



WASTE CONTRACTORS &
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OF N.S.W

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Mr David Hatfield
Director - Adjudication
Australian Competition & Consumer Commission

By e mail as a PDF file to adjudication@accc.gov.au

31st August 2020

Dear Sir

**Application for re-authorisation A1000522 – Campbelltown City Council & Ors
Original authorisation A1000428**

We refer to your letter dated 20th August 2020 which refers to an application for re-authorisation by Campbelltown City Council, Camden Council, Liverpool City Council, Wingecarribee Shire Council and Wollondilly Shire Council (the **Councils**).

We understand that the Councils have sought re-authorisation to enter into and give effect to an agreement to jointly invite tenders & ultimately award contracts for processing, marketing and disposal (by sale or otherwise) of kerbside collected materials until 1 July 2049.

On behalf of our Members we confirm that the Association supports this request for collective authorisation, subject to satisfactory compliance with the following-:

- Following the decision by China to ban the import of recyclables, world-wide recycling markets are currently experiencing major difficulties.
- The Federal Government has passed laws banning the export of materials such as glass, plastics, tyres and paper/cardboard. The operational and cost impacts of these laws are not yet known.
- Further, within the next 5 to 10 years we are likely to see the emergence of an energy from waste plant in the Sydney area.
- We are still working through the consequences to kerbside recycling from the introduction of the NSW CDS (and there is potential for this scheme to be broadened to include other container types).
- In relation to green waste, processors are subject to compliance with NSW Resource Recovery Orders & Exemptions (which the EPA cannot guarantee will not be changed by 2049).
- All of these issues and other issues that are not currently known, have the potential to present significant commercial risks to recycling and waste management operators. The higher the risk, the higher the price. To this extent, and by opting for such a long term (to

1 July 2049), it is our view that the Councils need to provide justification that a term of 25 years will provide the best cost and service value for their Ratepayers.

- That any tender that is advertised and awarded is strictly for the services requested in the specification.
- The scope of works for this public tender be restricted to the receipt, processing, marketing and disposal (by sale or otherwise) of kerbside collected materials.
- Any services or conditions beyond this scope including but not limited to the supply of bins, the supply of collection vehicles, the collection of kerbside materials, any further extensions, etc. will not be covered by this authorisation.
- That this process follows the NSW Environment Protection Authority (EPA) service timelines & Model Collection contracts.
- That all tender documents comply with the NSW Domestic Waste Code of Practice (SafeWork NSW).
- That all tender documents comply with their Chain of Responsibility obligations under the National Heavy Vehicle Laws.
- That all tender documents comply with the NSW EPA Better Practice Guide for Waste Management in Multi-Unit Dwellings.
- That all tender documents comply the provisions of the Waste Management Award 2020 along with the National Employment Standards.

We also provide our consent for this submission to be placed on the ACCC's public register.

If you wish to discuss any aspect of our response in a pre-decision conference, please do not hesitate to contact the undersigned.

Yours Faithfully

Tony Khoury
Executive Director