

Input by the Department of Innovation, Industry, Science and Research on the NICNAS Reform of industrial nanomaterials discussion paper

The Department of Innovation, Industry, Science and Research (Department of Innovation) welcomes the work of NICNAS to examine the regulatory oversight of industrial nanomaterials. The interests of Department of Innovation stem from its coordinating role for nanotechnology regulation undertaken as part of the National Enabling Technologies Strategy, and formerly the National Nanotechnology Strategy. The Department of Innovation also holds an interest in the impacts upon industry of the proposed changes.

The National Enabling Technologies Strategy is intent on ensuring that the Government adopts a whole of government approach to the challenges posed by nanotechnologies to the regulatory framework. In June 2008, the Australian Government released the *Australian Government Objectives for the Responsible Management and Oversight of Nanotechnology* that included the following guiding principles to ensure that it protects the health and safety of humans and the environment:

- use an evidence based approach to making decisions about nanotechnology;
- use existing regulatory frameworks to deliver an efficient and effective response to the health, safety, and environmental impacts of nanotechnology;
- ensure that regulatory schemes are reviewed to assess their ongoing ability to deal with the impact of nanotechnology, and regulatory or procedural changes implemented as necessary;
- apply a precautionary approach consistent with Australia's international obligations, including the Rio declaration; and
- ensure information about the health, safety and environmental impacts of nanotechnology is based on scientific evidence.

The Department of Innovation considers that the proposals by NICNAS as set out in sections 3A and 3B of the discussion paper are consistent with these principles. As such, they are supported by the Department of Innovation. To responsibly manage these new materials there is a need to distinguish nanomaterials. Until sufficient evidence arises to draw conclusions about the expected behaviour of the nanomaterials, a greater degree of Government oversight is reasonable. To this end, NICNAS should continue its involvement in the Health, Safety and Environment Working Group for enabling technologies. This group ensures a coordinated whole of government approach to the regulation of nanotechnology.

The Department of Innovation notes that the discussion paper refers to the possible burden on industry of some of the proposed changes and requests that every effort be made to ensure that the burden on industry is the minimum required for effective regulation (noting that these are not necessarily mutually exclusive).

In relation to section 3C, the National Enabling Technologies Strategy will be undertaking foresighting of enabling technologies (including nanotechnology) developing in the near future (5-10 years). In developing NICNAS's long term

strategy, this foresighting work could provide NICNAS with information related to possible future developments in industrial nanomaterials.

Within the Department of Innovation lies the secretariat for the Standing Committee on Chemicals (the Committee). The Committee's remit is to "achieve an effective and efficient national system of chemicals and plastics regulation".

The Committee may be interested in commenting at future opportunities, as noted in the discussion paper, such as input into the regulatory impact assessment as well as in the consultations on the development and progression of regulatory reform options. It would therefore be worthwhile advising the Committee of the outcomes of this public consultation. This would help the Committee's achieve its remit and its role of supporting the co-ordinated development of regulatory proposals that have cross-portfolio or cross-jurisdictional implications.