

Queensland



Workplace Health and Safety Act 1995

**WORKPLACE HEALTH AND
SAFETY (HAZARDOUS
SUBSTANCES)
COMPLIANCE STANDARD
1995**

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(includes amendments up to SL No. 194 of 1997)**

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Information about this reprint

This standard is reprinted as at 25 July 1997. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c)).

This reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes.

This page is specific to this reprint. See previous reprint for information about earlier changes made under the Reprints Act 1992. A table of earlier reprints is included in the endnotes.

Also see endnotes for information about when provisions commenced.

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(HAZARDOUS SUBSTANCES)
COMPLIANCE STANDARD 1995**

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WORKPLACE HEALTH AND SAFETY (HAZARDOUS SUBSTANCES) COMPLIANCE STANDARD 1995

[as amended by all amendments that commenced on or before 25 July 1997]

PART 1—PRELIMINARY

Short title

1. This standard may be cited as the *Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995*.

Commencement

2. This standard commences on 1 February 1996.

Purpose of standard

3. This standard gives legislative effect, so far as is possible under the Act, to the *National Model Regulations for the Control of Workplace Hazardous Substances* declared by NOHSC.

What standard does

4. This standard prescribes ways to prevent or minimise risks to health from exposure to hazardous substances at a workplace.

Who standard applies to

5. This standard applies to—

- (a) a manufacturer, importer or supplier of a hazardous substance for use at a workplace; and

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- (b) an employer or self-employed person at a workplace where a hazardous substance is used.

Definitions—the dictionary

6.(1) The dictionary in schedule 3 defines particular words used in this standard.

(2) Definitions found elsewhere in the standard are signposted in the dictionary.

Meaning of “exposed”

7. A person is “**exposed**” to a hazardous substance if the person absorbs, or is likely to absorb, the substance—

- (a) by ingestion or inhalation; or
- (b) through the skin or mucous membrane.

Meaning of “hazardous substance”

8.(1) In this standard, other than part 4¹—

“**hazardous substance**” means—

- (a) a designated hazardous substance; or
- (b) a substance that is not a designated hazardous substance but meets the approved criteria.

(2) However, a hazardous substance does not include—

- (a) lead within the meaning of the *Workplace Health and Safety (Lead) Compliance Standard 1995*; or
- (b) a substance containing a disease causing organism; or
- (c) a radioactive substance; or
- (d) a substance used at a workplace for personal or sanitary use not related to a work activity.

¹ Part 4 (Employers’ and self-employed persons’ obligations)

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Example of subsection (2)(d)—

Skin cream brought into the workplace by a worker for the worker's personal use, but not a skin cream supplied at the workplace for removing grease or other chemicals from the skin.

(3) Despite subsection (1), until 31 August 1997, the following are a **“hazardous substance”**—

- (a) a designated hazardous substance;
- (b) a substance that is not covered by paragraph (a) but contains a designated hazardous substance in a concentration more than the concentration cutoff level for the designated hazardous substance stated in NOHSC's document entitled 'List of Designated Hazardous Substances';
- (c) a substance that is not covered by paragraph (a) or (b) but for which there is a national exposure standard.

(4) Subsection (3) and this subsection expire 2 years after they commence.

PART 2—MANUFACTURERS' AND IMPORTERS' OBLIGATIONS

Who part applies to

9. This part applies to a manufacturer or importer of a hazardous substance for use at a workplace.²

Preparing, amending and reviewing MSDS

10.(1) A manufacturer or importer must—

- (a) prepare an MSDS for the substance—
 - (i) before first manufacturing or importing it; or

² See section 25 of the Act (Person may owe obligations in more than 1 capacity).

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- (ii) if that is not practicable—as soon as practicable after first manufacturing or importing it; and
- (b) amend the MSDS whenever necessary to ensure it contains current information; and
- (c) review the MSDS at least once in every 5 years to ensure it contains current information.

Example of paragraph (a)(ii)—

It may not be practicable to prepare an MSDS before first manufacturing a substance that is discovered through research.

(2) The MSDS must state—

- (a) the substance's product name; and
- (b) information about the substance's—
 - (i) chemical and physical properties; and
 - (ii) health hazards; and
 - (iii) safe use; and
- (c) the importer's or manufacturer's name, Australian address and Australian telephone number;³ and
- (d) for a substance containing a type 1 ingredient—the ingredient's chemical name; and
- (e) for a substance containing a type 2 ingredient—
 - (i) the ingredient's chemical name; or
 - (ii) if the manufacturer or importer reasonably believes disclosure of the ingredient's chemical name gives insufficient commercial protection—the ingredient's generic name; and
- (f) for a substance containing a type 3 ingredient—
 - (i) the ingredient's chemical name; or

³ See NOHSC's document entitled 'National Code of Practice for the Preparation of Material Safety Data Sheets' for further information about the things mentioned in paragraphs (a) to (c).

