



New South Wales

Work Health and Safety Amendment (GHS Labelling) Regulation 2020

under the

Work Health and Safety Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Work Health and Safety Act 2011*.

KEVIN ANDERSON, MP
Minister for Better Regulation and Innovation

Explanatory note

The object of this Regulation is to amend the *Work Health and Safety Regulation 2017* as follows—

- (a) to give effect to the *Model Work Health and Safety Regulations (Hazardous Chemicals) Amendment 2020* by making amendments to facilitate the transition from the third revised edition of the *Globally Harmonised System of Classification and Labelling of Chemicals* to the seventh revised edition,
- (b) to update certain Australian Standards references relating to—
 - (i) the safe use of lasers, and
 - (ii) pressure equipment, including hazard level categorisation.

This Regulation is made under the *Work Health and Safety Act 2011*, including section 276 and Schedule 3 (the general regulation-making powers) and Schedule 4, clause 1.

Work Health and Safety Amendment (GHS Labelling) Regulation 2020

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Work Health and Safety Act 2011

1 Name of Regulation

This Regulation is the *Work Health and Safety Amendment (GHS Labelling) Regulation 2020*.

2 Commencement

This Regulation commences on the day on which it is published on the NSW legislation website.

Schedule 1 Amendment of Work Health and Safety Regulation 2017

[1] Clause 5 Definitions

Omit “Third” from the definition of *GHS* in clause 5(1). Insert instead “Seventh”.

[2] Clause 5(1)

Insert in alphabetical order—

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— The Schedule 6 tables replace some tables in GHS 3.

[3] Clause 5(1), definition of “hazardous chemical”

Omit the definition. Insert instead—

hazardous chemical means a substance, mixture or article that satisfies the criteria for any 1 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 1 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— The Schedule 6 tables replace some tables in the GHS.

[4] Clause 223 Lasers

Omit “AS 2397–1993—*Safe use of lasers in the building and construction industry*” from clause 223(6).

Insert instead “AS 2397:2015—*Safe use of lasers in the building and construction industry*”.

[5] Clause 338 Supplier labelling hazardous chemicals

Insert at the end of the clause—

- (2) Subclause (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.

[6] Clause 341 Labelling hazardous chemicals—general requirement

Omit clause 341(2). Insert instead—

- (2) Subclause (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.

Note— Clause 338 applies if the chemical is being supplied to another workplace.

[7] Clause 342 Labelling hazardous chemicals—containers

Omit clause 342(1A). Insert instead—

- (1A) Subclause (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— Clause 338 applies if the chemical is being supplied to another workplace.

[8] Clause 342(2A)

Omit the subclause. Insert instead—

- (2A) Subclause (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— Clause 338 applies if the container is being supplied to another workplace.

[9] Clause 702C

Insert after clause 702B—

702C Transition from GHS 3 to GHS

- (1) A reference in this Regulation to an act or thing being done in accordance with the GHS is taken to include a reference to the act or thing being done in accordance with GHS 3.
- (2) This clause is repealed at the end of 31 December 2022.

[10] Schedule 5 Registration of plant and plant designs

Omit “AS 4343–2005 (*Pressure equipment—hazard levels*)” from Part 1, clause 1, item 1.1.

Insert instead “AS 4343:2014 (*Pressure equipment—Hazard levels*)”.

[11] Schedule 5, Part 1, clause 2(1)(ab)

Omit the paragraph. Insert instead—

- (ab) any pressure equipment, other than a gas cylinder, excluded from the scope of AS/NZS 1200:2015 (*Pressure equipment*), or

Note— See paragraph A3 of Appendix A to AS/NZS 1200:2015.

[12] Schedule 5, Part 2, clause 3, items 3.1 and 3.2

Omit “AS 4343–2005 (*Pressure equipment—Hazard levels*)” wherever occurring.

Insert instead “AS 4343:2014 (*Pressure equipment—Hazard levels*)”.

[13] Schedule 5, Part 2, clause 4(1)(a)

Omit the paragraph. Insert instead—

- (a) any pressure equipment, other than a gas cylinder, excluded from the scope of AS/NZS 1200:2015 (*Pressure equipment*), or

Note— See paragraph A3 of Appendix A to AS/NZS 1200:2015.

[14] Schedule 6 Classification of mixtures

Omit the note to Table 6.1. Insert instead—

Note—

Table 6.1 replaces table 3.4.5 in—

- (a) the GHS, p 159, and
(b) GHS 3, p 151.

[15] Schedule 6, Table 6.2, note 2

Omit the note. Insert instead—

- 2** Table 6.2 replaces table 3.6.1 in—
(a) the GHS, p 174, and
(b) GHS 3, p 166.

[16] Schedule 6, Table 6.3, note 2

Omit the note. Insert instead—

- 2** Table 6.3 replaces table 3.7.1 in—
(a) the GHS, p 187, and
(b) GHS 3, p 180.

