

# Dangerous Substances (National Code of Practice for the Preparation of Material Safety Data Sheets) Code of Practice Approval 2006

DI2006-194

## Explanatory Statement

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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* (the Hazardous Substances Code of Practice) which provides practical guidance on how to comply with the Model Regulations.

In 1994, NOHSC also declared the *National Code of Practice for the Preparation of Material Safety Data Sheets* (the MSDS Code) and the *National Code of Practice for the Labelling of Workplace Substances* (the Labelling Code) which together provide guidance on the delivery of specific information that the supplier of a substance has to provide to employers (and through them to employees).

The Model Regulations require manufacturers and importers to determine whether a substance is hazardous to health before supply is made. They are also required to prepare labels and MSDSs for all classified substances which provide appropriate information about the hazards of the substances.

The Model Regulations and the Codes of Practice are part of the National Hazardous Substances Regulatory Framework (HSRF). The HSRF package consists of 6 national standards, 11 codes of practice and a range of guidance materials. In the ACT, the NOHSC documents making up the HSRF are being progressively integrated into the regulatory regime developed through the *Dangerous Substances Act 2004* (DS Act).

The 1994 1<sup>st</sup> edition of the National MSDS Code was approved under the *Occupational Health and Safety Act 1989* as a code of practice (DI1995-31 notified in the Australian Capital Territory Gazette No. S92 of 8 May 1995).

The objective of the MSDS Code of Practice is to provide guidance on the preparation of documents that describe the chemical and physical properties of a material and provide advice on its safe handling and use. In 2003, NOHSC declared a revised MSDS Code of Practice. The 2<sup>nd</sup> edition incorporates technical revisions, and aligns Australia with approaches to international hazard communication. It also incorporates the information provisions of the National Standard for the Storage and Handling of Workplace Dangerous Goods (the National DG Standard).

Delayed adoption of the revised code was agreed nationally. The Commonwealth has worked with Australian industries since 2003 to ready them for national take up. This has also enabled jurisdictions to amend their dangerous goods regulatory regimes consistent with the information provisions in the National DG Standard and the revised Code.

In the ACT, the National DG Standard is implemented through the DS Act and the DS (General) Regulation 2004. Subsections 26(1)(e), 27(1)(e) and 28(1)(e) of the DS Act establish duties of manufacturers, importers and suppliers to ensure that the safety information prescribed under the regulations for the substance is prepared, kept up to date and supplied in accordance with the regulations.

MSDSs are termed “safety data sheets” in the DS (General) Regulation in anticipation of the adoption of this term internationally through the Globally Harmonised System of Classification and Labelling of Chemicals (the GHS). Division 2.2.2 of the DS (General) Regulation establishes detailed requirements for the preparation, review and provision of “safety data sheets”. The DS (Explosives) Regulation 2004 also establishes requirements for “safety data sheets” in relation to explosives.

This instrument revokes the approval by DI1995-31 of the *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC:2011(1994)] as a code of practice under the *Occupational Health and Safety Act 1989*, and approves the *National Code of Practice for the Preparation of Material Safety Data Sheets* [NOHSC:2011(2003)] as a code of practice under the *Dangerous Substances Act 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.