



THE SOUTH AUSTRALIAN

GOVERNMENT GAZETTE

www.governmentgazette.sa.gov.au

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 1 JUNE 2006

CONTENTS

	Page	Page	
Appointments, Resignations, Etc.....	1512	Port Augusta Circuit Court.....	1531
Corporations and District Councils—Notices.....	1551	Private Advertisements.....	1552
Development Act 1993—Notices.....	1512	Proclamation.....	1540
Environment Protection Act 1993—Notice.....	1519	Public Trustee Office—Administration of Estates	1552
Fisheries Act 1982—Notices.....	1520	REGULATIONS	
Land and Business (Sale and Conveyancing) Act 1994— Notice	1522	Occupational Health, Safety and Welfare Act 1986— (No. 63 of 2006).....	1541
Liquor Licensing Act 1997—Notices.....	1523	Legal Practitioners Act 1981 (No. 64 of 2006).....	1548
Local Government Act 1999—Notice	1526	Super SA (The South Australian Superannuation Board)— Notice	1533
Mining Act 1971—Notices.....	1526	Training and Skills Development Act 2003—Notice	1535
Optometrists Act 1920—Register.....	1526	Water Mains and Sewers—Mains Laid, Replaced, Etc	1533
Petroleum Act 2000—Notices.....	1529		

GOVERNMENT GAZETTE NOTICES

ALL poundkeepers' and private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to **Government Publishing SA** so as to be *received no later than 4 p.m. on the Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@saugov.sa.gov.au*. Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged. The *Government Gazette* is available online at: www.governmentgazette.sa.gov.au

South Australia

Occupational Health, Safety and Welfare (Amusement Structures) Variation Regulations 2006

under the *Occupational Health, Safety and Welfare Act 1986*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Occupational Health, Safety and Welfare Regulations 1995*

- 4 Variation of regulation 1.1.5—Interpretation
 - 5 Variation of regulation 3A.1.3—Interpretation
 - 6 Variation of regulation 3A.2.3—Provision of information (including as to classification)
 - 7 Variation of regulation 3A.2.7—Provision of information
 - 8 Variation of regulation 3A.2.8—Special duty
 - 9 Variation of regulation 3A.2.10—Provision of information
 - 10 Variation of regulation 3A.3.1—Duties of proprietor
 - 11 Variation of regulation 3A.3.4—Appointment of competent operators
 - 12 Variation of regulation 3A.3.6—Maintenance and periodic inspections
 - 13 Variation of regulation 3A.3.7—Repairs and alterations
 - 14 Variation of regulation 3A.4.1—Hazard identification
 - 15 Variation of regulation 3A.4.2—Risk assessment
 - 16 Variation of regulation 3A.4.3—Control of risk
 - 17 Variation of regulation 3A.5.2—Registration of designs
 - 18 Variation of regulation 3A.5.3—Registration of amusement structures
 - 19 Variation of regulation 3A.5.6—Display of registration details
 - 20 Revocation of regulation 3A.5.8
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Occupational Health, Safety and Welfare (Amusement Structures) Variation Regulations 2006*.

2—Commencement

These regulations come into operation on 1 July 2006.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Occupational Health, Safety and Welfare Regulations 1995*

4—Variation of regulation 1.1.5—Interpretation

- (1) Regulation 1.1.5(1), definition of *amusement structure*, (a)—delete "sport,"
- (2) Regulation 1.1.5(1), definition of *amusement structure*—after paragraph (b) insert:
but does not include—
 - (c) a miniature train and railway system owned and operated by a model railway society, club or association; or
 - (d) a ride or device that is used as a form of transport and that is, in relation to its use for that purpose, regulated under another Act (including an Act of the Commonwealth); or
 - (e) a boat or flotation device—
 - (i) that is solely propelled by a person who is in or on the boat or device; and
 - (ii) that is not attached to any mechanical elements or equipment outside the boat or device, and that does not rely on any artificial flow of water to move; or
 - (f) any plant specifically designed for a sporting, professional stunt, theatrical or acrobatic purpose or activity; or
 - (g) a coin-operated device that—
 - (i) is intended to be ridden, at the one time, by no more than 4 children below the age of 10 years; and
 - (ii) is usually located in a shopping centre or similar public location; and
 - (iii) does not necessarily have an operator;

5—Variation of regulation 3A.1.3—Interpretation

- (1) Regulation 3A.1.3, definition of *professional engineer*—after paragraph (a) insert:
 - (ab) who is a member of the Institution of Engineers Australia with the status of Chartered Professional Engineer and has the competence to inspect plant or structures; or
- (2) Regulation 3A.1.3—after its present contents (as varied by this regulation and now to be designated as subregulation (1)) insert:
 - (2) For the purposes of the definition of *proprietor* under subregulation (1), if an amusement structure is the property of the Crown or a Minister (as distinct from any other entity), the administrative unit responsible for the management or control of the amusement structure will be taken to be the owner (rather than the Crown or the Minister).

