

Part 3A—Amusement structures

Division 3A.1—Preliminary

3A.1.1—Purpose

The purpose of this Part is to protect the safety of persons from hazards arising from the use of amusement structures by—

- (a) ensuring that hazards associated with the use of amusement structures are identified and risks to safety are assessed and controlled; and
- (b) eliminating or, if that is not reasonably practicable, minimising, risks to safety; and
- (c) specifying various requirements with respect to the design, manufacture, testing, installation, commissioning, use, maintenance, repair, alteration, erection, installation and dismantling of amusement structures; and
- (d) requiring the provision of relevant information and training; and
- (e) requiring the registration of certain amusement structure designs and amusement structures.

3A.1.2—Application of Act to amusement structures

A structure or device that falls within the definition of **amusement structure** under these regulations is a structure or device of a prescribed kind for the purposes of the definition of **amusement structure** under Schedule 2 of the Act (*Extension of Act to Specified Plant*).

3A.1.3—Interpretation

(1) In this Part—

Class 1 structure means—

- (a) an amusement structure classified as a Class 1 structure under the prescribed standard; or
- (b) a coin-operated amusement structure classified as a Class 2 structure under the prescribed standard only because of the operation of clause 2.1.6 of AS 3533.1;

operate—a person does not operate an amusement structure merely by—

- (a) directing or assisting a person to a seat or position on the amusement structure, or securing a person before an amusement structure is activated; or
- (b) undertaking any checking before a ride or other activity commences; or
- (c) giving directions to a person in connection with the use of an amusement structure;

prescribed standard means AS 3533.1 and AS 3533.2 published by Standards Australia (as in force from time to time);

professional engineer means a person—

- (a) who is registered on the *National Professional Engineers Register* administered by the Institution of Engineers, Australia and has experience in dealing with amusement structures; or
- (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
- (b) who has skills, qualifications and experience determined by the Director to be appropriate for the purposes of this Part;

proprietor, in relation to an amusement structure, means the owner of the amusement structure, and includes a person in possession of the amusement structure for the purposes of a business (including a business involving the hiring or leasing of the amusement structure to other persons);

safety instruction means—

- (a) safety information contained in the prescribed standard; and
- (b) information prepared under Division 2 by a designer, manufacturer, importer or supplier of an amusement structure; and
- (c) information relating to an amusement structure prepared by a professional engineer for the purposes of this Part; and
- (d) information prepared by the proprietor of an amusement structure for the purposes of this Part.

(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).

3A.1.4—Inconsistent safety instructions

In the event of an inconsistency between information prepared by a professional engineer for the purposes of this Part and any other safety instruction, the information prepared by the professional engineer will prevail (and a person must comply with the information prepared by the professional engineer, and need not comply with the other safety instruction, to the extent of the inconsistency).

Division 3A.2—Duties associated with the design, manufacture and supply of amusement structures

Subdivision 1—Duties of designers

3A.2.1—Hazard identification and risk assessment

- (1) The designer of any amusement structure must ensure that hazards are identified in accordance with regulation 3A.4.1.
- (2) If a hazard is identified under subregulation (1), the designer must ensure that an assessment is made of the risks associated with the hazard.

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(3) In carrying out an assessment required by subregulation (2), the designer must—

- (a) comply with the requirements of regulation 3A.4.2; and
- (b) ensure that the following are assessed:
 - (i) the range of environmental and operational conditions in which the amusement structure is intended to be transported, installed, erected and used; and
 - (ii) the ergonomic and safety needs of persons who may use the amusement structure; and
 - (iii) the need for safe access and egress for persons who install, erect, use, repair, maintain, clean or dismantle the amusement structure.

3A.2.2—Control of risk

(1) If an assessment of risk under regulation 3A.2.1 identifies a risk to safety, the designer must ensure that the risk is eliminated or, if that is not reasonably practicable, minimised.

(2) A designer must, in relation to the implementation of subregulation (1), ensure that the minimisation of a risk is achieved by applying—

- (a) the appropriate requirements of regulation 3A.4.3; and
- (b) as may be appropriate, the following measures:
 - (i) the use of designs that minimise the risks to safety associated with the manufacture, transportation, erection, installation, use or dismantling of the amusement structure;
 - (ii) the use of designs that enable components to be accessed for maintenance, repair or cleaning purposes with minimised risks to health and safety;
 - (iii) the use of designs that have regard to ergonomic and safety principles;
 - (iv) ensuring that the amusement structure is designed according to the prescribed standard;
 - (v) ensuring that the amusement structure is designed to minimise the risk of the amusement structure overturning or collapsing, or of objects falling on a person who may be on, or in the vicinity of, the amusement structure;
 - (vi) if a risk assessment has identified a risk of a person being ejected from a seat, or from any other part of the amusement structure, the use of appropriate devices to eliminate or minimise the risk;
 - (vii) if a particular system of work or operator competency is a factor in the control of the risk—the specification of that system or competency;
 - (viii) if a risk assessment has identified an increased risk due to the build up of unwanted substances or materials—the use of designs that minimise that build up.

