



Department of Environment and Conservation

Your ref: A91027, A91028
Our ref: CEO28/07
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Mr Scott Gregson
General Manager - Adjudication Branch
Australian Competition and Consumer Commission
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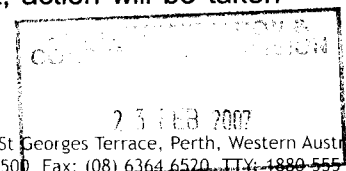
Dear Mr Gregson

AGSAFE'S APPLICATION FOR REVOCATION AND SUBSTITUTION A91027 AND A91028 - INTERESTED PARTY CONSULTATION

With reference to your letter of 5 January 2007, the Department of Environment and Conservation has no objections to the Agsafe application for revocation of its existing authorisations A90680 and A90681 and substitution of new authorisations in respect of its Code of Conduct.

The answers to the questions posed in Attachment A are as follows:

- 1. The relevant legislation for this agency, with regard to this matter, is the Environmental Protection Act 1986 (the Act).
2. Inspections of premises are carried out by officers of this Department, as required, to determine compliance with either licence conditions or regulations.
3. There is no requirement in legislation, regulations or the practice of this agency for licensed premises to obtain accreditation through the Agsafe Guardian Program.
4. There are sanctions which can be imposed on businesses which fail to meet legislative requirements.
5. Compliance certificates, as such, are not issued by this Department, however, a business may be informed in writing that, as a result of an audit or inspection, no non-compliance was observed.



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6. This Department does from time to time receive complaints regarding alleged non-compliance with legislative requirements. All such complaints are investigated and appropriate action taken. These complaints can come from any person within the community, or issues may be raised by other regulatory bodies.
7. This Department has no jurisdiction over complaints regarding the Agsafe Guardian Program. Any such complainant would be referred to Agsafe.
8. This Department has no objection to the ability of Agsafe and its members to boycott (through the imposition of trading sanctions) any business involved in the storage, handling, transport and distribution of agricultural and veterinary chemicals that has not been accredited under the Guardian Program.

This Department supports programs which encourage adherence to procedures which are designed to enhance safety, public health and desirable environmental outcomes. This is provided there is no financial or business advantage to be gained by any sanctions imposed to enforce the implementation of such programs.

9. This Department's experience with the accreditation scheme administered by Agsafe has only been in an advisory capacity with relation to their training manuals which form part of the scheme. The Guardian Program encourages those involved in the agricultural and veterinary chemical industry to be aware of and appropriately manage chemicals, so as to minimise the environmental risks associated with those chemicals. Accordingly the Guardian Program is supported by this Department.

I trust that this satisfactorily answers your questions with regard to this matter. Should you have further enquiries please contact Doug Hide, Environmental Officer, on 6467 5273 or email [doug.hide@dec.wa.gov.au](mailto:doug.hide@dec.wa.gov.au).

Yours sincerely



Keiran McNamara  
DIRECTOR GENERAL

19 February 2007