

***Agricultural and Veterinary Chemicals (Control of Use)
Amendment Bill 2011***

SECOND READING SPEECH

Mr Speaker, I move that the Bill now be read a second time.

As has been noted on previous occasions, the *Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996* are being reviewed to reflect the current aerial and ground spraying provisions. The objective is to improve chemical use practice in Tasmania to better protect the community and the natural environment from chemical contamination, without imposing an unreasonable regulatory burden on those who use chemicals.

There is a process currently under way to develop a national regulatory system. However, the outcome will not be known for some time and there is no assurance that such a system will fully address Tasmania's unique circumstances, that is, the close relationship between agricultural and residential land uses that exist around the State, as well as the heightened level of community interest in chemical-related issues.

As you would be aware, the regulatory review process has taken a considerable period of time, including two rounds of public consultation, however this has allowed for some constructive evolution of thinking on these complex matters. Hence when formulating its recommendations to me, the ASCHEM Council has given serious consideration to how to address the risks presented by the use of agricultural chemicals in Tasmania so that the regulatory burden is more proportionate to the benefits gained from mitigating the risks of agricultural spraying.

The ASCHEM Council is a statutory body comprising the Secretary (or his nominee) of the Department of Primary Industries, Parks, Water and Environment; the Director of Public Health; and the Director of the Environment Protection Authority. One of its key functions is to advise me on the making of Regulations.

After serious consideration of the public feedback and report prepared by ASCHEM Council, and meeting with members of the Council to discuss their advice, I have now made a decision on the final set of amendments.

A set of Regulations will be drafted to impose a range of tighter restrictions which incorporate elements of chemical trespass to protect areas of high risk. This will balance the needs of the community and the users of agricultural products. For example, adoption of short and long term contamination limits for waterways that require users to implement best practice methods to meet the standards and avoid prosecution. To further protect sensitive places (for example schools, hospitals, residences and so forth), exclusion zones where no chemicals must be found will also be included.

The House will be pleased to hear that the Regulations are close to being finalised. This will allow for their implementation by 1 January 2012 when the existing regulations expire.

However, before the Regulations can be implemented, some administrative amendments to the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* are required. Although not substantive, the amendments are required to provide consistency and clarification and consolidate the legal basis for some of the proposed regulations. By that I mean that some of the Regulations have been drafted in anticipation of the Act being amended. This is

because while some of the matters addressed in the Regulations are similar in nature to those provided for in the Act, the scope and manner of their application is quite different. Essentially, they have been drafted to meet a policy intent not currently met by the primary legislation.

In addition, the amendments allow some matters that are currently dealt with by order to be more appropriately dealt with through regulation. However, in urgent circumstances the Act retains the option to address these issues more speedily through the order making process. Finally, there are three minor administrative amendments that explain two provisions more explicitly and ensure consistency with other legislation.

The reforms to the regulations as described seek to improve chemical use practice in Tasmania to better protect the community and environment from chemical contamination. The amendments to the Act are necessary to allow this to happen.

Mr Speaker, I commend the Bill to the House.