

Queensland



Subordinate Legislation 1996 No. 142

Workplace Health and Safety Act 1995

WORKPLACE HEALTH AND SAFETY AMENDMENT REGULATION (No. 1) 1996

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Short title

1. This regulation may be cited as the *Workplace Health and Safety Amendment Regulation (No. 1) 1996*.

Commencement

2. This regulation commences on 2 July 1996.

Regulation amended

3. This regulation amends the *Workplace Health and Safety Regulation 1995*.

Amendment of s 59 (Rural industry exemption)

4. Section 59(2)(h) and (i)—
omit.

Replacement of pts 11 and 12

5. Parts 11 and 12—
omit, insert—

‘PART 11—ACCESS

‘Access must comply with Standards Australia standard and be kept clear

‘65.(1) An employer or self-employed person must ensure access at the employer’s or self-employed person’s workplace—

- (a) complies with AS 1657—1992 as in force at 1 January 1996; and
- (b) is kept clear of debris, equipment and other things at all times.

‘Maximum penalty—30 penalty units.

‘(2) In this section—

“access” means a ladder, platform, stairway or walkway that is fixed and intended to be used by a person to inspect, maintain, operate or service anything at a workplace.

‘PART 12—AIR HANDLING AND WATER SYSTEMS

‘Definition for pt 12

‘66. In this part—

“Australian standard” means ‘AS 3666—1995’ as in force at 1 May 1996.

‘Design and installation of air handling and water systems

‘67.(1) A designer of an air handling or water system for use at a workplace must ensure a system designed after the commencement complies with the Australian standard.

‘Maximum penalty—30 penalty units.

‘(2) An installer of an air handling or water system designed under the Australian standard must ensure, if the system is to be installed at a workplace, that it is installed under the Australian standard.

‘Maximum penalty—30 penalty units.

Examples of ‘air handling systems’—

1. An airconditioning unit.
2. An evaporative air cooler.
3. A humidifier.

Examples of ‘water systems’—

1. A cooling tower.
2. A hot water system.

‘Maintenance and operation of airconditioning units and cooling towers

‘68.(1) An owner of an airconditioning unit or cooling tower¹ used for airconditioning must ensure it is maintained and operated under the Australian standard.

‘Maximum penalty—30 penalty units.

‘Maintenance and operation of air handling and water systems

‘69. An employer or self-employed person must ensure an air handling or water system (other than an airconditioning unit or cooling tower) at the employer’s or self-employed person’s workplace is maintained and operated under the Australian standard.

‘Maximum penalty—30 penalty units.

‘PART 13—COMPRESSED AIR

‘Compliance with Standards Australia standard

‘70.(1) An employer or self-employed person must ensure compressed air work (other than underwater diving) done at the employer’s or self-employed person’s workplace complies with AS CA12 1970 as in force at 1 January 1996 and modified under subsection (2).

‘Maximum penalty—30 penalty units.

‘(2) For this section, AS CA12 1970 is modified in the following way—

(a) rule 2.1.1, ‘40’—

omit, insert—

‘50’;

¹ For the meaning of “airconditioning unit” and “cooling tower”, see the Act, schedule 2.

(b) rule 3.4.1—

omit, insert—

‘Gaseous impurities in working chambers

‘3.4.1(1) A person must not work in a working chamber if air supplied to the chamber—

- (a) has an objectionable odour; or
- (b) contains less than 19.5% oxygen by volume; or
- (c) contains a following impurity in more than its stated concentration—
 - (i) carbon dioxide—1 440 mg per cubic metre;
 - (ii) carbon monoxide—11 mg per cubic metre;
 - (iii) methane—327 mg per cubic metre;
 - (iv) oil—1 mg per cubic metre;
 - (v) designated hazardous substance—the concentration that is equal to the concentration stated for the substance in the national exposure standard divided by the number of absolute atmospheres in the chamber.

‘(2) A sample of air taken from a chamber to work out the concentration of an impurity in the chamber must be reduced to atmospheric pressure before analysis.

‘(3) In subrule (1)(c)(v)—

“designated hazardous substance” see the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*.

“national exposure standard” see the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*.’;

(c) appendix A, ‘18–40’—

omit, insert—

‘50’.

PART 14—CUTTING, RIVETING AND WELDING

‘Compliance with Standards Australia standards

‘71. An employer or self-employed person must ensure cutting, riveting and welding mentioned in the following standards and done at the employer’s or self-employed person’s workplace comply with the standards as in force at 1 January 1996—

- (a) AS 1558—1973 (other than section 2.2);
- (b) AS 1674—1990.

‘Maximum penalty—30 penalty units.

PART 15—ELECTRICAL EQUIPMENT AND INSTALLATIONS

‘Division 1—Interpretation

‘Definitions for pt 15

‘72. In this part—

“construction wiring”, for a construction workplace, means temporary electrical wiring (other than a flexible cable or cord) by which electricity is supplied by an electricity entity for use in, and for the period of, the construction work.

“earth monitoring device” means a device that—

- (a) monitors the earthing connection to an item of equipment; and
- (b) disconnects the electricity supply to the equipment if—
 - (i) there is a break in the earthing connection; or
 - (ii) the earthing connection’s resistance rises above a predetermined level.

“electrical equipment” means any of the following things designed for low voltage electrical operation—

- (a) appliance connector;
- (b) cord extension socket;
- (c) earth monitoring device;
- (d) electrical socket outlet adaptor;
- (e) extension lead;
- (f) flexible cable;
- (g) isolating transformer;
- (h) plug;
- (i) portable electrical equipment;
- (j) residual current device.

“electrical installation” see the *Electricity Act 1994*, section 13.

“electrical worker” means a person who holds a licence or permit under the *Electricity Act 1994* allowing the person to perform electrical work mentioned in this part.

“electricity entity”, see the *Electricity Act 1994*, section 22(1).

“isolating transformer” means a single phase or polyphase air-cooled transformer that—

- (a) can be connected to the input side of a low voltage circuit; and
- (b) provides low voltage electricity supply (effectively isolated from the source of supply and earth) at a nominal voltage ratio of unity to operate 1 item of electrical equipment.

“low voltage” means voltage of—

- (a) for alternating current—more than 32 V but not more than 1 000 V; and
- (b) for direct current—more than 115 V but not more than 1 500 V.²

² “V” is the symbol for volt.

“portable electrical equipment” means a motor operated tool or item of equipment designed for easy movement, and connection by a flexible cable and plug to a low voltage circuit and fixed wiring.

“relevant authority” means—

- (a) for an elevated electric line constructed by an electricity entity—the electricity entity; or
- (b) for an elevated electric line constructed and used by Queensland Rail under the *Transport Infrastructure Act 1994* as part of a system of electric traction or for signalling purposes on a railway—Queensland Rail.

“type 1 safety switch” means a safety switch with rated residual current of not more than 10 mA.³

“type 2 safety switch” means a safety switch with rated residual current of more than 10 mA but not more than 30 mA.³

Examples of ‘safety switch’—

- 1. A residual current device (RCD).
- 2. An earth leakage device (ELD).
- 3. An earth leakage circuit breaker (ELCB).

‘References to Standards Australia standards

‘73. A reference in this part to a Standards Australia standard is a reference to the standard as in force at 1 January 1996.

³ ‘mA’ is the symbol for milliampere.

‘Division 2—Electrical equipment and installations used in work other than construction work

‘Who division applies to

‘74. This division applies to an employer or self-employed person at a workplace where work other than construction work⁴ is, or is to be, done.

‘Using electrical equipment

‘75.(1) This section does not apply to portable electrical equipment used in assembly, fabrication, maintenance, manufacturing or repair work at a workplace.

