



**Guidance Note
GNC-006**

**NSW DPI Guidance Note
Plant Item Registration**

Occupational Health and Safety Regulation 2001

February 2007 (version 1)

**Guidance Note GNC-006****NSW DPI Guidance Note: Pant Item Registration****Disclaimer**

This guidance note has been issued by New South Wales Department of Primary Industry (NSW DPI) to assist industry in fulfilling its statutory obligations as outlined in the *Occupational Health and Safety Regulation 2001* as amended by the *Occupational Health and Safety Amendment (Coal Workplaces) Regulation 2006*.

The compilation of information contained in this document is intended as a guide only. Use of this document does not relieve the user (or a person on whose behalf it is used) of any obligation or duty that might arise under any legislation (including the *Occupational Health & Safety Act 2000*, any other Act containing requirements relating to mine safety and any regulations and rules under those Acts) covering the activities to which this document has been or is to be applied.

The information in this document is provided by NSW DPI voluntarily and for information purposes only. The New South Wales Government does not guarantee that the information is complete, current or correct and accepts no responsibility for unsuitable or inaccurate material herein.

Unless otherwise stated, the authorised version of all reports, guides, data and other information should be sourced from official printed versions of the agency directly. Neither the Department of Primary Industries, the New South Wales Government, nor any employee or agent of the Department, nor any author of or contributor to this document produced by the Department shall be responsible or liable for any loss, damage, personal injury or death howsoever caused.

Users should always verify historical material by making and relying upon their own separate inquiries prior to making any important decisions or taking any action on the basis of this information.

Guidance notes may be periodically updated. Latest versions are available from the NSW DPI website at www.dpi.nsw.gov.au/minerals/safety

NSW DPI Mineral Resources offices located in coal mining regions**North East Area****Maitland**

516 High Street
Maitland NSW 2320
PO Box 344
Hunter Regional Mail Centre NSW 2310
Phone: (02) 4931 6666
Fax: (02) 4931 6790

Singleton

Level 1, 1 Civic Avenue
Singleton NSW 2330
PO Box 51
Singleton NSW 2330
Phone: 02 6572 1899
Fax: 02 6572 1201

South East Area**Lithgow**

Suite 1, 1st Floor, 184 Mort Street
Lithgow NSW 2790
Phone: (02) 6350 7888
Fax: (02) 6352 3876

Wollongong

Level 3, Block F, 84 Crown Street
Wollongong NSW 2500
PO Box 674
Wollongong NSW 2520
Phone: (02) 4222 8333
Fax: (02) 4226 3851



Contents

SECTION	PAGE
1.0 PURPOSE.....	4
2.0 SCOPE.....	4
3.0 PLANT AND DESIGN ITEM REGISTRATION.....	4
4.0 DUTIES.....	5
5.0 DPI PROCESS REQUIREMENTS.....	11
6.0 REFERENCES.....	13
7.0 ATTACHMENTS.....	13
8.0 FEEDBACK SHEET.....	15



1.0 PURPOSE

The purpose of this guidance note is to provide practical and general guidance to colliery holders and operators of coal operations on:

- (a) requirements for item registration of certain plant with WorkCover; and
- (b) requirements for item registration of plant, with specific application to underground mines at coal workplaces, with NSW DPI.

This guidance note is to assist in the preparation of the necessary documents for registration and to explain the registration process for both WorkCover and NSW DPI. Applicants who are applying to register items of plant with WorkCover are advised to contact Workcover to obtain forms and further information.

www.workcover.nsw.gov.au

WorkCover NSW

Locked Bag 2906

LISAROW NSW 2252

Phone: (02) 4321 5000

Fax: (02) 4325 4145

Note: Specified plant cannot be used unless it has a current design and item registration number as relevant.

2.0 SCOPE

This guidance note applies to coal operations in New South Wales, which are governed by the *Occupational Health and Safety Act 2000*. This guidance note is to assist in the preparation of the necessary documents for item registration and to explain the rules which apply to the registration process for both WorkCover and NSW DPI.

