



Webinar Q&A: 'What has changed in the 2017 OHS Regulations'? Part I

1. Do employers have to re-label chemicals so they are consistent with the GHS (Globally Harmonised System of Classification and Labelling of Chemicals) already?

No, importing suppliers, manufacturers and employers are able to 'use up' any substances they already have which do not have GHS consistent labels. Once these have been used up, the manufacturer/supplier must ensure that the labels are GHS consistent.

Any newly purchased substances coming into the workplace post June 18 (including substances that have been used before) must have GHS consistent Safety Data Sheets (SDSs, replacing the old MSDSs). This should not be an issue as suppliers/manufacturers have had to comply with this in most jurisdictions in Australia since January 1, 2017. Furthermore, employers should contact their suppliers and request they provide GHS consistent SDSs for any substances they have in the workplace currently which do not have up to date SDSs. Suppliers must provide these.

However, employers have duties to re-label if they are going to decant these substances. The labels on the decanted substances must be consistent with regulation 158 – the container must be labelled with the manufacturer's or importing supplier's label.

2. Will the new SDS be available soon?

Generally, these are already available as for most other jurisdictions the GHS requirements came into effect on January 1, 2017. Employers must contact their suppliers and request a GHS compliant SDS, which the manufacturer/supplier must provide.

3. Will all Safe Work Method Statements (SWMS) need to be changed in accordance to the new Act? For example, MSDS to SDS?

If MSDSs are mentioned in these then yes, they should be updated to be consistent with the new regulations. However, SWMS are more likely to be in place for issues such as plant operation, etc, and so given there have been some changes to the licensing chapter, it would be wise to review all current SWMS to ensure not only consistency with the 2017 regulations, but also as a useful exercise to review work processes regularly.

4. Do the new Equipment Regulations replace the Plant Regulations?

No. There are new Equipment Public Safety Regulations 2017 which replace the 2007 regulations. The plant regulations are Part 3.5 of the OHS Regulations 2017. There have been some amendments.

5. What edition of the GHS has been adopted in Victoria?

The Victorian regulations have the following definition of GHS:

"GHS means the Globally Harmonised System of Classification and Labelling of Chemicals, Third revised edition, Fourth revised edition or Fifth revised edition, published by the United Nations, as modified by Schedule 7"



6. Are there any changes in the new Regulations that relate to patient handling and the use of plant/equipment such as patient lifting hoists?

As far as I can tell from the changes I've had to make on the summary of the plant section of the regs on our website, there have been no changes which affect lifting hoists.

However, the slight changes to manual handling could affect this:

- The chapter now specifically covers 'hazardous manual handling' – but I imagine that patient handling is and always has been potentially hazardous
- The changes to the definition probably assist this – by the removal of 'sustained' and 'repetitive'
- The fact that the hazardous manual handling is no longer specifically tied to a 'task' but is about the hazardous manual handling undertaken by an employee
- The fact that generic hazard ID no longer applies
- The removal of the requirement to review risk control measures if an object is used for another purpose than that for which it was designed – the requirement is now broader and refers to the alteration to an object, plant, process or system of work.

7. Will current SDS's be required to be reformatted?

Yes, manufacturers and importing suppliers would have been preparing for Australia's adoption of the GHS for some years now, and as per Question 2, as most jurisdictions in Australia required GHS compliance by January 1, 2017, it would be unusual for any hazardous substance supplied to a workplace now to not be GHS compliant.

8. With the release of the summary of changes will I, as a HSR, receive a copy of the new regulations?

There is no duty on the employer to provide HSRs with a copy of the Act or the Regulations. However, you can download a copy (in both pdf and word format) on the [Victorian government legislation repository website](#). Go to Victorian Law today and then Statutory rules, and search under O.

Note, though, I think your employer must have a copy of the regulations on site (how would they know what to do if they don't have a copy of the law) and I would recommend that a request go to the OHS Committee that all HSRs be provided with a copy of the regulations...