‘(2) An employer or self-employed person must ensure electrical equipment is not used at the employer’s or self-employed person’s workplace unless it is—

- (a) inspected and tested by an electrical worker under AS 3760—1990 (other than clause 2.4.2.2); or
- (b) protected by a type 1 or 2 safety switch complying with AS 3190—1994.

‘Maximum penalty—30 penalty units.

‘(3) If the equipment complies with AS 3760—1990 (other than clause 2.4.2.2), the employer or self-employed person must ensure—

- (a) the electrical worker, immediately after inspecting and testing the electrical equipment, attaches a durable tag to it within 300 mm of its plug; and
- (b) the tag shows—
 - (i) the day by which the electrical equipment must be reinspected and retested; and

⁴ The Act, section 14 defines “construction work” as “building work”, “civil construction work” and “demolition work”. “Building work”, “civil construction work” and “demolition work” are defined in the dictionary in the Act, schedule 3.

- (ii) the electrical worker's licence or permit number under the *Electricity Act 1994*.

‘Maximum penalty—30 penalty units.

‘(4) In this section—

“**electrical equipment**” includes second-hand portable electrical equipment used for demonstration purposes, but does not include the following—

- (a) double adaptors;
- (b) hire electrical equipment;
- (c) other portable electrical equipment used only for demonstration purposes.

‘Using portable electrical equipment

‘76.(1) An employer or self-employed person must ensure portable electrical equipment used in assembly, fabrication, maintenance, manufacturing or repair work at the employer's or self-employed person's workplace is not used unless it is—

- (a) double insulated; or
- (b) connected to 1 of the following—
 - (i) a type 1 or 2 safety switch complying with AS 3190—1994;
 - (ii) an isolating transformer complying with AS 3108—1994;
 - (iii) an earth monitoring device.

‘Maximum penalty—30 penalty units.

‘Hiring electrical equipment

‘77.(1) An employer or self-employed person who hires electrical equipment to someone else for use at a workplace must ensure—

- (a) a competent person inspects and tests the equipment under AS 3760—1990 (other than clause 2.4.2.2) before each hiring; and
- (b) an electrical worker inspects, tests and tags the equipment in the

way mentioned in section 75(2)(a) and (3) every 6 months.

‘Maximum penalty—30 penalty units.

‘(2) In subsection (1)—

“competent person” means a person who, because of qualifications and experience, has the necessary skills to inspect and test electrical equipment.

‘Double adaptors and piggyback plugs

‘78. An employer or self-employed person must ensure a double adaptor or piggyback plug is not used in assembly, fabrication, maintenance, manufacturing or repair work at the employer’s or self-employed person’s workplace.

‘Maximum penalty—30 penalty units.

‘Extension leads and flexible cables

‘79.(1) An employer or self-employed person must ensure an extension lead or flexible cable for use at the employer’s or self-employed person’s workplace is—

- (a) located where it is not subject to damage (including damage by liquid); or
- (b) protected against damage (including damage by liquid).

‘Maximum penalty—30 penalty units.

‘(2) Also, an employer or self-employed person must ensure an extension lead or flexible cable is supported at least 2 m from the floor or ground if—

- (a) the plug connected to the electricity supply is more than 10 m from the equipment connected to the lead or cable; or
- (b) the person using the equipment connected to the lead or cable cannot see the plug connected to the electricity supply; or
- (c) the lead or cable crosses a passageway or accessway.

‘Maximum penalty—30 penalty units.

‘Elevated electric lines

‘80.(1) This section applies if any of the following are likely to come within 2 m of an elevated electric line at an employer’s or self-employed person’s workplace—

- (a) the employer or self-employed person;
- (b) a worker (other than an electrical worker doing electrical work);
- (c) equipment being used by the employer, self-employed person or a worker (other than an electrical worker doing electrical work).

‘(2) The employer or self-employed person must consult with the relevant authority and ensure the safety precautions required by the authority are complied with.

‘Maximum penalty—30 penalty units.

‘Electrical installations

‘81. An employer or self-employed person must ensure an electrical installation at the employer’s or self-employed person’s workplace complies with AS 3000—1991.

‘Maximum penalty—30 penalty units.

‘Testing and using safety switches

‘82.(1) An employer or self-employed person must ensure a safety switch used at the employer’s or self-employed person’s workplace is tested, using its inbuilt test button, at the following times—

- (a) for a safety switch installed at the switchboard where the final subcircuits of electrical wiring at the workplace originate—when it is installed and after at not more than 1 monthly intervals;
- (b) for a portable safety switch used in assembly, fabrication, maintenance, manufacturing or repair work—immediately it is connected to a socket outlet, and each day it is used after its connection;
- (c) for a portable safety switch used in other work—immediately it is connected to a socket outlet and at not more than 3 monthly

intervals.

‘Maximum penalty—30 penalty units.

‘(2) The employer or self-employed person must also ensure the safety switch is tested by an electrical worker at not more than—

- (a) for a safety switch used in assembly, fabrication, maintenance, manufacturing or repair work—1 yearly intervals after its installation; or
- (b) for a safety switch used in other work—2 yearly intervals after its installation.

‘Maximum penalty—30 penalty units.

‘(3) The employer or self-employed person may use the safety switch only if—

- (a) when tested under subsection (1), it trips immediately; or
- (b) when tested under subsection (2)—
 - (i) it has a residual current trip of—
 - (A) for a type 1 safety switch—10 mA⁵; or
 - (B) for a type 2 safety switch—30 mA; and
 - (ii) at rated residual current, it has a tripping time of not more than—
 - (A) for a type 1 safety switch—40 ms⁶; or
 - (B) for a type 2 safety switch—300 ms.

‘Maximum penalty—30 penalty units.

⁵ ‘mA’ is the symbol for milliamperes.

⁶ ‘ms’ is the symbol for millisecond.

Division 3—Electrical equipment and installations used in construction work

‘Who division applies to

‘83. This division applies to the following persons—

- (a) an employer or self-employed person at a construction workplace;
- (b) a principal contractor for a construction workplace.

‘Double adaptors and piggyback plugs

‘84.(1) An employer must not use, or allow a worker to use, a double adaptor or piggyback plug in construction work.⁷

‘Maximum penalty—30 penalty units.

‘(2) A self-employed person must not use a double adaptor or piggyback plug in construction work.

‘Maximum penalty—30 penalty units.

‘Elevated electric lines

‘85. This section applies if an employer or self-employed person is doing construction work⁷ and any of the following are likely to come within 2 m of an elevated electric line at the construction workplace—

- (a) the employer or self-employed person;
- (b) a worker (other than an electrical worker doing electrical work);
- (c) equipment being used by the employer, self-employed person or a worker (other than an electrical worker doing electrical work).

‘(2) The employer or self-employed person must consult with the

⁷ The Act, section 14 defines “construction work” as “building work”, “civil construction work” and “demolition work”. “Building work”, “civil construction work” and “demolition work” are defined in the dictionary in the Act, schedule 3.

relevant authority and ensure the safety precautions required by the authority are complied with.

‘Maximum penalty—30 penalty units.

‘Safety switch for construction wiring

‘86.(1) This section applies to a principal contractor for a construction workplace with construction wiring.

‘(2) A principal contractor must ensure each final subcircuit of construction wiring at the construction workplace is protected by a type 2 safety switch complying with AS 3190—1994 at the switchboard where the final subcircuits originate.

‘Maximum penalty—30 penalty units.

‘(3) The principal contractor must ensure the safety switch is tested, using its inbuilt test button, when it is installed at the switchboard and after at not more than 1 monthly intervals.

‘Maximum penalty—30 penalty units.

