

EXPLOSIVES BILL 2011

SECOND READING SPEECH

Mr Speaker, I move that the Bill now be read the second time.

Mr Speaker, like the *Work Health and Safety Bill 2011*, this Bill is part of a package of Bills to give effect to national model work health and safety laws in Tasmania and to make the necessary transitional arrangements and consequential amendments to introduce the new legislative regime in Tasmania.

This Bill specifically deals with the impact of the introduction of new work health and safety laws on the *Dangerous Substances (Safe Handling) Act 2005*.

Proposed nationally harmonised *Work Health and Safety Regulations* contain two chapters that are intended to regulate

much the same matters as the Dangerous Substances (Safe Handling) Act. These are the chapters on Hazardous Chemicals and Major Hazard Facilities.

As they stand, these work health and safety chapters cannot operate together with the Dangerous Substances (Safe Handling) Act and Regulations. There is considerable duplication and the laws would be inconsistent and confusing.

The Work Health and Safety Bill, which mirrors the provisions of the national Model Work Health and Safety Bill, contains a provision at Schedule 1 to extend the coverage of that Act to the handling and storage of dangerous goods even if they are not at a workplace or for use in carrying out work. The Schedule is intended to close any gap that would otherwise be created by bringing dangerous goods type provisions under a work health and safety regime.

For the reasons I have outlined, this Bill repeals the Dangerous Substances (Safe Handling) Act, enabling the work health and safety chapters to come into effect on the expected commencement date of 1 January 2012.

Many duty holders that handle or store dangerous substances will find many of the arrangements under the Work Health and Safety Regulations familiar, especially in relation to major hazard facilities.

With respect to hazardous chemicals, a major notable change will be the classification and labelling of chemicals according to the Globally Harmonised System for Classification and Labelling of Chemicals. However, this system will be phased in over a period of at least five years to allow industry to adjust.

Explosives are not covered in the chapter on hazardous chemicals, because the harmonisation of explosives laws in

Australia is subject to a separate process, which is not expected to be completed for up to about three years.

However, explosives are covered in the chapter dealing with major hazard facilities. This makes sense. It is the capacity for substances at a place to cause a catastrophic event, such as a significant explosion, that makes a place a major hazard facility. It therefore stands to reason that the presence of a certain quantity of explosives would invoke the requirements dealing with the major hazard facilities.

Because nationally uniform explosives laws are not yet available, Tasmania's existing requirements under the Dangerous Substances (Safe Handling) Act that cover explosives have been repackaged into the Explosives Bill. Similarly, the requirements of the Dangerous Substances (Safe Handling) Regulations applying to explosives will be repackaged as Explosives Regulations.

The Explosives Bill is intended to, as far as possible; maintain the status quo so far as the requirements of explosives laws are concerned. Given the national project on harmonising explosives laws, it would be inappropriate to introduce unnecessary changes at this time. Nevertheless, it is vitally important that the Government does not let the existing requirements lapse.

The Explosives Bill contains the necessary transitional and consequential amendments to move from the existing legislative regime to the new regime.

I commend this Bill to the House.