

Occupational Health and Safety (Hazardous Substances) Regulations 1999

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S.R. No. 143/1999

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STATUTORY RULES 1999

S.R. No. 143/1999

Occupational Health and Safety Act 1985

Occupational Health and Safety (Hazardous Substances) Regulations 1999

The Governor in Council makes the following Regulations:

Dated: 14 December 1999

Responsible Minister:

BOB CAMERON

Minister for WorkCover

HELEN DOYE

Clerk of the Executive Council

PART 1--PRELIMINARY

100. *Objective*

The objective of these Regulations is to protect people at work against risks to their health associated with the use of hazardous substances.

101. *Authorising provision*

These Regulations are made under section 59 of the **Occupational Health and Safety Act 1985**.

102. *Commencement*

These Regulations come into operation on 1 June 2000.

103. *Definitions*

(1) In these Regulations--

"**administrative controls**" means systems of work or safe work practices designed to prevent or minimise exposure to hazardous substances;

"**Approved Criteria for Classifying Hazardous Substances**" means the Approved Criteria for Classifying Hazardous Substances published by the National Occupational Health and Safety Commission, as amended or published from time to time;

"**atmospheric monitoring**" means a procedure whereby air is sampled within the breathing zone of the worker to evaluate personal exposure to airborne contaminants;

"**biological monitoring**" means the measurement and evaluation of a hazardous substance, or its metabolites, in the body tissue, fluids or exhaled air of an exposed person;

"**breathing zone**" means a hemisphere of 300 mm. radius extending in front of a person's face measured from the mid-point of an imaginary straight line joining the ears;

"**chemical name**" in relation to a substance, means its scientific or technical name;

"**container**" means anything in or by which a hazardous substance is or has been wholly or partly encased, covered, enclosed, contained or packed (whether empty, partially full or full) but does not include the fuel tank of a vehicle, or a tank or bulk container within the meaning of the Australian Code for the Transport of Dangerous Goods by Road and Rail, published by the Australian Government Publishing Service, as amended or published from time to time;

"**current MSDS**" means the most recent MSDS, including any revised version of the MSDS, prepared by the manufacturer or importer of the hazardous substance;

"**dangerous goods**" means dangerous goods within the meaning of the **Dangerous Goods Act 1985**;

"**engineering controls**" means physical controls designed to prevent or minimise employee exposure to hazardous substances either by suppressing or containing the substances at the source, or by minimising the airborne level of the substances in the work environment;

"**equivalent legislation**" means legislation of another Australian jurisdiction relating to the use of hazardous substances at a workplace; "**exposure standard**" means an airborne concentration of a particular substance in a person's breathing zone, as set out in the Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment published by the National Occupational Health and Safety Commission, as amended or published from time to time;

"**generic name**" in relation to a substance, means a name that describes the category or group of chemicals to which the substance belongs;

"**hazard**" means the potential to cause injury, illness or disease;

"**hazardous substance**" means a substance that--

(a) is listed in the List of Designated Hazardous Substances; or

(b) meets the criteria for a hazardous substance set out in the Approved Criteria for Classifying Hazardous Substances;

"**health surveillance**" means the monitoring of an individual's health for the purpose of identifying changes in their health status due to occupational exposure to a hazardous substance, and may include biological monitoring;

"**ingredient**" means any component of a substance (including impurities); "**List of Designated Hazardous Substances**" means the following sections of the List of Designated Hazardous Substances published by the National Occupational Health and Safety Commission, as amended or published from time to time--

(a) the section entitled "CAS Number index"; and

(b) the section entitled "Alphabetical index";

"**MSDS**" means the Material Safety Data Sheet required to be prepared under regulation 204 or prepared by the manufacturer or importer in accordance with equivalent legislation;

"**National Model Regulations for the Control of Workplace Hazardous Substances**" means the National Model Regulations for the Control of Workplace Hazardous Substances published by the National Occupational Health and Safety Commission as amended or published from time to time;

"**National Occupational Health and Safety Commission**" means the National Occupational Health and Safety Commission established under section 6 of the National Occupational Health and Safety Commission Act 1985 of the Commonwealth;

"**product name**" in relation to a hazardous substance, means the brand name or trade name given to the substance by the manufacturer, importer or supplier of the substance; "**registered medical practitioner**" means a registered medical practitioner within the meaning of the **Medical Practice Act 1994**;

"**retail warehouse operator**" means a person who operates a warehouse where unopened packaged goods intended for retail sale are held on the premises;

"**risk**" means the likelihood of injury, illness or disease arising from exposure to a hazardous substance;

"**risk phrase**" means a phrase that describes the hazards of a substance as provided in Appendix I (Risk Phrases (Health Effects only)) of the List of Designated Hazardous Substances, published by the National Occupational Health and Safety Commission, as amended or published from time to time;

"**safety phrase**" means a phrase that describes the precautions to be taken for the safe use of the substance as provided in Appendix III (Safety Phrases) of the List of Designated Hazardous Substances, published by the National Occupational Health and Safety Commission, as amended or published from time to time;

"**type I ingredient**" in relation to a hazardous substance, means a Type I ingredient within the meaning of Schedule 1 to the National Model Regulations for the Control of Workplace Hazardous Substances;

"**type II ingredient**" in relation to a hazardous substance, means a Type II ingredient within the meaning of Schedule 1 to the National Model Regulations for the Control of Workplace Hazardous Substances; "**type III ingredient**" in relation to a hazardous substance, means a Type III ingredient within the meaning of

Schedule 1 to the National Model Regulations for the Control of Workplace Hazardous Substances;

"**use**" in relation to a substance, includes the production, handling, storage or disposal of the substance;

"**Victorian Civil and Administrative Tribunal**" means the Victorian Civil and Administrative Tribunal established under section 8 of the **Victorian Civil and Administrative Tribunal Act 1998**.

(2) In relation to a substance, any reference in these Regulations to--

(a) a "**manufacturer**" is a reference to a person who manufactures that substance for sale or exchange for use at a workplace; and

(b) an "**importer**" is a reference to a person who imports that substance for sale or exchange for use at a workplace; and

(c) a "**supplier**" is a reference to a person who supplies that substance for sale or exchange for use at a workplace.

(3) In these Regulations, any reference to "**first supplied**" or "**first used**" or "**on or before the first occasion**" must be read to mean the first time the hazardous substance is supplied or used on or after 1 June 2000.

