July 2023

Application for an exemption from an Australian or international standard at a mine or petroleum site

# Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 – s179

Overview

This form is to be used to apply for an exemption from section 179 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2022, where that provision requires compliance with a method identified in an international or Australian standard that is used to achieve an outcome.

A decision to grant an exemption may include conditions. An exemption will apply for the period specified in the decision.

An exemption once granted may be amended or cancelled at any time by the Regulator (the Secretary of Regional NSW), or their nominated delegate. Written notice of a decision to amend or cancel an exemption will be sent to the applicant. A decision to amend or cancel an exemption is a reviewable decision. A decision to refuse to grant or impose conditions of exemption is also a reviewable decision.

In this form, words have the same meaning as defined in *the Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the Work Health and Safety (Mines and Petroleum Sites) Regulations 2022.

Further information can be attached to your application if required.

1. Applicant details

If the application is for a group or class of people, attach to the application documentation stating the number of applicants and the details of each of the applicants.

|  |
| --- |
| **Body corporate, government agency, partnership or unincorporated association (if applicable)** |
| Registered name |       |
| Registered business (trading) name |       |
| ABN |       |
| ACN |       |

|  |
| --- |
| **Natural person or a contact person for body corporate, government agency, partnershop or unincorporated association** |
| First name |       |
| Other given name (if applicable) |       |
| Last name |       |
| Email address\* |       |
| Daytime contact number |       | Mobile |       |

\* The primary means of correspondence will be via email. Contact person for body corporate, government agency, partnership or unincorporated association must provide a generic email address so that through organisational changes in your area, the Regulator can maintain contact

|  |
| --- |
| **Street address (must not be a PO Box)** |
| Body corporate, government agency, partnership or unincorporated association are to provide its registered business address. Individuals are to provide their residential address. |
| Unit/street/property number |       |
| Street name |       |
| Suburb |       |
| State |       |
| Postcode |       |
| Country (if other than Australia) |       |

|  |
| --- |
| **Postal address** |
| [ ]  Same as the street address above |
| PO Box/Locked bag |       |
| Street name |       |
| Suburb |       |
| State |       |
| Postcode |       |
| Country (if other than Australia) |       |

1. Scope and duration of exemption sought

|  |
| --- |
| **Provide details of the specific standard and the clauses/s for which an exemption is sought** |
| Work Health and Safety (Mines and Petroleum Sites) Regulation 2022 | Section 179       |
| Provide details of the International or Australian Standard and relevant clause/s |  |

|  |
| --- |
| How long is the exemption being sought for? |
|       |

|  |
| --- |
| What is the preferred start date for the exemption? |
|       |

1. Description of work or thing for which an exemption is being sought

|  |
| --- |
| Provide a description of the process, work, substance, activity or thing for which you are seeking an exemption |
|       |

1. Details of the mining or petroleum workplace/s that will be affected by the exemption

|  |
| --- |
| Provide details of the mine or petroleum site that will be affected (include the name of the mine/s or petroleum site/s and site address/es and the location/s within those sites |
|       |

1. Reason for seeking an exemption

|  |
| --- |
| Provide details of why an exemption is being sought |
|       |

1. Further information

|  |
| --- |
| 1. Demonstrate, and where necessary attach documents, showing how an outcome indentified in the standard may be acheieved, even if the outcome is achieved in a way that is different to the way set out in the standard
 |
|       |

|  |
| --- |
| 1. Demonstrate, and where necessary attach documents, how the proposed outcome will result in a level of risk that is at least equivalent to, or less than the level of risk, achieved by compliance with the relevant standard
 |
|       |

1. Declaration

I declare that:

* the information supplied in this application is true and correct to the best of my knowledge
* I consent to Regional NSW, Resources Regulator making enquiries and exchanging information with SafeWork NSW

|  |
| --- |
| **Declaration****Note: Giving false or misleading information is a serious offence under section 268 of the *Work Health and Safety Act 2011*, and Part 5A of the *Crimes Act 1900*** |
| Name |       |
| Position/title |       |
| Contact telephone |       | Mobile       |
| Signature | 1st Applications Signature |
| Date |       |

1. Checklist

To avoid delays in processing your application and to confirm that your form is ready for submission, use this checklist.

|  |  |
| --- | --- |
| **Applicant details** |  |
| Have you completed all the relevant fields in the applicant details? | [ ]  |
| Have you attached the certificate or other written evidence of the registration of the business name?(if applicable) | [ ]  |
| **Scope and duration of exemption sought** |
| Have you provided details of the specific standard(s) clause(s) or section(s) for which the exemption is sought? | [ ]  |
| Have you stated how long the exemption is being sought for? | [ ]  |
| Have you indicated a preferred commencement date? | [ ]  |
| Have you provided details of the person or class of persons to whom the exemption will apply? | [ ]  |
| **Description of work or thing for which an exemption is sought** |
| Have you provided details of the process, substance, activity or thing for which you are seeking an exemption? | [ ]  |
| **Details of the mining workplace/s that will be affected by the exemption** |
| Have you provided details of the mine or petroleum site that will be affected and the locations within those sites? | [ ]  |
| **Reason for seeking an exemption** |
| Have you provided a reason for seeking an exemption? | [ ]  |
| **Further information** |
| Have you provided information evidencing that the exemption will result in a standard of health and safety at the relevant mine or petroleum site, that is at least equivalent to the standard that would be achieved by compliance with the relevant provision or provisions (as applicable)? | [ ]  |
| Have you provided details or documentation that shows the proposed controls? | [ ]  |
| Have you provided details or documentation that show whether exceptional circumstances justify the exemption? | [ ]  |
| Have you provided details or documentation that shows that the risk associated with the thing is not significant should the exemption be granted? | [ ]  |
| Have you provided details of consultation that has been carried out? | [ ]  |
| **Declaration** |
| Has the applicant signed and dated the applicant declaration of the form? | [ ]  |

1. Submitting the form

Email this form to the Mining Competencies and Authorisations Unit at mca@regional.nsw.gov.au

This form may not be submitted to other offices of Regional NSW.

© State of New South Wales through Regional NSW 2023. The information contained in this publication is based on knowledge and understanding at the time of writing September 2023. However, because of advances in knowledge, users are reminded of the need to ensure that the information upon which they rely is up to date and to check the currency of the information with the appropriate officer of the Regional NSW or the user’s independent adviser.