

**Authorised Version**  
**Equipment (Public Safety) Regulations 2017**  
**S.R. No. 23/2017**

**TABLE OF PROVISIONS**

<i>Regulation</i>	<i>Page</i>
<b>Part 1—Preliminary</b>	<b>1</b>
1 Objectives	1
2 Authorising provision	2
3 Commencement	2
4 Revocation	2
5 Interpretation	2
6 Equipment that is declared to be prescribed equipment	14
7 Authority may grant an exemption from these Regulations	15
8 Incorporated documents	18
<b>Part 2—Hazard identification and risk control measures for classes of prescribed equipment</b>	<b>19</b>
9 Hazard identification and risk control measures may be for classes of prescribed equipment	19
<b>Part 3—Duties of designers of prescribed equipment</b>	<b>20</b>
10 Hazard identification	20
11 Control of risk	20
12 Specific risk control measures	20
13 Guarding	21
14 Operator controls	23
15 Emergency stop devices	24
16 Warning devices	25
17 Designer must give information to manufacturer	26
18 Hazard identified in design during manufacture	27
19 Records and information	27
20 Record of standards or engineering principles used	28
<b>Part 4—Duties of manufacturers of prescribed equipment</b>	<b>30</b>
21 Control of risk	30
22 Control of risk in design of certain prescribed equipment under the control of the manufacturer	31
23 Information must be given by a manufacturer	32
24 Records and information	33

<i>Regulation</i>	<i>Page</i>
<b>Part 5—Duties of importers of prescribed equipment</b>	<b>34</b>
25 Control of risk	34
26 Information must be given by an importer	34
<b>Part 6—Duties of suppliers and agents of suppliers of prescribed equipment</b>	<b>36</b>
<b>Division 1—General</b>	<b>36</b>
27 Definitions	36
28 Control of risk	36
29 Information to be given—new prescribed equipment	36
30 Information to be given—used prescribed equipment	37
31 Information to be given—scrap material	38
32 Roll-over protection on tractors	38
<b>Division 2—Supplier who hires or leases prescribed equipment</b>	<b>39</b>
33 Inspection and maintenance	39
34 Records	39
<b>Division 3—Agent who sells prescribed equipment</b>	<b>40</b>
35 Information must be obtained and given by agent	40
<b>Part 7—Duty of person in charge of prescribed equipment</b>	<b>41</b>
36 Prescribed equipment not in use	41
<b>Part 8—Notice of prescribed equipment design</b>	<b>42</b>
37 Prescribed equipment must be notified and the notice confirmed before equipment used	42
38 How to give notice	42
39 Authority to advise person who gave notice	44
40 Duties of various persons associated with design verification	45
41 Recognition of equivalent confirmation, registration or approval	46
42 What is required if a prescribed equipment design is altered	46
<b>Part 9—Incident notices</b>	<b>48</b>
43 Definitions	48
44 Notice of incident	48
45 Notice of dangerous occurrence	49
46 Incident records	51
47 Preservation of site	51
48 Duties of supplier of prescribed equipment for hire or lease	52
<b>Part 10—Saving and transitional provisions</b>	<b>53</b>
49 Transitional arrangements in relation to notice of prescribed equipment design	53

<i>Regulation</i>	<i>Page</i>
<b>Schedule 1—Prescribed equipment designs to be notified</b>	<b>54</b>
<hr/> <hr/>	
<b>Endnotes</b>	<b>57</b>

## Authorised Version

STATUTORY RULES 2017

S.R. No. 23/2017

### *Equipment (Public Safety) Act 1994*

## **Equipment (Public Safety) Regulations 2017**

The Governor in Council makes the following Regulations:

Dated: 26 April 2017

Responsible Minister:

ROBIN SCOTT  
Minister for Finance

ANDREW ROBINSON  
Clerk of the Executive Council

## **Part 1—Preliminary**

### **1 Objectives**

The objectives of these Regulations are—

- (a) to declare certain equipment to be prescribed equipment for the purposes of the **Equipment (Public Safety) Act 1994** and these Regulations; and
- (b) to provide for the health and safety of persons and the identification and control of risks in relation to prescribed equipment; and
- (c) for the purposes of identifying whether preventative action is necessary following an incident occurring at an equipment site—

- (i) to specify notifiable incidents; and
- (ii) to prescribe procedures relating to notifiable incidents involving prescribed equipment.

## 2 Authorising provision

These Regulations are made under section 36 of the **Equipment (Public Safety) Act 1994**.

## 3 Commencement

These Regulations come into operation on 18 June 2017.

## 4 Revocation

The following Regulations are **revoked**—

- (a) the Equipment (Public Safety) Regulations 2007<sup>1</sup>;
- (b) the Equipment (Public Safety) Amendment Regulations 2014<sup>2</sup>.

## 5 Interpretation

(1) In these Regulations—

**administrative control** means a system of work or a work procedure that is designed to eliminate or reduce risk, but does not include—

- (a) a physical control; or
- (b) the use of personal protective equipment;

**agency** means a person or body that has the power under a law of the Commonwealth or a law of an Australian State or Territory to require design notice or registration of prescribed equipment in a manner that is reasonably equivalent to the requirements under Part 8;

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

***AMBSC Code*** means Australian Miniature Boiler Safety Committee Code Parts 1, 2, 3 and 4 published by the Australian Miniature Boiler Safety Committee;

***amusement structure*** means powered equipment operated for hire or reward that 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 2030—Gas Cylinders*** means—

- (a) AS 2030.1 Gas cylinders, Part 1: General requirements; and
- (b) AS 2030.2 The verification, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases, Part 2: Cylinders for dissolved acetylene; and
- (c) AS 2030.4 The verification, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases, Part 4: Welded cylinders—insulated; and
- (d) AS 2030.5 Gas cylinders, Part 5: Filling, inspection and testing of refillable cylinders;

***boiler*** means a boiler within the meaning of AS/NZS 1200 Pressure equipment with a hazard level A, B, C or D as determined

by AS 4343 Pressure equipment—Hazard levels;

***boom-type elevating work platform*** means a powered telescoping device (including vertical and inclined), hinged device or articulated device or any combination of those devices used to support a platform on which persons, equipment and materials may be elevated to perform work, but does not include an industrial lift truck;

