

Guide

Plant design registration

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Introduction

Why you need plant design registration

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

Under Section 42 of the *Work Health and Safety (National Uniform Legislation) Act* – the WHS (NUL) 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 Part 1 of Schedule 5 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 1.1 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 the following:
 - 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, other than inflatable devices (continuously blown) with a platform height of 3 metres or more.
- 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 11 hazardous chemicals
- Vehicle hoists
- Mast climbing work platforms
- Mobile cranes with a rated capacity of greater than 10 tonnes
- **Further exceptions:**
 - a heritage boiler, or
 - a crane or hoist that is manually powered, or
 - an elevating work platform that is a scissor lift or a vertically moving platform, or
 - a tow truck; or
 - a reachstacker

Who may apply for a plant design registration

A person conducting a business or undertaking that designs plant or a person who has management or control of an item of plant may apply to the Regulator for the registration of the plant's design – Regulation 249. "Person conducting a business or undertaking" (PCBU) is defined in Section 5 of the WHS (NUL) Act.

A PCBU may be an individual, a body corporate, a government agency, 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 [Regulation 250(2)(g)]. 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 WHS (NUL) Act in respect to the design of the plant and specify the published technical standards and 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 includes 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 application – 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). The Regulator may, on application by the person, make a determination on the competence of a person to verify the design of plant, where exceptional circumstances exist – Regulation 252 (1).

A person is ineligible to be a design verifier if:

- The person was involved in the plant's design, or
- At the time the design was produced, the person was engaged by the PCBU that produced the design.

Regulation 252

Residence/location

The Regulator must register, subject to the applicant meeting the other requirements of the WHS (NUL) Regulations, 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 the Northern Territory or if residing outside the Northern Territory satisfies the Regulator of circumstances justifying the granting of the registration – Regulation 256(2)(c), or

- If a body corporate applicant, the registered address is located in the Northern Territory or if located outside the Northern Territory satisfies the Regulator of circumstances justifying the granting of the registration – Regulation 256(2)(d).

Duration of registration

A plant design registration 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).

This does not apply in relation to a tower crane or a gantry crane if:

- (a) the crane is relocated for use in a different workplace; and
- (b) the design of the supporting structure or foundations of the crane is altered in accordance with a site-specific design prepared for the purpose of the safe operation of the crane at the new location; and
- (c) the design of the crane is not altered in any other way.

Regulation 244 (3)

Recognition of interstate authorisations

A plant design is not required to be registered in the Northern Territory if the design has been registered by another State or Territory or the Commonwealth WHS Regulator – Regulation 245(1).

A design that has been altered is not required to be registered in the Northern Territory if the design alteration has been registered by another State or Territory or the Commonwealth WHS Regulator – Regulation 245(2).

How to apply for registration

Application forms are available on NT WorkSafe's website www.worksafe.nt.gov.au.

Fees

- New application \$105
- Replacement Registration document \$30

Granting/renewing/refusing

What does the regulator take into account when deciding whether to grant a plant design registration

The Regulator 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 WHS Regulator, and
- Whether the applicant lives in the Northern Territory or if a body corporate applicant has its registered address in the Northern Territory or if the applicant resides/is located outside of the jurisdiction the Regulator is satisfied that special circumstances exist to justify the grant of 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 – Regulation 256
- The Regulator may request additional information – Regulation 255.

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

If the Regulator does not make a decision within 120 days after receiving the application, or additional information requested under Regulation 255, the application is taken to have been refused – Regulation 256(5).

Granting of a conditional plant design registration

The Regulator may impose any conditions it considers appropriate on a plant design registration. Such conditions may include:

- Use and maintenance of the plant
- Recording or keeping information
- Provision of information to the Regulator.

A decision to impose a condition/s on the registration of a plant design is a reviewable decision – Regulation 258.

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

Refusing to grant a plant design registration

The Regulator 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 – Regulation 256(3).

If the Regulator refuses to grant a registration, written notice of the decision and reason for the decision, must be given to the applicant – Regulation 257.

A decision to refuse to register plant design is a reviewable decision – Regulation 256.

Obligations

Registration document available for inspection

The registration holder must keep the registration document available for inspection under the WHS (NUL) Act. This does not apply if the registration document has been returned to the Regulator for amendment at the request of the Regulator – 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 in the 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 to that design – Regulation 260(3).

Duty of design verifiers

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

Change of details

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

Replacement registration document

A registration document holder must give written notice to the Regulator 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 and accompanied by the relevant fee

A decision to refuse to issue a replacement registration document is a reviewable decision – Regulation 288.

Application for review of decision

The table in Regulation 676 sets out decisions that are reviewable (reviewable decisions) and who is eligible (eligible person) 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 – Regulation 256 – or to impose condition/s on the grant of registration of plant design – Regulation 258.

The registration holder or the person in management or control of the item of plant 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 the Regulator'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 the Regulator. The application must be lodged within 28 days after the day on which the decision first came to the eligible person's notice or such longer period as the Regulator 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).

The Regulator will give the applicant written notice of the decision on the internal review and 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 or the person in management or control of the item of plant is not satisfied with the decision on internal review, they can apply to the Work Health Court.

Further information

Legislation

The Work Health and Safety (National Uniform Legislation) Act and Work Health and Safety (National Uniform Legislation) Regulations are available on NT WorkSafe’s website www.legislation.nt.gov.au.

List of jurisdiction contacts

Jurisdiction	Name of Regulator	Telephone	Web site
Commonwealth	Comcare	1300 366 979	www.comcare.gov.au
New South Wales	WorkCover NSW	13 10 50	www.workcover.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089 or (03) 9641 1444	www.worksafe.vic.gov.au
Queensland	WorkCover QLD	1300 362 128	www.worksafe.qld.gov.au
South Australia	SafeWork SA	1300 365 255	www.safework.sa.gov.au
Western Australia	WorkSafe WA	1300 307 877	www.worksafe.wa.gov.au
Australian Capital Territory	WorkSafe ACT	(02) 6207 3000	www.worksafe.act.gov.au
Tasmania	WorkSafe Tasmania	1300 366 322 (Inside Tasmania) (03) 6166 4600 (Outside Tasmania)	www.worksafe.tas.gov.au

Contact us

For further information please contact us on 1800 019 115, via email at ntworksafe@nt.gov.au or go to the NT WorkSafe website at www.worksafe.nt.gov.au.

DISCLAIMER

This publication contains information regarding work health and safety. It includes some of your obligations under the *Work Health and Safety (National Uniform Legislation) Act* – the WHS (NUL) Act – that NT WorkSafe administers. The information provided is a guide only and must be read in conjunction with the appropriate legislation to ensure you understand and comply with your legal obligations. NT WorkSafe does not warrant the information in this publication is complete or up-to-date and does not accept any liability for the information in this report or as to its use.