



Our ref: AA1000568
Contact officer: Nissa Burns
Contact phone: 03 9910 9558

30/09/2021

By email

Dear Sir/Madam

Surf Coast Shire Council and Ors - application for authorisation AA1000568 – draft determination and interim authorisation

The Australian Competition and Consumer Commission (the **ACCC**) has issued a draft determination in respect of the application for authorisation, including interim authorisation, lodged by Surf Coast Shire Council, on behalf of itself, Golden Plains Shire Council and the Borough of Queenscliffe (the **Applicants**) on 27 August 2021.

For the reasons set out in its draft determination, the ACCC proposes to grant authorisation for 11 years and 6 months.

The ACCC has also granted interim authorisation to enable the Applicants to commence the tender process while the ACCC is considering the substantive application. Interim authorisation does not extend to the Applicants entering into contracts following the joint tender process.

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

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 lodge your submission by **14 October 2021**. Submissions should be emailed to exemptions@acc.gov.au with the subject 'AA1000568 – Surf Coast Shire Council and Ors – submission'. If you prefer to make an oral submission, please contact Nissa Burns 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. See the ACCC's [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 **14 October 2021** by email to exemptions@acc.gov.au.

Timetable

An indicative timetable for the ACCC's assessment is set out below.

Indicative Date	Stage in assessment process
27 August 2021	Lodgement of application and supporting submission.
2 September 2021	Public consultation process begins.
9 September 2021	Closing date for submissions from interested parties.
30 September 2021	Draft determination and interim authorisation.
14 October 2021	Closing date to request pre-decision conference and for submissions in response to the draft determination.
21 October 2021	Surf Coast Shire Council responds to issues raised in the public consultation process.
October/November 2021	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 Nissa Burns on (03) 9910 9558 or via email to exemptions@acc.gov.au.

Yours sincerely



David Hatfield
Director
Competition Exemptions