

Agreement in Principle

Ms VIRGINIA JUDGE (Strathfield—Parliamentary Secretary) [10.40 a.m.]: I move:

That this bill be now agreed to in principle.

The object of the Dangerous Goods (Road and Rail Transport) Bill 2008 is to upgrade current New South Wales law covering the transport of dangerous goods by road and rail. This law regulates the transport of flammable, toxic, corrosive and other substances such as petrol, acetylene, liquefied petroleum gas, chlorine, arsenic and acids. These goods, due to their physical, chemical and toxicological properties, pose a significant risk to human life, health, property and the environment, especially while being transported. This bill will help to ensure that dangerous goods are transported efficiently and safely to minimise impacts on people, property and the environment.

The bill adopts the principles set out in a model law that is part of a package of model laws, which includes a model Act, model regulations and a revised seventh edition of the Australian Code for the Transport of Dangerous Goods. The code is based on United Nations model regulations that are revised every two years, incorporating technical changes to improve safety based on worldwide experience. The National Transport Commission on behalf of the Australian Transport Council has prepared this package of laws. The Australian Transport Council is the Commonwealth, State and Territory ministerial forum that provides advice to governments on the coordination and integration of transport and road policy issues. My ministerial colleagues the Minister for Roads and the Deputy Premier and the Minister for Transport represent New South Wales on the council.

In 2007, the council agreed that all States and Territories should adopt the package of laws. Adoption of the package by all States and Territories will provide for a uniform national scheme and a consistent and seamless regulatory environment for the transport of dangerous goods across Australia, as well as for import into and export from Australia. This will ensure that a business in New South Wales can transport dangerous goods across New South Wales and through other States and overseas under a consistent set of packaging, labelling and safety requirements. The bill will replace the current New South Wales Road and Rail Transport (Dangerous Goods) Act 1997. All States and Territories are expected to adopt the principles set out in the national model this year.

The bill continues the arrangement in New South Wales where both the Department of the Environment and Climate Change [DECC] and WorkCover New South Wales have been appointed as competent authorities. The DECC and WorkCover regulate dangerous goods transport in accordance with a memorandum of understanding. In broad terms, WorkCover is responsible for classification, packaging and labelling issues, while the DECC is responsible for regulating on-road and on-rail transport. Significantly, the bill incorporates the powers of authorised officers from the Protection of the Environment Operations Act 1997 for DECC officers, and from the Occupational Health and Safety Act 2000 for WorkCover officers.

Officers of these organisations will be familiar with these powers to investigate, obtain evidence and prosecute, and will be equipped to undertake regulatory activities as soon as the new laws are implemented. Although the main focus of the legislation is maintaining and improving safe transport of dangerous goods, the inclusion of additional compliance and enforcement provisions will reduce the potential commercial benefit to offenders for non-compliance. This will help to ensure that a level playing field exists across industry. The bill provides for additional penalties up to three times the value of any monetary benefit obtained through non-compliance with the legislation. The bill will allow the adoption of the model regulations and the updated dangerous goods code.

This new package of legislation will provide the following benefits: 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 domestic land 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; greater acceptance of dangerous goods from New Zealand under mutual recognition arrangements; and an extension of the period of dangerous goods drivers licences from three to five years, resulting in some savings for drivers and transport operators.

The model legislation was subject to extensive public consultation by the National Transport Commission and we are confident that industry will welcome the new arrangements overall. There are some costs in the introductory stages, in relation to training and to getting people employed or engaged in the dangerous goods transport industry up to speed with the new requirements. However, these costs are far outweighed by savings from enhanced safety and efficiency in the industry. The high level of economic activity in sections of the Australian economy means more goods, including dangerous goods, on our increasingly integrated road and rail networks.

There are estimates that by 2015 the tonnage moved on the national road network will have increased by 80 per cent on the 2003 figures. We can similarly expect to see bigger increases in goods moved by rail. A large proportion of dangerous goods movement occurs from, to or within New South Wales. It is essential that our dangerous goods transport procedures fit in as seamlessly as possible with those interstate and overseas, and reflect world best practice in both efficiency and safety. This bill puts in place the framework of standards to achieve those ends. I commend this important bill to the House.