



# Occupational Health and Safety (Safety Standards) Amendment Regulations 2011 (No. 1)<sup>1</sup>

## Select Legislative Instrument 2011 No. 25

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I, QUENTIN BRYCE, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Occupational Health and Safety Act 1991*.

Dated 10 March 2011

QUENTIN BRYCE  
Governor-General

By Her Excellency's Command

CHRIS EVANS  
Minister for Tertiary Education, Skills, Jobs and Workplace  
Relations

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**1 Name of Regulations**

These Regulations are the *Occupational Health and Safety (Safety Standards) Amendment Regulations 2011 (No. 1)*.

**2 Commencement**

These Regulations commence on the day after they are registered.

**3 Amendment of *Occupational Health and Safety (Safety Standards) Regulations 1994***

Schedule 1 amends the *Occupational Health and Safety (Safety Standards) Regulations 1994*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 4.18, note**

*omit*

**[2] Subregulation 4.22A (5)**

*substitute*

(5) In this regulation:

**AS 1636** means the standard comprising:

- (a) AS 1636.1-1996 ‘Tractors — Roll-over protective structures — Criteria and tests — Part 1: Conventional tractors’; and
- (b) AS 1636.2-1996 ‘Tractors — Roll-over protective structures — Criteria and tests — Part 2: Rear-mounted for narrow-track tractors’; and
- (c) AS 1636.3-1996 ‘Tractors — Roll-over protective structures — Criteria and tests — Part 3: Mid-mounted for narrow-track tractors’.

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**AS 2294** means the standard AS 2294.1-1997 ‘Earth-moving machinery — Protective structures — Part 1: General’.

**[3] Paragraph 6.02 (2) (a)**

*omit*

*Environment Protection (Nuclear Codes) Act 1978;*

*insert*

*Atomic Energy Act 1953;*

**[4] Regulation 6.03, definition of *hazardous substance*, paragraph (a), including the note**

*substitute*

(a) that is mentioned in the Hazardous Substances Information System, as in force on 23 November 2010; or

*Note* The Hazardous Substances Information System is available through <http://www.safeworkaustralia.gov.au>.

**[5] Regulation 6.03, definition of *substance name*, paragraph (b)**

*omit*

National Health and Medical Research Council

*insert*

National Drugs and Poisons Schedule Committee

**[6] Paragraph 6.04 (1) (a), including the note**

*substitute*

(a) whether the substance is a substance mentioned in the Hazardous Substances Information System, as in force on 23 November 2010; and

*Note* The Hazardous Substances Information System is available through <http://www.safeworkaustralia.gov.au>.

**[7] Paragraph 6.04 (1) (b)***omit*

included in that List

*insert*

mentioned in the Hazardous Substances Information System

**[8] Subregulation 6.04 (1A)***substitute*

- (1A) Strict liability applies to the physical element in paragraph (1) (a) that the substance is mentioned in the Hazardous Substances Information System, as in force on 23 November 2010.

**[9] Subparagraph 8.02A (3) (d) (i)***substitute*

- (i) the AE Code; or

**[10] Subregulation 8.04 (1), definition of *Class label****omit*

Chapter 7

*insert*

Chapter 5.2

**[11] Subregulation 8.04 (1), definition of *Competent Authority****substitute****Competent Authority*** means:

- (a) for New South Wales — a Competent Authority within the meaning of subsection 16 (1) of the *Dangerous Goods (Road and Rail Transport) Act 2008* (NSW) as in force on 1 January 2011; or

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- (b) for Victoria:
    - (i) the Authority within the meaning of subsection 3 (1) of the **Dangerous Goods Act 1985** (Vic) as in force on 1 January 2011; or
    - (ii) the Governor in Council of Victoria mentioned in section 9B of the **Dangerous Goods Act 1985** (Vic) as in force on 1 January 2011; or
  - (c) for Queensland — the chief executive mentioned in section 152 of the *Transport Operations (Road Use Management) Act 1995* (Qld) as in force on 1 January 2011; or
  - (d) for Western Australia — the Chief Officer within the meaning of subsection 3 (1) of the *Dangerous Goods Safety Act 2004* (WA) as in force on 1 January 2011; or
  - (e) for South Australia — a Competent Authority within the meaning of subsection 2 (1) of the *Dangerous Substances Act 1979* (SA) as in force on 1 January 2011; or
  - (f) for Tasmania — a Competent Authority within the meaning of subsection 4 (1) of the *Dangerous Goods (Road and Rail Transport) Act 2010* (Tas) as in force on 1 January 2011; or
  - (g) for the Australian Capital Territory — a competent authority within the meaning of the Dictionary to the *Dangerous Goods (Road Transport) Act 2009* (ACT) as in force on 1 January 2011; or
  - (h) for the Northern Territory — a Competent Authority within the meaning of section 6 of the *Dangerous Goods (Road and Rail Transport) Act* (NT) as in force on 1 January 2011.

**[12] Subregulation 8.04 (1), definition of *explosive***

*substitute*

***explosive*** means a substance or mixture of substances that:

- (a) meet the criteria for Class 1 dangerous goods in Part 2 of the ADG Code; or
- (b) are listed in Appendix 1 to the AE Code.

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**[13] Subregulation 8.04 (1), definition of *goods too dangerous to be transported*, paragraph (a)**

*omit*

Appendix 5

*insert*

Appendix A

**[14] Subregulation 8.04 (1), definition of *Hazchem code*, including the note**

*substitute*

***Hazchem code*** has the meaning given by clause 1.2.1.1 of the ADG Code.

*Note* In 2011, ***Hazchem code*** was defined in clause 1.2.1.1 of the ADG Code, in relation to dangerous goods in placardable units, tanks or bulk containers, as the Hazchem code prescribed for those goods in Appendix C to the Code.

