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24 September 2004

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Attn: Mr Scott Gregson
Director
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
Dickson ACT 2602

Dear Mr Gregson

I refer to your letter dated 3rd September 2004, regarding the amendment of the application for authorisation (A90886) lodged by the Macarthur Region Councils (MAROC), and in particular the requested extension of the contract term from 10 years to up to 20 years.

Waste Service NSW's position on this application remains unchanged, provided that the intention of the MACROC Councils is to award a long-term contract to a provider of genuine AWT solutions.

We remain opposed to long-term joint regional tenders where the method of waste disposal is landfill (whether conventional or bio-reactor). We make this statement even though we are the largest operator of Class I landfills in Sydney.

When the Councils originally advised us of their interest in moving to a joint tender, we supported their process, because the Councils clearly indicated their interest in having their waste processed by an AWT facility.

Our position remains as previously stated, which for clarity, is that we believe that if the ACCC decides to approve the MACROC application, it should be subject to the following conditions:

- (i) Joint tenders for waste disposal services should specify whether the required method of disposal is landfill (conventional or bio-reactor) or AWT.
- (ii) Joint tenders for landfill (if allowed at all) should be limited to a period of three (3) years.
- (iii) Joint tenders for AWT should specify the minimum level of waste diversion to be diverted to landfill. Waste Service NSW recommends that a minimum of 70% diversion from landfill should be achieved for a process to claim genuine AWT.

AUST. COMPETITION &
CONSUMER COMMISSION
CANBERRA
29 SEP 2004

WASTE SERVICE NSW

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Waste Service NSW is the trading name of the Waste Recycling and Processing Corporation.

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I trust that the comment provided above clarifies our position regarding the MACROC application for authorisation, however we would be happy to provide any further information as required.

Yours sincerely

A handwritten signature in black ink, appearing to be 'K. Kanofski'.

Ken Kanofski
Chief Executive Officer