



Guidance Note
GNC-005

NSW DPI Guidance Note
Registration of Plant Designs

Occupational Health and Safety Regulation 2001

February 2007 (version 1)

**Guidance Note GNC-005****NSW DPI Guidance Note: Registration of Plant Designs****Disclaimer**

This guidance note has been issued by New South Wales Department of Primary Industries (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 DESIGN and PLANT ITEM REGISTRATION	4
4.0 DUTIES	6
5.0 DPI PROCESS REQUIREMENTS	14
6.0 REFERENCES	20
7.0 ATTACHMENTS	20
8.0 FEEDBACK SHEET	27



1.0 PURPOSE

The purpose of this guidance note is to provide practical and general guidance to colliery holders, coal operators, and manufacturers and designers of plant used in coal workplaces on:

- (a) requirements for design registration of certain plant with WorkCover; and
- (b) requirements for design registration of plant with specific application to coal operations, with the 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.

Note: Specific 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 *Coal Mining Health and Safety Act 2002*. The rules apply to registration with both NSW DPI and WorkCover with different requirements for each.

- (a) The *Occupational Health and Safety Regulation 2001* (the OHS Regulation) sets the rules for registration and scope of designs which must be registered with WorkCover. This applies to plant which is found generally in industry but might also be used in coal workplaces.
- (b) The *Occupational Health and Safety Amendment (Coal Workplaces) Regulation 2006* amends the OHS Regulation in relation to plant design found specifically in coal workplaces. These plant designs must be registered with NSW DPI.

3.0 PLANT DESIGN AND PLANT ITEM REGISTRATION

Plant design and item registration means the registering of either a plant design, or an 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

Designs must be registered for plant of a type specified in the OHS Regulation from 8 June 2007.



The requirement to register designs is contained in clause 136 of the OHS Regulation and plant specified in the OHS Regulation must not be used until design registered.

There is requirement of an employer (which includes a self-employed person) that plant specified in the table to clause 107, designed and manufactured after the commencement of the OHS Regulation, needs to be registered.

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

(1) *An employer must ensure that plant that:*

(a) is designed and manufactured after the commencement of this Regulation, and

(b) is of a kind specified in the table to clause 107 (Plant for which designs are to be registered),

is not used unless the plant has a current design registration number issued under Subdivision 1 of Division 3 of 5.2 and evidence of the registration is readily accessible. (An employer is not required to comply with this subclause within the period of 12 months after its commencement)

For a coal workplace additional plant designs must be registered after 22 December 2006, with the exception of conveyor belts (registration is required from 8 June 2007). A competent person must verify the design of the plant complies with standards set out in the regulation or NSW DPI specific criteria. Evidence of the registration should be readily accessible.

For savings provisions in relation to past approvals by DPI, please refer to section 4.15.

3.2 Plant item registration

Certain Items of plant specified in the OHS Regulation must be individually registered and evidence of the registration displayed on or near the plant. For a coal workplace additional plant must be registered after 22 December 2007.

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).)

Plant requiring item registration must also be design registered (with the exception of concrete placing booms). The item of plant needs to be identified clearly with details of any design numbers and a statement that the plant has been inspected by a competent person and is safe to operate. Plant item registration is required to be renewed on a periodic basis.



Both design registration and plant item registration may contain conditions of registration (see clause 109 of OHS Regulation in 4.2 of this document) and each may be cancelled in certain circumstances. For further guidance on plant item registration, refer to plant item guidance note GNC-006.

4.0 DUTIES

4.1 What designs need to be registered with WorkCover?

The following designs are required to be registered before 8 June 2007 with WorkCover:

Table to clause 107:

Boilers and pressure vessels categorised as being of hazard level A, B, C or D according to the criteria in AS 4343 – 1999

Gas Cylinders

Tower cranes

Gantry cranes with a rated capacity greater than 5 tonnes

Bridge cranes with a rated capacity greater than 10 tonnes

Gantry cranes designed to handle molten metal or dangerous goods (within the meaning of the Australian Dangerous Goods Code)

Mobile cranes with a rated capacity greater than 10 tonnes

Boom-type elevating platforms

Lifts (including escalators and moving walkways), but not lifts in mine shafts

Building maintenance units

Hoists, with a platform movement in excess of 2.4 metres, designed to lift people

Work boxes suspended from cranes

Prefabricated scaffolding

Mast climbing work platforms

Vehicle hoists

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

4.2 What designs need to be registered to DPI?

These items are specified in schedule 4A the OHS Regulation immediately unless covered by transitional arrangements in clause 9(11) of Schedule 4A of the OHS Regulation

Table to clause 107 as applied by Schedule 4A, Clause 9(2).