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

(1) The designer of an amusement structure must ensure that a manufacturer is provided with information for the amusement structure to be manufactured in accordance with the design specifications and, so far as is reasonably practicable, with information relating to—

- (a) the testing or inspections to be carried out on the amusement structure; and
- (b) the erection, installation, commissioning, operation, maintenance, repairing, cleaning, transport, storage and, if the amusement structure is capable of being dismantled, dismantling of the amusement structure; and
- (c) the systems necessary for the safe use of the amusement structure; and
- (d) the knowledge, training or skill which should be possessed by a person who undertakes any inspection or testing of the amusement structure; and
- (e) emergency procedures.

(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.

Subdivision 2—Duties of manufacturers

3A.2.4—Special duty

If the designer of an amusement structure is situated outside Australia, the manufacturer must comply with the requirements of regulations 3A.2.1 and regulation 3A.2.2 as if the manufacturer were the designer.

3A.2.5—Hazard identification and risk assessment

If a hazard which arises from the design of an amusement structure is identified during the manufacturing process, the manufacturer must comply with the requirements of regulation 3A.4.2 in relation to risk assessment.

3A.2.6—Control of risk

(1) If an assessment under regulation 3A.2.5 identifies a risk to safety, the manufacturer must—

- (a) ensure that the design is altered to eliminate or, if that is not reasonably practicable, minimise the risk, taking into account the appropriate requirements of regulation 3A.2.2; or
- (b) ensure that the risk is eliminated or, if that is not reasonably practicable, minimised, taking into account the appropriate requirements of regulation 3A.4.3.

(2) A manufacturer of an amusement structure must, subject to subregulation (3), ensure that the amusement structure is manufactured, inspected

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and, where required, tested having regard to the prescribed standard and to the designer's specifications.

(3) If a fault in the design of an amusement structure that may affect safety is identified during the manufacturing process, the manufacturer must ensure—

- (a) that the fault is not incorporated into the amusement structure; and
- (b) so far as is reasonably practicable, that the designer of the amusement structure is consulted about the rectification of the fault.

(4) If an amusement structure is found after manufacture to have a fault that may affect safety, the manufacturer must, so far as is reasonably practicable, ensure that the persons to whom the amusement structure has been supplied are notified of the fault and of the steps required to rectify it.

3A.2.7—Provision of information

The manufacturer of an amusement structure must ensure that a supplier who obtains the amusement structure from the manufacturer is provided with—

- (a) information provided by the designer relating to—
 - (i) the testing or inspections to be carried out on the amusement structure; and
 - (ii) the erection, installation, commissioning, operation, maintenance, repairing, cleaning, transport, storage and, if the amusement structure is capable of being dismantled, dismantling of the amusement structure; and
 - (iii) the systems necessary for the safe use of amusement structure; and
 - (iv) the knowledge, training or skill necessary which should be possessed by a person who undertakes any inspection or testing of the amusement structure; and
 - (v) emergency procedures; and
- (b) any document relating to testing; and
- (c) a written notification of the classification of the amusement structure.

Subdivision 3—Duties of importers

3A.2.8—Special duty

The importer of an amusement structure designed or manufactured outside Australia must—

- (a) comply with the requirements of regulation 3A.2.1 relating to hazard identification and risk assessment as if the importer were the designer; and
- (b) if an assessment identifies a risk to safety, ensure that the amusement structure is altered to eliminate or, if that is not reasonably practicable, minimise the risk, taking into account the appropriate requirements of section 3A.2.2; and
- (c) insofar as information of the kind referred to in regulations 3A.2.3 and 3A.2.7 is not available from the designer or manufacturer of the amusement structure, arrange for a competent person to prepare that information; and

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- (d) ensure that any safety information from the designer or manufacturer, and any information prepared under paragraph (c), is provided to the person to whom the amusement structure is supplied; 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.

