SOUTH AUSTRALIAN GOVERNMENT SUBMISSION

TO SUPPLEMENTARY QUESTIONS FROM THE PRODUCTIVITY COMMISSION ON REGULATORY AND ADMINISTRATIVE ARRANGEMENTS FOR CHEMICALS AND PLASTICS IN SOUTH AUSTRALIA

INTRODUCTION

This submission provides a response to questions relating to the regulatory and administrative arrangements for plastics and chemicals in South Australia.

It is stated from the outset that the regulatory framework for chemicals and plastics is necessarily complex to some degree as it must meet multiple objectives of protecting human health, the environment and trade, and the respective 'communities of interest', while providing certainty to South Australian businesses and industry.

South Australia also has a unique geographical position with five bordering states and territories, which means that appropriate measures need to be in place to address associated risks.

Nonetheless, the South Australian Government has an ongoing agenda for ensuring an efficient, effective and streamlined regulatory framework, through the application of 'best practice' regulatory principles and the use of a variety of regulatory and non-regulatory tools. Regulatory effort is focused on 'high risk' areas in order to achieve the most cost effective outcomes.

South Australia has a very comprehensive regulatory reform program and the Government is committed to reducing business red tape by at least 25% by July 2008. This has been translated into a net savings target of $150 million per year.

RESPONSES TO QUESTIONS

1. **How are chemicals and plastics specifically regulated by the South Australian Government?**

   A summary of the regulatory framework in South Australia is provided in the attached Table 1. Further details are provided in response to question 2.

2. **What are the institutional structures used in administering chemicals and plastics regulation?**

   The regulation of chemicals and plastics in South Australia is limited to just four principal administrative areas, which align with particular 'communities of interest' or customer bases:

   - Department of Health (DH) – Public Health Division

- Department of Primary Industries and Resources SA (PIRSA) -Agricultural and Veterinary Chemicals – Rural Chemicals Program
- Department of the Premier and Cabinet (DPC) - SafeWork SA - Safety and Security
- Environmental Protection Authority (EPA) - Environment

Of particular note is that regulation of the storage and transport of dangerous goods and the management of hazardous substances in the workplace are administered through the one agency (SafeWork SA) and that omnibus legislation is being prepared to cover all these areas (further details below).

Department of Health – Public Health Division

The Department of Health (DH) is responsible for administering components of the *Public and Environmental Health Act 1987, Food Act 2001* and *Controlled Substances Act 1984* and associated regulations.

Under the Public and Environmental Health and Food legislation DH is involved in regulating the end-fate of chemicals and plastics in the context of public and environmental health. This includes waste contamination of water supplies, food, soil, residential premises and air as a result of ongoing or ceased activities. DH collaborates on these issues with the Environmental Protection Authority (EPA) and local government. Further information on the role of the EPA is provided below.

The *Controlled Substances Act 1984*:

> "regulates or prohibits the manufacture, production, sale, supply, possession, handling or use of certain poisons, drugs, therapeutic and other substances, and of certain therapeutic devices."

The regulatory framework for DH duties relating to the designated chemical and plastics industries consists of components of the *Controlled Substances Act 1984*, *Controlled Substances (Poisons) Regulations 1996*, *Controlled Substances (Prohibited Substances) Regulations 2000* and *Controlled Substances (Pesticides) Regulations 2003.*

Regulation using this tool is restricted to those chemicals that are scheduled in the Standard for the Uniform Scheduling of Drugs and Poisons (SUSDP). Therefore the SUSDP effectively underpins controlled substances legislation and regulation in South Australia.

Schedules 1-8 are declared poisons under Section 12(1) of the Act and regulation 6(1) of the Poisons regulations. Some components of the SUSDP are effectively removed for legislative purposes in South Australia through Schedule A of the Poisons regulations. Part 3 of the SUSDP is removed and replaced with specific regulations. Schedules are varied slightly, usually for therapeutic substances that are not relevant to this study. Schedule 9 is removed and replaced with the Prohibited Substances regulations. Appendix B, D and J are also removed.

