

Deputy Chair Mick Keogh
Chair, Competition Exemptions Committee
Australian Competition and Consumer Commission
GPO Box 3131
Canberra ACT 2601
Submission by [online portal](#)

2 October 2026

Dear Commissioners

Re: Council of Mayors (Southeast Queensland) Pty Ltd application for authorisation to engage for the coordinated management of Residual Waste

The Waste Management and Resource Recovery Association of Australia (WMRR) welcomes the opportunity to comment on the application for authorisation from the Council of Mayors (Southeast Queensland) Pty Ltd and its 11 member councils ("CoMSEQ") reducing the previously proposed authorisation from a potentially 35-year implementation arrangement to a three (3)-year preparatory and planning phase. The application states that no binding waste supply or infrastructure contracts will be implemented without further ACCC authorisation.

The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$20 billion waste and resource recovery (WARR) industry. With more than 2,300 members from nearly 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. WMRR represents more than 380 individual members from over 50 organisations across Queensland. Based on the most recent available economic assessment, the waste and resource recovery sector contributes \$2.02 billion to the Queensland economy annually and employs more than 10,290 people.

Queensland generated 17.5 million tonnes of waste in 2024-25. The municipal solid waste (MSW) sector generated 2.75 million tonnes of waste, with only 37% recovered *the national target being 80% by 2035). The commercial and industrial (C&I) sector generated 10.5 million tonnes, achieving a 49.9% recovery rate, while the construction and demolition (C&D) sector generated 4.2 million tonnes and achieved a 76.6% recovery rate. WMRR's interest in CoMSEQ's application is driven by our motivation to ensure that such an authorisation would deliver optimal investment and job creation in circular economy outcomes in accordance with the Queensland Waste Strategy to increase recycling and reduce landfill disposal in a timely manner, whilst preserving a competitive and innovative resource recovery market in order that Queenslanders can access the most economically and environmentally beneficial solutions available.

The application from CoMSEQ seeks permission to:

- conduct tenders and evaluate specific third-party proposals;
- determine facility locations, technologies and capacity;
- determine how council waste volumes will be aggregated;
- establish the future contracting SPV;
- identify preferred suppliers; and

- negotiate key commercial terms with those suppliers.

WMRR recognises that coordinated planning between Southeast Queensland (SEQ) councils can support more efficient infrastructure development, reduce duplicated procurement activity and provide greater clarity about the region's future residual-waste needs. However, the conduct proposed is not merely administrative or preliminary. CoMSEQ seeks authority to conduct tenders, evaluate specific projects, determine facility locations and technologies, aggregate council-controlled waste volumes, establish the future contracting entity, identify preferred suppliers and negotiate key commercial terms. These activities could materially influence the structure of the SEQ market well before any binding contract is signed – a preferred project may gain a significant commercial advantage, competing proposals may be deterred, and investment decisions may be deferred if most council-controlled residual waste appears likely to be committed through CoMSEQ.

Plainly stated, the absence of a final contract does not mean the 'preparatory conduct' will have no competitive effect. Consequently, WMRR does not support an unrestricted three (3)-year authorisation that allows CoMSEQ to interfere in the market, consume time (yet again) and possibly select preferred technologies or suppliers, or effectively reserve council-controlled feedstock. Given the history of these approaches to market by CoMSEQ, there is also a risk that this process will not deliver an outcome, and Queensland will continue to be disadvantaged by a lack of critical infrastructure for managing residual material. As such, WMRR makes the following comments for the ACCC's consideration should it make a determination granting authorisation.

i. Planning collaboration is reasonable, but must not become de facto procurement

WMRR recognises that councils need to exchange information and coordinate infrastructure planning. Regional collaboration can reduce duplication, identify efficient transport and facility configurations, and provide a clearer investment pipeline. However, the proposed conduct goes beyond planning by allowing tendering, evaluation of individual projects, preferred-supplier negotiations and decisions about technology, capacity, and feedstock aggregation. These steps could create substantial commercial expectations and effectively determine the future procurement before the ACCC considers the implementation application.

