

# Dangerous Substances (National Code of Practice for the Labelling of Workplace Substances) Code of Practice Approval 2006

DI2006-191

## Explanatory Statement

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Section 219 of the *Dangerous Substances Act 2004* provides that the Minister may approve a code of practice setting out guidelines for the Act.

Under section 38 of the *National Occupational Health and Safety Commission Act 1985* (Cwlth), the National Occupational Health and Safety Commission (NOHSC) could declare national standards and codes of practice. In 1994, NOHSC declared the *National Model Regulations for the Control of Workplace Hazardous Substances* (the Model Regulations) which seek to minimise the risk of adverse health effects due to exposure to hazardous substances in the workplace, and the *National Code of Practice for the Control of Workplace Hazardous Substances* (the Hazardous Substances Code of Practice) which provides practical guidance on how to comply with the Model Regulations.

In 1994, NOHSC also declared the *National Code of Practice for the Preparation of Material Safety Data Sheets* (the MSDS Code) and the *National Code of Practice for the Labelling of Workplace Substances* (the Labelling Code) which together provide guidance on the delivery of specific information that the supplier of a substance has to provide to employers (and through them to employees).

The Model Regulations require manufacturers and importers to determine whether a substance is hazardous to health before supply is made. They are also required to prepare labels and MSDSs for all classified substances which provide appropriate information about the hazards of the substances.

The Model Regulations and the Codes of Practice are part of the National Hazardous Substances Regulatory Framework (HSRF). The HSRF package consists of 6 national standards, 11 codes of practice and a range of guidance materials. In the ACT, the NOHSC documents making up the HSRF are being progressively integrated into the regulatory regime developed through the *Dangerous Substances Act 2004* (DS Act).

The 1994 Labelling Code was approved under the *Occupational Health and Safety Act 1989* as a code of practice (DI1995-31 notified in the Australian Capital Territory Gazette No. S92 of 8 May 1995).

The objective of the Labelling Code of Practice is to provide guidance on meeting the requirements for the labelling of hazardous substances used at work under regulations developed by jurisdictions which implement the Model Regulations. Under the Model Regulations, the manufacturer or importer of a substance is required to determine whether the substance is hazardous. Both suppliers and employers are responsible for ensuring that workplace hazardous substances are appropriately labelled. In the ACT, the Model Regulations are being implemented through the Dangerous Substances (General) Regulation 2004.

The Labelling Code is developed as a flexible system of labelling whereby manufacturers and importers can meet the labelling requirements of the national regulations and other national systems (e.g. Australian Dangerous Goods Code and the Standard for the Uniform Scheduling of Drugs and Poisons).

This instrument revokes the approval by DI1995-31 of the *National Code of Practice for the Labelling of Workplace Substances* [NOHSC:2012(1994)] as a code of practice under the *Occupational Health and Safety Act 1989*, and approves the *National Code of Practice for the Labelling of Workplace Substances* [NOHSC:2012(1994)] as a code of practice under the *Dangerous Substances Act 2004*.

The approval under section 219 is a disallowable instrument.

The instrument takes effect on the day after it is notified on the ACT Legislation Register.