

TASMANIA

**WORK HEALTH AND SAFETY AMENDMENT
REGULATIONS 2021**

STATUTORY RULES 2021, No. 121

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WORK HEALTH AND SAFETY AMENDMENT REGULATIONS 2021

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the *Work Health and Safety Act 2012*.

Dated 13 December 2021.

B. BAKER
Governor

By Her Excellency's Command,

ELISE ARCHER
Minister for Workplace Safety and Consumer Affairs

1. Short title

These regulations may be cited as the *Work Health and Safety Amendment Regulations 2021*.

2. Commencement

These regulations take effect on 22 December 2021.

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3. Principal Regulations

In these regulations, the *Work Health and Safety Regulations 2012** are referred to as the Principal Regulations.

4. Regulation 5 amended (Interpretation)

Regulation 5(1) of the Principal Regulations is amended as follows:

- (a) by inserting “dated 16 December 2019” after “Contaminants” in the definition of *exposure standard*;
- (b) by omitting “Third” from the definition of *GHS* and substituting “Seventh”;
- (c) by inserting the following definition after the definition of *GHS*:

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*.

- (d) by omitting the definition of *hazardous chemical* and substituting the following definition:

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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;

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- (i) hazardous to the ozone layer;

Note

The Schedule 6 tables replace some tables in the GHS.

5. Regulation 216A inserted

After regulation 216 of the Principal Regulations, the following regulation is inserted in Subdivision 3:

216A. Restrictions on use of quad bikes

- (1) The person with management or control of a quad bike at a workplace must ensure that –
 - (a) an approved helmet is available for use with the quad bike; and
 - (b) any person using the quad bike has been provided with appropriate training in the use of the quad bike; and
 - (c) the quad bike is not used to carry a passenger unless the quad bike is designed to carry a seated passenger.

Penalty: In the case of –

- (a) an individual, a fine not exceeding \$6 000; or

(b) a body corporate, a fine not exceeding \$30 000.

(2) A person must not use a quad bike at a workplace unless the person –

(a) has undertaken appropriate training in the use of the quad bike; and

(b) is using the quad bike consistently with that training; and

(c) is wearing an approved helmet.

Penalty: Fine not exceeding \$6 000.

(3) A person must not use a quad bike to carry a passenger at a workplace unless the quad bike is designed to carry a seated passenger.

Penalty: Fine not exceeding \$6 000.

(4) In this regulation –

approved helmet means a helmet that complies with AS 1698, AS/NZS 1698, UN ECE22.05 or any other relevant standard;

quad bike means a motor vehicle with 4 wheels that is ridden in the same way as a motor bike.

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Regulations 214 and 215 also apply to a quad bike.

6. Regulation 223 amended (Lasers)

Regulation 223(6) of the Principal Regulations is amended by omitting “1993” and substituting “2015”.

7. Regulation 338 amended (Supplier labelling hazardous chemicals)

Regulation 338 of the Principal Regulations is amended as follows:

- (a) by renumbering the section as subsection (1);
- (b) by inserting the following subregulation after subregulation (1):
 - (2) Subregulation (1) does not apply to a hazardous chemical manufactured or imported before 1 January 2023 that was, at the time when it was manufactured or imported, labelled in accordance with GHS 3.

8. Regulation 341 amended (Labelling hazardous chemicals – general requirement)

Regulation 341 of the Principal Regulations is amended by omitting subregulation (2) and substituting the following subregulation:

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

9. Regulation 342 amended (Labelling hazardous chemicals – containers)

Regulation 342 of the Principal Regulations is amended as follows:

- (a) by omitting subregulation (1A) and substituting the following subregulation:
 - (1A) Subregulation (1) does not apply to a hazardous chemical –

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- (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 when 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 when 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

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- (ii) at the time when it was manufactured or imported, labelled in accordance with GHS 3.
- (b) by omitting subregulation (2A) and substituting the following subregulation:
 - (2A) Subregulation (2) does not apply to a container –
 - (a) supplied before 1 January 2017 that was, at the time when 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 when it was supplied, labelled in accordance with GHS 3; or
 - (c) manufactured or imported before 1 January 2023 that was, at the time when it was manufactured or

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imported, labelled in
accordance with GHS 3.

10. Regulation 702D inserted

After regulation 702C of the Principal Regulations, the following regulation is inserted in Part 11.3:

702D. Transition from GHS 3 to GHS

- (1) A reference in these regulations 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 regulation is rescinded on 31 December 2022.

11. Schedule 5 amended (Registration of Plant and Plant Designs)

Schedule 5 to the Principal Regulations is amended as follows:

- (a) by omitting

- 1.1 Pressure equipment, other than pressure piping, and categorised as hazard level A, B, C or D according to the criteria in Section 2.1 of AS4343:2005(Pressure equipment – hazard levels).

from Part 1 and substituting the
following item:

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- 1.1 Pressure equipment, other than pressure piping, and categorised as hazard level A, B, C or D according to the criteria in Section 2.1 of AS 4343:2014 (Pressure equipment – Hazard levels).

