

Queensland



Workplace Health and Safety Act 1995

WORKPLACE HEALTH AND SAFETY (LEAD) COMPLIANCE STANDARD 1995

**Reprinted as in force on 17 May 1996
(includes amendments up to SL No. 73 of 1996)**

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Information about this reprint

This standard is reprinted as at 17 May 1996. The reprint shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992, section 5(c)).

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Also see endnotes for information about when provisions commenced.

Queensland



WORKPLACE HEALTH AND SAFETY (LEAD) COMPLIANCE STANDARD 1995

TABLE OF PROVISIONS

Section		Page
PART 1—PRELIMINARY		
1	Short title	3
2	Commencement	3
3	Purpose of standard	3
4	What standard does	3
5	Who standard applies to	4
6	Definitions—the dictionary	4
7	Meaning of “exposed”	4
8	Meaning of “lead hazardous substance”	4
PART 2—MANUFACTURERS’ AND IMPORTERS’ OBLIGATIONS		
9	Who part applies to	5
10	Preparing, amending and reviewing MSDS	5
11	Providing MSDS	6
12	Providing NICNAS summary report and other information	7
PART 3—SUPPLIERS’ OBLIGATIONS		
13	Who part applies to	8
14	Providing MSDS	8
15	Labelling containers	8
PART 4—EMPLOYERS’ AND SELF-EMPLOYED PERSONS’ OBLIGATIONS		
16	Who part applies to	9
17	Obtaining MSDS	9
18	Keeping registers	10

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

19	Labelling containers	10
20	Risk assessment	11
21	Risk assessment records	13
22	Controlling exposure	14
23	Atmospheric monitoring	16
24	Health surveillance	16
25	Reviewing control measures	18
26	Removal from a lead-risk job	18
27	Return to a lead-risk job	19
28	Confidentiality of worker's medical record	19
29	Induction and training about lead	19
30	Keeping records	20
PART 5—WORKERS' OBLIGATIONS		
31	Who part applies to	21
32	Health surveillance	21
33	Advising of pregnancy or breast feeding	22
SCHEDULE 1		23
LEAD HAZARDOUS SUBSTANCES		
SCHEDULE 2		24
DICTIONARY		
ENDNOTES		
1	Index to endnotes	28
2	Date to which amendments incorporated	28
3	Key	28
4	List of legislation	29
5	List of annotations	29

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

WORKPLACE HEALTH AND SAFETY (LEAD) COMPLIANCE STANDARD 1995

[reprinted as in force on 17 May 1996]

PART 1—PRELIMINARY

Short title

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

Commencement

2. This standard commences on 1 April 1996.

Purpose of standard

3. This standard gives legislative effect, so far as is possible under the Act, to the *National Standard for the Control of Inorganic Lead at Work* declared by NOHSC.

What standard does

4. This standard—
- (a) prohibits certain acts to prevent or minimise risks to health from exposure to lead at a workplace; and
 - (b) prescribes ways to prevent or minimise risks to health from exposure to lead at a workplace.¹

¹ In some circumstances a person's actions in complying with this standard may conflict with anti-discrimination laws. Care should be taken to ensure this does not happen.

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

Who standard applies to

5. This standard applies to—

- (a) a manufacturer, importer or supplier of lead for use at a workplace; and
- (b) an employer or self-employed person at a workplace where lead is used.

Definitions—the dictionary

6. The dictionary in schedule 2 defines particular words used in this standard.

Meaning of “exposed”

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

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

Meaning of “lead hazardous substance”

8. A “lead hazardous substance” is—

- (a) a substance listed in schedule 1 in a concentration more than the concentration cut-off level stated for the substance in NOHSC’s document entitled ‘List of Designated Hazardous Substances’; or
- (b) a substance that meets the approved criteria; or
- (c) until 31 August 1997, a substance that is mixed with a substance listed in schedule 1 in a concentration more than the concentration cut-off level stated for the substance in NOHSC’s document entitled ‘List of Designated Hazardous Substances’.

PART 2—MANUFACTURERS’ AND IMPORTERS’ OBLIGATIONS

Who part applies to

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

Preparing, amending and reviewing MSDS

10.(1) A manufacturer or importer must—

- (a) prepare an MSDS for the lead—
 - (i) before first manufacturing or importing it; or
 - (ii) if that is not practicable—as soon as reasonably 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 lead hazardous substance that is discovered through research.