***bridge crane*** means a crane that—

- (a) consists of one or more bridge beams mounted at each end to an end carriage; and
- (b) is capable of travelling along elevated runways; and
- (c) has one or more hoisting mechanisms that are able to travel across the bridge beam or beams;

***building maintenance equipment*** means a suspended platform, including a building maintenance unit or a swing stage, that 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 powered appliance with a suspended platform, permanently installed or intended to be permanently installed on a building and specifically designed to provide access to the faces of the building, for a person working from the platform;

***chairlift*** means an aerial powered ropeway that incorporates either elevated open chairs or closed cabins (gondola-type);

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

***concrete-placing boom*** means powered mobile truck-mounted equipment incorporating a knuckle boom that is capable of power-operated slewing and luffing to place concrete by way of pumping concrete through a pipeline attached to, or forming part of, the boom of the equipment;

***conveyor*** means equipment (including the superstructure, gear and auxiliary equipment used in connection with the equipment) by which loads are, or are 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 if 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 (including the supporting structure of the appliance and its foundations) but does not include any of the following—



- (a) an industrial lift truck;
- (b) earthmoving machinery;
- (c) an amusement structure;
- (d) a tractor;
- (e) an industrial robot;
- (f) a conveyor;
- (g) building maintenance equipment;
- (h) a suspended scaffold;
- (i) a lift;

***decommissioning***, in relation to prescribed equipment, includes performing necessary adjustments, tests and inspections before the prescribed equipment ceases operation and during the process of ceasing operation;

***earthmoving machinery*** means powered equipment 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;

***emergency stop device*** means a device that immediately stops, or effectively isolates the hazardous operation of, an item of prescribed equipment and requires manual resetting;

**Note**

An emergency stop device is not an operational stop control (see the definition of ***operational stop control***).

***engineering control*** means a physical control of any kind that is designed to eliminate or reduce a risk, but does not include—

- (a) a system of work or procedure; or
- (b) the use of personal protective equipment;

***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, the implement, but does not include a firearm within the meaning of the **Firearms Act 1996**;

***gantry crane*** means a powered crane that—

- (a) consists of a bridge beam or beams that 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;

**Notes**

- 1 See the definition of ***AS 2030—Gas Cylinders*** which encompasses AS 2030.1, AS 2030.2, AS 2030.4 and AS 2030.5.
- 2 A gas cylinder may be of any shape.

***hoist*** means an appliance intended for raising or lowering persons or a load and includes a mast climbing work platform, a personnel and materials hoist, a scaffolding hoist and

a serial hoist, but does not include a lift or building maintenance equipment;

***industrial lift truck*** means powered mobile prescribed equipment (other than a crane or earthmoving machinery) comprising a mast with an elevating carriage to which a pair of fork arms or other loadholding attachment is attached including—

- (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;

***industrial robot*** means equipment that is a multifunctional manipulator and its controllers, capable of handling materials, parts or tools or specialised devices, through variable programmed motions for the performance of a variety of tasks;

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

***lift*** means permanent equipment, or equipment intended to be permanently installed, in or attached to a building or structure in which persons, goods or materials may be raised or lowered within a car, chair or cage or on a platform and the movement of which is restricted by a guide or guides and includes

an escalator, a moving walk and a stairway lift;

***mast climbing work platform*** means equipment with a working platform used to support and elevate persons, equipment and materials by means of a drive system that 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;

***operational stop control*** means a device used to stop an item of prescribed equipment under normal operation, but does not include an emergency stop device;

***operator controls*** includes an operational stop control and an emergency stop device;

***powered mobile prescribed equipment*** means equipment that is provided with some form of self-propulsion that is ordinarily under the direct control of an operator;

***presence-sensing safeguarding system*** includes—

- (a) a sensing system that—
  - (i) is an electro-sensitive or pressure sensitive system that employs optoelectronic or pressure sensitive devices to perform a sensing and a control function; or
  - (ii) uses other technologies to perform a sensing and a control function;and
- (b) the interface between the final switching devices of the sensing system and the machine primary control elements; and

- (c) the machine stopping capabilities, by which the presence of a person or part of a person within the sensing field will cause the dangerous parts of a machine to be brought to a safe state before the person can reach the dangerous parts;

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

*pressure piping* means pressure piping within the meaning of AS/NZS 1200 Pressure equipment, with a hazard level A, B, C or D as determined by AS 4343 Pressure equipment—Hazard levels, but does not include pressure piping that is regulated under—

- (a) the **Gas Safety Act 1997**; or
- (b) the **Petroleum Act 1998**; or
- (c) the **Offshore Petroleum and Greenhouse Gas Storage Act 2010**; or
- (d) the **Water Industry Act 1994**; or
- (e) the **Pipelines Act 2005**; or
- (f) any other Act (other than the **Equipment (Public Safety) Act 1994**) that imposes statutory controls over pressure piping comparable to those listed in paragraphs (a) to (e);

*pressure vessel* means—

- (a) a pressure vessel within the meaning of AS/NZS 1200 Pressure equipment, with a hazard level A, B, C or D as determined by AS 4343 Pressure equipment—Hazard levels; or
- (b) a fired heater; or

(c) a gas cylinder—

but does not include a boiler or pressure piping;

***published technical standard*** means a document that gives technical information, guidance or advice on prescribed equipment, 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
- (e) an organisation with substantially equivalent objectives in relation to the publication of technical information, guidance or advice on equipment to the organisations listed in paragraphs (a) to (d);

***reach stacker*** means powered mobile prescribed equipment that—

- (a) incorporates a non-slewing boom with a permanently fitted lifting frame where the only means of lifting is by twist locks; and
- (b) is designed for raising and lowering shipping containers and moving them horizontally—

but does not include a shore-based container handling gantry crane;

***roll-over protection*** means a structure to protect the operator of a tractor or other powered mobile prescribed equipment against injury as a result of the tractor or equipment rolling over in any direction;

***rope access 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 the person is lowered and raised;

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

***self-erecting tower crane*** means a tower crane where—

- (a) the tower structure and boom or jib elements are not disassembled into component sections; and
- (b) the crane can be transported between sites as a complete unit; and
- (c) erection and dismantling processes are an inherent part of the crane's function;