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(ii) the ingredient's generic name.

(3) Despite subsection (2)(f), instead of stating a type 3 ingredient's chemical or generic name, the MSDS may state that the ingredient is not hazardous if—

- (a) the ingredient is not a hazardous substance with a known synergistic effect; and
- (b) the manufacturer or importer reasonably believes disclosure of its chemical or generic name gives insufficient commercial protection.

(4) The MSDS must be in English and contain—

- (a) unit measures commonly used in Australia; and
- (b) the national exposure standard (if any) for the substance.

Providing MSDS

11.(1) A manufacturer or importer who prepares an MSDS must give a copy of it to—

- (a) the repository as soon as practicable after it is prepared; and
- (b) each person to whom the manufacturer or importer supplies the substance when first supplying the substance to the person.

(2) A manufacturer or importer who amends an MSDS by changing information mentioned in section 10(2)(a), (b) or (c) must give a copy of the amended MSDS to—

- (a) the repository within 1 month after amending it; and
- (b) each person to whom the manufacturer or importer supplies the substance when first supplying the substance to the person after preparing the amended MSDS.

(3) A manufacturer or importer must, on request, give a copy of a hazardous substance's current MSDS to—

- (a) an employer, self-employed person, worker or worker's representative at a workplace where the substance is, or is to be, used; or

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(b) the chief executive.⁴

(4) Subsections (1)(b) and (2)(b) do not apply to a manufacturer or importer if—

- (a) the manufacturer or importer supplies a substance to a retailer or retail warehouse operator; and
- (b) the substance is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Notifying use of type 2 ingredient's generic name

12.(1) A manufacturer or importer who states a type 2 ingredient's generic name in an MSDS must give Worksafe Australia⁵ notice in the approved form of the use of the generic name.

(2) The notice must be given as soon as practicable after the MSDS is prepared.

Disclosing ingredient's chemical name

13.(1) This section applies despite section 10(3).

(2) A manufacturer or importer must immediately give the chemical name of an ingredient contained in the substance to a designated doctor who—

- (a) believes a person has been exposed to the substance at a workplace and needs urgent medical treatment; and
- (b) asks for the information for the person's treatment.

(3) If an ingredient's chemical name is needed to give sufficient protection to the employer, self-employed person or a worker at a workplace against exposure—

⁴ The chief executive means the chief executive of the department administering this standard: see *Acts Interpretation Act 1954*, sections 33 and 36.

⁵ The postal address for Worksafe Australia is—
GPO Box 58
SYDNEY NSW 2001.

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- (a) the employer or self-employed person may, by written request, ask the substance's manufacturer or importer to give the person the ingredient's chemical name; or
- (b) the worker or worker's representative may, by written request, ask the substance's manufacturer or importer to give the person the ingredient's chemical name.

(4) A request under subsection (3) must contain—

- (a) the reason for the request; and
- (b) an undertaking to use the information only for the purpose mentioned in subsection (3).

(5) The manufacturer or importer must not refuse the request unless the manufacturer or importer has a reasonable excuse.

(6) Without limiting subsection (5), it is a reasonable excuse to refuse the request if the manufacturer or importer—

- (a) is not satisfied the ingredient's chemical name is needed; and
- (b) gives the requester, within 30 days after receiving the request—
 - (i) written reasons for refusing the request;⁶ and
 - (ii) information other than the ingredient's chemical name (if any) that may help protect the employer, self-employed person or worker from exposure.

Providing NICNAS summary report and other information

14.(1) An employer or self-employed person at a workplace where a hazardous substance is used may, by written request, ask the substance's manufacturer or importer for—

- (a) information from the substance's NICNAS summary report (if any) that may help in the substance's safe use; and
- (b) other information (if any), not contained in the substance's

⁶ The instrument giving the reasons must also refer to the evidence or other material on which those findings were based. See *Acts Interpretation Act 1954*, section 27B.

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MSDS, that may help in the substance's safe use.

(2) The manufacturer or importer must give the employer or self-employed person the information within 30 days after receiving the request, unless the manufacturer or importer has a reasonable excuse.

