



Speech by

Mr T. MALONE

MEMBER FOR MIRANI

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DANGEROUS GOODS SAFETY MANAGEMENT BILL

Mr MALONE (Mirani—NPA) (2.51 p.m.): It gives me great pleasure to speak to the Dangerous Goods Safety Management Bill. I say at the outset that the coalition will be supporting the bill. Right back when this legislation was first initiated the coalition recognised that this bill is a very important one which needs to be passed by the parliament as quickly as possible, as it has been in most other jurisdictions throughout Australia. However, it was rather disappointing to see four pages of amendments circulated yesterday. At least we have had a little more notice of these amendments than has been the case in previous instances. We do not have a lot of problems with that and I will address the amendments during the committee stage.

This bill was first introduced into the parliament on 22 June 2000. At the time it was indicated that this bill was important for the public safety of all Queenslanders. Up to that time there was no effective reporting system in place across government for hazardous facilities and smaller hazardous sites. However, in late November last year, when the Queensland government came under extreme pressure as a result of the electoral roting scandal, the government was concerned that it would be scrutinised by the opposition so the Premier said that the government had completed its legislative program for the year and closed the parliament down, leaving many bills on the *Notice Paper*, including this one, which I believe had some urgency.

This legislation is designed to prevent major accidents such as the explosion at the Esso gas refinery at Longford in September 1998. There was also a very significant explosion at the Speedigas terminal in Cairns in 1987. I will refer to these matters again later. It is obvious that there have been many serious accidents throughout Queensland over the past years that emergency services were not particularly aware of and had some hassles coping with.

The bill is designed to prevent major accidents and be proactive in that regard. The objective of the bill is to protect people, property and the environment from harm from hazardous materials, such as petrol or liquefied petroleum gas. The explanatory notes state—

The Bill applies to following situations:

- (a) the operation of large-scale high risk industry facilities (such as oil refineries), known as 'major hazardous facilities' or MHFs;
- (b) the storage and handling of dangerous goods and combustible liquids at smaller facilities, known as 'dangerous goods locations' or DGLs; and
- (c) the provision of advice and assistance by scientific/technical advisers (HazMat advisers') to the emergency services and the Police at the scene of an incident involving hazardous materials (a 'hazardous materials emergency').

Requirements for paragraphs (a) and (b) are based on two national standards, developed by the National Occupational Health and Safety Commission: the national standard for the control of major hazard facilities, the MHF national standard, and the national standard for the storage and handling of dangerous goods. These national standards provide the basis for the safety obligations of the occupiers of MHFs or DGLs, that is, employers or other people who have overall management of such a facility.

In line with international initiatives, the bill requires the occupiers of MHFs to prepare a safety report demonstrating that they have satisfied their safety obligations. The safety report is then reviewed in conjunction with the audit of the MHF to ensure compliance. The importance of the safety report as a

measure to prevent major accidents was emphasised by the royal commission of inquiry into the Longford incident. That report does bear some reading, for those people who have some interest in this matter. This bill has been drafted taking into account the findings of the royal commission into the Longford incident and all recommendations will be implemented, either in the bill itself or in supporting guidelines for industry and regulators.

I refer to the estimated cost of government implementation. The administrative arrangements will incur costs to government for 2000-01 of almost \$400,000. For the 2001-02 year and thereafter, the cost will be over \$500,000. This finding is primarily associated with the appointment of five additional staff in the CHEM Unit of DES—that is, three extra staff members for the MHF audit review program, one extra staff member for the DGL program and one extra staff member for the hazmat advisory service. The opposition will be questioning the amount of money required for that and the number of staff that will be available in times of emergency. I flag that matter. The Department of Emergency Services reprioritised its program to enable this bill to proceed.

In general terms the bill provides a whole-of-government approach to the storage and handling of dangerous goods and promotes national uniformity. It provides for authorisation for the Response Advice and Chemical Emergencies team and the devolvement of the functions and powers of the existing agencies.

Currently there are multiple acts and regulations which are very prescriptive and poorly enforced, due to either lack of expertise or, most likely, overloaded inspectorates. There are often legislative conflicts between various organisations, for example the Environment Department and the Division of Workplace Health and Safety. Previously, more than 30 acts and regulations were administered by 10 state government departments. This legislation is the result of many years of consultation across government, including the federal government. There has been ineffective legal coverage for the Response Advice for Chemical Emergencies, made up of volunteers in regional areas who are experts who offer their time and expertise.

The Chemical Hazard and Emergency Management Unit will be the lead agency for the management of hazardous substances. The Workplace Health and Safety Act will continue to cover exposure to hazardous substances. The storage of dangerous goods and major hazard facilities will be covered by this new act, which will also provide for the use of existing inspectorates, a common set of rules and training provisions. Currently there are approximately 30 major hazard facilities in Queensland. Section 59 of the act provides for the formal identification of authorised officers by way of an official ID card.

The chief executive may make a decision under section 33 to classify a facility as a major hazard if there is a risk to people, property or the environment. This appears to give some flexibility to the chief executive if the facility falls below the threshold of quantities of hazardous material.

In normal circumstances an authorising officer may enter a facility under certain conditions. However, should immediate action be required—for example in an emergency situation—there exists within section 106 provision to enter without consent. At the conclusion of action being taken, a report is required and a copy must be provided to the occupier in the case of forced entry.