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

***temporary access equipment*** means the following—

- (a) rope access equipment;
- (b) a work box;
- (c) an industrial safety net;
- (d) equipment incorporating a harness that is used or intended to be used to arrest the fall of a person wearing the harness;

***the Act*** means the **Equipment (Public Safety) Act 1994**;

***tower crane*** means a powered 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—

- (a) earthmoving machinery; or
- (b) a passenger vehicle;

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

***vehicle hoist*** means a hoist that is permanently installed or designed to be permanently installed at an equipment site to elevate a vehicle to allow work to be performed on the vehicle;

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

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

(2) Any reference in these Regulations to—

- (a) ***designer, manufacturer, importer*** or ***supplier***, in relation to prescribed equipment, is a reference to a person who designs, manufactures, imports or supplies (as the case requires) that prescribed equipment; or



- (b) *prescribed equipment* or a type of prescribed equipment includes any component of the equipment or type of equipment and anything fitted, connected or belonging to the equipment or type of equipment.

## **6 Equipment that is declared to be prescribed equipment**

- (1) For the purposes of the Act and these Regulations the following types of equipment are declared to be prescribed equipment—

- (a) subject to subregulation (2), equipment that processes material by way of a mechanical action that—
- (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 equipment where the functions referred to in subparagraphs (i), (ii) and (iii) are incidental to the main purpose of the equipment;

- (b) subject to subregulation (2), equipment that lifts or moves persons or materials (other than a ship, boat, aircraft or vehicle designed to be used primarily as a means of transport on a public road or by rail);
- (c) pressure equipment;
- (d) tractors;
- (e) earthmoving machinery;
- (f) lasers;

- (g) scaffolds;
- (h) temporary access equipment;
- (i) explosive-powered tools;
- (j) turbines;
- (k) amusement structures.

**Example**

An example of materials under subregulation (1)(b) includes objects and substances such as empty receptacles, bins, landfill rubbish, metals and soil.

- (2) Subregulations (1)(a) and (1)(b) do not include—
  - (a) equipment that relies exclusively on manual power for its operation; or
  - (b) equipment that is designed to be primarily supported by hand.
- (3) Unless specified otherwise, these Regulations apply to all prescribed equipment irrespective of the date on which the prescribed equipment was manufactured.

**7 Authority may grant an exemption from these Regulations**

- (1) The Authority may exempt the following from any requirement of, or prohibition in, these Regulations—
  - (a) specific prescribed equipment or a class of prescribed equipment;
  - (b) any person or class of persons.
- (2) The Authority may grant an exemption on—
  - (a) its own initiative; or
  - (b) the written application of any person.

- (3) The Authority may grant an exemption under—
- (a) subregulation (1)(a) if the Authority is satisfied that the risk associated with the prescribed equipment is not significant; or
  - (b) subregulation (1)(b) if the Authority is 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 prescribed equipment or the prescribed equipment under the person's control or management that would be achieved if the person had complied with these Regulations.
- (4) The Authority may impose conditions on an exemption in relation to—
- (a) the commencement date and duration of the exemption; and
  - (b) any 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 prescribed equipment 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.

- (5) If, in response to an application under subregulation (2)(b), the Authority—
- (a) grants an exemption, the Authority must give a copy of the exemption to the applicant within 14 days of the Authority's decision to grant the exemption; or
  - (b) refuses to grant an exemption, the Authority must notify the applicant in writing of the reasons for the refusal within 14 days of the Authority's decision to refuse to grant the exemption.
- (6) The Authority, by written notice given to the applicant, may at any time vary or revoke an exemption.
- (7) A notice under subregulation (6) must—
- (a) be provided to the applicant within 14 days of the Authority's decision to vary or revoke the exemption; and
  - (b) include the reasons for the Authority's decision to vary or revoke the exemption.
- (8) A variation or revocation of an exemption under subregulation (6) 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
  - (b) on the day 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.
- (9) The Authority may charge a fee of 46.2 fee units for the consideration of an application for exemption under this regulation.

- (10) The Authority must not grant an exemption to a person unless the person has paid the fee set out in subregulation (9).

### **8 Incorporated documents**

A reference in these Regulations to any document applied, adopted or incorporated by, or referred to in, these Regulations is to be read as a reference to that document as in force from time to time.

## **Part 2—Hazard identification and risk control measures for classes of prescribed equipment**

### **9 Hazard identification and risk control measures may be for classes of prescribed equipment**

- (1) This regulation applies to a person who is required under these Regulations to identify hazards and control risks associated with prescribed equipment.
- (2) A person referred to in subregulation (1) may carry out procedures to identify the hazards and control risks for a class of prescribed equipment rather than for an individual item of prescribed equipment if—
  - (a) all the prescribed equipment in the class have similar functions and productive capacity; and
  - (b) the identification and control measures carried out for the class of prescribed equipment do not result in any person being subject to a greater, additional or different risk associated with prescribed equipment than if the identification and control measures were carried out for each individual item of prescribed equipment.
- (3) A reference in this regulation to a person being under a duty to control risks associated with prescribed equipment is a reference to a requirement that the person eliminate the risks or, if it is not practicable to eliminate the risks, reduce the risks so far as is practicable.

## **Part 3—Duties of designers of prescribed equipment**

### **10 Hazard identification**

A designer of prescribed equipment must, so far as is practicable, identify all hazards associated with the use of the prescribed equipment during the design of the prescribed equipment.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **11 Control of risk**

A designer of prescribed equipment must ensure that any risk associated with the use of the prescribed equipment—

- (a) is eliminated, so far as is practicable; or
- (b) if it is not practicable to eliminate the risk, is reduced so far as is practicable by altering the design of the prescribed equipment.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **12 Specific risk control measures**

- (1) A designer of prescribed equipment must ensure that the prescribed equipment is designed so that the risk to the operators of the prescribed equipment and persons in the vicinity of the prescribed equipment when the prescribed equipment is used—

- (a) is eliminated, so far as is practicable; or

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

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

(2) A designer of prescribed equipment must ensure that if particular systems of work or the competency of operators will eliminate or reduce risk, they are specified in the information supplied to the manufacturer under regulation 17.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

### **13 Guarding**

(1) This regulation applies to a designer of prescribed equipment who uses guarding as a measure to control risk associated with the prescribed equipment.

