

HAZARDOUS SUBSTANCES REGULATIONS

HAZARDOUS SUBSTANCES & NEW ORGANISMS ACT 1996 (HSNO)



THE HEALTH AND SAFETY AT WORK ACT 2015 (HSWA)

It's worth remembering that there is already legislation in place that duty holders should be complying with. Hazardous substances are currently regulated under HSNO which aims to protect the environment and the health and safety of people from the adverse effects of hazardous substances. HSNO is largely implemented by the Environmental Protection Authority (EPA). The workplace requirements are currently enforced by WorkSafe.

HSWA and its first phase of supporting regulations came into force in April 2016. It aims to protect people against harm to their health, safety and welfare caused by risks arising from work. HSWA is primarily administered and enforced by WorkSafe.

The rules around managing hazardous substances that affect human health and safety in the workplace will be transferred from HSNO to the Hazardous Substances Regulations under HSWA. The rules and duties to mitigate risks posed by hazardous substances will sit under:

HSNO

SWI

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DECEMBER

EPA NOTICES

HSWA

There are also two new types of subordinate legislation:

HSNO for non-work, public health and environmental risks; and specific requirements on importers and manufacturers of hazardous substances.

Safe Work Instruments will be developed by WorkSafe for approval by the Minister for Workplace Relations and Safety. They have a number of uses, including defining detailed or technical matters that may change frequently. For example, a number of existing HSNOCOPs (Codes of Practice) and substance-specific requirements will be recorded in Safe Work Instruments.

EPA Notices - most of the hazardous substance rules the EPA remains responsible for will be set in EPA Notices rather than by regulation. These will particularly reflect the rules for importers and manufacturers of hazardous substances as well as non-workplace use, environmental controls and hazardous substances disposal controls.

HSWA (including the Hazardous Substances Regulations) for work risks.