



Our ref: CB10000464
Contact officer: Anna Pound
Contact phone: 03 9290 6920

22 March 2019

Interested Party

Sent by email

Dear Sir/Madam

**Collective Bargaining Notification CB10000464 lodged by Ballina Shire Council & Ors
— Interested Party Consultation**

The Australian Competition and Consumer Commission (the **ACCC**) has received a collective bargaining notification from Ballina Shire, Byron Shire and Richmond Valley Councils (together, the **Councils**). The Councils propose to jointly tender for, negotiate and administer contracts with the successful tenderer for the receipt and processing of recyclables for their respective local government areas. The contracts will include arrangements for the sharing of refunds under the NSW Container Deposit Scheme.

The notification does not include services for the collection of kerbside waste or recyclables.

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. Please see the ACCC's publication [Small Business Collective Bargaining Notifications and the Competition and Consumer Act](#) for a summary of the notification process.

A copy of the notification is available on the ACCC's [Public Register](#).

Background

The Councils have had immunity under a similar collective bargaining notification CB10000541 lodged with the ACCC in 2018. This notification involved collectively tendering, negotiating and administering contracts with Lismore Materials Recycling Facility (**MRF**) for the receipt and processing of recyclables and for individual refund sharing agreements with Lismore MRF. The current notification involves the joint tender, negotiation and administration of individual contracts with all prospective suppliers in the market for the receipt and processing of recyclables.

The Councils' lodged the current notification on 15 March 2019 and have sought immunity for the proposed collective bargaining conduct for six years.

The legal protection provided by a collective bargaining notification commences 14 days after the notification is lodged, unless the ACCC objects within this period.

Request for submissions

When the ACCC receives a collective bargaining notification, it will assess the likely public benefits and detriments, including any lessening of competition, to determine whether it should object to the notification.

You are invited to comment on the likely public benefits and likely effect on competition, or any other public detriment, from the Councils' proposed collective bargaining arrangements.

Submissions should be provided by **Friday, 29 March 2019**. Please email submissions to adjudication@acc.gov.au with the subject title "CB10000464 – Ballina Shire Council & Ors – submission".

Submissions received by the ACCC will be placed on the public register, subject to any requests for exclusion. Please see the ACCC's publication [Guidelines for excluding information from the public register](#).

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 Sophie Mitchell on (03) 9290 1822 or Anna Pound on (03) 9290 6920.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'G Jones', with a long horizontal flourish extending to the right.

Gavin Jones
Director
Adjudication

Interested parties

Lismore Recycling and Recovery Centre

Ballina Community Recycling Centre

Suez Gold Coast Resource Recovery Centre

NSW Minister for the Environment, Local Government and Heritage

City of Gold Coast

Local Government NSW

Lismore City Council

Tweed Shire Council

Kyogle Council

Tenterfield Shire Council

Clarence Valley Council

Ezy Waste n Recycle

Ben's North Coast Recycling

Tomra Cleanaway

Waste Contractors & Recyclers Association of NSW

Visy Recycling Material Recovery Facility and Wastepaper

Polytrade Recycling

Visy