(3) In this section—

“**NICNAS summary report**” means a summary report under the *Industrial Chemicals (Notification and Assessment) Act 1990* (Cwlth).⁷

PART 3—SUPPLIERS' OBLIGATIONS

Who part applies to

15. This part applies to a supplier of a hazardous substance for use at a workplace.⁸

Prohibition on supplying asbestos products

16. A supplier must not supply a second-hand asbestos product for use at a workplace.

Example—

Supplying second-hand fire bricks coated with an asbestos render or second-hand A-C sheeting.

Providing MSDS

17.(1) A supplier must give a copy of a hazardous substance's current MSDS to the employer or self-employed person at a workplace—

⁷ NICNAS summary reports refer only to pure substances and are available from the Australian Government Publishing Service.

⁸ See section 25 of the Act (Person may owe obligations in more than 1 capacity).

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- (a) when first supplying the substance to the employer or self-employed person; and
- (b) when first supplying the substance to the employer or self-employed person after preparing or receiving an amended MSDS.⁹

(2) A supplier must, on request, give a copy of a hazardous substance's current MSDS to—

- (a) an employer, self-employed person, worker or worker's representative at a workplace where the substance is, or is to be, used; or
- (b) the chief executive.

(3) Subsection (1) does not apply to a retailer or retail warehouse operator who supplies a hazardous substance contained in a consumer package that will not be opened on the retailer's or operator's premises.

Labelling containers

18.(1) A supplier must ensure a label is fixed to a hazardous substance's container when the substance is supplied.

(2) The label—

- (a) must state the substance's product name; and
- (b) must state the substance's risk and safety phrases (other than a safety phrase giving information about a risk phrase); and
- (c) if the substance contains a type 1 or type 2 ingredient—must state the ingredient's chemical name; and
- (d) if the substance contains a type 2 ingredient and the substance's manufacturer or importer reasonably believes disclosure of the ingredient's chemical name gives insufficient commercial protection—may state the ingredient's generic name.

⁹ Section 10 deals with the amendment of an MSDS.

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Example of a safety phrase giving information about a risk phrase in subsection (2)(b)—

A safety phrase stating ‘Keep away from heat’ if the risk phrase states ‘Heating may cause an explosion’.

PART 4—EMPLOYERS’ AND SELF-EMPLOYED PERSONS’ OBLIGATIONS

Who part applies to

19. This part applies to an employer or self-employed person at a workplace where a hazardous substance is used.¹⁰

Meaning of “hazardous substance” for part

20. In this part—

“**hazardous substance**” means a substance for which its supplier must, under section 17,¹¹ give an employer or self-employed person its current MSDS.

Prohibition of use of schedule 2 substance

21.(1) An employer must not use, or allow a worker to use, a hazardous substance mentioned in schedule 2 (a “**schedule 2 substance**”) at the employer’s workplace.

(2) A self-employed person must not use a schedule 2 substance at the self-employed person’s workplace.

(3) Subsections (1) and (2) do not apply to the removal of asbestos from a workplace.

¹⁰ See section 25 of the Act (Person may owe obligations in more than 1 capacity).

¹¹ Section 17 (Providing MSDS)

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Prohibitions about asbestos

22.(1) An employer must not spray, or allow a worker to spray, an asbestos product at the employer's workplace.

(2) A self-employed person must not spray an asbestos product at the self-employed person's workplace.

Example of an asbestos product that might be sprayed—

Materials used for fireproofing that are sprayed on steel beams.

(3) An employer must not use, or allow a worker to use, a power tool or high pressure water process to clean an asbestos product at the employer's workplace.

(4) A self-employed person must not use a power tool or high pressure water process to clean an asbestos product at the self-employed person's workplace.

Example of use of a power tool in subsections (3) and (4)—

Using an electric sander to clean A-C sheeting before painting it.

Using an electric wire brush to remove an asbestos gasket from plant.

Example of high pressure process in subsections (3) and (4)—

Using an unenclosed water blaster to clean an asbestos cement roof.

(5) An employer must not use, or allow a worker to use, compressed air to clean a surface where asbestos is used.

(6) A self-employed person must not use compressed air to clean a surface where asbestos is used.

Example of subsections (5) and (6)—

A radius grinder in a brake shop should be cleaned using a vacuum cleaner suitable for use with asbestos dust rather than blowing the dust away with compressed air.

