

Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2019-148

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	4
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A



Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, Transport Canberra and City Services may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The Transport Canberra and City Services Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the Transport Canberra and City Services, as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the Transport Canberra and City Services website at www.tccs.act.gov.au.

Applicant details		
I wish to make an access application to Transport Canberra and City Services under the <i>Freedom of Information Act 2016.</i>		
Name		
Address		
(where notices relating to this request		
can be sent either postal or electronic)		
Telephone Contact (Business Hours)		
Telephone Contact (Mobile)		
Email Contact		

What documents are you requesting under the Act?

- To help Transport Canberra and City Services process your request, please include enough detail in your application so that we can fully understand what government information you want.
- You may wish to include a statement about how the release of information is in the publicinterest.
- If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the agent.
- If for reasons in section 30 of the Act is not compliant and your application cannot be processed,
 Transport Canberra and City Services will take reasonable steps to assist you and give youreasonable time to amend your application if you wish.

Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:

• The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because

The information being requested is of special interest to the public.

This information is essential for parents to be able to make an informed choice about the use of public playspaces for their children. I have been asked for this information by parents through the work that I do, though my request is in my personal capacity, and not on behalf of my employer.

I would like to access documents that relate to government or government contractor use of pesticides in or around public playspaces in the ACT over the previous three years.

This information is essential for parents to be able to make an informed choice about the use of public playspaces. This would include Boundless Playground and the National Arboretum.

The documents would include

- The chemicals used, the date applied, the amount used and the location;
- · Any non-chemical methods used or trialled;
- The policies and procedures that guide the use of pesticides in these playgrounds/playspaces. This may
 include but not be limited to training manuals, weather restrictions and recent policy reviews;
- Any reportable incidents of chemical accidents or misuse relating to public playspaces.

I would like a copy of these documents in a searchable form (i.e. Excel / Word) sent to the above email address

APPLICANTS SIGNATURE	DATE OF REQUEST
	21.5.2019



Our ref: CMTEDDFOI2019-148

via email:	
Dear	

FREEDOM OF INFORMATION REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), partially transferred from the Transport Canberra and City Services Directorate and received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 1 July 2019, as the responsible agency for the National Arboretum Canberra. In your request you have sought access to documents that relate the use of pesticides in and around public play spaces in the ACT.

Specifically, you have requested "...access to documents that relate to government or government contractor use of pesticides in or around public play spaces in the ACT over the previous three years. This information is essential for parents to be able to make an informed choice about the use of public play spaces. This would include Boundless Playground and the National Arboretum...".

The documents would include:

- The chemicals used, the date applied, the amount used and the location;
- Any non-chemical methods used or trialled;
- The policies and procedures that guide the use of pesticides in these
 playgrounds/play spaces. This may include but not be limited to training manuals,
 weather restrictions and recent policy reviews;
- Any reportable incidents of chemical accidents or misuse relating to public play spaces".

Authority

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

Timeframes

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 28 July 2019.

Decision on access

Searches were completed for relevant documents and three documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant full access to all relevant documents. The documents released to you are provided as **Attachment B** to this letter.

Charges

Pursuant to *Freedom of Information (Fees) Determination 2017 (No 2)* processing charges are not applicable for this request because the total number of pages to be released to you is below the charging threshold of 50 pages.

Online publishing - Disclosure Log

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the CMTEDD disclosure log after 10 July 2019. Your personal contact details will not be published. You may view CMTEDD disclosure log at

https://www.cmtedd.act.gov.au/functions/foi/disclosure-log.

Ombudsman Review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at: The ACT Ombudsman GPO Box 442 CANBERRA ACT 2601

Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) Review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal Level 4, 1 Moore St GPO Box 370 Canberra City ACT 2601 Telephone: (02) 6207 1740 http://www.acat.act.gov.au/ Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email CMTEDDFOI@act.gov.au.

Yours sincerely,

Daniel Riley

Information Officer

Information Access Team

Chief Minister, Treasury and Economic Development Directorate

5 July 2019



FREEDOM OF INFORMATION REQUEST SCHEDULE

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
	Access to documents that relate to governments use of pesticides in or around public play spaces	CMTEDDFOI2019-148
	over the past three years including the National Arboretum play space.	