Further details of provisions in the Controlled Substances Act:

Manufacture, Production and Packing

- Section 13 of the Act requires persons to be authorised or licensed to perform these activities.
- Manufacturers of scheduled chemicals are required to be licensed under either the *Therapeutic Goods Act 1969* (administered by the TGA) or the *Controlled Substances Act 1984* (administered by DH) unless it is the packing of a Schedule 5 liquid hydrocarbon for retail sale.
- Manufacturing licences for scheduled chemicals are issued to chemicals and plastics industries by DH and licence holders are subject to specific conditions of licence.
- Packaging of scheduled chemicals is regulated under Section 24 of the Act and regulation 18, which reflect SUSDP requirements.
- Labelling of scheduled chemicals is regulated under Section 24 of the Act and regulation 19, which reflect SUSDP requirements.
- Storage of scheduled chemicals is regulated under Section 25 of the Act and regulation 20, which reflect the SUSDP requirement for “Keep out of the reach of children” with some additions (see below).

Transport

- Transport of scheduled chemicals is regulated under Section 26 of the Act and regulation 21.

Sale/Supply

- Sale by wholesale of scheduled chemicals is regulated under Section 14, 16, 17, 18, 19, 21, 23 of the Act and regulation 13, 15 and requires the seller to be an authorised person or licensed by DH and licence holders are subject to specific conditions of licence.
- Sale by retail of certain classes of scheduled chemicals is regulated under Section 15,16, 17, 18, 19, 21, 23 of the Act regulation 14, 15 and requires the seller to be an authorised person or licensed by DH and licence holders are subject to specific conditions of licence.
- The quality of the scheduled substance for sale is regulated under Section 23 of the Act.

Use

- Purpose of use of a scheduled chemical is regulated under Section 27 of the Act and regulation 22.

  Generally, the intent of the national SUSDP is upheld in SA. There are a limited number of variations where national inconsistencies can arise.

Examples:

- The storage of Schedule 5 and 6 chemicals in retail premises may be perceived as stricter than national standards. There are similar restrictions in

Queensland and NSW (Schedule 6 chemicals only) but not in other jurisdictions.

- Section 16 and 22 of the Act restricts the availability of Schedule 7 chemicals to authorised (accredited persons e.g. Chemcert or equivalent) or licensed persons by conditions of licence in line with Appendix J of the SUSDP.

Department of Primary Industries and Resources SA (PIRSA) - Agricultural and Veterinary Chemicals

The Rural Chemicals Program in PIRSA is responsible for administering the *Agricultural and Veterinary Products (Control of Use) Act 2002* and associated regulations. The Act sets out what is responsible use of agricultural and veterinary chemicals, managing the risks of use in terms of harm to plants, animals, trade, human health and the environment.

The Act operates within the context of the Commonwealth Agvet Code, adopted in South Australia under the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*. The Agvet Code (Agricultural and Veterinary Chemicals Code Act 1994) implements the National Registration Scheme for Agricultural and Veterinary Chemicals. The Scheme is administered by the Australian Pesticides and Veterinary Medicines Authority (APVMA), and consists of registration and regulation of the manufacture and supply of all pesticides and veterinary medicines in Australia up to the point of sale. The Agvet Code describes requirements in relation to agricultural and veterinary chemicals for:

- Registration process;
- Approval of labels;
- Supply, including requirement of product to be registered, supplied with an approved label, and supplied in the registered formulations; and
- The ability to restrict the sale of certain chemicals to persons approved under State legislation to use the chemicals.

Although the Agvet Code applies as a law in South Australia, enforcement is managed by the APVMA with assistance, if required, by PIRSA officers acting under the Agvet Code.

