



**Memorandum of Understanding between the Secretary of the Department of Primary Industries, Parks, Water and Environment, the Registrar of Chemical Products and the Environment Protection Authority (EPA) in relation to regulating the environmental impacts of agricultural and veterinary chemical use**

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**1. Objectives**

The objectives of this agreement are:

- (1) to define the respective roles of each party in relation to matters of potentially overlapping jurisdiction; and
- (2) to agree on how the parties will work together collaboratively to achieve the objectives of their respective legislation, ensure complaints and incidents are appropriately handled and minimise the potential for duplication of regulatory effort.

**2. Legislation and Roles**

The Parties acknowledge that:

- 2.1 The Secretary administers the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* (AgVet Act) which has been established to control the use and application of agricultural and veterinary chemical products. The Registrar of Chemical Products (the Registrar) is responsible for the day to day administration of the Act and will be the principal point of contact for the EPA in relation to agricultural and veterinary chemicals.
- 2.2 The EPA administers the *Environmental Management and Pollution Control Act 1994* (EMPCA) which has been established to prevent environmental harm arising from pollution.
- 2.3 The EMPCA does not exclude pollution arising from the use of agricultural and veterinary chemicals and as a consequence, there is the potential for overlapping jurisdiction between the Secretary and the EPA in relation to environmental impacts from agricultural and veterinary chemical uses.

- 2.4 Both authorities have an obligation to seek compliance with their respective legislation.
- 2.5 The EMPCA and the AgVet Act have a range of different statutory provisions to encourage, monitor and require compliance. The provisions of the AgVet Act and subordinate regulations and codes are specifically targeted at the management of agricultural and veterinary chemicals, while the provisions of the EMPCA are more general.
- 2.6 Both parties, from time to time, receive complaints or reports of incidents involving agricultural and veterinary chemicals.

### **3. Agreement:**

The parties agree to work together in relation to matters that could be within the jurisdiction of both authorities. Specifically, the parties agree that:

- 3.1 The Secretary, in administering the AgVet legislation, will be the front-line authority for regulating the use of agricultural and veterinary chemicals.
- 3.2 The Registrar will be responsible for initially investigating complaints or reports about:
  - Adverse impacts on people, bodies of water, plants, stock, agricultural produce, groundwater or soil from the use, including spraying, of agricultural and veterinary chemicals; and
  - The use of agricultural or veterinary chemicals in a manner that does not accord with approved handling instructions.
- 3.3 The Secretary is also responsible for dealing with stock and produce contaminated by agricultural and veterinary chemicals.
- 3.4 The EPA in administering its legislation and carrying out its statutory functions will be the front-line authority for investigating and regulating the clean up of spills of agricultural or veterinary chemicals. If the spill was associated with a spraying event, the Registrar will undertake any necessary investigations into the spraying event.
- 3.5 When notified of an incident or complaint involving agricultural or veterinary chemicals for which the other party is the front line authority, each party will immediately notify the other. The investigating party will inform the other party of the outcome of the investigation.

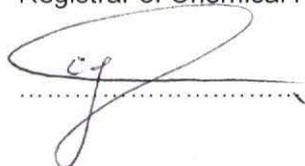
- 3.6 When investigating complaints or carrying out compliance auditing of activities that involve the use of agricultural and veterinary chemicals, both the Registrar and the EPA will be mindful of the provisions of the EMPCA and the AgVet Act, respectively. If the officers of one party detect an apparent breach of the legislation administered by the other party that will not be addressed by compliance with the first party's legislation, then they will notify the other party as soon as practicable.
- 3.7 The Registrar and the EPA will investigate any such referred matters and decide on the most appropriate form of action in consultation with each other.
- 3.8 Notwithstanding 3.5 and 3.6, the parties may agree on any other circumstances in which one party will notify the other.
- 3.9 The parties agree to work together cooperatively on any specific issues or matters of mutual interest or jurisdiction. Such matters may be identified through the ASCHEM Council established under the AgVet Act which is chaired by the Secretary and of which the Director, EPA is a member.
- 3.10 The EPA will have input into the review of AgVet legislation in Tasmania and subsidiary policy instruments with the objective that compliance with the legislation will satisfy the General Environmental Duty under the EMPCA. The Director, EPA is a member of the ASCHEM Council and will participate in policy discussions in that forum.
- 3.11 The parties will hold an annual meeting to review this MOU and the actions that have taken place under it.

Signed by the Secretary, DPIPW



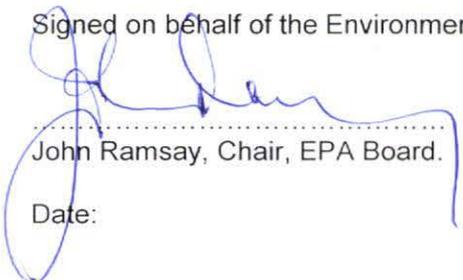
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Registrar of Chemical Products



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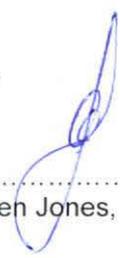
Signed on behalf of the Environment Protection Authority



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John Ramsay, Chair, EPA Board.

Date:



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Warren Jones, Director, EPA

18 November 2009