

Plant design registration

Guide for applicants

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Introduction

Why you need plant design registration

The Queensland Work Health and Safety Regulation 2011 (WHS Regulation) provides that a manufacturer, an importer or a supplier must not supply plant specified in Part 1 Schedule 5 of the WHS Regulation unless the design is registered with a WHS Regulator [WHS Regulations 231, 232, 233].

Under Section 42 of the *Work Health and Safety Act 2011* (WHS Act) it is an offence to use plant if the WHS Regulation 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 WHS Regulation 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 Pressure equipment—hazard levels. (Note: pressure equipment listed in AS1200 Appendix A does not require registration; nor does a boiler designed or manufactured to Parts 1-4 of the Australian Miniature Boiler Safety Committee Codes.)
- gas cylinders covered by Part 1.1 of AS 2030.1 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—Amusement Rides and Devices, except:
 - class 1 structures
 - playground structures
 - 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 (Note: water balls do not require design registration.)
- 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 crane or hoist that is manually powered
- an elevating work platform that is a scissor lift or a vertically moving platform
- a tow truck
- a reach stacker.

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 Workplace Health and Safety Queensland (WHSQ) for the registration of the plant's design [WHS Regulation 245]. "Person conducting a business or undertaking" is defined in Section 5 of the Act.

A person conducting a business or undertaking 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. The drawings must be capable of being kept in electronic form [WHS 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 Act in respect to the design of the plant and specify the published technical standards and engineering principles used in the design [WHS Regulation 250 (2) (d)].

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 the technical standard or engineering principles specified in the application [WHS 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 [WHS Regulation 252 (1), Schedule 19 definition of competent person].

A person is ineligible to be a design verifier if:

- the person was involved in the plant's design
- at the time the design was produced, the person was engaged by the person conducting the business or undertaking that produced the design. This does not apply where the person conducting the business or undertaking that produced the design uses a quality system to undertake the design that has been certified by a body accredited or approved by the Joint Accreditation System of Australia and New Zealand.

[WHS Regulation 252]

Note: a person must not carry out professional engineering services in Queensland unless they are a registered professional engineer under the *Professional Engineers Act 2002 (Qld)*. More information regarding the requirements of the *Professional Engineers Act 2002 (Qld)* can be obtained from the [Board of Professional Engineers, Queensland](#).

Residence/location

WHSQ must register, subject to the applicant meeting the other requirements of the WHS Regulation, the design if:

- the applicant does not hold an equivalent registration with another state or territory or the Commonwealth WHS Regulator [WHS Regulation 256 (2) (b)]
- if an individual applicant resides in Queensland or if residing outside Queensland satisfies WHSQ of circumstances justifying the granting of the registration [WHS Regulation 256 (2) (c)]
- if a body corporate applicant, the registered address is located in Queensland or if located outside Queensland satisfies WHSQ of circumstances justifying the granting of the registration [WHS Regulation 256 (2) (d)].

Duration of registration

A plant design registration is granted for an unlimited duration [WHS 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 [WHS Regulation 244 (1)].

A reference to the alteration of a design is a reference to an alteration that may affect health and safety [WHS Regulation 244 (2)].

Recognition of interstate authorisations

A plant design is not required to be registered in Queensland if the design has been registered by another state or territory or the Commonwealth WHS Regulator [WHS Regulation 245 (1)].

A design that has been altered is not required to be registered in Queensland if the design alteration has been registered by another state or territory or the Commonwealth WHS Regulator [WHS Regulation 245 (2)].

How to apply for registration

To apply you will need to complete [Form 14 - Application for registration of plant design](#) which has 8 sections. The applicant needs to complete sections 1, 2 and 3, request that the designer complete sections 5 and 6 and finally request that the design verifier complete sections 7 and 8. WHSQ completes the confirmation in section 4.

- Section 1 is where the applicant provides the details of their location and their business or undertaking.
- Section 2 is the declaration of the applicant.
- Section 3 incorporates the fields for the details of the plant and includes general details to describe the plant as well as particular specifications for the different types of plant.
- Section 4 is completed by WHSQ as part of the registration and confirmation process.
- Sections 5 and 6 are the details of the designer, the designer's statement and declaration for the plant. It includes the details of the plant and the referenced documents attached to the application. If the designer is located overseas, the statement can be provided on the designer's company letterhead.
- Sections 7 and 8 are the design verifier's details and declaration. It includes details of the plant and the referenced documents that are attached to the application. The design verifier statement is to refer to the technical standards or engineering principles stated by the designer.

All sections of the form are to be completed to ensure the application can be processed with minimal delay. A checklist is included at the end of the form to assist with determining that the application is ready to be submitted. The same process applies to a new plant design registration or for an alteration to a registered plant design.

Lodging your application

Submit your completed application to the Engineering Unit, WHSQ. It is preferred that the applications be lodged via e-mail.