The rules apply to registration with both NSW DPI and WorkCover with different requirements for each. These are found in:

- (a) Chapter 5 of the *Occupational Health and Safety Regulation 2001* (the OHS Regulation) specifies the rules for registration and scope of what plant must be registered with WorkCover. This applies to items of plant which is found generally in industry but might also be used in coal operations.
- (b) Schedule 4A of the OHS Regulation provides for items of plant found specifically in coal operations and gives the OHS regulation application in relation to coal workplaces. These items of plant must be registered with NSW DPI.

3.0 PLANT AND DESIGN ITEM REGISTRATION

Plant design registration and item registration are the registration of either a plant design, or an individual item of plant with NSW DPI or WorkCover.

Registration is typically required for high risk plant where fatalities have occurred or may occur due to the use of the plant.

In accordance with clause 9(8) of schedule 4A of the Regulation a reference in clauses 113-118 to WorkCover is in relation to registration of plant referred to in sub



clause (7) to be read as a reference to the Director General of the NSW DPI or delegate. Where NSW DPI is mentioned in the regulations quoted below it is taken to be a reference to the Director General NSW DPI or delegate.

3.1 Plant design registration

Most items of plant shown in sections 4.11 and 4.12 of this guidance note must also have a design registration.

Refer to GNC-006 for further information on design registration and a list of other types of plant requiring design registration.

3.2 Plant item registration

Items of plant specified in the OHS Regulation must be registered and evidence of the registration displayed on or near the plant. The plant needs to be identified clearly with details of any design registration numbers, and a statement that the plant has been inspected by a competent person and is safe to operate. Plant registration is required to be renewed pursuant to provisions on a periodic basis.

Both design registration and plant item registration may be cancelled in certain circumstances and each may contain conditions of registration.

Items requiring registration are listed in sections 4.11 and 4.12 of this Guidance Note.

3.3 Modifications and changes to the design

Where an item of plant is modified and the modification affects health and safety, a new application is required for both design and item registration.

4.0 DUTIES

4.1 Plant item registration

In the interests of minimising risks to health and safety, employers in the coal industry are required to register certain items of plant specified.

This is a process where a person who has control of plant may apply to register it by providing information to identify the plant, notifying any design registration number and the name with which it is registered with a statement the plant has been inspected by a competent person. The applicant must complete a form, which includes:

- (a) applicant information,
- (b) design registration number;
- (c) where applicable, previous registration numbers and alteration or change of ownerships,
- (d) plant details, and
- (e) an applicant's declaration,
- (f) a statement by a competent person that the plant has been inspected and is safe to operate
- (g) any other criteria specified in Gazetted notices by NSW DPI.



These are required to be sent to:

(a) WorkCover (workcover.nsw.gov.au) with payment of an applicable fee for plant in accordance with *Occupational Health and Safety Regulation 2001*; Clauses 113, 115, 116, 117, 136, 351, or

(b) NSW DPI with no fee required for plant in accordance with:

The OHS Regulation as amended by the *Occupational Health and Safety Amendment (Coal Workplaces) Regulation 2006*, Schedule 4A, clause 9

An example of the form necessary is annexed to this Guidance Note.

4.2 Registration requirements

Coal workplaces need not comply with the requirement to register to Workcover until 8 June 2007.

Plant items identified as specific to coal workplaces must be registered to NSW DPI. There are savings and transitional provisions for types of plant previously approved by DPI.

An employer, self-employed person or owner of plant must ensure that each item of plant of a kind specified in the Table to clause 113 or schedule 4A clause (9) of the OHS Regulation is not used unless it is registered. Evidence of the registration must be displayed on or near the plant (clause 136).

Plant must not be used until it has a current item registration.

136 Use of plant – registration requirements and particular risk control measures

(2) An employer must ensure that plant of a kind specified in the Table to clause 113 (Items of plant required to be registered) is not used unless the plant has a current item registration issued under Subdivision 2 of Division 3 of Part 5.2 (Or under the Construction Safety Regulations 1950) and evidence of the registration is displayed on or near the plant. (An employer is not required to comply with this subclause within the period of 12 months after its commencement (except to the extent that the subclause applies to lifts and amusement devices).)