The *Agricultural and Veterinary Products (Control of Use) Act 2002* (the Act) and *Regulations 2004* apply to chemicals registered under the National Registration Scheme. Administered by PIRSA, the Act comprises the following components:

General Duty

- The General Duty requires persons to take reasonable care to minimise chemical contamination of plants, land, and animals when using or disposing of chemicals.
- The main aim of the General Duty is to minimise “spray drift” of chemicals outside the target area.

Use

- Chemicals that are not registered under the National Registration Scheme must not be used, unless permitted under an APVMA Permit or exempted under the Regulations.
- The Regulations prescribe certain mandatory label directions that must be followed.
- The Regulations prescribe qualifications required for persons to use Restricted Chemical Products. The APVMA restricts the chemicals under the Agvet Code, and PIRSA coordinates with DH to standardise the prescription of qualifications required for use (PIRSA) and sale (DH).
- The Regulations prescribe Standards for manufacture of fertilisers that are not required to be registered under the National Registration Scheme.

Orders

- The Act provides the ability to issue Compliance Orders to instruct users to take specified actions with regard to chemical use, and Trade Protection Orders to manage trade risks from treated produce.

SafeWork SA - Safety and Security

The regulatory framework for SafeWork SA relating to the designated plastics and chemicals industries consists of components of the:

- *Dangerous Substances Act 1979* and *Dangerous Substances Regulations 2002*;
- *Explosives Act 1936* and *Explosives Regulations 1996, Explosives (Fireworks) Regulations 2001*, and *Explosives (Security Sensitive Substances) Regulations 2006*; and
- *Occupational Health, Safety and Welfare Act 1986*, and *Occupational Health, Safety and Welfare Regulations 1995*.

Dangerous Substances

- Licensed storage of LPG, Class 3, 6, and 8 dangerous substances above specified quantity limits.
- Licensed road transport (driver and vehicle) of all dangerous goods (excluding Class 1, 6.2, and 7) for packages above specified volume limits.
- Installation of LPG/CNG systems to spark ignition engines

Explosives

- Licensing of the transport, storage and manufacture of explosives
- Authorisation of not otherwise classified explosives

- Licence system to control manufacture and use of ammonium nitrate/fuel oil mixtures
- Permit system to control purchase, use and sale

Security Sensitive Ammonium Nitrate (SSAN)

- Permit system to control import (intra-state and overseas), purchase, use and disposal
- Licensed transport, storage and manufacture

(Further details on the regulation of Security Sensitive Ammonium Nitrate in South Australia - and responses to specific questions from the Productivity Commission - are provided in Attachment 1.)

Occupational, Health Safety and Welfare

- A requirement of the Act is to keep substances (chemicals) in a safe condition, and monitor the health of employees
- Regulations require control of hazardous substances (labelling, registers, data sheets, risk assessment, instruction and training, risk control, atmospheric monitoring, health surveillance, record keeping, emergency arrangements, etc)

Omnibus legislation (the Dangerous Substances and Major Hazard Facilities Bill) covering dangerous goods, explosives, security sensitive substances, and major hazard facilities has been prepared. A security duty will be put in place for persons licensed to store dangerous substances or manage a Major Hazard Facility (nine identified potential sites in South Australia). Regulations are being prepared to extend the licensing regime to all classes of dangerous substances (other than radioactive).

Environment – Environment Protection Authority (EPA)

The EPA is an Independent Statutory Authority, forming Part of the Environment and Conservation Portfolio for State Government administrative purposes. It is the State's primary environmental regulator, responsible for the protection of air and water quality, and the control of waste, noise and radiation. The EPA is given powers to regulate environmental pollution as specified under the *Environment Protection Act 1993* and a number of Environment Protection Policies which are established under this Act. The Act empowers the EPA to issue Authorisations (Licences) to industrial and commercial activities listed in *Schedule 1 of the Act (prescribed activities of environmental significance).*

Licences may state the emission levels of chemical pollutants an activity is allowed to discharge to the environment and may specify monitoring requirements relative to those discharges.