(b) by omitting

- (ab) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (Pressure equipment); or

Note

See section A1 of Appendix A to AS/NZS 1200:2000

- (b) a crane or hoist that is manually powered; or

from item 2(1) of Part 1 and substituting the following items:

- (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

- (b) a crane or hoist that is manually powered; or

(c) by omitting

- 3.1 Boilers categorised as hazard level A, B or C according to criteria in Section 2.1 of AS4343:2005 (Pressure equipment – Hazard levels).
- 3.2 Pressure vessels categorised as hazard level A, B or C according to the criteria in Section 2.1 of AS4343:2005 (Pressure equipment – Hazard levels), except –

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- (a) gas cylinders; and
- (b) LP Gas fuel vessels for automotive use; and
- (c) serially produced vessels.

from Part 2 and substituting the following items:

- 3.1 Boilers categorised as hazard level A, B or C according to criteria in Section 2.1 of AS 4343:2014 (Pressure equipment – Hazard levels).
- 3.2 Pressure vessels categorised as hazard level A, B or C according to the criteria in Section 2.1 of AS 4343:2014 (Pressure equipment – Hazard levels), except –
 - (a) gas cylinders; and
 - (b) LP Gas fuel vessels for automotive use; and
 - (c) serially produced vessels.

(d) by omitting

- (a) any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (Pressure equipment); or

Note

See section A1 of Appendix A to AS/NZS 1200:2000

- (b) a crane or hoist that is manually powered; or

from item 4(1) of Part 2 and substituting the following items:

- (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

- (b) a crane or hoist that is manually powered; or

12. Schedule 6 amended (Classification of Mixtures)

Schedule 6 to the Principal Regulations is amended as follows:

- (a) by omitting the note at the foot of Table 6.1 and substituting the following note:

Note

Table 6.1 replaces table 3.4.5 in the GHS, p. 159 and in GHS 3, p.151.

- (b) by omitting the notes at the foot of Table 6.2 and substituting the following notes:

Notes

1. The concentration limits in table 6.2 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.2 replaces table 3.6.1 in the GHS, p. 174 and in GHS 3, p. 166.

- (c) by omitting the notes at the foot of Table 6.3 and substituting the following notes:

Notes

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1. The concentration limits in table 6.3 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.3 replaces table 3.7.1 in the GHS, p. 187 and in GHS 3, p. 180.

(d) by omitting the notes at the foot of Table 6.4 and substituting the following notes:

Notes

1. The concentration limits in table 6.4 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.4 replaces table 3.8.2 in the GHS, p. 197 and in GHS 3, p. 192.

(e) by omitting the notes at the foot of Table 6.5 and substituting the following notes:

Notes

1. The concentration limits in table 6.5 apply to solids and liquids (w/w units) and gases (v/v units).
2. Table 6.5 replaces table 3.9.3 in the GHS, p. 207 and in GHS 3, p. 203.

13. Schedule 7 amended (Safety Data Sheets)

Clause 1(2) of Schedule 7 to the Principal Regulations is amended as follows:

(a) by omitting paragraph (a) and substituting the following paragraph:

(a) Section 1: Identification;

(b) by omitting paragraph (g) and substituting the following paragraph:

(g) Section 7: Handling and storage;

14. Schedule 8 amended (Disclosure of Ingredients in Safety Data Sheet)

Schedule 8 to the Principal Regulations is amended as follows:

(a) by omitting item 13 from Table 8.1 and substituting the following item:

13. Serious eye damage or eye irritation Category 1

Category 2

(b) by omitting item 3 from Table 8.2 and substituting the following item:

3. Serious eye damage or eye irritation (category 2)

15. Schedule 11 amended (Placard and Manifest Quantities)

Schedule 11 to the Principal Regulations is amended by omitting Table 11.1 and the notes at the foot of that table and substituting the following table:

Table 11.1

Column 1	Column 2	Column 3	Column 4	Column 5
Item	Description	of hazardous chemical	Placard quantity	Manifest quantity

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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, category 1, 2, 3 or 4	50L	500L
3.		With skin corrosion, category 1A, 1B or 1C	50L	500L
4.		Not specified elsewhere in this table	1 000L	10 000L
5.	Flammable liquids	Category 1	50L	500L
6.		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

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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.	Self-heating substances and mixtures	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

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Description	of hazardous chemical	Placard quantity	Manifest quantity
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
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

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Description	of hazardous chemical	Placard quantity	Manifest quantity
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

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Column 1	Column 2	Column 3	Column 4	Column 5
Item	Description	of hazardous chemical	Placard quantity	Manifest quantity
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

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.

16. Schedule 18A amended (Infringement Notice Offences)

Schedule 18A to the Principal Regulations is amended by inserting after item 68 the following items:

68A.	Regulation 216A(1)	144	720
68B.	Regulation 216A(2)	144	
68C.	Regulation 216A(3)	144	

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Printed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 22 December 2021.

These regulations are administered in the Department of Justice.

EXPLANATORY NOTE

(This note is not part of the regulations)

These regulations amend the *Work Health and Safety Regulations 2012* by –

- (a) requiring persons at a workplace –
 - (i) to wear a helmet when using a quad bike; and
 - (ii) to undergo training before using a quad bike; and
 - (iii) not to carry a passenger on a quad bike unless the bike is designed to carry a seated passenger; and
- (b) updating references to the Workplace Exposure Standard for Airborne Contaminants, the Globally Harmonised System of Classification and Labelling of Chemicals (GHS) and Australian Standards that have been superseded.