

**Version No. 020**  
**Occupational Health and Safety (Plant)**  
**Regulations 1995**

**S.R. No. 81/1995**

Version incorporating amendments as at 15 June 2001

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>PART 1—PRELIMINARY</b>	<b>1</b>
101. Objective of these Regulations	1
102. Authorising provision	1
103. Commencement	1
104. Regulations to be revoked	1
105. Definitions	1
106. Application of these Regulations	11
107. Authority may grant exemption from these Regulations	12
<b>PART 2—PROVISIONS WHICH APPLY GENERALLY</b>	<b>15</b>
201. Duties on more than one person	15
202. Hazard identification and risk assessment may be for classes or types of plant	15
203. Requirements under other regulations	15
<b>PART 3—DUTIES WHICH APPLY SPECIFICALLY TO DESIGNERS OF PLANT</b>	<b>16</b>
<b>Division 1—Introductory</b>	<b>16</b>
301. Application of this Part	16
<b>Division 2—Designer's duty in regard to hazard identification, risk assessment and control of risk generally</b>	<b>17</b>
302. Designer's duty to undertake hazard identification	17
303. Designer's duty to undertake risk assessment	17
304. Designer's duty to undertake control of risk	18
305. Designer's duties in relation to specific control of risk requirements associated with guarding	19
306. Designer's duties to control risk in relation to operator's controls, emergency stops and warning devices	21

<i>Regulation</i>	<i>Page</i>
<b>Division 3—Designer's duties to control risk in relation to recording published technical standards and provision of information</b>	<b>23</b>
307. Designer to record published technical standards or engineering principles used in designing plant	23
308. Designer's duty to provide certain information to manufacturer	24
<b>PART 4—DUTIES WHICH APPLY SPECIFICALLY TO MANUFACTURERS OF PLANT</b>	<b>25</b>
<b>Division 1—Introductory</b>	<b>25</b>
401. Application of this Part	25
<b>Division 2—Manufacturer's duties in regard to control of risk generally</b>	<b>25</b>
402. Manufacturer's duty to control risk generally	25
403. Manufacturer's duty to control risk in relation to plant design under the control of the manufacturer and design which occurs outside Victoria	27
<b>Division 3—Manufacturer's duties to control risk in relation to recording published technical standards and provision of information</b>	<b>28</b>
404. Manufacturer to record published technical standards used in manufacturing plant	28
405. Manufacturer's duty to provide information	28
<b>PART 5—DUTIES WHICH APPLY SPECIFICALLY TO IMPORTERS</b>	<b>30</b>
<b>Division 1—Introductory</b>	<b>30</b>
501. Application of this Part	30
<b>Division 2—Importer's duties in relation to hazard identification, risk assessment and risk control</b>	<b>30</b>
502. Importer's duties generally	30
503. Importer's duty to provide certain information to purchaser	31
<b>PART 6—DUTIES WHICH APPLY SPECIFICALLY TO SUPPLIERS</b>	<b>32</b>
<b>Division 1—Introductory</b>	<b>32</b>
601. Application of this Part	32
602. Definitions	32

<i>Regulation</i>	<i>Page</i>
<b>Division 2—Duties of suppliers in relation to hazard identification, risk assessment and risk control</b>	<b>32</b>
603. Supplier's duties generally	32
604. Supplier's duty to provide certain information to purchaser	33
<b>Division 3—Additional duties of a supplier who hires or leases plant</b>	<b>34</b>
605. Duties of a supplier who hires or leases plant	34
<b>Division 4—Limited duty for an auctioneer</b>	<b>35</b>
606. Limited duty for an auctioneer	35
<b>PART 7—DUTIES WHICH APPLY SPECIFICALLY TO EMPLOYERS</b>	<b>36</b>
<b>Division 1—Introductory</b>	<b>36</b>
701. This Part only to apply to plant under management or control of employer	36
<b>Division 2—Employer's duties in relation to hazard identification, risk assessment and control of risk generally</b>	<b>36</b>
702. Employer's duty to undertake hazard identification	36
703. Employer's duty to undertake risk assessment	37
704. Employer's duty to undertake control of risk	38
705. Employer's duties in relation to guarding	39
706. Employer's duties in relation to operator's controls, emergency stops and warning devices	41
707. Employer's duties in relation to installation, erection and commissioning of plant	42
708. Employer's duties in relation to use of plant	43
709. Employer's duties in relation to plant not in use	44
<b>Division 3—Employer's duties to control risk in relation to specific plant</b>	<b>44</b>
710. This Division not to limit regulations 704 to 709	44
711. Employer's duties in relation to general requirements for powered mobile plant	45
712. Employer's duties in relation to electrical plant and plant exposed to electrical hazards	46
713. Employer's duties in relation to plant used to lift or suspend loads including people and materials	47
714. Employer's duties in relation to industrial lift trucks	49
715. Employer's duties in relation to scaffolds	49

<i>Regulation</i>	<i>Page</i>
<b>Division 4—Employer's duties to control risk in relation to information and consultation</b>	<b>50</b>
716. Employer's duty in relation to training, information and instruction of employees generally	50
717. Employer to consult health and safety representative in certain circumstances	51
<b>PART 8—DUTIES WHICH APPLY SPECIFICALLY TO SELF-EMPLOYED PERSONS</b>	<b>53</b>
801. Self-employed person to generally have the same duties of an employer	53
<b>PART 9—DUTIES OF EMPLOYERS AND OTHER PERSONS TO CONTROL RISK IN RELATION TO LIFTS AND PROTECTIVE FRAMES ON TRACTORS</b>	<b>54</b>
901. Definition	54
902. Employer's and self-employed person's duties in relation to lifts	54
903. Duties applicable to various persons in relation to roll-over protection on tractors	55
<b>PART 10—NOTIFICATION OF PLANT DESIGN AND REGISTRATION OF ITEMS OF PLANT</b>	<b>58</b>
1001. Notification of plant design must be confirmed before certain plant used	58
1002. How to give notification of plant design	58
1003. Duties of various people associated with design verification	61
1004. Recognition of plant design notification being confirmed, or plant design being registered or approved in another State or Territory	61
1005. Proof of plant design notification being confirmed, or plant design registration or approval must be shown if asked for	61
1006. What is required if a plant design is altered	62
1007. Items of plant must be registered	62
1008. How to register plant	63
1009. Registration of plant must be renewed after 3 years	64
1010. Authority must be advised if registered plant, or its ownership alters	64
1011. Recognition of items of plant registered in another State or Territory	65
1012. Transitional arrangements in relation to registration issued under <b>Lifts and Cranes Act 1967</b> and <b>Boilers and Pressure Vessels Act 1970</b>	65

<i>Regulation</i>	<i>Page</i>
<b>SCHEDULES</b>	<b>67</b>
SCHEDULE 1—Regulations to be revoked	67
SCHEDULE 2—Plant designs to be notified and items of plant requiring registration	69
<hr/>	
<b>ENDNOTES</b>	<b>71</b>
1. General Information	71
2. Table of Amendments	72
3. Explanatory Details	73

---

**Version No. 020**

**Occupational Health and Safety (Plant)  
Regulations 1995**

**S.R. No. 81/1995**

Version incorporating amendments as at 15 June 2001

**PART 1—PRELIMINARY**

**101. Objective of these Regulations**

The objective of these Regulations is to protect people at work against risks to health or safety arising from plant and systems of work associated with plant.

**102. Authorising provision**

These Regulations are made under section 59 of the **Occupational Health and Safety Act 1985**.

**103. Commencement**

These Regulations come into operation on 1 July 1995.

**104. Regulations to be revoked**

The Regulations listed in Schedule 1 are **revoked**.

**105. Definitions**

(1) In these Regulations—

**"abseiling equipment"** means equipment used to manually lower or raise a person in a harness or seat, supported by one or more fibre ropes and includes the equipment used to anchor or haul the rope or ropes while abseiling;

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 105

Reg. 105(1)  
def. of  
"agency"  
inserted by  
S.R. No.  
5/1998  
reg. 19(a).

**"Act"** means the **Occupational Health and Safety Act 1985**;

**"administrative controls"** means controls which use systems of work to eliminate or reduce risk to health or safety and which do not involve engineering controls or use of personal protective equipment;

**"agency"** means a person or body that has the power under the law of the Commonwealth of Australia or the law of an Australian State or Territory to require design notification or registration of plant in a manner which is reasonably equivalent to the requirements under Part 10 of these Regulations;

**"alter"** in relation to plant means to change the design of, add to, or take away from the plant in such a way that may affect health or safety, but does not include routine maintenance, repairs or replacements;

**"amusement structure"** means powered equipment operated for hire or reward which provides entertainment or amusement through movement of the equipment, or part of the equipment, or when passengers travel on, around or along the equipment;

**"AS"** followed by a number and designation means the Australian Standard to which that designation relates as published by Standards Australia and amended from time to time;

**"AS/NZS"** followed by a number and designation means the Australian Standard/New Zealand Standard to which that designation relates as published by Standards Australia and amended from time to time;

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*  
 Part 1—Preliminary

<b>r. 105</b>
---------------

**"Authority"** means the Victorian WorkCover Authority established under section 18 of the **Accident Compensation Act 1985**;

Reg. 105(1)  
 def. of  
 "Authority"  
 substituted by  
 S.R. No.  
 5/1998  
 reg. 19(b).

**"boiler"** means a boiler as defined in AS/NZS 1200 Boilers and Pressure Vessels with a hazard level A, B, C or D as determined by AS 4343, Pressure Equipment—Hazard Levels;

Reg. 105(1)  
 def. of "boiler"  
 amended by  
 S.R. No.  
 53/2001  
 reg. 5(1)(a).

