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Mr Scott Gregson
General Manager
Adjudication Branch
Australian Competition and Consumer Commission
PO Box 1199
DICKSON ACT 2602

FILE
DOC
MARS/PRISM:

Dear Scott

Your reference C2005/1811

I refer to your letter of the 7th March 2006, our subsequent discussions and submit the following answers to the questions raised in support of our application regarding operational aspects of the application for minor variation under consideration.

Further to our meeting, please also find following as requested, clarification on some of the issues discussed.

Two and three year option for Personnel Accreditation

There are currently two main methods of completing Personnel accreditation: Face to Face and Online training.

Due to existing demand face to face training is not scheduled to be phased out. This will be reviewed from time to time. At the time the premises booking is made by the Agsafe Facilitator, staff are offered the opportunity to choose which method they prefer.

Anyone choosing to re-accredit via face to face training becomes accredited for three years. Personnel choosing to re-accredit via online modules are accredited for two years. Personnel choosing the online completion method are able to synchronise their accreditation with that of the premises.

Criteria against which Agsafe assesses

Agsafe premises accreditation covers the safe transport, handling and storage for Agricultural and Veterinary Chemicals. Whilst OHS may enter into Agsafe's scope, it does not impose compliance on items not relating to Dangerous Goods, Hazardous substances or scheduled poisons.

Please find attached a Table of Regulations. This list is a living document and under ongoing review as Department responsibilities change. You have been provided with the latest NSW regulations list as an indicator of what the Agsafe Code of Practice covers to meet compliance with Dangerous Goods and Hazardous Substances.



Costs under the Guardian program

Under the new model, accreditation fees are as follows:

- **Up to four hours of premises consultative time:** \$540 – any hours not used will not be charged for. This is the maximum charge that premises will receive for a consultation. Agsafe will be implementing these changes before the end of the financial year and any premises invoiced that have subsequently paid will receive refunds for the time not used. The Agsafe invoicing process has been adjusted to reflect these changes going forward.
- **Online training and workplace assessment:** \$270 – one hour of one on one time with the facilitator in the workplace in conjunction with the online module.
- **Secretariat fee:** \$390. Agsafe accreditation is currently run by a maximum of 3 personnel with minimal part time assistance from the secretariat. Please understand that this figure may need to be adjusted to reflect ongoing secretariats costs.

Question 1: Please provide a full list of all specific legislation and Australian Standards which the Agsafe personnel and premises accreditation covers.

(An attachment detailing State and Federal regulations will be forwarded.)

In summary the Agsafe Code of Practice utilises AS 1940 and AS 2806 in respect of meeting compliance guidelines for the handling, storage and transportation of Dangerous Goods and Hazardous Substances. The Code of Practice sets a national standard that meets individual States legislation for up to five regulators in each state where specific regulation crosses the States legislation for the handling, storage and transportation of Dangerous Goods and Hazardous Substances.

The program assessment measures the control points for an individual premises adherence to the Code of Practice by either a 'pass', a 'recommend' or a 'must fix'. The 'must fix' items are enforceable (ACCC Authorisation) and only relate to Dangerous Goods and Hazardous Substances.

Agsafe does not enforce any regulation that is not Dangerous Goods or Hazardous Substances related legislation.

Question 2: How are Agsafe accreditation standards kept up to date with relevant changes made to State/Territory government regulations and relevant Australian standards.

Agsafe maintains a network of Accreditation Facilitators and Trainers, a large percentage of which are also experts in Dangerous Goods. As part of the Accreditation Facilitators contract, it is a requirement that the knowledge that they pass onto the store is current. As part of the contractual arrangement, Agsafe also maintains a process of continuous improvement, and all Accreditation Facilitators are required to attend a 3 day training conference with Agsafe on an annual basis to

maintain and improve their knowledge of the industry. Many regulatory representatives attend these annual workshops to provide updates and present any changes.

Each year during the Annual ACCC monitoring process, Agsafe reports all of its contacts throughout the year. Agsafe representatives sit as members on the ACTDG, ME017 and CH009 Australian Standards committees negotiating changes on behalf of the industry position.

Agsafe also maintains good relationships with a number of Government bodies and is often advised of changes to legislation or asked to comment on regulatory proposals directly from the agency itself. These ongoing relationships are achieved through ongoing meetings held with regulatory representatives in each State.

Question 3: Do all relevant State/Territory/Federal regulatory authorities recognise premises as a means of complying with their respective regulations or standards? If not why not?

When Agsafe accreditation was first implemented the Code of Practice was designed in such a way as to comply with the highest level of State and Territory requirements. Each State facilitator understands the requirements within their regions and would not impose harsh restrictions unnecessarily on a reseller premises.

Agsafe does not seek to be “recognised” by State and Territory regulators; however, wherever relevant, Agsafe does seek comment from regulators. The Code of Practice was developed with the input from a number of agencies including: WorkCover NSW, Standards Australia & Victorian WorkCover Auth., the Chemicals Unit Queensland, Department of Health and State DPI’s. There are up to five regulators in each State that have Dangerous Goods and Hazardous Substances issues that cross their legislation.