Diesel engine systems used in underground mines

Powered winding systems used in underground mines, including lifts in mine shafts



Booster fans

Braking systems on plant used for underground transport

Canopies for continuous miners

*Conveyor belts (from 8 June 2007)**

*Portable or hand-held plant or items used to determine or monitor the presence of gases***

Breathing apparatus to assist escape from the underground parts of the coal operation (Including self-rescuers)

Shotfiring apparatus

Detonators used in underground mines

Explosive-powered tools used in underground mines

Refuge chambers.

** Means conveyor belting material, not the conveyor system*

*** (includes underground applications under the Coal Mine Health and Safety Act 2002)*

4.3 Design registration

The requirement for design registration is a process where plant designs are verified by a competent person as complying with relevant standards or specified criteria.

Note: (1) Design registration with the NSW DPI is similar to equipment approvals in the now repealed *Coal Mine (Underground) Regulation 1999*.

(2) For plant designs registered by the NSW DPI the Director General of NSW DPI or delegate will specify the criteria.

The registration applicant must complete a form, which includes:

- (a) applicant information,
- (b) plant details,
- (c) an applicant's declaration,
- (d) a compliance statement and
- (e) a design verification statement.

These are required to be sent to:

- (i) WorkCover with payment of the applicable fee for designs in accordance with the *Occupational Health and Safety Regulation 2001*, clauses 107, 109, 110, 111, 136 and 351; and
- (ii) DPI with no fee payable for designs in accordance with the OHS Regulation Schedule 4A, clause 9 (forms attached)

4.4 Registration requirements

Registration requirements are set out in the *Occupational Health and Safety Regulation 2001* clauses 107, 108, 109, 110, 111, 112, 112A, 127, 136 and 351 and Schedule 4A clause 9.



Plant designs specified in the OHS Regulation must be registered to WorkCover and plant designs identified as specific to coal workplaces must be registered to DPI.

Mines are not required to comply until 8 June 2007 for design registration of items to WorkCover.

Savings provisions apply for previously DPI approved plant designs under the former *Coal Mines (General) Regulation 1999* (see 4.14 of this document).

4.5 How designs are registered to DPI and WorkCover

The process for design registration requires a competent person who does not have any involvement in the design and who is not employed or engaged by the same person as the designer, unless that person uses a quality system to verify that the design complies with:

- (a) relevant standards listed in schedule 1 of the OHS Regulation covering design and manufacture of plant, or
- (b) DPI specific criteria for mining specific plant designs, as indicated in schedule 4A.

107 Application for registration of plant design

(2) *A person who applies for registration of a plant design must ensure that:*

- (a) *a competent person verifies and records in writing that the design complies with relevant standards listed in Schedule 1 (Standards covering design and manufacture of plant,) and*
- (b) *the design verifier does not have any involvement in the design being verified and*
- (c) *the designer and the design verifier are not employed or engaged by the same person unless that person uses a quality system to undertake the design of items of plant that:*
 - (i) *meets the requirements of AS/NZS/ISO 9001:1994 Quality systems – model for quality assurance in design, development, production, installation and servicing, and*
 - (ii) *has been certified by a body accredited or approved by the Joint Accreditation System of Australia and New Zealand*

1. In subclause 2(a) the words “or specific requirements for NSW DPI” should be added in accordance with clause 112A of the OHS Regulation: *The Director General of the DPI may, by notice in the Gazette, specify requirements (such as design, certification, performance, assessment or installation requirements) that must be met prior to plant being registered..*

4.6 Documentation required for plant design registration

A design application must be accompanied by (clauses 107 and 108):

- (a) a compliance statement,
- (b) a verification statement,
- (c) representational drawings,



- (d) the set fee and
- (e) any other criteria specified by NSW DPI.

