



Australian Government
**Department of Employment and
Workplace Relations**

National Office

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Ms Sue Holmes
Assistant Commissioner
Regulatory Burdens – Primary Sector
Productivity Commission
PO Box 80
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Dear Ms Holmes

Annual Review of Regulatory Burdens: Primary Sector – Draft Research Report

Thank you for the opportunity to comment on the Commission's Draft Research Report, released on 12 September 2007.

On behalf of the Department of Employment and Workplace Relations, I have attached comments in relation to the Draft Report's discussion of the regulation of occupational health and safety (OHS), and of chemicals used in the primary sector.

Should you have any queries about the comments provided, please contact Mr Wayne Creaser, Assistant Secretary, Standards and Research Branch.

Yours sincerely

[Signed]

Flora Carapellucci
Acting Group Manager
Office of the Australian Safety and Compensation Council

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Annual Review of Regulatory Burdens: Primary Sector Comments on Draft Research Report

Section 3.12 Occupational health and safety

Section 3.12 Occupational Health and Safety – Assessment confuses the *National OHS Strategy 2002-2012*, which was endorsed by the Workplace Relations Ministers' Council (WRMC) in 2002, and the strategies agreed by the Council of Australian Governments (COAG) as part of the *COAG Regulatory Reform Plan April 2007*.

In February 2006, COAG agreed a National Reform Agenda in response to recommendations of the National Competition Policy (NCP) Review Working Group. COAG agreed, among other matters, to early actions on identified “cross-jurisdictional hot spots” (including OHS), and to the identification of “further reforms that enhance regulatory consistency across jurisdictions or reduce overlap in regulation and in the role and operation of regulatory bodies”.

In this context, COAG asked the Australian Safety and Compensation Council (ASCC) to formulate strategies to improve the development and uptake of national OHS standards, and the WRMC to identify priority areas in principal OHS Acts of each jurisdiction that should be harmonised (see COAG decision 5.6 of February 2006). The WRMC has referred the latter matter to the ASCC for advice. A report—prepared by the ASCC for the WRMC—was considered by COAG at its meeting on 13 April 2007.

In order to address its concerns in relation to the slow take-up of national standards, COAG agreed that the national OHS standards framework be recast. To effect this, COAG agreed a number of specific strategies and a timetable for their implementation. (As noted in the COAG Regulatory Reform Plan, New South Wales could not agree that duty holders and the scope of their obligations are areas for prioritisation, as issues relating to these are subject to consideration of the independent review being conducted by the Hon Paul Stein QC.)

The ASCC is progressing the agreed strategies under the auspices of COAG and the WRMC through development of the National OHS Framework.

The specific strategies and the timetable agreed by COAG are reproduced in Table 3.2 of the draft report. The table would be more appropriately titled: “Timeline for implementation of strategies to improve the uptake and development of national OHS standards”.

Section 3.17 Agricultural and veterinary chemicals

The Draft Report looks at a wide variety of issues relating to the use of chemicals in the primary sector. As suggested in Draft Response 3.27, the study into the regulation of chemicals and plastics currently underway through the Commission provides an opportunity for detailed examination of these issues. The Department supports this and notes that the study's terms of reference include the identification of measures that could be introduced to achieve a streamlined and harmonised system of national chemicals and plastics regulation.

As a matter of clarification, page 95 of the draft report refers to a comment by ACCORD about the draft National Code of Practice for the Labelling of Workplace Hazardous Chemicals. The issues raised by ACCORD are currently being considered as part of the ASCC review of the Workplace Chemicals Framework. The new Framework will incorporate the classification criteria for hazardous substances based on the Globally Harmonized System of Classification and Labelling of Chemicals (GHS). A final position on

how the AGVET labelling codes and other labelling systems will be referenced in the Workplace Chemicals Framework is to be developed in due course in consultation with stakeholders.