



Government
of South Australia

SafeWork SA

Plant design registration

Guidance Notes

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Introduction

The Work Health and Safety (WHS) Regulations 2012 (SA) (the Regulations) provides that a manufacturer must not manufacture, an importer must not import and a supplier must not supply plant specified in Schedule 5, Part 1 of the Regulations unless the design is registered with a WHS Regulator [Regulations 231, 232, 233].

Under section 42 of the Work Health Safety Act 2012 (SA) (the Act), it is an offence to use plant if the Regulations require the plant's design be authorised (registered) and the plant's design is not so authorised (registered).

Scope

The design of an item of plant specified in Schedule 5, Part 1 of the Regulations must be registered. [Regulation 243].

List of plant items requiring registration of design:

- Pressure equipment, other than pressure piping, and categorised as Hazard Level A, B, C or D according to the criteria in Section 2.1 of AS 4343:2005 Pressure Equipment - Hazard Levels
- Gas cylinders covered by Section 1 of AS 2030.1:2009 Gas Cylinders - General Requirements
- Tower cranes including self-erecting tower cranes
- Lifts, including escalators and moving walkways
- Building maintenance units
- Hoists with a platform movement exceeding 2.4 metres, designed to lift people
- Work boxes designed to be suspended from cranes
- Amusement devices covered by Section 2.1 of AS 3533.1:2009 - Amusement Rides and Devices – Design and Construction, except:
 - Class 1 devices
 - playground devices
 - water slides where water facilitates patrons to slide easily, predominantly under gravity, along a static structure
 - wave generators where patrons do not come into contact with the parts of machinery used for generating water waves

- inflatable devices that are sealed, and
 - inflatable devices (continuously blown) with a platform height less than 3 metres.
- Passenger ropeways
 - Concrete placing booms
 - Prefabricated scaffolding
 - Boom-type elevating work platforms
 - Gantry cranes with a safe working load greater than 5 tonnes or bridge cranes with a safe working load of greater than 10 tonnes, and any gantry crane or bridge crane which is designed to handle molten metal or Schedule 10 hazardous chemicals
 - Vehicle hoists
 - Mast climbing work platforms, and
 - Mobile cranes with a rated capacity of greater than 10 tonnes.

Further exceptions:

- a heritage boiler
- any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2015 Pressure Equipment
- a crane or hoist that is manually powered
- a reach stacker
- an elevating work platform that is a scissor lift or a vertically moving platform, or
- a tow truck.

Who may apply for plant design registration

A person conducting a business or undertaking that designs an item of plant or a person who has management or control of an item of plant may apply to SafeWork SA for the registration of the plant's design [Regulation 249]. "Person conducting a business or undertaking" is defined in section 5 of the Act.

A person conducting a business or undertaking may be an individual, a body corporate, a government agency, each partner in a partnership or an unincorporated association. It includes a manufacturer, importer or supplier of the plant.

Drawings

Drawings representing the design are to be submitted with the application and should provide sufficient detail to identify the size and configuration of the plant. The drawings must be capable of being kept in electronic form [Regulation 250 (3)].

Plant designer

The designer of the plant must complete the section of the application form declaring that they have complied with the designer obligations under section 22 of the Act in relation to the design of the plant and specify the published technical standards and/or engineering principles used in the design [Regulation 250 (2)(e)].

Where the designer is located overseas the applicant must ensure that the designer provides a statement that includes all the requirements outlined in the application form. This statement must be submitted with the application form and be in English or translated into English.

Plant design must be verified

The application for registration must include a statement by a person who has verified the design that the design was produced in accordance with published technical standards or engineering principles specified in the statement [Regulation 251].

Who is eligible to verify a plant design

A person is eligible to verify a plant design if the person has skills, qualifications, competence and experience to design the plant or verify the design [Regulation 252 (1)].

A person is ineligible to be a design verifier if the person was involved in the production of the design [Regulation 252].

