

prensa update

February 2014

Hazardous Chemicals and Dangerous Goods

With ongoing changes to Occupational Health & Safety and Dangerous Goods Regulations over the past 4 years it is understandable that there might be confusion as to what the difference is between a Hazardous Chemical and a Dangerous Good. Prensa has prepared this summary to provide some clarification for those with responsibilities for managing chemicals and substances in the workplace.

Unfortunately, the attempt to harmonise state based legislation has not resulted in a simpler system for managing chemicals and substances for national organisations. There is now a requirement to be familiar with each states' unique interpretation of the National Model Harmonised WHS regulations as well as changes to Victoria's Dangerous Goods and OH&S regulations to understand the difference between Hazardous Chemicals and Dangerous Goods.



Dangerous Goods are defined in the Australian Dangerous Goods Code. The Australian Dangerous Goods Code sets out the requirements for transporting dangerous goods by road or rail. The current version of the Code is the 7th edition, which the National Transport Commission (NTC) published in 2007. This version of the Code is known as ADG7. This Code has no force by itself, but it is given force in each Australian State and Territory by laws that incorporate the Code as law. These laws include state based WHS Regulations, OH&S Regulations and Dangerous Goods Regulations.

In Victoria, Dangerous Goods Regulations remain separate to the OH&S Regulations and sit under the Dangerous Goods Act 1985. The Victorian Dangerous Goods (Storage & Handling) Regulations 2012 prescribe the requirements for managing risks associated with dangerous goods in the workplace. Dangerous Goods are classified on the basis of immediate physical or chemical effects such as fire, explosion, corrosion and poisoning. In October 2013, Prensa published a summary of the key changes introduced when the 2012 regulations were promulgated (see prensa.com.au to obtain copy of this Update).

Hazardous Substances are classified only on the basis of health effects, both immediate and long-term. The now revoked Hazardous Substances Regulations in Victoria have been incorporated into Chapter 5 of the Occupational Health and Safety Regulations 2007.

Many substances are both hazardous substances and dangerous goods, and in these cases, both sets of laws will apply.

In ACT the Dangerous Goods regulations are called the Dangerous Substances Regulations and sit separately to the ACT Work Health & Safety Regulations 2011. The term "Dangerous Substance" is unique to the ACT and includes:

- explosives as defined by the Australian Explosives Code;
- dangerous goods as defined in the Australian Dangerous Goods Code; and
- hazardous substances as defined by the Office of the Australian Safety Compensation Council (OASCC) hazardous substances regulatory package



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While the term of Dangerous Substances can be confusing, the ACT has centralised the regulatory requirements for managing hazardous chemicals and substances into the one statute.



In NSW and Queensland, Part 7 of the WHS Regulations details requirements for "Hazardous Chemicals". Hazardous Chemicals include Dangerous Goods as defined in the ADG Code 2007 if they exceed quantities at the workplace above those prescribed in Part 7 of the WHS Regulations. Other Dangerous Goods Acts and Regulations exist for transport by Road & Rail,

Explosives, Labelling etc. Apart from the ACT, the key legislation for managing hazardous chemicals and substances in the workplace is prescribed in the Work Health & Safety Regulations in NSW, WA, TAS & Qld and the OH&S Regulations 2007 in Victoria.

Note also that when complying with asbestos requirements under the relevant WHS/OHS regulations, some organisations undertake a "Hazardous Substances" Audit rather than the obligatory asbestos audit. In these cases, the audit identifies building materials including asbestos, SMF, Lead, ODSs, PCB's CFC's etc. This definition of "Hazardous Substances" is detailed in Australian Standard AS2601 Demolition of Structure-2001 Part 1.6.1. The term Hazardous Substances audit is common in the construction industry and is typically undertaken prior to a building's demolition or refurbishment.

Hence the use of the term Hazardous Substances/Chemicals varies depending on the context and the location.

The difficulty of drafting simple policies and procedures is sometimes compounded by the maze of definitions and inconsistencies in state based legislation. The approach adopted by each organisation will depend on the nature of the hazardous chemicals and substances in use, the locality of its operations and the way in which the substances are handled, stored and transported. Except where explosives are used in the workplace we are finding that the use of the term Hazardous Chemicals and Dangerous Goods is most frequent.



If you would like any clarification of the management of Hazardous Chemicals and Dangerous Goods in your workplace, please feel free to call the following:

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