‘(4) The principal contractor must also ensure the safety switch is tested by an electrical worker at not more than 1 yearly intervals after its installation.

‘Maximum penalty—30 penalty units.

‘(5) The principal contractor may use the safety switch only if—

- (a) when tested under subsection (3), it trips immediately; or
- (b) when tested under subsection (4), it trips immediately and has a residual current trip of 30 mA.⁸

‘Maximum penalty—30 penalty units.

‘Safety switch or isolating transformer for low voltage equipment

‘87.(1) This section applies to an employer or self-employed person

⁸ ‘mA’ is the symbol for milliamperes.

doing construction work⁹ without construction wiring.

‘(2) An employer or self-employed person may use low voltage electrical equipment in the construction work only if the equipment is connected to a type 2 safety switch complying with AS 3190—1994 or an isolating transformer.

‘Maximum penalty—30 penalty units.

‘(3) The employer or self-employed person must ensure the safety switch is tested, using its inbuilt test button, immediately it is connected to a socket outlet, and each day it is used after its connection.

‘Maximum penalty—30 penalty units.

‘(4) The employer or self-employed person must also ensure the safety switch is tested by an electrical worker at not more than 1 yearly intervals.

‘Maximum penalty—30 penalty units.

‘(5) The employer or self-employed person may use the safety switch only if—

- (a) when tested under subsection (3), it trips immediately; or
- (b) when tested under subsection (4), it trips immediately and has a residual current trip of 30 mA.¹⁰

‘Maximum penalty—30 penalty units.

⁹ The Act, section 14 defines “construction work” as “building work”, “civil construction work” and “demolition work”. “Building work”, “civil construction work” and “demolition work” are defined in the dictionary in the Act, schedule 3.

¹⁰ ‘mA’ is the symbol for milliamperes.

‘PART 16—FOUNDRY AND ABRASIVE BLASTING

‘Division 1—Interpretation

‘Definitions for pt 16

‘88. In this part—

“abrasive blasting” means cleaning, smoothing, roughing or removing part of an object’s surface by using abrasive material, propelled by a blast of compressed air, steam or water, or by the centrifugal force of a spinning wheel.

“abrasive material” includes metal grit, metal shot, sand, slag or other material used as an abrasive for abrasive blasting.

“blasting chamber” means a structure in which abrasive blasting is done.

“blasting enclosure” means an enclosed area in which abrasive blasting is done.

“dry abrasive blasting” means abrasive blasting done without adding water to the abrasive material or its propellant.

“foundry” means a place where metal or other material is melted and moulded for periods totalling more than 2 hours in any 8 consecutive hours.

“inhibitor”, for wet abrasive blasting, means a substance added to water used in the abrasive blasting to reduce the cleaned surface’s susceptibility to flash corrosion.

“wet abrasive blasting” means abrasive blasting done by adding water to the abrasive material or its propellant.

‘References to Standards Australia standards

‘89. A reference in this part to a Standards Australia standard is a reference to the standard as in force at 1 January 1996.

***‘Division 2—Construction, supply and maintenance of foundry area
and equipment***

‘Foundry area

‘90. An employer or self-employed person must ensure the area where foundry work is done at the employer’s or self-employed person’s workplace is level and kept clear of anything that may obstruct or prevent foundry work being done safely in the area.

‘Maximum penalty—30 penalty units.

‘Cupola charging platforms

‘91. An employer or self-employed person must ensure a cupola charging platform used at the employer’s or self-employed person’s workplace—

- (a) is large enough to allow furnace operators to handle raw materials safely and unimpeded; and
- (b) has an access stair or ramp fitted with handrails; and
- (c) has a roofed working area; and
- (d) is ventilated to remove impurities.

‘Maximum penalty—30 penalty units.

‘Ladles

‘92.(1) An employer or self-employed person must ensure a ladle with a holding capacity of 500 kg or more used in a foundry at the employer’s or self-employed person’s workplace is fitted with a safety worm gear, or another safety device giving at least equivalent protection, to regulate its position.

‘Maximum penalty—30 penalty units.

‘(2) An employer or self-employed person must ensure a ladle (other than a ladle carried by hand) used at the employer’s or self-employed person’s workplace is fitted with safety clips.

‘Maximum penalty—30 penalty units.

‘(3) An employer or self-employer person must ensure all parts of a ladle used in a foundry at the employer’s or self-employed person’s workplace are inspected at least once in every month and kept in a safe working condition.

‘Maximum penalty—30 penalty units.

‘(4) In subsection (2)—

“**safety clip**”, on a ladle, means a clip for attaching to a hook carrying the ladle to prevent the ladle tilting.

‘Pit furnace

‘93. An employer or self-employed person must ensure a pit furnace at the employer’s or self-employed person’s workplace is dry, covered by a grating designed to prevent a person from falling into the furnace, and ventilated to remove impurities.

‘Maximum penalty—30 penalty units.

‘Pouring pit

‘94. An employer or self-employed person must ensure a pouring pit used at the employer’s or self-employed person’s workplace—

- (a) is large enough to leave at least 300 mm between the sides of the pit and any part of a ladle or box placed in the pit; and
- (b) has a grating designed to prevent a person from falling into the pit’s opening when it is not in use; and
- (c) is ventilated to remove impurities.

‘Maximum penalty—30 penalty units.

‘Spare metal moulds

‘95. An employer or self-employed person must supply moulds for holding spare molten metal at the employer’s or self-employed person’s

workplace.

‘Maximum penalty—30 penalty units.

‘Ventilation and temperature control

‘96. An employer or self-employed person must install flues extending from a foundry at the employer’s or self-employed person’s workplace to the open air to ventilate cooling racks and fixed heat sources.

‘Maximum penalty—30 penalty units.

‘Washing facilities

‘97. An employer or self-employed person must supply the following facilities for persons engaged or assisting in foundry work at the employer’s or self-employed person’s workplace—

- (a) 1 wash basin with hot and cold water for every 5, or part number of 5, persons;
- (b) 1 shower bath with hot and cold water for every 8, or part number of 8, persons.

‘Maximum penalty—30 penalty units.

Example of paragraphs (a) and (b)—

An employer has 11 persons in foundry work at the employer’s workplace. The employer must provide the persons with 3 wash basins and 2 shower baths.

‘Division 3—Foundry work

‘Drying ladles and moulds

‘98.(1) If a ladle or mould is dried inside a foundry during working hours at an employer’s or self-employed person’s workplace, the employer or self-employed person must ensure—

- (a) the foundry is ventilated adequately to remove impurities released into the foundry from the drying process; and
- (b) a kettle for drying a ladle or mould is lit outside the foundry and

not brought into the foundry until it contains a clear fire.

‘Maximum penalty—30 penalty units.

‘(2) In subsection (1)—

“**clear fire**” means a fire that is not releasing impurities.

“**kettle**”, for drying a ladle or mould, means a container for holding a fire and placing beside or inside the ladle or mould.

‘**Moulding or casting near a furnace**

‘**99.(1)** An employer or self-employed person must ensure moulding or casting work done in a foundry at the employer’s or self-employed person’s workplace is not done within 3 m of a furnace, or receiver, while it is in use.

‘Maximum penalty—30 penalty units.

‘(2) In subsection (1)—

“**receiver**” means a container for holding molten metal before it is poured into a ladle.

‘**Restriction on mass lifted while using a ladle**

‘**100.** An employer or self-employed person must ensure a person using a ladle in a foundry at the employer’s or self-employed person’s workplace does not lift by hand, in the ladle, more than the following mass—

- (a) if a single-handled ladle is used—27 kg;
- (b) if a double-handled ladle is used—the mass equalling 38 kg for each person operating the ladle.