Residence / Location

SafeWork SA must, subject to the applicant meeting the other requirements of the Regulations, register the design if:

- The applicant does not hold an equivalent registration with another state or territory or the Commonwealth WHS Regulator (Regulation 256 (2) (b)), and
- If an individual applicant resides in South Australia or, if residing outside South Australia, satisfies SafeWork SA of circumstances justifying the granting of the registration [Regulation 256 (2) (c)], or

- If a body corporate applicant, the registered office is located in South Australia or, if located outside South Australia, satisfies SafeWork SA of circumstances justifying the granting of the registration [Regulation 256 (2) (d)].

Duration of registration

A plant design registration takes effect on the day it is granted and is granted for an unlimited duration [Regulation 259].

Altered plant designs

If the design of an item of plant specified in Part 1 of Schedule 5 that is registered has been altered, the altered design must be registered [Regulation 244 (1)].

A reference to the alteration of a design is a reference to an alteration that may affect health and safety [Regulation 244 (2)].

Recognition of interstate authorisations

A plant design is not required to be registered in South Australia if the design has been registered by another state or territory or the Commonwealth WHS Regulator under a corresponding WHS law [Regulation 245 (1) / WHS Act Section 4].

A design that has been altered is not required to be registered in South Australia if the design alteration has been registered by the corresponding WHS Regulator that issued the original design [Regulation 245 (2)].

How to apply for registration

Visit the SafeWork SA website at <https://safework.sa.gov.au> to download an application form.

Fees

Please see the SafeWork SA website at <https://safework.sa.gov.au> for current fees.

Lodging the application

The application and the supporting documentation may be lodged by:

Email: licensing.safework@sa.gov.au

Post to: SafeWork SA, Licensing Unit, GPO Box 465, Adelaide, South Australia, 5001

Granting / Renewing / Refusing

What does SafeWork SA take into account when deciding whether to grant a plant design registration

SafeWork SA will consider the following in making a decision to grant registration:

- Whether the applicant holds an equivalent registration in another state or territory or the Commonwealth issued under a corresponding WHS law, and
- Whether the applicant lives in South Australia or if a body corporate applicant has its registered address in South Australia, or if the applicant resides or is located outside of the jurisdiction SafeWork SA, is satisfied that special circumstances exist to grant the registration, and
- Whether the applicant is able to ensure compliance with any condition that will apply to the registration, and
- Whether the applicant in making the application has given information that is false or misleading or has failed to provide information that should have been given (mandatory refusal) [Regulation 256 (3)].

SafeWork SA may request additional information [Regulation 255].

If SafeWork SA decides to grant the registration, it must notify the applicant within 14 days after making the decision [Regulation 256 (4)].

If SafeWork SA does not make a decision within 120 days after receiving the application, or additional information request under regulation 255, the application is taken to have been refused [Regulation 256 (5)].

Granting of a conditional plant design registration

SafeWork SA may impose any condition it considers appropriate on a plant design registration. Such conditions may include:

- Limit on operational cycles, or plant design life
- Mandatory marking of design registration number on each manufactured plant
- Use and maintenance of the plant
- Recording or keeping information
- Provision of information to SafeWork SA [Regulation 258].

A decision to impose a condition/s on the registration of a plant design is a reviewable decision [Regulation 676].

It is an offence for a person to fail to comply with a condition of registration given to the person (section 45 of the Act).

Refusing to grant a plant design registration

SafeWork SA must refuse to grant a registration if it is satisfied that in making the application the applicant has given false or misleading information or failed to provide information that should have been given (mandatory refusal) [Regulation 256 (3)].

If SafeWork SA refuses to grant a registration, it must give the applicant written notice of the decision and reasons for the decision and advise the applicant that they may by a specified date (being not less than 28 days after giving the notice) make a submission in relation to the proposed refusal [Regulation 257].

A decision to refuse to register plant design is a reviewable decision [Regulation 676].

Obligations

Inspection

The registration holder must keep the registration document available for inspection under the Act. This does not apply if the registration document has been returned to SafeWork SA for amendment at the request of SafeWork SA, or if a replacement registration document has been applied for but not yet received [Regulation 262].

