



Work Health and Safety Amendment (Hazardous Chemicals) Regulations 2020

I, General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 10 December 2020

David Hurley
Governor-General

By His Excellency's Command

Christian Porter
Minister for Industrial Relations

Contents

1	Name.....	1
2	Commencement	1
3	Authority.....	1
4	Schedules.....	1
Schedule 1—Amendments		2
	<i>Work Health and Safety Regulations 2011</i>	2

1 Name

This instrument is the *Work Health and Safety Amendment (Hazardous Chemicals) Regulations 2020*.

2 Commencement

- (1) Each provision of this instrument specified in column 1 of the table commences, or is taken to have commenced, in accordance with column 2 of the table. Any other statement in column 2 has effect according to its terms.

Commencement information		
Column 1	Column 2	Column 3
Provisions	Commencement	Date/Details
1. The whole of this instrument	1 January 2021.	1 January 2021

Note: This table relates only to the provisions of this instrument as originally made. It will not be amended to deal with any later amendments of this instrument.

- (2) Any information in column 3 of the table is not part of this instrument. Information may be inserted in this column, or information in it may be edited, in any published version of this instrument.

3 Authority

This instrument is made under the *Work Health and Safety Act 2011*.

4 Schedules

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

Schedule 1—Amendments

Work Health and Safety Regulations 2011

1 Subregulation 5(1) (definition of *GHS*)

Repeal the definition, substitute:

GHS means the Globally Harmonised System of Classification and Labelling of Chemicals, Seventh revised edition, published by the United Nations as modified under Schedule 6 to these Regulations.

Note: The tables in Schedule 6 to these Regulations replace some of the tables in the GHS.

2 Subregulation 5(1)

Insert:

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 to these Regulations.

Note: The tables in Schedule 6 to these Regulations replace some of the tables in the GHS 3.

3 Subregulation 5(1) (definition of *hazardous chemical*)

Repeal the definition, substitute:

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 to these Regulations), 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:

- (a) acute toxicity—oral—category 5;
- (b) acute toxicity—dermal—category 5;
- (c) acute toxicity—inhalation—category 5;
- (d) skin corrosion/irritation—category 3;
- (e) aspiration hazard—category 2;
- (f) flammable gas—category 2;
- (g) acute hazard to the aquatic environment—category 1, 2 or 3;
- (h) chronic hazard to the aquatic environment—category 1, 2, 3 or 4;
- (i) hazardous to the ozone layer.

Note: The tables in Schedule 6 to these Regulations replace some tables in the GHS.

4 Subregulation 5(1) (definition of *manifest quantity*)

Omit “column 5”, substitute “column 3”.

5 Subregulation 5(1) (definition of *placard quantity*)

Omit “column 4”, substitute “column 2”.

6 Subregulation 223(6)

Omit “AS 2397:1993—Safe use of lasers in the building and construction industry”, substitute “AS 2397:2015—Safe use of lasers in the building and construction industry”.

7 Regulation 338

Before “The supplier”, insert “(1)”.

8 At the end of regulation 338 (after the note)

Add:

- (2) Subregulation (1) does not apply to a hazardous chemical if the chemical:
 - (a) was manufactured or imported before 1 January 2023; and
 - (b) was, at the time it was manufactured or imported, labelled in accordance with the GHS 3.

9 At the end of regulation 341

Add:

- (4) Subregulation (1) does not apply to a hazardous chemical if the chemical:
 - (a) was manufactured or imported before 1 January 2023; and
 - (b) was, at the time it was manufactured or imported, labelled in accordance with the GHS 3.

10 After subregulation 342(1B)

Insert:

- (1C) 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 2023; 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 GHS 3.

11 After subregulation 342(2B)

Insert:

- (2C) Subregulation (2) does not apply to a container that stores a hazardous chemical if:
 - (a) if subregulation 341(4) applies—the container is labelled as mentioned in that subregulation; or
 - (b) if subregulation 342(1C) applies—the container is labelled as mentioned in that subregulation.

12 Subclause 1.1 of Schedule 5

Omit “AS 4343:2005 (Pressure equipment—hazard levels)”, substitute “AS 4343:2014 (Pressure equipment—Hazard levels)”.

13 Paragraph 2.1(ab) of Schedule 5

Omit “Australian/New Zealand Standard AS/NZS 1200:2000 (Pressure equipment)”, substitute “AS/NZS 1200:2015 (Pressure equipment)”.

14 Paragraph 2.1(ab) of Schedule 5 (note)

Repeal the note.

15 At the end of subclause 2.1 of Schedule 5

Add:

Note: For paragraph (ab), see paragraph A3 of Appendix A to AS/NZS 1200:2015.

16 Subclauses 3.1 and 3.2 of Schedule 5

Omit “AS 4343:2005 (Pressure equipment—Hazard levels)”, substitute “AS 4343:2014 (Pressure equipment—Hazard levels)”.

17 Paragraph 4.1(a) of Schedule 5

Omit “AS/NZS 1200:2000 (Pressure equipment)”, substitute “AS/NZS 1200:2015 (Pressure equipment)”.

18 Paragraph 4.1(a) of Schedule 5 (note)

Repeal the note.

19 At the end of subclause 4.1 of Schedule 5

Add:

Note: For paragraph (a), see paragraph A3 of Appendix A to AS/NZS 1200:2015.

20 Schedule 6 (note to Schedule heading)

Repeal the note, substitute:

Note: See the definitions of *GHS* and *GHS 3* in subregulation 5(1).

21 Clause 1 of Schedule 6

Omit “tables in the GHS”, substitute “tables in the GHS and the GHS 3”.

22 Clause 1 of Schedule 6 (note)

Omit “definition of *GHS*”, substitute “definitions of *GHS* and *GHS 3*”.

23 Schedule 6 (before table 6.1)

Insert:

2 Classification of mixtures

- (1) The following table replaces table 3.4.5 in:
- (a) the GHS, p. 159; and
 - (b) the GHS 3, p. 151.

24 Schedule 6 (note to table 6.1)

Repeal the note.

25 Schedule 6 (before table 6.2)

Insert:

- (2) The following table replaces table 3.6.1 in:
- (a) the GHS, p. 174; and
 - (b) the GHS 3, p. 166.

26 Schedule 6 (note 1 to table 6.2)

Omit “Note 1”, substitute “Note”.

27 Schedule 6 (note 2 to table 6.2)

Repeal the note.

28 Schedule 6 (before table 6.3)

Insert:

- (3) The following table replaces table 3.7.1 in:
- (a) the GHS, p. 187; and
 - (b) the GHS 3, p. 180.

29 Schedule 6 (note 1 to table 6.3)

Omit “Note 1”, substitute “Note”.

30 Schedule 6 (note 2 to table 6.3)

Repeal the note.

31 Schedule 6 (before table 6.4)

Insert:

- (4) The following table replaces table 3.8.2 in:
- (a) the GHS, p. 197; and
 - (b) the GHS 3, p. 192.

32 Schedule 6 (note 1 to table 6.4)

Omit “Note 1”, substitute “Note”.

33 Schedule 6 (note 2 to table 6.4)

Repeal the note.

34 Schedule 6 (before table 6.5)

Insert:

- (5) The following table replaces table 3.9.3 in:
- (a) the GHS, p. 207; and
 - (b) the GHS 3, p. 203.

35 Schedule 6 (note 1 to table 6.5)

Omit “Note 1”, substitute “Note”.

36 Schedule 6 (note 2 to table 6.5)

Repeal the note.

37 Paragraph 1(2)(a) of Schedule 7

Omit “: Product identifier and chemical identity”.

38 Paragraph 1(2)(g) of Schedule 7

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

39 Schedule 8 (table 8.1, item 13, column headed “GHS hazard category”)

Omit “Category 2A”, substitute “Category 2”.

40 Schedule 8 (table 8.2, item 3)

Omit “category 2A”, substitute “category 2”.

41 Subclause 1(1) of Schedule 9

After “Schedule 6”, insert “to these Regulations”.

42 Subclause 1(1) of Schedule 9 (note)

Repeal the note, substitute:

Note: The tables in Schedule 6 to these Regulations replace some of the tables in the GHS.

43 Schedule 11 (table 11.1)

Repeal the table (including the notes), substitute:

Table 11.1

Item	Column 1 Description of hazardous chemical	Column 2 Placard quantity	Column 3 Manifest quantity
Flammable gases			
1	Flammable gases—category 1A, category 1B or any combination of those categories	200 L	5,000 L
Gases under pressure			
2	Gases under pressure—with acute toxicity, category 1, 2, 3 or 4	50 L	500 L
3	Gases under pressure—with skin corrosion, category 1A, 1B or 1C	50 L	500 L
4	Gases under pressure—not specified elsewhere in this table	1,000 L	10,000 L
Flammable liquids			
5	Flammable liquids—category 1	50 L	500 L
6	Flammable liquids—category 2	250 L	2,500 L
7	Flammable liquids—category 3	1,000 L	10,000 L
8	Flammable liquids—any combination of chemicals from items 5 to 7 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 L	10,000 L
9	Flammable liquids—category 4	10,000 L	100,000 L
Self-reactive substances			
10	Self-reactive substances—type A	5 kg or 5 L	50 kg or 50 L
11	Self-reactive substances—type B	50 kg or 50 L	500 kg or 500 L
12	Self-reactive substances—any of types C to F	250 kg or 250 L	2,500 kg or 2,500 L
Flammable solids			
13	Flammable solids—category 1	250 kg	2,500 kg
14	Flammable solids—category 2	1,000 kg	10,000 kg

Item	Column 1 Description of hazardous chemical	Column 2 Placard quantity	Column 3 Manifest quantity
15	Flammable solids—any combination of chemicals from items 11 to 14 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Pyrophoric liquids and pyrophoric solids			
16	Pyrophoric liquids and pyrophoric solids—category 1	50 kg or 50 L	500 kg or 500 L
Self-heating substances and mixtures			
17	Self-heating substances and mixtures—category 1	250 kg or 250 L	2,500 kg or 2,500 L
18	Self-heating substances and mixtures—category 2	1,000 kg or 1,000 L	10,000 kg or 10,000 L
19	Self-heating substances and mixtures—any combination of chemicals from items 16 to 18 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Substances which in contact with water emit flammable gas			
20	Substances which in contact with water emit flammable gas—category 1	50 kg or 50 L	500 kg or 500 L
21	Substances which in contact with water emit flammable gas—category 2	250 kg or 250 L	2,500 kg or 2,500 L
22	Substances which in contact with water emit flammable gas—category 3	1,000 kg or 1,000 L	10,000 kg or 10,000 L
23	Substances which in contact with water emit flammable gas—any combination of chemicals from items 20 to 22 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Oxidising liquids and oxidising solids			
24	Oxidising liquids and oxidising solids—category 1	50 kg or 50 L	500 kg or 500 L
25	Oxidising liquids and oxidising solids—category 2	250 kg or 250 L	2,500 kg or 2,500 L
26	Oxidising liquids and oxidising solids—category 3	1,000 kg or 1,000 L	10,000 kg or 10,000 L
27	Oxidising liquids and oxidising solids—any combination of chemicals from items 24 to 26 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Organic peroxides			
28	Organic peroxides—type A	5 kg or 5 L	50 kg or 50 L
29	Organic peroxides—type B	50 kg or 50 L	500 kg or 500 L
30	Organic peroxides—any of types C to F	250 kg or 250 L	2,500 kg or 2,500 L
31	Organic peroxides—any combination of chemicals from items 29 and 30 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	250 kg or 250 L	2,500 kg or 2,500 L
Acute toxicity			
32	Acute toxicity—category 1	50 kg or	500 kg or

Schedule 1 Amendments

Item	Column 1 Description of hazardous chemical	Column 2 Placard quantity	Column 3 Manifest quantity
		50 L	500 L
33	Acute toxicity—category 2	250 kg or 250 L	2,500 kg or 2,500 L
34	Acute toxicity—category 3	1,000 kg or 1,000 L	10,000 kg or 10,000 L
35	Acute toxicity—any combination of chemicals from items 32 to 34 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Skin corrosion			
36	Skin corrosion—category 1A	50 kg or 50 L	500 kg or 500 L
37	Skin corrosion—category 1B	250 kg or 250 L	2,500 kg or 2,500 L
38	Skin corrosion—category 1C	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Corrosive to metals			
39	Corrosive to metals—category 1	1,000 kg or 1,000 L	10,000 kg or 10,000 L
40	Corrosive to metals—any combination of chemicals from items 36 to 39 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	1,000 kg or 1,000 L	10,000 kg or 10,000 L
Unstable explosives			
41	Unstable explosives	5 kg or 5 L	50 kg or 50 L
Unstable chemicals			
42	Unstable chemicals—any combination of chemicals from items 10, 28 and 41 where none of the items exceeds the quantities in column 2 or 3 of that item on its own	5 kg or 5 L	50 kg or 50 L
Aerosols			
43	Aerosols—category 1, category 2, category 3 or any combination of those categories	5,000 L	10,000 L

Note 1: In item 2, Gases under pressure with acute toxicity, category 4 only applies up to a LC50 of 5,000 ppmV. This is equivalent to dangerous goods of Division 2.3.

Note 2: Item 43 includes flammable aerosols.