

Guide

Plant item registration

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Introduction

Why you need plant registration

The Work Health and Safety (National Uniform Legislation) Regulations – WHS (NUL) Regulations – Northern Territory provides for the registration of items of plant that are listed in Part 2 of Schedule 5 of the WHS (NUL) Regulations – Regulation 246(1).

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 WHS (NUL) regulations require the plant be authorised (registered) and the plant is not authorised (registered).

The purpose of registering an item of plant is to ensure that it is inspected by a competent person and that it is safe to operate – Regulation 246(2).

Scope

An item of plant specified in Part 2 of Schedule 5 of the regulation must be registered – Regulation 246(1).

List of plant requiring registration:

- 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 covered by Section 2.1 of AS 3533.1:2009 (Amusement Rides and devices- Design and construction), except the following:
 - class 1 structures;
 - 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.
- Mobile cranes with a rated capacity of greater than 10 tonnes.

Exceptions:

The following items of plant do not require plant item registration:

- Any pressure equipment (other than a gas cylinder) excluded from the scope of AS/NZS 1200:2000 (pressure equipment);
- a crane or hoist that is manually powered;
- a reach stacker

An item of plant is not required to be registered in the Northern Territory if the plant is registered in another State or Territory or the Commonwealth WHS Regulator – Regulation 247.

Who may apply for a plant registration

A person with management or control (PWMC) of an item of plant may apply to the Regulator for the registration of that item of plant – Regulation 265. “Person with management or control of an item of plant” is defined in Regulation 5 as having the same meaning as in Section 21 of the WHS (NUL) Act.

Under Section 21 of the WHS (NUL) Act, a PWMC of an item of plant means a person conducting a business or undertaking (PCBU) to the extent that the business or undertaking involves the management or control of plant, in whole or in part, at a workplace, but does not include the occupier of a residence, unless the residence is occupied for the purposes of, or as part of, the conduct of a business or undertaking; or a prescribed person.

Person conducting a business or undertaking” 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.

Competent person

A competent person must inspect the item of plant to determine that it is safe to operate. A person is 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.

Regulation 267

Residence/location

The Regulator must register an item of plant, subject to the applicant meeting the other requirements of the WHS (NUL) Regulations, if:

- The applicant does not hold an equivalent registration with another State or Territory or the Commonwealth WHS Regulator, and
- For fixed plant, the plant is located in the Northern Territory or if located outside the Northern Territory the Regulator is satisfied that circumstances exist to justify the grant of the registration.
- For mobile plant, if an individual applicant resides in the Northern Territory or if a body corporate applicant, the registered business office is in the Northern Territory or if the applicant resides/location is not in the Northern Territory the Regulator is satisfied that circumstances exist to justify the grant of the registration.

Regulation 269(2)(b) – (e)

Duration of registration

A registration for an item of plant will last for 5 years – Regulation 272.

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 – Regulation 278.

Recognition of interstate authorisations

An item of plant specified in Part 2 of Schedule 5 does not require registration by the Regulator if the plant has been registered by another State or Territory or the Commonwealth WHS Regulator – Regulation 247.

How to apply for registration

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

Fees

- New Registration \$71
- Renewal of registration: \$81
- Replacement registration document \$30

Granting/renewing/refusing

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

The Regulator will consider the following in making a decision to grant registration:

- Whether the applicant holds an equivalent registration with another State, 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 grant the registration, and
- Whether the plant is located in the Northern Territory or if located outside the Northern Territory, the Regulator 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).

The Regulator may request additional information to assist in the decision process
– Regulation 268.

If the Regulator decides to grant the registration, it must notify the applicant within 14 days after making the decision.

If the Regulator 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.

Granting of a conditional registration

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

- Use and maintenance of the plant
- Recording or keeping of 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 271.

Refusing to grant a plant 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 (Mandatory refusal) – Regulation 269(3).

If the Regulator proposes to refuse to grant or renew the registration, written notice must be provided to the applicant:

- Informing the applicant of the reasons for the proposed refusal, and
- Advising 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.
- After the specified date the Regulator 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.

A decision to refuse the grant or renew a registration is a reviewable decision – Regulations 269, 270 and 279.

Obligations

Inspection of Registration Document

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 275.

Registration number

The PWMC of plant at a workplace must ensure that the registration number is marked on the item of plant – Regulation 273(4).

Changes to details

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

- Change to their name or address or any information provided to the Regulator 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 risk 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 the Regulator 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.

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 or the PWMC of the item of plant are the eligible persons 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 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 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 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.