

NORTHERN TERRITORY OF AUSTRALIA

WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION) AMENDMENT (HAZARDOUS CHEMICALS) REGULATIONS 2020

Subordinate Legislation No. 34 of 2020

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 34 of 2020*

Work Health and Safety (National Uniform Legislation) Amendment (Hazardous Chemicals) Regulations 2020

I, Vicki Susan O'Halloran, Administrator of the Northern Territory of Australia, acting with the advice of the Executive Council, make the following regulations under the *Work Health and Safety (National Uniform Legislation) Act 2011*.

Responsible Minister:

S. J. M. Uibo
Attorney-General and Minister for Justice

V. S. O'Halloran
Administrator

Date of making 17 December 2020

* Notified in the *Northern Territory Government Gazette* on 23 December 2020.

1	Title
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These Regulations may be cited as the *Work Health and Safety (National Uniform Legislation) Amendment (Hazardous Chemicals) Regulations 2020*.

2	Commencement
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These Regulations commence on 1 January 2021.

3	Regulations amended
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These Regulations amend the *Work Health and Safety (National Uniform Legislation) Regulations 2011*.

4	Regulation 5 amended (Definitions)
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(1) Regulation 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.

Note for definition GHS 3

The Schedule 6 tables replace some tables in GHS 3.

(2) Regulation 5(1), definition **hazardous chemical**

omit, insert

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), 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 for definition **hazardous chemicals***

The Schedule 6 tables replace some tables in the GHS.

(3) Regulation 5(1), definition **GHS**

omit

Third

insert

Seventh

5 Regulation 223 amended (Lasers)

Regulations 223(6)

omit

AS 2397:1993

insert

AS 2397:2015

6 Regulation 338 amended (Supplier labelling hazardous chemicals)

(1) Regulation 338, before "The"

insert

(1)

(2) Regulation 338, note

omit

regulation 338

insert

subregulation (1)

-
- (3) Regulation 338, at the end

insert

- (2) Subregulation (1) does not apply to a hazardous chemical manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.

7 Regulation 341 amended (Labelling hazardous chemicals – general requirement)

Regulation 341(2)

omit, insert

- (2) Subregulation (1) does not apply to a hazardous chemical:
- (a) supplied before 1 January 2017 that 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; or
 - (b) supplied before 1 January 2023 that was, at the time it was supplied, labelled in accordance with GHS 3; or
 - (c) manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.

8 Regulation 342 amended (Labelling hazardous chemicals – containers)

- (1) Regulation 342(1A)

omit, insert

- (1A) Subregulation (1) does not apply to a hazardous chemical:
- (a) manufactured at the workplace, or transferred or decanted from its original container at the workplace, before 1 January 2017 that was, at the time it was manufactured, or transferred or decanted from its original container, labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances [NOHSC: 2012 (1994)]* as in force at that time; or
 - (b) manufactured at the workplace before 1 January 2023 that was, at the time it was manufactured, labelled in accordance with GHS 3; or

(c) transferred or decanted from its original container at the workplace that was:

- (i) manufactured or imported before 1 January 2023; and
- (ii) at the time it was manufactured or imported, labelled in accordance with GHS 3.

Note for subregulation (1A)

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

(2) Regulation 342(2A)

omit, insert

(2A) Subregulation (2) does not apply to a container:

- (a) supplied before 1 January 2017 that 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; or
- (b) supplied before 1 January 2023 that was, at the time it was supplied, labelled in accordance with GHS 3; or
- (c) manufactured or imported before 1 January 2023 that was, at the time it was manufactured or imported, labelled in accordance with GHS 3.

Note for subregulation (2A)

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

9 Regulation 418 amended (Health monitoring records)

Regulation 418(3), note

omit

10 Regulation 786 amended (Introductory period for GHS)

Regulation 786(2) and (3) and note

omit, insert

- (2) Until 1 January 2023, a person is taken to comply with the provision to the extent it requires compliance with the GHS if the person complies with the GHS 3 to the extent that it relates to the matter.