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Requested Information (Dot Points)	5 July 2019	Full release	N/A	Yes
2	2-6	Ausgro Sharp Shoot Weed Killer document (Publicly available document)	July 2014	Full release	N/A	Yes
3	7-11	National Arboretum Canberra Standard Operating Procedure	10 Oct 2018	Full release	N/A	Yes
Total No of Docs						

REQUESTED INFORMATION (Dot Points)

The chemicals used, the date applied, the amount used and the location;

In the Arboretum's designated play spaces, Pod Playground and The Children's Garden (and all garden areas at the National Arboretum Canberra), we use minimal amounts of Glyphosate (Sharp Shooter Weed Killer 360 Glyphosate Concentrate - Relevant Safety Data Sheet is attached), which is applied to small weed species in peripheral garden areas only, not in designated play zones.

It is applied with a weeding brush, which allows for direct application to the weed – the product is not sprayed. This chemical product is mixed and applied to manufacturer's specifications. Within an area of 2,250m2 / 0.225ha, it is estimated that depending on the growing conditions, less than 1,000ml of mixed solution is applied annually.

All larger weed species are hand weeded, and where possible, our horticulture team encourage thick mulch cover to avoid weeds in play space and garden areas.

This chemical is used sparingly, is chosen for its non-residual qualities, and is used on an infrequent and irregular basis. We do not keep Chemical Manifests for this type of chemical use, as it is infrequent and is applied at negligible rates.

Any non-chemical methods used or trialled;

As above, hand weeding is employed most commonly in these play space and garden areas, and mulch depth is kept thick to avoid weed growth.

The policies and procedures that guide the use of pesticides in these playgrounds/play spaces. This may include but not be limited to training manuals, weather restrictions and recent policy reviews

Please find attached example Standard Operating Procedure which relates to the application of pesticide using a weed wand – this example demonstrates the process for applying chemical to weeds in garden areas. (I assume that the Information Access Team will redact any staff details).

Any reportable incidents of chemical accidents or misuse relating to public play spaces.

Nil



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This revision issued: July 2014

Phone: 03 9793 0299

SECTION 1 - IDENTIFICATION OF CHEMICAL PRODUCT AND COMPANY

Ausgro Technologies Pty Ltd

PO Box 2003

East Dandenong Vic 3175

Trade Name: Sharp Shooter Weed Killer 360 Glyphosate Concentrate

Product Use: A Home garden herbicide for the control of weeds and grasses.

Creation Date: July, 2014 Revision Date: July, 2015

Section 2 - Hazards Identification

Based on available information, not classified as hazardous according to criteria of Safe Work Australia; NON-HAZARDOUS SUBSTANCE.

Not subject to the provisions of the Australian Dangerous Goods Code when transported by road and rail since receptacles of

500L or less for UN No.3082 are exempt from the conditions of the code.

Poisons Schedule: S5 Caution.

Section 3 - Composition/Information on Ingredients

Components / CAS NumberConcentration (g/L)Risk PhrasesGlyphosate 1:1 isopropylamine salt360 g/LR 51/53

38641-94-0

Water to 100%

Section 4 - First Aid Measures

For advice, contact a Poisons Information Centre (Phone eg. Australia 131 126; New Zealand 0 800 764766) or a doctor.

Inhalation: Remove victim from area of exposure - avoid becoming a casualty. Seek medical advice if effects persist.

Skin Contact: If skin contact occurs, remove contaminated clothing and wash skin with soap and water. If irritation occurs, seek medical advice.

Eye Contact: If in eyes, wash out immediately with water. Continue flushing until advised to stop by a Poisons Information Centre or a doctor, or for at least 15 minutes. In all cases of eye contamination it is a sensible precaution to seek medical advice and show this MSDS.

Ingestion: Rinse mouth with water. If swallowed, give a glass of water to drink. Seek medical advice.

Medical attention and special treatment: Treat symptomatically.

Section 5 - Fire Fighting Measures

Hazards from combustion products: Non-combustible material.



