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**From:** Stephen Fitzpatrick [REDACTED]  
**Sent:** Tuesday, 25 January 2022 4:02 PM  
**To:** Kolacz, Miriam  
**Cc:** Staltari, Danielle; Ng, Andrew; Hill, Alison; Cameron, Lucy; Black, Susie  
**Subject:** RE: AA1000587 - ACCC information request to EMRC - 22 Dec 2021 [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID3007910]

Hi Miriam

Thank you for your email regarding the wording of the Proposed Conduct.

Street litter and illegal dumping management is standard across councils so we are happy to leave the description of the Proposed Conduct as stated, ie no amendment required.

Regards

Steve



**Stephen Fitzpatrick | Waste & Resources Recovery Specialist**

Eastern Metropolitan Regional Council  
226 Great Eastern Highway, Ascot WA 6104  
PO Box 234, Belmont WA 6984

EMRC: 08 9424 2222 | Direct: [REDACTED] | Mobile: [REDACTED]

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**From:** Kolacz, Miriam <miriam.kolacz@acc.gov.au>  
**Sent:** Tuesday, January 25, 2022 9:05 AM  
**To:** Stephen Fitzpatrick [REDACTED]  
**Cc:** Staltari, Danielle <Danielle.Staltari@acc.gov.au>; Ng, Andrew <Andrew.Ng@acc.gov.au>; Hill, Alison <Alison.Hill@acc.gov.au>; Cameron, Lucy <Lucy.Cameron@acc.gov.au>; Black, Susie <Susie.Black@acc.gov.au>  
**Subject:** RE: AA1000587 - ACCC information request to EMRC - 22 Dec 2021 [SEC=OFFICIAL] [ACCC-ACCCANDAER.FID3007910]

**OFFICIAL**

Dear Stephen

Thank you for your response.

Further to our discussion yesterday, we understand that (subject to the qualification noted **below**) the text in our email of 22 December 2021 does describe the Proposed Conduct for which the Applicants wish to seek authorisation. We understand the additional red text in your response was provided to the ACCC as additional context, but the Applicants do not wish to amend the description of the Proposed Conduct to include that text. In particular, the Proposed Conduct does not include waste processing services.

However, this is subject to the qualification that, to the extent it is not already conveyed by the description of Proposed Conduct, the Applicants would like to amend the reference to the '*street litter and illegal dumping management*' service to include the collection of waste from streets, parks and community buildings.

Subject to hearing differently from the Applicants, we will proceed in accordance with our understanding. Please let us know if it is incorrect before COB **Thursday 27 January 2022**.

Kind regards  
Miriam

## Miriam Kolacz

A/g Assistant Director | Competition Exemptions | Mergers, Exemptions and Digital  
**Australian Competition & Consumer Commission**  
Level 4 | 271 Spring Street, Melbourne 3000  
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The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

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**From:** Stephen Fitzpatrick [redacted]  
**Sent:** Wednesday, 19 January 2022 4:45 PM  
**To:** Black, Susie <[Susie.Black@acc.gov.au](mailto:Susie.Black@acc.gov.au)>  
**Cc:** Staltari, Danielle <[Danielle.Staltari@acc.gov.au](mailto:Danielle.Staltari@acc.gov.au)>; Kolacz, Miriam <[miriam.kolacz@acc.gov.au](mailto:miriam.kolacz@acc.gov.au)>; Ng, Andrew <[Andrew.Ng@acc.gov.au](mailto:Andrew.Ng@acc.gov.au)>; Hill, Alison <[Alison.Hill@acc.gov.au](mailto:Alison.Hill@acc.gov.au)>; Cameron, Lucy <[Lucy.Cameron@acc.gov.au](mailto:Lucy.Cameron@acc.gov.au)>; Hatfield, David <[david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)>; Jones, Gavin <[gavin.jones@acc.gov.au](mailto:gavin.jones@acc.gov.au)>  
**Subject:** RE: AA1000587 - ACCC information request to EMRC - 22 Dec 2021 [SEC=OFFICIAL]

Dear Susie

Thank you for the follow up questions received 22 December 2021.

Our responses are in red below.

1. Based on the information provided by the Applicants to date, we have set out a description of the Proposed Conduct for which we understand the Applicants to be seeking authorisation. Can you please confirm that the following is an accurate description of the Proposed Conduct (noting in particular the text in **bold**). If this is not accurate or there are other aspects of the arrangements in respect of which authorisation is sought that are not captured, please provide those details.

The Applicants seek authorisation in relation to the establishment of a regional waste collection service operated by EMRC, where the Participating Councils **jointly negotiate and administer, and enter and give effect to, service agreements with EMRC on the same or substantially similar terms**, for the provision of the following services: **Text added by the ACCC in bold is noted and accepted, bearing in mind that the three Participant Councils will have different start dates.**

