



Queensland

Chemical Usage (Agricultural and Veterinary) Control Amendment Regulation (No. 1) 2012

Explanatory Notes for SL 2012 No. 162

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) 2012.

Authorising law

Section 38 of the *Chemical Usage (Agricultural and Veterinary) Control Act 1988* (the Act).

Policy objectives and the reasons for them

The Australian Pesticides and Veterinary Medicines Authority (APVMA), announced on 29 June 2012, that timber treatment products with formulations containing, as active constituents, copper, chromium and arsenic (CCA) in various chemical forms, would be declared as restricted chemical products (RCPs) and their conditions of use would change.

The APVMA's declaration of CCA timber treatment products as an RCP and its decision to require all States and Territories to amend their

respective legislation to include training requirements for users of CCA products as a condition of authorised use, is a move designed to maximise public safety.

Consequently, the objective of the subordinate legislation is to restrict the use of CCA timber treatment products to only competent persons and ensure that all timber industry workers working directly with CCA timber treatment products, have the opportunity to obtain the required competencies within a reasonable period of time.

Achievement of policy objectives

The subordinate legislation ensures that this objective is achieved by restricting the use of CCA timber treatment products to competently trained users and provides a penalty for persons who use CCA without the appropriate qualification or competency.

Specifically, the subordinate legislation achieves this by inserting a new provision into the *Chemical Usage (Agricultural and Veterinary) Control Regulation 1999* to provide that a person must not use CCA unless they are authorised to do so, or they hold a statement of attainment for having completed the agreed national competencies for treating timber, or they hold a qualification or have successfully completed training for using the product that the chief executive considers is equivalent to these national competencies.

To ensure that all timber industry workers using CCA timber treatment products have sufficient time to complete training and acquire the necessary competencies or accreditation, the subordinate legislation also provides a transitional provision which defers the commencement of this obligation until 1 January 2013.

Consistency with policy objectives of authorising law

This subordinate legislation is consistent with the purposes of the Act to control the use of certain chemicals and the use of substances in or on which is the residue of certain chemicals.

Inconsistency with policy objectives of other legislation

This subordinate legislation is not inconsistent with the policy objectives of any other legislation.

Benefits and costs of implementation

The subordinate legislation is directly beneficial to users of CCA timber treatment products and generally to the environment as it will ensure that potentially harmful timber treatment products are used in a manner consistent and appropriate to their risk.

It is considered that the subordinate legislation will not impose additional costs on industry as the majority of timber industry workers who directly use CCA timber products, have already attained or are in the process of obtaining the required qualifications.

Consistency with fundamental legislative principles

The subordinate legislation does not conflict with the fundamental legislative principles.

Consultation

Consultation was undertaken with relevant stakeholders, including the APVMA, State and Territory representatives (via the Registration Liaison Committee whose role is to inform the APVMA of State and Territory views and concerns), government departments responsible for agricultural and veterinary chemical regulation under the Agvet Code and associated control of use legislation, representatives of Timber Queensland, (the peak body for the Queensland timber industry) and Forest Industry Training and Education Consortium representatives of Queensland Registered Training Organisations offering timber industry training competencies. All stakeholders were supportive of the proposed amendments.

Consultation on the subordinate legislation was also undertaken with the Regulatory Review Branch (RRB), Queensland Treasury and Trade with regard to regulatory assessment statement (RAS) requirements.

The RRB advised that the subordinate legislation will be excluded from the application of RAS as it is considered to have already undergone extensive

impact assessment through national forums that take into account the impacts on Queensland and regulatory best practice principles.

ENDNOTES

- 1 Laid before the Legislative Assembly on . . .
- 2 The administering agency is the Department of Agriculture, Fisheries and Forestry.

© State of Queensland 2012