Obtaining MSDS

23.(1) An employer or self-employed person who, when first supplied with a substance in a container labelled under section 18,¹² does not receive

¹² Section 18 (Labelling containers)

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an MSDS for the substance must—

- (a) ask the supplier if the substance is a hazardous substance; and
- (b) if it is—ask the supplier for a copy of its current MSDS.

(2) This section does not apply to a retailer or retail warehouse operator if the substance—

- (a) has been supplied to the retailer or operator for retail sale; and
- (b) is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Recording and displaying MSDS

24.(1) An employer or self-employed person must—

- (a) put the copy of a hazardous substance's MSDS in the register immediately after the employer or self-employed person prepares or receives it; and
- (b) take reasonable steps to ensure the contents of the MSDS are not changed other than in accordance with an amendment of the MSDS by the manufacturer or importer.

(2) The employer must also keep a copy of the MSDS close enough to where the substance is being used to allow a worker who may be exposed to the substance to refer to it easily.

(3) This section does not apply to a retailer or retail warehouse operator if the substance—

- (a) has been supplied to the retailer or operator for retail sale; and
- (b) is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Labelling containers

25.(1) An employer or self-employed person must—

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- (a) ensure a label complying with section 18¹³ is fixed to the container of a hazardous substance used at the workplace; and
- (b) take reasonable steps to ensure the label is not interfered with.

(2) If a hazardous substance is transferred from 1 container into a second container and the second container's contents are not entirely used immediately, the employer or self-employed person must ensure the second container is fixed with a label stating—

- (a) the substance's product name; and
- (b) the substance's risk and safety phrases (other than a safety phrase giving information about a risk phrase).

Example of a safety phrase giving information about a risk phrase in subsection (2)—

A safety phrase stating 'Keep away from heat' if the risk phrase states 'Heating may cause an explosion'.

(5) Subsections (2) and (3) do not apply to a container if it has been cleaned of the hazardous substance.

Hazardous substances in enclosed systems

26. An employer or self-employed person must ensure suitable warning of the presence and location of a hazardous substance in an enclosed system at a workplace is given to anyone who may be exposed to the substance if it escapes from the enclosed system.

Example of suitable warning—

A suitable warning stated in AS1345.¹⁴

Risk assessments

27.(1) An employer or self-employed person must assess the risk to the health of the employer, self-employed person or a worker from a hazardous substance that is used, or is to be used, at the workplace.

(2) The assessment must be done—

¹³ Section 18 states what information must be contained on a label.

¹⁴ AS1345 is entitled 'Identification of the contents of piping, conduits and ducts'.

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- (a) as soon as is practicable after it is used; and
- (b) within 5 years after the last assessment; and
- (c) when any of the following happen at the workplace—
 - (i) a work practice involving the substance is significantly changed;
 - (ii) new information about the substance's hazards is available;
 - (iii) health surveillance¹⁵ or monitoring¹⁶ shows control measures need to be reviewed;
 - (iv) new or improved control measures are implemented.

Examples of significantly changed work practices in paragraph (c)(i)—

- the form of a catalyst for a chemical reaction is changed from liquid to a vaporised state
- the form of a substance used is changed from fine powder to pellets.

Examples of control measures in paragraph (c)(iv)—

Engineering controls, safe work practices and personal protective equipment.

(3) The assessment must include—

- (a) an identification of the hazardous substance; and
- (b) if the substance's MSDS is available—a review of the MSDS; and
- (c) if the substance's MSDS is not available—a review of available equivalent information; and
- (d) if the substance is contained in a consumer package—a review of the package's label; and
- (e) a decision whether any workers may be exposed to the substance; and
- (f) a decision about the control measures, health surveillance and monitoring needed for the substance.

¹⁵ See section 31 (Health surveillance).

¹⁶ See section 30 (Monitoring).

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(4) The assessment may be a generic assessment prepared for workplaces where the substance is used in the same or similar circumstances.

Example of generic assessment in subsection (4)—

An assessment prepared by an industry body or trade association about the use of brake fluid at service stations.

Risk assessment records

28. The employer or self-employed person must, as soon as practicable after doing an assessment, record the following information—

- (a) the date when the assessment was done;
- (b) whether the degree of risk is assessed to be significant;¹⁷
- (c) the substance's product name or other information;
- (d) the control measures for the use of the substance that were in place when the assessment was done;
- (e) the type of monitoring that is needed and the intervals at which the monitoring must be done;
- (f) the type of health surveillance that is needed and the intervals at which the health surveillance must be done.