If an AgVet chemical reseller location is assessed to the standards contained within the Code of Practice, they could be confident that their location is compliant with the relevant State or Federal legislation as they pertain to Dangerous Goods and Hazardous Substances.

Question 4: Is a change proposed to article 9.3 of the Code of Conduct?

The “Agsafe Council” has been replaced with the “Accreditation Advisory Committee” in accordance with the 23 May 2002 ACCC Authorisation.

Question 5: Confirm if Agsafe is seeking a variation to Condition 3 of the current authorisation

Agsafe is not seeking a variation to Condition 3 of the current authorisation.

Question 6, 7 & 8: Which Government Authorities do not issue compliance certificates?

No government authorities provide certification for compliance against legislation. Some authorities do provide Licenses (Dangerous Goods, Poisons etc). State based OHS agencies do provide some certification for activities that are particular to various industries (i.e. forklift procedures); however, they do not cover Dangerous Goods or Hazardous Substances.

Agsafe facilitators can and do advise on OHS issues; however, they do not enforce compliance on these issues except where it relates to Dangerous Goods and Hazardous Substances. Please also refer to the NSW document that was left with you at our last meeting on 16th Feb 06, for an example of the legislation that is not covered by certification.

Question 9: Is Agsafe proposing that Condition 12 of the current authorisation is replaced with the process outlined above?

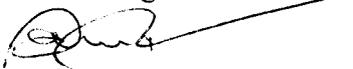
Agsafe proposes that this Clause be revised to reflect that where certificates that prove compliance are not issued, then premises must use a mutually agreeable assessor to gain accreditation.

Agsafe is in the process of putting together a proposal that details what standard should be adhered to if not using an Agsafe facilitator and the subsequent review process.

Question 10: Will Agsafe accept certificates from those government agencies that do issue certificates?

If a government agency does implement a process of certification for criteria already covered by the Code of Practice (that is directly related to Dangerous Goods or Hazardous Substances) it will be recognised for the purposes of Agsafe Accreditation.

Kind regards



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STATE	ACT and/or REGULATION	ADMINISTERED BY
FEDERAL	<p>Agricultural & Veterinary Chemicals Code Act 1994 & Regulations 1994</p> <p>Australian Code for the Transport of Dangerous Goods by Road & Rail 6th Edition 1998</p> <p>Hazardous Waste (Regulation of Exports & Imports) Act 1989</p> <p>National Guidelines for the Management of Hazardous Wastes 1986</p> <p>Codes of Practice for Labelling Agricultural & Veterinary Chemical Products (2) 1997</p> <p>The Standard for the Uniform Scheduling of Drugs & Poisons 1995</p>	<p>National Registration Authority</p> <p>National Road Transport Commission/Dept of Transport & Regional Development</p> <p>Dept. of Art, Sports, Environment & Territories</p> <p>Dept. of Art, Sports, Environment & Territories</p> <p>National Registration Authority</p> <p>National Drugs & Poisons Schedule Committee under auspices of Health Ministers' Advisory Council</p>
ACT	<p>Dangerous Goods Act 1984</p> <p>Occupational Health & Safety Bill 1989</p> <p>Pesticides Act 1989</p> <p>Poisons Act 1989</p>	<p>Emergency Services Bureau</p> <p>Occupational Health & Safety Office</p> <p>Dept of Chemicals, Air & Noise</p> <p>ACT Health</p>
NSW	<p>Agricultural & Veterinary Chemicals (NSW) Act 1994</p> <p>Dangerous Goods Act 1975 & Regulations 1999</p> <p>Occupational Health & Safety Act 2000</p> <p>Occupational Health & Safety Regulation 2001 (Chapter 6 – Hazardous Substances)</p> <p>Environmentally Hazardous Chemicals Act 1985</p> <p>Poisons Act 1966 & Regulations 1986</p> <p>Pesticides Act 1999 & Regulations 2001</p> <p>Stock Foods & Medicines Act 1989 & Regulations 1990</p> <p>Contaminated Land Management Act (1991)</p> <p>The Food Act 1989/Food Protection (Safety) Act 1998</p> <p>The Stock (Chemical Residues) Act 1975</p> <p>The Protection of the Environment Operations ACT 1997</p>	<p>NSW Agriculture</p> <p>WorkCover Authority of NSW</p> <p>WorkCover Authority of NSW</p> <p>WorkCover Authority of NSW</p> <p>Environment Protection Authority</p> <p>Pharmaceutical Services Branch,</p> <p>Dept of</p> <p>NSW Environment Protection Authority</p> <p>NSW Agriculture</p> <p>NSW Environment Protection Authority</p> <p>NSW Dept of Health</p> <p>NSW Agriculture</p> <p>NSW Environment Protection Authority</p>
NT	<p>Dangerous Goods Act 1996</p> <p>Dangerous Goods Regulations 1994</p> <p>Poisons & Dangerous Drugs Act 1987 & Regulations 1987</p> <p>Work Health Act, 2001</p> <p>Work Health (Occupational Health & Safety) Regulations 2001</p>	<p>Work Health Authority</p> <p>Work Health Authority</p> <p>Territory Health</p> <p>Work Health Authority</p>

