

# CHEMICAL TRESPASS BILL

## *Protecting Tasmanians from Chemical Pollution*

*The Bill was first introduced into State Parliament as the Chemical Trespass Bill 2001 by Peg Putt MHA, in November 2001. The Greens Opposition Environment Spokesperson Nick McKim MHA introduced the Chemical Trespass Bill 2004 in September 2004, and the bill was debated in October 2004. The bill was defeated, as both the Labor and Liberal parties voted against it, giving a green light for irresponsible chemical usage in the state.*



### WHAT DOES THE **CHEMICAL TRESPASS BILL 2004** DO?

The *Chemical Trespass Bill 2004* ensures that the movement of agricultural chemicals from their designated target site to an unauthorised location, including public and private land and waterways, is defined as 'trespass' and as such is an offence.

Current State environmental protection statutes place the onus upon those affected by pollution to establish the degree to which they have been affected, and to prove that it exceeds 'permissible' levels. In contrast the Greens' *Chemical Trespass Bill 2004* stipulates unequivocally that the detectable presence of any agricultural chemicals in unauthorised areas is an offence, no matter the amount.

#### The Chemical Trespass Bill 2004 also:

- Makes it an offence to not report an incident of agricultural chemical trespass.
- Makes provision for the recovery of damages.
- Binds the Crown and applies to all persons, corporations and public authorities.
- Makes provision for requirements and restrictions of authorised officers.
- Requires the relevant Agency (Department of Primary Industries, Water and the Environment) to facilitate access to detection and analysis equipment.
- Establishes liability for agricultural chemical trespass, including spray drift. This also covers 1080 baits.
- Establishes a process and requirements for the notification of authorities of chemical trespass incidents.
- Makes provision for access to Legal Aid.

### OTHER DETAILS OF THE **CHEMICAL TRESPASS BILL** INCLUDE THE FOLLOWING:

- Agricultural chemicals are defined as:

*"any chemical used for the purpose of controlling any pests in any situations including agriculture, forestry, industry, local government administration or for any domestic purpose; and includes any herbicide, insecticide, fungicide, acaricide, nematocide, rodenticide, slimicide, monofluoroacetates, plant growth regulator, or desiccant."*

- Agricultural chemical trespass is defined as:

*"the occurrence of any agricultural chemical of any amount, such that it is:*

*Detectable pursuant to any method authorised by regulations made under this Act; that occurrence being in the air, detected in any surface or ground water resource;*

*Found in any livestock, whether domestic or commercial;*

*or on any land in any form other than with the express and informed consent of the owner and occupier of the land."*

# CHEMICAL TRESPASS BILL

## *Protecting Tasmanians from Chemical Pollution*



### WHAT YOU CAN DO:

You can play an active role in protecting yourself and other Tasmanians from chemical pollution.

#### ■ Lobby State politicians to pass the *Chemical Trespass Bill 2004*.

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#### ■ Call talk-back radio:

ABC Tasmania  
Local Talkback - (9am - 12noon)  
1300 36 1700

#### ■ Write letters to the newspapers below:

The Mercury  
Macquarie St, Hobart 7000  
Fax: (03) 6230 0711  
E-mail: mercuryledletter@dbl.newsltd.com.au

The Examiner  
PO Box 99A, Launceston 7250  
Fax: (03) 6334 7328  
E-mail: editor@examiner.com.au

Advocate  
56 Mount St, Burnie 7320  
Fax: (03) 6498 7852  
E-mail: letters@theadvocate.com.au

### WORRIED ABOUT SPRAYING IN YOUR AREA?

Chemical Trespass can affect anyone. If a neighbour (including a corporation leasing land near you) applies chemicals by spraying or other methods, and any amount of these chemicals contact your property, this may be chemical trespass. If you are worried about potential chemical applications in your area and would like to prevent chemical trespass before it potentially occurs:

- **Contact the Tasmanian Greens Opposition Environment Spokesperson Nick McKim MHA for assistance. See below for details.**

### VICTIM OF CHEMICAL TRESPASS?

Prepare a well documented case.

- **Document what happened including a detailed description of:**
  - Where
  - When
  - How
- **If possible take a photograph of the incident and/or chemical and label the photo with:**
  - Location where the photo was taken
  - Date and time the photo was taken
  - Photographer's Name
- **When contacting authorities be persistent.**
  - Document the time and date of any conversations
  - Document what was said
  - Take the name of the authority spoken to
  - If possible get any suggestions or advice in writing

**For a copy of the *Chemical Trespass Bill* or any further information contact:**

## Nick McKim MHA

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