(see 5.6)

4.7 What is a design verification statement?

A verification statement is a statement by a competent person that the design complies with standards listed in schedule 1 or the DPI specified criteria covering design and manufacture of plant (as Gazetted).

The verification statement includes name, business address, qualifications and experience of the design verifier of the plant and if applicable the name and address of the employer of the design verifier as specified in Clause 107 (3) (b) of the OHS Regulation.

107 (3)(b) a verification statement for the purposes of subclause (2) that includes the name, business address and qualifications of the design verifier of the plant and, if applicable, the name, and business address of any person employing the design verifier,

4.8 What is a designer's compliance statement?

A compliance statement is signed by the designer of the plant stating compliance with matters specified.

107 Application for registration of plant design

(3) The application for registration of a plant design must be accompanied by the following:

(a) a compliance statement, signed by the designer of the plant, stating that the designer has complied with the matters, specified in this regulation, for which a designer of the plant is responsible.

This means the designer must undertake the following duties pursuant to the OHS Regulation:

- (a) identify hazards (cl 86);
- (b) assess risks (cl 87);
- (c) review a risk assessment where necessary (cl 88);
- (d) control risks (cl 89);
- (e) Specify work systems and operator competencies – particular risk control measures (cl 95);
- (f) Provide information (cl 96); and
- (g) Obtain information (cl 97).

Note: this list of duties is not exclusive, for further details please refer to the OHS Regulation

4.9 What happens if a design is registered?

A person who registers a design must provide the registration number to a person who proposes to manufacture the plant or who wishes to sell or transfer the plant.



The number must be given to the end user and kept with each item of plant. This number is essential when items of plant are registered.

111 Design registration number to be provided to certain persons

- (1) *A person who is issued with a design registration number under this Subdivision must provide the number to any person who proposes to manufacture plant to the design to which the number relates or who proposes to sell or transfer plant manufactured to the design to which the number relates.*
- (2) *A person who sells or transfers plant that has been manufactured to a design for which a design registration number has been issued must provide the number to any person who owns the plant or who has control of the plant.*

4.10 What will NSW DPI do when they receive an application?

When NSW DPI receives an application for a plant design, the DPI may:

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

Following receipt of the application an acknowledgement letter will be sent.

109 Processing of application by DPI

- (1) *On receipt of the application for registration of a plant design, DPI* must, subject to being provided with any further information that DPI requires under this Subdivision for the purposes of the application:*
 - (a) *register the plant design (with or without conditions) and issue a design registration number, or*
 - (b) *refuse to register the plant design*

4.11 Cancellation of a design registration

Where an applicant has made a statement or furnished information which the applicant knew to be false or misleading, NSW DPI may cancel the registration of a plant design under clause 110 of the OHS Regulation.

NSW DPI will give notice to the person, who registered the design, give them opportunity to respond and take any response into account. The cancellation takes effect from the date of notice.

110 Cancellation of design registration in certain circumstances

- (1) *DPI* may cancel the registration of a plant design if satisfied that:*



- (a) *the applicant for registration of the plant design made a statement or furnished information, in or in connection with the application for the plant design, 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) *on the basis of information received by DPI, the design is unsafe.*
- (2) *Before cancelling the registration, DPI:*
- (a) *must cause notice of the proposed cancellation to be given to the person to whom the plant design registration number was issued, and*
 - (b) *must give the person a reasonable opportunity to make representations to DPI in relation to the proposed cancellation, and*
 - (c) *must have regard to any representations so made.*
- (3) *The cancellation of a plant design takes effect on the date on which notice of the cancellation is given to the person to whom the plant design registration number was issued or on such later date as may be specified in the notice*

Note: Registration is automatically cancelled if there is a breach of the conditions of registration

4.12 What happens if a design is not registered?

Where NSW DPI refuses to register a design, an applicant may appeal the decision to the administrative decisions tribunal.

