

Wednesday, 30 April 2008

BY POST TO:-

MR. PAUL BELIN, ASSISTANT COMMISSIONER
CHEMICALS AND PLASTIC REGULATION - STUDY
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ATTENTION - PAUL BELIN,
ASSISTANT COMMISSIONER, PRODUCTIVITY COMMISSION.
and Fellow Australians -
Dear Sir,

**RE: REVIEW - Submission on the Draft Report - dated 20 March 2008
REGULATORY BURDENS - CHEMICALS AND PLASTICS REGULATION**
Refer Issues Paper 5 September 2007 No. ChemPlas C2

I welcome this opportunity to contribute to your editorial REVIEW request for public participation. Ref., Press Advertisement SMH 2/02/2008.

PREAMBLE

It is not my intention to give you an extensive diatribe in relation to:-

Attachment A - 18 - Items 1851 Cleaning Compound Manufacturing and 1852 Cosmetic and Toiletry Preparation Manufacturing. Or, table E10 page 308.

I have **ONE KEY ISSUE** to report with supportive information.

My ONE KEY ISSUE

"All companies operating in the chemical private sector and registered in a manufacturing business should have suitably qualified licensed staff before being allowed to operate. CEO in a small business be licensed & qualified."

Your lawyers and administrators can refine this regulation to suit this Key Issue. Other professions are now licensed, qualified and regulated - viz., Doctors, Solicitors, FCA - Accountants, Plumbers, Builders, Real Estate Agents - et al.

I regard this as an omission and an anomaly that needs your urgent attention.

Why? -

Chemicals and their use need Qualitative and Quantitative Due Diligence. The Chemical Industry is not a simple Industry - it needs extensive qualified study by the participants - small or large organisation. Yes, indeed a complex industry. At the moment this loophole omission allows non-qualified people to operate who can cause disastrous Safety, Environmental, Commercial, Manufacturing, Marketing, etc misrepresentations (cheating) to occur. The internet has also allowed Drug, Bomb making opportunists to operate. Example, are any of these non-qualified capable of understanding MSDS criteria?

QUOTE: "Falsus in uno, falsus in omnibus"
(Untrue in one thing, untrue in everything)

Chemical Experimentation in the wrong hands is dangerous and can be commercially manipulated. This allows predatory behaviour to occur in both small and large businesses.

Chris Bowen, Assistant Treasurer, who indicated the creation of a second deputy chairman of the ACCC who will be required to have small business experience. Aimed at competition laws at boosting protection for small business - Page 20 SMH 28/04/2008. A "permanent voice" at the ACCC. A right step perhaps? I have been a member of COSBOA (not mentioned in your glossary) for many years. COSBOA - Council Of Small Business Organisations of Australia.

BACKGROUND

1. (REF 1) I am now retired from business and ceased trading in AUSWAY 2001. I am now seeking Peace and Contentment in this my retirement. My CV is attached. DOB is 04/04/1932. I arrived in Australia 1960 from the UK as a single migrant. Now married, my family (5) and I love this Country. My experiences in this Industry date from 1952 to 2001. A major part of my life. Allow a 2 year interruption for Military Service in the UK and Malaya. There were many trials and tribulations at the "coal face." viz., Education, Laboratory Assistant, Research and Development Chemist, with Multi-Nationals Unilever and Shell Chemical, Sales, and then eventually my own SMALL BUSINESS in Ausway (de-reg), and Ausway Chemical Industries P/L (est.1967).
2. As a patriotic Australian I regarded that for Australia to prosper on the world stage and be a quality world example I chose in 1967 the "AUSWAY" name. The connotation of this name being "The Australian Way." A Big ASK. So, this submission is from the heart. As a nation have we failed? Implying "Be Australian, Buy Australian" (Ask Dick Smith on this subject.) I found it very difficult to get this message across "The Australian Way." Plenty of opinions but little loyalty. The "Hip Pocket Nerve" helped a little.

3. (REF 2), Copy of a front and back page catalog AUSWAY sales information. You will notice in this 1992 AUSWAYdirect catalog front page our attempt to educate our customers to RE-DUCE, RE-CYCLE, RE-FILL, the bulk containers. The public and government are now 16 years later making very loud political statements on such environmental issues. Since 1992 the attitude was moribund.

