

Repeal of Regulations Postponement Bill (No.2) 2010

SECOND READING SPEECH

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

The purpose of this Bill is to ensure continuation of administration of legislation in cases where it has not been practicable to remake the relevant subordinate legislation before it is due to expire.

This is standard annual business of Government. Each year there are legitimate reasons for some subordinate legislation not to be repealed or re-made according to the 10-year schedule of the *Subordinate Legislation Act 1992*, or to need further extension after a previous repeal postponement.

At least one Bill of this type has been introduced each year since 2005. I am pleased to note, however, that although this is the second Bill of this type to be debated in 2010, we have seen only 4 sets of Regulations requiring repeal postponement this year, much less than previous years. Thus it appears that the intent of the *Subordinate Legislation Act 1992* is being achieved as only true exceptions are requiring extension by legislation.

The Bill extends the expiry date of two sets of Regulations to 1 January 2012:

- *Agricultural and Veterinary Chemicals (Control of Use) Regulations 1996.*

These Regulations were first extended by the 2006 Act and as this is the fifth year in succession, the Bill may receive more attention than it normally would.

As has been noted in previous years, the Regulations are being amended to review 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.

Although there is a process under way to develop a National regulatory system, the outcome will not be known for some time and it is unlikely that such a system will fully address Tasmania's unique circumstances. By that I am referring to the very close relationship between agricultural (farms, orchards, vineyards and the like) and residential land uses all round the State as well as

the heightened level of community interest in chemical-related issues.

A draft set of Regulations were sent out for an initial round of public consultation and a significant number of representations were submitted. A central theme of the responses received was that the proposals presented a significant burden to users without necessarily providing the benefits intended.

The Agricultural, Silvicultural and Veterinary Chemicals (ASCHEM) Council is a statutory body comprised of 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 the Councils key functions is to advise me on the making of Regulations.

I am aware that this review process has dragged on for far too long but this has allowed for the constructive evolution of thinking on these complex matters. Members will not be surprised to hear that ASCHEM Council has given considerable thought to how to address the risks presented by the use of agricultural chemicals

in Tasmania, culminating in advice that outcomes based Regulations be introduced.

This included both short and long term contamination limits for waterways, which will require users to adopt best practice methods to meet the standards and avoid prosecution.

Another recommendation was the introduction of exclusion zones where chemicals must not be found in order to further protect sensitive places (for example schools, hospitals, residences and so forth).

The Regulations have now been fine tuned to address the concerns resulting from consultation in line with ASCHEM Councils recommendations, so that the regulatory burden is more proportionate to the benefits gained from the mitigation of the risks of agricultural spraying.

The re-drafting of the Regulations is nearly complete and they will be released for public consultation as soon as possible in accordance with the usual regulatory impact assessment process.

Although considerable progress has been made on these Regulations, the timeframe required for their implementation will not see them in place by 1 January 2011.

I will however do my utmost to ensure that they are brought before Executive Council as early as possible in the new year.

- *Workplace Health and Safety Regulations 1998*

The Workplace Relations Ministerial Council has identified occupational health and safety (OHS) as a priority area for National reform. One of the key elements of the OHS reform agenda is harmonisation – moving towards one set of National OHS laws.

The harmonisation of OHS legislation aims to reduce the incidence of workplace death, injury and disease right across Australia. The timetable for this process was agreed early in 2009 and this has meant Tasmania no longer sees value in changing the current Regulations.

Safe Work Australia is responsible for developing National model OHS legislation. The model legislation will consist of a principal OHS Act, supported by model Regulations and model codes of practice that can be readily adopted around Australia. This requires each State and Territory to pass its own laws that mirror the model OHS laws and to adopt them by December 2011.

The development of a new National model OHS Act and Regulations has gained astonishing momentum Nationally with

the Act virtually finalised and plans afoot for the commencement of public consultation on the Regulations prior to Christmas.

Given the proximity of this consultation, it is considered unwise to introduce amended Tasmanian Regulations during the public debate period for the new National Regulations, as this would cause unnecessary confusion.

In addition, given the obligation to introduce the National laws into Tasmania by the end of 2011 and the fact that these new laws will address all the current regulatory provisions, there is little to be gained by remaking the *Workplace Health and Safety Regulations 1998*.

The National timetable means that the current Regulations should not need to be extended again however, the Office of Parliamentary Counsel has done some work on the preparation of an updated set of these Regulations that may be used if, for whatever reason, the National implementation date cannot be met.

Those Members present last year would recall during the debate on a similar Bill that it was foreshadowed that these Regulations would need to be extended again this year.

Mr Speaker, I commend the Bill to the House.