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Precautions for fire fighters and special protective equipment: Not combustible, however following evaporation of the water component of the material, the residual material can burn if ignited. Fire fighters to wear self-contained breathing apparatus and suitable protective clothing if risk of exposure to vapour or products of combustion.

Suitable Extinguishing Media: Not combustible, however, if material is involved in a fire use: Water fog (or if unavailable fine water spray), foam, dry agent (carbon dioxide, dry chemical powder).

Section 6 - Accidental Release Measures

Methods and materials for containment and clean up: Contain - prevent run off into drains and waterways. Use absorbent (soil, sand or other inert material). Collect and seal in properly labelled containers. If contamination of sewers or waterways has occurred advise local emergency services.

Section 7 - Handling and Storage

This material is a Scheduled Poison S5 and must be stored, maintained and used in accordance with the relevant regulations.

Conditions for safe storage: Store in the closed, original container in a dry, cool, well-ventilated area out of direct sunlight. Store away from foodstuffs. Keep containers closed when not in use - check regularly for leaks.

Precautions for safe handling: Keep out of reach of children. Avoid skin and eye contact and breathing in vapour, mists and aerosols .

Section 8 - Exposure Controls and Personal Protection

Occupational Exposure Limits:

No value assigned for this specific material by the National Occupational Health and Safety Commission.

Engineering controls: Natural ventilation should be adequate under normal use conditions.

Personal Protective Equipment: Avoid contact with eyes and skin. Do NOT inhale spray mist. After use and before eating, drinking or smoking, wash hands, arms and face thoroughly with soap and water.

Section 9 - Physical and Chemical Properties:

Physical state: Liquid

Colour: Blue/Green

Odour: Minimal

Solubility: Miscible with water.

Specific Gravity: 1.17

Relative Vapour Density (air=1): N Av

Vapour Pressure (20 °C): N Av

Flash Point (°C): N App

Boiling Point/Range (°C): N Av

pH: N App

Evaporation Rate: N Av

MATERIAL SAFETY DATA SHEET



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This revision issued: July 2014

Section 10 - Stability and Reactivity

Chemical stability: Stable under normal conditions of use.

Conditions to avoid: Avoid contact with foodstuffs.

Incompatible materials: Incompatible with oxidising agents.

Hazardous decomposition products: Oxides of carbon. Oxides of nitrogen.

Hazardous reactions: Hazardous polymerisation will not occur.

Section 11 - Toxicological Information

No adverse health effects expected if the product is handled in accordance with this Safety Data Sheet and the product label. Symptoms or effects that may arise if the product is mishandled and overexposure occurs are:

Ingestion: Swallowing can result in nausea, vomiting, diarrhoea, and abdominal pain.

Eye contact: May be an eye irritant.

Skin contact: Contact with skin may result in irritation. May cause skin sensitisation in sensitive individuals. Repeated or prolonged skin contact may lead to allergic contact dermatitis.

Inhalation: Breathing in mists or aerosols may produce respiratory irritation.

Long Term Effects: No information available for the product.

Toxicological Data: No LD50 data available for the product. However, for constituent(s)

GLYPHOSATE - ISOPROPYLAMINE (1):

Oral LD50 (rat): >5000 mg/kg. Dermal LD50 (rabbit): >5000 mg/kg.

SKIN: Non-irritant (rabbit). EYES: Mild irritant (rabbit).

Section 12 - Ecological Information

Ecotoxicity: Toxic to aquatic organisms. Risk of bioaccumulation in an aquatic species is low.

Log Octanol/Water Partition

Coefficient:

-5.4

48hr LC50 (Daphnia magna): 24-37 mg/L. 96hr LC50 (rainbow trout): >8.2-26 mg/L.

96hr LC50 (bluegill sunfish): >5.8-14 mg/L.

96hr LC50 (catfish): 16 mg/L

96hr LC50 (fathead minnow): 97 mg/L

Terrestrial toxicity: Harmless to terrestrial species.

Section 13 - Disposal Considerations

Disposal: Instructions concerning the disposal of this product and its containers are given on the product label. These should be carefully followed.