**"boom-type elevating work platform"** means a telescoping device, hinged device, or articulated device or combination of those devices used to support, elevate and position personnel, equipment or materials by means of a platform, but does not include an industrial lift truck;

**"bridge crane"** means a crane comprising a bridge beam or beams mounted at each end, to end carriages, capable of travelling along elevated runways and having one or more hoisting mechanisms;

**"building maintenance equipment"** means a suspended platform, including a building maintenance unit or a swing stage, which incorporates permanently installed overhead supports to provide access to the faces of a building for maintenance, but does not include a suspended scaffold;

**"building maintenance unit"** means a power operated appliance with a suspended platform, permanently installed or intended to be permanently installed on a building and specifically designed to provide access to the facade of the building, for persons working from the platform;



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 105

**"commissioning"** means performing the necessary adjustments, tests and inspections to ensure plant is in full working order, in accordance with the requirements specified in the design of the plant, before the plant commences normal operation for the first time;

**"concrete placing unit (truck-mounted with boom)"** means plant used to place concrete by way of pumping concrete through a pipeline attached to or forming part of a boom and capable of travelling over a supporting surface without the need for fixed runways;

**"conveyor"** means equipment, by which loads are raised, lowered or transported or capable of being raised, lowered, transported, or continuously driven by—

- (a) an endless belt, rope or chain or other similar means; or
- (b) buckets, trays or other containers or fittings moved by an endless belt, rope, chain or similar means; or
- (c) a rotating screw; or
- (d) a vibration or walking beam; or
- (e) a powered roller conveyor where the rollers are driven by an endless belt, rope or chain or other similar means;

**"crane"** means an appliance intended for raising or lowering a load and moving it horizontally, but does not include an industrial lift truck, earthmoving machinery, an amusement structure, a tractor, an industrial robot, a conveyor, building maintenance equipment, a suspended scaffold or a lift;

**"earthmoving machinery"** means plant used to excavate, load, transport, compact or spread earth, overburden, rubble, spoil, aggregate or similar material, but does not include a tractor or industrial lift truck or a vehicle designed to be used primarily as a means of transport on public roads;

**"engineering controls"** means controls which use engineering measures to change the physical characteristics of plant to eliminate or reduce risk;

**"explosive powered tool"** means an implement used to drive fasteners including nails, bolts and screws against, into or through material by means of explosive charges, and includes every attachment to and accessory of such an implement but does not include a firearm within the meaning of the **Firearms Act 1958**;

**"gantry crane"** means a crane which—

- (a) consists of a bridge beam or beams, which are supported at one or both ends by legs mounted to end carriages; and
- (b) is capable of travelling along runways; and
- (c) has one or more hoisting mechanisms;

**"gas cylinder"** means a rigid vessel not exceeding 3000 litres water capacity and without openings or integral attachments on the shell other than at the ends, designed for the storage and transport of gas under pressure and to which, AS 2030—Gas Cylinders applies;

**"hazard"** means the potential to cause injury or illness;

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 105

**"hoist"** means an appliance intended for raising or lowering a load or people, and includes a mast climbing work platform, personnel and materials hoist, scaffolding hoist and serial hoist but does not include a lift or building maintenance equipment;

**"individual fall arrest system"** means equipment incorporating a harness which is used or intended to be used to arrest the fall of a person wearing the harness;

**"industrial robot"** means a mechanical manipulator, capable of handling materials, tools or devices through programmed motions which are usually intended to be carried out repetitively;

**"industrial lift truck"** means a powered appliance comprising a mast with an elevating carriage to which a pair of fork arms or other load holding attachment is attached and includes—

- (a) a truck on which the operator is raised with the attachment for order-picking; and
- (b) a truck where the frame and lift unit straddle, raise, lower, move or stack the load—

but does not include a crane or earthmoving machinery;

**"laser"** means plant that produces a beam of electromagnetic radiation in the wavelength range from 100 nanometres to 1 millimetre and used for cutting, alignment, scanning or measurement, but does not include plant which produces light beams at these wavelengths for the primary purpose of illumination;

**"lift"** means permanent plant or plant intended to be permanently installed in or attached to a building or structure in which people, goods or materials may be raised or lowered within a car or cage, or on a platform and the movement of which is restricted by a guide or guides and includes an escalator, moving walk and stairway lift;

**"mast climbing work platform"** means plant with a working platform used to support and elevate personnel, equipment and materials by means of a drive system which moves along an extendable mast but does not include a lift or building maintenance equipment;

**"mobile crane"** means a crane capable of travelling over a supporting surface without the need for fixed runways;

**"operator protective devices"** include roll-over protective structures, falling object protective structures, operator restraining devices and seat belts;

**"powered mobile plant"** means plant which is provided with some form of self propulsion which is ordinarily under the direct control of an operator;

**"prefabricated scaffolding"** means an integrated system of prefabricated components manufactured in such a way that the possible geometry of assembled scaffolds is pre-determined by the designer;

**"pressure equipment"** means boilers, pressure vessels and pressure piping;

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 105

Reg. 105(1)  
def. of  
"pressure  
piping"  
amended by  
S.R. No.  
53/2001  
reg. 5(1)(b).

**"pressure piping"** means pressure piping as defined in AS/NZS 1200 Boilers and Pressure Vessels with a hazard level A, B, C or D as determined by AS 4343, Pressure Equipment—Hazard Levels but does not include pressure piping which is regulated under—

- (a) the **Gas Industry Act 1994**; or
- (b) the **Petroleum Act 1958**; or
- (c) the **Petroleum (Submerged Lands) Act 1982**; or
- (d) the **Pipelines Act 1967**; or
- (e) the **Water Industry Act 1994**; or
- (f) any other Act (other than the **Occupational Health and Safety Act 1985**) which imposes statutory controls over pressure piping comparable to those listed in paragraphs (a) to (e);

Reg. 105(1)  
def. of  
"pressure  
vessel"  
amended by  
S.R. No.  
53/2001  
reg. 5(1)(c).

**"pressure vessel"** means a pressure vessel as defined in AS/NZS 1200 Boilers and Pressure Vessels and AS 2030 Gas Cylinders with a hazard level A, B, C or D as determined by AS 4343, Pressure Equipment—Hazard Levels and includes a fired heater and a gas cylinder, but does not include a boiler or pressure piping;

Reg. 105(1)  
def. of  
"published  
technical  
standard"  
amended by  
S.R. No.  
5/1998  
reg. 19(c).

**"published technical standard"** means a document which gives technical information, guidance or advice on plant, that is published by—

- (a) an agency; or
- (b) Standards Australia; or
- (c) the British Standards Institute; or

(d) the International Organisation for Standardisation (ISO)—

or another organisation with substantially equivalent objectives in relation to the publication of technical information, guidance or advice on plant as any of those organisations;

**"risk"** means the likelihood of injury or illness arising from exposure to any hazard;

**"roll-over protection"** means a structure to protect the operator of a tractor against injury as a result of the tractor rolling over in any direction;

Reg. 105(1)  
def. of  
"roll-over  
protection"  
inserted by  
S.R. No.  
138/1998  
reg. 4.

**"scaffold"** means a temporary structure specifically erected to support access or working platforms;

**"suspended scaffold"** means a scaffold incorporating a suspended platform which is capable of being raised or lowered when in use;

**"temporary access equipment"** means abseiling equipment, a work box, an industrial safety net, or an individual fall arrest system;

**"tower crane"** means a boom or jib crane mounted on a tower structure;

**"tractor"** means a powered vehicle, primarily designed to haul and provide power for agricultural or horticultural machinery or implements, by way of a power-takeoff rotating shaft or other mechanical means, but does not include earthmoving machinery or a passenger vehicle;

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 105

**"turbine"** means a rotary motor or engine driven by a flow of water, steam or gas primarily intended for the production of electricity;

**"use"** when used in relation to plant, includes operate, maintain, service, repair, inspect and clean;

**"vehicle hoist"** means a hoist which is permanently installed or intended to be permanently installed in a workplace to elevate a vehicle to allow work to be carried out on the vehicle;

**"vicinity"** means the area in or around the plant within which persons may be exposed to a risk arising from that plant;

**"work box"** means a personnel carrying device, designed to be suspended from a crane, to provide a working area for persons elevated by and working from the box;

**"workpiece"** means material, off-cut or scrap (in any form) on which an item of plant is doing work, or material, off-cut or scrap (in any form) produced by an item of plant but does not include a load being lifted or moved by the plant.

(2) Any reference in these Regulations to—

- (a) "designer", "manufacturer", "importer" or "supplier" in relation to plant is a reference to a person who designs, manufactures, imports or supplies (as the case may be) that plant for use in a workplace; or
- (b) "**plant**" or a type of plant includes any component of the plant or type of plant and anything fitted, connected or appurtenant to the plant or type of plant.

**106. Application of these Regulations**

- (1) These Regulations only apply to the following types of plant—
- (a) subject to sub-regulation (3), plant that processes material, by way of a mechanical action, which—
    - (i) cuts, drills, punches or grinds the material; or
    - (ii) presses, forms, hammers, joins or moulds the material; or
    - (iii) combines, mixes, sorts, packages, assembles, knits or weaves the material—

including plant where the functions set out in paragraphs (i), (ii) and (iii) are incidental to the main purpose of the plant; and

- (b) subject to sub-regulation (3), plant that lifts or moves people or materials (other than a ship, boat, aircraft or, except as provided in sub-regulation (4), a vehicle designed to be used primarily as a means of transport on a public road or rail); and
- (c) pressure equipment; and
- (d) tractors; and
- (e) earthmoving machinery; and
- (f) lasers; and
- (g) scaffolds; and
- (h) temporary access equipment; and
- (i) explosive-powered tools; and
- (j) turbines; and
- (k) amusement structures.



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 107

- (2) Unless specified otherwise, these Regulations apply to all plant irrespective of the date on which the plant was manufactured.
- (3) Sub-regulations (1)(a) and (1)(b) do not include—
  - (a) plant which relies exclusively on manual power for its operation; or
  - (b) plant which is designed to be primarily supported by hand.
- (4) Parts 7 and 8 apply to a vehicle designed to be used primarily as a means of transport on public roads or rail, if that vehicle is being used in a workplace other than a public road or rail.

