

# Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2013

Explanatory Notes for SL 2013 No. 247

made under the

*Chemical Usage (Agricultural and Veterinary) Control Act 1988*

## General Outline

### Short title

*Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2013*

### Authorising law

Sections 12W, 13C, 13E and 38 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* (the Act).

### Policy objectives and the reasons for them

The objective of the regulatory amendment is to remove redundant conditions concerning the use, preparation, storage and possession of agricultural environmental relevant activity (ERA) products containing diuron and hexazinone for sugarcane growing in Great Barrier Reef catchments, to ensure there is no inconsistency between the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999* (the Regulation) and Australian Pesticides and Veterinary Medicines Authority (APVMA) approved label instructions for these chemicals.

Diuron is a broad-spectrum residual herbicide and algaecide used for pre and post-emergent control of both broadleaf and grass weeds in agriculture. It is also used to control weeds and algae in and around water bodies and is a component of marine antifouling paints. There are currently more than 100 products containing diuron registered for use in Australia.

Hexazinone is an organic compound that is used as a broad spectrum herbicide. Hexazinone is a non-selective herbicide and is co-formulated as a constituent in agricultural chemical products with diuron for use in sugarcane growing.

In 2002, the Australian Pesticides and Veterinary Medicines Authority (APVMA) began a review of diuron because of environmental and human health concerns, specifically regarding the potential for diuron to contaminate the marine environment through agricultural runoff.

In 2009, the *Great Barrier Reef Protection Amendment Act 2009* amended the *Environmental Protection Act 1994* and the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* to provide measures to protect the Great Barrier Reef from nutrients and agricultural chemicals contained in runoff from agricultural land.

The Regulation was amended to prescribe a suite of additional controls over the use of relevant agricultural chemical products which were used in prescribed reef catchments because the labels did not contain the desired restrictions. For sugarcane growing, these amendments imposed specific controls on the use of diuron, hexazinone and two other herbicides.

The APVMA finalised the review of diuron in November 2012. The review concluded diuron was not directly affecting the Great Barrier Reef but it was having an adverse environmental impact on primary and secondary streams. Following the review, significant changes to the way diuron products could be used were made through variation of the approved label instructions for the products.

The revised APVMA label instructions for diuron are now in conflict with the controls over diuron in the Regulation. The conflict also occurs for hexazinone because it is co-formulated with diuron. A permit issued by the APVMA allowing phasing out of the use of product on farm bearing the old product labels expires on 28 November 2013.

The Regulation therefore requires amendment to remove the conditions for using and preparing agricultural chemical products containing diuron and hexazinone for growing sugarcane in Great Barrier Reef catchments

## **Achievement of policy objectives**

The regulatory amendment achieves its objective as it amends relevant provisions in Part 4, Division 3 of the Regulation concerning prescribed agricultural ERA products and conditions for use for agricultural ERAs, to omit reference to diuron and hexazinone.

## **Consistency with policy objectives of authorising law**

The amendment regulation is consistent with the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* in that it controls the use of certain chemicals.

## **Inconsistency with policy objectives of other legislation**

The amendment regulation is not inconsistent with the policy objectives of other legislation.

## **Benefits and costs of implementation**

The benefit of this legislation is that it will ensure consistency between the Regulation and the APVMA approved label instructions for the use, preparation, storage and possession of agricultural ERA products containing diuron and hexazinone. Compliance by persons using

agricultural ERA products containing these chemicals for sugarcane growing will be simplified in that they need only refer to the APVMA approved label instructions and not the Regulation.

## **Consistency with fundamental legislative principles**

The amendment regulation is consistent with fundamental legislative principles.

## **Consultation**

Consultation on this regulatory proposal was not undertaken by the Department of Agriculture, Fisheries and Forestry as the APVMA had extensively consulted with stakeholders during its review of diuron.

The Office of Best Practice Regulation (OBPR) within the Queensland Competition Authority was consulted with regard to Regulatory Impact Statement (RIS) requirements. The OBPR advised that although the proposed regulatory amendments do not qualify for exclusion from the RIS system, it is unlikely the regulatory proposal will have significant adverse impacts and therefore they considered a RIS was not required.