



# Government Gazette

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## SPECIAL SUPPLEMENT

**Fumigant Exemption for Farmers**

**Certificate No. 017/07**

### OCCUPATIONAL HEALTH AND SAFETY REGULATION 2001

#### Exemption Order

I, John Watson, General Manager of the Occupational Health and Safety Division, under the delegation assigned by WorkCover NSW and pursuant to clause 348 [exemptions for classes of persons or things] of the *Occupational Health and Safety Regulation 2001* (the Regulation), am satisfied that the application of the provisions in clause 270(1) [do scheduled work unless the person holds a certificate of competency or recognised qualification in relation to work of that kind] of the Regulation is unreasonable, hereby grant an exemption from this provision for fumigant users specified in Schedule 1 from complying with clause 270 (1) of the Regulation, subject to the conditions specified in Schedule 2.

#### SCHEDULE 1

Use of the fumigants aluminium phosphide tablets by hand and chloropicrin by pressurised fumigation machine to control stored grain and vertebrate pests for on-farm use within the Rural Industry (\*)

#### SCHEDULE 2

1. The controller of premises where fumigants are used shall:
  - a. ensure that fumigants are only used by persons authorised by him or her;
  - b. meet the training requirements as required under clause 7A of the Pesticides Regulation 1995 at Level 3 of the Australian Qualifications Framework (AQF);
  - c. instruct those persons in the safe use of fumigants and ensure that any hazards identified with such use have been assessed and adequately controlled and those persons are advised of the controls;
  - d. be satisfied those persons can be relied upon to use fumigants without placing the health and safety of themselves or others at risk;
  - e. ensure those persons are made aware of the application and limitations of this exemption order.
2. The person so authorised shall:
  - a. be not less than eighteen (18) years of age;
  - b. meet training requirements as required under clause 7A of the Pesticides Regulation 1995 at Level 3 of the Australian Qualifications Framework (AQF);
  - c. be able to communicate to a level that enables them to perform their duties safely;
  - d. observe safe practices at all times whilst using fumigants and take action to prevent any person being placed at risk

3. The Regulation shall be complied with in all other respects.

(\* Use in agriculture within the Rural Industry for the purpose of this exemption, means the use of fumigants at a workplace encompassing an area used predominantly for the production of stock or animal products (such as milk or wool), rearing livestock or growing crops. This includes farms, orchards, vineyards, market gardens and forestry. This does not include workplaces processing or storing agricultural products, or persons providing services to agriculture. If fumigants are used for other applications, the operator must have an appropriate certificate of competency.

**This Exemption shall remain in force from 8 November 2007 for a period of 4 (four) months.**

JOHN WATSON,  
General Manager  
Occupational Health and Safety Division  
WorkCover NSW

Please note: Under clause 349 of the Regulation, a Register of Exemptions must be kept by WorkCover NSW and be available for public inspection upon request.