



Exemption 11 of 2024

## **GRANTING OF EXEMPTION FROM REQUIREMENT(S) OF THE WORK HEALTH AND SAFETY (MINES) REGULATIONS 2022 – REGULATION 275 – ITEM OF PLANT REGISTRATION DOCUMENT TO BE AVAILABLE**

Pursuant to regulation 684 of the Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations), I have determined on my own initiative to grant an exemption, in specific circumstances, from the requirement that a registration holder must ensure that the registration document is available for inspection (regulation 275).

The reason for this exemption is that there are circumstances where the person with management or control of an item of plant is unable to get a copy of the registration document, such as where the registration document has been lost, stolen or destroyed, or where the previous owner of the plant has ceased business operations. The WHS Mines Regulations do not currently provide a mechanism for the new owner to update the registration details. This exemption provides an interim compliance approach to permit the use of items of plant in this situation while a longer term solution is implemented.

In making this decision, I have considered the risks associated with permitting the use of items of plant in the absence of the registration documents. I have determined that placing conditions on the exemption will ensure there is no increase in risk as result of this exemption.

In accordance with the provisions of Regulation 684(1) of the WHS Mines Regulations, an exemption has been granted from **Regulation 275** on the following conditions:

1. The exemption only applies if the original or updated registration document is unavailable due to previous owner not being contactable, or the registration document having been lost, stolen or destroyed;
2. The person in management or control of the item of plant has records to demonstrate that:
  - a. they are the person with management or control of the item of plant;
  - b. the item of plant has recently been inspected by a competent person and assessed as safe to operate; and
  - c. records of the inspection are available for inspection by a WorkSafe inspector.

This exemption is applicable to persons with management or control of an item of plant.

The exemption is valid until 30 March 2027.

Should you have any queries on this matter please contact the Department on 1300 307 877.

**Sally North**  
WorkSafe Commissioner  
Date: