



## Occupational Health and Safety Act 2004

### OCCUPATIONAL HEALTH AND SAFETY REGULATIONS 2017

#### Exemption

This exemption from compliance with a provision of the Occupational Health and Safety Regulations 2017 (the OHS Regulations) is granted by the Victorian WorkCover Authority (WorkSafe Victoria) under regulations 538(1) and (2) of the OHS Regulations, in the form required by regulation 545.

The following class of person is exempt from compliance with regulations 128 and 129 of the OHS Regulations, which prohibits persons from doing, and employers from allowing an employee to perform, any high risk work unless he or she holds an appropriate high risk work licence in relation to the work.

#### Exempt class of person

The following non-Australian residents employed by Alford Technologies, being the three persons named in the application dated 28 September 2020 (the international workers), who have been contracted by Delta Group to conduct explosive demolition at the Hazelwood Power Station and Mine Demolition Project.

#### High risk work that may be performed by the exempt class of person

Operation of a boom-type elevating work platform (boom length 11 metres or more) by a person who does not hold a high risk work licence for the licence class of 'Boom-type elevating work platform operation licence (boom length 11 metres or more)' in Part 2 of Schedule 3 of the OHS Regulations.

#### Conditions

In accordance with regulations 543 and 544 of the OHS Regulations the following conditions are imposed in granting the exemption, which must be observed:

1. This exemption commences on 7 October 2020 and expires at 11.59 pm on 16 December 2020, unless earlier revoked by WorkSafe Victoria.
2. This exemption shall only apply to the designated boom-type elevating work platform operating areas in accordance with those areas specified in the drawing provided by Delta Group to WorkSafe Victoria in its exemption application dated 28 September 2020. If the designated boom-type elevating work platform operating areas change during the exemption period, Delta Group must provide an updated drawing to WorkSafe Victoria for its review prior to work being undertaken in the new operating area.
3. Delta Group's risk control measures, as provided to WorkSafe Victoria in the application dated 28 September 2020, must be implemented. If the risk control measures change during the exemption period, Delta Group must provide an updated risk control plan to WorkSafe Victoria for its review prior to the international workers undertaking further work.
4. Delta Group must ensure that the international workers provide original identification, which includes a colour photograph, and declare that they:
  - a. have not been convicted of an offence under the relevant Occupational Health and Safety legislation of their home country; and
  - b. have not been suspended from undertaking licenced high risk work in their home country; and
  - c. have not had their high risk licence (or equivalent) cancelled by the issuing authority in their home country.

5. Prior to being eligible to use a boom-type elevating work platform (boom length 11 metres or more), the international workers must be successfully assessed by a WorkSafe Victoria-authorized Individual Assessor who is affiliated with a WorkSafe Victoria-authorized high risk work Registered Training Organisation to conduct high risk work assessments in boom-type elevating work platforms (boom length 11 metres or more) against the current National Assessment Instrument (April 2020, Version 1.2).
6. Immediately upon appointing an Individual Assessor/s from a Registered Training Organisation, Delta Group must advise WorkSafe Victoria of:
  - a. the appointed Registered Training Organisation and Individual Assessor/s contact details for purpose of the exemption;
  - b. when the National Assessment Instrument assessments will be undertaken; and
  - c. the plant make, model and serial number that will be used for assessment purposes;so that WorkSafe Victoria can obtain a copy of the completed National Assessment Instrument as soon as practicable.
7. Other than those persons participating in the assessment, Delta Group must not observe the confidential National Assessment Instrument. With the exception of the Assessment Summary used by the Individual Assessor, Delta Group must not retain the confidential National Assessment Instrument.
8. Delta Group must ensure that the international workers retain a copy of their Assessment Summary for the exemption period.
9. A person who holds a current boom-type elevating work platform (boom length 11 metres or more) high risk work licence must monitor the international workers to ensure that they perform elevating work platform-operating activities in a manner that is safe and without risks to health, and directly supervise the international workers unless direct supervision is impracticable.
10. WorkSafe Victoria retains the right to suspend, cancel and/or request re-assessment of any international worker should they be found to be operating a boom-type elevating work platform in an unsafe manner or if an international worker is involved in an incident or fails to adhere to any direction given by WorkSafe Victoria whilst covered by this exemption.
11. Delta Group must retain a copy of the National Assessment Instrument Assessment Summary on site at all times whilst the international workers are operating a boom-type elevating work platform on the Hazelwood Power Station and Mine site.
12. Delta Group must ensure that all documentation pertaining to the international workers' Assessment Summary is kept in a secure location.

In accordance with regulation 543 of the OHS Regulations, WorkSafe Victoria is satisfied that, provided the above conditions are met, the work that is the subject of this exemption can be performed as safely by a person who does not hold a relevant high risk work licence as it could be performed by a person who holds such a licence.

#### **Commencement**

This exemption commences on 7 October 2020 and expires at 11.59 pm on 16 December 2020.  
Dated 2 October 2020

ROBERT JAMES KELLY  
Director Specialist Services, Health and Safety  
for and on behalf of WorkSafe Victoria

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