

These amendments will be inserted into the model WHS Regulations from 1 January 2021. Please note that amendments to the model WHS Regulations do not automatically apply in a jurisdiction. For the model WHS Regulations, including any amendments, to have effect in a jurisdiction, they must be made in that jurisdiction.

Model Work Health and Safety Regulations (Hazardous Chemicals) Amendment 2020

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1 Name of model provisions

These model provisions are the *Model Work Health and Safety Regulations (Hazardous Chemicals) Amendment 2020*.

2 Amendment of Model Regulations

Schedule 1 amends the *Model Work Health and Safety Regulations*.

Schedule 1 Amendment of Model Work Health and Safety Regulations

[1] Regulation 5 Definitions

Omit “Third” from the definition of *GHS* in regulation 5(1). Insert instead “Seventh”.

[2] Regulation 5(1), definition of “GHS 3”

Insert in alphabetical order:

GHS 3 means the Globally Harmonised System of Classification and Labelling of Chemicals, Third revised edition, published by the United Nations as modified under Schedule 6.

Note

The Schedule 6 tables replace some tables in GHS 3.

[3] Regulation 5(1), definition of “hazardous chemical”

Omit the definition. Insert instead:

hazardous chemical means a substance, mixture or article that satisfies the criteria for any one or more hazard classes in the GHS (including a classification referred to in Schedule 6), unless the only hazard class or classes for which the substance, mixture or article satisfies the criteria are any one or more of the following:

- (a) acute toxicity—oral—category 5;
- (b) acute toxicity—dermal—category 5;
- (c) acute toxicity—inhalation—category 5;
- (d) skin corrosion/irritation—category 3;
- (e) aspiration hazard—category 2;
- (f) flammable gas—category 2;
- (g) acute hazard to the aquatic environment—category 1, 2 or 3;
- (h) chronic hazard to the aquatic environment—category 1, 2, 3 or 4;
- (i) hazardous to the ozone layer.

Note

The Schedule 6 tables replace some tables in the GHS.

[4] Regulation 223 Lasers

Omit “AS 2397:1993—Safe use of lasers in the building and construction industry” from regulation 223(6).

Insert instead “AS 2397:2015—Safe use of lasers in the building and construction industry”.

[5] Regulation 338 Supplier labelling hazardous chemicals

Insert at the end of the regulation:

- (2) Subregulation (1) does not apply to a hazardous chemical manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.

[6] Regulation 341 Labelling hazardous chemicals—general requirement

Omit regulation 341(2). Insert instead:

- (2) Subregulation (1) does not apply to a hazardous chemical:
- (a) supplied before 1 January 2017 that was, at the time it was supplied, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]* as in force at that time; or
 - (b) supplied before 1 January 2023 that was, at the time it was supplied, labelled in accordance with GHS 3; or
 - (c) manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.

[7] Regulation 342 Labelling hazardous chemicals—containers

Omit regulation 342(1A). Insert instead:

- (1A) Subregulation (1) does not apply to a hazardous chemical:
- (a) manufactured at the workplace, or transferred or decanted from its original container at the workplace, before 1 January 2017 that was, at the time it was manufactured, or transferred or decanted from its original container, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]* as in force at that time; or
 - (b) manufactured at the workplace before 1 January 2023 that was, at the time it was manufactured, labelled in accordance with GHS 3; or
 - (c) transferred or decanted from its original container at the workplace that was:
 - (i) manufactured or imported before 1 January 2023; and
 - (ii) at the time it was manufactured or imported, labelled in accordance with GHS 3.

[8] Regulation 342(2A)

Omit the subregulation. Insert instead:

- (2A) Subregulation (2) does not apply to a container:
- (a) supplied before 1 January 2017 that was, at the time it was supplied, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]* as in force at that time; or
 - (b) supplied before 1 January 2023 that was, at the time it was supplied, labelled in accordance with GHS 3; or
 - (c) manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.

[9] Schedule 5 Registration of plant and plant designs

Omit “AS 4343:2005 (Pressure equipment—hazard levels)” from item 1.1 of clause 1 of Part 1.

Insert instead “AS 4343:2014 (Pressure equipment—Hazard levels)”.

[10] Schedule 5, Part 1, clause 2(1)(ab)

Omit “AS 1200:2000 (Pressure equipment)”, “section A1” and “AS/NZS 1200:2000”.

Insert instead “AS/NZS 1200:2015 (Pressure equipment)”, “paragraph A3” and “AS/NZS 1200:2015”, respectively.

[11] Schedule 5, Part 2, clause 3, items 3.1 and 3.2

Omit “AS 4343:2005 (Pressure equipment—Hazard levels)” wherever occurring.

Insert instead “AS 4343:2014 (Pressure equipment—Hazard levels)”.

[12] Schedule 5, Part 2, clause 4(1)(a)

Omit “AS/NZS 1200:2000 (Pressure equipment)”, “section A1” and “AS/NZS 1200:2000.”.

Insert instead “AS/NZS 1200:2015 (Pressure equipment)”, “paragraph A3” and “AS/NZS 1200:2015.”, respectively.

[13] Schedule 6 Classification of mixtures

Omit the note to Table 6.1. Insert instead:

Note

Table 6.1 replaces table 3.4.5 in:

- (a) the GHS, p. 159; and
- (b) GHS 3, p. 151.

[14] Schedule 6, Table 6.2, note 2

Omit the note. Insert instead:

- 2 Table 6.2 replaces table 3.6.1 in:
 - (a) the GHS, p. 174; and
 - (b) GHS 3, p. 166.

