

## Workplace Health and Safety Queensland

Information in this fact sheet relates to the *Work Health and Safety Act 2011* which applies from 1 January 2012.

## Repeal of the *Dangerous Goods Safety Management Act 2001* - what does it mean for local government?

Under the national changes to workplace health and safety laws, from 1 January 2012 the Queensland *Work Health and Safety Act 2011* (the WHS Act) will regulate dangerous goods and major hazard facilities. The Queensland *Dangerous Goods Safety Management Act 2001* (the DGSM Act) will be repealed.

### Why repeal the *Dangerous Goods Safety Management Act 2001*?

The new national laws effectively cover the existing requirements of the dangerous goods legislation.

In addition, the regulation of general workplace health and safety matters, hazardous chemicals and major hazards facilities under nationally harmonised health and safety laws aligns Queensland with other jurisdictions and reduces confusion for employers and workers on the standards that must be met.

Industry supports this development, as it removes duplication, inconsistencies with other jurisdictions, and unnecessary red tape.

### What will happen to the existing flammable and combustible liquid licences on the repeal of the DGSM Act?

Under the DGSM Act, Queensland has a specific provision to license flammable and combustible liquids stored on premises. Since this licence is unique to Queensland, it has not been included in the national model work health and safety laws, which focus on those

regulations common to the majority of jurisdictions.

The repeal of the dangerous goods legislation will result in the abolition of the flammable and combustible liquids (FCL) licences administered by local governments.

This means that all FCL licences will cease to have effect after 31 December 2011. There is no power to issue FCL licences after this date.

Where a fine has been imposed by local government under section 175 in the DGSM Act 'fines payable to local government' for an offence that occurred before the commencement of the WHS Act on 1 January 2012, the fine must still be paid.

The Queensland Government has consulted extensively with the Local Government Association of Queensland, the Brisbane City Council and a number of other local councils administering FCL licences.

The new WHS legislation will:

- reduce duplication and red tape
- maintain safety levels at workplaces storing and handling flammable and combustible liquids.

### What will happen to the provisions covering authorised officers and directives on the repeal of the DGSM Act?

Some local governments have authorised officers under the DGSM Act who issue directives for non-compliance with certain parts of the DGSM Act. Authorised officers

will cease to exist after 31 December 2011. This means local governments will no longer regulate or enforce matters relating to flammable and combustible liquids under the DGSM Act.

However, any directives issued prior to 1 January 2012 will continue to apply and will be actioned by a Workplace Health and Safety Queensland inspector after this date.

### **Local government's new role under the *Work Health and Safety Act 2011***

There is a new requirement under the draft model WHS regulations for local government to be informed about the operations of major hazard facilities in their zone.

Major hazard facilities are oil refineries, chemical processing plants, large chemical and gas storage depots and large chemical warehouses that have hazardous chemicals in amounts that exceed specified threshold quantities.

Under the draft model WHS regulations, major hazard facilities must provide information to local government about:

- their operations
- any major incident that has occurred including:
  - a description of the incident
  - the actions taken to prevent a re-occurrence of the incident
  - actions that local government and the local community should take to reduce the risk to health and safety in the area around the major hazard facility.

### **Further information**

Information on any issues for local government arising from the repeal of the DGSM Act will be provided by Workplace Health and Safety Queensland during the leadup to the commencement of the WHS Act on 1 January 2012.

Visit [www.worksafe.qld.gov.au](http://www.worksafe.qld.gov.au) for more on the new laws or call the Workplace Health and Safety Infoline on 1300 369 915

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