

1 Name of model provisions

These model provisions are the *Model Work Health and Safety Regulations Amendment 2016 (No. 2)—Model Provisions*.

2 Amendment of Model Regulations

The *Model Work Health and Safety Regulations* are amended as set out in Schedule 1.

Schedule 1 Amendment of Model Work Health and Safety Regulations

[1] Regulation 5 Definitions

Omit “7th edition, approved by the Australian Transport Council” from the definition of *ADG Code* in regulation 5 (1).

Insert instead “approved by the Transport and Infrastructure Council, as in force or remade from time to time. If that document is amended or remade, a reference in these Regulations to a provision of that document extends to the corresponding provision (if any) of the amended or remade document”.

[2] Regulation 28A

Insert after regulation 28:

28A Exemption certificate—entry without notice under section 117

An exemption certificate issued by an authorising authority under section 117 (7) of the Act must specify the following:

- (a) if known, the full name of the WHS entry permit holder, or holders, who entered or will enter the premises;
- (b) the name of the union that applied for the exemption certificate;
- (c) that section 117 (1) of the Act authorises the entry and that section 117 (6) provides that notice of entry is not required if an exemption certificate has been issued;
- (d) the name and address of the workplace entered or proposed to be entered;
- (e) the relevant person conducting the business or undertaking;
- (f) the date of entry or proposed entry;
- (g) so far as is practicable, particulars of the suspected contravention, or contraventions, to which the entry relates.

[3] Regulation 335 Labelling hazardous chemicals

Omit regulation 335 (2). Insert instead:

- (2) A hazardous chemical is *correctly labelled* if:
 - (a) the selection and use of label elements is in accordance with the GHS and it complies with Part 3 of Schedule 9; or
 - (b) the label includes content that complies with another labelling requirement imposed by these Regulations or by another law [of this State or] of the Commonwealth and the content is the same, or substantially the same, as the content that is required by Part 3 of Schedule 9.

[4] Regulation 341 Labelling hazardous chemicals—general requirement

Insert at the end of the regulation:

- (2) Subregulation (1) does not apply to a hazardous chemical if the chemical:
 - (a) was supplied before 1 January 2017; and
 - (b) 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.

Note

Regulation 338 applies if the chemical is being supplied to another workplace.

[5] Regulation 342 Labelling hazardous chemicals—containers

Insert after regulation 342 (1):

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

Note

Regulation 338 applies if the chemical is being supplied to another workplace.

[6] Regulation 342 (2A)

Insert after regulation 342 (2):

- (2A) Subregulation (2) does not apply to a container if the container:
- (a) was supplied before 1 January 2017; and
 - (b) 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.

Note

Regulation 338 applies if the chemical in the container is being supplied to another workplace.

[7] Schedule 13 Placard requirements

Omit “2007S” from clause 3 (3). Insert instead “2700S”.