Subdivision 4—Duties of suppliers

3A.2.9—Control of risk

- (1) The supplier of an amusement structure must ensure—
 - (a) insofar as the supplier has control over the condition of the amusement structure—that risks to safety from the use of an amusement structure are eliminated or, if that is not reasonably practicable, minimised;
 - (b) insofar as paragraph (a) does not apply—that any faults are, so far as is reasonably practicable, identified, and that the person to whom the amusement structure is supplied is advised in writing, before the amusement structure is supplied, of those faults and, if appropriate, that the amusement structure should not be used until those faults are rectified.
- (2) A person who is a supplier of an amusement structure by virtue of hiring or leasing the amusement structure to others must—
 - (a) ensure that the amusement structure is inspected between each hiring or leasing so as to identify and, if necessary, minimise any risk to safety; and
 - (b) ensure that an assessment is carried out on a regular basis to determine the need for testing the amusement structure to check whether new or increased risks to safety have developed, and to determine the frequency for such testing; and
 - (c) ensure that the testing identified under paragraph (b) is carried out and recorded, and that the records are maintained for so long as the person hires or leases the amusement structure to other persons; and
 - (d) in respect of each hiring or leasing, ensure that the amusement structure is erected or installed, and dismantled or removed, in accordance with the requirements of these regulations.

3A.2.10—Provision of information

- (1) The supplier of an amusement structure must ensure—
 - (a) in respect of a new amusement structure, that the person to whom the amusement structure is supplied is provided with safety information provided to the supplier under these regulations;
 - (b) in any other case, that the person to whom the amusement structure is supplied is provided with the following information insofar as it is readily available:
 - (i) relevant safety information prepared by the designer or manufacturer of the amusement structure; and

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- (ii) any records kept by a previous owner or proprietor of the amusement structure under these regulations.
- (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.

Division 3A.3—Duties associated with the installation, maintenance and use of amusement structures

3A.3.1—Duties of proprietor

- (1) The proprietor of an amusement structure must—
- (a) subject to the operation of Division 3A.5—ensure—
 - (i) that the amusement structure design is registered under this Part; and
 - (ii) that the amusement structure is registered under this Part; and
 - (b) ensure that the classification of the amusement structure has been determined in accordance with the requirements of these regulations, and that a record of that classification has been included in the log book required under paragraph (f); 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
 - (c) except in the case of a Class 1 structure—ensure that a person is appointed as supervisor for the amusement structure or, if the proprietor is suitably qualified and considers it appropriate to do so, assume responsibility as supervisor for the purposes of this Part; and
 - (d) ensure that all information relating to the amusement structure required or prepared under this Part is available and, if a supervisor has been appointed, make that information available to the supervisor; and
 - (e) to the extent that the information available under paragraph (d) does not provide comprehensive information and instructions for the safe operation and appropriate maintenance of the amusement structure, ensure that such information or instructions are prepared and available for use in connection with the amusement structure; and
 - (f) ensure that an up-to-date log book that complies with any requirements determined by the Director is kept for the amusement structure, taking into account the requirements of this Division; and
 - (g) in respect of the amusement structure, ensure compliance with all requirements of this Division.
- (2) For the purposes of subregulation (1)(c), a supervisor must be a person who can demonstrate a level of competence and knowledge sufficient to ensure that an amusement structure is operated in a safe manner, and to ensure compliance with the other requirements of this Division.

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- (3) The proprietor must ensure that a supervisor is appropriately trained and undertakes appropriate refresher courses (if any) from time to time.
- (4) A supervisor must have attained the age of 18 years.
- (5) Any information or instructions required by subregulation (1)(e) must be prepared by a competent person.
- (6) Except in the case of a Class 1 structure, the log book required by subregulation (1)(f) must be kept with the amusement structure.
- (7) The proprietor of an amusement structure must—
 - (a) ensure that hazards associated with the use of the amusement structure are identified in accordance with regulation 3A.4.1; and
 - (b) if a hazard is identified under paragraph (a), ensure that an assessment is made of the risks associated with the hazard in accordance with regulation 3A.4.2; and
 - (c) if a risk to safety is identified under paragraph (b), take reasonable steps to eliminate the risk or, if that is not reasonably practicable, to minimise the risk.

3A.3.2—Erection or installation

- (1) The erection or installation of an amusement structure must be carried out by, or under the direct supervision of, a competent person.
- (2) A person who erects or installs an amusement structure must ensure that hazards associated with the erection or installation of the amusement structure are identified in accordance with regulation 3A.4.1 before and during the erection or installation of the amusement structure.
- (3) If a hazard is identified under subsection (2), the erector or installer must ensure that an assessment is made of the risks associated with the hazard.
- (4) In carrying out an assessment under subregulation (3), the erector or installer must—
 - (a) comply with the requirements of regulation 3A.4.2; and
 - (b) ensure that the following are assessed:
 - (i) the impact of the erection or installation process on the work environment during erection or installation; and
 - (ii) the need for safe access and egress during erection and installation, and for the subsequent use of the amusement structure.
- (5) If an assessment of risk under subregulation (4) identifies a risk to safety, the erector or installer must ensure that the risk is eliminated or, if that is not reasonably practicable, minimised.
- (6) The erector or installer must—
 - (a) comply with the appropriate requirements of regulation 3A.4.3; and
 - (b) ensure—
 - (i) that the amusement structure is erected or installed having regard to any safety instruction that relates to the erection or installation of the amusement structure; and