4. Many times it was a stressful personal and family experience running a small business. ie., "The University of Hard Knocks." A "War Zone" for some. QUOTE:- "HEALTH and WEALTH are CONCENTRIC." From time to time these were all at risk. This included major personal financial risk. However, this was my choice - we all have choices where and how we work.

5. (REF 3), Refer DVD FILM - "CRUDE IMPACT" - or, www.crudeimpact.com . The worlds dependency on OIL and its use as a FOSSIL fuel shortage is coming to an end. Sooner than you may think. We seem to be going to war on this OIL phenomena. eg., IRAQ. Do we have an alternative source of energy? Atomic Power stations perhaps. Governments seem to ignore this or procrastinate. OIL Demand is greater than Supply. Hence, now we have seen how this relates to petrol prices. OIL supply and its many chemical derivatives will determine our economic & national security and future. Australia and the world appears to be in a dilemma if we continue to ignore these shortages. By the way, - more qualified chemists are needed.

All of these shortages are now impacting on our food supplies and prices.

6. Key Points from your Draft Research Report I have extracted for comment. Your Key Point page XXIV quote - "**Current regimes are broadly effective in managing risk to health and safety, but are less effective in managing risks to the environment and national security. Efficiency can be improved through national uniformity in most areas.**"

Key Point The Commission is to in its Term of Reference page V - Item1 your quote, "**In particular, an assessment should be conducted of the impact of regulation on productivity and competitiveness.**"

Failure on my KEY ISSUE is - This effects productivity and competitiveness."

My reply, -

The level playing field on productivity and competitiveness are NOT LEVEL if the participants who operate are non-qualified and allowed to practice.

With respect, I do not have a tax funded ministerial taskforce to assist me in this submission or, even at any time for that matter, to help run my small business. For this reason it is brief. So it will be focused on my ONE KEY ISSUE or anomaly and omission related to a REGULATORY BURDEN at this time as a business owner . YOU ARE THE JUDGE if this a fact - my evidence is given in good faith. Your 333 page tome I have read.- Chemicals & Plastics Regulation - Draft Report. RE: - New chemical businesses start ups registrations in Items 1851, and 1852

My observation of the Industry - Attachment A - 18 - Items 1851 Cleaning Compound Manufacturing and 1852 Cosmetic and Toiletry Preparation Manufacturing in which I was involved for 34 years was that NICNAS Compliance and Reporting was allowing many business owners who were not chemically qualified to run this type of business.

The MAJOR raw chemical material suppliers gave information on formulas and yet did not check the bonafides of the owners of the businesses they supplied as being compliant. Perhaps, they assumed they were compliant?

This is a very dangerous scenario for the workers employed and the consumers buying their products. This allows products and sales Cheating and Scams to occur - in fact in my experience it is endemic. eg, Products debased on quality etc CHOICE Magazine cannot be expert on everything - or can they? Other cheats - there are many examples of imported products - Chinese Toothpaste - using a cheaper (dangerous) humectant instead of the industry standard Glycerine.

7.(REF 4) - A SCAM is herewith illustrated. This operator appears to think he is in conformity of the REGULATIONS and advises his prospects they are OK to proceed. As you can see the innocent non-qualified dupes are led to believe they can start up a business and earn enormous profits.

In the real world this is not so if regulatory compliance was upheld.

The start up fools can do a lot of damage to a vital industry. Trust is destroyed.

And, such greedy people would have been saved a lot of angst and money.

Other examples are also in REF 3, such exposures may help clean up an industry.

8. Now that I am retired, if there is one thing I would like to see is that - I repeat - The REGULATORY BURDEN in Basic Chemical and Chemical Product Manufacturing Industry Definition - 1851 and 1852 be changed to comply with the **KEY ISSUE nominated** for future Australians who start up new businesses. Those in current businesses already should be reviewed for compliance. They may currently employ industrial chemists. Newly qualified chemists leaving Universities and TAFE seeking employment have then a quality benchmark standard in place. Companies right now have difficulty finding quality trained staff. Without such the Industry will eventually lose talented students to overseas organisations and they will be the benefactors of our brain drain.

I understand that the Science faculties are experiencing less, and less students.

As Lord Nelson on the Victory said when he was dying - "I have done my duty."
I look forward to your reply in due course.

The best of regards to you and your staff involved in this Review.

Yours faithfully



CHARLES GASKELL

PS., Is the "Australian Way" of life negotiable? BUSH - the "American Way" is non-negotiable.