

SECOND READING SPEECH

Dangerous Goods (Road and Rail Transport) Bill 2010

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

Mr Speaker, this Bill replaces the *Dangerous Goods (Safe Transport) Act 1998*.

This Bill was previously tabled before the House in October last year, but unfortunately time did not enable it to be considered before Parliament rose.

The purpose of the Bill is to improve land transport safety by regulating the transport of flammable, toxic, corrosive, oxidising, gaseous, infectious, and other dangerous goods.

These dangerous goods, due to their physical and chemical properties can pose a significant risk to human life, health, property and the environment, particularly when being transported.

This Bill and the accompanying regulations will effectively adopt the Commonwealth's package of model legislation which comprises a model act, model regulations and the *Australian Code for the Transport of Dangerous Goods by Road and Rail 7th Edition*.

The package of legislation was produced by the National Transport Commission, an independent body jointly funded by all States and Territories and the Commonwealth. The National Transport Commission's role is to improve transport productivity, efficiency, safety, environmental performance, and regulatory efficiency in a uniform or nationally consistent manner.

In August 2008, all jurisdictions voted to adopt the package of model laws. It is anticipated that adoption by all States and Territories will provide for a seamless regulatory environment for the transport of dangerous goods across the country, as

well as import and export. This will ensure that Tasmanian businesses can transport dangerous goods across Tasmania and through other states and overseas under a consistent set of packaging, labelling and safety requirements.

All States and Territories are expected to have adopted the principles set out in the national model by the end of this year.

The new Bill continues the current arrangements where Workplace Standards Tasmania has responsibility for the day to day regulation of dangerous goods transport in Tasmania.

The regulations made under the Act adopt the Australian Code for the Transport of Dangerous Goods by Road and Rail 7th Edition which the National Transport Commission developed and is based on United Nations model regulations. These are revised every two years to incorporate technical changes to improve safety based on worldwide experience.

The Code will enable land, air and sea transport to be more effectively integrated, resulting in increased efficiencies across industries.

In effect, the Bill is simply a continuation of what has already been in place for some time, reflecting Tasmania's commitment to national consistency in this important area. However, rather than merely patching and amending the existing legislation in a piece-meal fashion, the adoption of the entire model package will enable the seamless implementation of future editions of the Code, and ensure we have uniform legislation with the rest of Australia.

While the new Bill fully adopts the model legislation, it is also important to maintain some elements of the current regulations, primarily those relating to Tasmanian-specific issues. For example, certain types of dangerous goods will

continue to be banned from being transported across the Tasman Bridge during peak traffic times under the Regulations.

The new Bill is expected to provide:

- improved compatibility with international regulations and codes on the classification, packaging and labelling of dangerous goods;
- a single set of regulations for domestic road and rail transport operators
- a reduction in inter-modal inefficiencies for the transport industry;
- an up-to-date list of dangerous goods which will benefit both the transport industry and emergency services by making it easier to identify substances and related requirements;
- benefits for global companies with operations in Tasmania with closer alignment with United Nations and international practice;

- some cost savings from the treatment of small quantities;
and
- the extension of the period of dangerous goods drivers licences from three to five years which will result in savings for drivers and transport operators.

The Bill contains wider powers for authorised officers, including the capacity to stop and search vehicles, give directions to rail operators, inspect and search premises, seize and remove documentation, equipment, and records, and obtain warrants.

There are significant penalties for obstructing an authorised officer or failing to comply with a direction under the Act. The penalties will be consistent with those in other States and Territories, so that the same rules apply where dangerous goods are transported across State boundaries, such as the Bass Strait.

While the main focus of the new Bill is improvement and consistency for the safe transport of dangerous goods, the inclusion of additional compliance and enforcement provisions will increase accountability for breaches. Increased ability to target habitual offenders and match penalties with the offence should reduce dangerous goods transport related incidents, making it safer for Tasmanians using and living close to our road and rail networks.

The model legislation was subject to extensive development and consultation dating back to 2002. The National Transport Commission released a draft legislative package for public consultation in July and September 2005 and again in September 2006 for final review by a panel of experts and jurisdictions. During the same period there was also consultation on the Australian Code for the Transport of Dangerous Goods by Road and Rail 7th edition. In total 88 formal submissions were received and taken into account before finalising the model

legislation. Further amendments were made in June this year to clarify some provisions and to correct drafting errors.

More recently, at a local level, consultation on the model legislation has occurred with key stakeholders during August and September 2009.

We are confident that industry, particularly industries with interests interstate, will welcome the new arrangements.

However, with any change we anticipate that there may be some costs involved particularly during the introductory stages, in relation to training and getting people in the dangerous goods transport industry up to speed with new legislation and requirements. However, these costs are far outweighed by the savings that will be achieved by improved safety and efficiency in the industry.

This Bill requires that vehicles are well maintained, drivers have the appropriate skills and training, vessel designs are the best in

the world, emergency services can respond appropriately and we can confidently go about our business knowing our Government has done everything in its power to ensure our safety, and the safety of property and our environment.

We need to transport dangerous goods to keep our cars and trucks running and our industries producing. This Bill will help ensure that dangerous goods are transported efficiently and safely to minimise any adverse impact on people, property and the environment.

I commend this Bill to the House.