

Form 3—Exemption certificates

(regulation 3.28)

Fair Work Regulations 2009, regulation 3.28

EXEMPTION CERTIFICATE

This certificate is issued to [*name of organisation*].

Section 481 of the *Fair Work Act 2009* authorises entry to premises for the purpose of investigating contraventions, or suspected contraventions, of the *Fair Work Act 2009*, or a term of a fair work instrument. The organisation issued with this certificate is exempted from the obligation to comply with the notice requirements for entry to premises under section 487 of that Act.

For this certificate:

- (a) The premises to which it relates are:

[*name and address of premises*]

- (b) The day or days on which the entry may occur are:

[*day or days*]

- (c) The suspected contravention or contraventions to which the entry relates are:

[*particulars of suspected contravention or contraventions*]

Dated 20

Delegate of the Fair Work Commission

Do not delete this box

Obligations of permit holders, occupiers of premises and affected employers

A permit holder has various obligations under the *Fair Work Act 2009*. In general terms, these include (but are not limited to) the following:

- to produce the permit holder's entry permit for inspection on request and before requiring access to records and documents (see section 489);
- to comply with any reasonable request from the occupier of premises to comply with occupational health and safety requirements that apply to the premises (see section 491);
- not to intentionally hinder or obstruct any person, or act in an improper manner (see section 500);
- not to intentionally or recklessly misrepresent things the permit holder is authorised to do (see section 503).

An occupier of premises, an affected employer or other person has various obligations under the *Fair Work Act 2009*. In general terms, these include (but are not limited to) the following:

- not to refuse or unduly delay entry to a permit holder (see section 501);
- not to intentionally hinder or obstruct a permit holder (see section 502);
- not to intentionally or recklessly misrepresent things the occupier, employer or person is authorised to do (see section 503).

For further information about all the rights and obligations that apply in relation to entry rights, see Part 3-4 of the *Fair Work Act 2009* or contact the Fair Work Ombudsman (tel: 13 13 94).

Failure by a person to comply with an obligation under Part 3-4 of the *Fair Work Act 2009* may result in a court ordering the person to pay a pecuniary penalty (see section 546).