Note for regulation 786

This regulation applies in relation to the whole of these Regulations. Most provisions relating to the GHS are in Chapter 7, however a number of definitions in NUL regulation 5 and NUL regulations 471, 472, 483 and 484 also make reference to the GHS.

11 Schedule 5 amended (Registration of plant and plant designs)

- (1) Schedule 5, clauses 1.1, 3.1 and 3.2

omit

AS 4343:2005 (Pressure equipment – hazard levels)

insert

AS 4343:2014 (Pressure equipment – Hazard levels)

- (2) Schedule 5, clauses 2(1)(ab)

omit

AS 1200:2000

insert

AS/NZS 1200:2015

- (3) Schedule 5, clause 2(1)(ab), note

omit, insert

Note for subclause (1)(ab)

See paragraph A3 of Appendix A to AS/NZS 1200:2015 (Pressure equipment).

-
- (4) Schedule 5, clause 4(1)(a)

omit

AS/NZS 1200:2000

insert

AS/NZS 1200:2015

- (5) Schedule 5, clause 4(1)(a), note

omit, insert

Note for subclause (1)(a)

See paragraph A3 of Appendix A to AS/NZS 1200:2015 (Pressure equipment).

12 Schedule 6 amended (Classification of mixtures)

- (1) Schedule 6, table 6.1, note

omit, insert

Note for table 6.1

Table 6.1 replaces table 3.4.5 in:

(a) the GHS, p 159; and

(b) the GHS 3, p 151.

- (2) Schedule 6, table 6.2, note 2

omit, insert

2 Table 6.2 replaces table 3.6.1 in:

(a) the GHS, p 174; and

(b) the GHS 3, p 166.

- (3) Schedule 6, table 6.3, note 2

omit, insert

2 Table 6.3 replaces table 3.7.1 in:

(a) the GHS, p 187; and

(b) the GHS 3, p 180.

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- (4) Schedule 6, table 6.4, note 2

omit, insert

2 Table 6.4 replaces table 3.8.2 in:

- (a) the GHS, p 197; and
- (b) the GHS 3, p 192.

- (5) Schedule 6, table 6.5, note 2

omit, insert

2 Table 6.5 replaces table 3.9.3 in:

- (a) the GHS, p 207; and
- (b) the GHS 3, p 203.

13 Schedule 7 amended (Safety data sheets)

- (1) Schedule 7, clause 1(2)(a)

omit

Identification: Product identifier and chemical identity

insert

Identification

- (2) Schedule 7, clause 1(2)(g)

omit

storage, including how the chemical may be safely used

insert

storage

14 Schedule 8 amended (Disclosure of ingredients in safety data sheet)

- (1) Schedule 8, clause 2, table 8.1, item 13

omit

Category 2A

insert

Category 2

(2) Schedule 8, clause 3, table 8.2, item 3

omit

(category 2A)

insert

(category 2)

15 Schedule 11 amended (Placard and manifest quantities)

Schedule 11, table 11.1

omit, insert

Table 11.1

Column 1 item	Column 2 Description of hazardous chemical	Column 3	Column 4 Placard quantity	Column 5 Manifest quantity
1	Flammable gases	Category 1A, category 1B or any combination of categories 1A and 1B	200 L	5 000 L
2	Gases under pressure	With acute toxicity, categories 1, 2, 3 or 4	50 L	500 L
3		With skin corrosion categories 1A, 1B or 1C	50 L	500 L
4		Not specified elsewhere in this Table	1 000 L	10 000 L
5	Flammable liquids	Category 1	50 L	500 L
6		Category 2	250 L	2 500 L
7		Category 3	1 000 L	10 000 L
8		Any combination of chemicals from items 5 to 7 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 L	10 000 L
9		Category 4	10 000 L	100 000 L
10	Self-reactive substances	Type A	5 kg or 5 L	50 kg or 50 L