104. Application of these Regulations

(1) These Regulations do not apply to the following types of substances if their use is not related to a work activity--

(a) food within the meaning of the **Food Act 1984**; or

(b) therapeutic goods within the meaning of the **Therapeutic Goods (Victoria) Act 1994**; or

(c) cosmetics; or

(d) tobacco, or products made of tobacco; or

(e) toiletries and toilet products.

(2) These Regulations do not apply to--

(a) radioactive substances within the meaning of Division 2AA of Part V of the **Health Act 1958**; or

(b) any culture or preparation of pathogenic micro-organisms or other material capable of causing disease in humans in respect of which regulations may be made under section 146(1)(n) of the **Health Act 1958**; or

(c) asbestos within the meaning of the Occupational Health and Safety (Asbestos) Regulations 1992.

105. Authority may grant exemptions from these Regulations

(1) The Authority may, of its own volition or on the written application of any person, exempt--

(a) a specific hazardous substance or a class of hazardous substances; or

(b) any person; or

(c) any class of people--

from any requirement of, or prohibition in, these Regulations.

(2) If the Authority grants an exemption under--

(a) sub-regulation (1)(a), the Authority must be satisfied that an equivalent level of

health and safety can be achieved for the use of the hazardous substance or class of hazardous substances at a workplace as would be achieved if these Regulations had been complied with;

(b) sub-regulation (1)(b), the Authority must be satisfied that the person is capable of achieving an equivalent level of health and safety for the use of a hazardous substance at a workplace under the person's control or management as would be achieved if the person had complied with these Regulations;

(c) sub-regulation (1)(c), the Authority must be satisfied that the people in the class are capable of achieving an equivalent level of health and safety for the use of a hazardous substance at a workplace under their control or management as would be achieved if they had complied with these Regulations.

(3) The Authority may impose conditions on an exemption in relation to--

(a) the commencement date and duration of the exemption; and

(b) risk control measures to be used or implemented; and (c) any--

(i) atmospheric monitoring; or

(ii) health surveillance; or

(iii) information, instruction and training; or

(iv) recording or keeping of health and safety information--

associated with the use of a hazardous substance at a workplace; and

(d) the reporting of information or results of atmospheric monitoring or health surveillance to the Authority; and

(e) limits on the quantity of a hazardous substance to be used at the workplace; and

(f) a requirement for the applicant to give notice that an exemption has been granted and any conditions of the exemption to any specified person who may be affected by the exemption.

(4) If the Authority exempts a specific hazardous substance or a class of hazardous substances under sub-regulation (1)(a), or grants an exemption to a class of people under sub-regulation (1)(c), the Authority must place a notice in the Government Gazette stating that an exemption has been made or granted.

(5) If the Authority refuses to grant an exemption, the Authority must notify the person who applied for the exemption of the reasons for the refusal in writing.

(6) The Authority may vary the conditions of an exemption or revoke an exemption at any time by way of a written notice to the person to whom the exemption applies.

(7) The notice must include the Authority's reasons for varying the conditions of the exemption or revoking the exemption.

(8) A variation of the conditions of an exemption or the revocation of an exemption

takes effect--

(a) on the date on which the person to whom the exemption applies is given written notice of the variation or revocation; or

(b) on the date specified in the written notice, which must be a date later than the date on which the person to whom the exemption applies is given the notice.

(9) An application for exemption may be made for more than one hazardous substance.

(10) The Authority may charge a fee calculated at the rate specified in the Schedule for the consideration of an application for exemption.

106. *Publication date of amendments to incorporated documents* For the purposes of these Regulations, an amendment to any document incorporated, applied or referred to in these Regulations is published either--

(a) on the date it is published in the Government Gazette of the Commonwealth; or

(b) on the date on which the notice of its making is published in the Government Gazette of the Commonwealth--

whichever occurs first.

107. *Date of effect of amendments to incorporated documents* If the effect of an amendment to any document incorporated, applied or referred to in these Regulations is--

(a) to prohibit a hazardous substance or process, the amendment takes effect on the day after it is published;

(b) to impose a new obligation or alter an existing obligation under these Regulations, a person may choose to comply with these Regulations as if the amendment had not been made until the expiry of 6 months after the date the amendment is published.

108. *Inconsistencies between provisions*

If a provision of any document incorporated, applied or referred to in these Regulations is inconsistent with any provision in these Regulations, the provision of these Regulations prevails.

PART 2--DUTIES WHICH APPLY TO MANUFACTURERS, IMPORTERS AND SUPPLIERS

Division 1--General

200. *Application of this Part*

(1) This Part applies to the manufacture, supply and importation of hazardous substances, including lead-containing hazardous substances.

(2) In this Part, the duties of a manufacturer or a supplier do not apply in relation to a substance that is produced as a waste--

(a) during the process of manufacturing a substance; or

(b) when a substance is used at a workplace.

201. *Certain regulations not to apply*

Regulations 202, 204 and 208 do not apply to substances supplied to a workplace for the purpose of scientific analysis or for determining whether the substance is a hazardous substance.

Division 2--Classification of Substances

202. *Manufacturer's and importer's duty to determine whether a substance is a hazardous substance*

A manufacturer or an importer of a substance must determine whether the substance is a hazardous substance before the substance is first supplied for use at a workplace.

203. *Recognition of equivalent determinations*

(1) A manufacturer of a substance is not required to determine whether the substance is a hazardous substance under regulation 202 if the manufacturer has already made a determination in relation to the substance in accordance with equivalent legislation.

(2) An importer of a substance is not required to determine whether the substance is a hazardous substance under regulation 202 if a determination in relation to the substance has already been made in accordance with equivalent legislation.

Division 3--Material Safety Data Sheet

204. *Manufacturer's and importer's duty to prepare MSDS and to disclose ingredients of hazardous substances on MSDS*

(1) A manufacturer or an importer of a hazardous substance must ensure that a Material Safety Data Sheet is prepared for the substance before the substance is first supplied for use at a workplace.

