

From:
To: [Law](#)
Subject: Inquiry into the Work Health and Safety Amendment (Information Exchange) Bill 2020 - Information requested by Committee
Date: Thursday, 20 August 2020 5:20:37 PM
Attachments: [image001.png](#)

Hello Emma,

I was asked a question today by the Standing Committee regarding where in the regulations does it state that a PCBU must ensure that the results of air monitoring carried out are reported to persons at the workplace who may be exposed to respirable silica.

The specific Section of the NSW Work Health and Safety Regulation 2017 is as follows;

Work Health and Safety Regulation 2017

Current version for 7 August 2020 to date (accessed 20 August 2020 at 16:10)

[Chapter 3 Part 3.2 Division 7](#) Clause 50

50 Monitoring airborne contaminant levels

(1) A person conducting a business or undertaking at a workplace must ensure that air monitoring is carried out to determine the airborne concentration of a substance or mixture at the workplace to which an exposure standard applies if—

- (a) the person is not certain on reasonable grounds whether or not the airborne concentration of the substance or mixture at the workplace exceeds the relevant exposure standard, or
- (b) monitoring is necessary to determine whether there is a risk to health.

Maximum penalty—

- (a) in the case of an individual—70 penalty units, or
- (b) in the case of a body corporate—345 penalty units.

(2) A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subclause (1) are recorded, and kept for 30 years after the date the record is made.

Maximum penalty—

- (a) in the case of an individual—15 penalty units, or
- (b) in the case of a body corporate—70 penalty units.

(3) A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subclause (1) are readily accessible to persons at the workplace who may be exposed to the substance or mixture.

Maximum penalty—

- (a) in the case of an individual—40 penalty units, or
- (b) in the case of a body corporate—210 penalty units.

Please let me know if this email response is adequate or whether you require any further action on my behalf.

Sincerely

Andrew Orfanos

President 2020