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| **PLANT/EQUIPMENT - DUTIES FOR DESIGN, MANUFACTURE, IMPORTATION,**  **SUPPLY, LEASE/HIRE, ACQUISITION, INSTALLATION AND COMMISSIONING** |

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| **LEGISLATIVE REQUIREMENTS**  **Designers of plant/equipment**   * **In accordance with** [**WHS Act (SA)**](https://www.legislation.sa.gov.au/LZ/C/A/WORK%20HEALTH%20AND%20SAFETY%20ACT%202012/CURRENT/2012.40.AUTH.PDF) **section 22**   The designer of plant/equipment that is to be used, or could be expected to be used at the workplace, must ensure the plant/equipment is designed to be without risks to the health and safety of persons who:   * use the plant/equipment for which it was designed; or * who store the plant/equipment at the workplace; or * who carry out any reasonably foreseeable activity at the workplace in relation to the manufacture, assembly or use of the plant/equipment for which it was designed, or the proper storage, decommissioning, dismantling or disposal of the plant/equipment (e.g. inspection, operation, cleaning, maintenance or repair of the plant/equipment); or * who are at or in the vicinity or could be affected by a use or activity associated with the plant/equipment. * **In accordance with** [**WHS Regulations (SA) [section187]**](http://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx)   Designers of plant/equipment must provide or relay to the manufacturer relevant information (including the risk assessment) in relation to:   * information which enables the manufacture in accordance with design specifications;   and if applicable, information about the   * installation, commissioning, decommissioning, use, handling and storage and, if the plant is capable of being dismantled, dismantling of the plant; and * hazards and risks associated with use of the plant/equipment that the designer has identified; and * testing or inspections to be carried out on the plant/equipment; and * systems of work and competency of operators that are necessary for the safe use of the plant/equipment; and * emergency procedures (if any) that are required to be implemented if there is a malfunction of the plant/equipment; and * registration of design if required under [WHS Regulations 2012 (SA) [section 243-263].](http://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx)   **In addition**   * Where the designer uses guarding as a control measure, the requirements of [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx), section 189 are to be met. This includes the requirements: * to prevent access to the danger point or danger area of the plant/equipment; * for fixed barriers, interlocks, presence-sensing safeguarding systems where applicable; * for the safe maintenance and cleaning if the guarding is removed. * Where the designer provides for operational controls for the plant/equipment, the requirements of WHS Regulations [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx), section 190 are to be met. * Where emergency stop controls are fitted, the requirements of [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) section 191 are to be met. * Where a warning device is necessary to minimise the risk, the requirements of [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) section 192 are to be met. * A designer must ensure that the plant/equipment is designed so that noise emission is as low as is reasonably practicable and meets the requirements of [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) section 59 are met, * A designer must ensure that the plant/equipment is designed to eliminate or minimise the need for any hazardous manual task to be carried out and meets the requirements of [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) section 61. * Where the plant/equipment includes a space that is or is intended to be a confined space, the requirements of [WHS Regulations (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) section 64 are met.   **If your Faculty/Division/area designs plant/equipment then the responsibilities outlined above are applicable to the person(s) in control of the design activity.**  Continued |