**107. Authority may grant exemption from these Regulations**

- (1) The Authority may exempt—
  - (a) specific plant or a class or type of plant; or
  - (b) any person—from any requirement of or prohibition in these Regulations.
- (2) If the Authority grants an exemption under—
  - (a) sub-regulation (1)(a), the Authority must be satisfied that the risk associated with the plant is not significant; or
  - (b) sub-regulation (1)(b), the Authority must be satisfied that the person can demonstrate that the person is capable of achieving an equivalent level of health and safety in relation to the design of the plant or the plant under his or her control or management as

Reg. 107(1)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

Reg. 107(2)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

Reg. 107(2)(a)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

Reg. 107(2)(b)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*  
Part 1—Preliminary

**r. 107**

would be achieved if the person had complied with these Regulations.

- (3) The Authority may impose conditions on an exemption in relation to—
- (a) the commencement date and duration of the exemption; and
  - (b) systems of work or processes to be used or implemented by the applicant for the exemption; and
  - (c) any monitoring or recording of health and safety information associated with the plant exempted; and
  - (d) any monitoring or recording of systems of work or processes used by the person exempted; and
  - (e) a requirement for the applicant to give notice of the application and conditions of the exemption to any specified person who may be affected.
- (4) If the Authority refuses to grant an exemption, the Authority must advise the applicant for the exemption, in writing, of the reasons for the refusal.
- (5) The Authority may vary the conditions on an exemption or revoke an exemption at any time by way of a written notice to the applicant which must include the Authority's reasons for varying the conditions of the exemption or revoking the exemption.
- (6) A variation of the conditions on an exemption or the revocation of an exemption takes effect—
- (a) on the day on which the person to whom the exemption applies is given written notice of the variation or revocation; or

**Reg. 107(3)**  
**amended by**  
**S.R. No.**  
**5/1998**  
**reg. 20(b).**

**Reg. 107(4)**  
**amended by**  
**S.R. No.**  
**5/1998**  
**reg. 20(b).**

**Reg. 107(5)**  
**amended by**  
**S.R. No.**  
**5/1998**  
**reg. 20(a)(b).**

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 1—Preliminary

r. 107

- 
- (b) on the date specified in the written notice, which must be a date later than the date on which the person to whom the exemption applies receives the notice.
- (7) The fee to be charged for the consideration of an application for exemption under this regulation is to be calculated at a rate of \$50 for each hour, or part of an hour, which is taken to assess the application, up to a maximum of \$500.
-

---

**PART 2—PROVISIONS WHICH APPLY GENERALLY**

**201. Duties on more than one person**

If, under these Regulations, a duty is placed on more than one person or class of persons, the duty must be undertaken by each person or each person in that class only in relation to those matters in respect of which the person has management or control and whether or not any other person is also responsible for undertaking the duty.

**202. Hazard identification and risk assessment may be for classes or types of plant**

If a person is required under these Regulations to carry out hazard identification or risk assessment procedures for plant, that person may carry out those procedures for a class of plant rather than for individual items of plant if—

- (a) all the plant in the class has similar functions and productive capacity; and
- (b) the procedures carried out for the class of plant do not result in any person being subject to a different risk than if the procedures were carried out for each individual item of plant.

**203. Requirements under other regulations**

If any regulation made under the Act (other than these Regulations) which deals with a specific hazard imposes on any person in relation to plant a requirement which is inconsistent with or equivalent to a requirement imposed by these Regulations, the person is only required to comply with the first regulation<sup>1</sup>.

---

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 301

**PART 3—DUTIES WHICH APPLY SPECIFICALLY TO  
DESIGNERS OF PLANT**

**Division 1—Introductory**

**301. Application of this Part**

- (1) This Part applies—
  - (a) to designs which are started on or after the date of commencement of these Regulations; and
  - (b) to alterations to existing designs which are started on or after that commencement; and
  - (c) to existing designs except where—
    - (i) the manufacture of plant to which the design applies has started before that commencement; or
    - (ii) the designer no longer has control or management of the design.
- (2) A designer of plant must comply with this Part in relation to an existing design to which this Part applies before the start of manufacture of the plant to which the design applies.
- (3) For the purposes of this regulation "**existing design**" means a design which was completed before the date of commencement of these Regulations.

---

**Division 2—Designer's duty in regard to hazard identification, risk assessment and control of risk generally**

**302. Designer's duty to undertake hazard identification**

A designer of plant must ensure that all hazards associated with the use of plant are identified during the design of the plant, having regard to the state of knowledge of the hazards.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**303. Designer's duty to undertake risk assessment**

- (1) If a hazard is identified under regulation 302, a designer must ensure that an assessment is made to determine whether there is any risk associated with the hazard.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) Without limiting sub-regulation (1), the designer must ensure that the risk assessment takes into account—
- (a) any risk factors associated with the use of the plant and, so far as is practicable, risk factors associated with the use of the plant which are specific to the workplace in which the plant is to be used; and
  - (b) the range of environmental and operational conditions in which the plant is intended to be used; and
  - (c) any ergonomic considerations in relation to people who may use the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 304

(3) If the design of plant is required to be notified in accordance with regulation 1001 and a risk assessment has been conducted under sub-regulation (1), the designer of that plant must ensure that—

(a) the method used to undertake the risk assessment required under this regulation; and

(b) the results of the risk assessment—  
 are recorded and retained, in a suitable state for examination for 10 years.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

(4) For the purposes of this regulation "**ergonomic considerations**" means considerations relating to the application of knowledge about human function, capabilities and requirements as it applies to the design of plant and systems of work associated with the plant.

**304. Designer's duty to undertake control of risk**

(1) A designer of plant must ensure that any risk associated with the use of the plant—

(a) is eliminated; or

(b) if it is not practicable to eliminate the risk, is reduced so far as is practicable by altering the design of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

(2) A designer of plant must ensure that—

(a) the plant is designed so that the risk to the operators of the plant and people in the vicinity of the plant when the plant is used, is eliminated, or if it is not practicable to

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 305

eliminate the risk, is reduced so far as is practicable; and

- (b) if particular systems of work or the competency of operators are factors in the control of risk, they are specified in the information provided to the manufacturer under regulation 308; and
- (c) if there is a likelihood of powered mobile plant colliding with pedestrians or other powered mobile plant, the design of the plant incorporates a warning device which will warn people who may be at risk from the movement of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) Nothing in this Part (except regulation 301) limits the operation of this regulation.

**305. Designer's duties in relation to specific control of risk requirements associated with guarding**

- (1) If a designer of plant uses guarding as a measure to control risk, the designer must ensure the guarding designed for that purpose will, so far as is practicable, prevent access to the danger point or area of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If a designer of plant uses guarding as a measure to control risk, the designer must ensure that—
  - (a) if access to the area of the plant requiring guarding is not necessary during operation, maintenance or cleaning of the plant, the guarding is a permanently fixed physical barrier; or



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 305

- (b) if access to the area of the plant requiring guarding is necessary during operation, maintenance or cleaning of the plant, the guarding is an interlocked physical barrier which allows access to the area being guarded at times when that area does not prevent a risk and prevents access to that area at any other time; or
- (c) if it is not practicable for the plant to use the type of guarding referred to in paragraph (a) or (b), the guarding is a physical barrier which can only be altered or removed by the use of tools; or
- (d) if it is not practicable for the plant to use the type of guarding referred to in paragraphs (a), (b) or (c), the design includes a presence-sensing system that eliminates the risk arising from that area of the plant requiring guarding, while a person or any part of a person is in the area being guarded.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) If a designer of plant uses guarding as a measure to control risk the designer must ensure that the guarding is—
  - (a) designed to make by-passing or disabling of the guarding, whether deliberately or by accident, as difficult as is reasonably possible; and
  - (b) designed so as not to cause a risk in itself.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 306

(4) If a designer of plant—

- (a) uses guarding as a control measure; and
- (b) the plant to be guarded contains moving parts and those parts may break or cause workpieces to be ejected from the plant—

the designer must ensure, so far as is practicable, that the guarding will control any risk from those ejected parts and workpieces.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

(5) Nothing in this regulation prevents a designer of plant from providing guarding which allows convenient repair, servicing and maintenance of plant when the plant is not in normal operation.

**306. Designer's duties to control risk in relation to operator's controls, emergency stops and warning devices**

(1) A designer of plant must ensure that the design provides for any operator's controls for the plant to be—

- (a) suitably identified on plant so as to indicate their nature and function; and
- (b) located so as to be readily and conveniently operated by each person using the plant; and
- (c) located or guarded to prevent unintentional activation; and
- (d) able to be locked into the "off" position to enable the disconnection of all motive power.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 306

- (2) If it is not practicable to eliminate the need for plant to be operated during maintenance and cleaning of the plant, then the designer must ensure that—
- (a) the design provides for controls which permit operation of the plant while people are undertaking the maintenance and cleaning; and
  - (b) those controls will allow operation of the plant in such a way that any risk associated with the activities in relation to the people carrying out the maintenance and cleaning—
    - (i) is eliminated; or
    - (ii) if it is not practicable to eliminate the risk, is reduced so far as is practicable.
- Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.
- (3) If plant is designed to be operated or attended by more than one person and more than one control is fitted, the designer must ensure that the design provides for the multiple controls to be of the "stop and lock-off" type so that the plant cannot be restarted after a stop control has been used unless each stop control is reset.
- Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.
- (4) If the design of the plant includes—
- (a) an emergency stop device for the plant, the designer must ensure that the design provides—
    - (i) for the device to be prominent, clearly and durably marked and immediately accessible to each operator of the plant; and

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

Part 3—Duties which Apply Specifically to Designers of Plant

r. 307

- (ii) for any handle, bar or push button associated with the device to be coloured red; and
- (iii) that the device cannot be adversely affected by electrical or electronic circuit malfunction; or
- (b) an emergency warning device for the plant, the designer must ensure that the design provides for the device to be positioned on the plant to ensure the device will work to best effect.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**Division 3—Designer's duties to control risk in relation to recording published technical standards and provision of information**

**307. Designer to record published technical standards or engineering principles used in designing plant**

- (1) A designer of plant must keep a record of all published technical standards, including parts of a published technical standard, used to design the plant and make the record available for inspection by the Authority or a design verifier.