4.3 How items of plant are registered with NSW DPI

A person who has control of an item of coal mining specific plant may apply to NSW DPI to register it. The person should provide information which identifies the plant clearly, and include with the notification the design registration number, the name of the authority with whom registered, and any additional information required by NSW DPI.

113 Application for registration of item of plant

(1) person who has control in relation to an item of plant, includes the owner or a lessee of the plant

(2) A person who has control of an item of plant specified in the Table to this clause may apply to NSW DPI to register the plant.

(3) A person who applies for the registration of an item of plant must provide the following at the time of making the application:



- (a) *sufficient information to identify the item of plant clearly,*
- (b) *if the design of the plant is required to be registered, notification of:*
 - (i) *the design registration number, and*
 - (ii) *the name of the statutory authority with which the plant design is registered,*
- (c) *a statement that the plant has been inspected by a competent person and is safe to operate,*
- (d) *a fee in such amount as NSW DPI may determine as the appropriate amount to cover expenses in connection with the processing of applications for registration of an item of plant.*

(4) A person who applies for the registration of an item of plant must provide NSW DPI with any additional information concerning the plant that Workcover reasonably requires at the time of the making of the application or at any reasonable time after that time.

Note. *An applicant for registration of an item of plant commits an offence under clause 356 if the applicant makes a false or misleading statement in the application.*

4.4 Documentation required for plant registration

Information provided must:

- (a) identify the plant clearly;
- (b) provide design registration numbers (except for concrete placing booms)
- (c) the Authority (NSW DPI or Workcover) with which they are registered;
- (d) a statement that plant is inspected by a competent person; and
- (e) Any other criteria specified in by NSW DPI, refer to cl 119A in schedule 4A of the OHS Regulation

113 Application for registration of item of plant

(3) A person who applies for the registration of an item of plant must provide the following at the time of making the application:

- (a) *sufficient information to identify the item of plant clearly,*
- (b) *if the design of the plant is required to be registered, notification of:*
 - (i) *the design registration number, and*
 - (ii) *the name of the statutory authority with which the plant design is registered,*
- (c) *a statement that the plant has been inspected by a competent person and is safe to operate,*



4.5 What happens if plant is registered?

A controller of registered plant (includes the owner or a lessee of the plant) must provide NSW DPI at specified intervals with information relating to maintenance of plant as NSW DPI specifies.

118 Renewal of registration

(2) A person who has control of plant that is registered under this Subdivision must provide NSW DPI, at the intervals specified in guidelines issued by NSW DPI from time to time in relation to such plant, with such information concerning compliance with requirements relating to maintenance of the plant as DPI may specify.

4.6 What must NSW DPI do when they receive an application?

When NSW DPI receives an application for a plant item, they will either:

- (a) request further information, or
- (b) register, or
- (c) refuse to register the plant.

115 Processing of application by WorkCover

On receipt of the application for registration of an item of plant, NSW DPI must, subject to clause 113 (4):

- (a) register the plant (with or without conditions) and issue evidence, in accordance with this Subdivision, that the plant is currently registered, or*
- (b) refuse to register the plant.*

4.7 Cancellation of plant registration

NSW DPI may cancel the registration of plant where an applicant has made a statement or furnished information which the applicant knew to be false or misleading. NSW DPI must give notice to the person who registered the plant, give them opportunity to respond and take any response into account. The cancellation takes effect from the date of notice.

116 Cancellation of registration of item of plant in certain circumstances

(1) NSW DPI may cancel the registration of an item of plant if:

- (a) satisfied that the applicant for registration of the plant made a statement or furnished information, in or in connection with the application for registration, that the applicant knew, when the statement was made or the information was provided, to be false or misleading in a material particular, or*
- (b) the registration of the plant design for plant of the kind concerned has been cancelled under clause 110.*

(2) Before cancelling the registration, NSW DPI:

- (a) must cause notice of the proposed cancellation to be given to the person by whom the item of plant was registered, and*
- (b) must give the person a reasonable opportunity to make representations to NSW DPI in relation to the proposed cancellation, and*



(c) *must have regard to any representations so made.*

(3) *The cancellation of the registration of an item of plant takes effect on the date on which notice of the cancellation is given to the person who registered the plant or on such later date as may be specified in the notice.*

4.8 Automatic cancellation of plant registration

The registration of plant may be cancelled automatically under the circumstances outlined in clause 117.

