

FACT SHEET

Dangerous Goods and Substances Legislation (Miscellaneous Amendments) Bill 2008

- In November 2005, Parliament passed the following legislation:
 - The *Dangerous Substances (Safe Handling) Act 2005*;
 - The *Dangerous Goods Amendment Act 2005*;
 - The *Dangerous Goods and Substances (Transitional and Consequential Provisions) Act 2005*.
- This legislation was designed in response to Tasmania's commitment to a nationally uniform approach to the regulation of dangerous substances and major hazard facilities.
- The legislation has not yet commenced. Regulations supporting the Dangerous Substances (Safe Handling) Act are in the process of being drafted and the Act will be proclaimed when the regulations are made.
- During the process of drafting the regulations, it became apparent that some provisions in the Dangerous Substances (Safe Handling) Act require clarification or modification to ensure that the legislation operates effectively.
- The Bill makes the following amendments to the Dangerous Substances (Safe Handling) Act:
 - (a) It clarifies the safety obligations in relation to the handling of dangerous substances by:
 - (i) amending section 13 to remove the reference to 'involvement with the handling systems at any place etc'. The amended provision will impose general safety obligations on all persons who handle dangerous substances. The handling of dangerous substances is defined in section 9 of the Act. The Bill amends this definition to include installing, using, altering, maintaining, designing, manufacturing and importing handling systems;
 - (ii) amending section 20 to introduce a new obligation on occupiers of dangerous substances locations (DSLs) and major hazard facilities (MHFs) to maintain a 'dangerous substances inventory' specifying

the types of dangerous substances at the location, and the whereabouts and method of storage/containment; and

- (iii) amending section 47 to clarify that the obligations applying in respect of DSLs also apply in relation to large dangerous substances locations (LDSLs).
 - (b) It clarifies the application of the Act by introducing an extended definition of the term 'employee'. The new definition includes persons engaged either directly or indirectly under a contract for services. This is intended to cover all persons working at a DSL or MHF or other facility where dangerous substances are handled, including employees (engaged under a contract of service), on-hired employees, contractors, sub-contractors and labour-hire employees to ensure that the safety obligations imposed by the Act apply to all of these persons;
 - (c) It adds new powers to the powers that authorized officers have to give directions, including the power to direct the manufacturer, importer or supplier of a dangerous substance or handling system to take preventative or corrective act (including recalling the substance or system) when necessary;
 - (d) It enables authorized officers to apply for a Supreme Court order to secure compliance with directions given;
 - (e) It introduces infringement notice provisions to apply in relation to prescribed offences of a more minor or administrative nature;
 - (f) It modifies various definitions and terms in the Act to remove ambiguity and reflect current circumstances;
 - (g) It makes other minor clarifications to remove any ambiguities or anomalies in the Act and administrative changes to facilitate the commencement of the legislation.
- In addition, the Bill makes consequential amendments to the following Acts as a result of the amendments to the Dangerous Substances (Safe Handling) Act:
 - Dangerous Goods (Safe Transport) Act 1998;
 - Dangerous Goods Amendment Act 2005;
 - Security-sensitive Dangerous Substances Act 2005;

- Dangerous Goods and Substances (Transitional and Consequential Provisions) Act 2005.