



# APPLICATION FOR ENGINEERED STONE PROHIBITION EXEMPTION

Use this form to apply for an engineered stone prohibition exemption under the Work Health and Safety Regulations 2011 (Cth) (WHS Regulations).

Before completing this form, please read Part 11.2 of the WHS Regulations and Comcare's Regulatory guide on engineered stone prohibition exemption.

A decision to grant an exemption may include conditions which will apply for the duration of the exemption.

An engineered stone prohibition exemption granted by a regulator in one jurisdiction will also apply in all jurisdictions except Victoria.

*Note: The exemption applies to a type of engineered stone. Once a type of engineered stone is exempted, any PCBU will be able to work with that type of engineered stone so long as they can satisfy any conditions imposed on the exemption.*

## How to submit this form:

Once you have completed this form, please email your application to [WHSexemptions@comcare.gov.au](mailto:WHSexemptions@comcare.gov.au).

Attach to the email:

- > the application form
- > the written notice that was provided to each of the Safe Work Australia Members social partners
- > and any submissions made to the applicant by the social partners.

See the checklist at the end of this application form.

## USE OF INFORMATION

Comcare is required to comply with section 271 of the *Work Health and Safety Act 2011* (Cth) in relation to all information or documents obtained in connection with this application and is required to comply with the *Privacy Act 1988* (Cth) in relation to any personal information.

Information and documentation Comcare obtains in connection with this application will be used for the purposes of assessing the application, making any decision, and administering any exemption.

The information will be provided to other work health and safety regulators in accordance with regulation 689 of the WHS Regulations. Additionally, Comcare may also provide the application and supporting documentation and evidence to social partner Safe Work Australia Members and persons who have qualifications, knowledge, skills and experience relating to engineered stone.

In addition, Comcare will notify Safe Work Australia of the decision made in relation to the application in order to maintain a national register of exemption decisions for work health and safety regulators.

## PART A – THE APPLICANT

The applicant may be an individual, a body corporate, the Commonwealth or a public authority.

If the applicant is part of the Commonwealth, you must give the name of the relevant non-corporate Commonwealth entity (as defined in the *Public Governance, Performance and Accountability Act 2013* (Cth)).

Name	<input type="text"/>
ABN/ACN	<input type="text"/>
Contact person	<input type="text"/>
Position	<input type="text"/>
Telephone	<input type="text"/>
Email	<input type="text"/>

## PART B – REASONS FOR SEEKING AN EXEMPTION

Explain why an exemption is being sought and provide details of any exceptional circumstances that may exist that you consider justify the granting of an exemption.

Include any statements, claims and supporting evidence demonstrating that, if an exemption is granted, it would result in a standard of health and safety that is at least equivalent to the standard that would have been achieved without that exemption by complying with the prohibition on the use of engineered stone.

Comcare will consider whether that standard would be met if Comcare places any conditions on an exemption.

## Supporting documentation

Include the following supporting documentation

- > Evidence or information about the intended use of the type of engineered stone.
- > Evidence or information showing that the risks associated with the type of engineered stone that is the subject of the application would not be significant, including information about any relevant control measures for processing the type of engineered stone safely.
- > Evidence or information addressing the engineered stone prohibition common decision-making criteria published by Safe Work Australia:
  - Criteria 1 – Evidence that exempted products can be regulated effectively – exempted products must be able to be differentiated from those covered in the prohibition.
  - Criteria 2 – Compelling evidence the product can be worked with safely – for instance information related to the respirable crystalline silica generated from processing the product and any reasonably practicable control measures to mitigate other safety concerns.
  - Criteria 3 – Exceptional circumstances, such as a change in technology or composition which is proven to reduce the health risks to workers when processing a product.
- > Evidence or information about any other matters relevant to the exemption application.

## PART C – CONSULTATION

Before submitting the application and supporting documentation to Comcare, the applicant must consult with Safe Work Australia Member social partners. The social partners that you will need to contact for the purposes of your exemption application are:

- > Australian Chamber of Commerce and Industry (ACCI) – [acciesnotice@acci.com.au](mailto:acciesnotice@acci.com.au)
- > Australian Council of Trade Unions (ACTU) – [whs@actu.org.au](mailto:whs@actu.org.au)
- > Australian Industry Group (AI Group) – [Tracey.Browne@aigroup.com.au](mailto:Tracey.Browne@aigroup.com.au).

The applicant must provide a copy of the proposed application, along with a written notice to each social partner:

- > stating that they intend to apply to Comcare for an exemption
- > inviting the social partner to give the applicant submissions for Comcare about the application (within a reasonable period of time), and
- > informing the social partner that the applicant must provide the submission to Comcare as part of the application.

This consultation information must be included with the application and supporting documentation that you submit to Comcare.

## Applicant declaration

It may be an offence to give false or misleading information. Part 7.4 of the Criminal Code contains offences dealing with false and misleading information.

- I am authorised to make this application on behalf of the applicant.
- To the best of my knowledge, the contents of this application, the responses to Part B and any supporting documentation and evidence are true and correct.
- I consent to service of notices on the applicant in relation to this application by email to the email address provided in Part A above.
- I acknowledge that the information, documents and evidence provided in connection with this application may be shared with other work health and safety regulators, social partner Safe Work Australia Members, technical experts and Safe Work Australia.

Signature	<input type="text"/>
Name	<input type="text"/>
Capacity	<input type="text"/>
Date	<input type="text"/>

## Checklist for exemption from the engineered stone prohibition

- Application form is complete
- Written notice provided to Safe Work Australia's social partners is attached
- Submissions made to the applicant by Safe Work Australia's social partners (if any) are attached
- The application includes statements, claims and supporting evidence demonstrating that, if the exemption were granted, it would result in a standard of health and safety that is at least equivalent to the standard that would have been achieved without that exemption, including information or evidence:
  - > about the intended use of the type of engineered stone
  - > that the risks associated with the type of engineered stone that is the subject of the application would not be significant, including information about any relevant control measures for processing the type of engineered stone safely
  - > addressing the Engineered Stone Prohibition common decision-making criteria published by Safe Work Australia, and
  - > any other relevant matters.