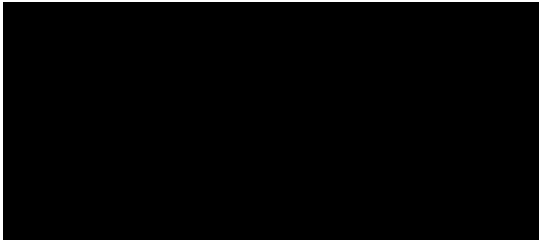


3 October 2023



Official Information Act #23.053 – Response

1. We refer to your request received on 12 September 2023 for information about Waste Management New Zealand Limited (WMNZ). You would like to know if the Commerce Commission (the Commission) has received any complaints about WMNZ charging customers on older contracts higher prices, similar to your experience with WMNZ.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

Our response

3. All complaints received by the Commission are entered into our complaint database by reference to the name of the trader complaint about. We have identified that complaints about WMNZ are entered against the trader name “Waste Management”, “Waste Management New Zealand Limited”. We have interpreted ‘long term customers’ as anyone that has a previous contract rolling over, and experienced unilateral price increases.
4. As at 12 September 2023, we have received 20 complaints about WMNZ charging customers on older contracts higher prices.¹ This number includes your complaint ENQ0584683 made on 11 September 2023.
5. Please note:

¹ Some complainants mention that they are now being charged more than other people in their area or that they are being charged more than the price that is advertised to new customers.

- 5.1 The Commission's current database was implemented in 2017. At the time of implementation, complaints records from 1 January 2012 onwards were transferred to our current database.
- 5.2 Limited complaint records from before 2012 were transferred to the current database. These do not reflect a complete picture of the complaints received by the Commission before 2012.
- 5.3 Other than the complaint records transferred to the current database, we are not able to access complaint records from our previous database(s).

Commerce Commission's complaint process

- 6. All complaints or enquiries received by the Commission are logged in our database and assessed by our Screening and Analysis Team on the basis of the information available at the time. When conducting this assessment, the team considers:
 - 6.1 the likelihood of a breach of the relevant legislation (the Fair Trading Act 1986, Credit Contracts and Consumer Finance 2003, and the Commerce Act 1986);
 - 6.2 the Commission's Enforcement Response Guidelines;² and
 - 6.3 the Commission's strategic priorities and resourcing constraints.
- 7. The Commission has the power to act on complaints but is not required to take action in relation to all possible breaches of the legislation that we enforce.
- 8. If a complaint is appropriate for further consideration, it is reviewed by a panel of managers and subject matter experts from within the Competition, Fair Trading and Credit Branches. The panel decides which complaints are to be prioritised for further assessment by the Branch with reference to our Enforcement Response Model.³
- 9. This process enables us to identify complaints that best reflect our current enforcement priorities.⁴ The outcomes of the process are not final, and we may revisit any complaint at a later stage, should we wish to reconsider the issues it presents.
- 10. Your complaint is awaiting assessment by the Screening and Analysis Team. We anticipate it will be assessed within the next two to three weeks and confirm we will update you with the outcome once assessed.

² Available at: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-response-guidelines/>

³ Our Enforcement Response Model is discussed in more detail from page 3 of the Commission's Enforcement Response Guidelines, available here: https://comcom.govt.nz/_data/assets/pdf_file/0030/62589/Enforcement-Response-Guidelines-October-2013.pdf.

⁴ For further information, see: <http://www.comcom.govt.nz/the-commission/commission-policies/enforcement-criteria/>

11. At this time, the Commission has decided not to take any further action⁵ in relation to the 18 complaints referenced above. There are a number of reasons why the Commission may decide not to take any further action to a complaint or enquiry. Your complaint and one other are still being assessed.⁶

Further information

12. Please note the Commission will be publishing this response to your request on its website. Your personal details will be redacted from the published response.
13. Please do not hesitate to contact us at ويا@comcom.govt.nz if you have any questions about this response.

Yours sincerely



OIA and Information Coordinator

⁵ The Commission may decide not to take further action in relation to a complaint for a number of reasons. These reasons include, but are not limited to, circumstances where we consider the complaint is better suited to private action by the complainant, the complaint is subject to the jurisdiction of another agency, or where there is no clear breach of the law. However, each complaint and enquiry provides information that is valuable to the Commission. This contributes to future priorities, potential issues for us to watch closely or emerging issues to refer to our policy agency, MBIE. In this regard, we will monitor complaints on information we receive as we look to future prioritisation.

⁶ These are complaints which are still being assessed by the Commission and have not yet resulted in an outcome.