



Australian Government

Comcare

Work Health and Safety Regulations 2011

Regulation 684

**Work Health and Safety (Safety Data Sheets and Labelling
Hazardous Chemicals – Lockheed Martin Australia Pty Ltd,
HAAS/WESCO Group Australia Pty Ltd and Department of
Defence) Exemption 2018**

Comcare, acting under regulation 684 of the *Work Health and Safety Regulations 2011* (WHS Regulations), having taken into account all relevant matters, grants an exemption from compliance with regulation 330(2), 332, 333, 335, 338 and 341 of the WHS Regulations on the terms prescribed in the attached class exemption.

Dated this 10th day of December 2018

Signed

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Justin Napier
General Manager, Regulatory Operations Group, Comcare



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CLASS EXEMPTION

1. Name

This document may be cited as the Work Health and Safety (Safety Data Sheets and Labelling Hazardous Chemicals – Lockheed Martin Australia Pty Ltd, HAAS/WESCO Group Australia Pty Ltd and Department of Defence) Exemption 2018.

2. Definitions

In this document, ***proprietary hazardous chemicals*** means the hazardous chemicals listed in Schedule 1 of this exemption.

3. Applicant

This exemption has been granted on the written application of Lockheed Martin Australia Pty Ltd.

4. Persons to whom the exemption applies

This exemption applies to Lockheed Martin Australia Pty Ltd (ABN 30 008 425 509) and HAAS/WESCO Group Australia Pty Ltd (ABN 143 513 295) as the importers, suppliers and users of the ***proprietary hazardous chemicals*** listed in Schedule 1 of this exemption.

This exemption also applies to the Department of Defence (Defence) as the person conducting the business of undertaking (PCBU) who will use, handle and store at the workplace, the ***proprietary hazardous chemicals*** listed in Schedule 1 of this exemption.

5. The work or thing to which the exemption relates

The exemption relates to the non-disclosure of the chemical identity of a number of **proprietary hazardous chemicals** in Safety Data Sheets (SDS) and on product labels that are to be supplied to the Defence.

The exemption also relates to the non-disclosure of the chemical identity of a number of **proprietary hazardous chemicals** to a medical practitioner or emergency services worker where requested.

This exemption also relates to the use, handling and storage at the workplace of the **proprietary hazardous chemicals** that have been supplied with SDSs and product labels that do not disclose the chemical identity of the **proprietary hazardous chemicals** listed in Schedule 1 of this exemption.

6. The circumstances in which the exemption applies

The exemption will apply so that:

- a) Lockheed Martin Australia and HAAS/WESCO Australia can import and supply the **proprietary hazardous chemicals** listed in Schedule 1 of this exemption to Defence with an SDS that does not contain the chemical identity of **proprietary hazardous chemicals** in relation to compliance with regulation 330(2) ;
- b) Lockheed Martin Australia and HAAS/WESCO Australia are not required to disclose the chemical identity of the **proprietary hazardous chemicals** listed in Schedule 1 of this exemption to a medical practitioner if requested (r. 332);
- c) Lockheed Martin Australia and HAAS/WESCO Australia are not required to disclose the chemical identity of the **proprietary hazardous chemicals** listed in Schedule 1 of this exemption to an emergency services worker if requested (r. 333);
- d) Lockheed Martin Australia and HAAS/WESCO Australia are not required to disclose the chemical identity of the **proprietary hazardous chemicals** listed in Schedule 1 of this exemption on the product label of the hazardous chemical (r. 335);
- e) Lockheed Martin Australia and HAAS/WESCO Australia may supply to Defence the **proprietary hazardous chemicals** listed in Schedule 1 of this exemption that does not disclose the chemical identity of the **proprietary hazardous chemicals** on the product label in accordance with regulation 335 (r. 338);

- f) Lockheed Martin Australia and HAAS/WESCO Australia may use, handle and store at the workplace the ***proprietary hazardous chemicals*** listed in Schedule 1 of this exemption that have been supplied with an SDS which is not compliant with clause 1, (2) (c) of Schedule 7 of the WHS Regulations, or with a product label that does not disclose the chemical identity of the ***proprietary hazardous chemicals*** in accordance with regulation 335 (r. 341); and
- g) Defence may use, handle and store at the workplace the ***proprietary hazardous chemicals*** listed in Schedule 1 of this Instrument that have been supplied with an SDS which is not compliant with clause 1 (2) (c) of Schedule 7 of the WHS Regulations, or with a product label that does not disclose the chemical identity of the ***proprietary hazardous chemicals*** in accordance with regulation 335 (r. 341).

7. The provisions to which the exemption applies

The exemption applies to regulations 330(2), 332, 333, 335, 338, and 341.

8. Date of effect

The exemption takes effect on **1 January 2019**.

9. Duration

The exemption applies until **31 December 2024**.

Schedule 1

Proprietary hazardous chemicals that are to be imported, supplied, used, handled, and stored which are subject to this exemption.

Proprietary Chemical ID	Proprietary Chemical Subject to exemption
1	Isocyanate Terminated Prepolymer 1
2	Aliphatic Amine 1
3	Modified Methylene Di-isocyanate
4	Di-Methylthio Toluenediamine
5	Isocyanate Terminated Prepolymer 2
6	Aliphatic Amine 2
7	Isocyanate Terminated Prepolymer 3
8	Interpenetrating polymer network 1
9	Interpenetrating polymer network 2
10	Aliphatic Amine 3
11	Isocyanate Terminated Prepolymer 4
12	Aliphatic Amine 4