

COUNCIL OF AUSTRALIAN GOVERNMENTS'

MEETING

3 JULY 2008

COAG MINISTERIAL TASKFORCE ON CHEMICALS AND PLASTICS REGULATORY REFORM – 'EARLY HARVEST' REFORMS

On 10 February 2006, the Council of Australian Governments (COAG) identified chemicals and plastics as a regulatory hotspot and agreed to the establishment of a Ministerial Taskforce to address it. The Ministerial Taskforce on chemicals and plastics (the Taskforce) has now developed an 'early harvest' reform package which has been agreed today by COAG. COAG also requested the Business Regulation and Competition Working Group (BRCWG) to bring forward actions in response to the final Productivity Commission report on its study of chemicals and plastics regulation, due to be released by 27 July 2008, for COAG to consider at its October 2008 meeting.

Early Harvest Package

The 18 early harvest reform measures are grouped as follows:

1. 16 reforms for completion by December 2008; and
2. two reforms for completion after December 2008.

1. High priority early action proposals for ratification by COAG in July 2008 and to be completed by December 2008

Reform 1: Nationally consistent implementation by all jurisdictions of the 7th edition of Australian Dangerous Goods Code and attendant regulation within a 12 month period.

Recommendation: COAG agrees to the nationally consistent implementation by all jurisdictions of 7th edition of Australian Dangerous Goods Code and attendant regulation within a 12 month period, and directs that all jurisdictions are to adopt the Code and supporting legislation and regulation by December 2008 and directs the Australian Transport Council to report its completion to the December 2008 COAG meeting.

Reform 2: The 7th edition of the Australian Dangerous Goods Code be made free on the Internet.

Recommendation: COAG agrees to make the 7th edition of the Australian Dangerous Goods Code available on the internet for free, by 31 December 2008, and asks the Australian Transport Council to consider a submission by the National Transport Commission on the implementation of the decision including the funding and contractual implications.

Reform 3: Recognition by Food Standards Australia New Zealand of the Australian Pesticides and Veterinary Medicines Authority's residue risk assessment and the promulgation of the resulting maximum residue limits to the Food Standards Code.

Recommendation: COAG agrees to the recognition, for domestically grown produce, by Food Standards Australia New Zealand of the Australian Pesticides and Veterinary Medicines Authority's residue risk assessment and the promulgation of the resulting maximum residue limits to the Food Standards Code. COAG calls for the Commonwealth to complete the reform by December 2008 and report its completion to the COAG December 2008 meeting.

Reform 4: The Australian Government should progress industry reforms for regulating on-farm dairy cleansers and report progress to COAG

Recommendation: COAG agrees to the Australian Government progressing industry reforms for regulating on-farm dairy cleansers, and directs the Commonwealth, State and Territory agencies, through the Product Safety and Integrity Committee, to report completion of the reform to the COAG December 2008 meeting.

Reform 5: The Australian Government should progress industry reforms for regulating water sanitisers for industrial use.

Recommendation: COAG agrees to the Australian Government progressing the review into industry reforms for regulating water sanitisers for industrial use and directs the Commonwealth to present recommendations on reforming regulation of these products for endorsement by the 2008 December COAG meeting.

Reform 6: Access to high risk agricultural and veterinary chemicals is restricted to those with the necessary competencies in order to ensure that they are not misused and, as a result, withdrawn from the market.

Recommendation: COAG agrees to the development of an improved management protocol by the Product Safety and Integrity Committee for high risk agricultural and veterinary chemicals to ensure that they are not misused and, as a result, withdrawn from the market, and calls for the Product Safety and Integrity Committee to report on its implementation to the COAG December 2008 meeting.

2. Early action proposals for ratification by COAG in July 2008 and completion by December 2008

Reform 7: Exclude certain agricultural and veterinary products that are currently regulated by the Australian Pesticides and Veterinary Medicines Authority from the National Registration Scheme on the basis of risk

Recommendation: COAG agrees that certain agricultural and veterinary products that are currently regulated by the Australian Pesticides and Veterinary Medicines Authority be excluded from the National Registration Scheme on the basis of risk, and directs the Commonwealth, State and Territory agencies, through the Product Safety and Integrity Committee, by October 2008:

- Complete the reform for products where no transfer of responsibility is necessary
- Present a work plan for the progression of the reform for the remainder of the product.

Reform 8: Agricultural and veterinary chemical labelling reform – regulatory box.

Recommendation: COAG agrees that the Commonwealth reform labelling of agricultural and veterinary chemicals, to enable label amendments in specified circumstances without application to the Australian Pesticides and Veterinary Medicines Authority. COAG directs the Product Safety and Integrity Committee to report on the completion of the reform at the COAG October 2008 meeting.

Reform 9: Improve data protection provisions for agricultural product registrants.

Recommendation: COAG agrees to the Commonwealth improving data protection provisions for agricultural product registrants, and directs the Ministerial Taskforce on chemicals and plastics to report on the progress of the legislative bid, currently with the Parliament, at the COAG October 2008 meeting.