6—Variation of regulation 3A.2.3—Provision of information (including as to classification)

Regulation 3A.2.3—after its present contents (now to be designated as subregulation (1)) insert:

- (2) The designer of an amusement structure must—
 - (a) determine the classification of the amusement structure in accordance with the prescribed standard; and
 - (b) ensure that written notice of that classification is provided to any person to whom the design specifications are issued.

7—Variation of regulation 3A.2.7—Provision of information

Regulation 3A.2.7—after paragraph (b) insert:

and

- (c) a written notification of the classification of the amusement structure.

8—Variation of regulation 3A.2.8—Special duty

Regulation 3A.2.8—after paragraph (d) insert:

and

- (e) ensure that a written notification of the classification of the amusement structure is provided to the person to whom the amusement structure is supplied.

9—Variation of regulation 3A.2.10—Provision of information

Regulation 3A.2.10—after its present contents (now to be designated as subregulation (1)) insert:

- (2) The supplier of an amusement structure must ensure that a written notification of the classification of the amusement structure is provided to any person to whom the amusement structure is supplied.

10—Variation of regulation 3A.3.1—Duties of proprietor

- (1) Regulation 3A.3.1(1)(b)—delete "by a professional engineer" and substitute:

in accordance with the requirements of these regulations

- (2) Regulation 3A.3.1(1)—after paragraph (b) insert:

and

- (ba) ensure that the amusement structure is safe and that any steps necessary to maintain the amusement structure in a safe condition, or to comply with a maintenance and inspection program under this Division, are taken; and

- (3) Regulation 3A.3.1(6)—delete "subregulation (1)(g)" and substitute:

subregulation (1)(f)

- (4) Regulation 3A.3.1(7)—delete "In the case of an amusement structure in operation before 5 December 1997, the proprietor of the amusement structure must, within a reasonable time after the commencement of this regulation" and substitute:

The proprietor of an amusement structure must

11—Variation of regulation 3A.3.4—Appointment of competent operators

Regulation 3A.3.4(2)—delete "Class 4" and substitute:

Class 3

12—Variation of regulation 3A.3.6—Maintenance and periodic inspections

(1) Regulation 3A.3.6(2)(b)—delete paragraph (b) and substitute:

- (b) the identification of the critical components of the amusement structure (as identified by the designer or manufacturer, or by a professional engineer); and
- (ba) a detailed inspection at intervals that comply with any specifications or requirements determined by the designer or manufacturer of the amusement structure, or by a professional engineer, but in any event a detailed annual inspection by a professional engineer at least once in every 12 months; and

(2) Regulation 3A.3.6(2)(c)—delete "in good working order" and substitute:

safe to use or operate

(3) Regulation 3A.3.6—after subregulation (3) insert:

(3a) A detailed annual inspection carried out by a professional engineer under subregulation (2)(ba) must include—

- (a) a check of information relating to the operational history of the amusement structure since the last detailed inspection; and
- (b) a check of the log book for the amusement structure; and
- (c) a check that maintenance and inspections have been undertaken in accordance with the maintenance and inspection program; and
- (d) a check that any required tests have been conducted, and that appropriate records have been maintained; and
- (e) a detailed inspection of the amusement structure to ensure compliance with the Act and these regulations (including a specific inspection of the critical components of the amusement structure).

(3b) If an amusement structure includes any electrical installation—

- (a) the detailed inspection of the electrical installation under subregulation (2)(ba) must include an inspection carried out by a person who is suitably qualified to inspect electrical installations; and
- (b) the person who inspects the electrical installation must specifically provide a signed statement (to be recorded in the log book) that the electrical installation is safe to use or operate.

(3c) Despite subregulation (2)(ba), the Director may, in a particular year, on written application made to the Director, grant an extension of the period for an annual detailed inspection of an amusement structure by 1 month if satisfied that reasonable grounds exist for so doing.

(4) Regulation 3A.3.6(4)—delete "A" and substitute:

Subject to this regulation, a

- (5) Regulation 3A.3.6(5)—after paragraph (c) insert:
- (ca) information that verifies that the steps taken comply with the requirements of the maintenance and inspection program (including specific information relating to the inspection of the critical components of the amusement structure); and

- (6) Regulation 3A.3.6—after subregulation (5) insert:

- (6) A maintenance and inspection program under this regulation must be in writing.
- (7) The proprietor of an amusement structure must ensure that a copy of the maintenance and inspection program is kept with the amusement structure at all times.