‘Maximum penalty—30 penalty units.

‘**Working under suspended castings, cores and moulding boxes**

‘**101.** An employer or self-employed person must ensure foundry work is not done at the employer’s or self-employed person’s workplace under a casting, core or moulding box unless the casting, core or moulding box is

supported securely on a trestle or similar support.

‘Maximum penalty—30 penalty units.

‘Division 4—Construction, supply and maintenance of blasting chambers or enclosures and equipment

‘Blasting chambers and enclosures

‘102. An employer or self-employed person must ensure a blasting chamber or enclosure at the employer’s or self-employed person’s workplace is—

- (a) constructed of hard wearing non-combustible material; and
- (b) designed to—
 - (i) prevent dust escaping from the chamber or enclosure; and
 - (ii) minimise internal projections, including, for example, a ledge, on which dust can settle; and
- (c) kept in a way preventing dust escaping from the chamber or enclosure.

‘Maximum penalty—30 penalty units.

‘Doors in blasting chambers and enclosures

‘103. An employer or self-employed person must ensure all doors in a blasting chamber or enclosure at the employer’s or self-employed person’s workplace—

- (a) are kept closed during abrasive blasting; and
- (b) (other than doors opening automatically to carry articles into or out of the chamber or enclosure)—are interlocked to prevent blasting in the chamber or enclosure while the doors are open.

‘Maximum penalty—30 penalty units.

‘Emergency exits in blasting chambers and enclosures

‘104. An employer or self-employed person must ensure a blasting chamber or enclosure at the employer’s or self-employed person’s workplace has an emergency exit door located at the furthestmost position from the main entrance to the chamber or enclosure.

‘Maximum penalty—30 penalty units.

‘Lighting and electrical installations in blasting chambers and enclosures

‘105. An employer or self-employed person must ensure a blasting chamber or enclosure at the employer’s or self-employed person’s workplace has—

- (a) illumination of at least 200 lx,¹¹ measured on a horizontal plane 1 m above the floor of the blasting chamber or enclosure; and
- (b) an electrical installation complying with the following—
 - (i) AS 2381—1991;
 - (ii) AS 3000—1991, section 9.

‘Maximum penalty—30 penalty units.

‘Ventilation in blasting chambers and enclosures

‘106.(1) An employer or self-employed person must ensure a blasting chamber or enclosure at the employer’s or self-employed person’s workplace has a mechanical ventilation system that—

- (a) is constructed and kept in a way to ensure the extracted air passes through a filtering or cleaning device to remove airborne contaminants before the air is discharged; and
- (b) for a blasting chamber or enclosure in a building—discharges air at least 2 m above the highest part of the building’s roof or at a height preventing the air from re-entering the building or contaminating other buildings; and

¹¹ ‘lx’ is the symbol for lux.

- (c) produces an air velocity of—
 - (i) for a cross-draught airflow blasting chamber—at least 0.4 linear metres per second in the direction of extraction; or
 - (ii) for a down-draught airflow blasting chamber—at least 0.3 linear metres per second; and
- (d) has ducting fitted with inspection and cleaning ports where dust can accumulate.

‘Maximum penalty—30 penalty units.

‘(2) The employer or self-employed person must also ensure the mechanical ventilation system operates continually while—

- (a) abrasive blasting is being done in the blasting chamber or enclosure and for at least 5 minutes after it has finished; or
- (b) the blasting chamber or enclosure is being cleaned, maintained or repaired.

‘Maximum penalty—30 penalty units.

‘(3) However, if operating the ventilation system while the blasting chamber or enclosure is being cleaned, maintained or repaired may create a hazard, the employer or self-employed person must, instead, supply a positive pressure respiratory system.

‘Maximum penalty—30 penalty units.

‘(4) In subsection (3)—

“positive pressure respiratory system” means a respiratory system that supplies air to a person through a mask and keeps the mask’s inside air pressure greater than its outside air pressure.

‘Windows and inspection ports in blasting chambers and enclosures

‘107. An employer or self-employed person must ensure each window or inspection port in a blasting chamber or enclosure at the employer’s or self-employed person’s workplace—

- (a) is fixed in a metal sash; and
- (b) has toughened safety glass, laminated safety glass or safety wired

glass complying with AS 2208—1978, sections 2 to 5; and

- (c) is kept clean and clear of anything that may obstruct inspection of the blasting operation.

‘Maximum penalty—30 penalty units.

‘Abrasive blasting equipment

‘108.(1) An employer or self-employed person must ensure abrasive blasting equipment used at the employer’s or self-employed person’s workplace has the following—

- (a) a fast acting mechanism under the direct control of the nozzle operator;
- (b) hose whip checks or hose coupling safety locks;
- (c) for dry blasting—a way of discharging static electrical charge from the abrasive blasting nozzle;
- (d) for wet blasting—a water flow rate capable of preventing dust forming from the blasting operation.

‘Maximum penalty—30 penalty units.

‘(2) In subsection (1)(a)—

“fast acting mechanism” means a mechanism to quickly stop the flow of abrasive material to the nozzle.

‘Protective and respiratory equipment

‘109.(1) An employer or self-employed person must supply each person engaged in abrasive blasting at the employer’s or self-employed person’s workplace with the following—

- (a) a hood or helmet type airline respirator complying with AS/NZS 1716—1994, section 12, and fitted with—
 - (i) an inner bib; and
 - (ii) a shoulder cape, jacket or protective suit;
- (b) skin and foot protection to the extent the protection is not

provided by the equipment supplied under paragraph (a).

‘Maximum penalty—30 penalty units.

‘(2) An employer or self-employed person must supply each person engaged in cleaning, maintaining or repairing a blasting chamber or enclosure or another area that has been used for abrasive blasting with respiratory protective equipment complying with AS/NZS 1716—1994, sections 2 to 4, 9 and 10.¹²

‘Maximum penalty—30 penalty units.

‘Air from respiratory equipment

‘110. An employer or self-employed person must ensure air breathed from airline respiratory equipment at the employer’s or self-employed person’s workplace—

- (a) is supplied at a rate of at least 170 litres per minute; and
- (b) contains at least 19.5% but not more than 22% oxygen by volume.

‘Maximum penalty—30 penalty units.

‘(2) The employer or self-employed person must also ensure air breathed from the airline respiratory equipment has first passed through the following—

- (a) a purifying device to ensure it does not have an objectionable or nauseous odour and, when measured at 15°C and 100 kPa, contains the following—
 - (i) carbon dioxide of not more than 900 ppm¹³;
 - (ii) carbon monoxide of not more than 11 ppm;
 - (iii) oil of not more than 1 mg per cubic metre;
- (b) a conditioner to ensure it is supplied—

¹² “AS/NZS” indicates a joint Australian and New Zealand standard published by Standards Australia.

¹³ ‘ppm’ means parts per million.

- (i) at a temperature of at least 15°C but not more than 25°C; and
- (ii) within a humidity range of at least 20% but not more than 85%;
- (c) a condensate trap fitted with a drain cock to remove condensed liquid;
- (d) a ring circuit or controlled leak-off to eliminate stale air.

‘Maximum penalty—30 penalty units.

‘Maintaining air supply equipment

‘**111.(1)** An employer or self-employed person must ensure equipment for supplying air for a person to breathe at the employer’s or self-employed person’s workplace is kept in working order and in a place where it is protected from contamination.

‘Maximum penalty—30 penalty units.

‘**(2)** The employer or self-employed person must also ensure the equipment has—

- (a) a thermostatically controlled interlock to cut off the air supply to it if it overheats beyond the manufacturer’s specifications; and
- (b) fittings that can not be connected to other compressed air equipment at the employer’s or self-employed person’s workplace.

