**DANGEROUS SUBSTANCES ACT AMENDMENT BILL 1985**

**Legislative Assembly, 14 March 1985,pages 3268-9**

Second reading

 **The Hon. J.D. WRIGHT (Minister of Labour)** obtained leave and introduced a Bill for an Act to amend the Dangerous Substances Act, 1979. Read a first time.

The Hon. J.D. WRIGHT: I move: That this Bill be now read a second time.

I seek leave to have the second reading explanation inserted in Hansard without my reading it.

Explanation of Bill

The Dangerous Substances Act provides for the safe keeping, handling, conveyance and use of toxic, corrosive, flammable or otherwise harmful substances. This Act repealed the Inflammable Liquids Act, 1961, and the Liquefied Petroleum Gas Act, 1960, which provided for the safe storage and use of flammable liquids and liquefied petroleum gas respectively. This Bill amends the Dangerous Substances Act to make two minor administrative alterations to the Act.

The first is to give the Director of the Department of Labour a power of delegation so that the licensing function and other functions vested in the Director can be carried out on his behalf. This amendment will significantly improve the practical operation of the Act by allowing a nominated officer in each of the Department’s Regional Offices to authorise, on behalf of the Director, the issue of licences such as those required to keep petrol and liquefied petroleum gas in tanks and stores. Also there are occasions when it would be administratively convenient for the Chief Inspector to be able to act under the delegated authority of the Director. The second alteration to the Act concerns the arrangement under which licences were granted for existing premises, on or in which flammable liquids or liquefied petroleum gas was kept at the time the Act was brought into operation.

One of the significant advantages of the Act is its authority for regulations to incorporate the requirements of standards published by the Standards Association of Australia. The use of these standards greatly assists in achieving uniformity of requirements between States and providing requirements which have been developed with maximum industry involvement.

Two such standards, AS 1940 ‘SAA Rules for Storage and Handling of Flammable and Combustible Liquids’ and AS 1596 ‘SAA LP Gas Code’ have been called up in regulations made under the Act to provide for the safe keeping of flammable liquids and liquefied petroleum gas. The relevant requirements of these standards must be met before the Director can grant a licence for this purpose under section 15 of the Act. Generally, the requirements of these standards are more stringent than those of the repealed Inflammable Liquids and Liquefied Petroleum Gas Acts.

When the Dangerous Substances Act came into operation it was intended that all registrations and approvals under the Inflammable Liquids and Liquefied Petroleum Gas Acts in respect of the keeping of these substances would continue under the new Act. Where there was an inconsistency between the requirements of the two standards mentioned above and the condition of the individual premises involved, then steps would be taken to require the eventual compliance of those premises with the respective standards, in so far as that was possible, but in the meantime the premises could be licensed at the discretion of the Director. This arrangement has not proved to be satisfactory from a strictly legal viewpoint in that some premises could not, for valid reasons, comply with these standards, thus creating the anomaly of being licensed but not complying with prescribed requirements.

The only feasible solution to this difficulty is to insert a saving provision which deems premises existing at the date of operation of the Act and complying with the relevant repealed Act to be lawfully licensed. The Bill gives the Director the power to require these premises to be brought into compliance with any prescribed requirement which may be necessary to ensure the continued safe keeping of dangerous substances.

Clause 1 is formal. Clause 2 inserts a new section 9a empowering the Director to delegate any of his powers or functions under the principal Act to the Chief Inspector or any other officer engaged in the administration of the principal Act. Clause 3 amends section 15 of the principal Act which provides for the granting of licences in respect of premises used for the keeping of certain dangerous substances. The clause inserts new subsections (5) and (6). Proposed new subsection (5) provides that the Director shall be deemed to have been empowered to grant a licence in respect of premises that were not in compliance with prescribed standards (as required by subsection (2)) if the premises were being lawfully used immediately before the commencement of the principal Act for the keeping of any prescribed dangerous substance. Proposed new subsection (6) is designed to make it clear that the conditions of a licence in respect of any such premises may comprise or include conditions requiring the premises to be brought into compliance with any prescribed requirement.

The Hon. E.R. GOLDSWORTHY secured the adjournment of the debate.