(2) The designer must ensure, so far as is practicable, that the guarding designed for that purpose will prevent access to the danger area of the prescribed equipment.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

(3) The designer must ensure that—

(a) if access to the area of the prescribed equipment requiring guarding is not necessary during operation, maintenance or cleaning of the prescribed equipment, the guarding is a permanently fixed physical barrier; or

(b) if access to the area of the prescribed equipment requiring guarding is necessary during operation, maintenance or cleaning of the prescribed equipment, the guarding is an



Part 3—Duties of designers of prescribed equipment

---

interlocked physical barrier that allows access to the area being guarded at times when the area does not present a risk and prevents access to that area at any other time; or

- (c) if it is not practicable to use guarding referred to in paragraph (a) or (b), the guarding used is a physical barrier that can only be altered or removed by the use of tools; or
- (d) if it is not practicable to use guarding referred to in paragraph (a), (b) or (c), the design includes a presence-sensing safeguarding system that eliminates any risk arising from the area of the prescribed equipment requiring guarding while a person or any part of a person is in the area being guarded.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (4) The designer must ensure that the guarding is designed so that it—
  - (a) makes bypassing or disabling the guarding, whether deliberately or by accident, as difficult as is reasonably possible; and
  - (b) does not create a risk in itself.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (5) If the prescribed equipment to be guarded contains moving parts that may break or that may cause workpieces to be ejected from the prescribed equipment, the designer must ensure that the guarding will, in relation to any risk from those broken or ejected parts or workpieces—

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (6) Despite anything to the contrary in this regulation, any guarding the designer of prescribed equipment uses as a measure to control risk associated with prescribed equipment may be of a kind that is able to be removed to allow convenient repair, servicing, maintenance and cleaning of the prescribed equipment when it is not in normal operation.

#### **14 Operator controls**

- (1) A designer of prescribed equipment must ensure that the design provides for any operator controls for the prescribed equipment to be—
  - (a) suitably identified on prescribed equipment so as to indicate their nature and function; and
  - (b) located so as to be readily and conveniently operated by each person using the prescribed equipment; 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: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (2) If the need for prescribed equipment to be operated during maintenance or cleaning cannot be eliminated, the designer of the prescribed equipment must ensure that the design provides for operator controls that—
- (a) permit operation of the prescribed equipment while a person is undertaking the maintenance or cleaning of the prescribed equipment; and
  - (b) cannot be operated by any person other than the person who is carrying out the maintenance or cleaning of the prescribed equipment; and
  - (c) allow operation of the prescribed equipment in such a way that any risk associated with the activities to any person who is carrying out the maintenance or cleaning of the prescribed equipment—
    - (i) is, so far as is practicable, eliminated; or
    - (ii) if it is not practicable to eliminate the risk, is reduced so far as is practicable.
- Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.
- (3) This regulation does not apply to an emergency stop device.

### **15 Emergency stop devices**

- (1) A designer of prescribed equipment that is designed to be operated or attended by more than one person and has more than one emergency stop device fitted, must ensure that the design provides for the emergency stop devices to be of the type that ensures that, if an emergency stop device has been used, the prescribed equipment can be restarted only if—

- (a) that emergency stop device is manually reset; and
- (b) the start function is manually activated.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (2) A designer of prescribed equipment who includes an emergency stop device for the prescribed equipment must ensure that the design provides—

- (a) for the device to be prominent, clearly and durably marked and immediately accessible to each operator of the prescribed equipment; and
- (b) for any handle, bar or push button associated with the device to be coloured red; and
- (c) that the device cannot be adversely affected by electrical or electronic circuit malfunction.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **16 Warning devices**

- (1) A designer of prescribed equipment who includes an emergency warning device for the prescribed equipment must ensure that the design provides for the device to be so positioned on the prescribed equipment that the device works to best effect.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (2) If there is a likelihood of powered mobile prescribed equipment colliding with pedestrians or other powered mobile prescribed equipment, the designer must ensure that the design of the prescribed equipment includes a warning device

that will warn any person who may be at risk from the movement of the prescribed equipment.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **17 Designer must give information to manufacturer**

A designer of prescribed equipment must, when the design of the prescribed equipment is made available to the manufacturer of the prescribed equipment, give the manufacturer adequate information to enable the prescribed equipment to be manufactured in accordance with the design specifications and, if applicable, information about the following—

- (a) the installation, commissioning, decommissioning, use, transport, storage and, if the prescribed equipment is capable of being dismantled, dismantling, of the prescribed equipment;
- (b) the hazards and any risk associated with the use of the prescribed equipment identified by the designer;
- (c) testing or inspections to be carried out on the prescribed equipment;
- (d) the systems of work and competency of operators that are necessary for the safe use of the prescribed equipment;
- (e) the emergency procedures (if any) that are required to be implemented if there is a malfunction of the prescribed equipment.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **18 Hazard identified in design during manufacture**

A designer of prescribed equipment, who has been informed under regulation 21(1)(c)(ii) by a manufacturer of the prescribed equipment that there is a hazard in the design for which the designer has not provided a risk control measure, must—

- (a) revise the information originally supplied and give it to the manufacturer to ensure that the risk is—
  - (i) so far as is practicable eliminated; or
  - (ii) if it is not practicable to eliminate the risk, reduced so far as is practicable; or
- (b) inform 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: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **19 Records and information**

- (1) A designer of prescribed equipment that is required to be notified in accordance with Part 8 must record—
  - (a) the method used to determine the risk control measures for the prescribed equipment; and
  - (b) the risk control measures that result from the determination.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) A designer of prescribed equipment must keep any record made under subregulation (1) available for inspection by the Authority for a period of 7 years after the date of notice of the design of the prescribed equipment under Part 8.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

**Note**

If a person who designs prescribed equipment is the person who gives notice of the equipment design under Part 8, that person must also obtain a design verification statement in accordance with regulation 38.