Reg. 307(1) amended by S.R. No. 5/1998 reg. 20(b).

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If a designer does not use published technical standards to design the plant, he or she must keep a record of the engineering principles used to design the plant and make the record available for inspection by the Authority or a design verifier.

Reg. 307(2) amended by S.R. No. 5/1998 reg. 20(b).

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 3—Duties which Apply Specifically to Designers of Plant

r. 308

- (3) The designer must ensure that the records referred to in this regulation are kept and maintained in a suitable state for inspection for 10 years.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

**308. Designer's duty to provide certain information to manufacturer**

A designer of plant must ensure, when the design of the plant is made available to the manufacturer, that the manufacturer of the plant is provided with information to enable the plant to be manufactured in accordance with the design specifications and, if applicable, with information relating to—

- (a) the purpose for which the plant is designed; and
- (b) the hazards and any risk, identified and assessed in accordance with this Part, associated with use of the plant; and
- (c) testing or inspections to be carried out on the plant; and
- (d) installation, commissioning, de-commissioning, use, transport, storage and, if the plant is capable of being dismantled, dismantling of the plant; and
- (e) systems of work and competency of operators necessary for the safe use of plant; and
- (f) emergency procedures (if any) required if there is a malfunction of the plant<sup>2</sup>.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 4—Duties which Apply Specifically to Manufacturers of Plant

r. 401

---

**PART 4—DUTIES WHICH APPLY SPECIFICALLY TO  
MANUFACTURERS OF PLANT**

**Division 1—Introductory**

**401. Application of this Part**

This Part does not apply to plant manufactured prior to the date of commencement of these Regulations.

**Division 2—Manufacturer's duties in regard to control of  
risk generally**

**402. Manufacturer's duty to control risk generally**

- (1) A manufacturer, when manufacturing plant, must have regard to the information supplied to the manufacturer by a designer under regulation 308.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If the manufacturer of plant identifies a hazard and associated risk in relation to the construction and materials specified in the design of the plant and that hazard and risk have not been dealt with in the design, the manufacturer must—
- (a) advise the designer, in writing, of the hazard and associated risk as soon as is reasonably possible; or
  - (b) if it is not possible to advise the designer of the hazard and risk in accordance with paragraph (a), ensure that—
    - (i) the risk is eliminated; or

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 4—Duties which Apply Specifically to Manufacturers of Plant

r. 402

- (ii) if it is not practicable to eliminate the risk, the risk is reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) If the manufacturer advises the designer under paragraph (2)(a) the designer must either—
  - (a) revise the information originally supplied to the manufacturer to ensure that—
    - (i) the risk is eliminated; or
    - (ii) if it is not practicable to eliminate the risk, the risk is reduced so far as is practicable; or
  - (b) instruct the manufacturer, in writing, that the designer is of the opinion that it is not necessary to revise the information originally supplied to the manufacturer to ensure compliance with these Regulations.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (4) If the manufacturer acts in accordance with paragraph (2)(b) the manufacturer must comply with regulation 307 in relation to any design work carried out by the manufacturer as if the manufacturer was the designer of the plant.
- (5) A manufacturer to whom sub-regulation (2) applies must not proceed to manufacture the plant until—
  - (a) the designer gives the manufacturer the revised information or written instruction under sub-regulation (3); or

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 4—Duties which Apply Specifically to Manufacturers of Plant

r. 403

(b) the manufacturer eliminates or reduces the risk in accordance with sub-regulation (2)(b).

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

(6) If the designer instructs the manufacturer in accordance with sub-regulation (3)(b) the manufacturer may proceed in accordance with the designer's original information.

**403. Manufacturer's duty to control risk in relation to plant design under the control of the manufacturer and design which occurs outside Victoria**

(1) Subject to sub-regulation (2), if a manufacturer intends to manufacture plant—

(a) from a design—

- (i) which is under the control or management of the manufacturer; and
- (ii) which was completed prior to the date of commencement of these Regulations; or

(b) from a design of a designer other than a designer to whom section 24 of the Act applies—

the manufacturer must ensure that hazard identification, risk assessment and control of risk associated with the design of the plant has been carried out in accordance with Part 3 before the plant leaves the control of the manufacturer.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

(2) If it is not practicable to comply with sub-regulation (1) the manufacturer must ensure that any risk arising from use of the plant—

(a) is eliminated; or



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 4—Duties which Apply Specifically to Manufacturers of Plant

r. 404

- (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**Division 3—Manufacturer's duties to control risk in relation to recording published technical standards and provision of information**

**404. Manufacturer to record published technical standards used in manufacturing plant**

- (1) A manufacturer of plant must keep a record of all published technical standards, including parts of a published technical standard, used to manufacture the plant and make the record available for inspection by the Authority.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) The manufacturer must ensure that the records referred to in this regulation are kept and maintained in a suitable state for inspection for 10 years.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**405. Manufacturer's duty to provide information**

A manufacturer of plant must ensure—

- (a) so far as is practicable, that he or she obtains the information required to be provided to the manufacturer under regulation 308; and
- (b) that a person to whom the manufacturer supplies the plant is provided with the information provided to the manufacturer under regulations 308(a) to 308(f) when the plant is supplied by the manufacturer; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 4—Duties which Apply Specifically to Manufacturers of Plant

r. 405

- 
- (c) if the manufacturer acts in accordance with regulation 402(2)(b), that a person to whom the manufacturer supplies the plant is provided with the information, applicable to the plant, which is required to be provided by the designer under regulations 308(a) to 308(f)<sup>3</sup>.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

---

---

**PART 5—DUTIES WHICH APPLY SPECIFICALLY TO IMPORTERS**

**Division 1—Introductory**

**501. Application of this Part**

This Part does not apply to plant ordered prior to the date of commencement of these Regulations.

**Division 2—Importer's duties in relation to hazard identification, risk assesment and risk control**

**502. Importer's duties generally**

- (1) Subject to sub-regulation (2), an importer of plant must ensure that the hazard identification, risk assessment and control of risk measures set out in Parts 3 and 4 have been carried out in relation to the design and manufacture of the plant before the plant leaves the control of the importer.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If it is not practicable to comply with sub-regulation (1) the importer must ensure that the risk arising from use of the plant—
- (a) is eliminated; or
  - (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) Sub-regulation (1) does not apply to plant which an importer imports for use for scrap material.

**503. Importer's duty to provide certain information to purchaser**

- (1) An importer of plant must—
- (a) ensure that in respect of that plant, the person to whom the plant is supplied is provided with health and safety information provided to the importer by the designer or manufacturer when the plant is supplied; and
  - (b) so far as is practicable, ensure that he or she obtains the information from the designer or manufacturer which is required to be provided to the manufacturer under regulations 308(a) to 308(f); and
  - (c) if the importer acts in accordance with regulation 502(2), ensure that the person to whom the plant is supplied is provided with the information, applicable to the plant, which is required to be provided by the designer under regulations 308(a) to 308(f)<sup>4</sup>.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) An importer of plant for use for scrap material, must, when supplying that plant to a person, advise the person in writing that the plant is intended for use as scrap material.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 6—Duties which Apply Specifically to Suppliers

r. 601

**PART 6—DUTIES WHICH APPLY SPECIFICALLY TO  
SUPPLIERS**

**Division 1—Introductory**

**601. Application of this Part**

In this Part—

- (a) regulations 603 and 604(1)(a) do not apply to plant ordered by a supplier before the commencement of these Regulations; and
- (b) regulation 603 does not apply to any requirement which may be placed on a supplier by that regulation in relation to the fitting of roll-over protection on a tractor which conveys its power to the ground directly by wheels<sup>5</sup>.

**602. Definitions**

In this Part—

**"hire"** does not include hire under a hire-purchase agreement or hire-purchase contract;

**"supplier"** does not include an auctioneer whose main function in relation to plant is to facilitate the supply of the plant by way of conducting an auction.

**Division 2—Duties of suppliers in relation to hazard  
identification, risk assessment and risk control**

**603. Supplier's duties generally**

- (1) A supplier of plant must ensure that the hazard identification, risk assessment and control of risk measures set out in Parts 3 and 4 or, in the case of imported plant, Part 5, have been carried out in

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 6—Duties which Apply Specifically to Suppliers

r. 604

relation to the design and manufacture of the plant before the plant leaves the control of the supplier.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If it is not practicable to comply with sub-regulation (1), the supplier must ensure that the risk arising from use of the plant—
  - (a) is eliminated; or
  - (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.
- (3) Sub-regulation (1) does not apply to plant which the supplier intends for use for scrap material.

**604. Supplier's duty to provide certain information to purchaser**

- (1) A supplier of plant, other than a supplier who supplies plant for hire or lease, must ensure—
  - (a) in the case of new plant—
    - (i) so far as is practicable, that he or she obtains the information required to be provided to the supplier under regulation 405 or 503 (as the case may be); and
    - (ii) that the person to whom the plant is supplied is provided with information provided to the supplier under regulation 405 or 503 (as the case may be) when the plant is supplied; and
  - (b) in the case of used plant, the person to whom the plant is supplied is provided, at the time the plant is supplied, with—
    - (i) any information in the possession of the supplier relating to safe use of the plant; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 6—Duties which Apply Specifically to Suppliers

r. 605

- (ii) any records kept by the previous owner of the plant required under these Regulations, which is in the possession of the supplier<sup>6</sup>.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) A supplier of plant for use for scrap material must, when supplying that plant to a person, advise the person in writing that the plant is intended for use as scrap material.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**Division 3—Additional duties of a supplier who hires or leases plant**

**605. Duties of a supplier who hires or leases plant**

- (1) In this regulation, "**supplier**" means a supplier who hires or leases plant.
- (2) A supplier of plant must ensure that between hirings and leasings, the plant is inspected and maintained to ensure the risk arising from the use of the plant is eliminated, or if it is not practicable to eliminate the risk, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) A supplier of plant must ensure that inspections and maintenance carried out on the plant under sub-regulation (2) are recorded and the records are retained while the supplier has management or control of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 6—Duties which Apply Specifically to Suppliers

<b>r. 606</b>
---------------

- (4) A supplier of plant must provide each person to whom the supplier hires or leases plant with any information on the safe use of the plant which is in the possession of the supplier<sup>7</sup>.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**Division 4—Limited duty for an auctioneer**

**606. Limited duty for an auctioneer**

An auctioneer, acting for a supplier, must ensure—

- (a) that prior to conducting an auction for the supplier, so far as is practicable, that he or she obtains the information, records or written advice (as the case may be) required to be provided by the supplier to the person to whom the plant is supplied under regulation 604; and
- (b) that if the information, records or written advice (as the case may be) is provided by the supplier to the auctioneer, that it is given to the person to whom the plant is supplied on completion of the auction.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.



