

DANGEROUS GOODS BILL (Serial 28)

Bill presented and read a first time.

Mr BURKE (Health): Mr Deputy Speaker, I move that the bill be now read a second time.

The bill reflects the government's desire to reduce the regulatory burden on industry whilst maintaining the necessary safeguards to ensure the wellbeing of people who may be affected by the storage, handling or transport of dangerous goods. Dangerous goods are substances which are hazardous due to their intrinsic properties of being explosive, flammable, corrosive or poisonous and include explosives, flammable gases and liquids, acids and alkalis and a wide range of industrial chemicals.

The bill will replace the present *Dangerous Goods Act* which was passed in 1980 and which reflected the legislative approach at that time - that is, a reliance on very prescriptive, detailed provisions for industry on how to store, handle or transport dangerous goods. The *Dangerous Goods Bill* sets out clearly the duties of people who manufacture, import, supply, own, use or transport dangerous goods. It makes provision for significant penalties for those who fail to comply with these duties of care to their employees or anyone else who may be affected adversely as a result of any negligence in relation to storage, handling or transport of dangerous goods. The penalties are \$250 000 in the case of a body corporate and \$50 000 or imprisonment for 2 years for natural persons. These penalties may be doubled where an offence results in death or grievous harm to a person.

In addition, the bill provides for the use of infringement notices or on-the-spot fines for breaches of administrative provisions and other minor offences in a similar fashion to the use of the on-the-spot fines under the *Work Health Act* and regulations. The bill is quite clear about the duties of those persons and organisations involved in the handling of dangerous goods. However, it does not attempt to tell industry how to achieve the desired outcomes. To provide guidance and ways of meeting the statutory duties of care, the bill provides for ministerially approved codes of practice. The codes have been developed nationally and include the *Australian Code for the Transport of Dangerous Goods by Road and Rail*, the *National Standard for Major Hazard Facilities* and the *National Standard for the Storage and Handling of Dangerous Goods*.

In addition to a range of Australian standards dealing with specific dangerous goods, the use of such codes achieves a nationally consistent approach to the regulation of dangerous goods. The codes of practice will provide flexibility in the way in which the legal obligations are met. Compliance with the codes will not be made mandatory and it will not be an offence if a code is not followed. However, the way in which a person has chosen to manage dangerous goods must provide the same level of safety as that provided by an approved code of practice.

The bill streamlines considerably the administrative procedures related to the storage, handling and transport of dangerous goods. The current act contains requirements for a wide range of licences, permits and approvals needed before a person can manufacture, store, sell, transport, purchase, import, export, possess or use dangerous goods. The new act will replace these complex bureaucratic controls with a simple notification requirement when significant quantities of dangerous goods are being handled and a national licensing scheme for vehicles and drivers involved in the transport of dangerous goods. The detail of the notification and licensing requirements will be in the regulations. The licensing of gasfitters and shot-firers will be retained.

The bill clearly places the overall responsibility for ensuring the safe handling of dangerous goods with those who have direct control - the manufacturers, importers, suppliers, users, owners and transporters of dangerous goods. The bill stipulates the outcomes to be achieved by the responsible parties, and the codes of practice provide practical guidance on how these outcomes may be achieved. The obligations are qualified by the concept of practicability - that is, regard needs to be given to the severity of the risk, the state of knowledge about the hazard and its control, and the availability, suitability and cost of control measures.

The bill, which will be administered by the Work Health Authority, has provision for the appointment of officers who will have powers, amongst other things, to enter and inspect places used for the handling of dangerous goods, take samples and give directions to persons involved in the handling of dangerous goods. Members of the police force and the fire and rescue services will also be appointed as officers for certain purposes. The Work Health Authority will be able to issue prohibition and improvement notices to prevent and remedy dangerous situations and, if necessary, to carry out remedial work itself.