The issue of responses to emergency by hazmat officers is covered by section 7. Hazmat officers must be invited to enter a place by a prescribed officer. That would be a police officer or a fire officer or somebody with authority. It is an offence to obstruct a hazmat officer without a reasonable excuse. That provision, of course, is necessary under such circumstances.

A hazmat officer may take into a place any persons, equipment or materials as would be reasonably required or require a person at the place to give the hazmat officer reasonable help.

When developing emergency plans and procedures, which comes under section 43, occupiers must consult with emergency services and persons and owners—as prescribed under section 46(2)(a). This includes owners of property situated in areas close by, persons in that area and those who may be affected if a major accident happens at the facility. The occupier must also update information pertaining to how the persons and owners should respond in a major accident at the facility.

There is a lot of self-assessment and self-regulation involved in this bill. From the opposition's point of view, even though I believe the bill covers it reasonably well, that will have to be subject to ongoing review.

Section 47(1) appears to be a reporting mechanism and requires the occupier to give a report to the chief executive detailing their obligations. The chief executive must determine if the occupier has satisfied his obligations which are outlined in section 46.

If a major accident happens at a major hazard facility, the occupier must take certain steps to notify the chief executive. That is contained in section 126 of the bill. Under section 27, if a near miss occurs, the occupier must record it, investigate and record the results and consult with employees on ways of avoiding the near miss in the future. A record of all this must be kept.

By ministerial direction or by gazette notification, the minister may establish a board of inquiry into a major accident. Part 6 division 1 of the bill covers the appointment of authorised officers, their qualifications and their appointment conditions. The bill also gives officers the power to seize evidence, to obtain information such as name, address, documents and copies of documents, et cetera.

The bill contains directives to carry out assessments and review safety management systems, to stop and secure storage on handling systems, review of directives applications et cetera and, importantly, the appointment of hazmat officers.

At this time I think it would be worth while noting a few of the major disasters that have occurred. I have mentioned the Longford disaster that occurred in September 1998. In that case, a storage vessel at one of Esso's three gas plants at Longford in south-east Victoria ruptured and subsequently exploded. This resulted in two deaths and eight injuries. A commission of inquiry was established to inquire into the accident. It reported that the initial cause of the accident was the failure of two oil pumps to provide heated oil to vessels that were not designed to operate at cooler temperatures. Obviously, this created a dangerous situation. The commissioner reported that the problem was further compounded by a lack of knowledge on the part of the operators and supervisors as to how to respond to the equipment failure. This lack of knowledge was attributable to a lack of training and the absence of operator procedures to cover such situations.

The commissioner recommended external obligations of a detailed and significant nature be imposed on Esso and those obligations had to be met and monitored by an external authority. The commissioner also recommended that the internal international recognised safety case be adopted in Victoria to cover hazardous sites.

In 1994 there was an explosion in Brisbane at a fibreglass surfboard factory at Woolloongabba. In that instance a worker died when the subsequent fire engulfed the building. It was reported at the time that the Gold Coast had experienced three or four fires in surfboard and boatbuilding facilities in the early seventies.

As I mentioned earlier, a very serious explosion occurred in Cairns in 1987 at the Speedigas terminal. Twenty-four people were injured in the explosion and four of them were flown to Brisbane for treatment for serious burns. Unfortunately, the incident involved one fatality. Three of the people hurt were firemen fighting the blaze. There was damage caused to a nearby building by the explosion, which was believed to have been a boiling liquid vapour explosion. At the time it was described as being a very rare occurrence and one which had not previously occurred anywhere in Queensland.

As I said earlier, there are a couple of areas about which the opposition has some concern. Previously there was a real difficulty in enforcing the provisions of the act. There was an overload of inspectorates and I wonder whether the extra five staff will be sufficient to cover the requirements of the act. As I said earlier, I think that the minister and the department will have to keep an eye on the workload.

The self-reporting provisions in the bill are of some concern. As I said, there is an obligation upon the occupier of a facility to advise the chief executive of various things relating to the major hazard facility such as the location of possible dangerous goods, upgrades or modernisation of a major hazard facility. How can it be guaranteed that those upgrades are reported back through the system? Perhaps the minister can answer that in his reply.

There is concern about the obligation of the occupiers. Will there be sufficient staff to make sure that there is compliance with the act? As Queensland grows and its need for different hazardous chemicals increases—for example, in the coal industry—there will be an ongoing and increasing workload to ensure compliance with the act. The opposition asks whether or not Queensland has sufficient resources to make sure that all this can be achieved.

From our perspective, the owners of buildings around a major facility may not be in agreement with the occupier over certain safety procedures. For example, if there were urban areas around Longford—or areas around that facility in Townsville, for that matter—what sort of resolution process would the department go through to make sure that those people who lived close by those facilities were absolutely satisfied that the procedures put in place by the occupier were going to meet their expectations? Perhaps the other question is: would it be necessary to provide those people who live close to those major facilities with training in case there is an accident? Maybe that needs to be looked at.

Last but not least, I refer to the ongoing training process for the inspectorates and how they will be kept up to date with the new chemicals. As we move into a more sophisticated age, the number of chemicals is increasing and becoming increasingly complex. We need to ensure that the inspectors can make sure that everything is up to scratch. Obviously, because of resignations and other staffing issues, the ongoing training of inspectors is important. With that, I commend the bill to the House.