**[15] Subregulation 8.04 (1), definitions of *product name* and *proper shipping name*, including the note**

*substitute*

***product name***, in relation to dangerous goods, means the brand name, trade name, code name or code number given to the dangerous goods by the supplier of the dangerous goods.

***proper shipping name*** has the same meaning as in section 2.0.2 of the ADG Code.

**[16] Subregulation 8.04 (1), definition of *relevant Competent Authority***

*substitute*

***relevant Competent Authority***, for an employer, means a Competent Authority in the State or Territory in which the employer operates.

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**[17] Subregulation 8.04 (1), definition of *Subsidiary Risk label***

*omit*

Chapter 7

*insert*

Part 5

**[18] Subregulation 8.04 (1), definition of *UN number*, paragraph (a)**

*omit*

Appendix 1 to

*insert*

the Dangerous Goods List in section 3.2.3 of

**[19] Paragraph 8.04 (3) (a)**

*omit*

Appendix 2 to

*insert*

the Dangerous Goods List in section 3.2.3 of

**[20] Paragraph 8.04 (3) (b)**

*omit*

Chapter 2

*insert*

Part 2

**[21] Subregulation 8.04 (3), note**

*omit*

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**[22] Paragraphs 8.04 (7) (a) and (c)**

*omit*

Appendix 2 to

*insert*

the Dangerous Goods List in section 3.2.3 of

**[23] Paragraphs 8.04 (8) (a) and (c)**

*omit*

in Appendix 2 to

*insert*

of the Dangerous Goods List in section 3.2.3 of

**[24] Subregulation 8.04 (8), note**

*omit*

Part 10

*insert*

Part 20

**[25] Regulation 8.05, note**

*omit*

Chapter 2

*insert*

Part 2

**[26] Regulation 8.07**

*omit*

**[27] Paragraph 8.09 (2) (a)**

*omit*

Chapter 2

*insert*

Part 2



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**[28] Paragraph 8.09 (6) (a)**

*omit*

Appendix 2

*insert*

section 3.2.3

**[29] Paragraph 8.09 (6) (b)**

*omit*

Chapter 2

*insert*

Part 2

**[30] Subregulation 8.11 (1), note**

*omit*

Chapter 3 of the ADG Code deals

*insert*

Parts 4 and 5 of the ADG Code deal

**[31] Paragraph 8.11 (5) (a)**

*omit*

cylinder, disposable container or aerosol container;

*insert*

cylinder or container;

**[32] Subregulation 8.11 (5), note**

*omit*

**[33] Subregulation 8.39 (4), note**

*omit*

Chapter 11

*insert*

Part 11

**[34] Subparagraph 8.44A (2) (b) (iii)***omit*

subclass

*insert*

Division

**[35] Subregulation 8.44A (3)***substitute*

(3) For subparagraph (2) (b) (iii):

***Division*** has the meaning given by section 1.2 of the AE Code.**[36] Subregulation 8.45 (2), note***omit*

Chapter 7

*insert*

Part 5

**[37] Subregulation 8.48 (2), note***omit*

Chapter 7

*insert*

Part 5

**[38] Paragraph 8.54 (1) (a)***omit*

25, 26 or 27

*insert*

24, 25 or 26

**[39] Subregulation 8.59 (2), note***omit*

Chapter 7

*insert*

Part 5

**[40] Subregulation 20.01 (1), definition of *ADG Code*, including the note***substitute*

***ADG Code*** means the Australian Code for the Transport of Dangerous Goods by Road and Rail, 7th edition, published by the National Transport Commission in 2007.

*Note* Further information about the ADG Code is available at <http://www.ntc.gov.au>.

***AE Code*** means the Australian Code for the Transport of Explosives by Road and Rail, 3rd edition, endorsed by the Workplace Relations Ministers' Council in April 2009.

**[41] Schedule 5, after item 3***insert*

3A AS 1636

AS 1636.1-1996 'Tractors — Roll-over protective structures — Criteria and tests — Part 1: Conventional tractors'

AS 1636.2-1996 'Tractors — Roll-over protective structures — Criteria and tests — Part 2: Rear-mounted for narrow-track tractors'

AS 1636.3-1996 'Tractors — Roll-over protective structures — Criteria and tests — Part 3: Mid-mounted for narrow-track tractors'

**[42] Schedule 5, after item 4***insert*

4A AS 2294.1-1997 'Earth-moving machinery — Protective structures — Part 1: General'

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**[43] Schedule 8, paragraph 1 (4) (a)**

*omit*

Chapter 7

*insert*

Part 5

**[44] Schedule 8, paragraph 1 (5) (a)**

*omit*

Chapter 7

*insert*

Part 5

**[45] Schedule 8, paragraph 3 (1) (b)**

*omit*

Chapter 7

*insert*

Part 5

**[46] Schedule 9, Part 2, items 60 and 62, column 2**

*omit*

Appendix 5

*insert*

Appendix A

**[47] Schedule 9A, clause 212**

*omit*

subregulation 9.429.43 (2)

*insert*

subregulation 9.46 (2)

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**Note**

1. All legislative instruments and compilations are registered on the Federal Register of Legislative Instruments kept under the *Legislative Instruments Act 2003*. See <http://www.frli.gov.au>.