 September 2021, the ACCC released a draft determination proposing to grant authorisation. The ACCC also granted interim authorisation for the GWRRG and the Participating Councils to progress the tender process, including identifying appropriate service suppliers and commencing the process of preparing contractual documentation. Interim authorisation did not extend to releasing a formal request for tender or selecting or entering into contracts with suppliers.
4. On 30 September 2021, GWRRG wrote to the ACCC seeking to have the interim authorisation amended to allow for the issue of a joint request for tender. GWRRG submits that it is important for them to be able to release a request for tender by 8 October, in order to proceed through the procurement process and be in a position to finalise contracts with suppliers in time to avoid any of the councils having their existing services potentially disrupted.
5. In varying the interim authorisation previously granted, the ACCC considers that the relevant areas of competition are unlikely to be permanently altered if interim authorisation is extended to allow the Councils to release a joint request for tender.
6. The ACCC considers there is merit in enabling the Participating Councils to commence the joint tender process soon in order to minimise the risk of interruption of service, or having to enter into short term supply arrangements, if long term arrangements for the processing of glass and mixed recyclables are not in place when the Councils current contracts expire.
7. The ACCC has therefore decided to grant a new interim authorisation to enable GWRRG to progress the tender process, including identifying appropriate service suppliers, commencing the process of preparing contractual documentation, and releasing a joint request for tender. Interim authorisation does not extend to the Councils selecting or entering into contracts with suppliers following any joint tender process.
8. This interim authorisation commences immediately and remains in place until it is revoked, the application for authorisation is withdrawn, or the date the ACCC's final determination comes into effect.