

## Dangerous goods Act review Submission.

[REDACTED]  
[REDACTED]

I make this submission to provide information previously discussed [REDACTED]  
[REDACTED]. The submission may also contain further information gained from experience in my roles listed above. My experience is derived from a large number of inspections of all types of buildings. Many of these being dangerous goods sites and waste facilities both legal and illegal including some mentioned in the Consultation Paper which resulted in injury to my colleagues. I was also involved in the working party which eventually led to legislation changes and greater penalties for those putting our people at risk. I have read the consultation paper and thank all involved for the acknowledgement that our firefighters as well as the general community need greater protections. I thank Mr Palmer for his attention to our contribution [REDACTED] as evidenced in the content of the paper.

My submission will be in the form of answers to the questions relevant to my field and experience as follows.

### Question 1

To what extent does Victoria's dangerous goods legislation promote the safety of persons and property?

A. My answer is to address the two key words in box 4 of the paper, "willingness" and "capacity" and promoting higher levels in both cases.

### Question 3

How could it be improved so that it better promotes these objectives?

A. Education, preferably through a licencing process which would include compulsory training. An example being any car driver is required to be licensed, understand and obey the road rules and drive a roadworthy vehicle. This should be the case with anyone handling DG's and any breach could lead to licence cancellation and penalties.

### Question 10

What kinds of incidents involving dangerous goods should duty-holders be required to report to WorkSafe?

A. All incidents which could have or did result in injury. Also, the site should have an internal incident reporting system as it this would allow for control measures to be implemented for prevention of similar incidents.

#### Question 11

How could the dangerous goods legislation be made more effective in deterring non-compliance and illegal activity in relation to the management of dangerous goods?

A. Again, I believe a licencing system is required with serious penalties for those operating without one and penalties and revocation of a licence for those with a licence. In many instances we find there is a serious lack of knowledge of the legislation especially in my primary field being the building act.

#### Question 12

What methods could WorkSafe use to identify unknown dangerous goods sites, and do those methods require additional legal powers?

A. The recent history of the issues has increased the awareness of local council inspectors, FRV inspectors and local fire crews who are quite willing to make reports to WorkSafe once they are aware of the correct mechanism to do this. FRV firefighters are constantly identifying issues during the course of their normal operations as are council inspectors.

#### Question 13

Are the triggers for notification appropriate?

A. A simple fact sheet and reporting template on Worksafe's website on what triggers to look for would suffice.

#### Question 14

What types of information should be notified?

A. Some guidelines could be provided as to the type of information required in notifications which would allow the reporter to make informed reports. FRV provides a reporting system with required fields and prompts which inspectors then prioritise and inspect.

#### Question 15

What methods could WorkSafe use to monitor the dangerous goods market, and do those methods require additional legal powers?

A. I always believed a cradle to the grave system was in place where all industry must be able to account for their materials at all times.

#### Question 16

To what extent is the detection of unknown or illegal dangerous goods activity hampered by restrictions on information sharing by government agencies?

A. During our recent events there was definitely a communication gap between agencies and even within my agency. The need for transparency between agencies and within agencies was lacking. Joint operations are crucial and along with

communication would have been of great benefit before and after those chemical fires. The most important information was immediate access to list of chemicals discovered at the sites to assist those exposed.

#### Question 17

What kind of information sharing should be permitted?

A. It is easy for me to say full disclosure as information is crucial to the safety of my colleagues but not all agencies are as exposed as FRV officers may be. In the past information was not shared due to ongoing investigations being compromised or any number of other reasons. If information identifies a risk to health or may prevent serious injury it must be shared.

#### Question 18,

What are the obstacles to the effective management of dangerous goods where the functions and powers of multiple agencies intersect and overlap?

A. Again the need for joint inspections and working parties to ensure we are all able to share concerns and information. Joint inspections would ensure the relevant powers and delegations can be invoked in most circumstances.

#### Question 19

How could interagency coordination in relation to dangerous goods be improved?

A. As per Q18.

#### Question 20,

Should powers be delegated between agencies to improve coordination?

A. Yes, but joint operations again would ensure delegated officers of the different acts would be present along with the various entry and enforcement powers to assist each other. I have been involved in inspections where one authority was able to enter and gather enough information for the others to then justify entry themselves.

#### Question 21

Under what circumstances should a dangerous goods inspector be permitted to enter a place where dangerous goods might be stored?

A. Any registered site should provide access at all times to inspectors as a condition of their licence. Access to a suspected illegal site could be permitted under powers of entry such as the FRV Act section 32. (excerpt attached below.)

### **32 Powers of access**

B. Within the Fire Rescue Victoria fire district Fire Rescue Victoria or any person authorized for the purpose by Fire Rescue Victoria shall at all reasonable times have

free access to any land building premises or other place for the purpose of ascertaining whether this Act and the regulations and any other law relating to—

- C. (a) the storage of explosives;
- D. (b) the storage of radioactive substances;
- E. (c) the storage of inflammable liquids or substances; and
- F. (d) the prevention of fire or the protection of life or property in the case of fire—
- G. are being complied with.

#### Question 28

Should dangerous goods operators only be permitted to dispose of their waste to accredited waste providers?

A. Yes, anyone involved in the chain of custody of any dangerous good should be able to account for their acquisition and disposal of those goods by authorised operators anywhere in that chain.

I have not answered some of the questions as my understanding of all other agencies operations and legal positions is limited and I felt I was not well enough informed to offer any further.

#### Question 29

Alternatively, should dangerous goods operators have a duty to undertake due diligence in relation to the disposal of their waste?

A. Yes, this should be a condition of their “licence” that DG’s be acquired from and disposed by authorised companies or persons. These transactions must also have documentary proof provided.

#### Question 31

Should a civil penalty regime be introduced into the dangerous goods legislation, so that WorkSafe has the option of bringing a civil penalty proceeding in relation to a dangerous goods contravention, as an alternative to a criminal prosecution?

A. Yes, as a firefighter I believe any act or omission that leads to or could possibly result in injury to any person is a criminal act but should also allow for civil action on behalf of those affected.

#### Question 46

Should ESM compliance be a condition of operating a dangerous goods site or facility?

A.ESM compliance is a minimum requirement for the building to be occupied at all so therefor it is a not negotiable that the conditions and requirements stated on the OP be adhered to. This is even more important in a dangerous goods building .Under the building act the Municipal Building Surveyor can place orders and notices on the building including an emergency order to vacate .In any licencing of DG operators this should also be a requirement and failure to comply the affect ability to continue operations. It is most important that a building be fit for purpose when being used for DG's at any time. In the case of West Footscray, the building had been deemed dangerous without the added risk of toxic chemical storage. If this particular was well maintained or indeed vacated and secured it may not have attracted the illegal operators looking for cheap clandestine dumping.

In addition to the above we need to remember the obligations of building owners whose tenants conduct operations involving DG's. Not only do they need to ensure the ESM's are maintained but that their tenants are complying with all legislation. Previously owners have turned a blind eye for financial reasons.

Question 47

Should occupiers be required to implement the advice given by emergency services authorities, rather than simply "have regard to" it?

- A. Yes, again as the term "have regard to" has not led to the required levels of responsible and safe operations. Must comply is with the advice would be more appropriate.

I thank the Independent Review for the opportunity to submit my submission 

  
