APPROVED CODE OF PRACTICE FOR THE CONTROL OF WORKPLACE HAZARDOUS SUBSTANCES


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
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**OCCUPATIONAL HEALTH AND SAFETY ACT 2000**


Dated this 22nd day of May 2006.

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