**20 Record of standards or engineering principles used**

- (1) A designer of prescribed equipment must record any published technical standard, including any part of a published technical standard, that was used in designing the prescribed equipment.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) A designer of prescribed equipment who does not use published technical standards to design the prescribed equipment must record any engineering principles used in designing the prescribed equipment.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (3) A designer of prescribed equipment must keep any record made under this regulation available for inspection by the Authority or the person who verified the design of the prescribed equipment under Part 8, for a period of 7 years after the later of—

Equipment (Public Safety) Regulations 2017  
S.R. No. 23/2017

Part 3—Duties of designers of prescribed equipment

---

- (a) the date on which the design or information about the design is given to the manufacturer under regulation 17; or
- (b) if applicable, the date on which revised information is given to the manufacturer under regulation 18.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.



## **Part 4—Duties of manufacturers of prescribed equipment**

### **21 Control of risk**

- (1) A manufacturer of prescribed equipment must—
- (a) ensure that the prescribed equipment is manufactured and inspected having regard to the information given to the manufacturer by the designer of the prescribed equipment under Part 3; and
  - (b) if the information given to the manufacturer by the designer of the prescribed equipment under Part 3 requires the prescribed equipment to be tested, ensure that the prescribed equipment is tested in accordance with the information; and
  - (c) ensure that if, during the manufacturing process, any hazard is identified in the design of the prescribed equipment for which the designer has not provided a risk control measure—
    - (i) the hazard is not incorporated into the manufacture of the prescribed equipment; and
    - (ii) the designer of the prescribed equipment is informed in writing of the hazard, as soon as reasonably possible; and
    - (iii) all reasonable steps are taken to consult with the designer of the prescribed equipment in relation to the alteration of the design to rectify the hazard; and

(d) if it is not possible to inform the designer of the hazard in accordance with paragraph (c)(ii), ensure that the risk is—

(i) so far as is practicable, eliminated; or

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

(2) A manufacturer to whom subregulation (1)(c) applies must not manufacture the prescribed equipment until—

(a) the designer gives the manufacturer revised information under regulation 18(a); or

(b) the manufacturer eliminates or reduces risk in accordance with subregulation (1)(d).

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

(3) If the designer gives a manufacturer of prescribed equipment written information in accordance with regulation 18(b), the manufacturer may proceed in accordance with the designer's original information.

## **22 Control of risk in design of certain prescribed equipment under the control of the manufacturer**

(1) This regulation applies if a manufacturer intends to manufacture prescribed equipment from a design of a designer (other than a designer to whom section 8 of the Act applies).

(2) Subject to subregulation (3), the manufacturer must ensure that hazard identification and control of risks associated with the design of the prescribed equipment have been carried out

in accordance with Part 3 before the prescribed equipment leaves the manufacturer's control.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

(3) If it is not practicable to comply with subregulation (2), the manufacturer must ensure that any risk arising from use of the prescribed equipment—

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **23 Information must be given by a manufacturer**

A manufacturer of prescribed equipment must—

- (a) give to a person to whom the manufacturer supplies the prescribed equipment the information given to the manufacturer by the designer under regulation 17 when the prescribed equipment is supplied by the manufacturer; and
- (b) if the manufacturer acts in accordance with regulation 21(1)(d), give to a person to whom the manufacturer supplies the prescribed equipment the information, applicable to the prescribed equipment, that is required to be given by the designer under regulation 18.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **24 Records and information**

- (1) A manufacturer of prescribed equipment must keep—
- (a) a record of any published technical standard, including any part of a published technical standard, used to manufacture the prescribed equipment; and
  - (b) any information in relation to the prescribed equipment given to the manufacturer by a designer under these Regulations or the Act.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) The manufacturer of prescribed equipment must keep the records and information referred to in subregulation (1) available for inspection by the Authority for a period of 7 years after the date of manufacture of the prescribed equipment.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

## **Part 5—Duties of importers of prescribed equipment**

### **25 Control of risk**

An importer of prescribed equipment must ensure that any risk arising from use of the prescribed equipment is—

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **26 Information must be given by an importer**

- (1) An importer of prescribed equipment must—
  - (a) in respect of that prescribed equipment, give to the person to whom the prescribed equipment is supplied the health and safety information given to the importer by the designer or manufacturer when the prescribed equipment is supplied; and
  - (b) if the importer has altered the prescribed equipment or its design in complying with regulation 25, give to the person to whom the prescribed equipment is supplied the information, applicable to the prescribed equipment, that is required to be given by the designer under regulation 17.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (2) An importer of prescribed equipment that is to be used as scrap material must, at the time the prescribed equipment is supplied to a person, inform the person in writing that the prescribed equipment is intended for use as scrap material.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **Part 6—Duties of suppliers and agents of suppliers of prescribed equipment**

### **Division 1—General**

#### **27 Definitions**

In this Part—

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

*supplier* does not include a person who sells prescribed equipment as an agent of a supplier.

#### **28 Control of risk**

A supplier of prescribed equipment must ensure that any risk arising from use of the prescribed equipment is—

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

#### **29 Information to be given—new prescribed equipment**

- (1) A supplier of new prescribed equipment must, at the time of supplying the prescribed equipment, give to the person to whom it is supplied the information given to the supplier under regulation 23.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (2) A supplier of new prescribed equipment who does not possess the information referred to in subregulation (1) must, in writing, inform the person to whom the prescribed equipment is supplied that the prescribed equipment—
- (a) is being supplied without the information required by those provisions; and
  - (b) should not be used as prescribed equipment without the information.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (3) This regulation does not apply to a supplier who supplies prescribed equipment under a hire-purchase agreement or hire-purchase contract.

### **30 Information to be given—used prescribed equipment**

- (1) A supplier of used prescribed equipment must, at the time of supplying the used prescribed equipment, give to the person to whom it is supplied—
- (a) any information required to be given to the supplier under regulation 23 that is in the possession of the supplier relating to the safe use of the prescribed equipment; and
  - (b) any record kept by the previous owner of the prescribed equipment required under this Part, that is in the possession of the supplier.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (2) A supplier of used prescribed equipment who does not possess any information or record referred to in subregulation (1) must, in writing, inform the



person to whom the prescribed equipment is supplied that the prescribed equipment—

- (a) is being supplied without the information required by those provisions; and
- (b) should not be used as prescribed equipment without the information.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

- (3) This regulation does not apply to a supplier who supplies prescribed equipment under a hire-purchase agreement or hire-purchase contract.

