



Your ref : A91027 & A91028  
Our ref : 07SWSA0009

27 February 2007

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

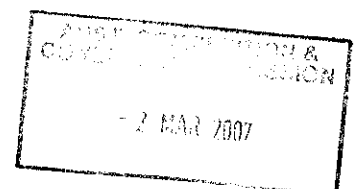
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Dear Mr Gregson

Thank you for your letter of 5 January 2007 regarding the application by Agsafe for the substitution of new authorisations in respect to its industry accreditation program, known as the Guardian Program.

I have considered your request in relation to the legislation that SafeWork SA administers and provide the following responses.

1. The transport, storage and handling of large quantities of Classes 3, 6 and 8 Dangerous Substances are controlled within South Australia under the *Dangerous Substances Regulations 2002*. Where an agricultural chemical contains more than 45 percent by mass of ammonium nitrate, this is further regulated under the *Explosives (Security Sensitive Substances) Regulations 2006*.
2. SafeWork SA ensures that businesses comply with the legislation via the licensing of storage facilities, drivers and vehicles for the purposes of bulk transport. In addition, SafeWork SA carries out regular inspections and audits upon businesses within South Australia to ensure compliance with the Australian Dangerous Goods Code.
3. There is no formal arrangement in the legislation or current practice that requires that businesses must obtain accreditation through Agsafe's Guardian Program as a means of demonstrating compliance with the legislation.



4. The legislation provides for sanctions to be imposed upon businesses that fail to meet or deliberately contravene the legislative requirements, including fines and the issuing of Improvement and Prohibition Notices. In particular cases, legal action, including prosecution, may also be pursued.
5. SafeWork SA issues licences in relation to the storage and transport of dangerous goods only when a business meets the relevant legislative requirements in South Australia.
6. SafeWork SA receives complaints about businesses that may not be complying with the legislative requirements, albeit infrequently. In these cases, an Inspector investigates the complaint.
7. SafeWork SA has not received complaints about Agsafe's Guardian Program.
8. SafeWork SA will take appropriate action against a party that is in breach of the legislation, but is not in a position to comment on actions taken by a private party against another party where no legislation is breached.
9. SafeWork SA does not have any comment to make regarding Agsafe's Guardian Program, nor does SafeWork SA have any experience with the scheme.

I also wish to advise that the main South Australian Government agency regulating the sale and use of agricultural and veterinary chemicals is Primary Industries and Resources SA (PIRSA). You may wish to contact Mr Don Plowman, Executive Director (Agriculture and Wine) at PIRSA, GPO Box 1671, Adelaide 5001 in relation to Agsafe's application.

I trust that the above information is of assistance. Should you wish to discuss this matter further, please contact Mr Ray Clifford, Manager, Dangerous Substances Team on telephone 8303 0435.

Yours sincerely



Michele Patterson  
**EXECUTIVE DIRECTOR**  
**SAFEWORK SA**