

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.