Dear Mr Whitechurch,

Chemical security consultations

The University of Sydney is keen to provide the following comments in response to the Chemical Security: precursors to homemade explosives – consultation regulation impact statement (‘RIS’), which we understand was released for public comment in early February 2012.

The University’s central administration has only become aware of this process by chance within the last week. This has made it difficult for us to consult with all potentially affected faculties and schools about the implications of the various options proposed in the paper for reducing the risk of precursor chemicals being used to make explosives. We therefore ask that all future correspondence in relation to regulatory reforms in this area be sent to the following email accounts at the University: vice.chancellor@sydney.edu.au; jon.dastoli@sydney.edu.au.

We further ask that the Attorney General’s Department engage the Department of Innovation, Industry, Science, Research and Tertiary Education (DIISRTE), other Commonwealth agencies, Universities Australia and the Group of Eight Ltd about establishing mechanisms to improve the coordination of communication and consultation with higher education institutions about national security laws and regulations that apply to the sector. We have recently observed a marked increase in the federal regulation of activities with potential national security implications, and question whether the various responsible arms of government are working together on these issues to maximise coherence and consistency, and reduce duplication. We draw your attention, for example, to the following regulatory policy or reform processes:

- Nuclear Non-Proliferation, DOHA
- Security of Radiation Sources Code of Practice, ARPANSA
- Security Sensitive Biological Agents Scheme, DOHA
- Voluntary Call for Information on Chemicals of Security Concern, NICNAS
- Chemicals of Security Concern, AG's
Autonomous Sanctions Act, DFAT

Defence Trade Controls Bill, Defence

Notwithstanding the limited time we have had to consider the RIS, our Occupational Health and Safety Unit and our School of Chemistry have reviewed it quickly. Based on their advice, we make the following points.

In summary we understand that whichever of the option, or mix of options is preferred, the proposed requirements will include:

- checking the identity of those handling/with access to the listed chemicals;
- educating workers of the potential security risk upon commencement and annually;
- tracking inventory and control with monthly reconciliation;
- receipting procedures to confirm volume and product received against order;
- undertaking risk assessments, including personnel and physical access and regular reviews;
- creating and implement theft and diversion plans to address personnel and physical risk; and
- controlling physical access to specified chemical.

Our starting point in considering the pros and cons of the four options provided is that in the University sector at least, the robust application and enforcement of existing regulatory requirements, combined with best practice risk management processes and ongoing education, should be sufficient to meet societal expectations for chemical security, without the need for further government intervention.

The scale of precursor chemicals in Australian universities is generally small and the security risk is low, as these compounds are used in small quantities in the course of education and research. We feel that the greater risk of dangerous misappropriation and misuse lies in the production and supply chain, and potentially large industrial users of precursor chemical, not with end users dealing in relatively small quantities of the substances in compliance with existing regulations and institutional controls. Therefore, while we do not seek a special exemption for public sector universities, we ask that the approach to regulation is proportional to risk, with all end users of small amounts of the products placed at the lower end of the risk and resulting regulatory burden scales. Here we note that the RIS and consultations that led to it, have been largely concerned with the production, supply and transportation industries, and trust that this will be reflected in the new regulatory framework that results from this process.

In terms of the options on offer, our strong preference is for a blend of Options 3 and 1 – an overarching Government code of practice that is as light touch as possible for low risk end users, combined with ongoing education and awareness campaigns targeted at sectors according their risk profiles.
If you would value further input from the University of Sydney on specific issues of details, please contact Mr Jon D’Astoli, Manager, Occupation Health & Safety in the first instance: 02 9351 3763, jon.dastoli@sydney.edu.au

Yours sincerely

[Signature removed for electronic distribution]

Michael Spence