(2) The Material Safety Data Sheet must be in English and must contain--

(a) the date it was last reviewed or, if it has not been reviewed, then the date of its preparation; and

(b) the name, address and telephone number of--

(i) the Australian manufacturer of the substance; or

(ii) the person who imported the substance into Australia; and

(c) an Australian telephone number from where information can be obtained in an emergency; and

(d) for the hazardous substance to which it relates--

(i) the product name; and

(ii) the chemical and physical properties of the substance; and

(iii) the name of the ingredients of the substance to the extent required by sub-regulation (3); and

(iv) for each ingredient of the substance that is required to be identified with a chemical or generic name under sub-paragraph (iii), the proportion (or proportion ranges) of the substance that is constituted by the ingredient; and

(v) any relevant health hazard information including first aid information; and

(vi) the exposure standard (if any) relevant to the substance or any or all of its ingredients; and

(vii) information relating to the precautions to be followed in relation to the safe use of the substance; and

(e) a statement that the substance is a hazardous substance. (3) For the purposes of sub-regulation (2)(d)(iii), the following information in relation to the ingredients of a hazardous substance must be disclosed-

(a) for each type I ingredient, its chemical name; and

(b) for each type II and type III ingredient--

- (i) its chemical name; or
 - (ii) if the identity of the ingredient is commercially confidential, its generic name.
- (4) If--
- (a) a manufacturer or an importer considers that compliance with sub-regulation (3)(b)(ii) would not provide sufficient commercial protection for a type III ingredient; and
 - (b) the type III ingredient is not a hazardous substance; and
 - (c) the type III ingredient does not have a known synergistic effect--

it is sufficient compliance with sub-regulation (3)(b) if the manufacturer or importer states on the MSDS in relation to that ingredient "other ingredients determined not to be hazardous".

205. Recognition of MSDS prepared in accordance with other jurisdictions' legislation It is sufficient compliance with regulation 204 if a manufacturer or an importer has already prepared a MSDS for the substance in accordance with equivalent legislation.

206. Manufacturer's and importer's duty to review and revise MSDS

- (1) A manufacturer or an importer of a hazardous substance must ensure that the MSDS for a substance is reviewed--
 - (a) as often as is necessary to ensure that the MSDS contains accurate and current information; and
 - (b) in any case, every 5 years.

(2) A manufacturer or an importer must ensure that a MSDS is revised if a review reveals that the MSDS does not contain accurate or current information.

207. Manufacturer's, importer's and supplier's duty to provide current MSDS

- (1) A manufacturer, importer or supplier of a hazardous substance must ensure that a copy of the current MSDS for the substance is provided--
 - (a) to any person to whom the substance is supplied on or before the first occasion that the substance is supplied for use at a workplace to that person; and
 - (b) if the MSDS is reviewed, to any person to whom the substance is supplied for use at a workplace on or before the first occasion that the substance is supplied to that person after the review; and
 - (c) to any employer on request.

(2) Sub-regulation (1) does not apply--

- (a) if the supplier is a retailer or a retail warehouse operator and the hazardous substance is supplied in a consumer package; or
- (b) if a hazardous substance is supplied to the fuel tank of a vehicle as fuel for that vehicle.

Division 4--Labels

208. Manufacturer's and importer's duty to label containers

- (1) A manufacturer or an importer of a hazardous substance must label any container that contains a hazardous substance before the substance is first supplied for use at a

workplace.

(2) Sub-regulation (1) does not apply where containers of hazardous substances are supplied to a workplace for the purposes of affixing the label in order to comply with sub-regulation (1).

(3) The label must be in English, be legible and be firmly secured, and must contain--

(a) the product name of the hazardous substance; and

(b) the name, address and telephone number of--

(i) the Australian manufacturer of the substance; or

(ii) the importer; and

(c) information relating to each ingredient to the extent required by sub-regulation (4); and (d) any relevant health and safety information about the substance, including the substance's risk phrases and safety phrases, unless the container is so small that it is not practical to provide such information; and

(e) the word "hazardous" clearly and prominently displayed unless signal words have been provided in accordance with legislation referred to in regulation 209.

(4) For the purposes of sub-regulation (3)(c), the following information in relation to the ingredients of a hazardous substance must be disclosed--

(a) for each type I ingredient--its chemical name; and

(b) for each type II ingredient--

(i) its chemical name; or

(ii) if the identity of the ingredient is commercially confidential, its generic name.

(5) In sub-regulation (3)(e), "**signal words**" means words such as "dangerous poison", "poison", "warning" or "caution" that are clearly and prominently displayed on labels of substances to indicate the relative severity of the hazard.

209. Recognition of other labelling systems A manufacturer or an importer of a hazardous substance need not comply with regulation 208 if--

(a) the container has already been labelled in accordance with equivalent legislation; or

(b) the substance is an agricultural chemical product within the meaning of the Agricultural and Veterinary Chemicals Act 1988 of the Commonwealth and the container is labelled in accordance with the Australian Agricultural and Veterinary Chemicals Council's Code of Practice for Labelling Agricultural Chemical Products published by the Australian Government Publishing Service, as amended or published from time to time; or

(c) the substance is a veterinary chemical product within the meaning of the Agricultural and Veterinary Chemicals Act 1988 of the Commonwealth and the container is labelled in accordance with the Australian Agricultural and Veterinary Chemicals Council's Code of Practice for Labelling Veterinary Chemical Products published by the Australian Government Publishing Service, as amended or published from time to time; or

(d) the substance is "therapeutic goods" within the meaning of the **Therapeutic Goods**

(Victoria) Act 1994 and the container is labelled in accordance with an order in force under section 10 of the Therapeutic Goods Act 1989 of the Commonwealth.

210. *Supplier's duty to ensure container is labelled*A supplier of a hazardous substance for use at a workplace must ensure that the container in which the substance is supplied is labelled with the manufacturer's or importer's label.

211. *Manufacturer's and importer's duty to disclose commercially confidential information to a registered medical practitioner*

(1) A manufacturer or an importer of a hazardous substance must disclose the chemical name of an ingredient of the substance to a registered medical practitioner if--

(a) the MSDS for the substance, or the label on the container in which the substance is supplied, does not disclose the chemical name of the ingredient; and

(b) the medical practitioner requests the chemical name of the ingredient to assist with the management of a patient.

(2) A manufacturer or an importer must immediately comply with a request from a registered medical practitioner for the chemical name of an ingredient of a hazardous substance.

(3) A registered medical practitioner to whom a chemical name is disclosed under this regulation must ensure that the chemical name is not used for any purpose other than for the purpose of the management of a patient.

PART 3--DUTIES WHICH APPLY TO EMPLOYERS

Division 1--Prohibitions

300. *Employer's and self-employed person's duty to ensure prohibited hazardous substances are not used*An employer or a self-employed person must ensure that any hazardous substance--

(a) listed in Schedule 2 to the National Model Regulations for the Control of Workplace Hazardous Substances as a prohibited substance; or

(b) determined by the Authority by notice published in the Government Gazette to be a prohibited substance--

is not used at the employer's or self-employed person's workplace for any purpose specified in that Schedule or notice in respect of that substance.