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 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, or*
 - (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*

Note: Information re Administrative Decisions Tribunal (ADT) can be found at www.lawlink.nsw.gov.au/adt

4.13 Who must be provided with a copy of design registration documents?

The person registering the design must provide the number to anyone who wishes to manufacture plant to the design or sell or transfer plant manufactured to the design.

**111 Design registration number to be provided to certain persons.**

- (1) A person who is issued with a design registration number under this Subdivision must provide the number to any person who proposes to manufacture plant to the design to which the number relates or who proposes to sell or transfer plant manufactured to the design to which the number relates.
- (2) A person who sells or transfers plant that has been manufactured to a design for which a design registration number has been issued must provide the number to any person who owns the plant or who has control of the plant.

Maximum penalty: Level 1

4.14 Assessment criteria for design registrations

- For WorkCover refer to table for clause 107 of the OHS Regulation and Schedule 1 – see appendix
- For DPI see clause 9 of schedule 4A of OHS regulation.

The Director General may by notice in the Gazette, specify requirements (such as design, certification, performance, assessment or installation requirements) that must be met prior to plant being registered. (see attachments)

- Refer to *Gazette* notices for the criteria that the DG has specified.

4.15 Savings provision for approval

Plant items or designs that were approved under the *Coal Mines (General) Regulation 1999* and in the opinion of the Chief Inspector are equivalent, are taken to be registered for a period of:

- 2 years if the approval is less than 20 yrs old
- 1 year if the approval is more than 20 years old
- Subject to the same conditions that it was approved unless varied subsequently.

Note 1. Following this period all specified plant in use will need to be design and/or item registered as applicable.

2. Mine winders have previously been approved as either mechanically operated winding apparatus, mechanically operated rope haulage apparatus or powered winding systems. For mine winders that were in service on 22 December 2006 either of these approvals is considered by the Chief Inspector to be equivalent and the above transitional arrangements therefore apply.

Schedule 4A - Application of regulation to coal workplaces



9. Application of plant provisions to coal workplaces

(11) *An item of plant referred to in subclause (7) that was approved, or taken to be approved, under clause 70 of the Coal Mines (General) Regulation 1999, and any item that is in the opinion of the Chief Inspector equivalent to such an approved item, is:*

- a) *If the approval was given less than 20 years before the date of repeal of that Regulation—is, for 2 years after the commencement of this clause, taken to be registered under Chapter 5 of this Regulation subject to the same conditions as to which it was approved, or*
- b) *If the approval was given 20 years or more before the date of repeal of that Regulation— is, for 1 year after the commencement of this clause taken to be registered under Chapter 5 of this Regulation subject to the same conditions as to which it was approved.*

4.16 Altering registered plant

When design-registered plant (including an individual item) is altered in such a way that constitutes a change in its design that affects health and safety in the workplace, the design registration becomes invalid (see clause 117) and a new design registration number must be issued for the plant before it can be used.

In altering the item of plant, the person designing the alteration assumes the role of the designer and, therefore, must comply with the obligations placed on the designer under part 5.2 of the OHS Regulation (for designs requiring WorkCover registration) and the amendments introduced by Schedule 4A of the OHS Regulation (for designs requiring DPI registration).

This includes carrying out a risk assessment on the altered plant and controlling all hazards. The design must also be in accordance with the relevant DPI specified criteria.

For older plant, especially plant that was designed to a superseded or unknown design standard, DPI acknowledges the impracticality of having the total design of the altered plant comply with the current edition of the specified criteria.

In such cases, the designer should give consideration to upgrading the plant to the specification of the current version of the Australian Standard or specified criteria.

If this is not feasible, DPI requires that the alteration comply with the Australian Standard or specified criteria and does not adversely affect the safe operation of the plant.

This must be verified in the requisite Design Verification Statement, as stated in the Explanatory Notes to the Plant design form.

4.17 Altering existing plant taken to be registered under the savings provision

Where a person intends to alter existing plant that was previously registered under the savings provision, the process for registering the change is the same as for changes in design registration outlined above.

The registration of that item may be varied, suspended or cancelled in accordance with clause 88 of the *Occupational Health and Safety Regulation 2001*.



