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Our Ref: WS1489/2006

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Chemicals and Plastics Regulation Study
Productivity Commission
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Dear Sir/Madam

**CHEMICALS AND PLASTICS REGULATION DRAFT RESEARCH REPORT -
PRODUCTIVITY COMMISSION**

In response to the Productivity Commission's call for submissions, the Department of Consumer and Employment Protection (the Department) would like to submit comments on the above draft research report.

In general, the Department supports initiatives aimed at achieving national consistency. This includes a consistent approach to chemicals and plastics regulation between jurisdictions and across industrial sectors. However, proposed reforms should not diminish the occupational safety and health benefits arising from specific regulations where these can be justified in the interests of improving safety and health at work.

Specific comments are provided in an attachment in relation to particular parts of the draft report.

If you have any enquiries, please do not hesitate to contact Ms Sally North, Principal Scientific Officer, WorkSafe, on direct telephone (08) 9327 8600.

Thank you for the opportunity to provide comment on the draft report.

Yours sincerely

**Brian Bradley
DIRECTOR GENERAL
DEPARTMENT OF CONSUMER AND EMPLOYMENT PROTECTION**

Attach

**Department of Consumer and Employment Protection's comments on the
Productivity Commission's *Chemicals and Plastics Regulation* Draft Report**

Page	Issue	Comment
XXX	Ammonium nitrate regulation in Western Australia	The reference to Western Australia (WA) in the last paragraph is inaccurate. WA has now proclaimed the Dangerous Goods Safety (Security risk Substances) Regulations 2007.
XXXVI	Major Hazard Facilities regulation	It is not clear in the last line whether WA is included as a State that has implemented formal Major Hazard Facilities (MHF) legislation. WA has now proclaimed the Dangerous Goods Safety (Major Hazard Facilities) Regulations 2007
XLIII	Recommendation 6.1 – MHF Code of Practice review	The Department of Consumer and Employment Protection (DOCEP) agrees that a review of the need for specific MHF regulation should be undertaken.
XLIII	Recommendation 6.2 – Implementation of a single set of regulations for hazardous substances and dangerous goods, aligned with the Globally Harmonised System (GHS) and implemented after major trading partner have implemented GHS.3	DOCEP supports this recommendation.
XLIII	Recommendation 6.3 – Australian Pesticides and Veterinary Medicine Authority (APVMA) labels to be recognised	Such recognition should follow a review of a sample of APVMA labels by the Australian Safety and Compensation Council (ASCC), with consideration to how each label would look under workplace requirements, to ensure users of agriculture and veterinary (agvet) products have equivalent hazard and precautionary label information as users of other workplace chemicals.
XLIV	Recommendation 7.1 – Adoption of the Dangerous Goods Transport Model Regulations	DOCEP agrees that all States should adopt the national model regulations as closely as possible. However, DOCEP also considers that these regulations should be subject to a semi-independent review to ensure that they are not excessively prescriptive or intrusive.
XLIV	Recommendation 7.3 – Australian Explosives Code Review should be expanded	DOCEP supports this recommendation, but reiterates the comment above that the baseline level of regulatory intervention also needs to be reviewed.
XLV	Recommendation 7.4 – Australian Dangerous Goods Code and Australian Explosive Code	DOCEP supports this recommendation.
XLV	Recommendation 9.1 – national security checking system	DOCEP supports this recommendation.
XLVI,	Recommendation 9.2 –	DOCEP supports this recommendation.

Page	Issue	Comment
246	Security sensitive ammonium nitrate (SAN) regulation	
XLVI	Recommendation 9.3 – additional regulation of security sensitive chemicals	DOCEP supports this recommendation.
XLVI	Recommendation 9.4 – chemicals of security concern	DOCEP supports this recommendation.
162	Last paragraph quoting Nufarm in relation to “dual labelling” creating confusion and hazards.	Examples would be useful.
174	4 th paragraph	DOCEP is a workplace health and safety authority, so WA is not an exception.
205	Box 8.3 Environmental specific information on MSDS	The scope of the <i>WA Occupational Safety and Health Act 1984</i> is restricted to occupational safety and health issues and WorkSafe does not currently enforce environmental MSDS information or label information.
232	Table 9.1	The correct title of the SSAN regulations for WA is: Dangerous Goods Safety (Security risk Substances) Regulations 2007, not ‘regulation’. Also suggest rewording of the footnote ^b to read: ... will become <u>fully</u> enforceable ...
240	2 nd paragraph - mutual recognition in SSAN regulations	It should be noted that along with Victoria, the WA regulations allow for some mutual recognition of SRS transport drivers not permanently resident in WA.