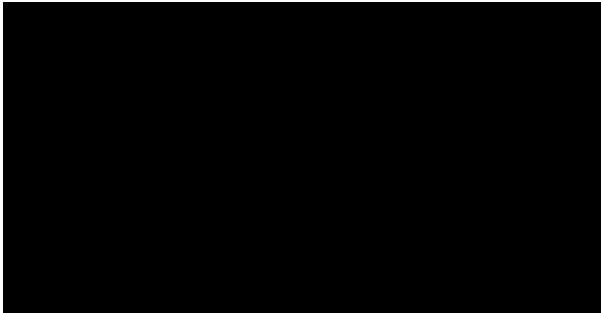


19 July 2023



Official Information Act #22.215 - Response

1. We refer to your request received on 20 June 2023 for information about whether the Commerce Commission (the Commission) has investigated any waste company collecting and processing construction and demolition waste in the last five years. If so, you would like a list of the companies investigated and the outcomes.
2. We have treated this as a request for information under the Official Information Act 1982 (OIA).

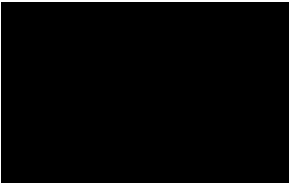
Our response

3. The Commission has not conducted any investigation that specifically looked into any waste management company collecting and processing construction and demolition waste in the last five years.
4. That said, we have two current projects underway that are reviewing the standard form small trade contracts of certain waste management companies for compliance with the unfair contract term provisions of the Fair Trading Act 1986 (FTA). The companies we are investigating collect and process a wide range of waste material from small business customers that may include construction and demolition waste.
5. One project, that was instigated by the Commission, is reviewing the terms of standard form small trade contracts from selected waste management companies for compliance with the unfair contract term provisions of the FTA.
6. The second project is investigating specific complaints the Commission has received about certain terms of a standard form small trade contract used by a waste management company with its small business customers. The complaints we received did not concern the collection and processing of construction and

demolition waste, however the terms of the contract could broadly cover the collection of such waste.

7. We consider good reasons exist at this time to withhold the names of the waste companies we are investigating as our investigations under these two projects are ongoing. We are withholding this information under section 6(c) of the OIA as the making available of that information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial.
8. Given the investigations are ongoing, the investigation outcomes are not yet known.
9. If you are not satisfied with the Commission's response to your OIA request, section 28(3) of the OIA provides you with the right to ask an Ombudsman to investigate and review this response. However, we would welcome the opportunity to discuss any concerns with you first.
10. 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.
11. 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