4.18 Exemption

A person may apply for an exemption to the OHS Regulation under clauses 347 and 348.

The application for an exemption may be made for a single entity, for example; a mine may wish to apply for an exemption for a particular diesel engine system. The mine would obtain an exemption under cl 347.

The application for an exemption may be made for a class or group of entities, for example a manufacturer may apply for an exemption for a particular type of diesel engine system. The manufacturer would obtain a group exemption to all mines for that type of diesel engine under cl 348. Exemption granted to a class of plant design would be published in the Gazette by DPI.

The exemption procedure under cl 347 requires a person to notify all people employed at any workplace concerned or in accordance with arrangements agreed by the employer and employees. The notice must state that the person seeks an exemption, the effect of it and invites people to whom the notice is given to respond to the notice. It must specify to whom such responses should be made.

The application must be in writing and include copies of written responses. On receipt, DPI may:

- exempt the person in writing if:
 - satisfied the person is capable of achieving at least an equivalent level of safety as if the provision had been complied with, or
 - the application of the provision to the person is inappropriate or unnecessary
- or may dismiss the application.

The order for exemption may be unconditional or subject to conditions as NSW DPI sees fit. Exemptions last for the time specified but not longer than five years; if not specified then for five years. DPI may withdraw any exemption under this clause if justified on health or safety grounds.

NSW DPI may also under cl 348 exempt by Gazettal a class of people or things and this may be unconditional or subject to conditions as DPI sees fit.

Unless withdrawn, such an exemption is effective for such period as specified; but not longer than five years. If no period is specified then it lasts for five years.

NSW DPI may before granting such an exemption notify people or bodies as appropriate. NSW DPI may withdraw an exemption if satisfied the withdrawal is justified on health or safety grounds.

5.0 DPI PROCESS REQUIREMENTS

5.1 Fees

- There are no fees for registration of plant designs to DPI
- For WorkCover contact at address below for further details.



5.2 How to design register to WorkCover

Applications may be sourced via the following points of contact:

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 design register with DPI

Applications may be sourced via the following points of contact:

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 DPI manages the registration process

When the DPI receives an application the applicant will be notified of the DPI receipt.

The application is reviewed for completeness and to ensure all required information has been provided. If all documentation and information has not been received the application is returned to the applicant.

If all documentation and information has been received, the application then goes to the relevant person in DPI for assessment. If further information is requested, the applicant will be advised.

The DPI Officer makes a recommendation to the Director General or delegate and prepares the relevant documents for registration or rejection.

The appropriate DPI officer then agrees or disagrees to register the design. The officer may add conditions for registration of that design which then is returned to the applicant.

The registration is a standard form which will be sent by NSW DPI administration.

5.5 Flow Sheet for Industry

See appendix A

5.6 Documentation to be submitted in applications for design registration

An application must be lodged to the DPI on the applicable application form (Part A, Part B and Part C).



There must be sufficient drawings, specification and other documents to clearly identify the plant design being registered including design details of all safety related components of the design.

The following documents must be furnished with the application:

Completion of Form A

- Applicant information;
- Type of registration;
- Designer statement;
- Verification statement; and
- The required declaration

Completion of Form B

- Representational drawings correctly identified;
- Diagrams of control systems, including the sequence of operating the controls;
- Design calculations, if applicable;
- Test certificates accredited by NATA or by an otherwise acceptable equivalent;
- Details of operating instructions;
- Details of lifecycle maintenance instructions;
- Risk assessments if applicable;
- Other documents to meet requirements of clauses 96 and 105 of the *OHS Regulation*;
- Any other information specified in Gazette notices or in related documents for example MDG 2005 for Powered Winding Systems.

Completion of form C

- Diesel engine systems; and
- Braking systems.

Note: DPI may request further information if required.

5.7 Identification of documents

All documents supplied with the application must be identified on part B of the application form and must have a document name, document number, revision and date. Documents not submitted in this format will be rejected.

5.8 Drawings

All drawings must contain the following information:

- (a) Drawing title and unique identification number;
- (b) Applicants name and ABN;



- (c) Current revisions of drawing, with tracking of changes made;
- (d) Name/initial of draftsperson; and
- (e) Name/initial of designer.

