



Australian Government  
Department of Health and Ageing

*Discussion Paper: Review of the National Industrial Chemicals Notification and Assessment Scheme (NICNAS), June 2012*

**Making a submission**

**Submissions must be received by the Department of Health and Ageing by 5pm, Friday 27 July 2012**

Please use this form to make your submission in response to the discussion paper. You may delete any sections that you do not wish to comment on.

While submissions may be lodged electronically or by post, electronic lodgment by email is preferred. For accessibility reasons, please email responses in a Word or RTF format not as a .pdf.

**Email:** [NICNAS.review@health.gov.au](mailto:NICNAS.review@health.gov.au)

**Mail:** NICNAS Review  
Department of Health and Ageing (MDP 71)  
GPO Box 9848  
CANBERRA ACT 2601

<b>Organisation or Individual:</b>	Amway of Australia		
<b>Principal contact:</b>	Ian Gamble		
<b>Position:</b>	Technical Regulatory manager		
<b>Phone:</b>	02 9843 2215	<b>Fax:</b>	
<b>Mobile:</b>			
<b>Email address:</b>	Ian_gamble@amway.com		
<b>Street address:</b>	46 Carrington Rd		
<b>Suburb/City:</b>	Castle hill	<b>State:</b>	NSW
		<b>P'code:</b>	2154
<b>Postal address:</b>	PO Box 202		
<b>Suburb/City:</b>	Castle Hill	<b>State:</b>	NSW
		<b>P'code:</b>	1765

**Please note:**

- For submissions made by individuals, all personal details other than your name and the state or territory in which you reside will be removed from your submission before it is published on the Department of Health and Ageing website.
- Copyright in submissions resides with the author(s), not with the Australian Government.
- Submissions, or parts thereof, that are intended to remain confidential should be clearly marked as such and justifications provided. Submitters should be aware that confidential submissions may still be subject to access under freedom of information law.
- Submissions will be made public and shared with relevant Commonwealth agencies and any consultants engaged to assist with the review.
- Submissions will remain on our website as public documents indefinitely.

## Confidentiality

**Please indicate if your submission:**

- X  contains no material supplied in confidence  
 contains in confidence material **which is clearly marked as such**

## Summary

**Please provide a short summary, up to half a page, outlining the key points of your submission:**

Amway of Australia is a member of Accord Australasia. We strongly support the views of Accord on NICNAS reform in relation to this Discussion Paper.

## Part 4 – The regulatory framework for industrial chemicals (options A1 – A3)

- Do you think that an industrial chemicals risk assessment and risk management manual would assist? If not, why not?
- If so, what are the specific matters that could usefully be addressed in the manual?
- What are the strengths and weaknesses of the options?

**Please keep your responses to each option no more than one page:**

It is unlikely that a manual would assist. Our main concern is with NICNAS processes and involvement in cosmetics regulation, not a lack of understanding of the NICNAS process. We suggest that NICNAS reform should include adoption of recommendations from the Productivity Commission report.

## Part 5 – New industrial chemicals (options B1-B6)

- What are the strengths and weaknesses of the options for addressing the problems and objectives identified?
- If weaknesses are identified in relation to any of the options, are there other options that also meet the objectives?
- If these options were to be adopted, what are some of the implementation issues that would require consideration?
- What would be the likely impact on your organisation, if this approach were adopted?
- If NICNAS were able to refuse both an assessment certificate (Option B4) or listing on AICS (Option B5), under what circumstances would this be appropriate?

**Please keep your responses to each option to no more than one page:**

We do not support NICNAS annotations that impose conditions of use. There are existing regulatory systems for imposing conditions of use for specific uses (e.g. SUSMP for consumer products). It would be wasteful of government resources to have NICNAS imposing conditions. NICNAS should only evaluate safety of new chemicals and other regulators should determine how this should be applied to specific types of products.

## **Part 6 – Existing industrial chemicals (options C1-C6)**

- Do these options address the problems identified in relation to existing chemicals? If not, why not?
- What are the implementation implications?
- If these options were (or were not) to be adopted, how would this impact on your organisation?

**Please keep your responses to each option to no more than one page:**

## **Part 7 – Post market monitoring and enforcement (Options D1-D3)**

- What are the strengths and weaknesses of the options?
- Does an adverse effects reporting system address the problems and objectives identified?
- What would be the impact of an adverse effects reporting system on introducers?
- Are there other ways in which NICNAS' post-market monitoring and enforcement capacity could be improved?

**Please keep your responses to each option to no more than one page:**

ACCC already have a mandatory reporting system for adverse effects of cosmetics, and are best placed to handle this under consumer law. Reporting to NICNAS would be duplication of effort and expense without any additional benefit.

## **Part 8 – Other reforms – release of information and confidential commercial information (Options E1-E2)**

- How would the release of information to other relevant government agencies impact introducers?
- What are some of the implementation issues that would require consideration?
- What would be the impact of these options?
- Are there any other ways in which the identified problems can be addressed?

**Please keep your responses to each option to no more than one page:**

## **Part 8 – Other reforms – use of foreign schemes / international assessments (Options F1-F2)**

- Do these options strike an appropriate balance between the use of international assessments/harmonisation and the need to ensure that Australia retains the capacity to undertake Australian relevant risk assessment and management where necessary?
- If these options were to be adopted, what are the implications?
- If these options were (or were not) adopted, how would this impact on your organisation?

**Please keep your responses to each option to no more than one page:**

Much more use should be made of international assessments. It could be argued that the level of acceptable risk and environmental factors may be different in Australia compared to some other countries. However, regulators in our major trading partner countries have very similar chemical assessment objectives and outcomes, and this should be taken into account when considering international assessments. NICNAS evaluation is a slow and costly process. Slowing down or blocking introduction of newer and less hazardous chemicals because of slow and costly NICNAS evaluations can have negative impacts on Australia's residents and environment.



### **Part 8 – Other reforms – chemicals in articles (Options G1-G2)**

- Do these options address the problems relating to articles?

**Please keep your responses to this option to no more than one page:**

These options are not supported as there is insufficient information about the proposal.

### **Part 8 – Other reforms – chemicals in cosmetics (Option H1-H2)**

- If these options were (or were not) to be adopted, how would this impact on your organisation?

**Please keep your responses to this option to no more than one page:**

We support option H1 for regulating of cosmetics by the ACCC, who are better equipped to handle consumer product issues under consumer law than NICNAS. We do not support H2, updating the INCA act specifically to deal with chemicals in cosmetics.

### **Part 8 – Other reforms – Import and export of chemicals under the Stockholm and Rotterdam Conventions (Option I1-I2)**

- What are the implications of maintaining the status quo?

**Please keep your responses to this option to no more than one page:**

### **Part 8 – Other reforms – Governance – Committees (Option J1)**

- If the options in this Discussion Paper are preferred, what does this mean for the governance committees of NICNAS?
- What committees are needed? For example, would it be useful to have a strategic advisory committee advising the Director of NICNAS?

**Please keep your responses to this option to no more than one page:**

### **Part 8 – Other reforms – Governance – Relationship with the Department of Health and Ageing (DoHA) (Option K1)**

**Please keep your responses to this option to no more than one page:**