

# Recycling Rebate for Councils (RRC) affected by SKM closure

## Funding Conditions and Confidentiality

### RRC Program

The Victorian Government has committed to supporting 33 local governments affected by the current closure of SKM. A total of \$6.6 million has been made available.

Victorian local governments affected by the closure of SKM on 26 July 2019 will have access to a one-off grant to cover a portion of their net additional costs associated with the management of kerbside recyclables. The grant funding will:

- alleviate some of the additional net costs to councils resulting from the closure of SKM; and
- minimise the amount of recyclable waste going to landfill as a result of the closure of SKM.

As a condition of the funding Councils must provide a full copy (including all variations and amendments) of the council's contract with SKM and its current recycling processing contractor (where relevant), or its recycling collection contractor (where there is no direct contract with the processor) (subject to appropriate protections for confidential information).

### Existing contract arrangements

The recent closure of SKM Recycling has significant implications for waste and resource recovery for both state and local councils. Currently, the state has limited information available on recycling contracts to assist in fully understanding the current situation.

The Government has asked the Essential Services Commission (ESC) to provide advice on potential regulatory options to improve the efficiency, innovation and long-term viability of the waste and resource recovery market. To ensure the ESC can

provide comprehensive advice on these issues, the Government will be requesting that Victorian councils provide – on a confidential basis – copies of their contracts for waste and resource recovery services.

### Disclosure of confidential information

The use of information by the Victorian Government and all its entities is bound by the Common Law equitable duty of confidentiality as well as special statutory obligations owed by public servants:

- The Common Law duty requires the Department to treat information as confidential where information is imparted in circumstances importing an obligation of confidence, and as long as that information remains confidential.
- Certain statutory provisions provide protection with respect to any improper use of information gained by public servants in the course of their employment - see s 95 of the Constitution Act 1975 (Vic) - esp. s 95(1)(b)

For example

- The Code of Conduct of Public Sector employees provide further protection. In particular it prescribes the improper dissemination or improper use of information gained through working for the Department - see provision 3.4

Council staff and Councillors also owe similar obligations under their own Codes of Conduct, and the *Local Government Act 1989* (Vic).

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