

# Work Health and Safety (Silica Dust Uncontrolled Dry-Cutting Prohibition Regulator Transition) Exemption 2022 (No 1)

## Notifiable instrument NI2022–349

made under the

*Work Health and Safety Regulation 2011*, section 684 (General power to grant exemptions)

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### 1 Name of instrument

This instrument is the *Work Health and Safety (Silica Dust Uncontrolled Dry-Cutting Prohibition Regulator Transition) Exemption 2022 (No 1)*.

### 2 Commencement

This instrument commences on 14 July 2022.

### 3 Exemption

- (1) I, the Work Health and Safety Commissioner and regulator, having regard to the matters in section 685 of the *Work Health and Safety Regulation 2011*, make an exemption under section 684 of the *Work Health and Safety Regulation 2011* to:
  - (a) exempt persons conducting a business or undertaking when carrying out activities or work with materials containing crystalline silica other than engineered stone using a power tool or mechanical process from the requirement to use water suppression under section 418B (a) or section 418C (b) (i); and
  - (b) subject to the conditions of exemption in section 4 of this instrument.
- (2) This exemption is made on the initiative of the regulator under section 684 (2) of the *Work Health and Safety Regulation 2011* for the purposes of providing a transition period.
- (3) The *Legislation Act 2001*, section 81 applies to this instrument.

*Note:* The *Legislation Act 2001*, s 81 provides for the exercise of a power given by a law if the law, or amending law, has been notified but has not yet commenced.

#### **4 Exemption conditions**

- (1) Nothing in this exemption instrument affects any other applicable requirement imposed by law on a person conducting a business or undertaking to which this exemption relates.
- (2) For subsection (1), section 19 of the *Work Health and Safety Act 2011* requires a person conducting a business or undertaking to identify and apply all reasonably practicable control measures when mechanically cutting materials containing crystalline silica, including water suppression if that is reasonably practicable.

#### **5 Expiry**

This exemption instrument expires on 17 October 2022.

Jacqueline Agius  
Work Health and Safety Commissioner  
12 July 2022