



Mining & Quarrying
OCCUPATIONAL HEALTH &
SAFETY COMMITTEE

MAQOHSC GUIDANCE SNAPSHOT

Dust & Health Monitoring (General)

SA Legislation

Work Health and Safety Regulations 2012
General risk and workplace management—Chapter 3
General workplace management—Part 2
Division 7—Managing risks from airborne contaminants

49—Ensuring exposure standards for substances and mixtures not exceeded

A person conducting a business or undertaking at a workplace must ensure that no person at the workplace is exposed to a substance or mixture in an airborne concentration that exceeds the exposure standard for the substance or mixture.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

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—\$6 000.
- b) In the case of a body corporate—\$30 000.

Expiation fee:

- a) In the case of an individual—\$720.
- b) In the case of a body corporate—\$3 600.

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

Maximum penalty:

- a) In the case of an individual—\$1 250.
- b) In the case of a body corporate—\$6 000.

Expiation fee:

- a) In the case of an individual—\$144.
- b) In the case of a body corporate—\$720.

- 3) A person conducting a business or undertaking at a workplace must ensure that the results of air monitoring carried out under subregulation (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—\$6 000.
- b) In the case of a body corporate—\$30 000.

Expiation fee:

- a) In the case of an individual—\$720.
- b) In the case of a body corporate—\$3 600.



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Work Health and Safety Regulations 2012 **Chapter 7—Hazardous chemicals** **Part 1—Hazardous chemicals** **Division 6 Health monitoring**

368—Duty to provide health monitoring

A person conducting a business or undertaking must ensure that health monitoring is provided to a worker carrying out work for the business or undertaking if—

- a) the worker is carrying out ongoing work at a workplace using, handling, generating or storing hazardous chemicals and there is a significant risk to the worker's health because of exposure to a hazardous chemical referred to in Schedule 14, table 14.1, column 2; or
- b) the person identifies that because of ongoing work carried out by a worker using, handling, generating or storing hazardous chemicals there is a significant risk that the worker will be exposed to a hazardous chemical (other than a hazardous chemical referred to in Schedule 14, table 14.1) and either—
 - i. valid techniques are available to detect the effect on the worker's health; or
 - ii. a valid way of determining biological exposure to the hazardous chemical is available and it is uncertain, on reasonable grounds, whether the exposure to the hazardous chemical has resulted in the biological exposure standard being exceeded.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

Note—

The biological exposure standard is published by Safe Work Australia.

369—Duty to inform of health monitoring

A person conducting a business or undertaking who is required to provide health monitoring to a worker must give information about the health monitoring requirements to—

- a) a person who is likely to be engaged to carry out work using, handling, generating or storing a hazardous chemical; and
- b) a worker for the business or undertaking, before the worker commences work using, handling, generating or storing a hazardous chemical.

Maximum penalty:

- a) In the case of an individual—\$3 600.
- b) In the case of a body corporate—\$18 000.

370—Duty to ensure that appropriate health monitoring is provided

A person conducting a business or undertaking must ensure that health monitoring of a worker referred to in regulation 368 includes health monitoring of a type referred to in an item in Schedule 14, table 14.1, column 3 in relation to a hazardous chemical referred to in column 2 for the item, unless—

- a) an equal or better type of health monitoring is available; and
- b) the use of that other type of monitoring is recommended by a registered medical practitioner with experience in health monitoring.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.



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371—Duty to ensure health monitoring is supervised by registered medical practitioner with experience

- 1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 368 is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Maximum penalty:

- a) In the case of an individual—\$6 000.
 - b) In the case of a body corporate—\$30 000.
- 2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Maximum penalty:

- a) In the case of an individual—\$3 600.
- b) In the case of a body corporate—\$18 000.

372—Duty to pay costs of health monitoring

- 1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in regulation 368.

Maximum penalty:

- a) In the case of an individual—\$3 600.
 - b) In the case of a body corporate—\$18 000.
- 2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

373—Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- a) the name and address of the person conducting the business or undertaking;
- b) the name and date of birth of the worker;
- c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- d) if the worker has started that work, how long the worker has been carrying out that work.

Maximum penalty:

- a) In the case of an individual—\$3 600.
- b) In the case of a body corporate—\$18 000.

374—Duty to obtain health monitoring report

- 1) A person conducting a business or undertaking who commissions health monitoring referred to in regulation 368 must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.



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- 2) The health monitoring report must include the following:
- a) the name and date of birth of the worker;
 - b) the name and registration number of the registered medical practitioner;
 - c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;
 - d) the date of the health monitoring;
 - e) any test results that indicate whether or not the worker has been exposed to a hazardous chemical;
 - f) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;
 - g) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
 - h) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

375—Duty to give health monitoring report to worker

The person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

376—Duty to give health monitoring report to regulator

A person conducting a business or undertaking for whom a worker is carrying out work for which health monitoring is required must give a copy of the health monitoring report relating to a worker to the regulator as soon as practicable after obtaining the report if the report contains—

- a) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work using, handling, generating or storing hazardous chemicals that triggered the requirement for health monitoring; or
- b) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work using, handling, generating or storing hazardous chemicals that triggered the requirement for health monitoring.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

377—Duty to give health monitoring report to relevant persons conducting businesses or undertakings

The person who commissioned health monitoring for a worker under regulation 368 must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.