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- (ii) that an amusement structure designed to be operated in a fixed position is positioned on and, if necessary, fixed to, a secure base in order to prevent inadvertent movement when power is applied or while the amusement structure is being used; and
 - (iii) that all components are installed so as to minimise any risk to safety.
- (7) In addition to any other requirement, the proprietor (in the case of a Class 1 structure), or the supervisor (in any other case), must—
- (a) provide any relevant safety instructions to the erector or installer; and
 - (b) ensure that the amusement structure is erected or installed in a location suitable for the type of structure; and
 - (c) ensure that there are sufficient space separation distances around the amusement structure to allow the amusement structure to be operated and used without causing a risk to the safety of any person who may be in the vicinity of the structure; and
 - (d) ensure that appropriate safeguarding is in place; and
 - (e) ensure that the following information is included in the log book for the amusement structure:
 - (i) the date of erection or installation; and
 - (ii) the name, address and telephone number of the person undertaking the erection or installation; and
 - (iii) information concerning any special issues or considerations that arose in connection with the erection or installation of the amusement structure; and
 - (iv) information concerning any testing undertaken during the erection or installation of the amusement structure.

3A.3.3—Hazard identification and initial testing

- (1) The proprietor of an amusement structure must, before it is first used at a particular location—
- (a) ensure that all hazards associated with the use of the amusement structure are identified in accordance with regulation 3A.4.1; and
 - (b) comply with any safety instruction that relates to the testing, checking or inspection of the amusement structure before it is used.
- (2) If a hazard is identified under subregulation (1)(a), the proprietor or supervisor (as the case may be) must ensure that an assessment is made of the risks associated with the hazard.
- (3) In carrying out an assessment under subregulation (2), the proprietor or supervisor must comply with the requirement of regulation 3A.4.2.
- (4) If an assessment of risk under subregulation (3) identifies a risk to safety, the proprietor or supervisor must ensure that the risk is eliminated or, if that is not reasonably practicable, minimised.
- (5) The proprietor or supervisor must, in relation to the implementation of subregulation (1)—

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- (a) comply with the appropriate requirements of regulation 3A.4.3; and
 - (b) ensure that control measures are maintained, and systems implemented and effectively supervised, so as to minimise any risk to safety.
- (6) The proprietor or supervisor must ensure that information concerning any measure or system required under subregulation (5) is recorded in the log book for the amusement structure.

3A.3.4—Appointment of competent operators

- (1) This regulation does not apply with respect to a Class 1 structure.
- (2) A person must not operate an amusement structure with a classification under the prescribed standard that is at Class 3 or above unless the person has attained the age of 18 years.
- (3) A person must not perform any task associated with the operation of an amusement structure (including as an attendant) unless the person—
 - (a) is the supervisor for the amusement structure; or
 - (b) is acting under the direct supervision of the supervisor for the amusement structure.
- (4) The operator of an amusement structure must have a reasonable level of knowledge and skill with respect to—
 - (a) daily inspection procedures; and
 - (b) procedures for the normal operation of the amusement structure, and the procedures to be followed in the event of a malfunction or failure involving any part of the amusement structure, or in the event of any other emergency situation; and
 - (c) procedures to be followed in adverse weather conditions; and
 - (d) the safe speed limits, loads, ride-times and ride-frequencies; and
 - (e) how to manage any issues that may arise in connection with the location of the amusement structure; and
 - (f) any other issue or circumstance associated with the safe operation and use of the amusement structure.
- (5) The proprietor of an amusement structure must ensure that an operator of the amusement structure is—
 - (a) provided with any safety instruction that relates to the operation and use of the amusement structure; and
 - (b) appropriately trained, including, insofar as may be reasonably practicable, by undertaking refresher courses (if any) from time to time.

3A.3.5—Daily inspections

- (1) This regulation does not apply with respect to a Class 1 structure.
- (2) An amusement structure must be inspected or tested by a competent person on a daily basis in order to ensure that there is no defect, deficiency or other circumstance that could adversely affect the safe operation and use of the amusement structure.