Division 2--Employer's Duties

301. *Scope of this Division*

(1) This Division applies to substances that have been determined under these Regulations or under equivalent legislation to be hazardous substances by the manufacturer or importer of the substances, but does not apply to the use of inorganic lead, lead metal or lead alloys at a workplace.

(2) In this Division, a reference to a risk associated with the use of a hazardous substance at a workplace includes a risk associated with any consequential waste, intermediate or product.

(3) In this regulation, "inorganic lead" means lead compounds and lead salts of organic acids.

302. *Employer's duty to obtain MSDS and to ensure that MSDS is accessible to employees*

(1) An employer must ensure that a current MSDS is obtained on or before the first occasion that a hazardous substance is supplied to the employer's workplace.

(2) An employer must ensure that the MSDS for a hazardous substance is readily accessible to any employee who has the potential to be exposed to the substance.

303. Employer's duty to ensure information in MSDS is not altered

An employer must ensure that the information in a MSDS obtained under regulation 302(1) is not altered.

304. Employer's duty to ensure that containers are labelled

(1) An employer must ensure that a container in which a hazardous substance is supplied for use at the employer's workplace is labelled with the manufacturer's or importer's label.

(2) An employer must ensure that the label on a container in which a hazardous substance is supplied for use at the employer's workplace--

(a) remains legible; and

(b) is not removed, defaced or altered.

(3) An employer is not required to comply with sub-regulation (1) if--

(a) the hazardous substance is contained in a pipe, piping system, process vessel, reactor vessel or other plant that forms part of a manufacturing process; or

(b) the hazardous substance is decanted into a container and--

(i) the container is clearly labelled with the product name of the substance; or

(ii) if it is not practical to label the container with the product name of the substance, the employer uses some other means of identifying the substance.

(4) An employer is not required to comply with sub-regulation (1) or (3)(b) if a decanted substance is consumed immediately and the container is immediately--

(a) cleaned after use to the extent that it is no longer a risk to health; or

(b) neutralised, cured or chemically deactivated after use to the extent that any residue is no longer a risk to health.

305. Employer's duty to ensure container remains labelled until cleaned If a container that contains a hazardous substance is required to be labelled under regulation 304, the employer must ensure that the container remains labelled until--

(a) it has been cleaned to the extent that it is no longer a risk to health; or

(b) its contents have been neutralised, cured or chemically deactivated to the extent that any residue is no longer a risk to health.

306. Employer's duty to identify hazardous substances in systems

An employer must ensure that a hazardous substance contained in a pipe, piping system, process vessel, reactor vessel or other plant that forms part of a manufacturing process is identified to employees who have the potential to be exposed to the substance.

307. Employer's duty to keep a register

(1) An employer must ensure a register is kept and maintained of all hazardous substances supplied to the employer's workplace.

(2) The register must contain--

(a) a list of the product names of the hazardous substances supplied to the employer's workplace; and

(b) a copy of the MSDS for all the hazardous substances supplied to the employer's workplace.

(3) An employer must ensure that the register is readily accessible to any employee who has the potential to be exposed to a hazardous substance at the employer's workplace.

(4) An employer is not required to comply with sub-regulation (1) if the employer is a retailer or a retail warehouse operator and--

(a) the hazardous substance is supplied in a consumer package; and

(b) the consumer package is intended for retail sale; and

(c) the consumer package is not intended to be opened on the premises of the retailer or retail warehouse operator.

308. Employer's duty to undertake risk assessment

(1) An employer must ensure that an assessment is made to determine whether there is any risk associated with the use of a hazardous substance at the employer's workplace--

(a) before the substance is used for the first time at the workplace; and

(b) for a substance in use at the workplace before 1 June 2000, on or before 1 September 2000.

(2) An assessment under sub-regulation (1) may be undertaken for a work process and may cover more than one hazardous substance.

The assessment must take into account--

(a) each hazardous substance used; and

(b) the information on the MSDS for each hazardous substance; and

(c) the information on the manufacturer's or importer's label; and

(d) the nature of the work required to be performed with each hazardous substance; and

(e) any information regarding incidents, illnesses or diseases associated with the use of the hazardous substance at the workplace.

309. Employer may make a generic risk assessment

(1) For the purposes of regulation 308, if one or more hazardous substances are used in the same or similar circumstances at more than one workplace or at more than one work area within a workplace, an employer may apply a single generic assessment of representative work with the substances to each of those workplaces or work areas.

(2) If an employer applies a generic assessment under sub-regulation (1), the employer must ensure that it is appropriate to apply the assessment and that all risks associated with the use of the hazardous substances are taken into account.

310. Employer's duty to keep record of risk assessment

(1) An employer must record the results of any risk assessment made in relation to a

hazardous substance and must retain the record of the results while the assessment is relevant to the use of the hazardous substance at the employer's workplace.

(2) An employer must ensure that a copy of the record of the results is readily accessible to any employee who has the potential to be exposed to the substance.

311. Employer's duty to review and revise risk assessment

(1) An employer must ensure that a risk assessment is reviewed and, where necessary, revised, or that another assessment is carried out, if--

(a) the work activity or process changes significantly; or

(b) there is evidence to indicate that the risk assessment no longer adequately assesses the risk associated with the use of a hazardous substance at the employer's workplace.

(2) Despite sub-regulation (1), an employer must ensure that a risk assessment is reviewed at intervals not exceeding 5 years.

312. Employer's general duty to undertake control of risk

(1) An employer must ensure, in accordance with regulation 313, that any risk associated with the use of a hazardous substance at the employer's workplace--

(a) is eliminated; or

(b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.

(2) Nothing in this Division (except regulation 301) limits the operation of sub-regulation (1).

313. Employer's duty to undertake specific measures to control risk

(1) For the purposes of complying with regulation 312, an employer must ensure that any risk associated with the use of a hazardous substance is controlled by--

(a) substituting the substance with--

(i) a substance that is less hazardous; or

(ii) a less hazardous form of the substance; or

(b) isolating employees from the source of exposure to the hazardous substance; or

(c) using engineering controls; or

(d) combining any of the control measures in paragraphs (a), (b) or (c).

(2) If an employer has complied with sub-regulation (1) so far as is practicable and a risk associated with the use of a hazardous substance remains, the employer must, so far as is practicable, use administrative controls to reduce the risk.

