

Doc No: 00893/18

**WORK HEALTH AND SAFETY REGULATION 2017  
(Clause 58(2))**

**Exemption No. 017/18**

I, Andrew GAVRIELATOS, Executive Director, Specialist Services, SafeWork NSW, pursuant to Clause 684 of the *Work Health and Safety Regulation 2017* grant the following exemption:

Dated this twelfth day of November 2018.

Andrew GAVRIELATOS  
Executive Director, Specialist Services  
SafeWork NSW

***Work Health and Safety Regulation 2017 Exemption No. 017/18***

**1. Name of Exemption**

This Exemption is the *Work Health and Safety Regulation 2017, Exemption No. 017/18*.

**2. Commencement**

This Exemption commences on 1 January 2019 and has effect until 31 December 2020.

**3. Exemption**

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

This Exemption applies to persons conducting a business or undertaking who require a worker to frequently use personal protective equipment as a control measure to protect workers from the risk of hearing loss associated with noise that exceeds the 'exposure standard for noise'.

Those persons are exempt from Clause 58(2) of the Regulation, subject to the condition in the Schedule to this Exemption.

**4. Definitions**

For the purposes of this Exemption:

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

*Exposure standard for noise* means  $L_{Aeq,8h}$  of 85 dB(A) or  $L_{c,peak}$  of 140 dB(C) where  $L_{Aeq,8h}$  means the eight hour equivalent continuous A-weighted sound pressure level in decibels (dB(A)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005 and  $L_{c,peak}$  means the C-weighted peak sound pressure level in decibels (dB(C)) referenced to 20 micropascals, determined in accordance with AS/NZS 1269.1:2005.

#### **SCHEDULE**

This Exemption is subject to the following condition:

1. Nothing in this Exemption affects any other applicable requirement imposed by law on a person conducting a business or undertaking in relation to matters relating to this Exemption, including the monitoring of workers and conditions at the workplace under Section 19(3)(g) *Work Health and Safety Act 2011*.

[n2018-4374]