(2) The MSDS must state—

- (a) the lead’s product name; and
- (b) the lead’s chemical name; and
- (c) information about the lead’s—
 - (i) chemical and physical properties; and
 - (ii) health hazards; and

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

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

- (iii) safe use;³ and
 - (d) the importer's or manufacturer's name, Australian address and Australian telephone number.
- (3)** 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 lead.

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 lead when first supplying the lead to the person.

(2) A manufacturer or importer who amends an MSDS by changing information mentioned in section 10(2)⁴ 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 lead when first supplying the lead to the person after preparing the amended MSDS.

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

- (a) an employer, self-employed person, worker or workplace health and safety representative at a workplace where the lead is, or is to be, used; 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).

⁴ Section 10 (Preparing, amending and reviewing MSDS)

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

(b) the chief executive.⁵

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

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

Providing NICNAS summary report and other information

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

- (a) information from the lead's NICNAS summary report (if any) that may help in the lead's safe use; and
- (b) other information (if any), not contained in the lead's MSDS, that may help in the lead'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).⁶

⁵ The chief executive means the chief executive of the department administering this standard. See the *Acts Interpretation Act 1954*, sections 33 and 36.

⁶ NICNAS summary reports refer only to pure substances and are available from the Australian Government Publishing Service.

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

PART 3—SUPPLIERS’ OBLIGATIONS

Who part applies to

13. This part applies to a supplier of lead for use at a workplace.⁷

Providing MSDS

14.(1) A supplier must give a copy of the lead’s current MSDS to the employer or self-employed person at a workplace—

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

(2) A supplier must, on request, give a copy of the lead’s current MSDS to—

- (a) an employer, self-employed person, worker or workplace health and safety representative at a workplace where the lead 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 lead contained in a consumer package that will not be opened on the retailer’s or operator’s premises.

Labelling containers

15.(1) A supplier must ensure a label is fixed to a container of lead when the lead is supplied.

(2) The label must state—

- (a) the lead’s product name; and
- (b) the lead’s risk and safety phrases (other than a safety phrase

⁷ See section 25 of the Act (Person may owe obligations in more than 1 capacity).

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

giving information about a risk phrase); and

- (c) the lead's chemical name.

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

A safety phrase stating 'When using, do not eat or drink.' if the risk phrase states 'Harmful by inhalation and if swallowed.'

(3) Despite subsection (2), until 31 August 1996, the label must state—

- (a) the lead's product name; and
(b) if it is reasonably practicable, the information mentioned in subsection (2)(b) and (c).

(4) Subsection (3) and this subsection expire 1 year after they commence.

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

Who part applies to

16. This part applies to an employer or self-employed person at a workplace where lead is used.⁸

Obtaining MSDS

17.(1) An employer or self-employed person who, when first supplied with a substance in a container labelled under section 15,⁹ does not receive an MSDS for the lead must—

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

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

⁹ Section 15 (Labelling containers)

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

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

- (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.

Keeping registers

18.(1) An employer or self-employed person at a workplace must—

- (a) keep a register at the workplace containing—
 - (i) a list of the lead used at the workplace; and
 - (ii) the MSDS for the lead used at the workplace; and
- (b) put the copy of the MSDS in the register immediately after the employer or self-employed person receives it; and
- (c) keep a copy of the MSDS close to where the lead is being used; and
- (d) 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 allow the employer's workers to inspect the register at any reasonable time.

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

- (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

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

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

- (a) ensure a label complying with section 15¹⁰ is fixed to the container of lead used at the workplace; and
- (b) take reasonable steps to ensure the label is not changed.

(2) If lead is transferred from a 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 lead's product name; and,
- (b) the lead'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)(b)—

A safety phrase stating 'When using, do not eat or drink.' if the risk phrase states 'Harmful by inhalation and if swallowed.'

(3) Subsection (2) does not apply to a container if it has been cleaned of the lead.

(4) Despite subsection (2)(b), until 31 August 1996, the label must state if it is reasonably practicable, the lead's risk and safety phrases (other than a safety phrase giving information about a risk phrase).

(5) Subsection (4) and this subsection expire 1 year after they commence.

Risk assessment

20.(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 lead job at the workplace.

(2) The assessment must be done—

- (a) for a lead job introduced at the workplace after the commencement—when the job is introduced and again within 4 weeks after the job is introduced; and
- (b) if, in the last assessment, the job was assessed to be a lead-risk

¹⁰ Section 15 (Labelling containers)

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

job—within 1 year after the last assessment; and

- (c) if, in the last assessment, the job was assessed not to be a lead-risk job—within 5 years after the last assessment; and
- (d) when any of the following happen at the workplace—
 - (i) if there is a significant change in the way a lead job is done at the workplace;
 - (ii) if there is a significant change in the amount of lead, or the amount of lead contained in a thing, used at the workplace.

(3) The assessment must—

- (a) identify the lead used at the workplace; and
- (b) if the MSDS for the lead is available—review the MSDS; and
- (c) if the MSDS for the lead is not available—review available equivalent information; and
- (d) if the lead is contained in a consumer package—review the package’s label.

(4) Having assessed the risk, the employer or self-employed person must decide whether or not the job is a lead-risk job.

(5) If the job is assessed to be a lead-risk job, the employer or self-employed person must decide—

- (a) the type of atmospheric monitoring needed; and
- (b) the control measures needed.

Example of a type of atmospheric monitoring in subsection (5)(a)—

Monitoring a worker’s breathing zone.

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

Example—

Where there are several soldering stations in a battery factory soldering the same kind of terminals under similar environmental conditions.

(7) After doing the assessment, the employer or self-employed person must—

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

- (a) if the job is assessed not to be a lead-risk job—develop a plan to ensure the job does not become a lead-risk job; or
- (b) if the job is assessed to be a lead-risk job—
 - (i) notify the chief executive, in the approved form within 28 days after the assessment, that the job is a lead-risk job; and
 - (ii) if the job can be changed to a job that is not a lead-risk job—develop a plan to do that; and
 - (iii) if the job can not be changed to a job that is not a lead-risk job—develop a plan to minimise risk to health from the lead.

(8) A plan under subsection (7) must—

- (a) be developed in consultation between the employer, worker and workplace health and safety representative; and
- (b) contain specific aims and ways of deciding whether the aims are being achieved.

(9) An employer must not allow a person to start work in a lead-risk job if the employer knows the person—

- (a) has a medical condition that may be adversely affected by exposure to lead; or
- (b) is pregnant or breast feeding.

(10) Despite subsection (2), for a lead job being done at the workplace before the commencement of this section, the assessment must also be done before 31 July 1996.

(11) Subsection (10) and this subsection expire 1 year after they commence.

(12) In this section—

“lead job” means a job in which lead is used.

Risk assessment records

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

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

- (a) the date when the assessment was done;
- (b) the results of atmospheric monitoring;
- (c) whether the job is assessed to be a lead-risk job;
- (d) if a job is assessed to be a lead-risk job—
 - (i) the lead's product name or other identification; and
 - (ii) the control measures that were in place when the assessment was done; and
 - (iii) the decision made about—
 - (A) the type of atmospheric monitoring needed; and
 - (B) the control measures needed.

Controlling exposure

22.(1) If a risk assessment shows an employer, self-employed person or worker may be exposed to lead, 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 necessary to minimise risk to health.

(2) Without limiting subsection (1), the level of exposure must be less than the national exposure standard for the lead.

(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 can not be prevented or reduced other than by using personal protective equipment, the employer or self-employed person must ensure that—

- (a) anyone who may be exposed—
 - (i) is given personal protective equipment, including suitable respiratory protective equipment; and
 - (ii) is properly instructed in the use of the personal protective

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

equipment; and

(iii) uses the equipment when being exposed to the lead; and

(b) warning signs are erected showing the need to wear the personal protective equipment in the lead process area.

(5) The employer or self-employed person must ensure—

(a) the control measures decided, and plans developed, under the risk assessment are implemented at the workplace as soon as practicable; and

(b) the control measures, including all engineering controls, safe work practices and personal protective equipment, are effectively maintained.

Example of effective maintenance of personal protective equipment—

Cleaning lead from respiratory equipment to maintain its effective use.

