

## Responses to further questions

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### Recyclers SA

## Responses to questions

This document contains responses to the first two questions put by the ACCC in its email dated 7 June 2018. The response to the third question regarding glass recycling will be provided separately.

These responses supplement the Application, Supplementary Submissions and Further Supplementary Submissions, the responses to the questions from the ACCC dated 17 May 2018 and should be read in conjunction with those documents.

Capitalised terms not defined in this document bear the same meaning as in the Application.

### 1 Negotiation by Recyclers SA

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- (a) In Recyclers SA's meeting with the ACCC on 30 May 2018 the issue of proportional representation of all types of Recyclers SA members (including smaller and regional depots) in the proposed collective bargaining process was discussed.

Please provide details about how Recyclers SA envisages that bargaining representatives negotiating on behalf on Recyclers SA members will be appointed, including how Recyclers SA intends to ensure that smaller and regional collection depots have direct input into the appointment of bargaining representatives so as to ensure that they are directly represented in the collective bargaining process.

- (i) Recyclers SA is conscious that there are members of varying size and location and which operate in different ways. In order to ensure that the interests of all members are considered and directly represented in any collective negotiations, Recyclers SA proposes the following:
- (A) None of the depot owners or members of Recyclers SA Executive who are also directors of Flagcan and/or CDS will participate actively in the negotiations.
  - (B) Following authorisation, Recyclers SA would to hold an initial meeting to canvass the issues to be negotiated and assemble a negotiation team.
  - (C) The negotiation team will be assembled to include members which represent the following:
    - (1) a larger depot (or operator of a number of depots);
    - (2) a member of the current Recyclers SA Executive;
    - (3) a smaller depot;
    - (4) a metropolitan depot; and
    - (5) a regional depot.

The team will include at least 3 representatives with some of the above categories being represented by the same member. For example there may be an operator of a number of depots in the metropolitan area or a small depot owner who is a member of the Recyclers SA Executive.

- (D) The negotiation team will be appointed by nomination at the initial meeting and if the nominations are contested, will be subject to a vote to be conducted consistent with the nomination and appointment process used for the Executive under the Recyclers SA constitution.

## 2 Terms to be negotiated

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- (a) Recyclers SA's response to the ACCC's information request did not directly address question 14, which sought an explanation of which terms of the contracts between collection depots and super collectors Recyclers SA envisages may be amenable to collective negotiations and advice.

"14. Please explain whether any, and if so which, other terms of the contracts between collection depots and super collectors Recyclers SA envisages may be amenable to collective negotiations and advice."

We do note that Recyclers SA's response to some of the other questions does identify some of the matters about which Recyclers SA members may seek to collectively bargain. However, for completeness, please provide a response to this question.

- (i) Recyclers SA has not entered into any consultation with its members to date in relation to the terms to be negotiated collectively. This is with the exception of agreement that the handling fee would not be negotiated. Upon receipt of authorisation, Recyclers SA would meet with its members to canvass the key issues to be negotiated, as stated at paragraph 3(iii) to our response to the 17 May 2018 questions.
- (ii) From the feedback Recyclers SA has received from members over the past 10 years, the key issues affecting all members include the method of auditing, the WH&S issues and dispute resolution. The way that each of these matters are dealt with in the current contracts have the potential to have and in many cases have had a negative impact on various members' businesses. Recyclers SA therefore envisages that terms relating to these issues will form part of the collective negotiations.
- (iii) Recyclers SA seeks authorisation to enable it to negotiate and advise on all issues relevant to its members in relation to their contracts with super collectors (aside from the handling fee). It considers that any restriction on the scope of negotiation to these issues could limit the effectiveness of Recyclers SA members to negotiate effectively to achieve the best outcomes and deliver the public benefits previously outlined in our submissions.