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Government Notices

WORK HEALTH AND SAFETY REGULATION 2017

Exemption No 013/19

I, Meagan McCool, Director, Hazardous Chemical Facilities and Safety Management Audits, SafeWork NSW, pursuant to clause 697 of the *Work Health and Safety Regulation 2017* hereby amend *Work Health and Safety Regulation 2017*, Exemption No 013/19 as set out below. The exemption is amended:

- To remove references to 'respirable coal dust', given that exposure to respirable coal dust at mine or petroleum sites is regulated by the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2014*.
- to remove the exemption from the requirements of clause 368(b) of the Regulation, as no exemption is required from this clause in relation to respirable crystalline silica.

Dated this 19 December 2019.

Meagan McCool
Director
Hazardous Chemical Facilities and Safety Management Audits
SafeWork NSW

1. Name of Exemption

This amended Exemption is the *Work Health and Safety Regulation 2017*, Exemption No 013/19.

2. Commencement

This amended Exemption commences on the date of gazettal and has effect until 30 September 2022, unless otherwise varied or cancelled.

3. Definitions

In this Exemption;

Act means the *Work Health and Safety Act 2011*.

Regulation means the *Work Health and Safety Regulation 2017*.

Words used in this Exemption have the same meaning as the Act and Regulation.

4. Exemption

This Exemption is a class exemption made by SafeWork NSW on its own initiative.

This Exemption applies to a person conducting a business or undertaking at a workplace (PCBU).

The PCBU at a workplace is exempted from the following requirements in the Regulation:

- A. The requirement under clause 49 of the Regulation that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture, but only to the extent that the exposure standard refers to respirable crystalline silica (silica), except as provided for at Condition i below.
- B. The requirement under clause 50(1)(a) of the Regulation to ensure that air monitoring is carried out to determine the airborne concentration of a substance or mixture at the workplace to which an exposure standard applies - if the person is not certain on reasonable grounds whether or not the airborne concentration of the substance or mixture at the workplace exceeds the relevant exposure standard, but only to the extent that the exposure standard refers to respirable crystalline silica (silica), except as provided for at Condition i of Schedule 1 below.

SCHEDULE 1

This Exemption is subject to the following conditions:

- i. the PCBU at a workplace is required to comply with the requirements of clause 49 and 50(1)(a) of the Regulation as if the exposure standard provides for the following:
 - o to the extent that the exposure standard applies to respirable crystalline silica (silica) - that it identifies a time weighted average of 0.1mg/m³.

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