

Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2000 (No. 1) 2000 No. 289

EXPLANATORY STATEMENT

Statutory Rules 2000 No. 289

(Issued by the authority of the Minister for Employment, Workplace Relations and Small Business)

Occupational Health and Safety (Commonwealth Employment) Act 1991

Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2000 (No. 1)

Section 82 of the *Occupational Health and Safety (Commonwealth Employment) Act 1991* (the Act) provides that the Governor-General may make regulations prescribing (inter alia) matters required or permitted by the Act to be prescribed or necessary or convenient to be prescribed for carrying out or giving effect to the Act.

The purpose of the Regulations is to amend the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994* (the Principal Regulations) to:

- * amend Part 3 of the Regulations on occupational noise to update certain references to national standards and to bring it into line with the recently updated *National Standard for Occupational Noise* [NOHSC: 1007 (2000)]; and
- * amend Part 6 of the Principal Regulations on hazardous substances to update references to certain national standards.

Occupational noise

The Regulations amend Part 3 of the Principal Regulations to bring it into line with the recently updated *National Standard for Occupational Noise* [NOHSC: 1007 (2000)] which was approved by NOHSC on 15 March 2000. The updated standard incorporates a new and improved method of measuring noise. The previous method of measuring noise in the Principal Regulations used the unweighted (linear) peak sound pressure level (L_{peak}). This has been replaced with a more accurate method of measurement using C-weighted peak sound pressure levels (L_{peak}(C)).

Hazardous substances

The Regulations amend Part 6 of the Principal Regulations to:

- * update references to the *List of Designated Hazardous Substances* [NOHSC: 10005 (1999)] and *Approved Criteria for Classifying Hazardous Substances* [NOHSC: 1008 (1999)] from the 1994 to the 1999 editions;
- * change the definitions of Type I and Type II ingredients to take into account the change in terminology from teratogenic effects to reproductive effects in accordance with the *Approved Criteria for Classifying Hazardous Substances* [NOHSC: 1008 (1999)]; and
- * update the reference in the Principal Regulations to the *Australian Code for Transport of Dangerous Goods by Road and Rail* (ADG code) from the 5th to the 6th edition of the ADG code.

The 6th edition contains minor changes to the 5th edition but does not change the definition of the substances transported or the quantities of these substances.

Details of the Regulations are in the attachment.

The Regulations commence on gazettal.

ATTACHMENT

OCCUPATIONAL HEALTH AND SAFETY (COMMONWEALTH EMPLOYMENT) (NATIONAL STANDARDS) AMENDMENT REGULATIONS 2000 (NO. 1)

Regulation 1

Regulation 1 sets out the name of the regulations.

Regulation 2

Regulation 2 provides for the commencement of the regulations on gazettal.

Regulation 3

Regulation 3 is a formal provision, providing that the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994* (the Principal Regulations) are amended as set out by Schedule 1 to the regulations.

Schedule 1 - Amendments

Item 1

Item 1 of Schedule 1 amends the Principal Regulations by substituting a new note to regulation 3.01. The new note updates references to the *National Standard for Occupational Noise* and the *National Code of Practice for Noise Management and Protection of Hearing at Work* from editions in force on 31 March 1995 to the 2000 editions.

Item 2

Item 2 of Schedule 1 substitutes a new paragraph 3.03(1)(b) to introduce a new and improved method of measuring noise. The previous method of measuring noise in the Principal Regulations used the unweighted (linear) peak sound pressure level (L_{peak}). This has been replaced with a more accurate method of measurement using C-weighted peak sound pressure levels ($L_{peak}(Q)$).

Item 3

Item 3 of Schedule 1 amends paragraph (a) of the fourth note to regulation 6.01 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 4

Item 4 of Schedule 1 amends paragraph (b) of the fourth note to regulation 6.01 to change a reference to the *List of Designated Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 5

Item 5 of Schedule 1 substitutes a new definition of *ADG Code* in regulation 6.03 to update the reference in the Principal Regulations to the *Australian Code for Transport of Dangerous Goods by Road and Rail (ADG Code)* from the 5th to the 6th edition.

Item 6

Item 6 of Schedule 1 amends paragraph (a) of the definition of *hazardous substance* in regulation 6.03 to change a reference to the *List of Designated Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 7

Item 7 of Schedule 1 amends paragraph (b) of the definition of *hazardous substance* in regulation 6.03 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 8

Item 8 of Schedule 1 amends paragraph (b) of the definition of *risk phase* in regulation 6.03 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 9

Item 9 of Schedule 1 amends paragraph (b) of the definition of *safety phrase* in regulation 6.03 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 10

Item 10 of Schedule 1 amends paragraph (a) of the definition of *substance name* in regulation 6.03 to alter a reference to the classification criteria in the ADG Code.

Item 11

Item 11 of Schedule 1 amends subparagraph (a)(i) of the definition of *type I ingredient* in regulation 6.03 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 12

Item 12 of Schedule 1 amends sub-subparagraph (a)(i)(C) of the definition of *type I ingredient* in regulation 6.03 to take into account the change in terminology from teratogenic effects to reproductive effects in accordance with the *Approved Criteria for Classifying Hazardous Substances [NOHSC: 1008 (1999)]*.

Item 13

Item 13 of Schedule 1 amends paragraph (b) of the definition of *type I ingredient* in regulation 6.03 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 14

Item 14 of Schedule 1 amends paragraph (a) of the definition of *type II ingredient* in regulation 6.03 to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 15

Item 15 of Schedule 1 amends paragraph 6.04(1)(a) to change a reference to the *List of Designated Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 16

Item 15 of Schedule 1 amends paragraph 6.04(1)(b) to change a reference to the *Approved Criteria for Classifying Hazardous Substances* from the 1994 edition to the 1999 edition.

Item 17

Item 17 of Schedule 1 amends Part 2 of Schedule 6 by substituting a new note 2 containing a definition of *dangerous goods*. The new note contains a simplified reference to the ADG Code.