All mechanical drawings submitted should be in accordance with AS 1100.

5.9 Competent person

A competent person, for any task means:

a person who has acquired through training, qualification or experience, or a combination of them, the knowledge and skills to carry out that task.(3 (1) – Definitions clause - OHS Regulation)

5.10 Who is considered by DPI to be a competent design verifier?

A design verifier is a competent person, who does not have involvement in the design and independently assesses the design for compliance with the relevant specified criteria.

The design verifier cannot be employed by the same person as the designer, unless that person uses a quality system, refer to Clause 107(2).

For the design verifier to be competent the person must have relevant qualifications and experience in the assessment and verification of plant designs similar to that of which is being verified in the application.

A relevant qualification generally means qualification recognised by a governing professional body, such as Engineers Australia and relevant experience generally means at least two years.

5.11 Who is considered competent by DPI to be a designer?

For the designer to be competent the person must have relevant qualifications and experience in the design of plant similar to that in the application.

For functional safety aspects, Certified Functional Safety Expert.

5.12 DPI documentation to the applicant

On successful completion of the registration, endorsed copies of registration documents are forwarded to the applicant. In each case, copies are also retained by NSW DPI.

The registration documents include:

- (a) Covering letter;
- (b) Notice of registration;
- (c) Registration schedule where required;
- (d) Drawings and other documents, listed in registration schedule to identify the plant design; and
- (e) Conditions of design registration.

The notice of registration is a statement nominating the plant design as being registered and referring to a registration schedule that contains registration recommendations and/or conditions. It will also include a design registration number.



The registration schedule refers to documents which specify the design. It lists the reference number, revision number and date of the last revision of each of the associated drawings and their relevant documents.

The registration may be granted subject to conditions and/or recommendations. Such conditions and/or recommendations will be listed in the registration schedule.

The drawings are those listed in the registration schedule, for the purpose of defining appropriate details of the registered plant. They will generally be prints of manufacturer's drawings but may include illustrations and photographs.

Other relevant documents include, for example, risk assessments, testing certificates, certifications, maintenance manuals, operating or service manuals. Each must carry a title, issue number and date of issue. These may also be listed in the registration schedule as registered documents.

5.13 Legal aspects of registration

Registration documents indicate that the subject plant designs have met the 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* and the *Coal Mine Health and Safety Act 2002* and related regulations.

5.14 Conditions

Applications for registrations are processed by the NSW DPI subject to the following conditions:

- (a) The NSW DPI reserves the right to treat an application as withdrawn or abandoned if:
 - (i) within 3 months of the date of information or a sample for inspection being requested, the information or the sample complying with the accepted design have not been received by the department; or
 - (ii) design documentation and/or test sample as originally submitted is rejected for non-compliance and is not re-submitted with appropriate modifications within 3 months of such rejection
- (b) In the event of an application being considered as withdrawn or abandoned applicants wishing to reapply will be required to complete a new application form and resubmit it.
- (c) Registrations shall not be transferred from the registration holder to any other party except by the agreement in writing of both parties and with the consent, in writing, of the Chief Inspector or his delegate under instrument of delegation.

Note that once a design has been registered, variation to the plant design as specified in the registration documents is only permitted by resubmission for variation.

5.15 The marking of registered items

The design registration number marking provided needs to be displayed on each plant manufactured to the registered design and this should be detailed in drawings and the documents accompanying the registration.



5.16 Confidentiality

Communications with 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.

5.17 Third party access to registration documents.

Third parties can obtain access to registration documents from the registration holder or DPI at www.dpi.nsw.gov.au/minerals/safety for designs registered with DPI.

5.18 What testing authority certificates are acceptable?

All testing must be carried out by:

- a) A laboratory in Australia that is unrelated to the manufacturer/supplier and is accredited for the test by the National Association of Testing Authorities Australia (NATA), or
- b) A laboratory acceptable to the Chief Inspector.