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378—Health monitoring records

- 1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record—
 - a) identified as a record in relation to the worker; and
 - b) for at least 30 years after the record is made.

Maximum penalty:

- a) In the case of an individual—\$1 250.
- b) In the case of a body corporate—\$6 000.

Expiation fee:

- a) In the case of an individual—\$144.
- b) In the case of a body corporate—\$720.

- 2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Maximum penalty:

- a) In the case of an individual—\$1 250.
- b) In the case of a body corporate—\$6 000.

Expiation fee:

- a) In the case of an individual—\$144.
- b) In the case of a body corporate—\$720.

- 3) Subregulation (2) does not apply if the record is disclosed under regulation 376 or 377 or to a person who must keep the record confidential under a duty of professional confidentiality.

379—Duty to provide supervision

- 1) A person conducting a business or undertaking at a workplace must provide any supervision to a worker that is necessary to protect the worker from risks to the worker's health and safety arising from the work if, at the workplace, the worker—
 - a) uses, handles, generates or stores a hazardous chemical; or
 - b) operates, tests, maintains, repairs or decommissions a storage or handling system for a hazardous chemical;
or
 - c) is likely to be exposed to a hazardous chemical.

Maximum penalty:

- a) In the case of an individual—\$6 000.
- b) In the case of a body corporate—\$30 000.

- 2) The person must ensure that the supervision of the worker is suitable and adequate having regard to—
 - a) the nature of the risks associated with the hazardous chemical; and
 - b) the information training and instruction required under regulation 39.

Note—

In addition, section 19(3)(f) of the Act requires the provision of information, training, instruction and supervision.



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Schedule 14—Requirements for health monitoring Regulations 368, 370 and 406

Table 14.1—Hazardous chemicals (other than lead) requiring health monitoring

Item	Hazardous chemical	Type of health monitoring
1.	Acrylonitrile	Demographic, medical and occupational history Records of personal exposure Physical examination
2.	Arsenic (inorganic)	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the peripheral nervous system and skin Urinary inorganic arsenic
3.	Benzene	Demographic, medical and occupational history Records of personal exposure Physical examination Baseline blood sample for haematological profile
4.	Cadmium	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the respiratory system Standard respiratory questionnaire to be completed Standardised respiratory function tests including for example, FEV1, FVC and FEV1/FVC Urinary cadmium and β 2-microglobulin Health advice, including counselling on the effect of smoking on cadmium exposure
5.	Chromium (inorganic)	Demographic, medical and occupational history Physical examination with emphasis on the respiratory system and skin Weekly skin inspection of hands and forearms by a competent person
6.	Creosote	Demographic, medical and occupational history Health advice, including recognition of photosensitivity and skin changes Physical examination with emphasis on the neurological system and skin, noting any abnormal lesions and evidence of skin sensitisation Records of personal exposure, including photosensitivity
7.		Demographic, medical and occupational history Records of personal exposure Standardised respiratory questionnaire to be completed Standardised respiratory function test, for example, FEV1, FVC and FEV1/FVC Chest X-ray full size PA view
8.	Isocyanates	Demographic, medical and occupational history Completion of a standardised respiratory questionnaire Physical examination of the respiratory system and skin Standardised respiratory function tests, for example, FEV1, FVC and FEV1/FVC
9.	Mercury (inorganic)	Demographic, medical and occupational history Physical examination with emphasis on dermatological, gastrointestinal, neurological and renal systems, Urinary inorganic mercury



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10.	4,4' Methylene bis (2-chloroaniline) (MOCA)	Demographic, medical and occupational history Physical examination Urinary total MOCA Dipstick analysis of urine for haematuria Urine cytology
11.	Organophosphate pesticides	Demographic, medical and occupational history including pattern of use Physical examination Baseline estimation of red cell and plasma cholinesterase activity levels by the Ellman or equivalent method Estimation of red cell and plasma cholinesterase activity towards the end of the working day on which organophosphate pesticides have been used
12.	Pentachlorophenol (PCP)	Demographic, medical and occupational history Records of personal exposure Physical examination with emphasis on the skin, noting any abnormal lesions or effects of irritancy Urinary total pentachlorophenol Dipstick urinalysis for haematuria and proteinuria
13.	Polycyclic aromatic hydrocarbons (PAH)	Demographic, medical and occupational history Physical examination Records of personal exposure, including photosensitivity Health advice, including recognition of photosensitivity and skin changes
14.	Thallium	Demographic, medical and occupational history Physical examination Urinary thallium
15.	Vinyl chloride	Demographic, medical and occupational history Physical examination Records of personal exposure
16.	Lead (inorganic)	Demographic, medical and occupational history Physical examination Biological monitoring