Controlling exposure

29.(1) If a risk assessment shows an employer, self-employed person or worker may be exposed to a hazardous substance, the employer or self-employed person must—

- (a) prevent the exposure; or
- (b) if that is not practicable—reduce the exposure to as low a level as is practicable.

(2) However, the level of exposure must not be more than the national

¹⁷ For guidance in deciding if the degree of risk is significant, see the *Advisory Standard for the Management of Hazardous Substances*.

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exposure standard for the relevant period for the substance.

(3) The employer or self-employed person must, as far as is practicable, prevent or reduce the exposure by ways other than the use of personal protective equipment.

(4) However, if the exposure cannot be prevented or reduced other than by using personal protective equipment, the employer or self-employed person must ensure that anyone who may be exposed—

- (a) is given personal protective equipment; and
- (b) is properly instructed in the use of the personal protective equipment; and
- (c) uses the equipment when being exposed to the substance.

(5) The employer or self-employed person must also ensure the control measures decided under the risk assessment are—

- (a) implemented as soon as practicable at the workplace; and
- (b) effectively maintained.

(6) In this section—

“relevant period” means the exposure period stated in NOHSC’s document entitled ‘Exposure Standards for Atmospheric Contaminants in the Occupational Environment’.

Monitoring

30. If the risk assessment shows monitoring is needed—

- (a) the employer or self-employed person must ensure—
 - (i) the monitoring is done at the workplace; and
 - (ii) a record of the monitoring result is made as soon as practicable; and
- (b) the employer must—
 - (i) ensure a worker who may be exposed to a hazardous substance at the workplace is given a copy of the record; and

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- (ii) allow a worker who may be exposed to inspect the record at any reasonable time.

Health surveillance

31.(1) An employer must arrange and pay for health surveillance of a worker who a risk assessment¹⁸ shows has been exposed to a hazardous substance if—

- (a) the substance is listed in schedule 1, column 1 and the degree of risk to the worker's health is significant; or
- (b) the employer reasonably believes, or ought to reasonably believe—
 - (i) an identifiable adverse health effect may be related to the exposure; and
 - (ii) the health effect may happen under the worker's work conditions; and
 - (iii) a valid technique capable of detecting signs of the health effect exists; or
- (c) the employer reasonably believes, or ought to reasonably believe—
 - (i) an identifiable adverse health effect may be related to the exposure; and
 - (ii) the health effect may happen under the worker's work conditions; and
 - (iii) a valid biological monitoring procedure is available to detect, in the worker, changes from the current accepted values for the substance.

Examples of changes from current accepted values in paragraph (c)(iii)—

- lower than normal blood levels of acetylcholinesterase resulting from organophosphate pesticide exposure

¹⁸ See section 27 (Risk assessments).

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- raised urinary mercury levels in a laboratory technician exposed to mercury vapour.

(2) If the health surveillance relates to exposure to a hazardous substance mentioned in schedule 1, column 1, the surveillance must include the things stated in schedule 1, column 2 for the substance.

(3) The employer must—

- arrange for the health surveillance to be done by, or under, the supervision of a designated doctor; and
- ask the designated doctor to give—
 - the employer a health surveillance report; and
 - the worker a health surveillance report and an explanation of the report; and
- keep the report as a record at the workplace.

(4) If the health surveillance is of a worker, the employer must consult the worker before choosing a designated doctor to do, or supervise, the surveillance.

(5) In this section—

“designated doctor” means a doctor—

- entitled to be registered as a specialist in occupational medicine under the *Medical Act 1939*; or
- who has satisfactorily completed a health surveillance training program supplied by the chief executive.

“health surveillance report” means information, other than a medical record, about—

- the effects on a person’s health related to the person’s exposure to a hazardous substance at a workplace; and
- the need (if any) for remedial action.

Confidentiality of worker’s medical record

32.(1) An employer may only obtain a worker’s medical record with the worker’s written consent.

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(2) An employer must not disclose to anyone (other than the worker or someone with the worker's written consent) the contents of the worker's medical record.

Example of someone with the worker's written consent—

The worker's representative at the workplace.

Keeping registers

33.(1) An employer or self-employed person at a workplace must keep a register at the workplace containing—

- (a) a list of all hazardous substances used at the workplace; and
- (b) the current MSDS for each substance.

(2) If an employer or self-employed person can not eliminate chrysotile from the employer's or self-employed person's workplace, the employer or self-employed person must record in a register the reason why it can not be eliminated.

