

## **NATIONALLY AGREED PRINCIPLES TO GUIDE EXEMPTION DECISION MAKING**

The exemption decision making process will be guided by the following principles, which have been agreed nationally through the SIG-WHS (formerly SIG-OHS). Exemptions will be granted only in exceptional circumstances and in accordance with the matters set out in the WHS legislation.

### **CONSISTENCY:**

#### **AGREED PRINCIPLE #1:**

**Regulators will apply common criteria for the issue, refusal and variation of exemptions from WHS Regulations.**

### **CONSTRUCTIVENESS**

#### **AGREED PRINCIPLE #2:**

**Regulators will use national guidance material to assist applicants to understand the exemption decision making process**

Draft guidance material to assist applicants to understand the exemption decision making process is provided on our website.

### **TRANSPARENCY**

#### **AGREED PRINCIPLE #3:**

**The principles upon which exemption decisions are made will be published on the website of Safe Work Australia.**

**Regulators will make decisions by applying documented policies neutrally and objectively, with integrity and fairness. Appropriate confidentiality considerations will underpin the decision making process.**

**Documented policies will also be published on the website of each WHS Regulator.**

The agreed national principles for guiding exemption decision making under the WHS Regulations will be available at [www.safeworkaustralia.gov.au](http://www.safeworkaustralia.gov.au) and [each WHS Regulator's website].

### **ACCOUNTABILITY**

#### **AGREED PRINCIPLE #4:**

**At the time of refusing, cancelling, suspending or varying an exemption, an applicant will be advised of the right to apply for external review of the decision.**

## **PROPORTIONALITY**

### **AGREED PRINCIPLE # 5:**

Exemption decision making should be proportionate to the risk and regulators should ensure that equivalent safety can be demonstrated.

## **RESPONSIVENESS**

### **AGREED PRINCIPLE #6:**

In making exemption decisions, regulators will be timely and responsive to the needs of an applicant while ensuring that appropriate consultation has taken place.

## **TARGETED**

### **AGREED PRINCIPLE #7:**

Regulators will only grant an exemption where exceptional circumstances justify the grant of the exemption and can grant an exemption on its own initiative that is, without receipt of an application.