



**WASTE CONTRACTORS
AND
RECYCLERS ASSOCIATION
OF N.S.W.**

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The Acting Director
Adjudication Branch
Australian Competition & Consumer Commission
PO Box 1199,
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By facsimile 02 6243 1211

1 July 2004

**Reference No. C2004/30
Authorization of Application A30231**

FILE No:

DOC:

MARS/PRISM:

Dear Sir,

We refer to your letter dated 16 June 2004 relating to the issuing of a draft determination by your Commission proposing to grant interim authorization to the Councils of Hornsby Shire Council, Hunters Hill Municipal Council, Lane Cove Council, North Sydney Council, the City of Ryde, Willoughby City Council, Mosman Municipal Councils and Warringah Council (the Northern Region of Councils).

In accordance with section 90A of the Trade Practices Act 1974, we notify you that as an interested party we request a pre-determination conference in relation to this draft determination.

Your Commission is well aware that we have an interest in these matters – we wrote to you in December 2003 and expressed our views on a similar application by the Macarthur group of Councils. Accordingly we are very disappointed that on this occasion your Commission decided to grant an interim authorization without any consultation with our Association.

We confirm that our concerns include the following-

- This granting of an interim authorization by your Commission has the potential to significantly affect our Members.
- Why was there no consultation by your Commission with our Association?
- What is meant by the term “waste transfer”?
- Does “waste transfer” include kerbside collection and transportation?
- Is this determination concerned with collection and transportation?

- What effects will the granting of a collective tender have on collection and transportation?
- Is it in the best interests of the overall industry to have one entity exercise an absolute monopoly over waste disposal?
- How will the existing contracts in the Northern Sydney group of Councils be affected? For example, are you considering the detrimental effects on these businesses and their employees/sub-contractors?

Please feel free to call me on 02 9264 1826 to discuss and/or to advise of an appropriate appointment date.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'TK' or similar initials, written in a cursive style.

Tony Khoury
Executive Officer