QLD	<p>Agricultural and Veterinary Chemicals (Queensland) Act 1994 Agricultural Chemicals Distribution Control Act 1966 & Regulation 1998 Agricultural Standards Act 1994 & Regulation 1997 Chemical Usage (Agricultural and Veterinary) Control Act 1988 & usage Regulations 1989 Dangerous Goods Safety Management Act 2001 Public Safety Preservation Act 1986 Health Act 1937 & (Drugs and Poisons & placarding for haz subs) Regulations 1996 (Replaced on 7 May 2002 by the Dangerous Goods Safety Management Act 2001) Environmental Protection Act 1994 & Regulations 1998 Fire and Rescue Service Act 1990 & Off-Site Emergency Plan Regulation 1990 Transport Operations (Road Use Management) Act 1995 Transport Operations (Road Use Management - Dangerous Goods) Regulation 1998</p> <p>Workplace Health and Safety (Misc.) Regulation 1995 Part 17 - Specified Dangerous Goods (Replaced on 7 May 2002 with the Dangerous Goods Safety Management Act 2001) Workplace Health and Safety Regulation 1997 Part 13 - Hazardous Substances Workplace Health and Safety Act 1995</p>	<p>Department of Primary Industries Department of Primary Industries Department of Primary Industries Department of Primary Industries</p> <p>Department of Local Government and Planning Queensland Police Service Queensland Health</p> <p>Environmental Protection Agency Queensland Fire and Rescue Service Department of Emergency Services Queensland Transport</p> <p>Division of Workplace Health and Safety, Department of Industrial Relations</p> <p>Division of Workplace Health and Safety, Department of Industrial Relations</p>
SA	<p>Agricultural Chemicals Act 1995 Agricultural & Veterinary Chemicals (SA) Act 1994 <u>Dangerous Substances Act 1979 and Regulations, 1998</u> <u>Occupational Health, Safety and Welfare Act, 1986 and Regulations 1995</u> Hazardous Substances Regulations 1995 Waste Management Commission Act, 1979 - 1985 Clean Air Act 1984 Pollution of Water by Oil & Noxious Substances Act 1987 Public & Environmental Health Act 1987 Regulations under Food & Dairy Act 1908-1981 Poisons Regulation 1978</p>	<p>Primary Industries South Australia Primary Industries South Australia Department for Administrative and Information Services</p> <p>Occupational Health & Safety Commission South Australian Waste Management Commission Department of Environment & Planning Department of Environment & Planning Department of Environment & Planning Department of Health Department of Health</p>

TAS	<p>Agricultural & Veterinary Chemicals (Control of use) Act 1995 & Regulations 1996 & Amendments <u>Dangerous Goods Act 1998 & Regulations 1998</u> Environmental Management & Pollution Control Act 1994 <u>Workplace Health and Safety Act 1995 and Annotated Regulations 1998</u> Poisons Act 1971 & Regulations 1975 Environmental Management & Pollution Control Act 1995</p>	<p>Department of Primary Industries & Fisheries Workplace Standards Authority Department of Environment & Planning Workplace Standards Authority Department of Health & Community Services Division of Environment (Tas), DELM</p>
VIC	<p>Agricultural & Veterinary Chemicals (Control of Use) Act 1992 and Regulations 1996 Dangerous Goods Act 1985 Dangerous Goods (Storage & Handling) Regs. 2000 Drugs, Poisons & Controlled Substances Act 1988, amended 1990, 94, 95 Environment Protection Act 1970 Occupational Health & Safety Act, 1985 Occupational Health and Safety (Hazardous Substances) Regulations 1999</p>	<p>Dept of Natural Resources & Environment Health & Safety Division, WorkCover Authority Health & Safety Division, WorkCover Authority Department of Human Services Environmental Protection Authority Health & Safety Division, WorkCover Authority Health & Safety Division, WorkCover Authority</p>
WA	<p>Explosive & Dangerous Goods Act 1961 Dangerous Goods Regulations 1992 Health Act 1911 & Health (Pesticide) Regulations 1986 Poisons Act 1964 & Regulations 1965 Agriculture Act 1998 Environmental Protection Act 1986 & Regulations 1987 Veterinary Preparations & Animal Feeding Stuffs Act 1976 Occupational Health, Safety & Welfare Act 1984</p>	<p>Department of Mineral & Petroleum Resources Department of Mineral & Petroleum Resources Health Department of WA Health Department of WA Department of Agriculture Department of Environmental Protection Department of Agriculture Dept of Occupational Health, Safety & Welfare</p>