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Email Letter

From Andrew Whiteside	Date 13 May 2024	
Direct 03 9258 3353	Email [REDACTED]	
To Naomi Menon	Organisation Australian Competition and Consumer Commission (ACCC)	Email exemptions@accc.gov.au
And to Miriam Kolacz		

Our Ref AYW:9043782.004

Dear Ms Menon

Application for urgent interim authorisation - Copping Regional Organics Facility Project

We continue to act for the Copping Refuse Disposal Site Joint Authority trading as Southern Waste Solutions (**SWS**) regarding the proposed Copping Regional Organics Facility Project.

We refer to the ACCC's email dated 22 April 2024 and SWS's application for interim and final authorisation dated 4 April 2024 (**Application**).

As set out in the Application, SWS seeks interim authorisation to allow SWS to conduct the proposed tender process without delay while the ACCC considers the Application for the purpose of making a final determination. Any contract entered into prior to a final determination by the ACCC will be conditional on final authorisation.

We are instructed to confirm that an urgent interim decision in respect of our client's application is sought for the following reasons:

- (a) SWS is not able to release its request for tender referred to in the Application (**RFT**) without interim authorisation from the ACCC.
- (b) It is intended that the RFT will be released by the applicant in or about June 2024.
- (c) The RFT must be released in June 2024 in order for the contract to be signed and construction to commence in late 2024 – with the intention that the open windrow element of the facility will be up and running in the 2024 calendar year.
- (d) If the timeframes described in paragraph (c) above are not able to be met, this will significantly impact the applicant and its Participating Councils from meeting Tasmanian State Government policies with respect to reducing organic waste sent to landfill, including as described in paragraph 9.6 of our client's Application. This may require other contracts to be entered into by the Participating Councils for the processing of organic waste, which may impact the business case for the proposed facility.

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- (e) Additionally, we are instructed that SWS understands from its discussions with the Participating Councils that their road maps and contractual requirements to begin the collection of green and food organics under their collections contracts require time and planning to execute, as does the modelling and rating of this service to its residency base.
- (f) In addition, the current bulk green waste collection and management service agreements for these Local Government entities are reliant upon the decision to begin the collections of green and food organics.
- (g) Therefore, if there is a delay in the tender process, the Participating Councils may be required to enter into agreements that are not aligned with their procurements and organic waste collection roll out plans, which could delay the roll out of these services to their residents.

Please do not hesitate to contact me if you have any queries.

Yours sincerely



Andrew Whiteside
Partner