

1993—No. 151

OCCUPATIONAL HEALTH AND SAFETY ACT 1983

(Occupational Health and Safety (Synthetic Mineral Fibres) Regulation 1993)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Occupational Health and Safety Act 1983, has been pleased to make the Regulation set forth hereunder.

J. P. HANNAFORD, M.P.,
Minister for Industrial Relations.

Citation

1. This Regulation may be cited as the Occupational Health and Safety (Synthetic Mineral Fibres) Regulation 1993.

Commencement

2. This Regulation commences on 1st June, 1993

Definitions

3. In this Regulation:

“**Authority**” means the WorkCover Authority;

“**National Standard**” means the standard that was published in May 1990 under the title “National Standard for Synthetic Mineral Fibres”, being a standard the subject of a declaration by the National Occupational Health and Safety Commission under section 38 (1) of the National Occupational Health and Safety Commission Act 1985 of the Commonwealth;

“**the Act**” means the Occupational Health and Safety Act 1983.

Application of Regulation

4. This Regulation applies to all places of work other than mines within the meaning of the Coal Mines Regulation Act 1982 or the Mines Inspection Act 1901.

Exposure standards for synthetic mineral fibres and synthetic mineral fibre dust not to be exceeded at places of work

5. For the purposes of Part 3 of the Act (the provisions of which are adapted accordingly), a place of work is unsafe and a risk to health if the airborne concentration of synthetic mineral fibres or synthetic mineral fibre dust exceeds those specified in the relevant exposure standard fixed by the National Standard.

Exemptions

6. (1) An employer or self-employed person may apply to the Authority for an exemption from the operation of clause 5 in respect of the whole or any part of his or her place of work.

(2) Before making such an application, the employer or self-employed person must cause notice of the proposed application to be given to all persons employed at the place of work concerned or, if an occupational health and safety committee is established in relation to the place of work, to the convener of the committee.

(3) Such a notice:

- (a) must state that exposure standards for airborne concentrations of synthetic mineral fibres and synthetic mineral fibre dust are fixed by the National Standard; and
- (b) must state that the employer or self-employed person proposes to seek an exemption from compliance with those standards; and
- (c) must state that the effect of such an exemption would be to permit those standards to be exceeded; and
- (d) must state that submissions may be made to the employer or self-employed person with respect to the proposal to apply for such an exemption; and
- (e) must specify the person to whom, and the date by which, any such submissions should be made.

(4) An application must be in writing, must be accompanied by the fee fixed for the time being by the Authority in relation to such an application and must include copies of the written submissions, and a summary of the oral submissions, made with respect to the application.

(5) On receipt of the application, the Authority:

- (a) may, by order in writing, exempt the employer or self-employed person from the operation of clause 5 in respect of the whole or any part of his or her place of work; or
- (b) may dismiss the application.

(6) An exemption may be given unconditionally or subject to such conditions as the Authority considers appropriate.

NOTE

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EXPLANATORY NOTE

The object of this Regulation is to require employers and self-employed persons to ensure that the airborne concentrations of synthetic mineral fibres and synthetic mineral fibre dust at their places of work do not exceed the standards prescribed by the National Standard for Synthetic Mineral Fibres. Those standards are currently 0.5 respirable fibres per millimetre of air for synthetic mineral fibres and 2 milligrams of inspirable dust per cubic metre for synthetic mineral fibre dust.

Provision is made to exempt certain employers and self-employed persons from that requirement. Such an exemption will not be granted unless persons at the place of work concerned have been informed of the proposal to seek an exemption and have been given an opportunity to make submissions with respect to the proposal.

(For Code of Practice, see Gazette No. 39 of 23 April 1993, p. 1845.)