(3) If an employer has complied with sub-regulations (1) and (2) so far as is practicable and a risk associated with the use of a hazardous substance remains, the employer must control the risk by providing personal protective equipment to employees at risk.

314. Employer's duty to ensure risk control measures are properly used and maintained

An employer must ensure that any control measures used to control the risk associated with the use of a hazardous substance are properly used and maintained.

315. Employer's duty to ensure exposure standard is not exceeded An employer must ensure that an employee is not exposed to an atmospheric concentration of a hazardous substance in use at the workplace above the exposure standard (if any) for the substance or any or all of its ingredients.

316. Employer's duty to undertake atmospheric monitoring

(1) An employer must ensure that atmospheric monitoring at the employer's workplace is provided if, in relation to a hazardous substance used at the workplace, there is an exposure standard for the hazardous substance, and--

(a) there is uncertainty as to whether the exposure standard may be exceeded; or

(b) atmospheric monitoring is necessary to determine whether there is a risk to health.

(2) An employer must provide the results of any atmospheric monitoring at the employer's workplace as soon as is reasonably possible to any employee who has been, or who has the potential to be, exposed to the hazardous substance which is the subject of the monitoring.

(3) An employer is not required to comply with sub-regulation (1) in relation to a hazardous substance if health surveillance is required for that substance under regulation 318, and the health surveillance includes biological monitoring.

317. Employer's duty in relation to records of atmospheric monitoring

(1) An employer must retain a record of the results of atmospheric monitoring for--

(a) a period not exceeding 30 years determined by the Authority by notice published in the Government Gazette; or

(b) if no period has been determined by the Authority, 30 years.

(2) In determining a period for the purposes of sub-regulation (1)(a), the Authority may specify different periods for a hazardous substance or class of hazardous substances.

(3) An employer must ensure that the record of atmospheric monitoring is accessible to any employee who has been, or who has the potential to be, exposed to the hazardous substance which is the subject of the monitoring.

318. Employer's duty to provide health surveillance

(1) An employer must ensure that health surveillance for an employee is provided if--

(a) the employee is exposed to any hazardous substance--

(i) listed in column 1 of Schedule 3 to the National Model Regulations for the Control of Workplace Hazardous Substances (except asbestos); or

(ii) determined by the Authority by notice published in the Government Gazette to be a hazardous substance for which health surveillance is required; and

(b) the exposure of the employee to the hazardous substance is such that an adverse effect on the employee's health is reasonably likely to occur under the particular conditions of work.

(2) The employer must ensure--

(a) that the health surveillance is performed under the supervision of a registered medical practitioner; and

(b) that a report of the health surveillance is prepared and that a copy of the report is given to the employer; and

(c) that the health surveillance report includes (if relevant)--

(i) any indications of adverse health effects identified by the registered medical

practitioner which may be attributed to the hazardous substance; and

(ii) any recommendations relating to the need for the employer to take measures to ensure that the employee is not exposed to the substance for a specified period of time; and

(iii) an interpretation of the results; and

(d) that health surveillance is undertaken at the expense of the employer; and (e) that the employee is given a copy of the health surveillance report as soon as is reasonably possible after the employer receives it. (3) If an employer receives advice from a registered medical practitioner under sub-regulation (2)(c)(i) that adverse health effects have been identified by the health surveillance, the employer must ensure that the measures to control the risk are reviewed and if necessary, revised.

(4) If an employer receives recommendations under sub-regulation (2)(c)(ii), the employer must ensure that a copy of the health surveillance report is provided to the Authority.

319. Employer's duty to keep health surveillance reports confidential An employer must ensure that a health surveillance report provided under regulation 318(2) is kept confidential and may only release a copy of the report to--

(a) an employee to whom the report relates; or

(b) a third party, if the employee to whom the report relates authorises in writing access to the report by the third party; or

(c) the Authority, if the employer is required under regulation 318(4) to provide a copy of the report to the Authority, or if the Authority requests a copy of the report.

320. Employer's duty to keep records of health surveillance for 30 years

(1) An employer must retain any health surveillance report given to the employer under regulation 318(2) for--

(a) a period not exceeding 30 years determined by the Authority by notice published in the Government Gazette; or

(b) if no period has been determined by the Authority, 30 years.

(2) In specifying a period for the purposes of sub-regulation (1)(a), the Authority may specify different periods for a hazardous substance or class of hazardous substances.

321. Employer's duty to provide information, instruction and training to employees An employer must provide any employees who use a hazardous substance as part of their work, or who are likely to be exposed to a risk associated with the use of a hazardous substance at the employer's workplace, with such information, instruction and training in relation to--

(a) the nature of the hazards and the risk associated with the use of the substance; and

(b) the need for, and proper use, of measures to control the risk--

as is necessary to enable the employees to perform their work in a manner that is safe and without risks to their health.

322. Employer to consult health and safety representative in certain circumstances

An employer must, if practicable, when undertaking in accordance with these Regulations--

(a) any risk assessment; or

(b) control of risk processes--

relating to the use of hazardous substances that may affect the health of any member of a designated work group, consult with that group's health and safety representative about the risk assessment or control of risk processes, as the case may be.

PART 4--ADDITIONAL DUTIES WHICH APPLY TO CARCINOGENIC SUBSTANCES

Division 1--Preliminary

400. Definitions In this Part--

"**laboratory**" means a building, room or designated area where a scheduled carcinogenic substance is used for--

- (a) scientific analysis or investigation; or
- (b) research; or
- (c) practical teaching;

"**licence**" means a licence issued by the Authority under regulation 405 authorising the use of--

- (a) a Schedule 1 carcinogenic substance at a laboratory; or
- (b) a Schedule 2 carcinogenic substance at a workplace other than a laboratory;

"**licensee**" means a holder of a licence;

"**National Model Regulations for the Control of Scheduled Carcinogenic Substances**" means the National Model Regulations for the Control of Scheduled Carcinogenic Substances published by the National Occupational Health and Safety Commission, as amended or published from time to time;

"**notification**" means a notification sent to the Authority of an intention to use a Schedule 2 carcinogenic substance at a laboratory;

"**Schedule 1 carcinogenic substance**" means--

- (a) a substance (or any of its salts) listed in Schedule 1 to the National Model Regulations for the Control of Scheduled Carcinogenic Substances used as a pure substance or in a mixture containing 0.1% or more of that substance, determined as a weight/weight (w/w) concentration for solids or liquids and a volume/volume (v/v) concentration for gases; but
- (b) does not include amosite or crocidolite as listed in that Schedule;

