



Your ref: AA1000536
Our ref: MD21/2283

Mr Gavin Jones
Director Competitions Exemptions
Australian Competition and Consumer Commission
GPO Box 3131
CANBERRA ACT 2601

By email: exemptions@accc.gov.au

Dear Mr Jones

Thank you for the opportunity to respond to the ACCC's draft determination of re-authorisation of the Paintback Scheme (AA1000536).

I acknowledge that the ACCC's primary role is to consider whether aspects of the Scheme are likely to result in a net public benefit and doesn't extend to redesigning a Scheme to realise improvements.

The length of the determination is of concern, as much can change over 10 years and there seems to be no mechanism for reviewing or increasing the levy over this timeframe. The fixed levy amount does not factor in Consumer Price Index increases in the cost of recycling, treatment and waste disposal nor the cost of transition to potential new paint recovery processes. It is noted that while the levy amount can be changed by resolution of the Paintback board, the ACCC authorisation only covers a levy of up to 15c per litre and anything above this would not have legal protection under the authorisation.

The NSW Environment Protection Authority (EPA) is currently considering other avenues to ensure it is able to safely manage waste paint from its comprehensive network of Community Recycling Centres in a cost-effective manner, on behalf of the people of NSW. This will include continued engagement with Paintback to agree to tangible actions for increasing the coverage and recovery of waste paint in NSW, noting NSW generates approximately one third of all paint sold nationally. Regulatory options such as a mandatory product stewardship scheme form part of the broader set of levers available to the NSW Government for discussion with industry.

I have arranged for Ms Megan Webb, Unit Head, Community Recycling, to be available to speak with you if you have any further questions or concerns. Ms Megan Webb can be contacted on [REDACTED] or [REDACTED]

Yours sincerely



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Director Circular Economy Programs

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