117 Automatic cancellation of registration

The registration of an item of plant is cancelled by the operation of this clause if:

(a) *the plant is altered, or*

(b) *in the case of plant that is normally fixed in position, the plant is relocated and NSW DPI is not notified of the relocation within 14 days of its occurrence, or*

(c) *there is a change of the person in control of the plant (including a change of owner or lessee) and NSW DPI is not notified of the change within 14 days of its occurrence, or*

(d) *there is a breach of a condition subject to which the plant was registered under clause 115 (a).*

Note. *See clause 351 as to the review by the Administrative Decisions Tribunal of a decision by NSW DPI to cancel the registration of an item of plant under this clause.*

4.9 What happens if NSW DPI refuses to register plant?

Where NSW DPI refuses to register an item or design, an applicant may appeal the decision.

351 Decisions subject to review by the Administrative Decisions Tribunal: section 36 of the Act

(1) *A person aggrieved by a decision that belongs to one of the following classes of decisions made by NSW DPI (Being a decision made in respect of that person) may apply to the Administrative Decisions Tribunal for a review of the decision.*

(b) *decisions under Part 5.2:*

(i) *to refuse to register a plant design,*

(ii) *to refuse to register an item of plant, or*

(iii) *to impose a condition on registration of an item of plant, or*

(iv) *to cancel the registration of an item of plant, or*

(v) *to discontinue the registration of an item of plant*

1. Web address is www.dpi.nsw.gov.au



4.10 What is a competent person's statement?

A competent person's statement is a statement that the plant has been inspected by a competent person and is safe to operate. For who is a competent person, see 5.8 of this document.

113 Application for registration of item of plant

(3) A person who applies for the registration of an item of plant must provide the following at the time of making the application:

(c) a statement that the plant has been inspected by a competent person and is safe to operate,

4.11 Plant which needs to be registered with WorkCover

The following types are specified in the OHS Regulation in the table to clause 113:

Boilers categorised as being of hazard level A, B or C according to the criteria in AS 4343—1999

Pressure vessels categorised as being of hazard level A, B or C according to the criteria in AS 4343—1999 except the following:

(a) LP gas fuel vessels for automotive use covered by AS/NZS 3509:1996,

(b) serially produced pressure vessels covered by AS 2971—1987,

(c) pressure vessels that do not require periodic internal inspection in accordance with the criteria in Table 4.1 in AS/NZS 3788:1996

Lifts (including escalators and moving walkways) as defined in AS 1735 Parts 1 to 17 (as listed in Schedule 1, except for lifts in mine shafts)

Amusement devices (other than coin operated amusement devices) that are, or may be, operated otherwise than by manual power

Tower cranes

Building maintenance units

Concrete placing units (truck mounted with boom)

Mobile cranes with a safe working load greater than 10 tonnes.

4.12 Plant which needs to be registered with NSW DPI.

The following items are specified in the Schedule 4A, Clause 9 (7) of the OHS Regulation:

Booster fans used in underground mines

Diesel engine systems used in underground mines

Powered winding systems (including lifts) used in underground mines.



5.0 DPI PROCESS REQUIREMENTS

5.1 Fees

- There are no fees for registration of plant items with NSW DPI.
- For WorkCover registration, contact Workcover for further details

5.2 How to plant register with WorkCover

For plant that is to be registered with WorkCover, applicants are advised to obtain information and application forms may be sourced from:

www.workcover.nsw.gov.au

WorkCover NSW

Locked Bag 2906

LISAROW NSW 2252

Phone: (02) 4321 5000

Fax: (02) 4325 4145

5.3 How to plant register with NSW DPI

Applications may be sourced from:

Mine Safety Technology Centre

8 Hartley Drive

THORNTON 2322

PO Box 343

HUNTER REGION MAIL CENTRE 2310

Email: MineSafety.Registration@dpi.nsw.gov.au

www.dpi.nsw.gov.au/minerals/safety

5.4 How NSW DPI manages the registration process

The application is reviewed for completeness and to ensure the correct number of documents has been provided.

