



Speech by

Mr S. ROBERTSON

MEMBER FOR SUNNYBANK

Hansard 22 June 2000

DANGEROUS GOODS SAFETY MANAGEMENT BILL

Hon. S. ROBERTSON (Sunnybank—ALP) (Minister for Emergency Services) (12.51 p.m.): I move—

"That the Bill be now read a second time."

I rise to speak to the Dangerous Goods Safety Management Bill. The mismanagement of hazardous materials can have devastating consequences. In May this year, an explosion at a fireworks depot in the Netherlands killed 20 people, injured another 540 and severely damaged most buildings in the neighbourhood. In Australia, an explosion at the Esso gas facility at Longford, Victoria, in September 1998 resulted in two fatalities, injuries to eight people and an economic loss of more than \$2 billion.

The Dangerous Goods Safety Management Bill aims to prevent these sorts of tragic incidents happening here in Queensland. The Bill is the result of years of extensive consultation across Government to ensure a coordinated, integrated approach to hazardous materials management. It is not an easy task, given that Queensland's existing system for regulating the storage of hazardous materials involves more than 30 relevant Acts and regulations, administered by 10 State Government departments.

The level of consultation involved in developing the Dangerous Goods Safety Management Bill is unprecedented in this State. It has been developed by my department in conjunction with the dangerous goods working group, which includes representatives of relevant State Government agencies, the Local Government Association, the Plastics and Chemical Industries Association, the Queensland Chamber of Commerce and Industry, the Australian Institute of Petroleum, the Australian Chemical Specialties Manufacturers' Association, the Australian Industry Group, the Queensland Council of Unions and the Queensland Conservation Council.

The Bill is based on two national standards developed by the National Occupational Health and Safety Commission—the National Standard for the Control of Major Hazard Facilities and the National Standard for the Storage and Handling of Dangerous Goods. The purpose of the Bill is to protect people, property and the environment from harm from hazardous materials. It will be an offence to fail to control and store hazardous materials safely.

"Hazardous materials" is a broad term that includes dangerous goods such as petrol, many agricultural chemicals that are not classified as dangerous goods and combustible liquids, such as diesel. However, the main focus of the Bill is dangerous goods. In general terms, the Bill is concerned with: major hazard facilities; smaller premises storing and handling dangerous goods and combustible liquids known as "dangerous goods locations"; and the provision of an advisory service by scientific/technical advisers, known as "HAZMAT advisers", for the Emergency Services and police at emergencies involving hazardous materials.

The Bill provides the grounds for classifying a facility as a major hazard facility. Two factors will generally be taken into account: firstly, if the quantities of hazardous materials stored or handled or likely to be stored or handled at the facility exceed a threshold, which will be stated in a regulation; and, secondly, if an emergency might cause harm to people, property and the environment off-site.

The risk to people, property or the environment is a key factor in the classification of major hazard facilities. For this reason, the legislation also enables a facility with below-threshold quantities of

hazardous materials to be classified as a major hazard facility, if the potential for an emergency and the risk posed by an emergency warrant such a classification.

At this stage, there are estimated to be between 30 and 40 major hazard facilities in Queensland, with about 12 of these in the Brisbane metropolitan area. A dangerous goods location is defined as a place where dangerous goods and combustible liquids stored or handled or likely to be stored or handled exceed the minimum quantities prescribed in a regulation. The thresholds for both dangerous goods locations and major hazard facilities will be aligned with the national standards.

As well as providing greater protection for communities near hazardous industry, the legislation will ensure that these communities are better informed and more actively involved in emergency management. The occupiers of major hazard facilities must consult with their neighbouring community when they are developing emergency plans and procedures. They must also provide information to the community about hazards at the facility and the safety measures to be taken in the event of an emergency. It is the first time major hazard facility occupiers have been required to consult with their local communities to this degree.

The legislation also provides for the creation of a buffer zone, which enables the area around a major hazard facility to be designated a major hazard facility consultation zone if the risk to people, property or the environment needs to be taken into account in assessing development applications. A map of the area will be provided to local government, and development applications for major hazard facilities and dangerous goods locations in areas of sensitive land use, such as child care centres or disabled care facilities in the zone, will be referred to the Department of Emergency Services. Employees at major hazard facilities or dangerous goods locations will also be better informed about the hazards associated with their workplace and will be more actively involved in emergency management.

Under the legislation, the occupier of a major hazard facility or dangerous goods location must provide employees with appropriate information, training and education so that they can carry out their responsibilities safely. They must also consult with employees in developing, reviewing and updating emergency plans.

The legislation will also benefit industry by streamlining existing requirements for the storage and handling of dangerous goods and by reducing compliance costs for industry in the long term. Because the legislation is based on national standards, it will help to reduce the costs of compliance for companies operating in more than one State.

The occupiers of major hazard facilities and dangerous goods locations will be required to: reduce hazards and minimise the potential for major accidents and limit their consequences; ensure the safety of the occupier and employees; record or be able to demonstrate measures taken to reduce hazards and ensure safety; establish, maintain and document emergency plans and procedures; review and update emergency plans and procedures before modifications; provide appropriate information, training and education to all people at major hazard facilities or dangerous goods locations; and develop, implement and maintain a safety management system.

Major hazard facility occupiers will also be required to: conduct a systematic risk assessment; provide information to, and consult with, the neighbouring community about the hazards of the facility and safety measures; and prepare a safety report that demonstrates that they have satisfied their safety obligations. They are also required to notify of major accidents and record near misses.

The Bill imposes a high level of penalties, particularly for offences with serious consequences. The maximum penalty of three years' imprisonment may be imposed for a contravention causing multiple deaths and serious harm to property or the environment. The maximum fine for a corporation will be \$1.125m.

In addition to covering major hazard facilities and dangerous goods locations, the Bill gives authorisation for an advisory service at emergencies involving hazardous materials. This HAZMAT advisory service is provided on a 24-hour basis throughout Queensland. In Brisbane and surrounding metropolitan areas, HAZMAT advisers are full-time officers of the Chemical Hazards and Emergency Management Unit, DES and Queensland Health Scientific Services. In regional areas, the service is provided by a network of volunteers employed in local government and the private sector. The volunteer emergency response is supported by Brisbane-based HAZMAT advisers.

The Bill gives authorised officers the power to enter a place without consent or a warrant if the authorised officer reasonably believes a dangerous situation exists and it is urgent that the authorised officer enter it to prevent, remove or minimise the danger, or if the entry is urgently required to investigate the circumstances of a major accident or near miss at the place.

Dangerous goods are used everywhere. There is ample evidence that, if not handled properly, they can cause death or severe injury, as well as damage to property and the environment. This legislation emerges from identified community needs relating to public safety, including the need to regulate hazardous industry and the need for uniformity in chemical safety legislation. It guards against

tragic incidents involving hazardous materials such as the Netherlands fireworks explosion or the Longford gas explosion happening here in Queensland.

The Bill will help to provide a more integrated approach to the regulation of hazardous materials. It recognises the expertise that has developed across Government in this area and draws on that expertise in administering the legislation. Systems will be developed to share information and to minimise the duplication of paperwork and services. Given the collaborative whole-of-Government approach of the Bill, its focus on safety, and the proposed simplification of existing legislation, the Bill demonstrates this Government's commitment to safer communities and the creation of a Smart State. I commend the Bill to the House.