[17] Schedule 6, Table 6.4, note 2

Omit the note. Insert instead—

- 2** Table 6.4 replaces table 3.8.2 in—
(a) the GHS, p 197, and
(b) GHS 3, p 192.

[18] Schedule 6, Table 6.5, note 2

Omit the note. Insert instead—

- 2** Table 6.5 replaces table 3.9.3 in—

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

[19] Schedule 7 Safety data sheets

Omit “: Product identifier and chemical identity” from clause 1(2)(a).

[20] Schedule 7, clause 1(2)(g)

Omit “, including how the chemical may be safely used”.

[21] Schedule 8 Disclosure of ingredients in safety data sheet

Omit “Category 2A” from clause 2, Table 8.1, item 13. Insert instead “Category 2”.

[22] Schedule 8, clause 3, Table 8.2, item 3

Omit “category 2A”. Insert instead “category 2”.

[23] Schedule 11 Placard and manifest quantities

Omit Table 11.1. Insert instead—

Table 11.1

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|----------|-----------------------------------|--|------------------|-------------------|
| Item | Description of hazardous chemical | | Placard quantity | Manifest quantity |
| 1 | Flammable gases | Category 1A, category 1B or any combination of categories 1A and 1B | 200L | 5,000L |
| 2 | Gases under pressure | With acute toxicity, categories 1, 2, 3 or 4 | 50L | 500L |
| 3 | | With skin corrosion categories 1A, 1B or 1C | 50L | 500L |
| 4 | | Not specified elsewhere in this Table | 1,000L | 10,000L |
| 5 | | Category 1 | 50L | 500L |
| 6 | Flammable liquids | Category 2 | 250L | 2,500L |
| 7 | | Category 3 | 1,000L | 10,000L |
| 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 | 1,000L | 10,000L |
| 9 | | Category 4 | 10,000L | 100,000L |
| 10 | Self-reactive substances | Type A | 5kg or 5L | 50kg or 50L |
| 11 | | Type B | 50kg or 50L | 500kg or 500L |
| 12 | | Type C to F | 250kg or 250L | 2,500kg or 2,500L |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------------|---|--|-------------------------|--------------------------|
| Item | Description of hazardous chemical | | Placard quantity | Manifest quantity |
| 13 | Flammable solids | Category 1 | 250kg | 2,500kg |
| 14 | | Category 2 | 1,000kg | 10,000kg |
| 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 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 16 | Pyrophoric liquids and pyrophoric solids | Category 1 | 50kg or 50L | 500kg or 500L |
| 17 | | Category 1 | 250kg or 250L | 2,500kg or 2,500L |
| 18 | | Category 2 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 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 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 20 | Substances which in contact with water emit flammable gas | Category 1 | 50kg or 50L | 500kg or 500L |
| 21 | | Category 2 | 250kg or 250L | 2,500kg or 2,500L |
| 22 | | Category 3 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 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 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 24 | Oxidising liquids and oxidising solids | Category 1 | 50kg or 50L | 500kg or 500L |
| 25 | | Category 2 | 250kg or 250L | 2,500kg or 2,500L |
| 26 | | Category 3 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 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 | 1,000kg or 1,000L | 10,000kg or 10,000L |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------------|--|---|-------------------------|--------------------------|
| Item | Description of hazardous chemical | | Placard quantity | Manifest quantity |
| 28 | Organic peroxides | Type A | 5kg or 5L | 50kg or 50L |
| 29 | | Type B | 50kg or 50L | 500kg or 500L |
| 30 | | Type C to F | 250kg or 250L | 2,500kg or 2,500L |
| 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 | 250kg or 250L | 2,500kg or 2,500L |
| 32 | Acute toxicity | Category 1 | 50kg or 50L | 500kg or 500L |
| 33 | | Category 2 | 250kg or 250L | 2,500kg or 2,500L |
| 34 | | Category 3 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 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 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 36 | Skin corrosion | Category 1A | 50kg or 50L | 500kg or 500L |
| 37 | | Category 1B | 250kg or 250L | 2,500kg or 2,500L |
| 38 | | Category 1C | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 39 | Corrosive to metals | Category 1 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 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 | 1,000kg or 1,000L | 10,000kg or 10,000L |
| 41 | Unstable explosives | | 5kg or 5L | 50kg or 50L |
| 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 | 5kg or 5L | 50kg or 50L |
| 43 | Aerosols | Category 1, category 2, category 3 or any combination of categories 1, 2 and 3 | 5,000L | 10,000L |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------------|---|-----------------|-------------------------|--------------------------|
| Item | Description of hazardous chemical | | Placard quantity | Manifest quantity |
| Notes | | | | |
| 1 | In item 2, Gases under pressure with acute toxicity, category 4 only applies up to a LC50 of 5,000 ppmV. This is equivalent to dangerous goods of Division 2.3. | | | |
| 2 | Item 43 includes flammable aerosols. | | | |
