



Exemption 05 of 2025

GRANTING OF EXEMPTION FROM REQUIREMENT(S) OF THE WORK HEALTH AND SAFETY (MINES) REGULATIONS 2022 – REGULATION 81 – LICENCE REQUIRED TO CARRY OUT HIGH RISK WORK – EARTHMOVING MACHINERY

Pursuant to regulations 686 and 687 of the Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations), I have determined to grant an exemption from the requirement that a person must hold a C2 high risk work licence (HRWL), for the use of slewing earthmoving machinery with a rated capacity of more than three tonnes as a crane. This exemption is applicable to a class of persons, being those persons who meet the Conditions below.

The purpose of requiring a C2 HRWL for the use of slewing earthmoving machinery as a crane is to ensure a minimum standard of competency for the activity, and I have determined that there is an alternative available to operators to meet this standard, that will provide equivalent or better competency outcomes compared with the training required to obtain the prescribed C2 HRWL.

In accordance with the provisions of Regulation 686(1) of the WHS Mines Regulations, an exemption has been granted from the **Regulation 81** requirement for the machinery operator to hold a C2 HRWL to conduct the following work (Specified Work):

- 15A Use of slewing earthmoving machinery with a safe working load greater than 3 tonnes as a crane.

The exemption only applies under the following conditions:

1. The machinery operator holds a Dogging (DG) HRWL;
2. The machinery operator has undertaken the SLELIC301 Conduct Safe Lifting with Excavators unit and has been assessed as competent; and
3. The machinery operator has a copy of their statement of attainment for SLELIC301 readily available when conducting the Specified Work. This may be an electronic copy.

The exemption was initially valid until 31 December 2026 and, in consideration of a national review underway on this issue, has been extended until **31 December 2027**.

This exemption does not modify the person conducting a business or undertaking's duty to ensure that a risk assessment is conducted to choose the appropriate machinery with which to safely suspend or lift a load, or the duty to ensure that workers they employ or engage are competent for the specific work tasks they are required to conduct.

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

Sally North
WorkSafe Commissioner

30 September 2026