(6) An employer or self-employed person must also ensure—

(a) lead used in a lead process area does not, as far as is practicable, contaminate other areas of the workplace; and

(b) workers in an area provided by the employer for eating and drinking are not exposed to the risk from lead; and

(ba) before moving from a lead process area to an area used for eating and drinking, a worker washes the worker's forearms, hands and face at the washing facilities provided at the workplace;¹¹ and

(c) no one eats, chews gum, smokes or carries anything used for smoking in a lead process area; and

(d) no one in a lead process area drinks from anything other than a drinking facility that is made free from lead contamination; and

(e) the workplace is, as far as is practicable, cleaned of lead; and

(f) a lead process area is not cleaned by compressed air or another compressed gas or dry sweeping; and

¹¹ Under the *Workplace Health and Safety Regulation 1995*, part 8 (Amenities), an employer is required to provide drinking water, a lunch room, a toilet, a shower facility and a washing point.

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

- (g) a worker does not take lead contaminated clothing home for laundering; and
- (h) lead contaminated clothing is laundered.

(7) In this section—

“lead process area” means a workplace, or part of a workplace, where lead is used.

Atmospheric monitoring

23. If the risk assessment shows a job is a lead-risk job, the employer or self-employed person must ensure—

- (a) atmospheric monitoring is done at the workplace; and
- (b) the result of the monitoring is recorded as soon as practicable.

Health surveillance

24.(1) If the risk assessment shows a job is a lead-risk job, the employer must arrange for health surveillance of a worker who—

- (a) is to start work in the job; or
- (b) works in the job.

(2) For a worker who is to start work in the lead-risk job, the employer must arrange for—

- (a) health surveillance of the worker to be done before the worker starts work;¹² and
- (b) more biological monitoring of the worker to be done within 1 month after the worker starts work; and
- (c) more health surveillance of the worker to be done within 3 months after the worker starts work; and
- (d) more health surveillance of the worker to be done within

¹² Note that “health surveillance” means monitoring ... by medical examination and biological monitoring. See schedule 2 (Dictionary).

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

6 months after the worker starts work.

(3) For a worker who works in the lead-risk job, the employer must arrange for—

- (a) health surveillance of the worker to be done within 1 month after the risk assessment shows a job is a lead-risk job; and
- (b) health surveillance or biological monitoring of a worker to be done at any other time if requested by a designated doctor.

(4) The employer or self-employed person must—

- (a) arrange for health surveillance or biological monitoring to be done by a designated doctor; and
- (b) give the designated doctor, on request, the risk assessment record; and
- (c) when arranging for health surveillance or biological monitoring to be done, ask the designated doctor to, as soon as possible after it is done, give—
 - (i) the employer or self-employed person a health surveillance report; and
 - (ii) the worker—
 - (A) if health surveillance is done—a health surveillance report and an explanation of the report; and
 - (B) if biological monitoring is done—the results of biological monitoring; and
- (d) give the chief executive notice, in the approved form, of the results of the health surveillance within 6 months of receiving the report.

(5) Anything that must be done by a designated doctor under subsection (4) may be done under the supervision of the designated doctor.

(6) If the health surveillance is of a worker, the designated doctor is to be chosen after consultation between the employer, worker and workplace health and safety representative.

(7) If, after consultation, the employer, worker and workplace health and safety representative are unable to decide on a designated doctor, the

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

designated doctor is to be chosen by the employer.

(8) The employer or self-employed person must pay for health surveillance under this section.

(9) In this section—

“health surveillance report” means information about—

- (a) the effects on a person’s health related to the person’s exposure to lead at a workplace; and
- (b) the need (if any) for remedial action; and
- (c) the type of remedial action needed.

Reviewing control measures

25.(1) If the atmospheric monitoring shows the level of exposure is equal to or more than the national exposure standard for lead, the employer or self-employed person must review the control measures decided in the risk assessment.

(2) If the designated doctor, in a worker’s health surveillance report, recommends the worker must be removed from a lead-risk job, or that control measures must be reviewed, the employer must—

- (a) identify how the worker was exposed to the lead; and
- (b) review the control measures; and
- (c) control the exposure.

Removal from a lead-risk job

26.(1) An employer must immediately remove a worker from a lead-risk job to a job that is not a lead-risk job if—

- (a) the designated doctor, in the worker’s health surveillance report, recommends the worker be removed from the lead-risk job because of the worker’s confirmed blood lead level; or
- (b) the worker tells the employer that the worker—
 - (i) has a medical condition that may be adversely affected by

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

exposure to lead; or

- (ii) is pregnant or breast feeding; or
- (c) the employer, after consultation with the worker, considers the worker has been exposed to an excessive level of lead; or
- (d) the worker, after consultation with the employer, considers the worker has been exposed to an excessive level of lead.

