

LEGISLATION UPDATE

No. 1/2006

8 June 2006

APPROVED CODE OF PRACTICE FOR THE CONTROL OF WORKPLACE HAZARDOUS SUBSTANCES

The *Code of Practice for the Control of Workplace Hazardous Substances* (2nd Edition – 2006) has been approved by the Minister for Mineral Resources under the *Occupational Health and Safety Act 2000* in respect of mines.

A copy of the approval as gazetted is attached.

An approved industry code of practice under the *Occupational Health and Safety Act 2000* (OHS Act) is designed to assist employers and others with duties under the OHS Act and its Regulations. It should be noted that for the purposes of OHS Regulation provisions, an employer may include a self-employed person.

An industry code of practice should be followed unless there is an alternative course of action which achieves the same or better standard of health and safety in the workplace. Although not mandatory, an approved industry code of practice is admissible in support of an allegation that a provision of the OHS Act or OHS Regulation has been breached.

This code of practice supports specific provisions of the OHS Regulation 2001 that relate to the use of hazardous substances. These provisions came into effect for NSW mines generally in November 2004 and are contained in Schedule 4 of the OHS Regulation.

It relates to substances that are hazardous to health. Substances that have physical safety hazards – dangerous goods – are covered separately in the OHS Regulation. However references are made to dangerous goods provisions where relevant.

Note that new dangerous goods provisions in the OHS Regulation apply to the whole mining industry. Specific guidance in relation to dangerous goods is provided in the industry code of practice, *Code of Practice for the Storage and Handling of Dangerous Goods 2005*. This was approved in respect of mines in September 2005.

Approved industry codes of practices can be downloaded from the WorkCover's website <http://www.workcover.nsw.gov.au/Publications/LawAndPolicy/CodesofPractice/default.htm>

FOR FURTHER INFORMATION CONTACT YOUR LOCAL DEPARTMENT OF PRIMARY INDUSTRIES' OFFICE:

Maitland: 4931 6666 Armidale: 6738 8500 Broken Hill: (08) 8088 9300 Cobar: 6836 4392
Lightning Ridge: 6829 0678 Lithgow: 6351 3052 Orange: 6360 5333 Singleton: 6572 1899 Wollongong: 4227 1699

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OCCUPATIONAL HEALTH AND SAFETY ACT 2000

I, IAN MACDONALD, M.L.C., Minister for Mineral Resources, pursuant to section 43 of the Occupational Health and Safety Act 2000, approve the Code of Practice for the Control of Workplace Hazardous Substances (2nd Edition – 2006), published in the *New South Wales Government Gazette* No. 40 on 31 March 2006 at pages 1762 – 1835, in respect to mines.

Dated this 22nd day of May 2006.

IAN MACDONALD, M.L.C.,
Minister for Mineral Resources

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