

# Work Health and Safety (Hazardous Chemicals at Public Events) Exemption 2019 (No 1)\*

Notifiable instrument NI2019–604

made under the

**Work Health and Safety Regulation 2011 Section 684 (2) General power to grant exemptions**

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## 1 Name of instrument

This instrument is the *Work Health and Safety (Hazardous Chemicals at Public Events) Exemption 2019 (No 1)*.

## 2 Commencement

This instrument commences on 1 January 2020.

## 3 Duration

This instrument remains in effect until it is amended or cancelled under Section 697 of the *Work Health and Safety Regulation 2011*.

## 4 Class of persons to whom the exemption applies

This instrument applies to any person conducting a business or undertaking (PCBU) whose workers will use, handle or store Schedule 11 hazardous chemicals in excess of a manifest quantity under the *Work Health and Safety Regulation 2011* during an event to be held at a location where hazardous chemicals would not otherwise be present in excess of a manifest quantity.

## 5 Exempted provisions

Subject to the conditions set out in this instrument, a person to whom this exemption applies is not required to comply with Section 347 (Manifest of hazardous chemicals) or Section 348 (Regulator must be notified if manifest quantities to be exceeded) of the *Work Health and Safety Regulation 2011*.

A person to whom this exemption applies is required to comply with Section 361 (Emergency plans) of the *Work Health and Safety Regulation 2011* only to the extent that any reference in Section 361 to an emergency plan shall be read as applying to an emergency plan for the event.

\*Name amended under Legislation Act, s 60

## 6 Conditions

1. The Schedule 11 hazardous chemicals must not include any chemical which is listed in Schedule 10 of the *Work Health and Safety Regulation 2011* as a prohibited carcinogen or restricted carcinogen.
2. The Schedule 11 hazardous chemicals must not remain at the site in quantities exceeding a manifest quantity for more than nine calendar days or for more than 24 hours after the end of the event, whichever is the shorter period.
3. The PCBU must ensure that ACT Fire & Rescue and WorkSafe ACT have been given the following information about the event at least three months in advance, or as soon as practicable within that period:
  - a. The name, location and date(s) of the event;
  - b. The name and contact details of the event organiser; and
  - c. The event activities which will involve the use or handling of Schedule 11 hazardous chemicals in excess of a manifest quantity.
4. The PCBU must ensure that ACT Fire & Rescue and WorkSafe ACT have been given the following information about the Schedule 11 hazardous chemicals which their workers will use, handle or store for the event at least three months in advance, or as soon as practicable within that period:
  - a. A list of the Schedule 11 hazardous chemicals and the maximum quantity of each which will be present during the event; and
  - b. A document setting out how the Schedule 11 hazardous chemicals will be stored and secured whilst on site and how the health and safety risks of the hazardous chemicals will be managed.

## 7 Exemption does not affect other obligations

This instrument does not affect any other obligations which the PCBU has under the laws of the ACT, including the obligation to consult, coordinate and cooperate with other duty-holders under Section 46 of the *Work Health and Safety Act 2011*.

Greg Jones  
Delegate of the regulator

11 September 2019