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www.acc.gov.au

Dear Madam / Sir

Council Solutions applications for authorisation AA1000419 (processing) and AA1000420 (ancillary) — conferences

The Waste & Recycling Association of South Australia has requested that the Australian Competition & Consumer Commission (the ACCC) convene conferences in relation to two draft determinations, issued by the ACCC on 14 September 2018, proposing to grant authorisations AA1000419 and AA1000420 to Council Solutions.

A pre-decision conference provides an opportunity for applicants and other interested parties to make oral submissions to the ACCC about a draft determination. The ACCC will hold two separate conferences on the draft determinations on **Monday 22 October 2018** at **Cliftons Adelaide** (Level 1, 80 King William St, Adelaide). Commissioner Sarah Court will chair the conferences. The conference for the processing services application will be held first, commencing at 10am, and the conference for the ancillary services application will be held after the processing services conference, but no earlier than 11am.

Application AA1000419: processing services

Council Solutions has applied for authorisation to jointly procure waste-processing services comprising the receiving and processing of recyclables, organics and residual waste (or the waste's disposal).

The ACCC has concluded in its draft determination about this application that it is satisfied that the public benefit flowing from the proposed conduct is likely to outweigh the public detriment. Accordingly the ACCC has proposed to grant authorisation for this application.

The conference on this draft determination will start at **10am**.

Application AA1000419: ancillary services

Council Solutions has applied for authorisation to jointly procure ancillary waste services comprising the collection and processing or disposal of waste from Bulk Bins, Hard Waste and park and footpath litter.

The ACCC has similarly concluded in its draft determination about this application that it is satisfied that the public benefit flowing from the proposed conduct is likely to outweigh the

public detriment. Accordingly the ACCC has proposed to grant authorisation for this application.

The conference on this draft determination will start after the processing—services conference; and no earlier than **11am**.

A copy of the two applications and two draft determinations can be found on the ACCC's website at www.accc.gov.au/authorisationsregister.

Kerbside-collections application a separate process

Council Solutions has also lodged an application for authorisation (AA1000414) to jointly procure kerbside-collection services. The two conferences on 22 October, as noted above, do not relate to that application. The ACCC held a conference on the draft determination for that application on 27 August 2018. The ACCC will release a final determination about that application in mid-October.

More information on that application and conference is available at:

<https://www.accc.gov.au/public-registers/authorisations-and-notifications-registers/authorisations-register/council-solutions-ors-collection>

Attendance

Under the *Competition and Consumer Act 2010* (the Act), the applicants and other interested parties may attend the conferences.

If you wish to attend, you must notify the ACCC of your intention in writing by **5pm Adelaide time on 15 October 2018**, briefly indicate why you or your company or organisation has an interest in the matter(s) and specify which conference you are interested in attending, including if you wish to attend both conferences. To do so, please email: adjudication@acc.gov.au.

You should provide details of a contact name, telephone number, mailing address and, if possible, an e-mail address, so that we can notify you of any changes to conference arrangements, if needed.

If you represent a company or organisation, you should also provide a list of attendees and their position titles; and indicate who will be the chief spokesperson.

Please note that, while conference participants may bring outside legal or other professional advisers to help them, they are not entitled to participate in the discussion at the conference(s).

Attached for your information are procedures usually followed at pre-decision conferences.

Submissions following the pre-decision conference

Following the conferences, there will be an opportunity to provide a submission about the issues discussed at the conferences. Such submissions will be due by **2 November 2018** for both the processing and ancillary services applications.

The statutory deadline for the ACCC to issue final determinations about the processing and ancillary-services applications is 6 December 2018. The Act stipulates that if the ACCC has not made a decision by this date, the ACCC is deemed to have granted authorisation for the applications. The ACCC is likely to issue final determinations about these applications in late November. To ensure that the ACCC can make final decisions by this date, we will have limited flexibility in granting extensions beyond 2 November 2018 to provide further submissions.

A copy of this letter has been placed on the ACCC's public register. If you require any further information about the conferences or wish to clarify whether you may be an 'interested person' within the terms of the Act, please contact John Rouw on 03 9290 1402.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', is positioned above the typed name and title.

Gavin Jones
Director
Adjudication