(3) The employer must allow the employer's workers who may be exposed to a hazardous substance at the workplace to inspect a register at any reasonable time.

(4) This section does not apply to a retailer or retail warehouse operator if the hazardous substance is contained in a consumer package that will not be opened on the retailer's or operator's premises.

Keeping records

34.(1) If a risk assessment¹⁹ shows a hazardous substance's use at a workplace causes a significant degree of risk to health, the employer or self-employed person must keep the following documents for 30 years from the day the particular document was made—

¹⁹ See section 27 (Risk assessments).

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- (a) the risk assessment record;²⁰
- (b) a monitoring result;²¹
- (c) a health surveillance report.²²

(2) If a risk assessment shows a hazardous substance's use at a workplace does not cause a significant degree of risk to health, the employer or self-employed person must keep a record of the assessment for 5 years from the day it was made.

(3) An employer must allow a worker who may be exposed to a hazardous substance at the workplace to inspect a document mentioned in subsection (1) or (2) at any reasonable time.

(4) If a person stops being an employer or self-employed person in the period a document is required to be kept under subsection (1) or (2), the person must ask for, and comply with, the chief executive's directions about the document's storage.

Induction and training about hazardous substances

35.(1) An employer must give a worker who may be exposed to a hazardous substance at the workplace induction and ongoing training about the substance.

- (2) The induction and training must be appropriate having regard to—
- (a) the level of risk identified in a risk assessment; and
 - (b) the workers who may be exposed to the substance.

(3) The employer must keep a record of the induction and training given to a worker for 5 years from the date of the last entry in the record.

(4) The record must include the following information for each induction or training session—

- (a) the date of the session;

²⁰ See section 28 (Risk assessment records).

²¹ See section 30 (Monitoring).

²² See section 31 (Health surveillance).

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- (b) the topics dealt with at the session;
- (c) the name of the person who conducted the session;
- (d) the names of the workers who attended the session.

SCHEDULE 1

HAZARDOUS SUBSTANCES FOR WHICH HEALTH SURVEILLANCE MUST BE SUPPLIED

section 31

Column 1	Column 2
Hazardous substance	Health surveillance
4,4' Methylenebis (2-chloroaniline) (MOCA)	Demographic, medical and occupational history Dipstick analysis of urine for haematuria Health advice Urinary total MOCA Urine cytology
Acrylonitrile	Demographic, medical and occupational history Exposure record Health advice Physical examination if decided by the designated doctor supervising the health surveillance
Asbestos	Demographic, medical and occupational history Exposure record Health advice

SCHEDULE 1 (continued)

	Physical examination if decided by the designated doctor supervising the health surveillance
Benzene	Baseline blood sample for haematological profile Demographic, medical and occupational history Exposure record Health advice
Cadmium	Demographic, medical and occupational history Exposure record Health advice including counselling about the effect of smoking on cadmium exposure Physical examination with emphasis on the respiratory system Standard respiratory function tests including, for example, FEV ₁ , FVC and FEV ₁ /FVC Standard respiratory questionnaire to be completed Urinary cadmium and β_2 -microglobulin
Creosote	Demographic, medical and occupational history

SCHEDULE 1 (continued)

	Exposure record including photosensitivity
	Health advice including recognition of photosensitivity and skin changes
	Physical examination with emphasis on the neurological system and skin noting any abnormal lesions and evidence of skin sensitisation
Crystalline silica	Chest X-ray, full size Pa view
	Demographic, medical and occupational history
	Exposure record
	Health advice
	Standard respiratory function test including, for example, FEV ₁ , FVC and FEV ₁ /FVC
	Standard respiratory questionnaire to be completed
Inorganic arsenic	Demographic, medical and occupational history
	Exposure record
	Health advice
	Physical examination with emphasis on the peripheral nervous system and skin
	Urinary total arsenic

SCHEDULE 1 (continued)

Inorganic chromium	Demographic, medical and occupational history Health advice Physical examination with emphasis on the respiratory system and skin Weekly skin inspection of hands and forearms by a responsible person
Inorganic mercury	Demographic, medical and occupational history Health advice Physical examination with emphasis on gastrointestinal systems, neurological, renal systems and skin Urinary inorganic mercury
Isocyanates	Demographic, medical and occupational history Health advice Physical examination of respiratory system and skin Standard respiratory function tests including, for example, FEV ₁ , FVC and FEV ₁ /FVC Standard respiratory questionnaire to be completed