### **31 Information to be given—scrap material**

A supplier of used prescribed equipment that is to be used as scrap material must, at the time the prescribed equipment is supplied to a person, inform the person in writing that the prescribed equipment is intended for use as scrap material.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **32 Roll-over protection on tractors**

- (1) This regulation applies to a tractor that conveys its power directly to the ground by wheels but does not apply to a tractor—
  - (a) supplied for use at an equipment site in circumstances in which there is no likelihood of the tractor overturning; or
  - (b) 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; or

(c) that the supplier intends to be used for parts or scrap material.

(2) A supplier of prescribed equipment must not supply a tractor manufactured in, or imported into, Victoria on or after 1 July 1981 unless it is fitted with roll-over protection.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **Division 2—Supplier who hires or leases prescribed equipment**

### **33 Inspection and maintenance**

A supplier of prescribed equipment who hires or leases prescribed equipment must ensure that, between any hiring or leasing of the prescribed equipment, the prescribed equipment is inspected and maintained to ensure that any risk arising from the use of the prescribed equipment is—

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **34 Records**

(1) A supplier of prescribed equipment who hires or leases prescribed equipment must make a record detailing any inspections or maintenance carried out on the prescribed equipment under regulation 33.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) A supplier of prescribed equipment who hires or leases prescribed equipment must keep the record made under subregulation (1) while the supplier has management or control of the prescribed equipment.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (3) A supplier of prescribed equipment who hires or leases prescribed equipment must give to each person to whom the supplier hires or leases the prescribed equipment any information on the safe use of the prescribed equipment which is in the possession of the supplier.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

### **Division 3—Agent who sells prescribed equipment**

#### **35 Information must be obtained and given by agent**

A person who sells prescribed equipment as an agent of a supplier must—

- (a) before conducting the sale, obtain the information or records (as the case may be) required under regulations 29, 30 and 31 to be given by a supplier to the person to whom the prescribed equipment is supplied; and
- (b) give the information or records (as the case may be) obtained from the supplier under paragraph (a) to the purchaser of the prescribed equipment on completion of the sale.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **Part 7—Duty of person in charge of prescribed equipment**

### **36 Prescribed equipment not in use**

A person in charge of prescribed equipment must ensure that when prescribed equipment is not in use it is left in a state that does not create a risk, so far as is practicable, to any person.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **Part 8—Notice of prescribed equipment design**

### **37 Prescribed equipment must be notified and the notice confirmed before equipment used**

A person must not use, cause or allow to be used, prescribed equipment listed in Schedule 1 unless—

- (a) notice of the design of the prescribed equipment has been confirmed by the Authority; or
- (b) regulation 41 applies to the prescribed equipment.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

### **38 How to give notice**

- (1) Notice of a prescribed equipment design must—
  - (a) be given to the Authority in the form determined by the Authority; and
  - (b) include the information required under subregulation (2); and
  - (c) include any evidence of identity of the person giving the notice required by the Authority; and
  - (d) be accompanied by a fee of 20 fee units.
- (2) Notice of a prescribed equipment design must include the following—
  - (a) a design verification statement that states that the design was prepared in accordance with the record of published technical

- standards or engineering principles (as the case may be) referred to in regulation 20;  
and
- (b) the name, business address and qualifications of the person who made the design verification statement and, if applicable, the name and business address of the person employing the design verifier;  
and
  - (c) a representational drawing of the prescribed equipment design; and
  - (d) any information about the design that may be determined by the Authority under subregulation (3).
- (3) Without limiting subregulation (1), the Authority may require additional information relating to the design of prescribed equipment to be included with a notice of the prescribed equipment design.
- (4) The information required under subregulation (3) may include the following—
- (a) the dates of the commencement and completion of the design;
  - (b) whether the design is for an alteration to existing prescribed equipment;
  - (c) whether the notice is the first notice for the design of the prescribed equipment;
  - (d) the intended primary use and performance capacity of the prescribed equipment;
  - (e) if known by the designer, the intended manufacturer's name and address;

- (f) the type and model number (if applicable) of the prescribed equipment;
  - (g) if known by the designer, the intended fixed location of prescribed equipment in the equipment site;
  - (h) a description of controls, safety devices, supporting systems and communication systems for the prescribed equipment (if applicable);
  - (i) the hazard level of pressure equipment and the type of fluid to be used in the pressure equipment (if applicable).
- (5) The information determined by the Authority under subregulation (3) may be information applicable generally to all prescribed equipment designs, a type of prescribed equipment design or specific to an individual prescribed equipment design.

### **39 Authority to advise person who gave notice**

- (1) Within 30 days of receiving a prescribed equipment design notice under regulation 38, the Authority must advise the person who gave the notice in writing that—
- (a) the prescribed equipment design notice has been confirmed; or
  - (b) the confirmation has been deferred due to—
    - (i) the inadequacy of the information required to be provided under regulation 38; or
    - (ii) a failure to provide the required fee.

- (2) If the Authority advises a person who gave the notice that the information provided is inadequate, the Authority must also specify what further information is required.
- (3) Subregulation (1) applies to any information or fee submitted in response to any advice given under subregulation (1)(b), as if it were notice.
- (4) If the Authority fails to comply with subregulation (1) within 30 days of receiving notice, the prescribed equipment design notice is taken to have been confirmed and the Authority must provide written advice of that confirmation, as soon as is reasonably possible, to the person who gave the notice.

#### **40 Duties of various persons associated with design verification**

- (1) The person who gives notice under regulation 38 must ensure that the design verification statement referred to in regulation 38(2)(a) was made by a design verifier—
  - (a) who did not participate in the design that is the subject of the statement; and
  - (b) who has an appropriate level of skill and knowledge to be able to verify the design; and
  - (c) who has checked the design to ensure that it has been prepared according to the published technical standards or engineering principles recorded by the designer in respect of the design of that prescribed equipment in accordance with regulation 20.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.



- (2) A person who has participated in preparing a prescribed equipment design must not knowingly act as a design verifier for that prescribed equipment design.

