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Our ref: CB10000452  
Contact officer: Tanya Hobbs  
Contact phone: 02 6243 1029

26 April 2018

Dear Sir/Madam

**Collective Bargaining Notification CB10000452 submitted by Waverley Council and Woollahra Municipal Council - Interested Party Consultation**

The Australian Competition and Consumer Commission (the ACCC) has received a collective bargaining notification from Waverley Council and Woollahra Municipal Council (the Councils) with regard to collective bargaining in relation to the receipt, sorting, processing, recovery or disposal of solid waste.

The purpose of this letter is to invite your comments as a party who may be interested in providing a submission to the ACCC in relation to these arrangements.

**Collective bargaining notification process**

The ACCC is the Australian Government agency responsible for administering the *Competition and Consumer Act 2010* (the Act). The broad objective of the Act is to benefit all Australians by promoting competition and to ensure consumers are treated fairly.

The competition provisions of the Act prohibit certain forms of anti-competitive agreements or conduct, including agreements which typically occur during collective bargaining.

Collective bargaining refers to an arrangement where one or more competitors in an industry come together to negotiate terms and conditions (including price) with a supplier or a customer.

Collective bargaining conduct will typically raise concerns under the Act.

While the Act prohibits certain forms of anti-competitive conduct, it does recognise that conduct which may otherwise breach the Act may, in some circumstances, be of benefit to the public. The Act accordingly allows businesses that are considering engaging in anti-competitive arrangements to seek immunity from legal action. One way businesses may obtain immunity to engage in collective bargaining conduct that may be at risk of breaching the Act is to lodge a notification with the ACCC.

Once a notification has been validly lodged with the ACCC, immunity from legal action in respect of the notified conduct commences 14 days after the notification was lodged, unless the ACCC issues a draft objection notice proposing to prevent the immunity coming into effect.

The ACCC may proceed to remove the immunity provided by a collective bargaining notification where it is satisfied that the likely benefit to the public from the proposed conduct will not outweigh the likely detriment to the public from the proposed conduct.

## **Collective bargaining notification lodged the Councils**

On 20 April 2018, the Councils lodged a collective bargaining notification concerning the receipt, sorting, processing, recovery or disposal of solid waste. The Councils have claimed that the proposed collective bargaining will lead to cost savings, environmental benefits, improve council service delivery and functions. The Councils claim that the collective bargaining will not lead to any anti-competitive detriment.

The immunity from legal action provided by notification CB10000452 will commence on 4 May 2018, provided the ACCC does not issue a draft objection notice proposing to prevent the immunity coming into effect.

The collective bargaining notification lodged by the Councils is available on the ACCC's public register and an electronic copy of the notification can be found on the collective bargaining notification register, available on the ACCC's website at [www.accc.gov.au](http://www.accc.gov.au).

## **Request for submissions**

To assist the ACCC in its consideration of the notification it would be helpful to obtain your comments on the likely public benefits and the likely effect on competition, or any other public detriment, from the proposed arrangements.

The ACCC asks for submissions to be in writing so they can be made publicly available. They are placed on a public register for this purpose.

Persons lodging a submission with the ACCC may request that information included in the submission be excluded from the public register in certain circumstances. Submissions which are excluded from the public register may still be taken into account by the ACCC in conducting its assessment of the notified arrangements. Guidelines for seeking exclusion from the public register are attached for your information.

Submissions can be lodged by email to [adjudication@acc.gov.au](mailto:adjudication@acc.gov.au). If relevant, please provide a preferred email address for any future correspondence from the ACCC.

Please ensure that your submission is lodged with the ACCC by **7 May 2018**.

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 Tanya Hobbs on 02 6243 1029.

Yours sincerely



Darrell Channing  
Director  
Adjudication

## **Interested Party list**

Ballina Community Recycling Centre  
Bayside Council  
Ben's North Coast Recycling  
Bingo Recycling Pty Ltd  
Burwood Council  
City of Canterbury Bankstown Council  
City of Canada Bay Council  
City of Gold Coast  
City of Sydney Council  
Clarence Valley Council  
Dial a Dump Industries Group  
Ezy Waste n Recycle  
Georges River Council  
Inner West Council  
Kyogle Council  
Lismore City Council  
Lismore Community Recycling and Recovery Centre  
Local Government NSW  
NSW Minister for the Environment, Local Government and Heritage  
NSW EPA  
Randwick Council  
Remondis Australia  
Suez Gold Coast Resource Recovery Centre  
Sutherland Shire Council  
Tenterfield Shire Council  
Tomra Cleanaway  
Transpacific Cleanaway Pty Ltd  
Tweed Shire Council  
Veolia Environmental Services (Australia) Pty LTd  
Waste Contractors & Recyclers Association of NSW