Licences can also include conditions to manage chemicals on site and requirements for contingency plans should an unexpected chemical spill or emission take place.

More specifically, key regulatory powers of the Act include;

- *Part 6,* which describes the requirements, management and issuing of licences.
- *Part 9,* which specifies applicable penalties for offences relating to the causing of environmental harm
- *Section 25,* which describes the general environment duty. This places a responsibility on industry and citizens not to undertake an activity that pollutes or might pollute the environment *"unless all reasonable and practicable measures are undertaken to prevent or minimise any resulting environmental harm"*

Powers for enforcement should breaches of the Act or licence conditions occur are;

- Expiation through the issue of 'Environment Protection Orders' to cease polluting activities.
- Prosecution for breaches of the Act or licence conditions.
- Requirement for Licensees to develop Environment Improvement Programs (EIPs) to improve and upgrade current activities to achieve compliance.

Radioactive Substances

The *Radiation Protection Act 1982* controls activities related to radioactive substances and radiation apparatus to ensure people and the environment are protected from the harmful effects of radiation. The Act provides for controls on the storage, handling, transport and disposal of radioactive chemicals or other substances.

3. What mechanisms are in place to consult with business and other stakeholders?

There are no specific consultative committees set up under the *Agricultural and Veterinary Products (Control of Use) Act 2002*. For legislation changes standard government process is followed as set out in an internal government circular. There is a general requirement that there be adequate consultation both within government and the community. Details of the consultation undertaken on all matters coming to Cabinet and the outcome of the consultation must be fully reported in all Cabinet submissions.

Ad hoc consultation occurs as required on an issues basis.

Major policy Issues regarding chemicals and occupational health, safety and welfare are generally referred to the SafeWork SA (Ministerial) Advisory Committee (a statutory body with tripartite membership).

4. **What is the role of local government in administering and enforcing chemicals and plastics regulations?**

   Local governments pass complaints of chemical trespass/spray drift to PIRSA for investigation under the *Agricultural and Veterinary Products (Control of Use) Act 2002.* This arrangement is informal, but is expected to be formalised in future.

   Local government is responsible for administering the Country Fires Act and as such issue permits for the use of fireworks during fire danger season.

5. **How is compliance encouraged and enforced at the state and local level?**

   South Australia has recognised the need for a strong focus on education and the provision of information and advice to enhance industry's ability to comply, rather than relying solely on enforcement and penalties.

   For example:

   PIRSA has in place education and compliance programs concerning the use of agricultural and veterinary chemicals that target both individuals and groups. Areas covered include, investigations of complaints of chemical trespass/spray drift on whole of government basis, on-farm investigations of residues in produce, chemical user audits, supporting information providers, trainers and quality assurance auditors of primary producers with the latest information, direct education to targeted farmer groups, provision of information to rural resellers, working with communities to solve local chemical issues. There is provision for prosecutions as required, usually when alternative approaches have failed.

   The stronger focus on education does place a greater onus on ensuring that information accessed by the public and industry for compliance is well maintained and kept up to date.

   In the area of controlled substances, compliance is encouraged and enforced using DH's administration of legislative controls over the sale and supply of poisons and drugs, licensing requirements, conditions of licence and inspections of both premises and records of sale. However the level of enforcement is inevitably determined by resource availability and as in other areas, a stronger focus on education and information provision has been required.

   More complex dangerous substances and explosives matters are dealt with by a group of specialist inspectors in SafeWork SA. All OHS Inspectors in South Australia are gazetted under Dangerous Substances legislation. Inspectorate activities include inspections and audits, assessment of applications for certain dangerous substances and explosives and security sensitive ammonium nitrate and provision of advice and assistance to encourage compliance and where necessary, take steps (including the use of expiation notices and prosecution)

to enforce compliance. Police officers in South Australia are gazetted as explosives inspectors.