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- (3) An inspection or test under subregulation (2)—
- (a) should be undertaken—
 - (i) before the amusement structure is first used on a particular day; or
 - (ii) if the amusement structure is being used on a constant basis—at least once in every 24 hours; and
 - (b) must be undertaken in accordance with any relevant safety instruction but, subject to such an instruction, may be limited to visual inspections.
- (4) The following information must be included in the log book for the amusement structure at the conclusion of an inspection or test under this regulation:
- (a) the date and time of the inspection or testing; and
 - (b) the name of the person who has undertaken the inspection or testing; and
 - (c) information concerning any defect or problem found or encountered during the inspection or testing and, in such a case, the steps taken to rectify or address the defect or problem.

3A.3.6—Maintenance and periodic inspections

- (1) There must be a maintenance and inspection program for an amusement structure in order—
- (a) to maintain its mechanical and structural integrity; and
 - (b) to identify any part that may be subject to excessive corrosion, wear, fatigue, stress or strain, or to identify any other situation or circumstance that may give rise to a risk to safety.
- (2) A maintenance and inspection program must incorporate—
- (a) any procedure or process specified by a safety instruction that relates to the maintenance or routine inspection of the amusement structure; and
 - (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
 - (c) any other procedures or processes necessary to ensure that the amusement structure is safe to use or operate.
- (3) If the designer or manufacturer of an amusement structure has not provided a maintenance and inspection program, a professional engineer must be used to develop the maintenance and inspection program for the amusement structure.
- (3a) A detailed annual inspection carried out by a professional engineer under subregulation (2)(ba) must include—

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- (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) Subject to this regulation, a maintenance and inspection program must be carried out by a competent person.
- (5) The person who carries out a maintenance and inspection program must record the following information in the log book for the amusement structure:
- (a) the date on which it is undertaken; and
 - (b) the name, address and telephone number of the person; and
 - (c) the qualifications or status of the person; and
 - (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
 - (d) information concerning any defect or problem found or encountered during the maintenance and inspection program and, in such a case, the steps taken to rectify or address the defect or problem; and
 - (e) information concerning any other work carried out on the amusement structure.
- (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.

3A.3.7—Repairs and alterations

- (1) Any repair or alteration undertaken with respect to an amusement structure must be undertaken by a competent person.
- (2) If the function or condition of an amusement structure has been impaired or damaged in a manner or to the extent that it increases a risk to safety—
 - (a) the amusement structure must be inspected by a professional engineer; and
 - (b) any repair must be carried out in accordance with—
 - (i) any relevant safety instruction; and
 - (ii) any direction of a professional engineer who has inspected the amusement structure; and
 - (c) the amusement structure must not be used again unless or until it has been inspected and certified safe to operate and use by a professional engineer.
- (3) Any repair or alteration must not result in an amusement structure exceeding any design limitation (unless a new design has been registered under this Part).
- (4) The design of any alteration to an amusement structure must be assessed in accordance with regulation 3A.2.1, 3A.2.2 and 3A.2.3.
- (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.
- (5) The person who carries out any repair or alteration must record the following information in the log book for the amusement structure:
 - (a) the date on which it is carried out; and
 - (b) the name, address and telephone number of the person; and
 - (c) the qualifications or status of the person; and
 - (d) specific details of the repair or alteration (including information concerning the nature of any damage).

3A.3.8—Dismantling and storage

- (1) The dismantling or storage of an amusement structure must be carried out by, or under the direct supervision of, a competent person.
- (2) The person undertaking the dismantling or storage of an amusement structure must have regard to any relevant safety instruction.
- (3) The proprietor must—

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- (a) provide any relevant safety instruction to the person carrying out the dismantling or storage; and
- (b) ensure that the following information is included in the log book for the amusement structure:
 - (i) the date of the dismantling or storage; or
 - (ii) the name, address and telephone number of the person undertaking the dismantling or storage.

3A.3.9—Additional requirements

Without limiting any other regulation, the proprietor of an amusement structure must ensure—

- (a) if the function or condition of the amusement structure is impaired or damaged to an extent that gives rise to a risk to safety, that the amusement structure is withdrawn from use until the risk is controlled or the amusement structure is repaired; and
- (b) that measures are provided to prevent, so far as is reasonably practicable, any unauthorised interference, alteration or use of the amusement structure that is capable of making the amusement structure a risk to safety; and
- (c) if safety features or warning devices are incorporated into the amusement structure, that they are used in a proper manner; and
- (d) that a person is not allowed to work between any fixed and traversing parts so as to minimise any risk to the safety of a person who maintains, inspects or cleans the amusement structure; and
- (e) that any safety feature or warning device is maintained, and tested on a regular basis.