‘Maximum penalty—30 penalty units.

‘Washing facilities

‘**112.** An employer or self-employed person must supply the following facilities for persons engaged or assisting in abrasive blasting at the employer’s or self-employed person’s workplace—

- (a) 1 wash basin with hot and cold water for every 5, or part of 5, persons;
- (b) 1 shower bath with hot and cold water for every 8, or part of 8,

persons.

‘Maximum penalty—30 penalty units.

Example of paragraphs (a) and (b)—

An employer has 11 persons in abrasive blasting work at the employer’s workplace. The employer must provide the persons with 3 wash basins and 2 shower baths.

Division 5—Abrasive blasting work

‘Blasting chamber or enclosure may only be used for abrasive blasting and incidental work

‘113. An employer or self-employed person must ensure only the following work is done in a blasting chamber or enclosure at the employer’s or self-employed person’s workplace—

- (a) abrasive blasting;
- (b) work incidental to abrasive blasting;
- (c) maintenance or repair of the blasting chamber or enclosure or equipment in it.

‘Maximum penalty—30 penalty units.

Examples of paragraph (b)—

1. Filling a pot with abrasive material.
2. Using compressed air to transfer abrasive material to the blasting nozzle.

‘Abrasive blasting other than in a blasting chamber or enclosure

‘114. If abrasive blasting is done at an employer’s or self-employed person’s workplace other than in a blasting chamber or enclosure, the employer or self-employed person must ensure—

- (a) the abrasive blasting is done in a way that prevents abrasive blasting overspray, or siliceous or toxic dust escaping from the area where the abrasive blasting is done; and
- (b) the overspray or dust is cleaned from all surfaces as soon as

practicable after the blasting has finished.

‘Maximum penalty—30 penalty units.

‘Prohibited materials for abrasive blasting

‘**115.** An employer or self-employed person must ensure the following materials are not used in abrasive blasting at the employer’s or self-employed person’s workplace—

- (a) for dry abrasive blasting—
 - (i) material containing more than 2% crystalline silicon dioxide; or
 - (ii) recycled material not treated to remove respirable dust; or
 - (iii) other material likely to harm a person’s upper respiratory tract;
- (b) for wet abrasive blasting—an inhibitor containing chromate, nitrate or nitrite;
- (c) material containing more than 2% of any 1 of the following substances—
 - (i) antimony;
 - (ii) arsenic;
 - (iii) beryllium;
 - (iv) cadmium;
 - (v) chromium;
 - (vi) cobalt;
 - (vii) lead;
 - (viii) nickel;
 - (ix) tin;
- (d) material containing a radioactive substance.

‘Maximum penalty—30 penalty units.

‘PART 17—SPECIFIED DANGEROUS GOODS

‘Division 1—Preliminary

‘Who part applies to

‘116. This part applies to the following persons—

- (a) a supplier of a specified dangerous good for use at a workplace;
- (b) an employer or self-employed person at a workplace.

‘Definitions for pt 17

‘117. In this part—

“ADG Code” means the Australian Code for the Transport of Dangerous Goods by Road and Rail, published in the gazette No. P15 (Cwlth) on 7 April 1987 as in force on 1 January 1996.

“class” means the class allocated to a dangerous good under the ADG Code.

“depot” means a building, compartment, receptacle, room, store, structure or tank for storing specified dangerous goods.

“handling” of a specified dangerous good, means its carriage, controlled movement or decanting, in a workplace.

“MSDS” stands for Material Safety Data Sheet.

“NOHSC” means the National Occupational Health and Safety Commission established under the *National Occupational Health and Safety Commission Act 1985* (Cwlth).

“packaging group” means the packaging group allocated to a dangerous good under the ADG Code.¹⁴

“risk assessment” means an assessment under section 134.

¹⁴ The packaging groups are each designated a roman numeral under the ADG Code according to the dangerous goods’ degree of danger. ‘I’ indicates great danger, ‘II’ indicates medium danger, and ‘III’ indicates minor danger.

“significant incident”, involving a specified dangerous good, means an incident that seriously endangers or harms, or may seriously endanger or harm, a person, property or the environment.

Examples—

1. An explosion or fire.
2. An escape of a specified dangerous good from its container. **“specified dangerous good”** see section 118.

“workplace” means a workplace where specified dangerous goods are used.

‘Meaning of “specified dangerous good”

‘118. A **“specified dangerous good”** is a good classified under the ADG Code as a dangerous good of a following class—

- Class 2—Gases: compressed, liquefied or dissolved under pressure
 - Class 2.1 Flammable gases
 - Class 2.2 Nonflammable nontoxic gases
 - Class 2.3 Poisonous gases
- Class 4—Flammable solids
 - Class 4.1 Flammable solids
 - Class 4.2 Substances liable to spontaneous combustion
 - Class 4.3 Substances which emit flammable gases on contact with water
- Class 5—Oxidising agents and organic peroxides
 - Class 5.1 Oxidising agents
 - Class 5.2 Organic peroxides
- Class 6—Poisonous (toxic) and infectious substances
 - Class 6.1(a) Substances which are liable to cause death or serious injury to human health if swallowed, inhaled or ingested

- Class 6.1(b) Substances which are harmful to human health if swallowed or inhaled or by skin contact
- Class 6.2 Infectious substances
- Class 8—Corrosive substances
- Class 9—Miscellaneous dangerous goods.

‘References to Standards Australia standards

‘119. A reference in this part to a Standards Australia standard is a reference to the standard as in force at 1 January 1996.

‘Division 2—Suppliers

‘Who division applies to

‘120. This division applies to a supplier of a specified dangerous good for use at a workplace.¹⁵

‘MSDS

‘121.(1) A supplier must prepare an MSDS under NOHSC’s document entitled ‘National Code of Practice for the Preparation of Material Safety Data Sheets’ for each specified dangerous good the supplier supplies for use at a workplace.

‘Maximum penalty—30 penalty units.

‘(2) A supplier must give a copy of a specified dangerous good’s current MSDS to an employer or self-employed person at a workplace when first supplying the dangerous good to the employer or self-employed person, and when asked by the employer or self-employed person.

‘Maximum penalty—30 penalty units.

¹⁵ See section 25 of the Act (Person may owe obligations in more than 1 capacity).

‘Labelling containers

‘122. A supplier must ensure a label complying with NOHSC’s document entitled ‘National Code of Practice for the Labelling of Workplace Substances’ is fixed to a specified dangerous good’s container when supplying the dangerous good for use at a workplace.

‘Maximum penalty—30 penalty units.

‘Division 3—Employers and self-employed persons

‘Subdivision 1—Application of division

‘Who division applies to

‘123. This division applies to an employer or self-employed person at a workplace.¹⁶

‘Subdivision 2—Workplaces

‘Depot for storing specified dangerous goods

‘124.(1) An employer or self-employed person must provide a depot constructed of incombustible material at the employer’s or self-employed person’s workplace for storing specified dangerous goods, unless the dangerous goods are of a class and stored in a quantity less than that mentioned in subsection (2).

‘Maximum penalty—30 penalty units.

‘(2) Specified dangerous goods may be stored at the workplace if they are of a class mentioned in the following table and the quantity stored is less than the quantity¹⁷ stated in the table for the class—

¹⁶ See section 25 of the Act (Person may owe obligations in more than 1 capacity).

¹⁷ For a class other than class 2, the quantity is measured in kilograms for solids and in litres for liquids.