Reform 10: Regulatory process for low risk agricultural and veterinary chemicals.

Recommendation: COAG agrees to the development of faster, less costly arrangements for low risk agricultural and veterinary chemical products and directs the Ministerial Taskforce on chemicals and plastics to report on the completion of the reform for at least one class of low risk products at the COAG October 2008 meeting.

Reform 11: National Industrial Chemicals Notification and Assessment Scheme to finalise low regulatory concern chemicals reforms.

Recommendation: COAG notes that the National Industrial Chemicals Notification and Assessment Scheme is finalising the low regulatory concern chemicals (LRCC) reforms that it initiated in 2004 and calls for the final stage of the LRCC reforms to be completed by October 2008.

Reform 12: Various amendments to agricultural and veterinary chemical legislation.

Recommendation: COAG agrees that various amendments to agricultural and veterinary chemical legislation agreed to by the Product Safety and Integrity Committee (PSIC), be completed by the December 2008 COAG meeting.

Reform 13: National scheme for regulating the aerial application of agricultural chemicals

Recommendation: COAG agrees that the Product Safety and Integrity Committee (PSIC) develop a national scheme for regulating the aerial application of agricultural chemicals. COAG directs that the relevant Commonwealth, State and Territories implement the PSIC work plan by December 2008 and report on implementation to the COAG October 2008 meeting and on completion to the COAG December 2008 meeting

Reform 14: National Industrial Chemicals Notification and Assessment Scheme to evaluate the effectiveness of the low regulatory concern chemical (LRCC) reforms introduced in 2004.

Recommendation: COAG agrees to the National Industrial Chemicals Notification and Assessment Scheme (NICNAS) evaluating the effectiveness of the low regulatory concern chemical reforms introduced in 2004, and calls for NICNAS to initiate the evaluation by July 2008 with completion by March 2009 and that NICNAS report progress to COAG's Business Regulation and Competition Working Group in December 2008.

Reform 15: National harmonisation of poisons scheduling regulation using template or model regulation; plus mutual recognition of decisions.

Recommendation: COAG agrees to the national harmonisation of poisons scheduling regulation using template or model regulation, and mutual recognition of decisions; and directs the Ministerial Taskforce on chemicals and plastics to present recommendations on implementing the reform in a timely manner to the October 2008 COAG meeting for endorsement by the December 2008 COAG meeting.

Reform 16: States and Territories uniformly implement Commonwealth scheduling of poisons.

Recommendation: COAG agrees to State and Territory jurisdictions uniformly implementing Commonwealth scheduling of poisons, and directs the Ministerial Taskforce on chemicals and plastics to present recommendations on implementing the reform in a timely manner to the October 2008 COAG meeting for endorsement by the December 2008 COAG meeting.

3. Reforms for ratification by COAG in October 2008 and completion after December 2008

Reform 17: National Industrial Chemicals Notification and Assessment Scheme recognition of Canadian new chemicals regulations as an approved foreign scheme.

Recommendation: COAG supports the National Industrial Chemicals Notification and Assessment

Scheme recognition of Canadian new chemicals regulations as an approved foreign scheme, and calls for NICNAS to complete the next stage of reform by December 2008 and report progress to the COAG October 2008 meeting.

Reform 18: The Australian Government should progress industry reforms for regulating hard surface disinfectants for hospital, industrial and domestic use and report progress to COAG

Recommendation: COAG notes that the Commonwealth is progressing the industry reforms for regulating hard surface disinfectants for hospital, industrial and domestic use arising from the response to the Banks Report of 2006, and calls for a progress report to the COAG October 2008 meeting.

Government stakeholders who have contributed to the package of regulatory reforms

Government	Department	Regulator
Commonwealth	Department of Innovation, Industry Science and Research	
	Department of the Prime Minister and Cabinet	
	Department of Education, Employment and Workplace Relations	
	Department of Health and Ageing	Office of Health Protection
		National Industrial Chemicals Notification and Assessment Scheme
		Office of Chemical Safety
		Food Standards Australia New Zealand
		National Transport Commission
	Department of Infrastructure, Transport, Regional Development and Local Government	
	Department of Environment Heritage and the Arts	
New South Wales	Attorney General's Department	AusCheck
		Australian Competition and Consumer Commission
	Department of Agriculture Fisheries and Forestry	Australian Pesticides and Veterinary Medicines Authority
	Department of Environment and Climate Change	WorkCover NSW
Victoria	Department of Primary Industries	Victorian Workcover Authority
	Department of Innovation, Industry and Regional Development	
Queensland	Department of Premier and Cabinet	
	Department of Employment and Industrial Relations	
Western Australia	Department of Consumer and Employment Protection	Worksafe WA
	Department of Agriculture and Food	
South Australia	Department of Trade and Economic Development	
	Department of Health	
Tasmania	Department of Environment, Parks, Heritage and Arts	Workplace Standards Tasmania

Australian
Capital Territory

Office of Regulatory Services

Northern
Territory

Department of Business, Economic
and Regional Development

Department of Business, Economic
and Regional Development
Northern Territory Government