



**Government
of South Australia**

SafeWork SA

Item of plant registration

Guidance Notes

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Legislative requirements

The registration of items of plant are regulated through the:

- *Work Health and Safety Act 2012 (SA) (WHS Act)*
- *Work Health and Safety Regulations 2012 (SA) (WHS Regulations)*

The *Work Health and Safety Act 2012* makes it an offence to use an unregistered item of plant if the Act requires it to be registered.

The purpose of registering an item of plant is to ensure that it is inspected by a competent person that it is safe to operate.

Scope

The items of plant that requires registration under the WHS Regulations are:

- boilers categorised as hazard level A, B or C according to criteria in Section 2.1 of AS 4343:2005 Pressure equipment—hazard levels.
- pressure vessels categorised as hazard level A, B or C according to the criteria in Section 2.1 of AS 4343:2005 Pressure equipment—hazard levels, except: gas cylinders; LP Gas fuel vessels for automotive use, and serially produced vessels.
- tower cranes, including self-erecting tower cranes
- lifts, including escalators and moving walks
- building maintenance units
- amusement devices classified 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.
- concrete placing booms

- mobile cranes with a rated capacity of greater than 10 tonnes.

Further exception:

- a crane or hoist that is manually powered.

Plant registered in another state/territory/Commonwealth

An item of plant is not required to be registered if the plant has been registered by another state or territory or the Commonwealth WHS Regulator.

Registration requirements

A person with management or control of an item of plant may apply to SafeWork SA for the registration of that item of plant.

A person with management or control of an item of plant generally refers to the person conducting the business or undertaking (PCBU) that owns the item of plant. A PCBU is defined in section 5 of the WHS Act.

A PCBU may be an individual, a body corporate, a government agency, each partner in a partnership or an unincorporated association.

Competent person

A competent person must inspect the item of plant to determine that it is safe to operate. A person is considered competent to inspect an item of plant if the person has:

- educational or vocational qualifications in an engineering discipline relevant to the plant to be inspected, or
- knowledge of the technical standards relevant to the plant to be inspected.

Residence/location

Subject to the applicant meeting the requirements of the WHS Regulations, SafeWork SA can register an item of plant if:

- the applicant does not hold an equivalent registration with another state or territory or the Commonwealth WHS regulator issued under a corresponding WHS law, and
- for fixed plant:
 - the plant is located in South Australia or
 - if located outside South Australia SafeWork SA is satisfied that circumstances exist to justify the grant of the registration

- for mobile plant:
 - if an individual applicant resides in South Australia, or
 - if a body corporate applicant has the registered business office in South Australia, or
 - if the applicant resides/location is not in South Australia, SafeWork SA is satisfied that circumstances exist to justify the grant of the registration.

Duration of registration

A registration for an item of plant takes effect on the day it is granted and expires 5 years after that day.

If a registration holder applies for the renewal of a registration, the registration continues to remain in force until the registration holder is given notice of the decision on the renewal application.

Recognition of interstate authorisations

An item of plant specified in Part 2 of Schedule 5 does not require registration by SafeWork SA if the plant has been registered by another state or territory or the Commonwealth WHS Regulator under a corresponding WHS.

Applying for registration

Visit the SafeWork SA website (<https://safework.sa.gov.au>) to commence the online application process.

Fees

See the SafeWork SA website (<https://safework.sa.gov.au>) au for current fees.

Granting / Renewing / Refusing

When making a decision to grant a registration, SafeWork SA will consider:

- whether the applicant holds an equivalent registration with another state or territory or the Commonwealth WHS Regulator issued under a corresponding WHS law, and
- whether the applicant lives in South Australia or if a body corporate has its registered address in South Australia. Where the applicant resides/is located outside South Australia, the applicant must satisfy SafeWork SA that special circumstances exist to grant the registration, and

- Whether the plant is located in South Australia or if located outside South Australia, 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.
- For a renewal of a registration, whether the plant has been maintained and inspected in accordance with regulation 213. [Regulation 279 (1) (b)].

SafeWork SA may request additional information to assist in the decision process. [Regulation 268].

If SafeWork SA decides to grant the registration, it must notify the applicant within 14 days after making the decision. [Regulation 269 (4)]

If SafeWork SA does not make a decision within 120 days after receiving the application or additional information requested under regulation 268, the application is taken to have been refused. [Regulation 269].

A refusal to grant an application is a reviewable decision. [Regulation 676].

Getting a conditional registration

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

- Use and maintenance of the plant;
- Recording or keeping information; and
- Provision of information to SafeWork SA. [Regulation 271]

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

Refusing to grant a plant 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 269 (3)].

If SafeWork SA proposes to refuse to grant or renew the registration, it must provide written notice to the applicant:

- Informing the applicant of the reasons for the proposed refusal; and

- Advising the applicant that they may, by a specified date (not being less than 28 days after giving the notice) make a submission in relation to the proposed refusal. [Regulation 270(1)]

After the specified date SafeWork SA must:

- If the applicant has made a submission, consider the submission ; and
- Whether or not the applicant has made a submission, decide whether to grant or refuse to grant the registration; and
- Within 14 days after making the decision, give the applicant written notice of the decision including reasons for the decision. [Regulation 270 (2)]

[Regulations 269, 270 and 279]

A decision to refuse the grant or renew a registration is a reviewable decision. [Regulations 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 the application has been made for a replacement registration which is not yet received. [Regulation 275].

Registration number

The person with management or control of plant at a workplace must ensure that the registration number is marked on or near the item of plant. [Regulation 273 (4)].

Changes to details

The registration holder must give SafeWork SA, within 14 days of the change, written notice of the following:

- Change to their name or address or any information provided to SafeWork SA when they applied for registration.
- Where the item of plant has been altered to an extent which requires the plant to be subject to new control measures, or
- Where an item of plant is usually fixed and has been relocated, or

- Where the registration holder no longer has management or control of the item of plant.

[Regulation 282].

Replacement registration document

If a replacement registration document is required due to the document being lost, stolen or destroyed, the registration holder must give written notice to SafeWork SA as soon as reasonably practicable. The written notice must include a declaration describing the circumstances in which the original document 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 an item of plant [Regulations 269, 270] or to impose condition/s on the grant of registration of plant design. [Regulations 271].

The registration holder is the eligible person to request a review of a decision to refuse to renew a registration for an item of plant [Regulation 279] or 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 Relations Court of South Australia for an external review of the decision. [Regulation 683]

Further information

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

Visit: safework.sa.gov.au

Call: 1300 365 255

Email: licensing.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