SCHEDULE 1 (continued)

Organophosphate pesticides	Baseline examination of red cell and plasma cholinesterase activity levels by the Ellman method Demographic, medical and occupational history Estimate of red cell and plasma cholinesterase activity towards the end of a working day on which organophosphate pesticides have been used Health advice Physical examination
Pentachlorophenol (PCP)	Demographic, medical and occupational history Dipstick urinalysis for haematuria and proteinuria Exposure record Health advice Physical examination with emphasis on skin noting any abnormal lesions or effects of irritancy Urinary total pentachlorophenol
Polycyclic aromatic hydrocarbons (PAH)	Exposure including photosensitivity record Demographic, medical and occupational history

SCHEDULE 1 (continued)

	Health advice including recognition of photosensitivity and skin changes
	Physical examination if decided by the designated doctor supervising the health surveillance
Thallium	Demographic, medical and occupational history
	Health advice
	Physical examination if decided by the designated doctor supervising the health surveillance
	Urinary thallium
Vinyl chloride	Demographic, medical and occupational history
	Exposure record
	Health advice
	Physical examination if decided by the designated doctor supervising the health surveillance

SCHEDULE 2

PROHIBITED HAZARDOUS SUBSTANCES

section 21

Amosite

Crocidolite

SCHEDULE 3

DICTIONARY

section 6

“**ADG Code**” means the Australian Code for the Transport of Dangerous Goods by Road and Rail.²³

“**approved criteria**” means the criteria stated in NOHSC’s document entitled ‘Approved Criteria for Classifying Hazardous Substances’.

“**asbestos product**” means anything that contains asbestos.

“**biological monitoring**” means testing for the presence of a hazardous substance, its metabolites or a biochemical change in a person’s body tissue, exhaled air or fluid.

“**chemical name**”, of a substance, means its scientific or technical name.

“**consumer package**” means—

- (a) a single packaged item, holding less than 30 kg or 30 L, intended for retail sale; or
- (b) a package containing only identical packaged items mentioned in paragraph (a).

“**container**” means a thing (other than a bulk container, or tank, defined in the ADG Code) in which a hazardous substance is, or has been, completely or partly cased, contained, covered, enclosed or packed, but does not include an enclosed system.

“**control measures**”, for use of a hazardous substance, means the ways of preventing or minimising a person’s exposure to the substance.

“**designated hazardous substance**” means a substance, listed as a designated hazardous substance in NOHSC’s document entitled ‘List

²³ The ADG Code is prepared by the Federal Office of Road Safety of the Commonwealth Department of Transport and Communications.

SCHEDULE 3 (continued)

of Designated Hazardous Substances’.

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

“**exposed**” see section 7.

“**generic name**” means the name of a chemical category or group, including, for example, ‘azo dyes’ and ‘halogenated aromatic amines’.

“**hazardous substance**” see section 8.

“**health surveillance**” means the monitoring (including biological monitoring) of a person in relation to the person’s exposure.

“**ingredient**” means a component (including an impurity) of a substance.

“**medical record**”, of a person, means personal medical results or clinical findings obtained from health surveillance of the person.

“**monitoring**” an employer, self-employed person or worker means regularly checking, other than by biological monitoring—

- (a) the person’s risk from, or level of exposure to, a hazardous substance; and
- (b) the effectiveness of hazardous substance control measures at the person’s workplace.

“**MSDS**” stands for Material Safety Data Sheet.

“**national exposure standard**”, for a hazardous substance, means the exposure standard for the substance stated in the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment contained in NOHSC’s document entitled ‘Exposure Standards for Atmospheric Contaminants in the Occupational Environment’.

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

“**product name**”, of a hazardous substance, means the brand name, code name, trade name or code number given to the substance by its

SCHEDULE 3 (continued)

manufacturer, importer or supplier.

“register” means the register mentioned in section 33.

“repository” means the Australian National Material Safety Data Sheet Repository kept by Worksafe Australia.

“representative”, of a worker, includes a co-worker elected by workers at the worker’s workplace to represent the worker on workplace health and safety issues.

“retail warehouse operator” means an operator of a warehouse where unopened packaged goods, intended for retail sale, are stored.

“risk assessment” means a risk assessment made under section 27.

“risk phrase”, for a hazardous substance, means a phrase stated in NOHSC’s document entitled ‘National Code of Practice for the Labelling of Workplace Substances’ that gives information about the substance’s hazards.

