

DANGEROUS GOODS AND SUBSTANCES LEGISLATION (MISCELLANEOUS AMENDMENTS) BILL 2008

SECOND READING SPEECH

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

Mr Speaker, the main purpose of this Bill is to amend the *Dangerous Substances (Safe Handling) Act 2005*.

In November 2005, Parliament passed the Dangerous Substances (Safe Handling) Act together with two other Acts – the Dangerous Goods Amendment Act and Dangerous Goods and Substances (Transitional and Consequential Provisions) Act.

The legislation was designed to implement Tasmania's commitment, through the Workplace Relations Minister's Council, to adopt two National Standards – the National Standard for the Storage and Handling of Workplace Dangerous Goods and the National Standard for the Control of Major Hazard Facilities – and their associated Codes of Practice.

These National Standards were developed by the National Occupational Health and Safety Commission in response to the Council of Australian Governments' decision to regulate dangerous goods and substances according to a performance-based approach, incorporating hazard identification and risk management. This is similar to the approach taken in occupational health and safety regulation in Australia.

The Dangerous Substances (Safe Handling) Act has three main purposes:

- Firstly, as its name suggests, to provide for national uniformity in the safe handling of dangerous substances; including combustible liquids and explosives;
- Secondly, to regulate the management of places where dangerous substances are handled, in particular, major hazard facilities; and
- Thirdly, to provide for the safe management of incidents and emergencies involving dangerous substances.

The over-arching aim of the legislation is to prevent harm to people, property and the environment by minimizing the risks involved in handling dangerous substances. The Act places a general obligation on everyone to take all reasonable precautions and care to minimize risks in handling dangerous substances, in both commercial and non-commercial settings. The Act imposes more detailed obligations in relation to places where large quantities of dangerous substances are handled.

The Act has not yet commenced as regulations supporting the legislation are in the process of being drafted. I expect that the regulations will be made later this year, at which time the Act and new regulatory framework will also commence.

Mr Speaker, during the drafting of the regulations, it became apparent that some of the provisions of the Act require clarification or modification to ensure that the legislation operates effectively. It makes sense to take the opportunity to make these clarifying and administrative adjustments to the Act to improve the new regulatory framework before it comes in to effect. It is crucial that the obligations and responsibilities imposed by the Act be as clear and unambiguous as possible as any uncertainty or confusion could have serious consequences.

Mr Speaker, the Bill also makes a number of modifications to improve the enforcement and administration of the Act, including ensuring that the authorized officers have appropriate powers to facilitate compliance and that the Act includes all necessary regulation-making powers.

As a result of the proposed amendments to the Dangerous Substances (Safe Handling) Act, the Bill makes some consequential amendments to other Acts. These are:

- The Dangerous Goods (Safe Transport) Act 1998;
- The Dangerous Goods Amendment Act 2005; and
- The Dangerous Goods and Substances (Transitional and Consequential Provisions) Act 2005.

Mr Speaker, this Bill will facilitate the commencement of the new legislative framework for dangerous goods and substances in Tasmania, a framework designed to afford greater protection to the community and environment.

Mr Speaker, I commend this Bill to the House.