5.19 When designs must be reviewed

A designer must review the risk assessment of plant when it is no longer valid or an employer, manufacturer, supplier or owner of the plant provides the designer with information about a design fault that has the potential to harm the health or safety of any person

88 Designer to review risk assessment

A designer must review the risk assessment of plant whenever:

- (a) there is evidence that the risk assessment relating to the plant is no longer valid, or*
- (b) An employer, manufacturer, supplier or owner of the plant provides the designer with information about a design fault that has the potential to harm the health or safety of any person.*



6.0 REFERENCES

Occupational Health and Safety Regulation 2001

Note: 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

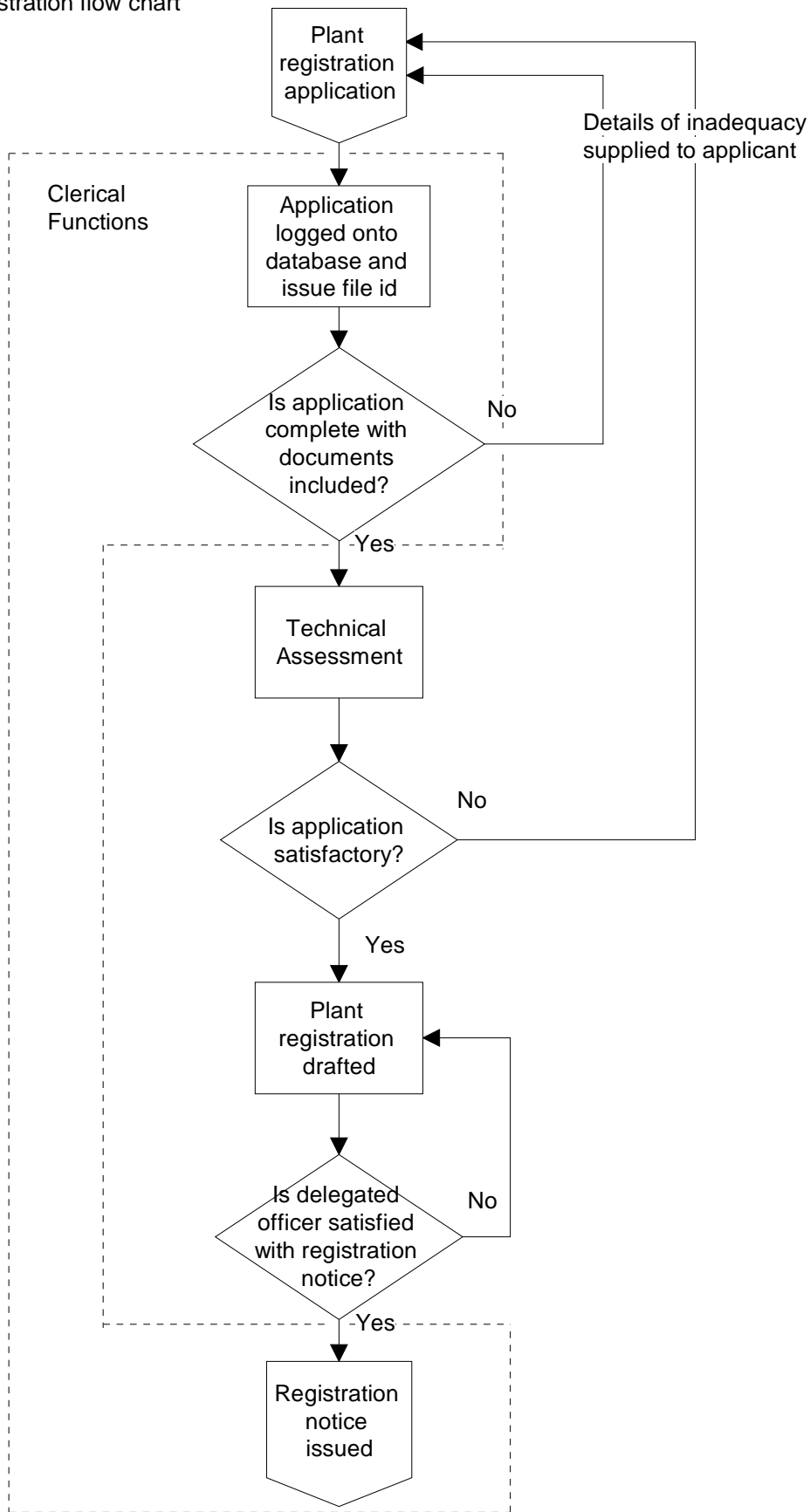
Guidance Note Coal – 005: Registration of Plant Designs