TABLE

Exemption limits for storage

		PACKAGING GROUP		
CLASS		I	II	III
CLASS 2.1	Aggregate cylinder size			
Flammable gases	(water capacity kg)	—	500	—
CLASS 2.2	Aggregate cylinder size			
Nonflammable gases	(water capacity kg)	—	2 000	—
CLASS 2.3	Aggregate cylinder size			
Poisonous gases	(water capacity kg)	—	50	—
CLASS 4.1				
Flammable solids	(kg)	50	500	1 000
CLASS 4.2				
Dangerous goods liable to spontaneous combustion	(kg or L)	50	500	1 000
CLASS 4.3				
Flammable substance dangerous when wet	(kg or L)	50	500	1 000
CLASS 5.1				
Oxidising agents	(kg or L)	50	500	1 000
CLASS 5.2				
Organic peroxides	(kg or L)	50	500	1 000
CLASS 6.1				
Toxic and harmful substances	(kg or L)	50	500	1 000
CLASS 8				
Corrosives	(kg or L)	50	500	1 000
CLASS 9				
Miscellaneous dangerous substances	(kg or L)	—	1 000	—

‘Depot for storing liquid specified dangerous goods

‘125.(1) An employer or self-employed person may use a depot for storing liquid specified dangerous goods at the employer’s or self-employed person’s workplace only if the depot has a bund capable of containing—

- (a) if the dangerous goods are stored in a tank—the contents of the largest tank inside the bund; or
- (b) if the dangerous goods are stored other than in a tank—at least 25% of the liquid specified dangerous goods in the area inside the bund.

‘Maximum penalty—30 penalty units.

‘(2) Subsection (1) does not apply to class 2 dangerous goods.

‘Repairs in or to a depot

‘126.(1) This section applies if carrying out repairs in or to a depot at an employer’s or self-employed person’s workplace while specified dangerous goods are in the depot is likely to create a risk to a person’s health or safety.

‘(2) An employer or self-employed person must ensure specified dangerous goods are removed and cleaned from a depot at the employer’s or self-employed person’s workplace before repairs are done in or to the depot.

‘Maximum penalty—30 penalty units.

‘Laboratory where specified dangerous goods are used

‘127. An employer or self-employed person must ensure a laboratory where specified dangerous goods are used at the employer’s or self-employed person’s workplace is—

- (a) constructed under AS 2982¹⁸ (other than sections 2.2.3.1, 2.2.3.3, 2.3.3, 2.3.4, 2.3.6.3, 2.3.7.1, 7.2 and 12.6); and

¹⁸ AS 2982 is entitled ‘Laboratory construction’.

(b) operated and maintained under AS 2243¹⁹, parts 1, 2 and 6 to 8.

‘Maximum penalty—30 penalty units.

‘Cylinder or tank for storing anhydrous ammonia

‘**128.(1)** An employer or self-employed person must ensure a cylinder or tank for storing anhydrous ammonia at the employer’s or self-employed person’s workplace is designed, installed and located under AS 2022²⁰, unless the employer or self-employed person is required to comply with subsection (2).

‘Maximum penalty—30 penalty units.

‘**(2)** If an inconsistency arises between the application of AS 2022 and the application of a provision of the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*, in relation to the design, installation or location of the cylinder or tank, the employer or self-employed person must comply with the provision of the standard to the extent of the inconsistency.

‘Maximum penalty—30 penalty units.

‘Cylinder or tank for storing chlorine

‘**129.(1)** An employer or self-employed person must ensure a cylinder or tank for storing chlorine at the employer’s or self-employed person’s workplace is designed, installed and located under AS 2927²¹, unless the employer or self-employed person is required to comply with subsection (2).

‘Maximum penalty—30 penalty units.

‘**(2)** If an inconsistency arises between the application of AS 2927 and the application of a provision of the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*, in relation to the

¹⁹ AS 2243 is entitled ‘Safety in laboratories’.

²⁰ AS 2022 is entitled ‘Anhydrous ammonia—Storage and handling’.

²¹ AS 2927 is entitled ‘The storage and handling of liquefied chlorine gas’.

design, installation or location of the cylinder or tank, the employer or self-employed person must comply with the provision of the standard to the extent of the inconsistency.

‘Maximum penalty—30 penalty units.

‘Subdivision 3—Plant

‘Equipment used with specified dangerous goods

‘130. An employer or self-employed person must ensure equipment supplied to a person for use with specified dangerous goods at the employer’s or self-employed person’s workplace is safe for use with the dangerous goods.

‘Maximum penalty—30 penalty units.

‘Subdivision 4—Workers

‘Instructing workers about specified dangerous goods

‘131. An employer or self-employed person must ensure—

- (a) each person using specified dangerous goods at the employer’s or self-employed person’s workplace is instructed about the risks involved in their handling, and precautions to be taken in relation to them; and
- (b) when a specified dangerous good is first supplied to the workplace, each worker is instructed about the precautions to be taken in its handling and storage.

‘Maximum penalty—30 penalty units.

‘Ensuring workers are competent to operate safety equipment

‘132. An employer or self-employed person must ensure each person using specified dangerous goods at the employer’s or self-employed person’s workplace is competent to operate all safety equipment used with

the dangerous goods.

‘Maximum penalty—30 penalty units.

Examples of safety equipment—

Breathing apparatus, fire protection equipment, pumps and vehicles.

‘Subdivision 5—Using specified dangerous goods

‘MSDS

‘**133.(1)** An employer or self-employed person must ensure—

- (a) the employer or self-employed person receives an MSDS for each specified dangerous good to be handled or stored at the employer’s or self-employed person’s workplace; and
- (b) a copy of the MSDS is kept close enough to where the dangerous good is handled or stored to allow a worker who may be exposed to the dangerous good to refer to it easily.

‘Maximum penalty—30 penalty units.

‘**(2)** An employer or self-employed person must ensure each specified dangerous good at the employer’s or self-employed person’s workplace is identified with a product name so its MSDS can be identified.

‘Maximum penalty—30 penalty units.

Examples of how a specified dangerous good may be identified for subsection (2)—

By writing its product name on its batch sheet or container.

‘Risk assessment

‘**134.(1)** An employer or self-employed person must ensure a specified dangerous good is not handled or stored at the employer’s or self-employed person’s workplace unless the employer or self-employed person has made and recorded an assessment of—

- (a) the risk to the health or safety of the employer, self-employed person or a worker from the dangerous good; and
- (b) work practices needed to comply with the Act and this regulation.

‘Maximum penalty—30 penalty units.

‘(2) The employer or self-employed person must ensure the assessment includes the following—

- (a) an identification of the specified dangerous good;
- (b) a decision about the nature of hazards to the health or safety of the employer, self-employed person or a worker from the dangerous good;
- (c) a decision about the degree of risk to the health or safety of the employer, self-employed person or a worker from the dangerous good.

‘Maximum penalty—30 penalty units.

‘Amending risk assessment

‘135. An employer or self-employed person must amend a risk assessment for a specified dangerous good to ensure it contains current information if any of the following things happen at the employer’s or self-employed person’s workplace—

- (a) a work practice involving the dangerous good is significantly changed;
- (b) new information about the dangerous good’s hazards is available.

‘Maximum penalty—30 penalty units.

Example of a significantly changed work practice in paragraph (a)—

The form of a specified dangerous good handled or stored at the workplace is changed from pellets to a fine powder.

‘Emergency plan

‘136.(1) An employer or self-employed person must prepare an emergency plan for dealing with hazards and risks likely to arise from significant incidents involving specified dangerous goods at the employer’s or self-employed person’s workplace.

‘Maximum penalty—30 penalty units.

