



# Government Gazette

OF THE STATE OF  
NEW SOUTH WALES

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## SPECIAL SUPPLEMENT

### WORK HEALTH AND SAFETY REGULATION 2011

(Clause 684)

Exemption No. 009/12

I, JOHN WATSON, General Manager, Work Health and Safety Division of the WorkCover Authority of New South Wales, pursuant to clause 684 of the Work Health and Safety Regulation 2011 grant the following exemption.

Dated this 28th day of August 2012.

JOHN WATSON,  
General Manager,  
Work Health & Safety Division,  
WorkCover Authority of New South Wales

#### Work Health and Safety Regulation 2011 Exemption No. 009/12

#### 1. Name of Exemption

This Exemption is the Work Health and Safety Regulation 2011, Exemption No. 009/12.

#### 2. Commencement

This Exemption commences on the date of gazettal in the NSW Government Gazette and has effect until 31 December 2017.

#### 3. Exemption

This Exemption is made by the WorkCover Authority of New South Wales on its own initiative and applies to diving activities, which are authorised by the institutions listed below as part of honours or post graduate research or education in marine sciences.

- a. University of New South Wales
- b. University of Technology, Sydney
- c. Sydney Institute of Marine Science
- d. University of Sydney
- e. University of Newcastle
- f. University of Wollongong
- g. Macquarie University
- h. University of Western Sydney
- i. Southern Cross University
- j. Australian Catholic University

The exemption covers enrolled honours and post graduate university students (Students) and associated volunteer divers undertaking diving activities.

Specifically, Students undertaking diving for the purposes described above and associated volunteer divers are exempt from the requirements of Clause 171 that specifies competency standards for general diving work and Schedule 18B

Clause 24 that specifies transitional arrangements for diving work. Such exemption is to the extent specified, and subject to the conditions, in the Schedule to this Exemption.

#### 4. Definitions

For the purposes of this Exemption:

**General diving work** means general diving work as prescribed in Part 1.1 of the Regulation,

**Regulation** means the Work Health and Safety Regulation 2011

**Volunteer diver** means a person who is acting on a voluntary basis and undertakes diving activities in order to assist Students in the conduct of their research or education and who holds the same or higher diving qualifications than the Student.

**Student** means an enrolled honours or post graduate university student undertaking research or education in marine sciences.

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#### SCHEDULE

This Exemption is subject to the following conditions:

- (a) The Person Conducting a Business or Undertaking (PCBU) being the institutions listed in clause 3 above, must only apply this exemption to Students who undertake diving work in pursuit of formal honours or post graduate research and education coursework and volunteer divers involved in volunteer dive support of such persons.
- (b) All persons described in (a) must comply with AS/NZS 2299.2:2002 Occupational Diving Operations Part 2: Scientific Diving and in particular, the qualifications and practices prescribed in Appendix A4 generally and A4.3 Restrictions (Restricted Scientific Diver) at all times.
- (c) Persons described in (a) as volunteer divers must not be responsible for the management or supervision of Students on behalf of the persons conducting a business or undertaking at any time.
- (d) Nothing in this Exemption affects any other applicable requirement imposed by law in relation to the matters relating to this Exemption.

#### List of applicable Regulations:

- (i) NSW Work Health & Safety Regulation 2011.