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

#### **41 Recognition of equivalent confirmation, registration or approval**

Subject to regulation 42, it is not necessary to give notice of a design for prescribed equipment under this Part if—

- (a) the design has been registered under Part 6.2 of the Occupational Health and Safety Regulations 2017; or
- (b) an agency has confirmed a notice for the design of the prescribed equipment or has registered or approved the design under statutory requirements substantially equivalent to the requirements of this Part.

#### **42 What is required if a prescribed equipment design is altered**

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

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

Penalty: 100 penalty units for a natural person;  
400 penalty units for a body corporate.

## **Part 9—Incident notices**

### **43 Definitions**

In this Part—

*incident* means an accident or dangerous occurrence;

*medical treatment* means treatment by a person registered under the Health Practitioner Regulation National Law to practise in the medical profession (other than as a student);

*substance* means any natural or artificial substance, whether in the form of a solid, liquid, gas or vapour.

### **44 Notice of incident**

A person who is in charge of prescribed equipment at an equipment site must notify the Authority immediately after becoming aware of an incident involving the equipment which results in one or more of the following—

- (a) the death of any person;
- (b) a person requiring medical treatment within 48 hours of exposure to a substance;
- (c) a person requiring immediate treatment as an in-patient in a hospital;
- (d) a person requiring immediate treatment for—
  - (i) the amputation of any part of a person's body; or
  - (ii) a serious head injury; or
  - (iii) a serious eye injury; or

- (iv) the separation of a person's skin from underlying tissue (such as de-gloving or scalping); or
- (v) an electric shock; or
- (vi) a spinal injury; or
- (vii) the loss of a bodily function; or
- (viii) any serious laceration.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

#### **45 Notice of dangerous occurrence**

- (1) A person in charge of prescribed equipment at an equipment site must notify the Authority immediately after becoming aware of an incident involving the equipment which exposed a person in the immediate vicinity of the equipment to an immediate risk to that person's health or safety through—
  - (a) the collapse, overturning, failure or malfunction of, or damage to prescribed equipment specified in subregulation (2); or
  - (b) an implosion, explosion or fire.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) For the purposes of this regulation the following prescribed equipment is specified—
  - (a) boilers with a hazard level A, B or C as determined by AS 4343 Pressure equipment—Hazard levels;

- (b) pressure vessels with a hazard level A, B or C as determined by AS 4343, Pressure Equipment—Hazard levels, other than—
    - (i) gas cylinders to which AS 2030—Gas Cylinders applies; and
- Note**
- See the definition of *AS 2030—Gas Cylinders* which encompasses AS 2030.1, AS 2030.2, AS 2030.4 and AS 2030.5.
- (ii) liquefied petroleum gas fuel vessels for automotive use to which AS/NZS 3509—LP Gas fuel vessels for automotive use applies; and
    - (iii) serially produced vessels to which AS 2971—Serially produced pressure vessels applies;
  - (c) tower cranes, including self-erecting tower cranes;
  - (d) lifts;
  - (e) building maintenance units;
  - (f) amusement structures to which AS 3533.1, Amusement rides and devices—Part 1: Design and construction applies, other than amusement structures determined by AS 3533.1 to be class 1;
  - (g) concrete-placing booms;
  - (h) mobile cranes with a rated capacity greater than 10 tonnes, other than reach stackers;
  - (i) chairlifts.

#### **46 Incident records**

- (1) In addition to the notice required by regulation 44 or 45, a person to whom regulation 44 or 45 applies must provide a record of the incident to the Authority in accordance with subregulation (2) within 48 hours of being required to comply with regulation 44 or 45.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) The record must be in writing and in a form approved in writing by the Authority.

#### **47 Preservation of site**

- (1) A person who is required to comply with regulation 44 or 45 must ensure that the site of the incident is not disturbed until—
  - (a) an inspector arrives at the site; or
  - (b) such other time as an inspector directs when the Authority is notified of the incident.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

- (2) Despite subregulation (1), a site may be disturbed for the purpose of—
  - (a) protecting the health or safety of any person;  
or
  - (b) aiding an injured person involved in an incident; or
  - (c) taking any essential action to make the site safe or to prevent a further occurrence of an incident.

**48 Duties of supplier of prescribed equipment for hire or lease**

A supplier who hires or leases prescribed equipment must take all reasonable steps to ensure that the requirements of this Part are brought to the attention of the person who is hiring or leasing the equipment, at the time of the hire or lease.

Penalty: 60 penalty units for a natural person;  
300 penalty units for a body corporate.

## **Part 10—Saving and transitional provisions**

### **49 Transitional arrangements in relation to notice of prescribed equipment design**

- (1) A notification of a design of prescribed equipment under regulation 801 of the Equipment (Public Safety) Regulations 2007 is, on and from the commencement of these Regulations, to be taken to be a notice of the design under regulation 37(a) of these Regulations.
- (2) A confirmation of a notification of a design of prescribed equipment under regulation 803 of the Equipment (Public Safety) Regulations 2007 is, on and from the commencement of these Regulations, to be taken to be a confirmation of the notice of the prescribed equipment design under regulation 39(1)(a) of these Regulations.



## **Schedule 1—Prescribed equipment designs to be notified**

Regulation 37

- 1 Pressure equipment, other than the following—
  - (a) pressure piping;
  - (b) miniature boilers designed in accordance with the AMBSC Code;
  - (c) gas cylinders or fired heaters, with a hazard level equivalent to hazard level E as set out in AS 4343—Pressure equipment—Hazard levels.
- 2 Tower cranes, other than the foundations or supporting structure and the crane ties of the tower crane.
- 3 Self-erecting tower cranes.
- 4 Lifts, other than the following—
  - (a) platforms for raising or lowering stage performers and associated equipment;
  - (b) equipment designed only to store vehicles in a designated parking facility;
  - (c) lifts designed to transport goods only, which do not have any operational controls within the lift car, including dumb waiters.
- 5 Building maintenance units.
- 6 Hoists, with a platform movement of more than 2.4 metres, designed to lift persons.
- 7 Work boxes suspended from cranes.
- 8 Amusement structures to which AS 3533.1—Amusement rides and devices—Part 1: Design and construction applies, other than the following—
  - (a) amusement structures determined by AS 3533.1 to be class 1;

