

# FACT SHEET

## Exemptions

June 2020

### Completing the application form

To apply for an exemption, an application form must be submitted. You can find the link to this application form at [www.resourcesregulator.nsw.gov.au/safety-and-health/applications/exemption-under-whs-legislation](http://www.resourcesregulator.nsw.gov.au/safety-and-health/applications/exemption-under-whs-legislation)

When completing the application form, please ensure the following:

- The form must be complete. If any sections of the application are left blank the application form cannot be processed.
- Each application is assessed on its own merits, it must be a stand-alone document with all relevant information attached.
- Once the form has been completed, it must be submitted to [mca@planning.nsw.gov.au](mailto:mca@planning.nsw.gov.au)  
Note that it can take some time to consider and determine the application for exemption depending on the complexity of the matter.

### What to consider before applying for an exemption

When determining an application for exemption, the Resources Regulator will consider the following factors. Please ensure that these are addressed in your exemption application:

- Whether the exemption will result in a standard of health and safety that is at least equivalent to the standard that would be achieved by compliance with the relevant provisions or if conditions need to be inserted into the exemption to achieve this.
- Are there exceptional circumstances to justify the granting of the exemption?
- If the exemption is granted, is the associated risk significant?

- Has there been consultation with workforce and workforce representatives?
- Details of why the application is required and if there is an alternative to granting the exemption.
- Who the exemption will apply to and the realistic length of time required for the exemption?
- How risks will be monitored, what records will be kept and how matters will to be reported to the regulator.

A decision on an exemption application will be made taking into account the requirements of clause 685 of the *Work Health and Safety Regulation 2017*. It is important that you read this provision before submitting your exemption application.

## More information

More information is available on our website. Alternatively, you may contact the Mining Competencies and Authorisations Unit at [mca@planning.nsw.gov.au](mailto:mca@planning.nsw.gov.au).

© State of New South Wales through Regional NSW 2020. You may copy, distribute, display, download and otherwise freely deal with this publication for any purpose, provided that you attribute Regional NSW as the owner. However, you must obtain permission if you wish to charge others for access to the publication (other than at cost); include the publication in advertising or a product for sale; modify the publication; or republish the publication on a website. You may freely link to the publication on a departmental website.

Disclaimer: The information contained in this publication is based on knowledge and understanding at the time of writing (June 2020) and may not be accurate, current or complete. The State of New South Wales (including Regional NSW), the author and the publisher take no responsibility, and will accept no liability, for the accuracy, currency, reliability or correctness of any information included in the document (including material provided by third parties). Readers should make their own inquiries and rely on their own advice when making decisions related to material contained in this publication.

DOC18/466332