---

**PART 7—DUTIES WHICH APPLY SPECIFICALLY TO  
EMPLOYERS**

**Division 1—Introductory**

**701. This Part only to apply to plant under management  
or control of employer**

In this Part a reference to plant or any type of plant in relation to an employer, means plant or type of plant under the management or control of the employer.

**Division 2—Employer's duties in relation to hazard  
identification, risk assessment and control of risk generally**

**702. Employer's duty to undertake hazard identification**

- (1) Subject to sub-regulation (2), an employer must ensure that all hazards associated with the installation, commissioning, erection and use of plant and the systems of work associated with that plant are identified, having regard to the state of knowledge of the hazards—
  - (a) before plant is used for the first time in a workplace; and
  - (b) before any alteration to the plant or any change in the way the plant is used or a system of work associated with the plant, including a change in the location of the plant; and
  - (c) before the plant is used for any other purpose than for which it is was designed; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 703

- (d) if new or additional information about hazards relating to the plant or its associated systems of work becomes available to the employer; and
- (e) for all plant in the workplace at the date of commencement of these Regulations, as soon as practicable after that date.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) The employer's responsibilities under sub-regulation (1) only relate to the hazards associated with plant specifically applicable to the workplace where the plant is used or located.

**703. Employer's duty to undertake risk assessment**

- (1) If a hazard is identified under regulation 702, an employer must ensure that an assessment is made to determine whether there is any risk associated with the hazard.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) The employer must ensure that the assessment takes into account—
  - (a) the systems of work associated with the use of the plant; and
  - (b) the layout of, and physical conditions in the workplace where the plant is to be used; and
  - (c) the capability, skill and experience of the person ordinarily using the plant; and
  - (d) any reasonably foreseeable abnormal operating conditions for the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) If the plant is required to be registered in accordance with regulation 1007, the employer must ensure that the method used to undertake the risk assessment and the results of that assessment are recorded and retained while the assessment is relevant to the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**704. Employer's duty to undertake control of risk**

- (1) An employer must ensure that any risk associated with plant and associated systems of work, including installation, erection, commissioning and use of plant—

- (a) is eliminated; or
- (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) When an employer is determining measures to control risk, the employer must not depend solely on the use of administrative controls or personal protective equipment to control the risk unless the employer has established that—

- (i) substitution of the plant with plant which has a lower level of risk; or
  - (ii) the use of engineering controls; or
  - (iii) isolation of the plant from people—
- are not practicable measures to control risk.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) Nothing in this Part (except regulation 701) limits the operation of this regulation.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 705

**705. Employer's duties in relation to guarding**

- (1) If an employer uses guarding as a measure to control risk in relation to plant, the employer must ensure that guarding designed for that purpose will, so far as is practicable, prevent access to the danger point or area of the plant.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

- (2) If an employer uses guarding as a measure to control risk, the employer must ensure that—
- (a) if access to the area of the plant requiring guarding is not necessary during operation, maintenance or cleaning of the plant, the guarding is a permanently fixed physical barrier; or
  - (b) if access to the area of the plant requiring guarding is necessary during operation, maintenance or cleaning of the plant, the guarding is an interlocked physical barrier which allows access to the area being guarded at times when that area does not present a risk and prevents access to that area at any other time; or
  - (c) if it is not practicable for the plant to use the type of guarding referred to in paragraph (a) or (b), the guarding is a physical barrier which can only be altered or removed by the use of tools; or

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 705

- (d) if it is not practicable for the plant to use the type of guarding referred to in paragraph (a), (b) or (c) a presence sensing system is used that eliminates the risk arising from that area of the plant requiring guarding, while a person or any part of a person is in the area being guarded.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) If an employer uses guarding as a measure to control risk in relation to plant the employer must ensure that the guarding—
- (a) makes by-passing or disabling of the guarding, whether deliberately or by accident, as difficult as is reasonably possible; and
- (b) does not cause a risk in itself.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (4) If an employer—
- (a) uses guarding as a control measure; and
- (b) the plant to be guarded contains moving parts and those parts may break or cause workpieces to be ejected from the plant—

the employer must ensure, so far as is practicable, that the guarding will control any risk from those ejected parts and workpieces.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (5) Nothing in this regulation prevents an employer from providing guarding which allows convenient repair, servicing and maintenance of plant when the plant is not in normal operation.

**706. Employer's duties in relation to operator's controls, emergency stops and warning devices**

- (1) An employer must ensure that any operator's controls for plant are—
- (a) suitably identified so as to indicate their nature and function; and
  - (b) located so as to be readily and conveniently operated by each person using the plant; and
  - (c) located or guarded to prevent unintentional activation; and
  - (d) able to be locked into the "off" position to enable the disconnection of all motive power.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If it is not practicable to eliminate the need for plant to be operated during maintenance and cleaning of the plant, then the employer must ensure that—
- (a) controls which permit operation of the plant while people are undertaking the maintenance and cleaning are provided; and
  - (b) those controls will allow operation of the plant in such a way that any risk associated with the activities in relation to the people carrying out the maintenance and cleaning—
    - (i) is eliminated; or
    - (ii) if it is not practicable to eliminate the risk, is reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

**r. 707**

- (3) If plant is designed to be operated or attended by more than one person and more than one control is fitted, the employer must ensure that the multiple controls are of the "stop and lock-off" type so that the plant cannot be restarted after a stop control has been used unless each stop control is reset.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (4) If the design of plant includes—
- (a) an emergency stop device for the plant, the employer must ensure that—
- (i) the device is prominent, clearly and durably marked and immediately accessible to each operator of the plant; and
  - (ii) any handle, bar or push button associated with the device is coloured red; and
  - (iii) the device cannot be adversely affected by electrical or electronic circuit malfunction—
- (b) an emergency warning device for the plant, the employer must ensure that the device is positioned on the plant to ensure the device will work to best effect.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**707. Employer's duties in relation to installation, erection and commissioning of plant**

An employer must ensure that—

- (a) plant is installed or erected to provide sufficient clear working area around the plant to allow the plant to be used in a manner which eliminates the risk associated

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 708

- with the activity, or if it is not practicable to eliminate the risk, reduces the risk so far as is practicable; and
- (b) so far as is practicable, the layout of plant in the workplace does not affect access and egress to and from the workplace to the extent that it presents a risk; and
  - (c) the plant is not brought into operation unless the commissioning process (if any) has established, so far as is practicable, that it is safe to bring the plant into operation; and
  - (d) the installation, erection and commissioning processes include inspections which will ensure that the risk associated with these activities are monitored.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**708. Employer's duties in relation to use of plant**

- (1) An employer must ensure that—
  - (a) plant is maintained—
    - (i) so as to eliminate the risk associated with the use of the plant; or
    - (ii) if it is not practicable to eliminate the risk, so as to reduce the risk so far as is practicable; and
  - (b) plant is inspected to the extent necessary to ensure that the risk associated with the use of the plant is monitored; and



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 709

(c) so far as is practicable, measures are provided to prevent—

- (i) alterations to the plant which have not been permitted by the employer; or
- (ii) interference with the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) In respect of plant required to be registered under regulation 1007, an employer must ensure, so far as is practicable, that records of inspections and maintenance carried out on the plant are kept while the employer has management or control of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**709. Employer's duties in relation to plant not in use**

An employer must ensure that when plant is not in use it is left in a state which does not create a risk, so far as is practicable, for any person.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**Division 3—Employer's duties to control risk in relation to specific plant**

**710. This Division not to limit regulations 704 to 709**

Nothing in this Division limits the duties, requirements, obligations or liability of an employer under regulations 704 to 709.

**711. Employer's duties in relation to general requirements for powered mobile plant**

- (1) An employer must ensure that the likelihood of powered mobile plant overturning or of a falling object coming into contact with the operator of the plant or the operator being ejected from the plant is eliminated, or if it is not practicable to eliminate the likelihood, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If a risk assessment identifies a likelihood of—  
(a) a powered mobile plant overturning; or  
(b) objects falling on the operator; or  
(c) an operator being ejected from the plant—

an employer must ensure that, so far as is practicable, an appropriate combination of operator protective devices are provided, maintained and used to reduce, as far as is practicable the risk to the operator.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2A) Sub-regulation (2) does not apply in relation to the fitting of roll-over protection on a tractor which conveys its power to the ground directly by wheels<sup>8</sup>.

Reg. 711(2A)  
inserted by  
S.R. No.  
138/1998  
reg. 6.

