

Dangerous Substances (National Model Regulations for the Control of Workplace Hazardous Substances) Code of Practice Approval 2006

DI2006-193

Explanatory Statement

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

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

The Model Regulations and Code of Practice are the key documents in the National Hazardous Substances Regulatory Framework (HSRF). The HSRF package consists of 6 national standards—including the *National Model Regulations for the Control of Workplace Hazardous Substances*, 11 codes of practice and a range of guidance materials.

In 1995, four of the documents in the HSRF were approved as codes of practice under the *Occupational Health and Safety Act 1989* (DI1995-31 notified in the Australian Capital Territory Gazette No. S92 of 8 May 1995). These are the:

- *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)];
- *National Code of Practice for the Control of Workplace Hazardous Substances* [NOHSC:2007(1994)];
- *National Code of Practice for the Labelling of Workplace Substances* [NOHSC:2012(1994)]; and
- *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC:2011(1994)].

In 2004, the *Dangerous Substances Act 2004* was enacted with the objective of protecting people, and property and the environment from the hazards associated with dangerous substances. The NOHSC documents making up the HSRF are being progressively integrated into the regulatory regime developed through the *Dangerous Substances Act 2004* (ACT).

This instrument revokes the approval by DI1995-31 of the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)] as a code of practice under the *Occupational Health and Safety Act 1989*, and approves the *National Model Regulations for the Control of Workplace Hazardous Substances* [NOHSC:1005(1994)] as a code of practice under the *Dangerous Substances Act 2004*.

This code of practice will be revoked once all relevant elements have been taken up in the *Dangerous Substances (General) Regulation 2004*.

The approval under section 219 is a disallowable instrument.

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