"**Schedule 2 carcinogenic substance**" means--

- (a) benzene as listed in Schedule 2 to the National Model Regulations for the Control of Scheduled Carcinogenic Substances; and
- (b) any other substance (or any of its salts) listed in Schedule 2 to the National Model Regulations for the Control of Scheduled Carcinogenic Substances used as a pure substance or in a mixture containing 0.1% or more of that substance, determined as a weight/weight (w/w) concentration for solids or liquids and a volume/volume (v/v) concentration for gases, except for chrysotile or cyclophosphamide as listed in that Schedule;

"**scheduled carcinogenic substance**" means a Schedule 1 carcinogenic substance or a Schedule 2 carcinogenic substance;

"**use**" in the definitions of "laboratory", "Schedule 1 carcinogenic substance" and "Schedule 2 carcinogenic substance" and in regulations 403(d), 403(e), 408(g), 416(1)(d) and 416(1)(e) does not include production, storage or disposal.

Division 2--Controls on Supply and Use of Scheduled Carcinogenic Substances

401. Supplier's duty to keep record of supply A person who supplies a scheduled carcinogenic substance to an employer or a self-employed person for use at the employer's or self-employed person's workplace must--

(a) record--

(i) the name and address of the employer or self-employed person; and

(ii) the name and quantity of the substance supplied; and

(b) retain the record of supply for at least 5 years. **402. *Prohibition on use of scheduled carcinogenic substances***

(1) An employer or a self-employed person must ensure that a Schedule 1 carcinogenic substance is not used at the employer's or self-employed person's workplace unless--

(a) the substance is used at a laboratory; and

(b) the employer or self-employed person has a licence to use the substance at that workplace.

(2) An employer or a self-employed person must ensure that a Schedule 2 carcinogenic substance is not used at the employer's or self-employed person's workplace unless--

(a) the substance is used at a workplace other than a laboratory and the employer or self-employed person has a licence to use that substance; or

(b) the substance is used at a laboratory and notification of the intention to use that substance has been given in accordance with Division 5 of this Part and has been confirmed by the Authority.

(3) Sub-regulations (1) and (2) do not apply to a scheduled carcinogenic substance that is supplied to an employer or self-employed person in a sealed container if the sealed container is not intended to be opened on the premises of the employer or self-employed person.

Division 3--Licences

403. *How to apply for a licence to use a scheduled carcinogenic substance*An application for a licence must be made to the Authority in the form determined by the Authority and must include--

(a) the name and business address of the applicant; and

(b) the workplace address at which the carcinogenic substance is intended to be used; and

(c) the name of the carcinogenic substance; and

(d) the quantity of the carcinogenic substance intended to be used each year; and

(e) the purposes for which the carcinogenic substance is intended to be used; and

(f) a statement, supported by reasons, that the elimination or substitution of the carcinogenic substance is not practicable; and

(g) a description of the control measures intended to be put in place to eliminate risks or reduce risks so far as is practicable and a justification of those control measures; and

(h) the number of employees who might be exposed to the carcinogenic substance; and

(i) the name and address of the intended supplier of the carcinogenic substance.

404. Authority must confirm receipt of a licence application Within 14 days after receiving an application for a licence, the Authority must advise the applicant in writing that the application has been received.

405. Issue of licence to use a scheduled carcinogenic substance

(1) Upon receipt of an application that complies with regulation 403, the Authority may issue a licence to an employer or self-employed person to use--

(a) a Schedule 1 carcinogenic substance at a laboratory; or

(b) a Schedule 2 carcinogenic substance at a workplace other than a laboratory.

(2) A licence expires 5 years after the day on which it was issued.

(3) The Authority may charge a fee calculated at the rate specified in the Schedule for the consideration of an application for a licence under this Part.

406. Refusal or deferral of a licence to use a scheduled carcinogenic substance The Authority may-

(a) refuse to issue a licence; or

(b) defer the issuing of a licence; or

(c) request the person who applied for a licence to provide additional information in relation to any matter listed in regulation 403.

407. Authority must provide applicant with written notice in relation to licence

(1) Within 60 days after receiving an application for a licence, the Authority must give the applicant a written notice stating--

(a) that the licence will be issued; or

(b) that the Authority has decided to refuse to issue the licence and the reasons for the refusal; or

(c) that the Authority has decided to defer the issuing of the licence, the reasons for the deferral and the steps that need to be taken by the applicant before the licence application will be re-considered.

(2) If the Authority decides--

(a) to refuse to issue a licence; or

(b) to defer the issuing of a licence--

the Authority must ensure that the written notice invites the applicant to be heard by the Authority in relation to the decision within 30 days after the decision was made.

408. Authority may impose licence conditions The Authority may impose on a licence any conditions that it thinks appropriate in relation to--

(a) the risk control measures to be used or implemented by the licensee; and

(b) atmospheric monitoring; and

(c) health surveillance; and

(d) information, instruction and training; and

(e) the recording or keeping of health and safety information; and

- (f) the reporting of information relating to atmospheric monitoring or health surveillance to the Authority; and
- (g) limits on the quantity of a scheduled carcinogenic substance to be used at the licensee's workplace; and
- (h) the date, being a date not later than 12 months after the date of issue of the licence, by which specified risk control measures must be implemented.

409. Request to amend, suspend or cancel a licence

The Authority may amend, suspend or cancel a licence on the written request of a licensee.

410. Authority may amend a licence

- (1) The Authority may, of its own volition, amend a licence.
- (2) Before doing so, the Authority must give the licensee written notice of the proposed amendment.
- (3) The notice must--
 - (a) set out the proposed amendment and the reasons for it; and
 - (b) invite the licensee to be heard by the Authority in relation to the proposed amendment; and
 - (c) specify a period of not less than 14 days within which the licensee may accept the invitation to be heard by the Authority.
- (4) After hearing and considering any representations made by the licensee in the time allowed, the Authority may amend the licence by way of a second written notice to the licensee.
- (5) The notice must--
 - (a) set out the amendment; and
 - (b) specify the date on which the amendment is to take effect; and
 - (c) contain a copy of regulation 415.
- (6) In specifying the date that the amendment is to take effect, the Authority must not specify a date that is less than 30 days after the licensee is given the notice.
- (7) However, if in the opinion of the Authority there exists an immediate risk to health or safety, the Authority may specify that the amendment is to take effect on a date that is within the 30 day period.

