

30 November 2020

Mr Andrew Palmer QC
Dangerous Goods Act Review
c/- WorkSafe Victoria
Geelong VIC 3220

Dear Mr Palmer

Independent Review of Victorian Dangerous Goods (DG) Laws – Australian Paint Manufacturers' Federation - submission

1. The APMF welcomes the opportunity to provide this submission to the independent review of Victoria's DG laws.
2. The APMF is the peak national body representing paint manufacturers in Australia. The APMF seeks to enhance the Australian paint and coatings industry's economic, environmental and societal contribution to Australia. The industry sells over \$3.3 billion worth of paint and coating products per year. More than 300 local paint manufacturers provide 6,500 FTE manufacturing jobs and support more than 32,000 paint, decorating and automotive repair businesses across Australia. More than 51,000 trade painters and numerous retail/wholesale jobs are also dependent on our industry.
3. In Victoria there are approximately 113 paint manufacturers directly employing 2,665 FTE.
4. In 2016 the APMF and its members established Paintback® as a world-first, industry-led initiative designed to divert unwanted paint and packaging from ending up in landfill and vital waterways. Paintback® is an independent not-for-profit organisation which is funded through a 15 cents per litre levy on eligible products. Paintback® takes unwanted water and solvent-based paints and packaging from their colourful past to a brighter future focused on responsible disposal and innovative reuse. In addition to disposing of waste paint responsibly, Paintback is committed to researching new ways to repurpose unwanted paint materials. Paintback operates approximately 37 collection sites across Victoria.
5. As an affiliated association of Chemistry Australia, the APMF supports the submission made to the independent review by Chemistry Australia. The APMF would, however, reiterate the following points to the Independent Review:
 - a. Victoria's DG laws need to be modernised to reflect the general duty and performance-based outcome approaches that are now central to several other regulatory regimes in Victoria and throughout Australia, including workplace health and safety, major hazard facilities and environmental protection laws.

- b. the incidents that have led to this review of Victoria's DG laws were the result of criminal behaviour that sought to intentionally evade workplace health and safety laws, DG regulation and environmental protection laws. It goes without saying that legislative changes alone will not prevent criminal activity in the future. Administrative action by regulatory agencies, including education, compliance, enforcement and intelligence gathering activities, will be critical to the prevention of such incidents and the integrity of Victoria's DG regulatory regime.
 - c. the review should avoid the temptation to increase the regulatory burdens and costs for businesses that have demonstrated compliance with the current laws. Increased burdens and costs imposed on legitimate operators may in fact be counterproductive as such increased burdens and costs are likely provide greater scope and financial reward for those that seek to operate outside the law. Furthermore, increased burdens and costs negatively impact the competitiveness of Victorian businesses and make Victoria less attractive as a place to do business.
6. In terms of any changes to the treatment of DGs in Victoria or the potential changes to liabilities of Directors and Officers, the APMF notes that these could have negative implications for not-for-profit stewardship programs like Paintback®.
7. Finally, it must be recognised that the paints and coating sector supplies many SMEs and trade painters with products that are subject to DG regulation. While manufacturers and suppliers work closely with their customers to assist them to understand their obligations under DG laws, it is clear that the development of codes of conduct, guidance materials and education programs by the regulatory agencies will be critical in enabling many SMEs and trade painters to comply with Victoria's DG laws.
8. If you would like to discuss aspects of this submission, please don't hesitate to contact me on [REDACTED].

Yours sincerely

[REDACTED]

Bernard Lee
Executive Officer