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Wednesday, August 25, 2021

**RE: Remaking regulations for the NSW explosives industry**

To Whom It May Concern:

I am outraged that the NSW government yet again is willing to continue to decimate an industry that is reeling from three consecutive failed fireworks seasons. Dropping a bombshell of legislative reform during a statewide crisis when the industry is ill prepared and without time and resources to respond fully and appropriately. The NSW government and its agencies WOULD NEVER accept such limited deadlines being placed on themselves to respond, so why does it continually subject industry to these limited timeframes?

The Pyrotechnics Industry Association of Australia (PIAA) was only made aware of these changes in the last half of August and was not consulted as part of the Regulatory Impact Statement (RIS). I am staggered how a RIS can be undertaken without consultation with affected parties, let alone produce anything meaningful or accurate.

The inaccuracies of the RIS shows a total lack of understanding of the regulations and the industry. The claim that "**Exceptions from security clearances for NSW police officers"** are required totally ignores that fact that Under Division 4, Subdivision 1, Clauses 43-46 of the EXPLOSIVES REGULATION (NSW) 2013, already grants these to;

> (a) the Ambulance Service of New South Wales,
> (b) Fire and Rescue NSW,
> (c) the NSW Rural Fire Service,
> (d) the NSW Police Force,
> (e) the State Emergency Service of New South Wales,
> (f) the New South Wales Volunteer Rescue Association Incorporated,
> (g) the New South Wales Mines Rescue Brigade established under the *Coal Industry Act 2001*,
> (h) an accredited rescue unit within the meaning of the *State Emergency and Rescue Management Act 1989*.

Also the claim that "**Removal of licence requirements for the low-quantity storage of explosives in all NSW Police stations"** is already covered under Clause 46 stated above.

Had industry been appropriately consulted in the development process such glaringly obvious mistakes would not have been made.

For 15 years the PIAA has been petitioning SafeWork NSW (formally WorkCover NSW) for sensible, responsible, practical, and safe reform of the Act and its Regulations. Twice in the last ten years the PIAA has sat at both the review committees for the Act and the Regulations, along with: Australasian Explosives Industry Safety Group, NSW Farmers Association, NSW Minerals Council and other interested parties.

At those reviews, we all presented fair and reasonable suggestions for change, but on each occasion industry input has been ignored. The same request has been presented by these parties on at least three occasions in the last ten years, and yet again this draft proposed legislation shows none of the industry input has been considered.

These industry bodies have worked together outside of the review meetings to formulate suggested wording for legislation based on regulations already in use in other states, that in practice proved to be:

(a) more efficient
(b) safe
(c) practical
(d) keeping with how industries operate in the sector

This would not only aid in reducing costs of compliancy for businesses operating across borders but also help work towards the stated goal of national harmonization that is so frequently touted by the authorities.

Explosive Services DOES NOT SUPPORT any changes that will affect the cost of doing business or require a change of operations to all private sector affected parties.

Given the horrendous financial hardship facing Australian business at the money, the thousands of businesses failing and the hundreds of thousands of jobs already lost. This is not the time to force new changes and associated costs of compliance on any industry, let alone one who is facing multiple years of fiscal losses.

The purpose of this letter is not to be an exhaustive list of point-by-point rebuttals of the proposed changes, given the time frame required to respond. It is to highlight how this how process is rail-roading over the industry to serve solely as a rubber stamp so that bureaucratic process can have its way.

It must be stated that it is well established principle that **correlation is not causation**. Our industry regularly goes many years incident free. If there is a change in law and nothing wrong happens, this does not automatically mean that it was a result of the new law.

**BEFORE ANY CHANGES take place we MUST know the standard by which the NSW government proposes to measure the efficacy of any changes. We also need to know the mechanism by which it will determine if the change is a direct result of the reform or just correlation.**

How the government can assess, without consulting, the fiscal and practical burden on industry needs to be disclosed to stakeholders.

Regards.

Damien Armstrong
Director
Explosive Services Pty Ltd