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21 June 2022

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Dear Interested Party

Metropolitan Resource and Recovery Group & Ors application for revocation of authorisation A1000448 and substitution of new authorisation AA1000616 – interested party consultation

On 10 June 2022, the Australian Competition and Consumer Commission (the **ACCC**) received an application for re-authorisation from Metropolitan Resource and Recovery Group (**MWRRG**) and a group of sixteen councils (**the Participating Councils**) located in the south-east of metropolitan Melbourne (together, **the Applicants**). This letter is to invite you to comment. You are welcome to pass this letter on to others who may wish to make submissions.

The Applicants are seeking re-authorisation¹ under the *Competition and Consumer Act 2010* (Cth). Re-authorisation would give them legal protection from competition laws to continue to engage in a joint competitive tender process to investigate, and potentially procure, the provision of advanced waste processing services. The Applicants are seeking re-authorisation until 2054. The Applicants were originally authorised to engage in this conduct on 17 December 2019 until 2052. The current application relates to the same conduct, except that the Applicants have requested an additional 24 months to complete the tender process with bidders.

A full copy of the application for re-authorisation is available on the ACCC's [authorisations public register](#).

Interim authorisation

The Applicants have also requested interim authorisation to allow them to engage in the conduct while the ACCC considers the substantive application.

Making a submission

The ACCC invites you to make a submission on the application for re-authorisation. In making your submission, please provide information, evidence and views about the likely public benefits, effects on competition and any other public detriment that you consider will result from the proposed conduct.

Further, the ACCC invites you to tell us about your experience of the conduct during the term of the previous authorisation. The ACCC is particularly interested in the public benefits and detriments you have observed as a result of the conduct to date

¹ For information about Authorisations, please see <https://www.accc.gov.au/business/exemptions/authorisation>

If you intend to provide a submission in relation to either the request for interim authorisation or the substantive application for authorisation, please do so by **5pm on 27 June 2022**. If you wish to request an extension, please contact us on the details below as early as possible. Submissions after the due date (or after any extension granted) may not be taken into account.

Please use the coversheet that accompanied this letter and email your submission to exemptions@acc.gov.au, with the subject 'AA1000616 – Metropolitan Resource and Recovery Group & Ors – submission'. Alternatively, if you would like to provide comments orally, please contact Jack Foley via the details at the end of this letter.

Your submission **will** be placed on the ACCC's [authorisations public register on the internet](#) unless you have made a request (with reasons) for us to exclude part or all of the submission from the public register. (see [Guidelines for Excluding Information from the Public Register for more information on how to make a request and how we assess requests](#)).

Timetable

The ACCC will progress its assessment of the application in a timely manner. An indicative timetable is set out below for your information, and an up to date version (including any changes) will be posted on the public register.

Indicative date	Stage in assessment process
10 June 2022	Lodgement of application and supporting submission, including request for interim authorisation.
21 June 2022	Public consultation process begins.
27 June 2022	Closing date for submissions.
July 2022	ACCC decision regarding interim authorisation and draft determination.
July/August 2022	Public consultation on draft determination including any conference if called.
August 2022	Closing date for submissions in response to draft determination
September 2022	Final determination.

This letter has been placed on the ACCC's public register. If you have any questions or wish to discuss any aspect of this matter, please do not hesitate to contact Jack Foley on 07 3811 9294 or exemptions@acc.gov.au.

Yours sincerely



Darrell Channing
Director
Competition Exemptions

Interested Party List:

- Ace Waste Pty Ltd
- Bioelektra Australia Pty Ltd
- Broadspectrum
- Capella Capital
- Circular Economy Australia Pty Ltd
- Cleanaway Pty Ltd and Macquarie GIG
- Clean Renewable Energy Pty Ltd
- Ember Eco Solutions
- Equis
- Enviro Waste Systems Pty Ltd
- Global Olivine
- Great Southern Waste Technologies Pty Ltd
- Infrastructure Capital Group
- Jet Technology Corporation Pty Ltd
- Lara Waste to Energy Pty Ltd
- Malaysian Resources Corporation Berhad
- New Energy Corporation
- Pacific Partnerships Pty Ltd
- Plenary Group
- Recovered Energy Australia Pty Ltd
- ReGroup Pty Ltd
- SACYR ENVIRONMENT AUSTRALIA
- SUEZ Recycling & Recovery Pty Ltd
- TETRIS CAPITAL
- Tribe (Masdar) Infrastructure Group
- Veolia Environmental Service Pty Ltd
- Veris
- Waste to Clean Energy for Australia Pty Ltd
- Wyndham City Council
- Ultimate Waste Solutions