If all documentation has been received, appropriate conditions may be added and the relevant registration documents forwarded to the applicant.

The registration is a standard form sent by NSW DPI administration. Registration is subject to periodic internal technical review and assessment by the NSW DPI.

5.5 Flow Sheet for Industry

Refer to Appendix A for a flow diagram.

5.6 Assessment criteria for plant item registrations

Refer to table for clause 113 and clause 9 of schedule 4A of the OHS Regulation.

The NSW DPI may Gazette criteria for item registration requirements, in accordance with cl 119A in schedule 4A of the OHS Regulation.

5.7 Documentation required to be submitted in applications for plant item registration.

Completion of the application form including:



- Applicant information;
- Related registration numbers including design registration number;
- Plant item details;
- A statement that plant has been inspected by a competent person and is safe to operate; and
- A declaration by the applicant.

5.8 Who is considered a competent person?

A competent person for any task means *a person who has acquired thorough training, qualification or experience, or a combination of them, the knowledge and skills to carry out the task* (definitions clause 3 (1)OHS Regulation).

For the purposes of plant item registration, the NSW DPI considers a person is competent to make the statement that the “plant is safe to operate” if:

- 1) That person has relevant qualifications and experience in the assessment of items of plant similar to that which is being assessed and
- 2) Has knowledge and a thorough understanding of all:
 - (a) risk controls,
 - (b) hazards,
 - (c) safety critical systems,associated with the particular plant being assessed.

5.9 Change of location / ownership / control or disposal of registered plant

The OHS Regulation requires changes in:

- a) location of fixed plant,
- b) ownership/control, or
- c) disposal of plant,

to be notified to DPI (refer clause 117 and Schedule 4A of the OHS Regulation).

A notice to the NSW DPI for a change to registered plant must be made on the relevant NSW DPI notice to relocation, change of ownership / control or disposal of registered plant form.

Disposal means decommissioning of the item or scrapping, including use for spares. It does not include sale of the item. An alteration does not include painting, changing design of controls or gauges or components equivalent to original specification, or repair where there are no modifications.

Alterations to an item of plant must be registered as a new design AND new item of plant if the change involves:

- (i) an increase in capacity, load or power above the original design, or
- (ii) a change or modification of the original design specification or function whether for increased capacity, design or safety improvement, or
- (iii) a change to the risk controls, or
- (iv) a change to the safety critical systems or safety devices



5.10 NSW DPI documentation to the applicant

On successful completion of the registration, endorsed appropriate registered documents and conditions are forwarded to the applicant. These must be kept with the plant and in the plant safety file.

5.11 Legal aspects of using plant

Registration documents indicate that the subject plant items have met specified criteria. They do not remove any responsibility from the applicant or any other person from compliance with the full requirements of the *Occupational Health and Safety Act 2000*, the *Coal Mine Health and Safety Act 2002* and related regulations.

5.12 Confidentiality

Communications with NSW DPI related to registration will be treated in confidence within constraints of the *Freedom of Information Act* and the *Privacy and Personal Information protection Act 1998*. Registration documents are not regarded as confidential.

6.0 REFERENCES

Occupational Health and Safety Regulation 2001

Occupational Health and Safety Amendment (Coal Workplaces) Regulation 2006.

The Occupational Health and Safety Act 2000 is the main act that deals with the health, safety and welfare of people at work at a coal operation. It can be read at www.legislation.nsw.gov.au

