



Work Health and Safety Amendment (Labelling of Hazardous Chemicals) Regulations 2018

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd), Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following regulations.

Dated 13 December 2018

Peter Cosgrove
Governor-General

By His Excellency's Command

Kelly O'Dwyer
Minister for Jobs and 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 (Labelling of Hazardous Chemicals) Regulations 2018*.

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 2019.	1 January 2019

Note: This table relates only to the provisions of this instrument as originally made.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Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.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

Insert:

Agvet Code means the Agricultural and Veterinary Chemicals Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994*.

2 Subregulation 328(7)

Repeal the subregulation.

3 Subregulation 335(2)

Repeal the subregulation, substitute:

- (2) A hazardous chemical is *correctly labelled* if:
- (a) the selection and use of label elements is in accordance with the GHS and it complies with Part 3 of Schedule 9; or
 - (b) the label includes content that complies with another labelling requirement imposed by these Regulations or by another law of the Commonwealth and the content is the same, or substantially the same, as the content that is required by Part 3 of Schedule 9.

4 Paragraph 335(3)(a)

Omit “Standard for the Uniform Scheduling of Medicines and Poisons 2011 published by the Commonwealth, as in force or remade from time to time”, substitute “Poisons Standard”.

5 At the end of regulation 335

Add:

- (7) This regulation does not apply to a hazardous chemical that is:
- (a) a veterinary chemical product within the meaning of the Agvet Code; and
 - (b) listed in:
 - (i) the Poisons Standard, Part 4, Schedule 4, if the chemical product is packaged and supplied in a form intended for direct administration to an animal for therapeutic purposes; or
 - (ii) the Poisons Standard, Part 4, Schedule 8.
- (8) In this regulation:

Poisons Standard means the *Poisons Standard June 2018* published by the Commonwealth, as in force or remade from time to time.

6 Regulation 341

Before “A person”, insert “(1)”.

7 At the end of regulation 341

Add:

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- (2) Subregulation (1) does not apply to a hazardous chemical if the chemical:
- (a) was manufactured or imported before 1 January 2017; and
 - (b) was, at the time it was manufactured or imported, labelled in accordance with the National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)] as in force at that time.

Note: Regulation 338 applies if the chemical is being supplied to another workplace.

8 After subregulation 342(1)

Insert:

- (1A) 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 2017; 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 National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)] as in force at that time.

Note: Regulation 338 applies if the chemical is being supplied to another workplace.

9 Subregulation 342(2)

Omit all the words from and including “a hazardous chemical” to and including “the hazardous chemical.”, substitute:

a hazardous chemical is, while the container contains the hazardous chemical:

- (a) correctly labelled in accordance with regulation 335; or
- (b) if subregulation 341(2) applies—labelled as mentioned in that subregulation; or
- (c) if subregulation 342(1A) applies—labelled as mentioned in that subregulation.

10 Schedule 6 (table 6.2, cell at item 1, column headed “Ingredient classification”)

Repeal the cell, substitute:

Category 1 carcinogen

11 Schedule 6 (table 6.2, cell at item 2, column headed “Ingredient classification”)

Repeal the cell, substitute:

Category 2 carcinogen