- (3) An employer must ensure that the risk of powered mobile plant colliding with pedestrians or other powered mobile plant is eliminated, or if it is not practicable to eliminate the risk, reduce so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 712

- (4) Without limiting sub-regulation (3), if there is a likelihood of powered mobile plant colliding with pedestrians or other powered mobile plant, the employer must ensure that the plant has a warning device which will warn people who may be at risk from the movement of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (5) An employer must ensure, so far as is practicable, that no person, other than the operator, rides on powered mobile plant unless the person is afforded a level of protection from exposure to a risk which is equivalent to that provided to the operator.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**712. Employer's duties in relation to electrical plant and plant exposed to electrical hazards**

An employer must ensure that—

- (a) plant is not used if the plant or the conditions under which it is to be used give rise to a risk due to the presence of electricity; and
- (b) if maintenance, cleaning or repair of electrically powered plant is being carried out—
- (i) the plant is disconnected from the electricity supply; or
  - (ii) if it is not practicable to disconnect the plant from the electricity supply, appropriate measures are provided to avoid inadvertent energising of the plant; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 713

- (c) excavations using plant near underground power lines are carried out in such a way as to ensure the risk to people associated with the operation—
  - (i) is eliminated; or
  - (ii) if it is not practicable to eliminate the risk, reduced so far as is practicable; and
- (d) plant is operated near overhead electrical power lines in such a way as to ensure the risk to people associated with the operation—
  - (i) is eliminated; or
  - (ii) if it is not practicable to eliminate the risk, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**713. Employer's duties in relation to plant used to lift or suspend loads including people and materials**

- (1) This regulation does not apply to plant used in connection with—
  - (a) professional stunt activities; or
  - (b) theatrical or acrobatic performances.
- (2) In respect of plant that is used to lift or suspend people, equipment or materials an employer must ensure that—
  - (a) subject to sub-regulation (3), the plant is specifically designed to lift or suspend those loads; and
  - (b) all lifting or suspending is carried out—
    - (i) with lifting attachments that are appropriate to the load to be lifted or suspended; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 713

- (ii) within the safe working limits of the plant; and
- (c) subject to sub-regulation (4), so far as is practicable, no loads are suspended over, or travel over a person; and
- (d) loads are lifted or suspended in a way which ensures that the load remains under control during the activity; and
- (e) so far as is practicable, no load is lifted simultaneously by more than one piece of plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (3) If it is not practicable to use plant to lift or suspend loads that is specifically designed for the purpose, the employer must ensure that—
  - (a) the plant used to lift or suspend the load does not cause a greater risk than if specifically designed plant was to be used; and
  - (b) if the plant is lifting or suspending people—
    - (i) the people are lifted or suspended in a work box which is securely attached to the plant; and
    - (ii) the people in the work box substantially remain within the confines of the work box while they are being lifted or suspended; and
    - (iii) if there is a likelihood of a person falling from a height, a safety harness is provided and worn by the person in order to prevent, so far as is practicable, injury to the person as a result of the fall; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 714

- (iv) means are provided by which the people being lifted or suspended can have safe egress from the plant in the event of a failure in the normal operation of the plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (4) Sub-regulation (2)(c) does not apply to plant which is an amusement structure.

**714. Employer's duties in relation to industrial lift trucks**

An employer must ensure that an industrial lift truck is—

- (a) equipped with lifting attachments that are appropriate to the load to be lifted or moved; and
- (b) used in a manner that ensures that the risk to the operator of the truck which arises from systems of work and the environment in which the trucks are used is eliminated, or if it is not practicable to eliminate the risk, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**715. Employer's duties in relation to scaffolds**

An employer must ensure, in relation to scaffolds, that—

- (a) no work, other than the work of erecting or dismantling the scaffold, is carried out from a scaffold unless the scaffold, or the relevant part or portion of the scaffold, is complete; and
- (b) the scaffold is secure and capable of supporting the work to be carried out on the scaffold; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 716

- (c) on becoming aware that the scaffold or its supporting structure is in an unsafe condition, appropriate repairs, alterations or additions are carried out before the relevant part or portion of the scaffold is used; and
- (d) if a scaffold is left unattended, people who would not ordinarily be using the scaffold are prevented, so far as is practicable, from gaining access to the scaffold.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**Division 4—Employer's duties to control risk in relation to information and consultation**

**716. Employer's duty in relation to training, information and instruction of employees generally**

- (1) If a hazard related to plant and its associated systems of work is identified and assessed to be a risk, under regulation 703, an employer must ensure that—
  - (a) employees likely to be exposed to the risk, and anyone supervising the employees, are trained and provided with information and instruction in—
    - (i) the nature of the hazard associated with the plant and systems of work associated with the plant, and the processes used for hazard identification, risk assessment and control of risk; and
    - (ii) the need for, and proper use and maintenance of, measures to control risk; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 717

- (iii) the safety procedures associated with the use of the plant at the workplace; and
  - (iv) the use, fit, testing and storage of personal protective equipment, if personal protective equipment forms part of the measures to control risk; and
- (b) people involved in—
- (i) commissioning and installing plant; and
  - (ii) testing of plant; and
  - (iii) de-commissioning, dismantling and disposal of plant; and
  - (iv) inspection and maintenance—

are provided with information, which is available to the employer, on how the activities referred to in paragraphs (i), (ii), (iii) and (iv) can be carried out in such a way as to ensure the risk to them while carrying out those activities is eliminated, or if it is not practicable to eliminate the risk, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) In respect of lifts, the duties of an employer under sub-regulation (1)(a) do not apply to employees who travel in a lift, other than employees who carry out work on the lift.

**717. Employer to consult health and safety representative in certain circumstances**

If practicable, an employer must consult with a health and safety representative of a designated work group when undertaking hazard identification, risk assessment or control of risk processes under these Regulations which relate to plant or associated systems of work that may



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 7—Duties which Apply Specifically to Employers

r. 717

---

affect the health or safety of any member of the health and safety representative's designated work group.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

---

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 8—Duties which Apply Specifically to Self-Employed Persons

r. 801

---

**PART 8—DUTIES WHICH APPLY SPECIFICALLY TO  
SELF-EMPLOYED PERSONS**

**801. Self-employed person to generally have the same  
duties of an employer**

- (1) A self-employed person must comply with the requirements of Part 7 as if that person were an employer.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

- (2) A self-employed person's duties under this regulation only apply to people who may be exposed to a risk arising from the conduct of the undertaking of the self-employed person.
-

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

r. 901

Part 9—Duties of Employers and Other Persons to Control Risk in Relation  
to Lifts and Protective Frames on Tractors

---

**PART 9—DUTIES OF EMPLOYERS AND OTHER PERSONS  
TO CONTROL RISK IN RELATION TO LIFTS AND  
PROTECTIVE FRAMES ON TRACTORS**

**901. Definition**

In this Part "**protective frame**" means a frame or cab fixed to a tractor extending over the driver so as to protect against injury as a result of the tractor rolling over in any direction.

**902. Employer's and self-employed person's duties in relation to lifts**

- (1) An employer must ensure that, in respect of lifts over which the employer exercises management or control—
  - (a) if there is a likelihood of a person falling down a lift well—
    - (i) secure barriers are provided to preclude access to openings into the lift well by someone other than a person who is carrying out work in the lift well; and
    - (ii) secure working platforms or equivalent arrangements are provided for a person who is working in the lift well to prevent a fall from height; and
  - (b) if there is a risk to a person working in a lift well as a result of objects falling on to that person, a secure barrier is provided to prevent, so far as is practicable, falling objects from striking the person or otherwise causing a risk; and
  - (c) if there is a risk to a person working in a lift well as a result of movement of a lift car, measures are taken to ensure the risk is eliminated, or if it is not practicable to

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 9—Duties of Employers and Other Persons to Control Risk in Relation  
to Lifts and Protective Frames on Tractors

<b>r. 903</b>
---------------

eliminate the risk, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

- (2) An employer or self-employed person who—
  - (a) has control or management of a lift; and
  - (b) is required by Part 10 of these Regulations to obtain registration of a lift—

must ensure that any risk to people travelling in the lift, associated with the use of a lift is eliminated, or if it is not practicable to eliminate the risk, reduced so far as is practicable.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

- (3) An employer or self-employed person referred to in sub-regulation (2) must ensure that all lifts under his or her control have a legible notice fixed in a conspicuous place in the lift, which notes the safe working load specified in the design of the lift.

Penalty: Body corporate—400 penalty units, or  
in any other case—100 penalty units.

**903. Duties applicable to various persons in relation to roll-over protection on tractors**

- (1) A supplier must ensure that a tractor manufactured in, or imported into, Victoria on or after 1 July 1981 is not supplied to any person for use in a workplace unless it is fitted with roll-over protection.

Reg. 903  
substituted by  
S.R. No.  
138/1998  
reg. 7.

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

r. 903

Part 9—Duties of Employers and Other Persons to Control Risk in Relation  
to Lifts and Protective Frames on Tractors

---

- (2) An employer or self-employed person must ensure that a tractor is not used at the employer's or self-employed person's workplace unless it is fitted with roll-over protection.

Penalty: Body corporate—400 penalty units.

In any other case—100 penalty units.

- (3) Sub-regulation (2) does not apply to a tractor manufactured in, or imported into, Victoria before 1 July 1981 if it is not practicable to fit roll-over protection to the tractor.

- (4) This regulation does not apply to—

(a) a tractor supplied to a workplace for use, or used at a workplace, in circumstances where there is no likelihood of the tractor overturning; or

(b) a tractor used in, or being driven to, or from, an operation—

(i) in an orchard; or

(ii) inside, or in close proximity to, a building or structure—

if it would not be practicable for the operation to be carried out by means of the tractor if it were fitted with roll-over protection; or

(c) a tractor weighing less than 560 kilograms, the weight being taken in the lightest form in which the tractor is normally available for retail sale when new and without water, fuel or lubricating oil.

- (5) Sub-regulation (1) does not apply to a tractor which the supplier intends to be used for parts or scrap material.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 9—Duties of Employers and Other Persons to Control Risk in Relation  
to Lifts and Protective Frames on Tractors

r. 903

(6) In this regulation—

**"supplier"** does not include an auctioneer whose main function in relation to a tractor is to facilitate the supply of the tractor by way of conducting an auction; and

**"tractor"** has the same meaning attributed to it in regulation 105 except that in this regulation the term only applies to a tractor which conveys its power directly to the ground by wheels.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1001

**PART 10—NOTIFICATION OF PLANT DESIGN AND  
REGISTRATION OF ITEMS OF PLANT**

**1001. Notification of plant design must be confirmed  
before certain plant used**

- (1) A person must not use, or cause or allow to be used at a workplace plant listed in item 1 of Schedule 2 unless notification of the design of that plant has been confirmed by the Authority.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) This regulation only applies to plant designs, including plant designs associated with alterations to plant, that were started on or after the date of commencement of these Regulations.

**1002. How to give notification of plant design**

- (1) Notification of plant design must be given to the Authority, in the form determined by the Authority.

