



5. December 2016

To: Senate Economics Committee  
Committee Office | Department of the Senate

**Re: Competition and Consumer Amendment (Misuse of Market Power) Bill 2016.**

Ours is a small business that trades in the Commercial and Industrial Waste Management Industry in Melbourne.

The industry is dominated by huge multinational firms who practice a range of tactics designed to *hold* a client bound to service contracts. The consequence is that it leads to poor competition in the market and the resultant high prices and poor service outcomes for the client base, who are most of Industry in Australia relying upon this privatised service.

Those tactics too numerous to detail here but many of them are most likely to be tactics that would fit the definition of having the *effect or likely effect of substantially lessening competition*.

The issue for competition even with these legislative changes will be the difficulty pointing these tactics out to an adjudication process. It will need to be carried forward by a statutory authority like the ACCC, clients impacted by the lack of competition or small businesses impacted by the anticompetitive activity.

The ACCC be it because it is overwhelmed with work, under resourced or just not interested based on our experience is not an authority we can rely upon to advocate for us in our industry.

Small Business and clients will simply not be able to afford the costs of expensive trails.

We would recommend that the introduction of this legislation comes with an affordable *Tribunal* to adjudicate Abuse or Market power competition issues, that we as small business or our clients can access. It could be a model like the VCAT small claims Tribunals - where even lawyers are not admitted without consent by all the parties involved under a certain value of matter.

Without access to an affordable and approachable adjudicator this change in law is really just a waste of time and is as useless to the cause of improving competition as is the clause(s) that it seeks to replace.

I am happy to put myself at the committees or its members disposal to discuss at greater length.

Yours Truly

Rob Wise  
Waste Buying Group.