Division 3A.4—General requirements for hazard identification, risk assessment and control of risk

3A.4.1—Hazard identification

- (1) This regulation requires the identification of all reasonably foreseeable hazards to safety arising from an amusement structure, or systems associated with an amusement structure.
- (2) In particular, any hazard associated with the following factors must be identified, insofar as they are relevant to the design, manufacture, erection, installation, commissioning, use or dismantling of the amusement structure:
 - (a) the environmental conditions and terrain in which amusement structure may be used any foreseeable abnormal situations, situations of misuse, or fluctuations of operating conditions;
 - (b) the potential for injury due to entanglement, crushing, trapping, cutting, stabbing, puncturing, shearing, abrasion, tearing or stretching;

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- (c) the generation of hazardous conditions due to pressurised content, electricity, noise, radiation, friction, vibration, fire, explosion, temperature, moisture, vapour, gases, dust or hot or cold parts;
- (d) the failure of the amusement structure in a case involving the loss of load, unintended ejection of any piece or component, explosion, fragmentation or collapse of parts;
- (e) the ability of the amusement structure to lift and move people, and materials and the suitability of any secondary backup system to support the load;
- (f) any control systems, including guarding and communication systems;
- (g) the potential for falling objects;
- (h) the suitability of materials used for the amusement structure;
- (i) the suitability and condition of all accessories;
- (j) any ergonomic needs relating to installation and use;
- (k) the possibility of a hazard arising through failure to comply with any specified procedure;
- (l) the location of the amusement structure;
- (m) the suitability and stability of the amusement structure and supports;
- (n) any additional hazard that may arise from the presence of persons and plant in the vicinity;
- (o) the potential for inadvertent movement or operation of the amusement structure;
- (p) the need for, and the adequacy of, access and egress;
- (q) the suitability and effectiveness of any restraints for riders.

(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).

3A.4.2—Risk assessment

(1) The method used for risk assessment must adequately address the hazards that have been identified and include one or more of the following:

- (a) a visual inspection of the amusement structure and any associated environment;
- (b) auditing;
- (c) testing;
- (d) technical or scientific evaluation;
- (e) an analysis of injury and near-miss data;
- (f) discussions with designers, manufacturers, suppliers, importers, employers, employees or any other relevant parties;
- (g) a quantitative hazard analysis.

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(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).

3A.4.3—Control of risk

(1) One or more of the following must be used to eliminate or, if that is not reasonably practicable, minimise any risk to health or safety:

(a) firstly, the application, so far as is reasonably practicable, of engineering controls, including substitution, isolation, modifications to design and guarding;

(b) secondly, if steps taken under paragraph (a) do not minimise the risk, the application, so far as is reasonably practicable, of administrative controls, including safe work practices;

(c) thirdly, if steps taken under paragraphs (a) and (b) do not minimise the risk, the provision of appropriate personal protective equipment.

(2) Access/Egress

There must be sufficient access and egress to any place where a person who uses or works with the amusement structure is expected to go.

(3) Dangerous parts

If risk assessment has identified a risk of exposure to a dangerous part during the operation, examination, or maintenance of any part of the amusement structure, that risk must be eliminated or, if that is not reasonably practicable, minimised.

(4) Guarding

If guarding is used as a control measure, a person with the responsibility for the control of risk must ensure that any guard is—

(a) a permanently fixed physical barrier where no part of a person requires access to the dangerous area during normal operation; or

(b) an interlocked physical barrier; or

(c) if compliance with paragraph (a) or (b) is not reasonably practicable—a physical barrier securely fixed in position by means of fasteners or other suitable devices, which ensures that the guard cannot be inadvertently detached.

(5) If a guard is used in accordance with subregulation (4), it must be—

(a) of solid construction and securely mounted so as to resist impact and shock; and

(b) regularly maintained; and

(c) designed so as not to cause a risk in itself.

(6) Operational controls

Operational controls must be—

(a) suitably identified so as to indicate their nature and function; and

(b) located so as to be readily and conveniently operated; and

(c) located or guarded to prevent unintentional activation; and

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(d) able to be locked into the "off" position to enable the disconnection of all motive power and forces.

(7) If the amusement structure is designed to be operated or attended by more than one person and more than one control is fitted, the multiple controls must be of the "stop and lock-off" type so that the amusement structure cannot be restarted after a stop control has been used unless each stop control is reset.

(8) Emergency stops and warning devices

Emergency stop devices must—

(a) be prominent, not recessed or shrouded, clearly and durably marked, and immediately accessible to each operator of the amusement structure; and

(b) have handles, bars or push buttons coloured red; and

(c) as far as reasonably practicable, operate reliably and be fail-safe.

(9) If a risk assessment identifies a need to have an emergency warning device, such a device must be installed in a position which enables its purpose to be achieved easily and effectively.

(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.