Column 1 item	Column 2 Description of hazardous chemical	Column 3	Column 4 Placard quantity	Column 5 Manifest quantity
11		Type B	50 kg or 50 L	500 kg or 500 L
12		Type C to F	250 kg or 250 L	2 500 kg or 2 500 L
13	Flammable solids	Category 1	250 kg	2 500 kg
14		Category 2	1 000 kg	10 000 kg
15		Any combination of chemicals from items 11 to 14 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 kg or 1 000 L	10 000 kg or 10 000 L
16	Pyrophoric liquids and pyrophoric solids	Category 1	50 kg or 50 L	500 kg or 500 L
17	Self-heating substances and mixtures	Category 1	250 kg or 250 L	2 500 kg or 2 500 L
18		Category 2	1 000 kg or 1 000 L	10 000 kg or 10 000 L
19		Any combination of chemicals from items 16 to 18 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 kg or 1 000 L	10 000 kg or 10 000 L
20	Substances which in contact with water emit flammable gas	Category 1	50 kg or 50 L	500 kg or 500 L
21		Category 2	250 kg or 250 L	2 500 kg or 2 500 L
22		Category 3	1 000 kg or 1 000 L	10 000 kg or 10 000 L

Column 1 item	Column 2 Description of hazardous chemical	Column 3	Column 4 Placard quantity	Column 5 Manifest quantity
23		Any combination of chemicals from items 20 to 22 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 kg or 1 000 L	10 000 kg or 10 000 L
24	Oxidising liquids and oxidising solids	Category 1	50 kg or 50 L	500 kg or 500 L
25		Category 2	250 kg or 250 L	2 500 kg or 2 500 L
26		Category 3	1 000 kg or 1 000 L	10 000 kg or 10 000 L
27		Any combination of chemicals from items 24 to 26 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 kg or 1 000 L	10 000 kg or 10 000 L
28	Organic peroxides	Type A	5 kg or 5 L	50 kg or 50 L
29		Type B	50 kg or 50 L	500 kg or 500 L
30		Type C to F	250 kg or 250 L	2 500 kg or 2 500 L
31		Any combination of chemicals from items 29 and 30 where none of the items exceeds the quantities in columns 4 or 5 on their own	250 kg or 250 L	2 500 kg or 2 500 L
32	Acute toxicity	Category 1	50 kg or 50 L	500 kg or 500 L
33		Category 2	250 kg or 250 L	2 500 kg or 2 500 L
34		Category 3	1 000 kg or 1 000 L	10 000 kg or 10 000 L

Column 1 item	Column 2 Description of hazardous chemical	Column 3	Column 4 Placard quantity	Column 5 Manifest quantity
35		Any combination of chemicals from items 32 to 34 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 kg or 1 000 L	10 000 kg or 10 000 L
36	Skin corrosion	Category 1A	50 kg or 50 L	500 kg or 500 L
37		Category 1B	250 kg or 250 L	2 500 kg or 2 500 L
38		Category 1C	1 000 kg or 1 000 L	10 000 kg or 10 000 L
39	Corrosive to metals	Category 1	1 000 kg or 1 000 L	10 000 kg or 10 000 L
40		Any combination of chemicals from items 36 to 39 where none of the items exceeds the quantities in columns 4 or 5 on their own	1 000 kg or 1 000 L	10 000 kg or 10 000 L
41	Unstable explosives		5 kg or 5 L	50 kg or 50 L
42	Unstable chemicals	Any combination of chemicals from items 10, 28 and 41 where none of the items exceeds the quantities in columns 4 or 5 on their own	5 kg or 5 L	50 kg or 50 L
43	Aerosols	Category 1, category 2, category 3 or any combination of categories 1, 2 and 3	5 000 L	10 000 L

Notes for table 11.1

- 1 *In item 2, gases under pressure with acute toxicity, category 4 only applies up to a LC50 of 5000 ppmV. This is equivalent to dangerous goods of Division 2.3.*
- 2 *Item 43 includes flammable aerosols.*

16	Schedule 19 amended (Infringement notice offences and prescribed amounts)
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Schedule 19, table 19.1

omit

regulation 418(3)

insert

regulation 418(2)

17	Repeal of Regulations
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These Regulations are repealed on the day after they commence.