7.0 ATTACHMENTS

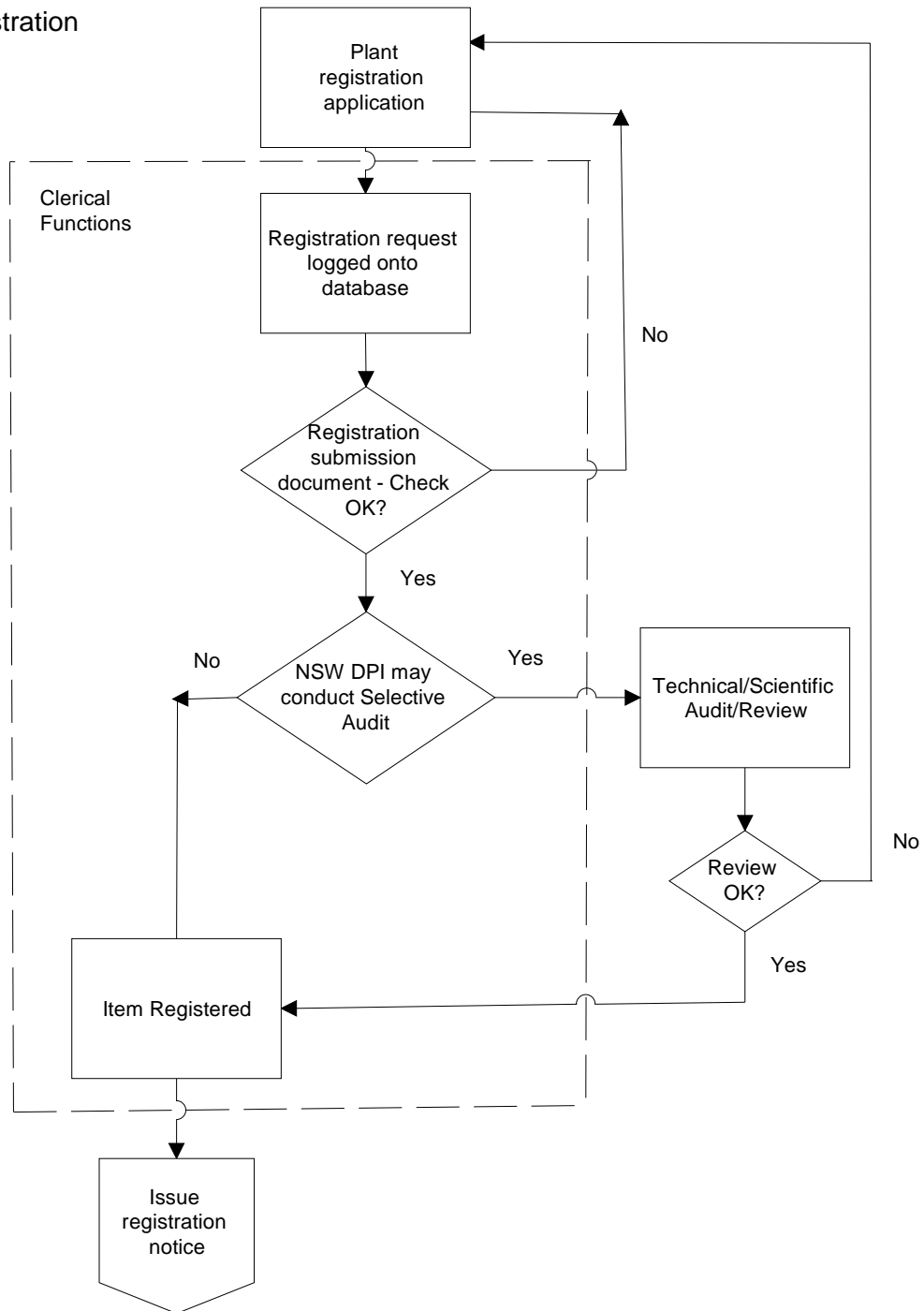
Guidance Note Coal – 006: Plant item registration

GNC-006 Attachment 1	Plant item registration flow chart
GNC-006 Attachment 2	Plant item registration application form



Attachment 1

Plant item registration flow chart





8.0 FEEDBACK SHEET

Your comments will be very helpful in reviewing and improving this Guidance Note.
Please copy and complete the Feedback Sheet and return it to:

*Manager Information and Communication
Mine Safety Performance
NSW Department of Primary Industries
PO Box 344
Hunter Regional Mail Centre NSW 2310*

*Fax: (02) 4931 6790
Phone: (02) 4931 6666*

What do you find most useful about this guidance note?

What do you find least useful?

Do you have any suggested changes to the guidance note (and/or nomination form)?

(Optional) Name: _____ **Phone:** _____

Thank you for completing and returning this Feedback Sheet