**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*.

1. **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”.

1. **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.

1. **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:

* 1. acute toxicity—oral—category 5;
	2. acute toxicity—dermal—category 5;
	3. acute toxicity—inhalation—category 5;
	4. skin corrosion/irritation—category 3;
	5. aspiration hazard—category 2;
	6. flammable gas—category 2;
	7. acute hazard to the aquatic environment—category 1, 2 or 3;
	8. chronic hazard to the aquatic environment—category 1, 2, 3 or 4;
	9. hazardous to the ozone layer.

**Note**

The Schedule 6 tables replace some tables in the GHS.

1. **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”.

1. **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.

1. **Regulation 341 Labelling hazardous chemicals—general requirement**

Omit regulation 341(2). Insert instead:

1. Subregulation (1) does not apply to a hazardous chemical:
	1. 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
	2. supplied before 1 January 2023 that was, at the time it was supplied, labelled in accordance with GHS 3; or
	3. manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.
2. **Regulation 342 Labelling hazardous chemicals—containers**

Omit regulation 342(1A). Insert instead:

(1A) Subregulation (1) does not apply to a hazardous chemical:

* 1. 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
	2. manufactured at the workplace before 1 January 2023 that was, at the time it was manufactured, labelled in accordance with GHS 3; or
	3. transferred or decanted from its original container at the workplace that was:
1. manufactured or imported before 1 January 2023; and
2. at the time it was manufactured or imported, labelled in accordance with GHS 3.
3. **Regulation 342(2A)**

Omit the subregulation. Insert instead:

(2A) Subregulation (2) does not apply to a container:

* 1. 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
	2. supplied before 1 January 2023 that was, at the time it was supplied, labelled in accordance with GHS 3; or
	3. manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.
1. **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)”.

1. **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.

1. **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)”.

1. **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.

1. **Schedule 6 Classification of mixtures**

Omit the note to Table 6.1. Insert instead:

**Note**

Table 6.1 replaces table 3.4.5 in:

* 1. the GHS, p. 159; and

(b) GHS 3, p. 151.

1. **Schedule 6, Table 6.2, note 2**

Omit the note. Insert instead:

2 Table 6.2 replaces table 3.6.1 in:

* 1. the GHS, p. 174; and

(b) GHS 3, p. 166.

1. **Schedule 6, Table 6.3, note 2**

Omit the note. Insert instead:

2 Table 6.3 replaces table 3.7.1 in:

1. the GHS, p. 187; and

(b) GHS 3, p. 180.

1. **Schedule 6, Table 6.4, note 2**

Omit the note. Insert instead:

2 Table 6.4 replaces table 3.8.2 in:

1. the GHS, p. 197; and

(b) GHS 3, p. 192.

1. **Schedule 6, Table 6.5, note 2**

Omit the note. Insert instead:

2 Table 6.5 replaces table 3.9.3 in:

1. the GHS, p. 207; and

(b) GHS 3, p. 203.

1. **Schedule 7 Safety data sheets**

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

1. **Schedule 7, clause 1(2)(g)**

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

1. **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”.

1. **Schedule 8, clause 3, Table 8.2**

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

1. **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, category1B 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 | Flammable liquids Category 1 | 50L | 500L |
| 6 | 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****Item** | **Column 2 Column 3****Description of hazardous chemical** | **Column 4****Placard quantity** | **Column 5****Manifest quantity** |
| 16 | Pyrophoric liquids and Category 1 pyrophoric solids | 50kg or 50L | 500kg or 500L |
| 17 | Self-heating substances Category 1 | 250kg or 250L | 2500kg or |
|  | and mixtures |  | 2500L |
| 18 | Category 2 | 1000kg or | 10 000kg or 10 |
|  |  | 1000L | 000L |
| 19 | Any combination of | 1000kg or | 10 000kg or 10 |
|  | chemicals from Items 16 | 1000L | 000L |
|  | to 18 where none of the |  |  |
|  | items exceeds the |  |  |
|  | quantities in columns 4 |  |  |
|  | or 5 on their own |  |  |
| 20 | Substances which in contact with water emitflammable gas | Category 1 | 50kg or 50L | 500kg or 500L |
| 21 | Category 2 | 250kg or 250L | 2500kg or 2500L |
|  |
| 22 |  | Category 3 | 1000kg or | 10 000kg or 10 |
|  |  |  | 1000L | 000L |
| 23 |  | Any combination of | 1000kg or | 10 000kg or 10 |
|  |  | chemicals from Items 20 | 1000L | 000L |
|  |  | to 22 where none of the |  |  |
|  |  | items exceeds the |  |  |
|  |  | quantities in columns 4 |  |  |
|  |  | or 5 on their own |  |  |
| 24 | Oxidising liquids andoxidising solids | Category 1 | 50kg or 50L | 500kg or 500L |
| 25 | Category 2 | 250kg or 250L | 2500kg or |
|  |  |  |  | 2500L |
| 26 |  | Category 3 | 1000kg or | 10 000kg or 10 |
|  |  |  | 1000L | 000L |
| 27 |  | Any combination of | 1000kg or | 10 000kg or 10 |
|  |  | chemicals from Items 24 | 1000L | 000L |
|  |  | to 26 where none of the |  |  |
|  |  | items exceeds the |  |  |
|  |  | quantities in columns 4 |  |  |
|  |  | or 5 on their own |  |  |
| 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 | 250kg or 250L | 2500kg or |
|  |  | chemicals from Items 29 |  | 2500L |
|  |  | and 30 where none of the |  |  |
|  |  | items exceeds the |  |  |
|  |  | quantities in columns 4 |  |  |
|  |  | or 5 on their own |  |  |

**Column 1 Column 2 Column 3 Column 4 Column 5**

**Item Description of hazardous chemical**

**Placard quantity**

**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

39 Corrosive to metals Category 1 1000kg or

1000L

10 000kg or 10 000L

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

43 Aerosols Category 1, category 2, category 3 or any combination of categories 1, 2 and 3

5kg or 5L 50kg or 50L

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.