

South Australia

Work Health and Safety (Miscellaneous) Variation Regulations 2016

under the *Work Health and Safety Act 2012*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Work Health and Safety (Miscellaneous) Variation Regulations 2016*.

2—Commencement

These regulations will come into operation on 1 January 2017.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Work Health and Safety Regulations 2012*

4—Variation of regulation 5—Definitions

- (1) Regulation 5, definition of *ADG Code*—delete "7th edition, approved by the Australian Transport Council" and substitute:

approved by the Transport and Infrastructure Council, as in force or remade from time to time
- (2) Regulation 5—after the definition of *administrative control* insert:

Agvet Code means, in Chapter 7 Part 1, the Agricultural and Veterinary Chemicals Code set out in the Schedule to the *Agricultural and Veterinary Chemicals Code Act 1994* of the Commonwealth;
- (3) Regulation 5—after the definition of *bulk* insert:

C1 combustible liquid means, in Chapter 7 Part 1, combustible liquid that has a flash point of 150°C or less;
- (4) Regulation 5, definition of *concrete placing boom*—delete "a knuckle" and substitute:

an articulating
- (5) Regulation 5, definition of *pressure piping*, (a)—delete "liquid" wherever occurring and substitute in each case:

fluid
- (6) Regulation 5—after the definition of *specified VET course* insert:

steam turbine means equipment that is driven by steam acting on a turbine or rotor to cause a rotary motion;
- (7) Regulation 5, definition of *tower crane*, (a)—delete "boom crane or a jib crane" and substitute:

crane that has a boom or a jib
- (8) Regulation 5, definition of *tower crane*, (b)—delete ", in Schedule 3,"
- (9) Regulation 5, definition of *turbine*—delete the definition

5—Variation of regulation 96—Notice of change of address

Regulation 96—delete "give written notice to" and substitute:

notify

6—Variation of regulation 98—Replacement licence document

Regulation 98(1)—delete "give written notice to" and substitute:

notify

7—Variation of regulation 127—Replacement accreditation document

Regulation 127(1)—delete "give written notice to" and substitute:
notify

8—Revocation of regulation 164A

Regulation 164A—delete the regulation

9—Variation of regulation 288—Replacement registration document

Regulation 288(1)—delete "give written notice to" and substitute:
notify

10—Variation of regulation 328—Application of Chapter 7 Part 1

Regulation 328(8)—delete subregulation (8)

11—Variation of regulation 335—Labelling hazardous chemicals

- (1) Regulation 335(2)—delete "the selection and use of label elements is in accordance with the GHS and it complies with Part 3 of Schedule 9" and substitute:
—
 - (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 this State or 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.
- (2) Regulation 335(3)(a)—delete "*Standard for the Uniform Scheduling of Medicines and Poisons 2011* published by the Commonwealth, as in force or remade from time to time" and substitute:
Poisons Standard
- (3) Regulation 335—after subregulation (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 October 2016* published by the Commonwealth, as in force or remade from time to time.

12—Variation of regulation 341—Labelling hazardous chemicals—general requirement

Regulation 341—after its present contents (now to be designated as subregulation (1)) insert:

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

Note—

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

13—Variation of regulation 342—Labelling hazardous chemicals—containers

(1) Regulation 342—after subregulation (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) is labelled in accordance with the *National Code of Practice for the Labelling of Workplace Substances* [NOHSC: 2012 (1994)] as in force at the time it was manufactured, or transferred or decanted from its original container at the workplace.

Note—

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

(2) Regulation 342—after subregulation (2) insert:

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

Note—

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

14—Variation of regulation 459—Asbestos removal supervisor must be present or readily available

(1) Regulation 459(a)—after "Class A" insert:

asbestos removal

(2) Regulation 459(b)—after "Class B" insert:

asbestos removal

15—Variation of heading to Chapter 8 Part 8

Heading to Chapter 8 Part 8—after "Class A" insert:

asbestos removal

16—Variation of regulation 475—Air monitoring—asbestos removal requiring Class A asbestos removal licence

Regulation 475—after subregulation (6) insert:

Note—

This regulation should be read in conjunction with regulation 726.

17—Variation of regulation 513—Replacement licence document

Regulation 513(1)—delete "give written notice to" and substitute:

notify

18—Variation of regulation 530—This Chapter does not apply to certain facilities

Regulation 530(2)(c)—after "and" insert:

located at a site

19—Variation of regulation 726—Application of regulations 475, 476 and 489

Regulation 726(2)—delete "2017" and substitute:

2019

20—Variation of Schedule 3—High risk work licences and classes of high risk work

- (1) Schedule 3, table 3.1, item 20, column 3—after "Use of a personnel and materials hoist" insert:

Use of a materials hoist

- (2) Schedule 3, table 3.1, item 28, column 2—delete "Turbine" and substitute:

Steam turbine

- (3) Schedule 3, table 3.1, item 28, column 3—before "turbine" insert:

steam

21—Variation of Schedule 4—High risk work licences—competency requirements

- (1) Schedule 4, clause 1, table 4.1, item 22, column 3—delete "conduct concrete boom delivery operations" and substitute:

operate a concrete placing boom

- (2) Schedule 4, clause 1, table 4.1, item 28, column 2—delete "Turbine" and substitute:

Steam turbine

- (3) Schedule 4, clause 1, table 4.1, item 28, column 3—before "turbine" insert:

steam

22—Variation of Schedule 5—Registration of plant and plant designs

- (1) Schedule 5, clause 1, item 1.8—delete "covered" and substitute:

classified

- (2) Schedule 5, clause 2(2)—delete "class 1"

- (3) Schedule 5, clause 3, item 3.6—delete "covered" and substitute:

classified

23—Variation of Schedule 13—Placard requirements

Schedule 13, clause 3(3), definition of *red*—delete "2007S" and substitute:

2700S

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 15 December 2016

No 285 of 2016

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