(2) If the employer or worker considers the worker has been exposed to an excessive level of lead, the employer must arrange for health surveillance of the worker to be done within 7 days after the worker is removed.

Return to a lead-risk job

27. An employer must not allow a worker to return to a lead-risk job from which the worker was removed under section 25¹³ unless a designated doctor, after determining the worker's confirmed blood level by health surveillance, advises the worker may return.

Confidentiality of worker's medical record

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

(3) In this section —

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

Induction and training about lead

29.(1) An employer must give a worker who may be exposed to lead at the workplace induction and, at least annually, information and ongoing training about lead, including about the worker's obligations under part 5.¹⁴

¹³ Section 26 (Removal from a lead-risk job)

¹⁴ Part 5 (Workers' obligations)

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

(2) The induction and training must be appropriate having regard to—

- (a) the level of risk identified in a risk assessment; and
- (b) the types of workers who may be exposed to the lead; and

Example 1 of paragraph (b)—

Workers from a non-english speaking background.

Example 2 of paragraph (b)—

Females of reproductive capacity.

- (c) the potential health risks and toxic effects associated with lead absorption; and
- (d) the control measures being used to minimise the risk; and
- (e) the correct way to implement the control measures; and

Example 1 of paragraph (e)—

The correct care and use of personal protective equipment.

Example 2 of paragraph (e)—

The correct way to do the work practices mentioned in section 22(6).¹⁵

- (f) the health surveillance required under this standard.

Keeping records

30.(1) If a risk assessment shows that a job is a lead-risk job, the employer or self-employed person must keep the following documents for 30 years from the day the particular document was made—

- (a) a record of the person doing the job, including the person's name, sex and the type of work carried out by the person;
- (b) the risk assessment record;
- (c) the results of atmospheric monitoring;
- (d) the health surveillance report;
- (e) a record of the date when a person was removed from, or returned to, the job.

¹⁵ Section 22 (Controlling exposure)

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

(2) If a risk assessment shows that a job is not a lead-risk job, the employer or self-employed person must keep the risk assessment record for 5 years from the day it was made.

(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;
- (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.

(5) The employer must allow—

- (a) a worker, or the workplace health and safety representative to inspect a document mentioned in subsection (1)(a), (b) or (c), (2) or (3) at any reasonable time; and
- (b) a worker to copy the document.

(6) If a person stops being an employer or self-employed person in the period a document is required to be kept under subsection (1), (2) or (3), the person must ask for, and comply with, the chief executive's directions about the documents storage.

PART 5—WORKERS' OBLIGATIONS

Who part applies to

31. This part applies to a worker at a workplace where lead is used.

Health surveillance

32. A worker must comply with the request of the worker's employer to undergo health surveillance.

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

Advising of pregnancy or breast feeding

- 33.** A worker must tell the worker's employer that the worker—
- (a) if the worker knows the worker has a medical condition that may be adversely affected by exposure to lead—has the medical condition; or
 - (b) if the worker knows the worker is pregnant—is pregnant; or
 - (c) is breast feeding.

SCHEDULE 1

LEAD HAZARDOUS SUBSTANCES

section 8

lead acetate
lead arsenate
lead arsenates
lead arsenites
lead azide
lead chromate
lead cyanide
lead dioxide
lead hexafluorosilicate
lead nitrate
lead perchlorate
lead peroxide
lead phosphate
lead phosphite
lead styphnate
lead sulphate
lead trinitroresorcinate
other lead compounds

SCHEDULE 2

DICTIONARY

section 6

“ADG Code” means the Australian Code for the Transport of Dangerous Goods by Road and Rail.¹⁶

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

“atmospheric monitoring” means determining the concentration of lead in the atmosphere.

“biological monitoring” means testing for—

- (a) the presence of lead in a person’s tissue or fluid; or
- (b) a biochemical change in a person’s tissue or fluid.

“blood lead level” means the concentration of lead in capillary or venous whole blood.

“chemical name”, of lead, means its scientific or technical name.

“confirmed blood lead level” means the concentration of lead in venous whole blood.

“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 or on which lead is, or has been, completely or

¹⁶ The ADG Code is prepared by the Federal Office of Road Safety of the Commonwealth Department of Transport and Communication.

