

TABLING NOTE FOR SUBORDINATE LEGISLATION

SUBORDINATE LEGISLATION NO. 19 OF 2017

Work Health and Safety (National Uniform Legislation) Amendment Regulations 2017

Purpose

The *Work Health and Safety (National Uniform Legislation) Amendment Regulations 2017* simplify the product labelling requirements for agricultural and veterinary chemicals under the Globally Harmonised System of Classification and Labelling of Chemicals, and make general technical updates and language corrections.

Summary of key provisions

The *Work Health and Safety (National Uniform Legislation) Regulations* commenced in the Northern Territory on 1 January 2012, and are based on the Model WHS Regulations developed in accordance with the inter-government agreement to harmonise work health and safety laws across Australia.

The Regulations make amendments to rectify some issues with technical definitions and unclear or incorrect language as well as reducing or clarifying the impact of the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) on the manufacturers, importers, retailers and users of agricultural and veterinary chemicals.

The amendments are the culmination of considerable national debate around the application of the GHS to agricultural and veterinary chemicals. The amendments to the WHS Regulations relating to the GHS will ease negative impacts to businesses and end users without reducing safety outcomes by:

- excluding Schedule 8 veterinary medicines from GHS labelling requirements;
- excluding Schedule 4 veterinary medicines from GHS labelling requirements providing they are supplied in a form and packaging consistent with direct administration to animals;
- clarifying that it is not necessary to include duplicate label elements required by other labelling laws, and that it is permissible to omit elements provided this does not decrease the level of protection or information in relation to the hazards of the chemical; and
- allowing businesses and end users to continue to use, store and handle hazardous chemicals labelled under the pre-GHS system if the chemicals were supplied to the workplace prior to 1 January 2017.

All the amendments will provide additional certainty and clarity to businesses and workers without reducing safety outcomes. It is expected that all jurisdictions will adopt these amendments in 2017, providing ongoing national consistency.

As the amending Regulations in relation to GHS labelling were not provided to jurisdictions until mid-November 2016, the Northern Territory Work Health Authority

made Regulator-initiated class exemptions (under Work Health and Safety (National Uniform Legislation) Regulation 684) to capture their intent until the amendments can be made.

Legislative Authority

Section 276 of the *Work Health and Safety (National Uniform Legislation) Act*.

NORTHERN TERRITORY OF AUSTRALIA

**WORK HEALTH AND SAFETY (NATIONAL UNIFORM LEGISLATION)
AMENDMENT REGULATIONS 2017**

Subordinate Legislation No. 19 of 2017

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NORTHERN TERRITORY OF AUSTRALIA

Subordinate Legislation No. 19 of 2017*

Work Health and Safety (National Uniform Legislation) Amendment Regulations 2017

I, John Laurence Hardy, 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*.

Dated 29 June 2017

J. L. HARDY
Administrator

By His Honour's Command

N. K. FYLES
Attorney-General and Minister for Justice

* Notified in the *Northern Territory Government Gazette* on 29 June 2017.

1 Citation

These Regulations may be cited as the *Work Health and Safety (National Uniform Legislation) Amendment Regulations 2017*.

2 Commencement

These Regulations commence on 1 July 2017.

3 Regulations amended

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

4 Regulation 5 amended

- (1) Regulation 5(1), definitions **tower crane** and **turbine**

omit

- (2) Regulation 5(1)

insert (in alphabetical order)

Agvet Code, in Part 7.1, means the Agricultural and Veterinary Chemicals Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* (Cth).

steam turbine means equipment that is driven by steam acting on a turbine or rotor to cause a rotary motion.

tower crane means:

- (a) a crane that has a boom or a jib mounted on a tower structure;
and

- (b) in Schedule 3:

- (i) the crane, if a jib crane, may be a horizontal or luffing jib type; and

- (ii) the tower structure may be demountable or permanent,

but does not include a self-erecting tower crane.

- (3) Regulation 5(1), definition **ADG Code**

omit

all words from "7th" to "Council"

insert

approved by the Transport and Infrastructure Council, as in force or remade from time to time

- (4) Regulation 5(1), definition **concrete placing boom**

omit

a knuckle boom

insert

an articulating boom

- (5) Regulation 5(1), definition **lift**, paragraph (a)

omit

, escalator, moving walkway

- (6) Regulation 5(1), definition **pressure piping**, paragraph (a)

omit (all references)

liquid

insert

fluid

- (7) Regulation 5(1), definition **self erecting tower crane**

omit

self erecting

insert

self-erecting

5 Regulation 21 amended

- (1) Regulation 21(1)(a), after "training of"

insert

up to

(2) Regulation 21(1)(b), before "1 day's"

insert

up to

6 Regulation 328 amended

Regulation 328(7)

omit

7 Regulation 335 amended

(1) Regulation 335(2)

omit, insert

(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 Schedule 9, Part 3; or

(b) the label includes content that complies with another labelling requirement imposed by these Regulations or by another law of the Territory or of the Commonwealth and the content is the same, or substantially the same, as the content that is required by Schedule 9, Part 3.

(2) Regulation 335(3)(a)

omit

all words after "with the"

insert

Poisons Standard; and

(3) After regulation 335(6)

insert

(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 Standard for the Uniform Scheduling of Medicines and Poisons February 2017 (Cth), as in force or remade from time to time.

8 Regulation 341 amended

(1) Regulation 341, before "A"

insert

(1)

(2) Regulation 341, note

omit

regulation 341

insert

subregulation (1)

(3) Regulation 341, at the end

insert

(2) Subregulation (1) does not apply to a hazardous chemical if the chemical:

- (a) was supplied before 1 July 2017; and
- (b) 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.

Note for regulation 341

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

9 Regulation 342 amended

After regulation 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 July 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 for subregulation (1A)

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

(2) After regulation 342(2)

insert

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

- (a) was supplied before 1 July 2017; and
- (b) 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.

Note for subregulation (2A)

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

10 Regulation 459 amended

(1) Regulation 459(a), after "Class A"

insert

asbestos removal

(2) Regulation 459(b), after "Class B"

insert

asbestos removal

11 Part 8.8 heading amended

Part 8.8, heading, after "**Class A**"

insert

asbestos removal

12 Regulation 475 amended

Section 475, heading, after "**Class A**"

insert

asbestos removal

13 Schedule 3 amended

(1) Schedule 3, item 20

omit

Use of a personnel and materials hoist and of a materials hoist

insert

Use of a personnel and materials hoist

Use of a materials hoist

(2) Schedule 3, item 28

omit

Turbine

insert

Steam turbine

(3) Schedule 3, item 28, after "Operation of a"

insert

steam

14 Schedule 4 amended

- (1) Schedule 4, item 22
omit
all words after "to"
insert
operate a concrete placing boom
- (2) Schedule 4, item 28
omit
Turbine
insert
Steam turbine
- (3) Schedule 4, item 28, after "a"
insert
steam

15 Schedule 5 amended

- (1) Schedule 5, Part 1, clause 1.4
omit
including
- (2) Schedule 5, Part 1, clause 1.8
omit
covered
insert
classified
- (3) Schedule 5, Part 2, clause 3.4
omit
including

(4) Schedule 5, Part 2, clause 3.6

omit

covered

insert

classified

16 Schedule 13 amended

Schedule 13, clause 3(3), definition **red**

omit

2007S-1996

insert

2700S-1996

17 Expiry of Regulations

These Regulations expire on the day after they commence.