

Terms of Reference

Independent Review of the Dangerous Goods Act (1985) and associated regulations

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Background

1. The Independent Review of the Dangerous Goods Act (DG Act) (1985) and associated regulations (“the Independent Review”) will consider contemporary issues and challenges in the management of dangerous goods, including emerging risks and issues and their impact on the safety of persons and properties.
2. The Independent Review will have regard to the broader program of work across the Victorian Government that is relevant to the management of dangerous goods.

Scope

3. The Reviewer will conduct the Independent Review to consider if the DG Act and associated regulations are fit for their intended purposes.
4. To this end the Independent Review will:
 - a. examine the extent to which the DG Act and associated regulations promote the safety of persons and property and the effective management of dangerous goods
 - b. consider how the DG Act and associated regulations could be enhanced to be more risk-based and prevention focused
 - c. consider the efficacy of the DG Act and associated regulations in deterring non-compliance and illegal activity in relation to the management of dangerous goods
 - d. examine whether any amendments to the DG Act and associated regulations are required to respond to emerging issues and challenges related to the management of dangerous goods
 - e. identify ways to streamline and modernise the DG Act and regulations
 - f. any other relevant matters

5. Where the Reviewer finds the legislative or regulatory framework could be improved, the Reviewer must provide recommendations to give effect to such improvements.
6. In undertaking the Independent Review the Reviewer will have consideration to any relevant work that is being or has already been undertaken in this area, and recommendations from recent reviews, with particular regard to:
 - a. the State Crisis Resilience Council (SCRC)
 - b. the Essential Services Commission's (ESC) Review into Recycling
 - c. the final report of the Legislative Council Environment and Planning Committee's Inquiry into Recycling and Waste Management
 - d. the Victorian Auditor-General's report *Recovering and Reprocessing Resources from Waste*
 - e. Inspector-General Emergency Management report on Coolaroo and Tottenham fires.
 - f. Coroner reports on Tottenham and Campbellfield fires
 - g. recent or ongoing legislative and regulatory reforms relating to dangerous goods
 - h. the Model work health and safety (WHS) laws relating to dangerous goods

Principles

7. The Independent Review will be guided by the following principles:
 - a. the review will be risk and evidence based;
 - b. the review should, where possible, focus on prevention and protection of safety to persons and property;
 - c. the review can have regard to the broader framework for identifying, inspecting and managing high risk waste and resource recovery sites but must not make recommendations on other Victorian Government departments and agencies.

Governance

8. The Independent Review will be undertaken by an Independent Reviewer with support from a WorkSafe-led Secretariat Group (Secretariat).
9. The Independent Reviewer will report directly to the Minister for Workplace Safety.

Deliverables

10. The Independent Reviewer will undertake extensive stakeholder consultation throughout the review and will release consultation materials seeking public comment in late 2020.
 11. The Independent Reviewer will provide a final written report, including recommendations, to the Minister for Workplace Safety by mid-2021
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