- (2) The Authority may determine, from time to time, that information relating to the design of the plant is required to be included with the design notification and that information may be—

- (a) the date of the commencement and completion of the design;
- (b) whether the design is for an alteration to existing plant;
- (c) whether the notification is the first notification for the design of the plant;
- (d) the intended primary use and performance capacity of the plant;

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

**r. 1002**

- (e) if known by the designer, the intended manufacturer's name and address;
  - (f) the type and model number (if applicable) of the plant;
  - (g) if known by the designer, the intended fixed location of plant in the workplace;
  - (h) a description of controls, safety devices, supporting system and communication system for the plant (if applicable); or
  - (i) the hazard level of pressure equipment and the type of fluid to be used in the pressure equipment (if applicable).
- (3) The information determined by the Authority under sub-regulation (2) may be information applicable generally to all designs, or a type of design, or it may be specific to an individual design.
- (4) The notification must include—
- (a) a design verification statement that states that the design was produced in accordance with the record of published technical standards or engineering principles (as the case may be) referred to in regulation 307; and
  - (b) the name, business address and qualifications of the person who produced the design verification statement, and if applicable, the name and business address of the organisation employing the design verifier; and
  - (c) a representational drawing of the plant design; and

**Reg. 1002(3)**  
**amended by**  
**S.R. No.**  
**5/1998**  
**reg. 20(b).**



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1002

Reg. 1002  
(4)(d)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

(d) any information about the design that may be determined by the Authority under sub-regulation (2); and

(e) a design notification fee of \$65.

Reg. 1002(5)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

(5) Within 1 month of receiving a plant design notification, the Authority must advise the person who gave the notification in writing that—

(a) the plant design notification has been confirmed; or

(b) the confirmation has been deferred due to—

(i) the inadequacy of the information required under sub-regulation (4); or

(ii) a failure to provide the required fee.

Reg. 1002(6)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

(6) If the Authority advises a person who gave the notification that the information provided is inadequate, the Authority must also specify what further information is required.

(7) Sub-regulation (5) applies to any information or fee submitted in response to any advice given under sub-regulation (5)(b), as if it were notification.

Reg. 1002(8)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

(8) If the Authority fails to comply with sub-regulation (5) within 1 month of receiving notification, the plant design notification is deemed to have been confirmed and the Authority must supply written advice of the deemed confirmation to the person who gave the notification as soon as reasonably possible.

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1003
---------

**1003. Duties of various people associated with design verification**

- (1) The person who gives notification of a plant design must ensure that the design verification statement was made by a design verifier who did not participate in the design that is the subject of the statement.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) A person who has participated in the design of particular plant, must not knowingly act as a design verifier for that plant.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**1004. Recognition of plant design notification being confirmed, or plant design being registered or approved in another State or Territory**

Reg. 1004  
amended by  
S.R. No.  
5/1998  
reg. 20(c).

Subject to regulation 1006, if a plant design notification has been confirmed, or the design has been registered or given an approval by another agency under statutory requirements reasonably equivalent to the requirements of this Part, it is not necessary to also give notification of the design under this Part.

**1005. Proof of plant design notification being confirmed, or plant design registration or approval must be shown if asked for**

Reg. 1005  
amended by  
S.R. No.  
5/1998  
reg. 20(c).

A person who has had a plant design notification confirmed or has had a plant design registered or approved by an agency must provide a copy of the confirmation, registration or approval to any person intending to register under this Part an item of plant manufactured to that design.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1006

**1006. What is required if a plant design is altered**

- (1) If a plant design notification has been confirmed and that design is altered to an extent that the plant is subject to new measures to control risk, a person must not use the plant, or cause or allow the plant to be used at a workplace, unless notification of the altered design has been confirmed by either the Authority or the agency that confirmed the previous notification.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) If a plant design has been registered or approved by an agency and that design is altered in Victoria to an extent that the plant is subject to new measures to control risk, a person must not use the plant, or cause or allow the plant to be used at a workplace, unless notification of the altered design of the plant has been confirmed by the Authority in accordance with this Part.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**1007. Items of plant must be registered**

- (1) Subject to sub-regulation (3) a person who has management or control of plant listed in item 2 of Schedule 2 must not use plant, or cause or allow the use of plant at a workplace, unless that plant is registered with the Authority.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

- (2) This regulation applies to all plant listed in item 2 of Schedule 2, regardless of when that plant was designed or manufactured.

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1008
---------

- (3) This regulation does not apply for 12 months after the date of commencement of these Regulations to the plant listed in item 2 of Schedule 2 that did not require registration under the **Lifts and Cranes Act 1967** or the **Boilers and Pressure Vessels Act 1970** immediately before that commencement.

**1008. How to register plant**

- (1) An application for registration (or the renewal of registration) of plant must be made to the Authority, in the form determined by the Authority.

Reg. 1008(1)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

- (2) An application must include—

(a) sufficient information to clearly identify the item of plant; and

(b) in the case of a registration application only, if the plant requires notification of the plant design—

Reg. 1008  
(2)(b)  
amended by  
S.R. No.  
5/1998  
reg. 20(d).

(i) a copy of the confirmation of notification; or

(ii) a copy of the design registration or approval document (as the case may be)—

provided by either the Authority or the agency that confirmed the notification or registered or approved the design (as the case may be); and

(c) a plant registration (or renewal of registration) fee of \$65.

- (3) Within 1 month of receiving an application, the Authority must advise the applicant in writing that—

Reg. 1008(3)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

(a) the plant has been registered, or the registration of the plant has been renewed; or

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1009

Reg. 1008(4)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

Reg. 1008(6)  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

Reg. 1010  
amended by  
S.R. No.  
5/1998  
reg. 20(b).

- (b) the registration or renewal of the registration has been deferred due to—
  - (i) the inadequacy of the information required under sub-regulation (2); or
  - (ii) a failure to provide the required fee.
- (4) If the Authority advises an applicant that the information provided is inadequate, the Authority must also specify what further information is required.
- (5) Sub-regulation (3) applies to any information or fee submitted in response to any advice given under sub-regulation (3)(b), as if it were an application.
- (6) If the Authority fails to comply with sub-regulation (3) within 1 month of receiving an application, the plant specified in the application is deemed to have been registered or re-registered (as the case may be) and the Authority must supply written advice of the deemed registration to the applicant as soon as reasonably possible.

**1009. Registration of plant must be renewed after 3 years**

The registration of plant under regulation 1008 expires 3 years after the date of the written advice under regulation 1008(3)(a) or 1008(6).

**1010. Authority must be advised if registered plant, or its ownership alters**

If there has been a change of ownership of registered plant or the plant is—

- (a) altered to an extent which requires the plant to be subject to new measures to control risk; or

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1011

- (b) in the case of normally fixed plant, relocated and requires commissioning and new measures to control risk as a result of the relocation—

the person who has management or control of the plant must advise the Authority of the change in ownership, alteration or relocation in a form determined by the Authority, within 21 days of the change in ownership, alteration or relocation.

Penalty: Body corporate—400 penalty units, or in any other case—100 penalty units.

**1011. Recognition of items of plant registered in another State or Territory**

- (1) If a plant has been registered or given approval by another agency under statutory requirements reasonably equivalent to the registration requirements of this Part, it is not necessary to also register it under this Part.
- (2) Sub-regulation (1) does not apply to plant that is normally fixed in position.

Reg. 1011(1)  
 amended by  
 S.R. No.  
 5/1998  
 reg. 20(c).

**1012. Transitional arrangements in relation to registration issued under Lifts and Cranes Act 1967 and Boilers and Pressure Vessels Act 1970**

- (1) Any item of plant that would be required to be registered under these Regulations that is registered under either the **Lifts and Cranes Act 1967** or the **Boilers and Pressure Vessels Act 1970** immediately before the commencement of these Regulations, is deemed to be registered under these Regulations until the period of the registration under the **Lifts and Cranes Act 1967** or the **Boilers and Pressure Vessels Act 1970** would have expired.

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Part 10—Notification of Plant Design and Registration of Items of Plant

r. 1012

- 
- (2) A lift, in respect of which an inspection fee is current under the **Lifts and Cranes Act 1967** immediately before the commencement of these Regulations, is deemed to be registered under these Regulations until the period of the inspection fee would have expired.
-

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Sch. 1

---

**SCHEDULES**

**SCHEDULE 1**

**REGULATIONS TO BE REVOKED**

**Regulations Under Lifts and Cranes Act 1967 To Be Revoked**

Cranes Regulations 1989 (SR No. 43/1989)  
Cranes (Suspended Personnel) Regulations 1992 (SR No. 202/1992)  
Lifts and Cranes (Revocation Amendment) Regulations 1993  
(SR No. 109/1993)  
Cranes (Suspended Personnel) (Amendment) Regulations 1993  
(SR No. 152/1993)  
Lifts Regulations 1988 (SR No. 273/1988)  
Lifts (Amendment) Regulations (SR No. 446/1988)  
Lifts (Inspection Fees) Regulations 1989 (SR No. 292/1989)  
Lifts (Inspection Fees) Regulations 1990 (SR No. 94/1990)  
Lifts (Inspection Fees) (No. 2) Regulations 1990 (SR No. 380/1990)  
Lifts (Inspection Fees) Regulations 1991 (SR No. 281/1991)  
Lifts (Amendment) Regulations 1993 (SR No. 133/1993)  
Lifts (Inspection Fees) 1993 (SR No. 168/1993)

**Regulations Under The Boilers And Pressure Vessels Act 1970  
To Be Revoked**

Boilers and Pressure Vessels (General) Regulations 1992 (SR No. 203/1992)  
Boilers and Pressure Vessels (Revocation Amendment) Regulations 1993  
(SR No. 110/1993)  
Boilers and Pressure Vessels (General) (Fees and Miscellaneous  
Amendments) Regulations 1993 (SR No. 188/1993)  
Boilers and Pressure Vessels (General) (Amendment) Regulations 1993  
(SR No. 259/1993)  
Boilers and Pressure Vessels (Certification of Welders) Regulations 1992  
(SR No. 204/1992)  
Boilers and Pressure Vessels (Certification of Welders) (Fees and  
Miscellaneous Amendments) Regulations 1993 (SR No. 189/1993)



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Sch. 1

**Regulations Under The Scaffolding Act 1971 To Be Revoked**

Scaffolding Regulations 1992 (SR No. 197/1992)

Scaffolding (Revocation Amendment) Regulations 1993 (SR No. 111/1993)

Scaffolding (Fees and Miscellaneous Amendment) Regulations 1993  
(SR No. 169/1993)

Scaffolding (Certification of Scaffolding Inspectors) Regulations 1992  
(SR No. 199/1992)

Scaffolding (Certification of Scaffolding Inspectors) (Fees) Regulations 1993  
(SR No. 171/1993)

**Regulations Under The Occupational Health and Safety Act 1985  
To Be Revoked**

Occupational Health and Safety (Explosive Powered Tools) Regulations  
1989 (SR No. 349/1989)

Occupational Health and Safety (Laser Safety) Regulations 1986  
(SR No. 95/1986)

Occupational Health and Safety (Machinery) Regulations 1985  
(SR No. 326/1985)

Occupational Health and Safety (Tractor Safety) Regulations 1986  
(SR No. 96/1986)

**SCHEDULE 2**

**PLANT DESIGNS TO BE NOTIFIED AND ITEMS OF PLANT  
REQUIRING REGISTRATION**

Sch. 2  
amended by  
S.R. No.  
53/2001  
reg. 5(2).

