



Government Gazette

of the State of

New South Wales

Number 174

Friday, 13 December 2019

The New South Wales Government Gazette is the permanent public record of official NSW Government notices. It also contains local council, private and other notices.

From 1 January 2019, each notice in the Government Gazette has a unique identifier that appears in round brackets at the end of the notice and that can be used as a reference for that notice (for example, (n2019-14)).

The Gazette is compiled by the Parliamentary Counsel's Office and published on the NSW legislation website (www.legislation.nsw.gov.au) under the authority of the NSW Government. The website contains a permanent archive of past Gazettes.

To submit a notice for gazettal – see Gazette Information.

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 684 of the *Work Health and Safety Regulation 2017* hereby grant the following exemption.

Dated this 12 December 2019.

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

1. Name of Exemption

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

2. Commencement

This Exemption commences on 16 December 2019 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) and respirable coal dust, and 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) and respirable coal dust, and except as provided for at Condition i of Schedule 1 below.
- C. The requirement under clause 368(b)(ii) of the Regulation to ensure that health monitoring is provided to a worker carrying out work for the business or undertaking – if the person identifies that because of ongoing work carried out by a worker using, handling, generating or storing hazardous chemicals there is a significant risk that the worker will be exposed to a hazardous chemical – and a valid way of determining biological exposure to the hazardous chemical is available and it is uncertain, on reasonable grounds, whether the exposure to the hazardous chemical has resulted in the biological exposure standard being exceeded – but only to the extent that the exposure standard refers to respirable crystalline silica (silica) and respirable coal dust, and except as provided for at Condition i 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, 50(1)(a) and 368(b)(ii) 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.

- o to the extent that the exposure standard applies to respirable coal dust – that it identifies a time weighted average of 3 mg/m³.

(n2019-3912)