

EXPLANATORY STATEMENT – MODEL WORK HEALTH AND SAFETY (VETERINARY EXEMPTIONS) AMENDMENT REGULATIONS 2016 (NO 3) – Model Provisions

The model Work Health and Safety (WHS) Act and the model Work Health and Safety (WHS) Regulations have been developed in accordance with the Intergovernmental Agreement for Regulatory and Operational Reform in Occupational Health and Safety (IGA).

In October 2016, Safe Work Australia Members agreed some technical and drafting changes to the model WHS Regulations.

The Model Work Health and Safety (Veterinary Exemptions) Amendment Regulations 2016 (No 3) – Model Provisions (Amendment Regulations) amend the model WHS Regulations to exempt certain veterinary chemical products from the labelling requirements set out in regulation 335 of model WHS Regulations.

Details of the Model Work Health and Safety (Veterinary Exemptions) Amendment Regulations 2016 (No 3) – Model Provisions

Regulation 1 – Name of Regulations

This regulation sets out the name of Amendment Regulations.

Regulation 2 – Legislation amended

This regulation provides that the Amendment Regulations amend the model WHS Regulations.

Regulation 3 – Definitions Regulation 5(1)

This regulation inserts a definition of 'Agvet Code' into subregulation 5(1). This definition previously appeared in subregulation 328(7). This definition specifies that the term 'Agvet Code', when used in Part 7.1 of the model WHS Regulations means the Agricultural and Veterinary Chemicals Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* of the Commonwealth.

This definition is relevant to existing paragraph 328(6)(d) and new paragraph 335(7)(a).

Regulation 4 – Application of Part 7.1 Regulation 328(7)

This regulation omits existing subregulation 328(7) which contained the definition of 'Agvet Code' that has now been moved to subregulation 5(1) 'Definitions'.

Regulation 5 – Labelling hazardous chemicals Regulation 335 (3)(a)

This regulation amends paragraph 335(3)(a) by replacing the words 'Standard for the Uniform Scheduling of Medicines and Poisons 2011 published by the Commonwealth, as in force or remade from time to time' with the term 'Poisons Standard'. The term 'Poisons Standard' is then defined in new subregulation 335(8).

Regulation 6 – New Regulations 335(7) and (8)

This regulation inserts new subregulation 335(7) to specify additional circumstances where regulation 335 does not apply. First, regulation 335 does not apply to a hazardous chemical that is a veterinary chemical product within the meaning of the Agvet Code. Second, regulation 335 does not apply to a hazardous chemical that is listed in the Poisons Standard, Part 4, Schedule 4, if the chemical product is packaged and supplied in a form intended for direct administration to an animal for therapeutic purposes. Third, regulation 335 does not apply to a hazardous chemical that is listed in the Poisons Standard, Part 4, Schedule 8.

This regulation inserts new subregulation 335(8) which defines 'Poisons Standard' for the purpose of regulation 335 to mean 'the Standard for the Uniform Scheduling of Medicines and Poisons November 2016 published by the Commonwealth, as in force or remade from time to time'.