SCHEDULE 2 (continued)

partly cased, contained, covered, enclosed, packed or stacked.

Example—

A pallet on which lead ingots are stacked is a container.

“control measures” means the ways of preventing or minimising a person’s exposure to lead.

Example—

Engineering controls, safe work practices and personal protective equipment.

“designated doctor” means a doctor—

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

“exposed” see section 7.

“health surveillance” means the monitoring of the health of a person exposed to lead by medical examination and biological monitoring.

“health surveillance report” see section 24.

“lead” means—

- (a) a lead metal; or
- (b) a mixture of 2 or more metals containing more than 0.5% lead by weight (**“lead alloy”**); or
- (c) a lead salt of an organic acid; or
- (d) a lead hazardous substance.

Example of a lead salt of organic acids—

Lead acetate.

“lead compound” means a substance, other than an organo metallic compound of lead, in which lead is found in the substance’s molecular structure.

“lead hazardous substance” see section 8.

SCHEDULE 2 (continued)

“lead-risk job” means a job in which—

- (a) a person may be exposed to lead; and
- (b) a person’s blood lead level does, or may reasonably be expected to, equal or exceed—
 - (i) for a female who is pregnant or breast feeding— $0.72 \mu\text{mol/L}$ ($15\mu\text{g/dL}$); and
 - (ii) for a female with a reproductive capacity— $0.97 \mu\text{mol/L}$ ($20\mu\text{g/dL}$); and
 - (iii) for anyone else— $1.45 \mu\text{mol/L}$ ($30\mu\text{g/dL}$).

“MSDS” means material safety data sheet.

“national exposure standard” means the exposure standard for the lead 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 lead, means the brand name, code name, trade name or code number given to the lead by its manufacturer, importer or supplier.

“register” means the register mentioned in section 18.

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

“reproductive capacity” means being physiologically capable of becoming pregnant.

Example—

A female using a contraceptive pill is of reproductive capacity if she would be physiologically capable of becoming pregnant were she not using the pill.

“retail warehouse operator” means an operator of a warehouse where

SCHEDULE 2 (continued)

unopened packaged goods, intended for retail sale, are stored.

“risk assessment” means a risk assessment made under section 20.

“risk phrase”, for a lead 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 lead 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.

“use”, of lead, includes handling, production, storage, movement and disposal of the lead, but does not include the carriage of a substance covered by the ADG Code or the International Maritime Dangerous Goods Code.¹⁷

¹⁷ The International Maritime Dangerous Goods Code is prepared by the Inter-Governmental Consultative Organisation and is available from the Australian Government Publishing Service.

ENDNOTES

1 Index to endnotes

		Page
2	Date to which amendments incorporated	28
3	Key	28
4	List of legislation	29
5	List of annotations	29

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 17 May 1996. Future amendments of the Workplace Health and Safety (Lead) 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 List of legislation

Workplace Health and Safety (Lead) Compliance Standard 1995 SL No. 380
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 (Lead) Compliance Amendment Standard (No. 1)
1996 SL No. 73**
notfd gaz 19 April 1996 pp 1681–2
commenced on date of notification

5 List of annotations

Labelling containers

s 15 amd 1996 SL No. 73 s 3
(3)–(4) exp 1 February 1997 (see s 15(4))

Obtaining MSDS

s 17 amd 1996 SL No. 73 s 4

Labelling containers

s 19 amd 1996 SL No. 73 s 5
(4)–(5) exp 1 February 1997 (see s 19(5))

Risk assessment

s 20 (10)–(11) exp 1 February 1997 (see s 20(11))

Controlling exposure

s 22 amd 1996 SL No. 73 s 6

Health surveillance

s 24 amd 1996 SL No. 73 s 7

Confidentiality of worker's medical record

s 28 amd 1996 SL No. 73 s 8

Induction and training about lead

s 29 amd 1996 SL No. 73 s 9

SCHEDULE 1—LEAD HAZARDOUS SUBSTANCES

amd 1996 SL No. 73 s 10

*Workplace Health and Safety (Lead) Compliance
Standard 1995*

SCHEDULE 2—DICTIONARY

def **“health surveillance report”** ins 1996 SL No. 73 s 11

def **“lead hazardous substance”** ins 1996 SL No. 73 s 11

def **“register”** sub 1996 SL No. 73 s 11

def **“risk assessment”** sub 1996 SL No. 73 s 11