Division 3A.5—Registration of designs and amusement structures

3A.5.1—Preliminary

(1) In this Division—

design verifier in relation to the design of an amusement structure means a competent person who is responsible for the verification of the design.

(2) For the purposes of this Division—

(a) a design verifier must not have had any involvement in the design of the relevant amusement structure; and

(b) the designer and design verifier of an amusement structure must not be employed or engaged by the same person unless the person uses a quality system to undertake the design of any amusement structure and that system has been certified by a body accredited or approved by the Joint Accreditation System of Australia and New Zealand (commonly known as "JAS—ANZ").

(3) This Division does not apply to a Class 1 structure.

3A.5.2—Registration of designs

(1) Subject to subregulation (2), a person—

(a) must not manufacture or supply an amusement structure unless the amusement structure has a current design registration number issued by the Director under this Division; and

(b) must not use the amusement structure, or permit or cause the amusement structure to be used, unless the amusement structure has a

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current design registration number issued by the Director under this Division.

Maximum penalty: Division 6 fine.

- (2) Subregulation (1) does not apply to—
 - (a) an amusement structure that has a current design registration number issued under the law of another State or a Territory, or of the Commonwealth, that is determined by the Director to correspond to this Part; or
 - (b) an amusement structure designed before 1 July 1996.
- (3) An application for the registration of a design must be made to the Director.
- (4) A person who applies for the registration of a design must (subject to this regulation) ensure that the design has been verified by a design verifier as complying with the prescribed standard.
- (5) An application for registration of a design—
 - (a) must be made in a manner and form determined by the Director; and
 - (b) must incorporate, or be accompanied by—
 - (i) a compliance statement, signed by the designer, that verifies compliance with the provisions of this Part relating to designers; and
 - (ii) a verification statement, signed by the design verifier, that—
 - (A) verifies compliance with the prescribed standard; and
 - (B) specifies the name, business address and qualifications of the design verifier and, if applicable, the name and business address of the design verifier's employer; and
 - (iii) a representational drawing of the design; and
 - (iv) a written statement of the classification of the amusement structure, as determined by the designer or by a professional engineer; and
 - (c) must be accompanied by the appropriate fee specified by Schedule 8.
- (6) A person who applies for the registration of a design must, at the request of the Director (made either at the time of the application, or at a later time), supply any of the following:
 - (a) detailed drawings of the design;
 - (b) design calculations;
 - (c) details of operating instructions;
 - (d) diagrams of control systems, including the sequence for operating the controls;
 - (e) details of maintenance requirements;
 - (f) a statement of limitations of use;

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(g) such additional information as the Director may reasonably require to determine the application.

(7) If the Director decides to register the design—

(a) the registration may be made on such conditions (if any) as the Director thinks fit and specifies at the time of registration; and

(b) the Director must issue a design registration number.

(8) A person must not contravene or fail to comply with a condition imposed by the Director under subregulation (7).

Maximum penalty: Division 6 fine.

(9) If the Director decides to refuse to register the plant design, the Director must give the applicant a written notice setting out the reasons for the refusal.

(10) A person who is issued a design registration number under this regulation must provide the number to any manufacturer, importer or supplier of the relevant amusement structure who deals with the person and each manufacturer, importer or supplier must, in turn, provide that number to any person to whom he or she supplies the amusement structure.

(11) Subject to subregulation (12), the Director must not disclose any information provided to the Director for the purposes of this regulation on a confidential basis unless the disclosure is—

(a) necessary for the performance of an official duty; or

(b) made with the consent of the person who provided the information;
or

(c) required by a court or tribunal constituted by law.

(12) The Director may, if he or she thinks fit, disclose any information provided by a person for the purposes of registration under this Division—

(a) if the disclosure is to another authority responsible for the registration of plant designs under the law of another State or a Territory, or of the Commonwealth, that corresponds to this Division; or

(b) if the disclosure is to an employee, or a health and safety representative, who has a reasonable interest in the matter, and is limited to information contained in a verification statement under subregulation (5)(b)(ii); or

(c) if the Director cannot locate the person who provided the information, if the disclosure is to the owner of an amusement structure built to the relevant design, and the information is reasonably necessary to ensure the safe operation of the amusement structure.

(13) If a design registered under this regulation in a manner that may affect the safe operation of the amusement structure, the design registration will lapse unless an application for re-registration is made to the Director within 21 days after the alteration.

(14) An application for re-registration must be in a manner and form determined by the Director and must be accompanied by the appropriate fee specified by Schedule 8.

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(15) Subject to subregulation (16), if an application for re-registration is made in accordance with subregulations (13) and (14), the registration continues pending the decision of the Director on the application.

