

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

LEGISLATIVE REQUIREMENTS

Designers of plant/equipment

- **In accordance with [WHS Act \(SA\) 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 \(SA\) \[section 187\]](#)**
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 \(SA\) \[section 243-263\]](#).

In addition

- Where the designer uses guarding as a control measure, the requirements of [WHS Regulations \(SA\)](#), 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 \(SA\)](#), section 190 are to be met.
- Where emergency stop controls are fitted, the requirements of [WHS Regulations \(SA\)](#) section 191 are to be met.
- Where a warning device is necessary to minimise the risk, the requirements of [WHS Regulations \(SA\)](#) 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 \(SA\)](#) 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 \(SA\)](#) section 61.
- Where the plant/equipment includes a space that is or is intended to be a confined space, the requirements of [WHS Regulations \(SA\)](#) 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 \(SA\) \[section 23\]](#)
- [WHS Regulations 2012 \(SA\)](#)
 - 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](#)) 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 \(SA\) \[section 24\]](#)
- [WHS Regulations 2012 \(SA\) \[Section 196 – 197\]](#)

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](#) unless the design is registered.

Suppliers of plant/equipment

For the duties on supplying of plant/equipment please refer to:

- [WHS Act 2012 \(SA\) \[section 25\]](#)
- [WHS Regulations 2012 \(SA\)](#)
 - 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 \(SA\) \[section 26\]](#)
- [WHS Regulations 2012 \(SA\)](#)

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"](#)
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](#).

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](#).

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"](#).

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