411. Procedure for suspending or cancelling a licence

- (1) The Authority may, of its own volition or after receiving a complaint, conduct an inquiry into whether there is proper cause for the suspension or cancellation of a licence.
- (2) There is proper cause for suspending or cancelling a licence if--
 - (a) the licensee has not complied with any condition of the licence; or
 - (b) a charge against the licensee under the **Occupational Health and Safety Act 1985** or any regulations made under that Act has been found proven by a court; or

- (c) the licence was obtained on the basis of false or misleading information or a failure to disclose particular information; or
 - (d) the licensee ceases to carry on business at the address to which the licence relates; or
 - (e) the licensee has not complied with these Regulations; or
 - (f) the Authority is satisfied that there is an immediate risk to health.
- (3) The Authority must give the licensee written notice of an inquiry.
- (4) The notice must--
 - (a) set out what the inquiry is into and the reasons for conducting it; and
 - (b) invite the licensee to attend the inquiry; and
 - (c) specify a period of not less than 14 days within which the licensee may accept the invitation to attend the inquiry.
- (5) Unless the Authority is satisfied that there are exceptional circumstances, an inquiry must not start until 14 days after the licensee is given the written notice.

412. Authority may suspend or cancel a licence

- (1) If, after conducting an inquiry, the Authority is satisfied that there is proper cause under regulation 411(2) for suspending or cancelling a licence, the Authority may suspend or cancel the licence by way of a written notice to the licensee.
 - (2) The notice must--
 - (a) set out the suspension or cancellation; and
 - (b) specify the date on which the suspension or cancellation is to take effect; and
 - (c) contain a copy of regulation 415.
- (3) In specifying the date that the suspension or cancellation is to take effect, the Authority must not specify a date that is less than 30 days after the licensee is given the notice.
- (4) However, if in the opinion of the Authority there exists an immediate risk to health or safety, the Authority may specify that the suspension or cancellation is to take effect on a date that is within the 30 day period.

413. Surrender of an amended, suspended or cancelled licence

If the Authority amends, suspends or cancels a licence and the amendment, suspension or cancellation has taken effect, the licensee must surrender the original licence to an inspector or the Authority on demand.

414. Authority must be advised of any changes to licence information

If any changes occur to the information required under regulation 403 for a licence, the licensee must ensure that the Authority is advised of those changes as soon as is reasonably possible.

Division 4--Review of Decisions Relating to Licences

415. Review of Authority's decisions

- (1) Any employer or self-employed person who may be affected by a final decision of the Authority in relation to--
 - (a) a refusal to issue a licence; or

- (b) a deferral of the issuing of a licence; or
- (c) an amendment to a licence; or
- (d) a particular condition of a licence; or
- (e) a suspension or cancellation of a licence--

may apply to the Victorian Civil and Administrative Tribunal for a review of a decision of the Authority.

(2) An application for a review must be made within 30 days after the later of--

(a) the day the employer or self-employed person is given written notice by the Authority of the decision;

(b) if, under the **Victorian Civil and Administrative Tribunal Act 1998**, the employer or self-employed person requests a statement of reasons for the decision, the day on which the statement of reasons is given to the employer or self-employed person or the employer or self-employed person is informed under section 46(5) of that Act that a statement of reasons will not be given.

(3) If an employer or self-employed person applies for a review of a decision within the specified 30 days, the decision is stayed until--

(a) the application is withdrawn by the employer or self-employed person; or

(b) the employer or self-employed person is given a document setting out the terms of the decision of the Victorian Civil and Administrative Tribunal on the appeal.

Division 5--Notifications

416. How to notify an intention to use a Schedule 2 carcinogenic substance at a laboratory

(1) A notification must be given to the Authority in the form determined by the Authority and must include--

(a) the name and business address of the person giving it; and

(b) the workplace address at which the carcinogenic substance is intended to be used; and

(c) the name of the carcinogenic substance; and

(d) the quantity of the carcinogenic substance intended to be used each year; and

(e) the purposes for which the carcinogenic substance is intended to be used; and

(f) a description of the control measures intended to be put in place to eliminate the risks associated with the use of the carcinogenic substance or to reduce those risks so far as is practicable and a justification of those control measures; and

(g) the number of employees who might be exposed to the carcinogenic substance; and

(h) the name and address of the intended supplier of the carcinogenic substance.

(2) A notification must be accompanied by the relevant fee specified in the Schedule.

(3) An employer or self-employed person must re-notify the Authority of an intention to use a Schedule 2 carcinogenic substance in a laboratory every 5 years after the date on which the Authority provided confirmation of any previous notification.

417. Authority must confirm receipt of a notification

(1) Within 30 days after receiving a notification, the Authority must give the person who sent the notification a written notice stating--

(a) that the notification is confirmed; or

(b) that confirmation of the notification is deferred due to--

(i) inadequate information being provided; or

(ii) a failure to provide the required fee; and

(c) if inadequate information is provided, what further information is required. (2) Any information or fee submitted in response to any advice given under sub-regulation (1)(b) must be treated as if it were a notification.

(3) If the Authority fails to comply with sub-regulation (1) within 30 days after receiving a notification, the notification is deemed to have been confirmed and the Authority must ensure that written notice of the deemed confirmation is supplied to the person who gave the notification as soon as is reasonably possible.

418. Authority must be advised of any changes to a notification

If any changes occur to the information required under regulation 416(1) for a notification, the person who gave the notification must ensure that the Authority is advised of those changes as soon as is reasonably possible.

Division 6--Miscellaneous

419. Employer must maintain records

(1) An employer must maintain a record of every employee who works with a scheduled carcinogenic substance at the employer's workplace.

(2) The record must contain--

(a) the employee's full name; and

(b) the employee's date of birth; and

(c) the employee's residential address during the period that the employee worked with the carcinogenic substance; and

(d) the name of each scheduled carcinogenic substance that the employee worked with at the employer's workplace; and

(e) the period of time over which the employee worked with each of the scheduled carcinogenic substances.

(3) The employer must retain the record for 30 years from the date that the employee last worked with a scheduled carcinogenic substance.

420. Employer must provide employees with written statements

(1) An employer must give to an employee who worked with a carcinogenic substance at the employer's workplace a written statement at the time of that employee's termination of employment.

