

FACT SHEET

Plant design registration - applicants

August 2020

Introduction

Plant design registration is the registration of the design of certain types of high-risk plant specified in the work health and safety laws.

Registration of the design identifies that a formal design and verification process has been followed and requires the designer to make a statement relating to the standards used in the design. Further, an independent verifier must make a statement confirming the claims of the designer.

In addition to plant covered by schedule 5 of the Work Health and Safety Regulation 2017 (WHS Regulation), mining-specific plant requiring design registration is specified in clause 177 of the Work Health and Safety (Mines and Petroleum Sites) Regulation 2014 (WHS (MPS) Regulation).

Note: plant design registrations and altered plant design registrations are for entire systems of plant, not component parts of that system.

Why do we register plant designs?

High-risk plant is registered under the WHS laws to ensure the plant meets certain design standards.

What is plant design registration?

Plant design registration is the recognition of the design of specified items of plant. An original registration and alterations to the design of an original registration are separate registrations with unique identifying numbers.

Registration of the design requires the designer to make a statement relating to the standards used in the design. This design must include any requirements detailed in a design order pertaining to the plant.

Further, an independent verifier must make a statement confirming the claims of the designer.

The following plant must be design registered for use in underground coal mines:

- diesel engine systems
- booster fans

- braking systems on plant used in underground transport
- canopies on continuous miners
- electrically powered hand-held plant, fixed installations and installations on mobile plant used to determine or monitor the presence of gas
- breathing apparatus to assist escape (including self-rescuers)
- shotfiring apparatus (including exploders and circuit testers)
- detonators
- explosive-powered tools
- conveyor belting.

The design of a winding system (other than an exempt hoist) must also be registered if it is used at an underground mine.

Plant design registration does not mean that the plant is fit-for-purpose. The plant user must satisfy themselves the plant is fit-for-purpose and safe to use.

What is the Regulator's approach?

The Regulator has a risk-based approach to regulation.

If the design of plant is altered, including a change in a component part and it may adversely affect health and safety, then the altered design must be registered.

The whole design of the plant must be registered. A component part of a plant design will not be registered.

Altered plant design

An application for an altered plant design registration is a separate and new application.

The application must be for the whole design and include all the information that is required for a new application.

The registration application form on our website must be used.

This includes the designer's statement and the design verifier's statement for the whole design.

When is registration of a change required?

The WHS laws provide that an alteration of plant design is a reference to an alteration that may adversely affect health and safety. All altered plant design must be registered.

The WHS laws also provide that where an item of plant is altered to an extent or way that requires the plant to be subject to new control measures then the registration holder must notify the Regulator.

Where a change of plant design affects the functionality (including software), that change is considered an alteration to the original design registration.

The following changes will not constitute an alteration to plant:

1. if a change to design registered plant does not affect health and safety which has been independently verified; or
2. if a change to plant does not require new control measures and this has been independently verified; or
3. when a component is replaced with a new component that functions equivalently to the original.

In every instance, even where registration is not required, all registered items of plant and registered plant design changes must be independently verified as achieving an equivalent (or better) level of safety.

All changes made to plant must be documented in the plant safety file for the item of plant. This must include evidence of verification of changes made.

What is an amendment to plant design registration?

An amendment to plant design registration is a change to the registration document. It does not affect the plant design, only the information contained in the registration.

Examples of amendment include a change of ownership, a change of address or changes to the conditions of registration.

The design registration holder may request an existing registration be amended.

Who can apply for plant design registration?

People who are eligible to make an application for a new or altered plant design registration under part 5.1 of the WHS Regulation are:

- a person conducting a business or undertaking that designs an item of plant, or
- a person with management or control of an item of plant.

What is required when applying?

An application must be made in the manner and form prescribed by the Regulator using the application form on the Regulator's website. The applicant must include relevant contact details and all material information such as:

- a statement signed by all designers of the item of plant:

- stating that the designer has complied with the designer's obligations under section 22 of the WHS Act and
- stating the design complies in full with the relevant design order or
- stating the design achieves an equivalent level of safety, including the specification of any additional published technical standards and engineering principles used in the design, in the order of the hierarchy of control measures in Part 3.1 of the Work Health and Safety Regulation 2017
- a design verification statement:
 - by a competent person eligible to be a design verifier under the WHS Regulation;
 - stating that the design was produced in accordance with the requirements of the relevant design order
- documentation showing the process the design verifier has undertaken
- a declaration the design has not been registered in a corresponding Australian jurisdiction
- representational drawings of the design.

Note: there are penalties in relation to breaches in providing false or misleading information in accordance with section 268 of the WHS Act (individual \$10,000, body corporate \$50,000).

What is the Regulator's role?

Assess the application

An application will be assessed to ensure it is in the manner and form required by the Regulator.

On receipt of a complete application, the Regulator will assess the application and may request further additional material information if necessary.

Following the assessment, the Regulator will decide whether to accept or refuse the application.

Note: The Regulator does not verify designs. This is the responsibility of the designer and the design verifier.

Granting plant design registration

The Regulator will grant the plant design registration or altered design registration if:

- the application has been made in the manner and form

- all the material information is provided by the applicant
- the design is not registered under a corresponding WHS law,
- the applicant resides or is located in NSW, or circumstances exist that justify the grant of the registration
- the applicant is able to ensure compliance with any conditions that will apply to the registration.

The registration will exist in perpetuity and a registration document with a unique number will be issued.

Refusing to grant plant design registration

The design registration application will be refused if the Regulator is satisfied that there has been a failure to give material information which should have been provided, or false and misleading information has been given by the applicant.

If the Regulator has not made a decision within 120 days after receiving the application or the additional information requested has not been provided, the Regulator is taken to have refused to grant the registration.

Reviewable decisions

Decisions relating to plant design registration are reviewable decisions under the WHS Act.

Further information

NSW Resources Regulator website [plant design registration](#)

More information is available on our website. Alternatively, you may contact the Mining Authorisation Unit at cau@planning.nsw.gov.au

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