‘(2) The employer or self-employed person must ensure the emergency plan is written and states the following—

- (a) types of incidents covered by the emergency plan;
- (b) procedures that must be followed if an incident happens;
- (c) relevant entities, including key personnel to be notified and responsibilities and liaison arrangements between them;
- (d) availability and location of communication links, including telephone, radio and stand-by methods;
- (e) availability and location of special equipment, including fire fighting material, damage control and repair items;
- (f) relevant technical information, including, for example, chemical and physical characteristics and dangers of the dangerous goods and plant used with the dangerous goods;
- (g) relevant information about the workplace, including the likely location of specified dangerous goods, persons and emergency control rooms;
- (h) evacuation arrangements to be followed.

‘Maximum penalty—30 penalty units.

‘(3) The employer or self-employed person must ensure the emergency plan is amended appropriately as soon as practicable after any change in hazards, risks, procedures or workers.

‘Maximum penalty—30 penalty units.

‘Particulars to be given to chief executive

‘137.(1) The chief executive may, by written notice, ask an employer or self-employed person to give the chief executive, in the reasonable time stated in the notice, written particulars of the following things involving specified dangerous goods at the employer’s or self-employed person’s workplace—

- (a) the magnitude of hazards likely to arise from any significant incident, and the nature and extent of risks involved;

- (b) the number of persons whose health or safety may be affected by a significant incident;
- (c) management systems and staffing arrangements for controlling hazards likely to arise from any significant incident;
- (d) safety systems and procedures for controlling hazards likely to arise from any significant incident;
- (e) qualifications, experience and training of workers at the workplace using specified dangerous goods;
- (f) design and operation of containment and pressure systems;
- (g) protection of workers from the effects of loss of containment;
- (h) the emergency plan.

‘(2) The employer or self-employed person must comply with the notice.

‘Maximum penalty—30 penalty units.

‘Labelling containers

‘138.(1) An employer or self-employed person must ensure each container of a specified dangerous good produced, handled or stored at the employer’s or self-employed person’s workplace is labelled under NOHSC’s document entitled ‘National Code of Practice for the Labelling of Workplace Substances’.

‘Maximum penalty—30 penalty units.

‘(2) An employer or self-employed person must ensure each container of a decanted specified dangerous good is labelled under subsection (1), unless the container and its contents will be used and disposed of within a single shift.

‘Maximum penalty—30 penalty units.

‘Warning about specified dangerous goods in an enclosed system

‘139.(1) An employer or self-employed person must ensure suitable warning of the presence and location of a specified dangerous good in an enclosed system at the employer’s or self-employed person’s workplace is

given to anyone who may be exposed to the dangerous good if it escapes from the enclosed system.

‘Maximum penalty—30 penalty units.

Example of suitable warning—

A suitable warning stated in AS 1345²².

‘(2) In subsection (1)—

“**enclosed system**” includes a pipe, piping system, process vessel and reactor vessel.

‘Storing specified dangerous goods

‘**140.(1)** An employer or self-employed person must ensure specified dangerous goods received at the employer’s or self-employed person’s workplace are taken immediately to a depot for storage.

‘Maximum penalty—30 penalty units.

‘(2) An employer or self-employed person must ensure incompatible dangerous goods are stored separately at the employer’s or self-employed person’s workplace under the ADG Code.

‘Maximum penalty—30 penalty units.

‘(3) If the ADG Code requires different classes of dangerous goods to be carried in separate vehicles, the employer or self-employed person must ensure the different classes are stored in separate depots or the following distance apart at the employer’s or self-employed person’s workplace—

- (a) for packaging group I dangerous goods—at least 5 m;
- (b) for other dangerous goods—at least 3 m.

‘Maximum penalty—30 penalty units.

‘Keeping stored specified dangerous goods dry

‘**141.(1)** An employer or self-employed person must ensure precautions

²² AS 1345 is entitled ‘Identification of the contents of piping, conduits and ducts’.

are taken to prevent water coming in contact with specified dangerous goods stored at the employer's or self-employed person's workplace, unless the contact is excused under subsection (2).

‘Maximum penalty—30 penalty units.

‘(2) An offence is not committed under this section if the specified dangerous goods come in contact with water in any of the following circumstances—

- (a) when using water to extinguish a fire;
- (b) if water does not materially react with the dangerous goods—when covering the goods with water to prevent air or oxygen from reacting with them.

‘Carrying specified dangerous goods at a workplace

‘142. An employer or self-employed person must ensure a specified dangerous good is not carried at the employer's or self-employed person's workplace other than in a container complying with the ADG Code for the carriage of the dangerous good or a pipe that prevents gas or vapour escaping.

‘Maximum penalty—30 penalty units.

‘Preventing specified dangerous goods escaping from containers

‘143.(1) An employer or self-employed person must ensure precautions are taken to prevent a specified dangerous good, or gas or vapour from it, escaping from a container or tank at the employer's or self-employed person's workplace.

‘Maximum penalty—30 penalty units.

‘(2) An employer or self-employed person must ensure—

- (a) a specified dangerous good's container opened at the employer's or self-employed person's workplace is left open only for the time needed to remove the dangerous good, and then closed immediately; and
- (b) a specified dangerous good removed from the container is put

immediately in a place where it will not create a risk to a person's health or safety.

‘Maximum penalty—30 penalty units.

‘(3) If an open container with a specified dangerous good in it is outside a depot at an employer's or self-employed person's workplace, the employer or self-employed person must ensure the container is put immediately in a depot, unless the dangerous good is in actual use.

‘Maximum penalty—30 penalty units.

‘(4) If a specified dangerous good's container at an employer's or self-employed person's workplace is damaged, leaking or otherwise defective and cannot be repaired, the employer or self-employed person must ensure—

- (a) its contents are put immediately in a sound container; and
- (b) any spilt specified dangerous good is cleaned up immediately and disposed of appropriately and as soon as practicable.

‘Maximum penalty—30 penalty units.

‘Using class 5.2 dangerous goods

‘144.(1) An employer or self-employed person must ensure a class 5.2 dangerous good is handled and stored at the employer's or self-employed person's workplace under AS 2714²³, unless the employer or self-employed person is required to comply with subsection (2).

‘Maximum penalty—30 penalty units.

‘(2) If an inconsistency arises between the application of AS 2714 and the application of a provision of the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*, in relation to the handling or storage of a class 5.2 dangerous good at the employer's or self-employed person's workplace, the employer or self-employed person must comply with the provision of the standard to the extent of the

²³ AS 2714 is entitled ‘The storage and handling of hazardous chemical materials—Class 5.2 dangerous goods—Organic peroxides’.

inconsistency.

‘Maximum penalty—30 penalty units.

‘Using pesticides

‘**145.(1)** An employer or self-employed person must ensure a pesticide is handled and stored at the employer’s or self-employed person’s workplace under AS 2507²⁴, unless the employer or self-employed person is required to comply with subsection (2).

‘Maximum penalty—30 penalty units.

‘**(2)** If an inconsistency arises between the application of AS 2507 and the application of a provision of the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*, in relation to the handling or storage of a pesticide at the employer’s or self-employed person’s workplace, the employer or self-employed person must comply with the provision of the Standard to the extent of the inconsistency.

‘Maximum penalty—30 penalty units.

‘**(3)** In this section—

“**pesticide**” means a pesticide that is a specified dangerous good.

‘Restriction on selling or storing specified dangerous goods

‘**146.** An employer or self-employed person may sell a specified dangerous good, or store it at the employer’s or self-employed person’s workplace, only if it is in good order and condition and safe for storing at a workplace.

‘Maximum penalty—30 penalty units.

Examples of specified dangerous goods that are not in good order and condition and safe for storing at a workplace—

1. A specified dangerous good in a leaking drum.
2. Granulated calcium hypochlorite that has moistened and is likely to produce chlorine vapour.

²⁴ AS 2507 is entitled ‘The storage and handling of pesticides’.