13—Variation of regulation 3A.3.7—Repairs and alterations

Regulation 3A.3.7—after subregulation (4) insert:

- (4a) If it appears that a repair is necessary because of a fault in the design of the amusement structure—
 - (a) the proprietor of the amusement structure must take reasonable steps to ensure that the matter is brought to the attention of the designer and the manufacturer of the amusement structure; and
 - (b) the person who carries out the repair must—
 - (i) take reasonable steps to consult with the designer or, if relevant, the manufacturer with respect to the repair that is to be undertaken; and
 - (ii) furnish to the Director a written report in relation to the matter.

14—Variation of regulation 3A.4.1—Hazard identification

- (1) Regulation 3A.4.1(2)—after paragraph (p) insert:
- (q) the suitability and effectiveness of any restraints for riders.
- (2) Regulation 3A.4.1—after subregulation (2) insert:
- (3) A person must, in undertaking the hazard identification required under this regulation, make (and retain) a written record of the hazards identified under subregulations (1) and (2).

15—Variation of regulation 3A.4.2—Risk assessment

Regulation 3A.4.2—after its present contents (now to be designated as subregulation (1)) insert:

- (2) A person must, in undertaking the risk assessment required under this regulation, make (and retain) a written record of the assessment made under subregulation (1).

16—Variation of regulation 3A.4.3—Control of risk

Regulation 3A.4.3—after subregulation (9) insert:

- (10) A person must, in acting under this regulation, make (and retain) a written record of the steps taken in order to comply with a preceding subregulation.

17—Variation of regulation 3A.5.2—Registration of designs

- (1) Regulation 3A.5.2(5)(b)—after subparagraph (iii) insert:
 - (iv) a written statement of the classification of the amusement structure, as determined by the designer or by a professional engineer; and
- (2) Regulation 3A.5.2(6)—after paragraph (f) insert:
 - (g) such additional information as the Director may reasonably require to determine the application.
- (3) Regulation 3A.5.2(13)—after "is altered" insert:

in a manner that may affect the safe operation of the amusement structure
- (4) Regulation 3A.5.2(15)—delete "If" and substitute:

Subject to subregulation (16), if

18—Variation of regulation 3A.5.3—Registration of amusement structures

- (1) Regulation 3A.5.3(3)(c)(ii)—delete subparagraph (ii) and substitute:
 - (ii) a signed statement from a professional engineer—
 - (A) that states the classification of the amusement structure, as determined by the professional engineer or adopted by the professional engineer after taking into account any determination that has been made by the designer or manufacturer of the amusement structure, and that states that the professional engineer has inspected the amusement structure on the basis of that classification; and
 - (B) that reports on the extent to which the inspections required by the maintenance and inspection program for the amusement structure have been undertaken; and
 - (C) that confirms that the critical components of the amusement structure have been identified and inspected, and that a record of this inspection has been recorded in the log book; and
 - (D) that states that the professional engineer considers that the amusement structure is safe to use or operate; and
- (2) Regulation 3A.5.3—after subregulation (3) insert:
 - (3a) The professional engineer engaged to provide the statement required under subregulation (3)(c)(ii) must—
 - (a) —
 - (i) check whether the amusement structure has an up-to-date log book that complies with the requirements of this Part; and
 - (ii) check whether any other information required under this Part is available or recorded (as the case requires); and
 - (iii) check whether any work required to be carried out by a competent person has been so carried out; and

- (b) if any check under paragraph (a) reveals a failure to comply with a requirement under this Part—ensure that the statement is not issued unless or until the matter is addressed.
- (3b) The statement under subregulation (3) must also be accompanied by a report from the professional engineer that provides details about the actual inspection of the amusement structure that has been undertaken by the professional engineer and about any matter that needed to be addressed under subregulation (3a)(b).
- (3) Regulation 3A.5.3(5)(a)—delete "an amount recommended to the proprietor by a professional insurance risk assessor" and substitute:
 - a reasonable amount of cover
- (4) Regulation 3A.5.3—after subregulation (10) insert:
 - (10a) Despite subregulation (10), the Director may, in relation to the initial registration of an amusement structure under this Part, register the amusement structure for a period, not exceeding 18 months, determined by the Director and specified in the instrument of registration.

19—Variation of regulation 3A.5.6—Display of registration details

Regulation 3A.5.6—delete "marked with its registration number" and substitute:

and permanently marked with its registration number in accordance with the following requirements:

- (a) each digit making up the number must be at least 50mm in height; and
- (b) the number must be easily visible to a person who is standing at the front of the amusement structure; and
- (c) the amusement structure must be marked so that the number remains easily visible at all times.

20—Revocation of regulation 3A.5.8

Regulation 3A.5.8—delete the regulation

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor's Deputy

with the advice and consent of the Executive Council
on 1 June 2006

No 63 of 2006

MIR004/04CS