Section 14 - Transport Information



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Road and Rail Transport: Not subject to the provisions of the Australian Dangerous Goods Code when transported by road and rail since receptacles of 500L or less for UN No.3082 are exempt from the conditions of the code.

Marine Transport: Classified as Dangerous Goods by the criteria of the International Maritime Dangerous Goods Code (IMDG Code) for transport by sea; DANGEROUS GOODS.

This material is classified as a Marine Pollutant (P) according to the International Maritime Dangerous Goods Code.



UN No: 3082

Class-primary: 9 Miscellaneous Dangerous Goods

Packing Group: III

Proper Shipping Name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. (GLYPHOSATE

36%)

Air Transport: Classified as Dangerous Goods by the criteria of the International Air Transport Association (IATA)

Dangerous Goods

Regulations for transport by air; DANGEROUS GOODS.

UN No: 3082

Class-primary: 9 Miscellaneous Dangerous Goods

Packing Group: III

Proper Shipping Name: ENVIRONMENTALLY HAZARDOUS SUBSTANCE, LIQUID, N.O.S. (GLYPHOSATE

36%)

Section 15 - Regulatory Information

Classification: Based on available information, not classified as hazardous according to criteria of Safe Work Australia; NON-HAZARDOUS SUBSTANCE.

Poisons Schedule: S5 Caution.

This product is registered in Australia by the Australian Pesticides & Veterinary Medicines Authority (APVMA).

Section 16 - Other Information

(1) In: 'The Pesticide Manual'. 13th Edition. Ed. CDS Tomlin. British Crop Protection Society, 2003.

This MSDS contains only safety-related information. For other data see product literature.

Acronyms:

ADG Code Australian Code for the Transport of Dangerous Goods by Road and Rail

AICS Australian Inventory of Chemical Substances
CAS number Chemical Abstracts Service Registry Number

Hazchem Number Emergency action code of numbers and letters that provide information to

emergency services especially firefighters

IARC International Agency for Research on Cancer

NOHSC National Occupational Health and Safety Commission

NOS Not otherwise specified

NTP National Toxicology Program (USA)

SUSDP Standard for the Uniform Scheduling of Drugs & Poisons

UN Number United Nations Number

THIS MSDS SUMMARISES OUR BEST KNOWLEDGE OF THE HEALTH AND SAFETY HAZARD INFORMATION OF THE PRODUCT AND HOW TO SAFELY HANDLE AND USE THE PRODUCT IN THE WORKPLACE. EACH USER MUST REVIEW THIS MSDS IN THE CONTEXT OF HOW THE PRODUCT WILL BE HANDLED AND USED IN THE WORKPLACE.

MATERIAL SAFETY DATA SHEET



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This revision issued: July 2014

Phone: 03 9793 0299

IF CLARIFICATION OR FURTHER INFORMATION IS NEEDED TO ENSURE THAT AN APPROPRIATE RISK ASSESSMENT CAN BE MADE, THE USER SHOULD CONTACT THIS COMPANY SO WE CAN ATTEMPT TO OBTAIN ADDITIONAL INFORMATION FROM OUR SUPPLIERS OUR RESPONSIBILITY FOR PRODUCTS SOLD IS SUBJECT TO OUR STANDARD TERMS AND CONDITIONS, A COPY OF WHICH IS SENT TO OUR CUSTOMERS AND IS ALSO AVAILABLE ON REQUEST.

Please read all labels carefully before using product.

This MSDS is prepared in accord with the NOHSC document "National Code of Practice for the Preparation of Material Safety Data Sheets" 2nd Edition [NOHSC:2011(2003)]