‘Consignment record

‘147.(1) An employer or self-employed person must record the following information about each consignment of specified dangerous goods consigned from the employer’s or self-employed person’s workplace, unless the dangerous goods are of a class and consigned in a quantity less than that mentioned in subsection (2)—

- (a) the consignee’s name and address;
- (b) the consignment date;
- (c) the description and quantity of the dangerous goods.

‘Maximum penalty—30 penalty units.

‘(2) Specified dangerous goods of a class mentioned in the following table may be consigned if the quantity of dangerous good consigned is less than the quantity²⁵ stated in the table for the class—

‘TABLE

Exemption limits for records

CLASS		PACKAGING GROUP		
		I	II	III
CLASS 2.1	aggregate cylinder			
Flammable gases	size (water capacity kg)	—	any	—
CLASS 2.2	aggregate cylinder			
Nonflammable gases	size (water capacity kg)	—	any	—
CLASS 2.3	aggregate cylinder			
Poisonous gases	size (water capacity kg)	—	50	—
CLASS 4.1				
Flammable solids	(kg)	50	200	500

²⁵ For a class other than class 2, the quantity is measured in kilograms for solids and in litres for liquids.

CLASS 4.2					
Substances	liable	to			
spontaneous combustion			(kg or L)	50	200 500
CLASS 4.3					
Flammable		substances			
dangerous when wet			(kg or L)	50	200 500
CLASS 5.1					
Oxidising agents			(kg or L)	50	200 500
CLASS 5.2					
Organic peroxides			(kg or L)	50	200 500
CLASS 6.1					
Toxic	and	harmful			
substances			(kg or L)	50	200 500
CLASS 8					
Corrosives			(kg or L)	50	200 500
CLASS 9					
Miscellaneous		dangerous			
substances			(kg or L)	—	any —

‘(3) The employer or self-employed person must keep the record at the employer’s or self-employed person’s workplace for 2 years after the day on which it is made.

‘Maximum penalty—30 penalty units.

‘Dispatching specified dangerous goods

‘148. An employer or self-employed person must ensure a specified dangerous good dispatched from a depot at the employer’s or self-employed person’s workplace is taken away immediately from the workplace.

‘Maximum penalty—30 penalty units.

‘Manifest

‘149. An employer or self-employed person must ensure a manifest of specified dangerous goods used at the employer’s or self-employed person’s workplace is prepared under NOHSC’s document entitled ‘Guidance Note for Emergency Services Manifests’ and kept readily

available to emergency services.

‘Maximum penalty—30 penalty units.

‘Subdivision 6—General

‘Preventing incidents and fire hazards

‘**150.(1)** An employer or self-employed person must ensure precautions are taken at the employer’s or self-employed person’s workplace to prevent the following—

- (a) incidents involving specified dangerous goods happening;
- (b) a person, without the employer’s or self-employed person’s previous permission—
 - (i) entering the workplace or a depot or building at the workplace; or
 - (ii) accessing a specified dangerous good at the workplace.

‘Maximum penalty—30 penalty units.

Examples of incidents involving specified dangerous goods in paragraph (a)—

Specified dangerous goods catching fire, exploding or leaking from a container.

‘**(2)** An employer or self-employed person must ensure precautions are taken at the employer’s or self-employed person’s workplace to prevent a person—

- (a) smoking in, or within 3 m of, a depot at the workplace; or
- (b) taking anything likely to cause a fire or explosion into, or within 3 m of, a depot at the workplace, unless it is to be stored in the depot under this regulation.

‘Maximum penalty—30 penalty units.

‘**(3)** An employer or self-employed person must ensure the area within 5 m of a depot (other than an internal depot) at the employer’s or self-employed person’s workplace, is kept clear of combustible material.

‘Maximum penalty—30 penalty units.

‘PART 18—SPRAY PAINTING

‘Definitions for pt 18

‘151. In this part—

“lead paint” means a paint or other substance used in painting that, when analysed, yields to an aqueous solution of hydrochloric acid, a quantity of soluble lead compound (calculated as lead monoxide) of more than 5% of the substance’s dry weight.

Examples of ‘other substance’—

Filling, paste and stopping.

“protective booth”, for spray painting, means a booth constructed, arranged and equipped so as to confine and control exhaust air motion to protect the spray painter and anyone else nearby from harmful effects of the spray painting.

“silica paint” means a paint or other substance containing more than 2% crystalline silicon dioxide measured, by weight, as a percentage of the paint or other substance’s non-volatile content.

“spray painting” means spraying something with a flammable or toxic substance, including enamel, epoxy, hydrogen peroxide, lacquer, lead, oilbase or silica paint, liquid containing nitro-cellulose, molten metal, polyurethane, shellac, oil-stain and varnish.

‘Protective booth

‘152.(1) An employer or self-employed person must supply a protective booth at the employer’s or self-employed person’s workplace where spray painting is done, unless the booth is not required because of subsection (2).

‘Maximum penalty—30 penalty units.

‘(2) A protective booth is not required if—

- (a) the spray painting is done in the open air with a complete surrounding isolation of at least 10 m; or
- (b) for an engineering or boilermaking establishment where other work is done within 12 m of the spray painting—the spray

painting is separated from the other work by a firewall; or

- (c) for a minor spotting or touching up operation—the spray painting is done in an open workroom for not more than a total of 90 minutes in 1 day; or
- (d) for a workplace where vehicles or other articles are made, assembled or repaired—the spray painting is done in an open workroom for not more than 15 minutes in every 2 hours and does not involve the use of lead or silica paint.

‘Construction of protective booth

‘**153.** An employer or a self-employed person must ensure the protective booth supplied at the employer’s or self-employed person’s workplace has the following—

- (a) interior walls and ceilings lined with 1 mm thick steel or other impervious incombustible material that is easy to clean;
- (b) all windows made of safety glass in fixed metal sashes;
- (c) the floor and floor area within at least 900 mm of the booth entrance constructed of impervious incombustible material;
- (d) an emergency exit capable of being easily opened in an outward direction and allowing rapid escape, situated as far as practicable from the normal means of entry to the booth.

‘Maximum penalty—30 penalty units.

‘Exhaust ventilation for protective booth

‘**154.** An employer or a self-employed person must ensure the protective booth provided at the employer’s or self-employed person’s workplace is fitted with suction exhaust ventilation capable of producing and keeping within the breathing zone of the spray painter—

- (a) if only electrostatic spray painting equipment is used—uniform air movement of not less than 0.3 metres per second; or
- (b) otherwise—uniform air movement of not less than 0.5 metres per

second.

‘Maximum penalty—30 penalty units.

‘Prohibited substances

‘155. An employer or self-employed person must ensure the following substances are not used in spray painting done at the employer’s or self-employed person’s workplace—

- (a) arsenic or an arsenic compound;
- (b) carbon bisulphide;
- (c) carbon tetrachloride;
- (d) material containing more than 1% of benzol or methyl alcohol by volume;
- (e) tetrachloroethane.

‘Maximum penalty—30 penalty units.

‘PART 21—EXPIRY

‘Expiry of pts 2–18 and 21

‘174.(1) Parts 2 to 10 expire on 30 June 1997.

‘(2) Parts 11 to 18 and this part expire on 30 June 1998.’.

Amendment of sch 9 (Dictionary)

6. Schedule 9, definition “AS”, ‘the Standards Association of Australia’—

omit, insert—

‘Standards Australia’.

ENDNOTES

1. Made by the Governor in Council on 20 June 1996.
2. Notified in the gazette on 21 June 1996.
3. Laid before the Legislative Assembly on . . .
4. The administering agency is the Department of Training and Industrial Relations.