

Taking Chemical Trespass Seriously

Protecting Tasmanians from Chemical Pollution

Launched by Nick McKim MP

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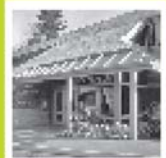
READY TO DELIVER

Establish a Chemical Trespass Unit within the EPA

Invest \$1.3 million over three years

Legislate to make Chemical Trespass an offence

POLICY INITIATIVE OF THE TASMANIAN GREENS MPs



Taking Chemical Trespass Seriously

"Tasmanians deserve their drinking water, rivers and waterways, and their land to be free of chemical contamination. Too often, the onus is placed on the victim to prove that permissible levels of contamination have been exceeded, and the Greens' Chemical Trespass package will ensure that the presence of unauthorised chemicals is classified as an offence, and also provides the resources to act on that offence."

Nick McKim MP - Greens Leader

THE ISSUE:

- ❑ *Agricultural Chemical Trespass is becoming an increasing problem statewide*
- ❑ *More and more agricultural chemicals are being identified in waterways and catchments that supply people's drinking water*
- ❑ *There is growing national and international awareness that the presence of chemical toxins in waterways, the groundwater and on people's land has a negative, and potentially accumulative affect, upon human and environmental health*
- ❑ *Chemical trespass also threatens the agriculture and aquaculture sectors, as well as organic producers who risk losing their certification*
- ❑ *Current State provisions are woefully inadequate to either protect drinking water and waterways, or land from chemical contamination*
- ❑ *Rigorous follow-up to identify the chemical source and enable affected parties to seek redress does not occur, with the onus being placed on victims to prove that they have been contaminated and that it has had a negative impact*

THE TASMANIAN GREENS WILL:

- ✅ ***Invest \$1.3 million over three years to establish a Chemical Trespass Unit within the Environment Protection Authority***
- ✅ ***Legislate to make Chemical Trespass an Offence***

The Tasmanian Greens - Delivering a Chemical Trespass Unit

Despite growing public concern over the ongoing chemical contamination of our waterways and groundwater, and the calls for action getting louder and louder, successive Labor governments have refused to act.

Tasmanians deserve their rivers, drinking water and properties to be free of chemical contamination. There is mounting national and international evidence that there are serious health and ecological ramifications to these toxins being in our environment.

Ongoing agricultural chemical contamination also impacts negatively upon the state's clean, green brand, which many in the agriculture and aquaculture industries and other sectors rely upon for their livelihoods.

The establishment of an independent Chemical Trespass Unit (which will not be restricted to just dealing with aerial spraying) delivers for our community's health, our environment and our economy as it will protect Tasmania's Brand.

The Chemical Trespass Unit will be:

- ▲ Based within the EPA, and as such be independent of any government department
- ▲ Responsible for the implementation, and monitoring compliance, of, Chemical Trespass legislation.

The Chemical Trespass Unit

The Greens will invest \$1.3 million over three years to establish a stand alone Chemical Trespass Unit within the state's Environment Protection Authority (EPA).

The Unit will consist of:

- ▲ Two scientists
- ▲ Two field assistants
- ▲ Two dedicated vehicles.

This Unit will be dedicated to working with stakeholders to identify and eliminate instances of chemical trespass. The Unit's location within the Environment Protection Authority will ensure that it is also in a position to monitor compliance of government departments and other entities, including Government Business Enterprises and State-Owned Companies.

Should the Chemical Trespass legislation be passed by the Parliament, the Chemical Trespass Unit will be instrumental in its implementation and enforcement.

Additional to ensuring compliance with Chemical Trespass legislation, the Unit will also have an educative role, and receive and assess complaints from the public regarding potential contamination by agricultural chemicals.

The Greens' commitment also includes a review of the Chemical Trespass Unit after three years to evaluate whether its resourcing is adequate.

Making Chemical Trespass an Offence

The Greens will move to legislate to make Chemical Trespass an offence. This legislation defines 'trespass' as the movement of agricultural chemicals from their designated target site to an unauthorised location, including public and private land and waterways.

Current State legislation places the onus upon those affected by chemical pollution to establish the degree to which they have been affected, and to prove that it exceeds 'permissible' levels. In contrast the Greens' proposed Chemical Trespass legislation will stipulate unequivocally that the detectable presence of any agricultural chemicals in unauthorised areas is an offence, no matter the amount.

The Greens' proposed Chemical Trespass legislation will:

- ▲ Make it an offence to not report an incident of agricultural chemical trespass
- ▲ Make provision for the recovery of damages
- ▲ Bind the Crown and apply to all persons, corporations and public authorities
- ▲ Make provision for requirements and restrictions of authorised officers
- ▲ Require the relevant Agency to facilitate access to detection and analysis equipment
- ▲ Establish liability for agricultural chemical trespass, including spray drift. This will also cover 1080 poison baits.
- ▲ Establish a process and requirements for the notification of authorities of chemical trespass incidents
- ▲ Make provision for Legal Aid.

Chemical Trespass legislation was recently tabled in the State Parliament by the Greens in 2001, again in 2004, when both Labor and Liberal parties voted to defeat the Bill, and then retabled in 2008.

Investing in a Chemical Trespass Unit

\$1.3 million over three years will employ two scientists, two field officers and purchase two vehicles for the Chemical Trespass Unit, which is to be located within the EPA and which will assist in covering the Unit's administration.

	2009-10 Budget	2010-11 Forward Estimate	2011-12 Forward Estimate	2012-13 Forward Estimate
	\$'000	\$'000	\$'000	\$'000
Chemical Trespass Unit: Staff & Admin costs	310	315	325
Chemical Trespass Unit: Vehicles and Infrastructure	250	50	50

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