SOP reference number	NACSOP030 10/10/18		
SOP Developed / Last Reviewed			
SOP Review Date	10/10/19		
Reviewed by: 1. Manager/Supervisor: 2. Employee/HSR:	1: 7/6/19 Name: O'Bolitho 2: 7/6/19 Name: NIC CICCONE		
SOP title	APPLYING PESTICIDE - WEED WAND		
(Use a simple descriptive title)			
Scope and limitations (Clearly define the work task/activity to be performed)	The selection, mixing and application of pesticide in a weed wand for use in the field – National Arboretum Canberra		
Risk assessment references (Identify the risk assessment documentation for the procedure, plant or equipment)	Staff to conduct a visual risk assessment. If deemed high risk, a formal risk assessment will need to be completed with all persons involved to understand and sign off on		
Mandatory licences, permits or qualifications	 White card Chemcert accreditation AQF Level 3 or Chemcert supervisors AQF level 4 WHS induction: Dangerous Substances 		
Mandatory PPE/C	The following PPE is available and in good condition:		
(personal protective equipment and clothing required)	 Hat, sunscreen (SPF 30+) in high UV conditions Appropriate footwear Long sleeve shirt (high visibility), long trousers Appropriate gloves Eye protection (goggles, face shield, safety glasses) Respiratory protection available if required Chemsuit available if required 		
Training requirements	 Site induction Induction to task with experienced team member 		
Compliance requirements			





Resources	- Radio (hand held unit)	
(E.g. materials/equipment	- Water for operator	
required for the task)	- First aid kit and chemical spill kit	
	- Soap and water for washing chemical spills on skin	
Warnings and precautions (Significant safety issues to be considered before	 Environmental conditions – ice and rain can cause slip surfaces. Weather conditions – applying chemical may unsuitable in weather conditions such as rain, dew and 	become
commencing the task)	 Ensure chemical storage location is an approved chem storage facility 	ical
	- Ensure approved fill up and wash down area is nearby	
	 Safety equipment e.g. eye wash, deluge shower, first spill kit, fire equipment to meet Australian standards a available 	
	 Ensure staff demonstrate correct manual handling tech when lifting and carrying chemicals 	nniques
	 a spill containment system should be available for the and disposal of a chemical that spills or leaks 	clean-up
	- Staff are to be aware of relevant MSDS & their location	n
	- Ensure compliant storage of chemical before and after	use
1999		1 1 1 1

Task instructions and safety considerations

(Identify the procedural steps involved in the activity. Highlight all safety considerations relevant to individual steps.)

steps.)	
Task instructions	Safety considerations
Complete risk assessment documentation	 Considerations for risk assessment may include access to forest, incline, undulated ground, extended exposure to elements and chemicals
Select the appropriate	- Ensure staff have and understanding of, and compliance with chemical labels and MSDS
controls, correct chemical and rate, equipment and	 Ensure staff have and understanding of, and compliance with registered and approved chemicals
materials to safely manage the weed wand	- Equipment should be secured by the operator as far as reasonably practicable at all times when transporting chemicals
3. Check the	 Comply with personal hygiene recommendations to avoid exposure to contaminated food or clothing as per the Guidelines/AS
application equipment for	- Maintain site risk awareness while applying chemical
damage/leaks	- Maintain weather condition monitoring
4. Monitor the weather conditions for the feasibility of chemical	 Management or leading hand must be notified should staff need to access the spill containment system. Anything in the spill containment system that is used must be replaced. A riskman must also be submitted, see NACSOPO51 - First Aid



application

- Select the correct PPE from the MSDS provided
- Mix according to the label specifications, into the application equipment
- Apply as per manufacturers recommendations
- Ensure all equipment is washed/flushed in the designated wash down bay after use
- Complete the chemicals manifest

National Arboretum Canberra - Standard Operating Procedure

incident reporting and Riskman reporting

- Ensure PPE is suitably cleaned and maintained
- Ensure staff close and lock the chemical storage facility to eliminate access from unauthorised personnel
- Ensure staff update, sign and date the chemical store manifest if any changes are made to the quantity of chemicals in storage.
- Ensure chemical records are updated and submitted online through ArcGIS data collector

SOP authorisation		
Name OverBditho	Signature West Signature	
Position Hort-Mar	Date of authorisation 7613	
	Review date	
Read and Understood		
Name O. Bolillo	Signature Web	
Name H. Wilkins	Signature	
Name Nic Cyccone	Signature Cel	
Name Minh Nylym	Signature Manh	
Name Ryan Mariaes	Signature	
Name & MANC.55 -M 77011	Signature from me	
Name Tori Sedgman	Signature	
Name	Signature	

Version 1.3



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