ii. "Residual waste" must be more tightly defined

The application defines residual waste broadly as municipal, commercial and industrial, and disaster waste processed through SEQ landfills that cannot be technically, environmentally, economically or practically recovered. This definition leaves considerable discretion to councils and could capture existing commercial and industrial contracts that are not the primary responsibility of councils, materials that may become recoverable as technology, markets and policy settings evolve. It also risks supporting residual-treatment capacity at a scale that competes with waste avoidance, source separation, recycling and organics recovery. As such, any authorisation should explicitly require:

- clear application of the waste hierarchy (with disposal as the least preferable option) before material is designated residual;
- exclude commercial and industrial waste stream;
- exclusion of separately collected recyclables and organics;
- exclusion of materials reasonably capable of reuse or recycling;
- periodic reassessment of the residual waste definition; and

- flexibility to reduce committed volumes as recycling and recovery improve – this is essential as technologies emerge, and regulatory and policy settings adapt to drive increased circular outcomes.

iii. Aggregation must be limited to what is demonstrably necessary

CoMSEQ states that scale is required to make residual waste facilities commercially viable, but it has not yet established which councils will participate, what volumes will be required, how many facilities are needed or which technologies will be selected. There is also the challenge that CoMSEQ as a separate entity from the councils, has no ability to bind future councils to CoMSEQ agreements – that is, a council could resolve at a future date to no longer participate, creating ongoing uncertainty for the process.

Further, any proposed aggregation must clearly exclude reusable, recyclable, separately collected and reasonably recoverable materials from proposed feedstock, and require periodic reassessment of waste volumes to account for improved avoidance, recycling, organics recovery and product-stewardship schemes.

iv. The procurement process must remain open, competitive and technology-neutral

The application permits CoMSEQ to conduct a competitive process or evaluate specific proposals, including the Gold Coast ARRC project, which is currently in early contractor procurement. WMRR's concern is that the direct evaluation of particular projects may become a pathway for avoiding an open and equitable procurement process. It follows that any market process for a residual waste solution should be:

- open, transparent and technology-neutral – this includes disclosing the evaluation criteria in advance;
- assess multiple infrastructure configurations to maximise recycling and resource recovery (not only large thermal EfW);
- enable smaller, specialist and emerging operators to participate;
- avoid unnecessarily large, contracted volumes and preserve opportunities for trials and new technologies; and most importantly,
- assess outcomes against the waste hierarchy, whole-of-system costs, and environmental performance.

v. Three (3) years of 'preparatory conduct' could itself prolong uncertainty

WMRR's previous submission highlighted the market uncertainty created by an earlier CoMSEQ process, which required significant industry effort (and expense) but did not deliver any outcomes. A further three (3)-year planning period could continue to defer investment in SEQ if proponents cannot determine what volumes will remain contestable. Authorisation should therefore include annual public reporting and a formal mid-term review by the ACCC to avoid further delays to investment across the WARR sector in SEQ. Transparent reporting requirements should provide details of:

- participating councils;
- indicative waste volumes and composition;
- proposed facility configurations;

- market-engagement activities;
- progress against procurement milestones;
- measures taken to preserve competing projects; and
- the anticipated timing of any subsequent authorisation application.

If meaningful progress is not demonstrated, the authorisation should not continue automatically for the full three (3) years.

WMRR recommends that this application not be granted, however if the ACCC determines to grant interim authorisation, it should be limited to essential information-sharing and technical planning. It should not permit preferred-supplier selection, exclusivity, substantive commercial negotiations or other conduct capable of influencing the eventual competitive outcome or otherwise limit access for SEQ to the most environmentally and economically beneficial solutions available for managing residual waste.

Please contact the undersigned if you wish to further discuss WMRR's comments.

Yours sincerely

A handwritten signature in blue ink, appearing to read "Gayle Sloan".

Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia