

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

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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Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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 |
| 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 50 L | 500 kg or 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.