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 regulations 338, 341(1), 342(1) and 342(2) of the WHS Regulations on the terms prescribed in the attached Exemption Instrument.

Dated this 20th day of December 2016

Signed

Justin Napier

Justin Napier
General Manager, Regulatory Operations Group, Comcare
EXEMPTION INSTRUMENT

1. **Name**

   This Instrument may be cited as the: *Work Health and Safety (Labelling Hazardous Chemicals) Exemption 2016.*

   **NOTE:** This Instrument is a legislative instrument within the meaning of the *Legislative Instruments Act 2003* (see regulation 692(2) of the *Work Health and Safety Regulations 2011*).

2. **Applicant**

   This instrument has been granted by Comcare on its own initiative.

3. **Persons to whom the exemptions apply**

   This instrument applies to:
   a) a supplier of a hazardous chemical; and
   b) a person conducting a business or undertaking.

   All terms in this instrument have the same meaning as in the *Work Health and Safety Act 2011* (Cth) and *Work Health and Safety Regulations 2011* (Cth).

   The exemption will apply so that:
   a) regulation 338 does not apply in relation to a hazardous chemical manufactured or imported prior to 1 January 2017 which is labelled in accordance with the National Code of Practice for Labelling of Workplace Substances [NOHSC: 2012 (1994)]; and
   b) the labelling requirements on a person conducting a business or undertaking at a workplace
contained in regulation 341(1) do not apply to a hazardous chemical if:

(i) the chemical was supplied before 1 January 2017; and

(ii) was, at the time it was supplied, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances* [NOHSC: 2012 (1994)] as in force at that time.

c) The labelling requirements on a person conducting a business or undertaking at a workplace contained in regulation 342(1) do not apply to a hazardous chemical if the chemical was:

(i) manufactured, or transferred or decanted from its original container at the workplace, before 1 January 2017; and

(ii) was, at the time it was manufactured, or transferred or decanted from its original container at the workplace, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances* [NOHSC: 2012 (1994)] as in force at that time.

d) The labelling requirements on a person conducting a business or undertaking at a workplace contained in regulation 342(2) do not apply to a container if:

(i) the container was supplied before 1 January 2017; and

(ii) was, at the time it was supplied, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances* [NOHSC: 2012 (1994)] as in force at that time.

4. **Conditions placed on the grant of the exemptions**

None
5. **Commencement date**

This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

6. **Expiration date**

This instrument expires on 31 December 2017, unless the expiration date is amended or the exemptions are cancelled under regulation 697 of the WHS Regulations.