

Mining Legislation (Classification of Chemicals) Amendment Regulation 2019

Explanatory notes for SL 2019 No. 140

made under the

Coal Mining Safety and Health Act 1999

Mining and Quarrying Safety and Health Act 1999

General Outline

Short title

Mining Legislation (Classification of Chemicals) Amendment Regulation 2019

Authorising law

Section 282 of the *Coal Mining Safety and Health Act 1999*

Section 262 of the *Mining and Quarrying Safety and Health Act 1999*

Policy objectives and the reasons for them

The objective of the *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* is to complete the transition to the Globally Harmonised System for the Classification and Labelling of Chemicals at coal mines, mineral mines and quarries.

Hazardous chemicals are classified according to their health, physical and chemical hazards. Manufacturers, importers, suppliers and users of hazardous chemicals collectively have obligations to ensure the safe use, handling and storage of hazardous chemicals.

Since 2012, in preparation for the transition to the Globally Harmonised System for the Classification and Labelling of Chemicals, manufacturers, importers, suppliers and users of hazardous chemicals have been able to comply with either the National Occupational Health and Safety Commission (NOHSC) Approved Criteria for Classifying Hazardous Substances, or with the new Globally Harmonised System for the Classification and Labelling of Chemicals, under the subordinate legislation under the *Coal Mining Safety and Health Act 1999* or the *Mining and Quarrying Safety and Health Act 1999*. The end of the transitional period was not specified.

The new Globally Harmonised System for the Classification and Labelling of Chemicals has been created by the United Nations to be a single, international method for chemical classification and communication using consistent terms, signal words, pictograms, other precautionary information, and safety data sheets.

The *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* through the amendment of the *Coal Mining Safety and Health Regulation 2017* and the *Mining and Quarrying Safety and Health Regulation 2017* will ensure that the requirements for the classification and labelling of chemicals at mines and quarries are consistent with the use of the Globally Harmonised System for the Classification and Labelling of Chemicals throughout general workplaces in Queensland.

Chemicals supplied prior to commencement of the *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* will not have to be relabelled or disposed of, if not labelled according to the Globally Harmonised System for the Classification and Labelling of Chemicals, if the chemicals are labelled in compliance with the former provisions which allowed alternative compliance with the NOHSC Approved Criteria for Classifying Hazardous Substances.

A transitional period is provided for any existing standard operating procedures relating to hazardous substances at coal mines or for any existing standard work instruction relating to hazardous substances at mineral mines, to be remade if necessary to comply with the requirements of the Globally Harmonised System for the Classification and Labelling of Chemicals.

Labelling requirements do not apply to a mineral or to quarry material at a coal mine, mineral mine or quarry.

Achievement of policy objectives

The *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* achieves the policy objective of completing the transition to the Globally Harmonised System for the Classification and Labelling of Chemicals at mines and quarries by requiring compliance with this new system and removing alternative compliance with the NOHSC system, for any hazardous chemicals supplied, from commencement on 1 October 2019.

Consistency with policy objectives of authorising law

The *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* is consistent with policy objectives of the *Coal Mining Safety and Health Act 1999* and the *Mining and Quarrying Safety and Health Act 1999*, to protect the safety and health of persons at mines, and to ensure the risk of injury or illness to any person from operations is at an acceptable level.

It does this by requiring risk management of hazardous chemicals or dangerous goods, through risk controls such as labelling and safety data sheet requirements.

Inconsistency with policy objectives of other legislation

The *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* is consistent with the policy approach to hazardous chemicals in other health and safety legislation.

Requiring compliance with the Globally Harmonised System for the Classification and Labelling of Chemicals at mines and quarries is consistent with the requirements applying in general workplaces for the classification and labelling of chemicals, under the Queensland *Work Health and Safety Regulation 2011*.

Benefits and costs of implementation

There are no significant administrative costs associated with implementing the *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019*.

Mines and quarries have been supplied with hazardous chemicals under either the NOHSC system or the new Globally Harmonised System for the Classification and Labelling of Chemicals since 2012.

The national regulatory impact assessment process indicated that the new Globally Harmonised System for the Classification and Labelling of Chemicals should improve health and safety outcomes through an internationally consistent system of protective controls for hazardous chemicals, and remove barriers to international trade.

Consistency with fundamental legislative principles

The *Mining Legislation (Classification of Chemicals) Amendment Regulation 2019* has been drafted to be consistent with fundamental legislative principles, as defined in section 4 of the *Legislative Standards Act 1992*.

Consultation

Consultation occurred with key external stakeholders through the Mining Safety and Health Advisory Committee and the Coal Mining Safety and Health Advisory Committee.

Consultation about the Globally Harmonised System for the Classification and Labelling of Chemicals also occurred throughout Australia, through a national regulatory impact assessment process completed by SafeWork Australia in 2011.

In accordance with the *Queensland Government Guide to Better Regulation* (the guidelines) the Queensland Productivity Commission was consulted regarding whether further regulatory impact analysis was required.

The Queensland Productivity Commission advised that the proposed amendments are unlikely to result in significant adverse impacts and that no further assessment is required under the guidelines.

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