- Domestic kerbside collection of:
  - Mixed general waste **(this service includes in-house processing of the waste for a separate fee)**
  - Co-mingled dry recyclables **(using existing MRF's for processing for which a separate fee will be negotiated)**
  - Food Organics Garden Organics collection as part a 3-bin system **(this service will use in-house processing for a separate fee)**
- Incidental commercial waste collection services to small businesses with services equivalent to domestic kerbside collection services
- Bin maintenance, repair and replacement **(this includes a provision for new bins for population growth)**
- Bulk waste collection service (mixed or specific) for the collection of larger household waste that cannot be disposed of within normal household bins **(this is for greenwaste and bulk waste and the EMRC can process both waste streams for a separate fee)**
- Event Waste Management
- Street **and parks** litter and illegal dumping management, and **(this service also includes community buildings such as swimming pools, libraries etc)**
- Customer service (i.e. contact point for enquiries, complaints etc.) **(this also provides for consistent customer support services and messaging across the three participant Councils)**

*(together, the collection and ancillary waste services)  
(the Proposed Conduct).*

2. Please outline for each Applicant council:

- a. the current prices they pay for each of the collection of waste and ancillary waste services with the current providers they are contracted with. **See attached document.**
- b. any costs incurred in establishing and/or maintaining the arrangement each Applicant council has with their current provider. **See attached document.**

**Note: The costs provided in the attached document are given under commercial-in-confidence and we request their exclusion from the public register.**

As we have reiterated previously, the EMRC's focus is on providing a full waste management service including achieving maximum sorting and recovery of bulk waste and keeping ahead of changing regulations and public expectations.

Please advise if you require any additional information.

Regards

Steve



**Stephen Fitzpatrick | Waste & Resources Recovery Specialist**

Eastern Metropolitan Regional Council  
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PO Box 234, Belmont WA 6984

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**From:** Black, Susie <[Susie.Black@acc.gov.au](mailto:Susie.Black@acc.gov.au)>

**Sent:** Wednesday, December 22, 2021 12:54 PM

**To:** Stephen Fitzpatrick [REDACTED]

**Cc:** Staltari, Danielle <[Danielle.Staltari@acc.gov.au](mailto:Danielle.Staltari@acc.gov.au)>; Kolacz, Miriam <[miriam.kolacz@acc.gov.au](mailto:miriam.kolacz@acc.gov.au)>; Ng, Andrew <[Andrew.Ng@acc.gov.au](mailto:Andrew.Ng@acc.gov.au)>; Hill, Alison <[Alison.Hill@acc.gov.au](mailto:Alison.Hill@acc.gov.au)>; Cameron, Lucy <[Lucy.Cameron@acc.gov.au](mailto:Lucy.Cameron@acc.gov.au)>; Hatfield, David <[david.hatfield@acc.gov.au](mailto:david.hatfield@acc.gov.au)>; Jones, Gavin <[gavin.jones@acc.gov.au](mailto:gavin.jones@acc.gov.au)>

**Subject:** AA1000587 - ACCC information request to EMRC - 22 Dec 2021 [SEC=OFFICIAL]

**OFFICIAL**

Dear Stephen

We had some follow up questions set out below, which we are seeking your response to by **19 January 2022**.

1. Based on the information provided by the Applicants to date, we have set out a description of the Proposed Conduct for which we understand the Applicants to be seeking authorisation. Can you please confirm that the following is an accurate description of the Proposed Conduct (noting in particular the text in **bold**). If this is not accurate or there are other aspects of the arrangements in respect of which authorisation is sought that are not captured, please provide those details.

*The Applicants seek authorisation in relation to the establishment of a regional waste collection service operated by EMRC, where the Participating Councils **jointly negotiate and administer, and enter and give effect to, service agreements with EMRC on the same or substantially similar terms**, for the provision of the following services: **Text added by the ACCC in bold in noted and accepted, bearing in mind that the three Participant Councils will have different start dates.***

- *Domestic kerbside collection of:*
  - *Mixed general waste*
  - *Co-mingled dry recyclables*
  - *Food Organics Garden Organics collection as part a 3-bin system*
- *Incidental commercial waste collection services to small businesses with services equivalent to domestic kerbside collection services*
- *Bin maintenance, repair and replacement*
- *Bulk waste collection service (mixed or specific) for the collection of larger household waste that cannot be disposed of within normal household bins*
- *Event Waste Management*
- *Street **and parks** litter and illegal dumping management, and*
- *Customer service (i.e. contact point for enquiries, complaints etc.)*

*(together, the collection and ancillary waste services)  
(the Proposed Conduct).*

2. Please outline for each Applicant council:

- a. the current prices they pay for each of the collection of waste and ancillary waste services with the current providers they are contracted with.
- b. any costs incurred in establishing and/or maintaining the arrangement each Applicant council has with their current provider.

I note your response will be placed on the public register, subject to any request for exclusion you may make.

I note the team working on this matter will be on leave from this afternoon, returning in mid-January. Should you have any questions in relation to this matter in the meantime, please contact [exemptions@acc.gov.au](mailto:exemptions@acc.gov.au).

Kind regards

Susie

**Susie Black**

Director | Mergers, Exemptions and Digital  
**Australian Competition & Consumer Commission**  
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**Office days: Tues, Wed, Fri (please contact [danielle.staltari@acc.gov.au](mailto:danielle.staltari@acc.gov.au) in my absence)**

The ACCC acknowledges the traditional owners and custodians of Country throughout Australia and recognises their continuing connection to the land, sea and community. We pay our respects to them and their cultures; and to their Elders past, present and future.

**Please Note: If you received this message outside your business hours it is because it was a convenient time for me to send it. Please do not feel obliged to respond until your normal work hours.**

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