

Fact sheet

Exemptions

December 2024

The Resources Regulator expects that mine operators and persons conducting a business or undertaking (PCBUs) will endeavour to comply with requirements of the Work Health and Safety Act and subordinate legislation.

Granting an exemption under the Work Health and Safety Regulation 2017 is viewed by the Regulator as an exception rather than accepted business practice. The onus is on the mine operator or PCBU to demonstrate why they are unable to comply with a provision of the Regulations, or how they believe they can achieve an improved (higher) level of safety over that which can be achieved by complying with the legislation.

What to consider before applying for an exemption

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

- Will the exemption 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 do conditions need to be inserted into the exemption to achieve this?
- Are there exceptional circumstances to justify granting an exemption?
- If the exemption is granted, is the associated risk significant?
- Has there been consultation with workforce and workforce representatives?
- Are details provided about why the application is required and is there an alternative to granting the exemption?
- Who will the exemption apply to and what is the realistic length of time required for the exemption?
- How will risks be monitored, what records will be kept and how will matters be reported to the Regulator?

For further context, a decision on an exemption application will take 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.

Control measures expectations

When reviewing exemption applications, regard will be given to part 3.1 of the Work Health and Safety Regulation 2017 by the Regulator, in particular clauses 36, 37 and 38. The Regulator expects to see higher order controls such as substitution, isolation or engineering nominated as part of an exemption application to achieve an equivalent level of health and safety. Exemption applications that rely too heavily on lower order controls, such as administrative or personal protective equipment type controls, may not be considered favourably on the basis that an equivalent standard of health and safety cannot be reliably achieved.

Completing the application form

Applications for exemptions can now only be made through the [Resources Regulator portal](#).

The previous fillable forms are no longer accepted. Guidance for each of the application types remains on our website. To find more information about the changes please watch a recorded webinar via this link, [Exemptions, including innovation policy applications](#).

When completing the online 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 via the Resources Regulator Portal. Note that it can take some time to consider and determine the application for exemption depending on the complexity of the matter.

A mine operator or PCBU who is dissatisfied with the decision of the Regulator with respect to an exemption may ask for an internal review. The application must be made on the Regulator's approved form and lodged with Regulator within the nominated timeframe. The relevant form is available on the web page [Review of Regulator or inspector decisions](#).

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