

## OCCUPATIONAL HEALTH SAFETY AND WELFARE

OA301

### OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT 1984 OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT REGULATIONS (No. 2) 1991

Made by His Excellency the Governor in Executive Council.

#### Citation

1. These regulations may be cited as the *Occupational Health, Safety and Welfare Amendment Regulations (No. 2) 1991*.

#### Principal regulations

2. In these regulations, the *Occupational Health, Safety and Welfare Regulations 1988\** are referred to as the principal regulations.

[\*Published in the Gazette of 16 September 1988 at pp. 3767-3911. For amendments to March 1991 see p. 313 of 1989 Index to Legislation of Western Australia and Gazettes of 6 July, 12 October and 23 November 1990 and 4 January 1991.]

#### Regulation 103 amended

3. Regulation 103 of the principal regulations is amended in subregulation (1) by deleting the definition of "exposure standard".

#### Regulation 322 amended

4. Regulation 322 of the principal regulations is amended—

(a) by repealing subregulation (2) and substituting the following subregulations—

" (2) An employer shall ensure that no person at the workplace is exposed to an atmospheric contaminant in a concentration that exceeds the exposure standard for the contaminant specified in Worksafe Australia's *National Exposure Standards* (NOHSC: 1003(1991)).

(2a) Notwithstanding subregulation (2), an employer shall ensure that no person at the workplace is exposed to—

(a) vinyl chloride in a concentration that exceeds 1 part per million parts of air by volume; or

(b) respirable quartz in a concentration that exceeds 0.1 milligrams per cubic metre of air,

as an average over a work period of 8 hours.

(2b) Where an inspirable dust or a respirable dust is not within the scope of Worksafe Australia's *National Exposure Standards* (NOHSC: 1003(1991)), an employer shall ensure that no person at the workplace is exposed to—

(a) an inspirable dust that, when measured in accordance with AS-3640, exceeds 10 milligrams per cubic metre of air; or

(b) a respirable dust that, when measured in accordance with AS-2985, exceeds 5 milligrams per cubic metre of air,

as an average over a work period of 8 hours. ";

(b) in subregulation (3) by deleting "subregulation (2)" in both places where it occurs and substituting the following—

" subregulations (2), (2a) and (2b) "; and

(c) in subregulation (4) by inserting after "(2)" the following—

" , (2a), (2b) ".

#### Regulation 749 amended

5. Regulation 749 of the principal regulations is amended in subregulation (1) by deleting "that the exposure standard for any atmospheric contaminant referred to in Schedule 3 is not exceeded" and substituting the following—

" compliance with regulation 322 ".

#### Schedule 1 amended

6. Schedule 1 to the principal regulations is amended—

(a) by inserting after item 45, the following item—

" 45A AS 2985-1987 Workplace Atmospheres—Method for Sampling and Gravimetric Determination of Respirable Dust "; and

(b) by inserting after item 46, the following item—

“ 47 AS 3640-1989 Workplace Atmospheres—Method for Sampling and Gravimetric Determination of Inspirable Dust ”.

**Schedule 3 repealed**

7. Schedule 3 to the principal regulations is repealed.

By His Excellency's Command,

L. M. AULD, Clerk of the Council.