Design registration number to be kept in the vicinity of the item of plant

The person with management or control of the plant at a workplace for which a plant design is registered must ensure the design registration number is readily accessible and in the vicinity of the plant at all times [Regulation 260 (5)].

Design registration number to be given to the manufacturer, importer or supplier

The person to whom the plant design registration number is issued must give the registration number to the manufacturer, importer or supplier of plant manufactured to that design [Regulation 260 (3)], unless that person is also the person with management or control of the item of plant.

Duty of design verifiers

A design verifier of a design of plant specified in Schedule 5, Part 1 must document the design verification process carried out by that person and the results of that process [Regulation 253].

Change of details

The registration holder must give SafeWork SA written notice of changes to their name or address or to any information provided to SafeWork SA when they applied for the design registration, within 14 days of the change [Regulation 282 (1)].

Replacement registration document

A registration holder must give written notice to SafeWork SA as soon as possible, if the registration document is lost, stolen or destroyed and may apply for a replacement registration document. An application for a replacement registration document must include a declaration describing the circumstances in which the original was lost, stolen or destroyed [Regulation 288].

A decision to refuse to issue a replacement registration document is a reviewable decision [Regulation 676].

Application for review of decision

The table in Regulation 676 sets out decisions that are reviewable (reviewable decisions) and who is eligible (eligible persons) to apply for the review of a reviewable decision.

The applicant is the eligible person to request a review of a decision to refuse to grant a registration of a plant design [Regulations 256] or to impose condition/s on the grant of registration of plant design [Regulations 258].

The registration holder is the eligible person to request a review of a decision to refuse to issue a replacement registration document [Regulation 288].

Internal review

An application for internal review allows SafeWork SA's decision to be reviewed and possibly changed by a person who was not involved in the original decision. A written application for the internal review of a reviewable decision is made using the application form provided by SafeWork SA. The application must be lodged with 28 days of the day on which the decision first came to the eligible person's notice or such longer period as SafeWork SA allows [Regulation 678 (1)].

The internal reviewer may:

- confirm or vary the reviewable decision, or
- set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.

[Regulation 680 (2)].

If the reviewable decision is not varied or set aside within the 14 day period the internal decision is taken to have been confirmed [Regulation 680 (6)].

SafeWork SA will give the applicant written notice of the decision on the internal review and the reasons for the decision within 14 days of making the decision [Regulation 681].

An application for an internal review does not affect the operation of the original decision or prevent the taking of any lawful action to implement or enforce the decision, though once the decision on internal review is made if a new decision is substituted then that new decision takes effect [Regulation 682].

External review

If the applicant or the registration holder of the item of plant is not satisfied with the decision on internal review, they can apply to the Industrial Relation Court of South Australia for an external review.

Further information

For further information and assistance to complete the form please contact SafeWork SA:

Visit: safework.sa.gov.au

Call: SafeWork Licensing Unit on 1300 365 255

Email: licensing.safework@sa.gov.au

Legislation

The *Work Health and Safety Act 2012 (SA)* and the *Work Health and Safety Regulations 2012 (SA)* can be found on the SafeWork SA website at <http://safework.sa.gov.au>.

List of jurisdiction contacts

Jurisdiction	Name of regulator	Telephone	Website
South Australia	SafeWork SA	1300 365 255	safework.sa.gov.au
New South Wales	SafeWork NSW	13 10 50	safework.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089	worksafe.vic.gov.au
Queensland	WorkSafe Queensland	1300 362128	worksafe.qld.gov.au
Western Australia	WorkSafe WA (Department for Mines, Industry Regulation and Safety)	1300 307 877	dmirs.wa.gov.au
Australian Capital Territory	WorkSafe ACT	13 22 81	worksafe.act.gov.au
Tasmania	WorkSafe Tasmania	1300 366 322 (inside Tasmania) (03) 6166 4600 (outside Tasmania)	worksafe.tas.gov.au
Commonwealth	Comcare	1300 366 979	comcare.gov.au
Northern Territory	NT WorkSafe	1800 019 115	worksafe.nt.gov.au