

people who were not eligible. However, what it has definitely done is cut out a whole slab of people who are eligible under the current scheme and who need help and support. They will no longer be eligible because of the ability of the insurance company now to reject them. I hope all of those people will go to the minister and tell him how his amendment tonight has changed their ability to be covered under his Work Health Scheme, a scheme that said there was to be no fault. No fault of negligence by the employer could be claimed by the worker. All we have done since then is try to reduce the number of employees who are able to make claims.

Mr BURKE (Work Health): Madam Speaker, I thank all those involved in this debate for their comments. We can agree to disagree on some of the points in this bill. However, there is a dichotomy when the member for Nhulunbuy thanks the Work Health officers, particularly those sitting beside me, who have been involved extensively in the drafting of this legislation. Bear in mind that they work in the best interests of all, particularly workers. They have had no direction from me.

Mr Stirling: I thank them. They do a good job.

Mr BURKE: You have criticised them all night. These are the drafters of the legislation. You have been into them all night, and then you turn around at the end and thank them.

Mr Bailey: It is a policy decision.

Mr BURKE: There is no policy decision from me. These are the people who have worked up this legislation.

Members interjecting.

Madam SPEAKER: Order!

Mr Bailey: The buck stops with you.

Mr BURKE: It is a fact of life. The buck may stop with me. I am simply saying that there is a contradiction when you thank these people, whom effectively you have been abusing all night for drafting legislation, after the extensive consultation they have undertaken with all sectors of the industry in trying to achieve a fair and equitable answer.

Motion agreed to; bill read a third time.

DANGEROUS GOODS BILL (Serial 28)

Continued from 27 November 1997.

Mr STIRLING (Nhulunbuy): Madam Speaker, this bill has arisen from a review of the *Dangerous Goods Act* of 1980. The Work Health Authority put out a discussion paper for comment to industry, business and the community a couple of years ago. I saw the briefing from the Work Health Authority, and I offer my thanks to Eden Gray-Spence for his assistance in that regard. Certainly, I was not attacking him in any of the comments I made in relation to the previous bill.

From the discussion paper, it appears that there were 2 major reasons for reform of the legislation to bring about a new approach. Historically, dangerous goods legislation was first concerned with regulation of explosives. Other dangerous goods, such as flammable liquids and toxic and corrosive materials were added, following the same approach of licensing their manufacture, use and transport that had been applied to explosives. The government had a major role in determining and specifying how safety outcomes were to be achieved. New regulations were written whenever it was found that existing regulations did not cover a particular situation and, of course, they had to be amended constantly to keep pace with changing technology and work practices. That resulted in regulations that became ever more detailed, with tight rules and specific requirements on how things must be done. At the same time, the regulations said nothing about objectives and performance outcomes to be achieved as a result of the myriad specified rules.

Secondly, government regulatory bodies have, over the past 20 years, changed from an absolutely restrictive regulatory role to a role with a greater emphasis on assistance on ways to comply with performance standards. That is not to say that bodies such as the Work Health Authority no longer perform regulatory functions. They must retain that role in certain areas, and they certainly do. However, in this particular area of legislation, it was put forward that a more useful and practical legislative framework could be brought about if the desired outcomes were specified rather than the means of achieving them. In this case, the legislation spells out the obligations of the parties and the standard of performance to be achieved, rather than the specifics of how it is to be achieved, although guidance material, codes of practice and advisory standards will be available to assist. Importantly, those codes have been developed