“safety phrase”, for a hazardous substance, means a phrase stated in NOHSC’s document entitled ‘National Code of Practice for the Labelling of Workplace Substances’ that gives information about—

- (a) the safe use of the substance; or
- (b) the personal protective equipment for the substance.

“substance” does not include a thing (other than a fluid or particle)—

- (a) formed during production to a predetermined design or shape or to have a predetermined surface; and
- (b) used for a purpose depending completely or partly on its design, shape or surface; and
- (c) keeping its chemical composition and physical state during use.

“type 1 ingredient”, of a substance, means an ingredient present in the substance in a concentration more than the ingredient’s concentration cut-off level stated in the approved criteria and—

- (a) described in the approved criteria as—

SCHEDULE 3 (continued)

- (i) carcinogenic, corrosive, mutagenic, teratogenic, toxic or very toxic; or
 - (ii) a respiratory or skin sensitiser; or
 - (iii) a harmful substance capable of causing a person an irreversible adverse health effect after acute exposure; or
 - (iv) a harmful substance capable of causing serious damage to a person's health after repeated or prolonged exposure; or
- (b) listed, and having an exposure standard stated, in the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment contained in NOHSC's document entitled 'Exposure Standards for Atmospheric Contaminants in the Occupational Environment'.

“type 2 ingredient”, of a substance, means an ingredient (other than an ingredient mentioned in the definition “type 1 ingredient”, paragraph (a)) present in the substance—

- (a) in a concentration more than the ingredient's concentration cut-off level stated in the approved criteria; and
- (b) described in the approved criteria as a harmful substance.

“type 3 ingredient”, of a substance, means an ingredient (other than a type 1 or type 2 ingredient) present in the substance.

“use”, of a hazardous substance, includes handling, production, storage, movement and disposal of the substance, but does not include the carriage of a substance covered by the ADG Code or the International Maritime Dangerous Goods Code.²⁴

²⁴ The International Maritime Dangerous Goods Code is prepared by the Inter-Governmental Maritime Consultative Organisation and is available from the Australian Government Publishing Service.

ENDNOTES

1 Index to endnotes

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2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 25 July 1997. Future amendments of the Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

3 Key

Key to abbreviations in list of legislation and annotations

AIA	=	Acts Interpretation Act 1954	(prev)	=	previously
amd	=	amended	proc	=	proclamation
ch	=	chapter	prov	=	provision
def	=	definition	pt	=	part
div	=	division	pubd	=	published
exp	=	expires/expired	R[X]	=	Reprint No.[X]
gaz	=	gazette	RA	=	Reprints Act 1992
hdg	=	heading	reloc	=	relocated
ins	=	inserted	renum	=	renumbered
lap	=	lapsed	rep	=	repealed
notfd	=	notified	s	=	section
om	=	omitted	sch	=	schedule
o in c	=	order in council	sdiv	=	subdivision
p	=	page	SIA	=	Statutory Instruments Act 1992
para	=	paragraph	SL	=	subordinate legislation
prec	=	preceding	sub	=	substituted
pres	=	present	unnum	=	unnumbered
prev	=	previous			

4 Table of earlier reprints

TABLE OF EARLIER REPRINTS

[If a reprint number includes an arabic letter, the reprint was released in
unauthorised, electronic form only.]

Reprint No.	Amendments included	Reprint date
1	none	28 March 1996

5 List of legislation

Workplace Health and Safety (Hazardous Substances) Compliance Standard 1995 SL No. 379

notfd gaz 15 December 1995 pp 1560–5
ss 1–2 commenced on date of notification
remaining provisions commenced 1 February 1996 (see s 2)

as amended by—

Workplace Health and Safety (Hazardous Substances) Amendment Compliance Standard (No. 1) 1997 SL No. 194

notfd gaz 27 June 1997 pp 1004–1010
commenced on date of notification

6 List of annotations

Meaning of “hazardous substance”

s 8 (3)–(4) exp 1 February 1998 (see s 8(4))

Labelling containers

s 18 (3)–(4) exp 1 February 1997 (see s 18(4))

Labelling containers

s 25 (3)–(4) exp 1 February 1997 (see s 25(4))

Risk assessments

s 27 (5)–(6) exp 1 February 1997 (see s 27(6))

SCHEDULE 1—HAZARDOUS SUBSTANCES FOR WHICH HEALTH SURVEILLANCE MUST BE SUPPLIED

amd 1997 SL No. 194 s 3 sch