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| **LEGISLATIVE REQUIREMENTS**  **Manufacturers of plant/equipment**  For the duties on manufacturing of plant/equipment please refer to:   * [WHS Act 2012 (SA) [section 23]](http://www.legislation.sa.gov.au/LZ/C/A/Work%20Health%20and%20Safety%20Act%202012.aspx) * [WHS Regulations 2012 (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx)   Section 59 (Noise emission)  Section 61 (Hazardous manual tasks)  Section 64 (Confined spaces)  Section 188 (Hazard identified in design during manufacture)  Section 193 (Control of risk)  Section 194 (Guarding)  Section 195 (Information must be obtained and provided)  **If your Faculty/Division/area manufactures plant/equipment then the responsibilities outlined above are applicable to the person(s) in control of the manufacturing activity**. This includes ensuring that hazards (i.e. those listed under [hazardous plant](#hazardousplant)) are managed throughout all phases of the manufacture/construction (e.g. from the start to the completion of a student project in a workshop/laboratory).  **Importers of plant/equipment**  For the duties on importing of plant/equipment please refer to:   * [WHS Act 2012 (SA) [section 24]](http://www.legislation.sa.gov.au/LZ/C/A/Work%20Health%20and%20Safety%20Act%202012.aspx) * [WHS Regulations 2012 (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) [ Section 196 – 197]   Importers must:   * obtain as much documentation from the overseas designers, manufacturers and suppliers as possible.  This information must be in English. * ensure that plant/equipment is inspected, tested and hazards are identified. * not supply plant/equipment under [WHS Regulations 2012 (SA) schedule 5 part 1](http://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx) unless the design is registered.   **Suppliers of plant/equipment**  For the duties on supplying of plant/equipment please refer to:   * [WHS Act 2012 (SA) [section 25]](http://www.legislation.sa.gov.au/LZ/C/A/Work%20Health%20and%20Safety%20Act%202012.aspx) * [WHS Regulations 2012 (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx)   Section 198 (Information to be obtained and provided by supplier)  Section 199 (Supply of second-hand plant – duties of supplier)  Section 200 (Second-hand plant to be used for scrap or spare parts)  (Note – A person who hires or leases plant/equipment to others will have duties as a supplier of plant/equipment.)  **Persons who install, construct or commission plant/equipment**  For the duties please refer to:   * [WHS Act 2012 (SA) [section 26]](http://www.legislation.sa.gov.au/LZ/C/A/Work%20Health%20and%20Safety%20Act%202012.aspx) * [WHS Regulations 2012 (SA)](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx)   Section 201 (Duties) This includes ensuring that the plant/equipment is installed, constructed or commissioned having regard to the information provided by the designer, manufacturer, importer or supplier of the plant/equipment under the Act and Regulations.  Section 204 (Control of risks arising from installation or commissioning)  This includes installing the plant/equipment, the positioning of the plant/equipment, performing the necessary adjustments, tests and inspections to ensure the plant/equipment is in full working order to specified requirements before the plant/equipment is commissioned and used. |

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| **Purchasing and hiring plant/equipment (including second-hand plant/equipment)**  For information refer to:   * [Code of Practice “Managing the risks of plant in the workplace”](https://www.safework.sa.gov.au/workplaces/codes-of-practice)   Section 3.1 (Information that must be provided by the supplier of the plant/equipment)  Includes, but not limited to:   * The purpose for which the plant/equipment was designed or manufactured; * The results of calculations, analysis, testing or examination carried out to determine that the plant/equipment is without risk to health and safety; * Conditions necessary for the safe use of the plant/equipment; * Alterations or modifications made to the plant/equipment; * If second-hand, written notice of the condition of the plant/equipment and any faults identified; * That the plant/equipment is safe to use; * The manufacturer’s information about the purpose of the plant/equipment and its proper use. * Arrangements for inspecting and maintaining the plant/equipment in accordance with the manufacturer’s specifications.   For information on plant/equipment acquisitions, installation and commissioning, please refer to the prompts within the [Plant/equipment Acquisition, Installation and Commissioning Checklist Information Sheet](https://www.adelaide.edu.au/hr/hsw/hsw-faqs/plant-equipment-safety-management-faqs).  **Registering an item of plant/equipment**  Certain items of plant/equipment and types of plant/equipment must be registered in accordance with the [WHS Regulations 2012 (SA) Schedule 5](https://www.legislation.sa.gov.au/LZ/C/R/Work%20Health%20and%20Safety%20Regulations%202012.aspx).  A person must not use a registrable item of plant/equipment in the workplace if it has not been registered.  In order to have an item of plant/equipment registered, the item must be inspected and a statement provided by a competent person stating the plant/equipment is safe to operate. A person is competent to inspect an item of plant/equipment if the person has educational or vocational qualifications in an engineering discipline relevant to the plant/equipment, or knowledge of the technical standards relevant to the plant/equipment to be inspected.  If the design of the plant/equipment was also required to be registered, the design registration number must be included with the application.  Registration duration  Registration of an item of plant/equipment applies for 5 years and takes effect on the day the registration is granted.  Once the item of plant/equipment is registered  The regulator will issue a registration document. The regulator may impose conditions on registered items of plant/equipment including conditions about the use and maintenance of the plant/equipment, record keeping or providing information to the regulator.  Further information on registering plant/equipment is provided in Chapter 5 of the [Code of Practice “Managing the risks of plant in the workplace”](https://www.safework.sa.gov.au/workplaces/codes-of-practice). |