



Australian Government

Comcare

APPLICATION FOR GENERAL EXEMPTION

Use this form to apply for a general exemption under the *Work Health and Safety Regulations 2011* (Cth) (Regulations).

Before you complete this form, please read Part 11.2 of the Regulations and Comcare's [Regulatory Guide on general exemptions](#).

How to submit this form

Once you have completed this form please submit by email to WHSexemptions@comcare.gov.au, attaching the responses to Parts B and C and any other supporting documents. Comcare will contact you if further information is required. There is no fee for applying for an exemption.

If you would like to discuss your matter before finalising and submitting an application, please email WHSexemptions@comcare.gov.au with a brief description of the circumstances. Comcare will then contact you by telephone or email to discuss the matter.

An application for exemption will often raise unusual and complex factors. It is therefore difficult to predict how long it will take to consider a particular application. The shortest period is normally 14 days.

Use of information

Comcare is required to comply with section 271 of the *Work Health and Safety Act 2011* (Cth) in relation to all information or documents obtained in connection with this application and is required to comply with the *Privacy Act 1988* (Cth) in relation to any personal information.

Information and documents Comcare obtains in connection with this application will be used for the purpose of assessing the application and administering the exemption. The information may be provided to other work health and safety regulators to ensure that a nationally consistent approach is taken to exemptions under the model work health and safety laws. In addition, Comcare will notify Safe Work Australia of the decision made in relation to the application in order to maintain a national register of exemption decisions for work health and safety regulators.

PART A. THE APPLICANT

The applicant may be an individual, a body corporate, the Commonwealth or a public authority.

If the applicant is part of the Commonwealth, give the name of the relevant non-corporate Commonwealth entity (as defined in the *Public Governance, Performance and Accountability Act 2013* (Cth)).

Name	<input type="text"/>
ABN/ACN	<input type="text"/>
Contact person	<input type="text"/>
Position	<input type="text"/>
Telephone	<input type="text"/>
Email	<input type="text"/>

PART B. THE PROPOSED EXEMPTION

Please address the following questions in a separate document and attach when you submit this application.

1. Regulations from which exemption is sought

From which specific regulations are you seeking an exemption?

2. Persons to whom proposed exemption will apply

Who are the persons or the class of persons to whom the proposed exemption will apply?

3. Work to which proposed exemption will relate

What is the work to which the proposed exemption will relate? Describe the business or undertaking in general, the specific tasks or processes that comprise the relevant work, the workers who carry out that work, the workplaces where the work is carried out, specific things (such as substances or items of plant) that are used as part of the work, etc.

4. Period of proposed exemption

What is the period for which the exemption is sought? Provide start and end dates, as relevant.

5. Reasons for seeking exemption

What aspects of full compliance with the regulations in 1 above do you consider difficult or problematic in the specific circumstances of the persons in 2? Please explain why, referring to specific subregulations, paragraphs, words, etc. where possible.

6. Risk control

How do you propose that workers and other persons will be protected against harm to their health, safety and welfare, in place of full compliance with the regulations in 1 above? Outline your risk assessment and proposed control measures to demonstrate the level of health and safety that will be achieved.

7. Consultation

What consultation has occurred with workers and other duty holders in relation to your proposal?

PART C. RELEVANT MATTERS

In deciding whether or not to grant a general exemption, Comcare must have regard to all relevant matters. Please provide your submissions on how Comcare should regard the following matters in a separate document and attach when you submit this application.

1. Standard of health and safety

Will the granting of an exemption result in a standard of health and safety at the relevant workplace, or in relation to the relevant undertaking, that is at least equivalent to the standard that would be achieved by compliance with the relevant provisions?

2. Conditions

Will the requirements in 1 above be met if Comcare imposes certain conditions in granting the exemption and those conditions are complied with?

3. Exceptional circumstances

Are there exceptional circumstances that justify the grant of the exemption?

4. Risks associated with a thing

If the proposed exemption relates to a particular thing—Can Comcare be satisfied that the risk associated with the thing is not significant if the exemption is granted?

5. Consultation

Has there been consultation in relation to the proposed exemption in accordance with Divisions 1 and 2 of Part 5 of the *Work Health and Safety Act 2011* (Cth)?

6. Other relevant matters

Are there any other matters that are relevant for Comcare in considering whether or not to grant the proposed exemption?

PART D. SIGNATURE

Part 7.4 of the *Criminal Code* contains offences dealing with false and misleading information.

- I am authorised to make this application on behalf of the applicant.
- To the best of my knowledge, the contents of this application, the responses to Parts B and C and any supporting documents are true and correct.
- I consent to service of notices on the applicant in relation to this application by email to the email address provided in Part A above.
- I acknowledge that the information and documents provided in connection with this application may be shared with other work health and safety regulators and with Safe Work Australia.

Signature	<input type="text"/>
Name	<input type="text"/>
Capacity	<input type="text"/>
Date	<input type="text" value="/ /"/>