



# *Government Gazette*

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## WORK HEALTH & SAFETY REGULATION 2017

(Clause 58(2))

### Exemption No. 010/23

I, Natasha Mann, Deputy Secretary, Better Regulation Division, Department of Customer Service, pursuant to clause 684 of the Work Health and Safety Regulation 2017 grant the following exemption:

Dated this 4th day of October 2023.

Natasha Mann  
Deputy Secretary  
Better Regulation Division  
Department of Customer Service

### Work Health and Safety Regulation 2017 Exemption No. 010/23

#### 1. Name of Exemption

This Exemption is the Work Health and Safety Regulation 2017, Exemption No. 010/23.

#### 2. Commencement

This Exemption commences on 1 January 2024 and has effect until 31 December 2029

#### 3. Exemption

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

This Exemption applies to a PCBU to whom Order No. 43 applies.

A PCBU to whom Order No. 43 applies is exempt from compliance with clause 58(2) of the Regulation.

This Exemption is subject to the conditions specified in the Schedule.

#### 4. Definitions

For the purposes of this Exemption:

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

**Order No. 43** means the *Coal Services Health Monitoring Requirements for Coal Mine Workers Order No. 43* under the Coal Industry Act 2001 (the Order)

**PCBU** means a person conducting a business or undertaking within the meaning of the Act

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

**Schedule**

This Exemption is subject to the following conditions:

1. The PCBU must at all times be fully compliant with paragraph 6, 8 and 10 of Order No. 43 (requirements for pre-placement, periodic and exit medical assessments) in respect of hearing assessments including audiometry to be conducted.
2. Nothing in this Exemption affects any other applicable requirement imposed by law on a PCBU in relation to matters relating to this Exemption, including the monitoring of workers and conditions at the workplace under section 19(3)(g) of the Act.