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”.

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