



23 Marcus Clarke Street
Canberra ACT 2601

Our ref: AA1000659
Contact officer: Miriam Kolacz
Contact phone: (03) 9658 6476

GPO Box 3131
Canberra ACT 2601
tel: (02) 6243 1111
exemptions@acc.gov.au
www.acc.gov.au

14 May 2024

By email

Dear Interested Party

Shellharbour City Council and Wollongong City Council — application for authorisation AA1000659 — draft determination & interim authorisation

The Australian Competition and Consumer Commission (**the ACCC**) has issued a draft determination in respect of the application for authorisation lodged by Shellharbour City Council and Wollongong City Council (**the Applicants**) on 21 December 2023.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 11 years.

A copy of the ACCC's draft determination is attached and also available on the ACCC's [authorisations public register](#).

Interim authorisation

The ACCC also granted interim authorisation to enable the Applicants to commence the joint procurement conduct, but not enter into and give effect to any contracts, while the ACCC is considering the substantive application.

Interim authorisation protects the arrangements for which authorisation is sought from legal action under the relevant provisions of the *Competition and Consumer Act 2010* while the ACCC considers the substantive application. Interim authorisation remains in place until it is revoked or on the date the ACCC's final determination enters into effect.

Next steps

Once the ACCC issues a draft determination, the Applicants or any interested party may make a written submission and/or request that the ACCC convene a 'pre-decision conference'.

Making a submission

If you wish to make a submission in response to the ACCC's draft determination, please do so by **28 May 2024**. Submissions should be lodged via the web form accessible on the public register page for this matter. Alternatively, if you would like to provide comments orally, please contact Miriam Kolacz via the details at the end of this letter.

The ACCC will consider any submissions it receives, including any oral submissions made at a pre-decision conference (should one be called - see below), and will then release a final determination in relation to this application.

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](#).

Optional pre-decision conference

In some cases the applicant or an interested party requests that the ACCC convene a pre-decision conference in relation to its draft determination. If a conference is called it will be open to the applicant and interested parties to attend and make oral submissions in relation to the draft determination. Conferences are conducted informally and while legal or professional advisers are able to attend they are not entitled to participate in the discussion.

If you wish the ACCC to hold a pre-decision conference in relation to the draft determination you must notify the ACCC in writing by **28 May 2024** by email to exemptions@acc.gov.au.

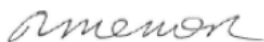
Timetable

The ACCC will continue to progress its assessment of the application in a timely manner. An updated indicative timetable is set out below for your information.

Indicative date	Stage in assessment process
21 December 2023	Lodgement of application and supporting submission.
14 May 2024	ACCC decision regarding interim authorisation and draft determination.
28 May 2024	Closing date for submissions from interested parties
May/June 2024	Applicant responds to issues raised in the public consultation process.
June 2024	Final determination

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 Miriam Kolacz on (03) 9658 6476.

Yours sincerely



Naomi Menon
Director
Competition Exemptions