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

Exemption 021/21

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



Date: 10/12/21

1. Name of Exemption

This Exemption is the Work Health and Safety Regulation 2017, Exemption No. 021/21.

2. Commencement

This Exemption commences on 1 January 2022 and has effect until 31 December 2023.

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 LAeq,8h of 85 dB(A) or Lc,peak of 140 dB(C) where LAeq,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 Lc,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) of the *Work Health and Safety Act 2011*.