



Exemption 23 of 2023

GRANTING OF EXEMPTION FROM REQUIREMENT(S) OF THE WORK HEALTH AND SAFETY (GENERAL) REGULATIONS 2022 – REGULATION 246 – ITEMS OF PLANT TO BE REGISTERED – FOR 30 DAY PERIOD

Pursuant to regulation 684 of the Work Health and Safety (General) Regulations 2022 (WHS Regulations), I have determined on my own initiative to grant an exemption from the requirement that an item of plant specified in Schedule 5 Division 2 cannot be used until that item of plant has been registered.

The purpose of Regulation 246 of the WHS Regulations is to ensure the plant is inspected by a competent person and is safe to operate following its installation and commissioning, and to inform the regulator of the details of the item of plant.

In making this decision, I have considered the risks associated with permitting the use of items of plant in the period between the application for registration being submitted and the registration being granted.

I have determined that there is no increase in risks presented in granting a class exemption to permit the use of the plant for 30 days once an application for item of plant registration has been submitted to the regulator, because at this stage of the process the relevant controls involved in assessing the safety of the plant have been implemented.

In accordance with the provisions of Regulation 684(1) of the WHS Regulations, an exemption has been granted from the **Regulation 246** requirement not to use items of plant specified in Schedule 5 Division 2, subject to the following conditions:

1. The plant must be assessed by a competent person as safe to use and commissioned prior to use in accordance with Regulation 266(2)(h) of the WHS Regulations.
2. Records of the assessment by the competent person must be readily available for inspection by an inspector appointed under the *Work Health and Safety Act 2020*.
3. An application for item of plant registration must be submitted to the regulator prior to use.
4. The exemption is valid for a **period of 30 days** after the application for item of plant registration has been made to the regulator.

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

I also consider that for the purposes of compliance with Regulation 234, Duty of persons conducting a business or undertakings that commission plant, this exemption provides the authority to commission plant specified in Schedule 5 Division 2 when the application for item of plant registration is made.



Government of **Western Australia**
WorkSafe Commissioner



The exemption is valid until 30 March 2025.

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

Sally North

Acting WorkSafe Commissioner

23 October 2023