Comcare, acting under regulations 684 and 686 of the Work Health and Safety Regulations 2011 (WHS Regulations), having taken into account all relevant matters, grants exemptions from compliance with regulations 81 and 85 of the WHS Regulations on the terms prescribed in the attached Exemption Document.

Dated this ......10th.................. day of November 2014

Signed

Cathy Skippington
Deputy Chief Executive Officer, Comcare
EXEMPTION DOCUMENT

1. **Name**
   This Instrument may be cited as the *Work Health and Safety Exemptions (High risk work licences - crane operation) (November 2014)*.

   **NOTE:** This Instrument is a legislative instrument within the meaning of the *Legislative Instruments Act 2003* (see regulation 692(2) of the *Work Health and Safety Regulations 2011*).

2. **Grant**
   These exemptions have been granted by Comcare on its own initiative.

3. **Persons and class of persons to whom the exemptions apply**
   The exemptions apply to:
   
   (a) all persons who:

   (i) use a vehicle loading crane with a capacity of 10 metre tonnes or more, including the application of load estimation and slinging techniques to move a load;

   (ii) use a non-slewing mobile crane with a capacity exceeding 3 tonnes; or

   (iii) use a slewing mobile crane with a capacity of 100 tonnes or less;

   in the workplace; and

   (b) the person conducting a business or undertaking (PCBU) at a workplace in which persons use a crane of the type included in clause 3(a) of this instrument.
4. **Work to which the exemptions apply**

The work to which the exemptions apply is work involving the use of a crane of the type included in clause 3(a) of this instrument.

5. **Circumstances in which the exemptions apply**

The exemptions apply in the circumstances where a crane of the type included in clause 3(a) of this instrument is being used at a workplace.

6. **Regulations to which the exemptions apply**

The exemptions apply in relation to regulations 81 and 85 of the *Work Health and Safety Regulations 2011* (the WHS Regulations).

7. **Conditions placed on the grant of the exemptions**

7.1 An exemption from compliance with regulation 81 of the WHS Regulations is granted in relation to the class of high risk work included in Column A of the following table on the condition that one or more of the circumstances included in Column B of the corresponding row of that table is satisfied:

<table>
<thead>
<tr>
<th>Row</th>
<th>Column A</th>
<th>Column B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>A person who carries out the following high risk work:</td>
<td>Will be exempt from compliance with regulation 81 of the WHS Regulations on the condition that:</td>
</tr>
</tbody>
</table>
| 1   | Use of a vehicle loading crane with a capacity of 10 metre tonnes or more, excluding the application of load estimation and slinging techniques to move a load | (a) The person holds a slewing mobile crane licence for a slewing mobile crane of any capacity; or  
(b) The work is carried out in the course of training towards a certification in order to obtain either a vehicle loading crane licence or a slewing mobile crane licence for a slewing mobile crane of any capacity and under the supervision of a person who holds a slewing mobile crane licence for a slewing mobile crane of any capacity; or  
(c) The work is carried out by a person who, having applied for a slewing mobile crane licence for a slewing mobile crane of any capacity on the basis of certification, is awaiting a decision on that application. |
2 Use of a non-slewing mobile crane with a capacity exceeding 3 tonnes

(a) The person holds a slewing mobile crane licence for a slewing mobile crane of any capacity; or
(b) The work is carried out in the course of training towards a certification in order to obtain either a non-slewing mobile crane licence or a slewing mobile crane licence for a slewing mobile crane of any capacity and under the supervision of a person who holds a slewing mobile crane licence for a slewing mobile crane of any capacity; or
(c) The work is carried out by a person who, having applied for a slewing mobile crane licence for a slewing mobile crane of any capacity on the basis of certification, is awaiting a decision on that application.

3 Use of a slewing mobile crane with a capacity of 100 tonnes or less

(a) The person holds a slewing mobile crane licence for a slewing mobile crane with a capacity exceeding 100 tonnes; or
(b) The work is carried out in the course of training towards a certification in order to obtain a slewing mobile crane licence for a slewing mobile crane with a capacity of 100 tonnes or less and under the supervision of a person who holds a slewing mobile crane licence for a slewing mobile crane with a capacity exceeding 100 tonnes; or
(c) The work is carried out by a person who, having applied for a slewing mobile crane licence for a slewing mobile crane with a capacity exceeding 100 tonnes on the basis of certification, is awaiting a decision on that application.

7.2 Where an exemption from compliance with regulation 81 of the WHS Regulations is granted to a worker in accordance with clause 7.1 of this instrument, the PCBU at the corresponding workplace is exempt from compliance with regulation 85 of the WHS Regulations in respect of that worker on the condition that:

(a) prior to the work commencing, the PCBU obtains written evidence from the worker that the worker:

(i) holds a high risk work licence; or
(ii) is undertaking a course of training; or
(iii) has applied for the relevant licence and holds the appropriate certification,
in accordance with Column B of clause 7.1 of this instrument; and

(b) where a worker is undertaking a course of training contemplated at any paragraph (b) of Column B of any row in the table at clause 7.1, prior to the work commencing, the PCBU obtains written evidence from the training supervisor that the supervisor holds a high risk work licence in accordance with paragraph (b), Column B of that row of clause 7.1 of this instrument; and

(c) all written material obtained by a PCBU in accordance with clause 7.2 of this instrument is kept by the PCBU for at least 1 year from the date on which the work commences.

8. **Commencement date**

   This instrument commences on the day after it is registered on the Federal Register of Legislative Instruments.

9. **Expiration date**

   This instrument expires five years after it commences, unless the expiration date is amended or the exemptions are cancelled under regulation 697 of the WHS Regulations.