SafeWork SA currently does not have a notification process for the use of certain hazardous chemicals in the workplace, specifically carcinogens and hazardous substances requiring health surveillance. However, this requirement will be reviewed during the Agency's Hazardous Substances regulation review in 2008/9, in order to align with the national Workplace Chemicals framework, which is currently under review.

6. What monitoring does the government undertake of the effectiveness of regulations?

DH regulates the sale and supply of poisons and does not directly control use. Confidential reports on investigations of alleged breaches of controlled substances legislation are maintained by departmental regulators. Adverse events relating to industrial chemicals may be reported to NICNAS and AgVet chemicals to APVMA. Poisons Information Centre data is collated by DH and may show incident trends (subject to data validity) that would drive scheduling considerations and subsequently chemical availability. Departmental epidemiologists also have the capability to monitor adverse health effects that result in hospital attendances if a specific emerging risk is detected and the cancer registry.

PIRSA compiles an Annual Report on chemical trespass investigations and has in the past contributed to the Pooraka FoodCare Reports (chemical residues in produce) in association with DH and Adelaide Produce Markets. PIRSA also utilises National Residue Survey (NRS) and Australian Pesticides and Veterinary Medicines Authority (APVMA) reports to identify priorities.

A review of Occupational Health Safety and Welfare regulations is underway. Part 4 of the Regulations (Hazardous Substances) will be reviewed in 2008/9).

7. What coordinating mechanisms are used both within South Australia and between South Australia and other states and territories and the Commonwealth?

A number of national coordinating mechanisms are used.

DH has access to the state National Drug and Poisons Scheduling Committee (NDPSC) representative to present public health perspectives relating to chemical scheduling at the Commonwealth level. The NDPSC serves as an effective coordinating mechanism with representatives from all jurisdictions.

PIRSA has representation on Product Safety and Integrity Committee (PSIC), Registration Liaison Committee (RLC) of APVMA and State Residue Co-ordinators Meetings (supported by an MOU with the National Residue Survey)

SafeWork SA is an active participant in the Australian Safety and Compensation Council (ASCC) and other peak bodies dealing with the impact of chemicals in occupational settings. SafeWork SA staff also contribute to technical advisory Committees dealing with chemicals (including those administered by Standards Australia).

Safework SA also:

- participates in the national forum of Australian Explosives Regulators (AFER);
- chairs the national Competent Authorities Panel (CAP) for the transport of dangerous goods;
- has in the past attended the United Nations Committee of Experts on the Transport of Dangerous Goods as part of the Federal DOTARS delegation; and
- was part of the national group that wrote the COAG principles for the security regulation of ammonium nitrate.

Within South Australia, there are a number of coordination mechanisms both formal and informal, that are effective in resolving specific issues. The high degree of cooperation that exists between agencies is promoted by strong personal relationships that are a feature of a relatively small public sector.

For example:

PIRSA and the Public Health Directorate of DH have developed an (informal) MOU to coordinate approaches to investigating chemical trespass. This involves efforts to share information about breaches and determining which agency has the best regulatory tool to address a specific incident. PIRSA has developed a “chemical trespass” unit with investigation officers who can assist with the resolution of disputes between neighbours. This is achieved by mediating and negotiating a “chemical use notification agreement” between the two parties that is co-signed by PIRSA and the Public Health Division.

There is also a Food Safety Incident Response Plan (between PIRSA and DH) and informal operational links on chemical trespass/spray drift with other state agencies and local government.

Coordination and MOU between DH and EPA regarding site contamination issues is demonstrated by EPA funding of 2 FTEs with DH to address chemical contamination work.

Safework SA is the hazard leader for the escape of hazardous substance under the State emergency plan, as such has a coordinating role between government agencies on such policy matters.

8. **What are the costs to government associated with policy development, administration, coordination and enforcement of chemicals and plastics regulations?**

   Licensing activities of DH occur on a cost recovery basis through licensing fees. It is not possible to separate costs in relation to only those chemicals and plastics deemed relevant to this study. Total DH staff involved with licensing of chemicals, drugs and commercial pesticide application equates to 4.5 FTE's.

   Costs incurred by DH regulatory and advisory activities relating to the end fate of chemicals and plastics could not differentiated in the given timeframe. This is largely because it is not possible to separate activities that are only associated with substances deemed relevant to this study and many of these activities are done in conjunction with other agencies.

   PIRSA Rural Chemicals Budget plus other PIRSA staff as required: estimate $900,000.

   SafeWork SA all activities associated with regulation of dangerous substances: estimate $2,800,000.

9. **Is any information available on the compliance burden imposed on businesses by chemicals and plastics regulations in South Australia?**

   In accordance with the Government's Red Tape Reduction Program, all agencies are required to develop a plan for reducing red tape for business.

   For example:

   DH is undertaking specific measures to reduce the burden to industry including the mutual recognition of packaging and labelling exemptions granted by other states, removing requirements for licensing for specific wholesalers and practitioners, provision of on-line facilities for licence application, renewal and payment and the extension of some licence terms to include an option for 3 yearly renewal. These measures are recorded in the Red Tape Reduction Plan for DH (not a public document at this stage).

   In South Australia, the Commonwealth's Business Cost Calculator is mandated for use in assessing the compliance costs of all regulatory proposals with an impact on business that are submitted to Cabinet. The assessment is incorporated into a full cost benefit analysis as part of the regulatory impact statement process.

   The extent of the compliance burden imposed by dangerous substances legislation will be examined by SafeWork SA in connection with the drafting of new regulations. This is expected to occur in 2008.

   It is noted that there is opportunity to make submissions to the NDPSC if its scheduling decisions result in 'perceived' regulatory burdens. However, access to this process could be improved through better communication with stakeholders.

10. Is any information available on the time taken by regulators in assessing applications and notifying applicants of the outcomes?

It is DH policy to assess and advise of licensing outcomes within 14 days for applications in accordance with the existing licensing framework. Investigations of breaches of legislation would occur as soon as possible after notification relative to assessment of the associated public health risk.

SafeWork SA is required to process applications for licences and permits (new and renewal) of a variety of activities relating to chemical and explosives. Audits in 2005 revealed that for explosives, 75% of new applications were processed within 5 days and 82% of renewals) For Dangerous Substances 65% of new applications were processed within four months. Delays were due primarily to incomplete information being provided by applicants and the need to complete and report on site inspections by SafeWork SA staff.

11. Do you consider there are any gaps or overlaps in the regulation of chemicals and plastics in South Australia?

Gaps

Two main gaps have been identified but they are not specific to South Australia:

- Lead-containing paint and pre-painted products; and
- Household chemicals, cosmetics and toiletries.

<u>Lead-containing paint and pre-painted products</u>

The Uniform Paint Standard prohibits the manufacture and use of lead-containing paints of specific formulations for specific applications (e.g. bridges, buildings, mirror backings). The designated applications do not include; some industrial uses where there may be associated public health risks during occupational exposure (regulated by current Australian Safety and Compensation Council and SafeWork SA legislation), exposure during renovation of buildings painted previously with lead-containing paint, vehicle restoration by hobbyists and inappropriate use of industrial coatings.

Exposure to many lead-containing pre-painted objects imported from overseas is also inadequately regulated. Some lead-containing domestic products are prohibited by Commonwealth Customs legislation. In addition, the Australian Competition and Consumer Commission (ACCC) and the South Australian Office for Consumer and Business Affairs (OCBA) are able to develop mandatory safety standards and specific product bans but currently there is no systematic and robust framework to regulate the majority of pre-painted goods that contain lead including children's toys. For instance the ACCC has recently gazetted and intends to enforce bans to prevent supply of toys with a specified lead content from incorporated trading companies but does not have the powers to regulate supply from un-incorporated companies or sole traders. To

cover this gap OCBA has now implemented additional regulatory tools to ensure that products don't pose public health risk through, for example, sale via the second-hand market.