(16) The Director may, if the Director thinks fit, by notice in writing to a person who has been issued a design registration number under this regulation—

- (a) cancel the registration; or
- (b) suspend the registration for a period of up to 12 months; or
- (c) vary a condition imposed under subregulation (7).

(17) A notice under subregulation (16) must include a statement of the grounds on which the decision of the Director is based.

3A.5.3—Registration of amusement structures

(1) An amusement structure must not be used in this State unless it is registered with the Director.

Maximum penalty: Division 6 fine.

(2) An application for the registration of an amusement structure must be made to the Director.

(3) An application for registration of an amusement structure—

- (a) must be made by the proprietor; and
- (b) must be made in a manner and form determined by the Director; and
- (c) must include, or be accompanied by—
 - (i) sufficient information to clearly identify the amusement structure; and
 - (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

(d) must be accompanied by the appropriate fee specified by Schedule 8.

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(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).

(4) A person who applies for the registration of an amusement structure must, at the request of the Director (made either at the time of the application or within a reasonable time after the making of the application), supply such additional information as the Director may reasonably require to determine the application.

(5) If the Director decides to register the amusement structure, the registration will be subject to—

(a) a condition that a policy of public liability insurance, indemnifying the proprietor and any authorised operator of the amusement structure in an amount that is at least equal to a reasonable amount of cover in relation to death or bodily injury caused by, or arising out of, the use or operation of the amusement structure, must be in force wherever the amusement structure is in use, or available for use; and

(b) any other condition determined by the Director and specified in connection with the registration.

(6) Without limiting the operation of subregulation (5)(b), the Director may specify that the registration is subject to the condition that the proprietor must, at intervals determined by the Director, supply to the Director a statement from a professional engineer that the professional engineer has inspected the amusement structure and it is, in his or her opinion, safe to use or operate.

(7) The Director may, if the Director considers it appropriate to do so, on his or her own initiative or on application under this subregulation, vary a condition of registration previously specified by the Director.

(8) The conditions may be varied by the addition, substitution or deletion of one or more conditions.

(9) If a condition is not complied with—

(a) the proprietor is guilty of an offence and liable to a Division 6 fine; and

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(b) the Director may, by notice in writing to the proprietor of the amusement structure, or the person who apparently has the management of the amusement structure, cancel the registration of the amusement structure.

(10) The Director will register an amusement structure for a period, not exceeding 12 months, determined by the Director and specified in the instrument of registration.

(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.

(11) An application may be made for the re-registration of an amusement structure on the expiration of a period of registration.

(12) If the Director decides to refuse to register an amusement structure, the Director must give the applicant a written notice setting out the reasons for the refusal.

(13) Subregulation (1) does not extend to a case where an amusement structure is undergoing commissioning testing.

3A.5.4—Registration may lapse in certain cases

(1) If—

(a) an amusement structure is altered; or

(b) in the case of an amusement structure normally fixed in a particular place—the amusement structure is relocated; or

(c) a change in the ownership of an amusement structure occurs,

then the registration will lapse unless an application for the re-registration of the amusement structure is made to the Director within 21 days after the relevant event.

(2) If an application for re-registration is made in accordance with this regulation, the registration continues pending the decision of the Director on the application.

3A.5.5—Re-registration generally

An application for the re-registration of an amusement structure must be made in the same manner as an application for registration under regulation 3A.5.3 and accompanied by the appropriate fee specified by Schedule 8 (and then regulation 3A.5.3 will, subject to regulation 3A.5.4, apply with respect to the matter).

3A.5.6—Display of registration details

The proprietor of a registered amusement structure must ensure that a registration certificate issued by the Director is kept in the log book for the amusement structure, and that the amusement structure is clearly 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

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- (c) the amusement structure must be marked so that the number remains easily visible at all times.

Maximum penalty: Division 6 fine.

3A.5.7—Notification of compliance

- (1) The Director may require that the proprietor of an amusement structure notify the Director, at intervals determined by the Director, of information concerning the maintenance of the amusement structure.
- (2) A notification under subregulation (1)—
 - (a) must be made in a manner and form determined by the Director; and
 - (b) must include—
 - (i) the registration number of the amusement structure; and
 - (ii) a statement that the amusement structure has been maintained in a safe condition and is safe to operate; and
 - (iii) other information (if any) required by the Director.
- (3) The Director may, after the receipt of a notification under subregulation (1), require that additional information be supplied in relation to the notification.
- (4) If a requirement of this regulation is not complied with—
 - (a) the person to whom the requirement is addressed is guilty of an offence and liable to a Division 6 fine; and
 - (b) the Director may, by notice in writing to the proprietor of the amusement structure, or a person who apparently has the management of the amusement structure, cancel the registration of the amusement structure.