**1. Plant Requiring Notification of Design**

- pressure equipment, other than pressure piping;
- tower cranes;
- lifts;
- building maintenance units;
- hoists, with a platform movement in excess of 2.4 metres, designed to lift people;
- work boxes suspended from cranes;
- amusement structures to which AS 3533—Amusement Rides and Devices applies, other than amusement structures referred to in the standard as class 1 structures;
- 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 greater than 10 tonnes, and a gantry crane or a bridge crane which is designed to handle molten metal or dangerous goods;
- vehicle hoists;
- mast climbing work platforms;
- mobile cranes with a safe working load greater than 10 tonnes.

**2. Items of Plant Requiring Registration**

- boilers categorised as hazard level A, B or C according to the criteria identified in AS 4343, Pressure Equipment—Hazard Levels;
- pressure vessels categorised as hazard level A, B or C according to the criteria identified in AS 4343, Pressure Equipment—Hazard Levels, other than—
  - (a) gas cylinders to which AS 2030—Gas Cylinders applies; and

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Sch. 2

(b) liquefied petroleum gas fuel vessels for automotive use to which AS 3509—LP Gas Fuel Vessels for Automotive Use applies; and

(c) serially produced vessels to which AS 2971—Serially Produced Pressure Vessels applies;

- tower cranes;
  - lifts;
  - building maintenance units;
  - amusement structures to which AS 3533—Amusement Rides and Devices applies, other than amusement structures referred to in the standard as class 1 structures;
  - concrete placing units (truck-mounted with boom);
  - mobile cranes with a safe working load greater than 10 tonnes.
-

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

Endnotes

---

**ENDNOTES**

**1. General Information**

The Occupational Health and Safety (Plant) Regulations 1995, S.R. No. 81/1995 were made on 27 June 1995 by the Governor in Council under section 59 of the **Occupational Health and Safety Act 1985**, No. 10190/1985 and came into operation on 1 July 1995: regulation 103.

The Occupational Health and Safety (Plant) Regulations 1995 will sunset 10 years after the day of making on 27 June 2005 (see section 5 of the **Subordinate Legislation Act 1994**).

*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

**Endnotes**

---

**2. Table of Amendments**

This Version incorporates amendments made to the Occupational Health and Safety (Plant) Regulations 1995 by statutory rules, subordinate instruments and Acts.

---

Occupational Health and Safety (General Amendment) Regulations 1998,  
S.R. No. 5/1998

*Date of Making:* 20.1.98

*Date of Commencement:* 20.1.98

Occupational Health and Safety (Plant) (Amendment) Regulations 1998,  
S.R. No. 138/1998

*Date of Making:* 17.11.98

*Date of Commencement:* 17.11.98

Occupational Health and Safety (Plant) (Amendment) Regulations 2001,  
S.R. No. 53/2001

*Date of Making:* 12.6.01

*Date of Commencement:* 15.6.01: reg. 3

---

### 3. Explanatory Details

<sup>1</sup> Reg. 203: At the time of commencement of these Regulations there are 2 regulations which specifically come within the category of regulations "which deal with a specific hazard" they are the Occupational Health and Safety (Manual Handling) Regulations 1988 and the Occupational Health and Safety (Noise) Regulations 1992.

<sup>2</sup> Reg. 308(f): This regulation describes a designer's obligation to provide certain information under specific circumstances. Section 24(1)(c) of the **Occupational Health and Safety Act 1985** also places a duty on designers (amongst others) to provide information. The designer's duty in the Act to provide information continues to apply to circumstances other than the specific circumstances referred to in the regulation.

<sup>3</sup> Reg. 405(c): This regulation describes a manufacturer's obligation to provide certain information under specific circumstances. Section 24(1)(c) of the **Occupational Health and Safety Act 1985** also places a duty on manufacturers (amongst others) to provide information. The manufacturer's duty in the Act to provide information continues to apply to circumstances other than the specific circumstances referred to in the regulation.

<sup>4</sup> Reg. 503(1)(c): See note 3.

<sup>5</sup> Reg. 601(b): There are specific obligations imposed on a supplier in relation to the fitting of roll-over protection for tractors in regulation 903 and that regulation should be referred to if supplying a tractor.

<sup>6</sup> Reg. 604(1)(b)(ii): This regulation describes a supplier's obligation to obtain and provide certain information under specific circumstances. Section 24(1)(c) of the **Occupational Health and Safety Act 1985** also places a duty on a supplier (amongst others) to provide information. The supplier's duty in the Act to provide information continues to apply to circumstances other than the specific circumstances referred to in the regulation.

<sup>7</sup> Reg. 605(4): See note 6.

<sup>8</sup> Reg. 711(2A): There are specific obligations imposed on an employer (and self-employed person) in relation to the fitting of roll-over protection for tractors in regulation 903 and that regulation should be referred to if using a tractor.

—

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

**Table/s of Applied, Adopted or Incorporated Matter**

The following table of applied, adopted or incorporated matter was included in S.R. No. 81/1995 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

**Table of Applied, Adopted or Incorporated Matter**

Statutory Rule Provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
Regulation 105— Definition of "Boiler"	Australian Standard AS/NZS 1200, Boilers and Pressure Vessels; and  Australian Standard AS 3920, Part 1, Pressure Equipment Manufacture—Assurance of Product Quality.	Those provisions which define "boiler".  Those provisions which define hazard levels A, B, C and D for boilers.
Regulation 105— Definition of "Gas cylinder"	Australian Standard AS 2030, Gas Cylinders.	Those provisions which define the gas cylinders which are the subject of the Standard.
Regulation 105— Definition of "Pressure piping"	Australian Standard AS/NZS 1200, Boilers and Pressure Vessels; and  Australian Standard AS 3920, Part 1, Pressure Equipment Manufacture—Assurance of Product Quality.	Those provisions which define "pressure piping".  Those provisions which define hazard levels A, B, C and D for pressure piping.

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 105— Definition of "Pressure vessel"	Australian Standard AS/NZS 1200, Boilers and Pressure Vessels and Australian Standard AS 2030 Gas Cylinders; and  Australian Standard AS 3920, Part 1, Pressure Equipment Manufacture—Assurance of Product Quality.	Those provisions which define "pressure vessel".  Those provisions which define hazard levels A, B, C and D for a pressure vessel.
Schedule 2—Plant designs to be notified and items of plant requiring registration	Australian Standard AS 3920, Part 1, Pressure Equipment Manufacture—Assurance of Product Quality; and  Australian Standard AS 2030, Gas Cylinders; and  Australian Standard AS 3509, LP Gas Fuel Vessels for Automotive Use; and	Those provisions which define hazard levels A, B, C and D for pressure equipment.  Those provisions which define the gas cylinders which are the subject of the Standard.  Those provisions which define the LPG fuel vessels for automotive use which are the subject of the Standard.



*Occupational Health and Safety (Plant) Regulations 1995*  
*S.R. No. 81/1995*

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
	<p>Australian Standard AS 2971, Serially Produced Pressure Vessels; and</p> <p>Australian Standard AS 3533, Amusement Rides and Devices.</p>	<p>Those provisions which define the serially produced pressure vessels which are the subject of the Standard.</p> <p>Those provisions which define the amusement structures which are the subject of the Standard, other than amusement structures referred to in the Standard as class 1 structures.</p>

*Occupational Health and Safety (Plant) Regulations 1995*  
S.R. No. 81/1995

The following table of applied, adopted or incorporated matter was included in S.R. No. 53/2001 in accordance with the requirements of regulation 6 of the Subordinate Legislation Regulations 1994.

**Table of Applied, Adopted or Incorporated Matter**

<b>Statutory Rule Provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 5(1)(a) which amends the definition of "boiler" in regulation 105(1) of the Principal Regulations	Australian Standard AS 4343, Pressure Equipment—Hazard Levels	Those provisions which define hazard levels A, B, C and D for boilers
Regulation 5(1)(b) which amends the definition of "pressure piping" in regulation 105(1) of the Principal Regulations	Australian Standard AS 4343, Pressure Equipment—Hazard Levels	Those provisions which define hazard levels A, B, C and D for pressure piping
Regulation 5(1)(c) which amends the definition of "pressure vessel" in regulation 105(1) of the Principal Regulations	Australian Standard AS 4343, Pressure Equipment—Hazard Levels	Those provisions which define hazard levels A, B, C and D for pressure vessels
Regulation 5(2) which amends Schedule 2 of the Principal Regulations	Australian Standard AS 4343, Pressure Equipment—Hazard Levels	Those provisions which define hazard levels A, B and C for boilers and pressure vessels