Schedule 1—Prescribed equipment designs to be notified

---

- (b) amusement structures that are, or are intended to be, permanently installed and operated in playgrounds;
  - (c) water slides on which water facilitates users sliding easily, predominantly under gravity, along a static structure;
  - (d) water wave generators that prevent users from coming into contact with the machinery used to generate the waves;
  - (e) inflatable devices, unless they have a platform height (the height of the highest part of the device designed to support users) of 3 metres or more and rely on a supply of continuously blown air to maintain their shape;
  - (f) amusement structures that are specifically designed for a sporting, professional stunt, theatrical or acrobatic purpose or activity, including canoes operating on artificial currents;
  - (g) rides or devices that are primarily designed as a form of transport or motor sport, including hovercrafts, quad bikes and snow mobiles;
  - (h) jet packs and hover boards;
  - (i) go-karts;
  - (j) parasailing equipment;
  - (k) coin or token operated devices that are intended to be ridden, at the same time, by not more than 4 children who must be below the age of 10 years.
- 9 Prefabricated scaffolding, being an integrated system of prefabricated components manufactured in such a way that the possible geometry of assembled scaffolds is pre-determined by the designer.

Equipment (Public Safety) Regulations 2017  
S.R. No. 23/2017

Schedule 1—Prescribed equipment designs to be notified

---

- 10 Boom-type elevating work platforms.
  - 11 Gantry cranes with a rated capacity greater than 5 tonnes and bridge cranes with a rated capacity greater than 10 tonnes, and a gantry crane or a bridge crane which is designed to handle molten metal or dangerous goods.
  - 12 Vehicle hoists.
  - 13 Mast climbing work platforms.
  - 14 Mobile cranes with a rated capacity greater than 10 tonnes, other than reach stackers.
  - 15 Chairlifts.
  - 16 Concrete-placing booms.
- 
-

## Endnotes

<sup>1</sup> Reg. 4(a): S.R. No. 53/2007 as amended by S.R. No. 55/2014.

<sup>2</sup> Reg. 4(b): S.R. No. 55/2014.

---

### Fee Units

These Regulations provide for fees by reference to fee units within the meaning of the **Monetary Units Act 2004**.

The amount of the fee is to be calculated, in accordance with section 7 of that Act, by multiplying the number of fee units applicable by the value of a fee unit.

The value of a fee unit for the financial year commencing 1 July 2016 is \$13.94. The amount of the calculated fee may be rounded to the nearest 10 cents.

The value of a fee unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a fee unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

### Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2016 is \$155.46.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.

---

Equipment (Public Safety) Regulations 2017  
S.R. No. 23/2017

Endnotes

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

The following table of applied, adopted or incorporated matter is included in accordance with the requirements of regulation 5 of the Subordinate Legislation Regulations 2014.

<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, definition of <i>AMBSC Code</i> and item 1(b) of Schedule 1	<p>AMBSC Code Part 1, Issue 8—2012, Copper boilers, published by the Australian Miniature Boiler Safety Committee in 2012</p> <p>AMBSC Code Part 2, Issue 5—2012, Steel boilers, published by the Australian Miniature Boiler Safety Committee in 2012</p> <p>AMBSC Code Part 3, Issue 1—2006, Sub-Miniature boilers, published by the Australian Miniature Boiler Safety Committee in 2006</p> <p>AMBSC Code Part 4, Issue 1—2010, Duplex steel boilers, published by the Australian Miniature Boiler Safety Committee in 2010</p>	The whole
Regulation 5, definitions of <i>AS 2030—Gas Cylinders, gas cylinder</i> and regulation 45(2)(b)(i)	<p>AS 2030.1-2009, Gas cylinders, Part 1: General requirements, published by Standards Australia in 2009</p> <p>AS 2030.2-1996, The verification, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases, Part 2: Cylinders for dissolved acetylene, published by Standards Australia in 1996,</p>	The whole

Equipment (Public Safety) Regulations 2017  
S.R. No. 23/2017

Endnotes

Statutory rule provision	Title of applied, adopted or incorporated document	Matter in applied, adopted or incorporated document
	<p>reissued in 2000 incorporating Amendment Nos 1 and 2</p> <p>AS 2030.4-1985, The verification, filling, inspection, testing and maintenance of cylinders for the storage and transport of compressed gases, Part 4: Welded cylinders—Insulated, published by Standards Australia in 1985, reissued in May 1999 incorporating Amendment No. 1</p> <p>AS 2030.5-2009, Gas cylinders, Part 5: Filling, inspection and testing of refillable cylinders, published by Standards Australia in 2009, reissued in 2015 incorporating Amendment No. 1</p>	
<p>Regulation 5, definitions of <i>boiler</i>, <i>pressure piping</i> and <i>pressure vessel</i>, regulation 45(2)(a) and (b) and item 1(c) of Schedule 1</p>	<p>AS 4343-2014, Pressure equipment—Hazard levels, published by Standards Australia in 2014</p>	<p>Section 2</p>
<p>Regulation 5, definitions of <i>boiler</i>, <i>pressure piping</i> and <i>pressure vessel</i></p>	<p>AS/NZS 1200, Pressure equipment, as published by Standards Australia and Standards New Zealand in 2015</p>	<p>Appendix E</p>
<p>Regulation 45(2)(b)(ii)</p>	<p>AS/NZS 3509:2009, LP Gas fuel vessels for automotive use, published by Standards Australia and Standards New Zealand in 2009</p>	<p>The whole</p>

Equipment (Public Safety) Regulations 2017  
S.R. No. 23/2017

Endnotes

---

<b>Statutory rule provision</b>	<b>Title of applied, adopted or incorporated document</b>	<b>Matter in applied, adopted or incorporated document</b>
Regulation 45(2)(b)(iii)	AS 2971-2007, Serially produced pressure vessels, published by Standards Australia in 2007	The whole
Regulation 45(2)(f) and item 8 of Schedule 1	AS 3533.1-2009, Amusement rides and devices—Part 1: Design and construction, published by Standards Australia in 2009, reissued in 2011 incorporating Amendment No. 1	The whole