[15] Schedule 6, Table 6.3, note 2

Omit the note. Insert instead:

- 2 Table 6.3 replaces table 3.7.1 in:
 - (a) the GHS, p. 187; and
 - (b) GHS 3, p. 180.

[16] Schedule 6, Table 6.4, note 2

Omit the note. Insert instead:

- 2 Table 6.4 replaces table 3.8.2 in:
 - (a) the GHS, p. 197; and
 - (b) GHS 3, p. 192.

[17] Schedule 6, Table 6.5, note 2

Omit the note. Insert instead:

- 2 Table 6.5 replaces table 3.9.3 in:
 - (a) the GHS, p. 207; and
 - (b) GHS 3, p. 203.

[18] Schedule 7 Safety data sheets

Omit “: Product identifier and chemical identity” from clause 1(2)(a).

[19] Schedule 7, clause 1(2)(g)

Omit “, including how the chemical may be safely used”.

[20] Schedule 8 Disclosure of ingredients in safety data sheet

Omit “Category 2A” from item 13 of Table 8.1 to clause 2.

Insert instead “Category 2”.

[21] Schedule 8, clause 3, Table 8.2

Omit “category 2A” from item 3. Insert instead “category 2”.

[22] Schedule 11 Placard and manifest quantities

Omit Table 11.1. Insert instead:

Table 11.1

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Description of hazardous chemical		Placard quantity	Manifest quantity
1	Flammable gases	Category 1A, category 1B or any combination of categories 1A and 1B	200L	5000L
2	Gases under pressure	With acute toxicity, categories 1, 2, 3 or 4	50L	500L
3		With skin corrosion categories 1A, 1B or 1C	50L	500L
4		Not specified elsewhere in this Table	1000L	10 000L
5		Category 1	50L	500L
6	Flammable liquids	Category 2	250L	2500L
7		Category 3	1000L	10 000L
8		Any combination of chemicals from Items 5 to 7 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000L	10 000L
9		Category 4	10 000L	100 000L
10	Self-reactive substances	Type A	5kg or 5L	50kg or 50L
11		Type B	50kg or 50L	500kg or 500L
12		Type C to F	250kg or 250L	2500kg or 2500L
13	Flammable solids	Category 1	250kg	2500kg
14		Category 2	1000kg	10 000kg
15		Any combination of chemicals from Items 11 to 14 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or 1000L	10 000kg or 10 000L

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Description of hazardous chemical		Placard quantity	Manifest quantity
16	Pyrophoric liquids and pyrophoric solids	Category 1	50kg or 50L	500kg or 500L
17	Self-heating substances and mixtures	Category 1	250kg or 250L	2500kg or 2500L
18		Category 2	1000kg or 1000L	10 000kg or 10 000L
19		Any combination of chemicals from Items 16 to 18 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or 1000L	10 000kg or 10 000L
20	Substances which in contact with water emit flammable gas	Category 1	50kg or 50L	500kg or 500L
21		Category 2	250kg or 250L	2500kg or 2500L
22		Category 3	1000kg or 1000L	10 000kg or 10 000L
23		Any combination of chemicals from Items 20 to 22 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or 1000L	10 000kg or 10 000L
24	Oxidising liquids and oxidising solids	Category 1	50kg or 50L	500kg or 500L
25		Category 2	250kg or 250L	2500kg or 2500L
26		Category 3	1000kg or 1000L	10 000kg or 10 000L
27		Any combination of chemicals from Items 24 to 26 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or 1000L	10 000kg or 10 000L
28	Organic peroxides	Type A	5kg or 5L	50kg or 50L
29		Type B	50kg or 50L	500kg or 500L
30		Type C to F	250kg or 250L	2500kg or 2500L
31		Any combination of chemicals from Items 29 and 30 where none of the items exceeds the quantities in columns 4 or 5 on their own	250kg or 250L	2500kg or 2500L

Column 1 Item	Column 2 Description of hazardous chemical	Column 3	Column 4 Placard quantity	Column 5 Manifest quantity
32	Acute toxicity	Category 1	50kg or 50L	500kg or 500L
33		Category 2	250kg or 250L	2500kg or 2500L
34		Category 3	1000kg or 1000L	10 000kg or 10 000L
35		Any combination of chemicals from Items 32 to 34 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or 1000L	10 000kg or 10 000L
36	Skin corrosion	Category 1A	50kg or 50L	500kg or 500L
37		Category 1B	250kg or 250L	2500kg or 2500L
38		Category 1C	1000kg or 1000L	10 000kg or 10 000L
39	Corrosive to metals	Category 1	1000kg or 1000L	10 000kg or 10 000L
40		Any combination of chemicals from Items 36 to 39 where none of the items exceeds the quantities in columns 4 or 5 on their own	1000kg or 1000L	10 000kg or 10 000L
41	Unstable explosives		5kg or 5L	50kg or 50L
42	Unstable chemicals	Any combination of chemicals from items 10, 28 and 41 where none of the items exceeds the quantities in columns 4 or 5 on their own	5kg or 5L	50kg or 50L
43	Aerosols	Category 1, category 2, category 3 or any combination of categories 1, 2 and 3	5000L	10 000L

Notes

- 1 In item 2, Gases under pressure with acute toxicity, category 4 only applies up to a LC50 of 5000 ppmV. This is equivalent to dangerous goods of Division 2.3.
- 2 Item 43 includes flammable aerosols.