Email: designregistrationapplications@oir.qld.gov.au

What happens after I submit an application?

After receiving an application and payment has been received:

1. WHSQ will assess your application.
2. Each section of the application form is checked to ensure all information provided is complete. It is important that all applicants provide the correct information in the first instance as this will ensure the applications are processed without delay.
3. If any information is missing, the applicant will be contacted either by email or phone.
4. Once details are verified as complete the application will be registered.
5. A registration document will be returned to the applicant and a copy kept by WHSQ. The plant design registration number will be provided on the registration document which includes a

registration confirmation section completed by an authorised officer of WHSQ. On receipt of the confirmed design registration, the applicant must provide the plant design registration number to anyone involved with the manufacture, importation or supply of the plant. Manufacturers, suppliers and importers are required to provide the plant design registration number to anyone who purchases the plant.

6. Following the registration of plant design, an owner is required to register specified items of plant before it is permitted to be used at the workplace. Find out more about plant registration on the website, worksafe.qld.gov.au.

Fees

Payment of the fee must be made when lodging the application. View the list of scheduled fees at worksafe.qld.gov.au/oir-fees. GST does not apply to fees.

Payment options are:

1. Call 1300 362 128 and ask to be transferred to the Engineering Unit to provide credit card details over the phone.
2. Provide a cheque or money order payable to *Department of Justice and Attorney-General*.

Postal address:

Engineering Unit
Workplace Health and Safety Queensland
Office of Industrial Relations

PO Box 820
Lutwyche Qld 4030

If mailing a cheque, reference should be made to:

- the applicant's name
- description of plant
- the model number (if possible).

Granting/renewing/refusing

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

WHSQ 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.
- Whether the applicant lives in Queensland or if a body corporate applicant has its registered office in Queensland or if the applicant resides/is located outside of the jurisdiction WHSQ is satisfied that special circumstances exist to grant the registration.
- Whether the applicant is able to ensure compliance with any condition that will apply to the registration.
- 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 [WHS Regulation 256].

WHSQ may request additional information [WHS Regulation 255].

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

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

Granting of a conditional plant design registration

WHSQ may impose any condition 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 WHSQ.

A decision to impose a condition/s on the registration of a plant design is a reviewable decision [WHS 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 Act).

Refusing to grant a plant design registration

WHSQ 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) [WHS Regulation 256 (3)].

If WHSQ refuses to grant a registration, it must give the applicant written notice of the decision and reasons for the decision [WHS Regulation 257]

A decision to refuse to register plant design is a reviewable decision [WHS Regulation 256].

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 WHSQ for amendment at the request of WHSQ [WHS 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 [WHS 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 [WHS 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 [WHS Regulation 253].

Change of details

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

Replacement registration document

A registration document holder must give written notice to WHSQ 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.

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

[WHS Regulation 288]

Application for review of decision

The table in the WHS 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 an eligible person to request a review of a decision to refuse to grant a registration of a plant design [WHS Regulation 256] or to impose condition/s on the grant of registration of plant design [WHS 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 [WHS Regulation 288].

Internal review

An application for internal review allows WHSQ'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 WHSQ. The application must be lodged within 28 days of the day on which the decision first came to the eligible person's notice or such longer period as WHSQ allows [WHS Regulation 678 (1)].

The internal reviewer may:

- confirm or vary the reviewable decision
- set aside the reviewable decision and substitute another decision that the internal reviewer considers appropriate.

[WHS 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 [WHS Regulation 680 (6)].

WHSQ 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 [WHS 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 [WHS 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 Queensland Civil and Administrative Tribunal (QCAT) for an external review. For more information on the external review process visit qcat.qld.gov.au.

Further information

Enquiries can be made to the WHS Infoline on 1300 362 128.

Detailed information can be found at worksafe.qld.gov.au and then by using the 'licensing and registrations' drop down menu to navigate to 'plant design registration'.

Legislation

All relevant legislation, regulation and codes of practise are available at worksafe.qld.gov.au.

List of jurisdiction contacts

Jurisdiction	Name of regulator	Telephone	Website
New South Wales	WorkCover NSW	13 10 50	workcover.nsw.gov.au
Victoria	WorkSafe Victoria	1800 136 089	worksafe.vic.gov.au
Queensland	Workplace Health and Safety Qld	1300 362 128	worksafe.qld.gov.au
South Australia	SafeWork SA	1300 365 255	safework.sa.gov.au
Western Australia	WorkSafe WA	1300 307 877	worksafe.wa.gov.au
Australian Capital Territory	WorkSafe ACT	(02) 6207 3000	worksafety.act.gov.au
Tasmania	Workplace Standards TAS	1300 366 322 (Inside Tasmania) (03) 62337657 (Outside Tasmania)	wst.tas.gov.au
Northern Territory	NT WorkSafe	1800 019 115	.nt.gov.au/justice/worksafe
Commonwealth	Comcare	1300 366 979	comcare.gov.au