In addition to these listed gaps in regulation there is an apparent inconsistency where the importation of toys is prohibited if the coating has a non-volatile content of lead that is more than 250mg/kg, whereas the recent product ban issued by the ACCC and mirrored by the OCBA prevents the sale or supply of toys with an accessible material with lead migration of more than 90mg/kg. This inconsistency may undermine the effectiveness of regulation in reducing public exposure risks.

This gap in regulation raises concerns about the potential health risks resulting from imported goods and adverse effects on the competitiveness of Australian paint manufacturers and product manufacturers who would comply with future phasing out of lead-containing paints while imported good are unregulated.

There is a need for review of the current deficiencies in regulation with a goal to amend and implement improvements. To complement such improvements, a transparent and reliable certification system needs to be introduced that incorporates detailed manufacturer information on the chemical content of products and proof of standards testing that is acceptable world-wide. Ideally, global harmonisation of chemical testing standards and certification for chemical and plastic products should occur. This would improve the efficiency of regulators such as NICNAS, OCBA, ACCC and Australian Quarantine and Inspection Service in monitoring imported product safety and minimise potential health risks. Improvements to the system could reduce the potential for non-genuine, non-specific or inaccurate certification being provided by manufacturers to importers and distributors. Amendments are needed to ensure that importers take greater responsibility for the safety of imported products by determining that their product meets Australian standards.

Household chemicals, cosmetics and toiletries

Labelling requirements for these products can be unclear and there appears to be a general lack of information about chemical safety and health risks available to the public and regulators which undermines public health and chemical safety mandates. In some instances labelling may not provide enough relevant information to minimise potential health risks for sensitive populations such as asthmatics or persons with "Multiple Chemical Sensitivities". The absence of transparent regulatory controls on these products can have an adverse impact on the effectiveness of other chemical regulation by resulting in misinformation, dangerous use and confused perceptions of chemical safety.

The focus of some parts of the national regulatory system on individual chemicals rather than products could also be construed as representing a gap in the system.

Regulation, classification and toxicological information about products containing a combination of various chemicals can be non-existent or confusing. It is often difficult or impossible to access technical information - particularly that which relates to the non-active ingredients (e.g. solvents,

dispersants, fillers etc.) and the properties and hazard or risk assessment of the product when non-actives and actives are combined.

This lack of information may result in increased potential health risks and missed opportunities for educating the public and industry about chemical safety.

A stronger risk-based approach to scheduling of combination products that filters to evidence-based regulation and labelling could assist with educating industry and enhancing public awareness about chemical product safety.

The scheduling and therefore the regulation of combination products is generally based on the hazards and risks associated with the active constituent. Public health and environmental risks may be potentiated or different when synergistic chemicals are combined and therefore regulation is ineffective at minimising harm.

Overlaps

All attempts are made to ensure that overlaps in regulatory requirements do not occur (or are minimised).

For example:

In many cases, for example record-keeping requirements, industry is required by more than one agency to maintain records of chemical/plastic manufacture, sale, use and disposal. In general, compliance with multiple regulatory requirements is achieved with a single set of records that is no more than would be deemed appropriate for basic business management. These records need only be available for viewing (but only by those agencies with the legislative capacity to access business records) and are not required to be replicated and disseminated to individual agencies.

As noted above in response to Question 7, a number of informal and formal mechanisms are used in South Australia to address potential overlaps, recognising that different agencies can have different ‘communities of interest’ that sometimes intersect.

The South Australian Government is interested in the outcome of the Productivity Commission study and will examine any recommendations to address overlaps or opportunities to reduce red tape.