(2) The written statement must contain--

(a) the name of any scheduled carcinogenic substance that the employee worked with at the employer's workplace; and

(b) the period of time over which the employee worked with the scheduled carcinogenic substance; and

(c) details of how and where records kept under regulation 419 may be obtained; and

(d) a statement advising the employee to have periodical health assessments and details of the types of tests that are relevant.

Division 7--Transitional Provisions Relating to Warrants

421. DefinitionsIn this Division--

"**Order**" means the Order to Subject to Conditions or Restrictions the Supply and Use of High Risk Carcinogenic Substances made on 26 April 1995 under the **Dangerous Goods Act 1985** and published in the Government Gazette on 27 April 1995;

"**warrant**" means a warrant issued under the Order.

422. Warrants to continue to have effect

(1) If, immediately before 1 June 2000, a warrant permitted a person to use a carcinogenic substance that the person could only use under this Part with a licence, the person may continue until 30 November 2000 to use that substance as if--

(a) the warrant was a licence issued by the Authority under regulation 405; and

(b) the conditions and restrictions that applied to the warrant under the Order, immediately before this regulation came into operation, were imposed by the Authority under regulation 408.

(2) If, immediately before 1 June 2000, a warrant permitted a person to use a carcinogenic substance that the person could only use under this Part after giving the Authority a notification, the person may continue until 30 November 2000 to use that substance as if--

(a) the person had given the Authority the notification; and

(b) the Authority had given the person a written notice of confirmation under regulation 417.

(3) This regulation expires on 1 December 2000.

423. Delayed commencement for carcinogens not requiring a warrant

(1) This regulation applies if an employer or self-employed person--

(a) used a substance at a workplace before this regulation came into operation; and

(b) was not required to hold a warrant under the Order to use that substance; and

(c) is required to hold a licence or give a notification under this Part to use that substance at a workplace.

(2) The employer or self-employed person may continue to use the substance without a licence or without giving a notification (as the case may be) until 30 November 2000.

(3) This regulation expires on 1 December 2000.

FEES

1. The fee for the consideration of an application for an exemption under regulation 105(10) is \$51 for each hour or part of an hour with a maximum fee of \$1938.
2. The fee for the assessment of a licence application under regulation 405(3) is \$51 for each hour or part of an hour with a maximum fee of \$1632.
3. The fee for the assessment of a notification under regulation 416(2) is \$54.

**NOTES**

Table of Applied, Adopted or Incorporated Matter Required by the Subordinate Legislation Regulations 1994

Note that the following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

| Statutory Rule Provision | Title of applied, adopted or incorporated document | Matter in applied, adopted or incorporated document |
|--|--|---|
| Regulation 103--Definition of "Approved Criteria for Classifying Hazardous Substances" | Approved Criteria for Classifying Hazardous Substances, second edition, published by the National Occupational Health and Safety Commission, 1999 | The whole |
| Regulation 103--Definition of "container" | Federal Office of Road Safety, Australian Code for the Transport of Dangerous Goods by Road and Rail, sixth edition, published by the Australian Government Publishing Service, 1998 | Definitions of "bulk container" and "tank" |
| Regulation 103--Definition of "dangerous goods" | Federal Office of Road Safety, Australian Code for the Transport of Dangerous Goods by Road and Rail, sixth edition, published by the Australian Government Publishing Service, 1998 | Definition of "dangerous goods" |
| Statutory Rule Provision | Title of applied, adopted or incorporated document | Matter in applied, adopted or incorporated document |
| Regulation 103--Definition of "exposure standard" | Exposure Standards for Atmospheric Contaminants in the Occupational Environment, published by the National Occupational Health and Safety Commission, 1995 | The section titled "Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment" |
| Regulation 103--Definition of "hazardous substance" | List of Designated Hazardous Substances, published by the National Occupational Health and Safety Commission, 1999 | CAS Number index and Alphabetical index |
| Regulation 103--Definition of "hazardous substance" | Approved Criteria for Classifying Hazardous Substances published by the National Occupational Health and Safety Commission, 1999 | The whole |
| Regulation 103--Definition of "List of Designated Hazardous Substances" | List of Designated Hazardous Substances, published by the National Occupational Health and Safety Commission, 1999 | CAS Number index and Alphabetical index |
| Regulation 103--Definition of "National Model Regulations for the Control of Workplace Hazardous Substances" | Control of Workplace Hazardous Substances: National Model Regulations, published by the National Occupational Health and Safety Commission, 1994 | Schedule 1, Schedule 2 and Schedule 3 |
| Regulation 103--Definition of "risk phrase" | List of Designated Hazardous Substances, published by the National Occupational Health and Safety Commission, 1999 | Appendix I |
| Statutory Rule Provision | Title of applied, adopted or incorporated document | Matter in applied, adopted or incorporated document |

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|---|--|--|
| Regulation 103--Definition of "safety phrase" | List of Designated Hazardous Substances, published by the National Occupational Health and Safety Commission, 1999 | Appendix III |
| Regulation 103--Definitions of "type I ingredient", "type II ingredient" and "type III ingredient" | Control of Workplace Hazardous Substances: National Model Regulations, published by the National Occupational Health and Safety Commission, 1994 | Schedule 1 |
| Regulation 209(b) | Australian Agricultural and Veterinary Chemicals Council, Code of Practice for Labelling Agricultural Chemical Products, Australian Government Publishing Service, Canberra, 1989 | The whole |
| Regulation 209(c) | Australian Agricultural and Veterinary Chemicals Council, Code of Practice for Labelling Veterinary Chemical Products, Australian Government Publishing Service, Canberra, 1989 | The whole |
| Regulation 400--Definition of "National Model Regulations for the Control of Scheduled Carcinogenic Substances" | Control of Workplace Hazardous Substances Part 2--scheduled carcinogenic substances: National Model Regulations, published by the National Occupational Health and Safety Commission, 1995 | Schedule 1 and Schedule 2 |
| Statutory Rule Provision | Title of applied, adopted or incorporated document | Matter in applied, adopted or incorporated document |
| Regulation 400--Definitions of "Schedule 1 carcinogenic substance" and "Schedule 2 carcinogenic substance" | Control of Workplace Hazardous Substances Part 2--scheduled carcinogenic substances: National Model Regulations, published by the National Occupational Health and Safety Commission, 1995 | Schedule 1 and Schedule 2 |

The publications referred to in column 2 of the above table are available for inspection at all local WorkCover offices and are available for purchase from the Commonwealth Government Bookshop, 190 Queen Street, Melbourne, Victoria, 3000, telephone 13 2447, fax 9670 4115.