GN 005_Attachment 1	Plant and Design registration flow chart
GN 005_Attachment 2	Typical general conditions of plant registration
GN 005_Attachment 3	Gazettals
GN 005 Attachment 4	Schedule 1 - standards



Attachment 1

Design registration flow chart





Attachment 2 – Typical general conditions of plant registration

Note: The following general conditions will be attached to all design registrations.

1. The user of the Registered System must conduct a site specific Operational Risk Assessment and implement all barriers to risk identified in the Risk Assessment prior to the introduction of the system into a Coal Mine in New South Wales. This Operational Risk Assessment must be reviewed when operating conditions vary and at periods not exceeding five (5) years.
2. The Chief Inspector has the right to vary or revoke this registration at any time.
3. The manufacturer is to certify in writing that the particular system supplied is in accordance with the requirements of this registration insofar as those matters assessed for the registration are concerned.
4. There must be no variation in the materials, design or construction of the equipment associated with this registration without prior consent of the Chief Inspector. Unauthorised alteration or substitution of registered equipment must render this registration void.
5. The designer or manufacturer must provide to the end user all information as required by clauses 96 to 105 of the OHS Regulation.
6. The Owner of this System must ensure that adequate information is retained at the mine to enable the system to be operated, tested and maintained in the registered condition. This information shall also be made available wherever the system is overhauled or repaired.
7. This registration ceases to be valid if the system is not designed, modified, examined, tested, maintained, overhauled and repaired in accordance with the registration conditions, Occupational Health and Safety Act, 2000 Coal Mines Regulation Act, 1982 and Associated Regulations.
8. The Mine Safety Management System must include providing details of any defects to the registration holder.
9. The Manager of the mine must ensure the recommendations of the Registration Holder are complied with as far as possible. But an appropriate documented risk assessment process may be used to identify alternative means of providing at least equivalent levels of safety. These alternatives may be implemented.
10. In accordance with the Occupational Health and Safety Act, 2000 it is a requirement that the Mine Management, Equipment Manufacturers, Equipment Owners, Hire / Lease Organisations, Registration Holders and the Designer of the equipment all take considerable responsibility for the safety related aspects of the system. Compliance with safety related recommendations of the Registration Holder must be viewed as an integral part of the responsibility of all concerned.
11. A safety audit of the Registered System shall be carried out at intervals not exceeding five (5) years. This safety audit must be documented and must include:
 - a) an assessment for compliance against these registration conditions, and
 - b) an assessment for compliance against the current community standards, applicable to the Registered System at the time of the audit, and



implementation of interim control measures to reduce risk to an acceptable level, and

- c) an assessment of the safety defects identified since the previous audit and a review of the improvements required to minimise these defects.

7.1 Attachment 3 – Gazettals

DPI criteria is specified in Gazettal notices for the following:

Diesel engine systems used in underground mines

Powered winding systems used in underground mines

Booster fans

Braking systems on plant used for underground transport

Canopies for continuous miners

Conveyor belts (not until 8 June 2007)

Portable or hand-held plant or items used to determine or monitor the presence of gases for the purposes of the Coal Mine Health and Safety Act 2002.

Breathing apparatus to assist escape from the underground parts of the coal operation (Including self-rescuers)

Shotfiring apparatus

Detonators used in underground mines

Explosive-powered tools used in underground mines

Refuge chambers

Copies of these Gazettals can be found at the DPI website:

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

7.2 Attachment 4 – Copy of Schedule 1 OH&S Regulation 2001

Schedule 1 Standards covering design and manufacture of plant

(Clauses 3 (2) and (3), 94, 103 (3) (b) and (c), 107 (2) (a) and 122 (1) (c))

Note. *Subclauses (2) and (3) of clause 3 provide that:*

*(a) in this Regulation, a reference to an Australian Standard is a reference to an Australian Standard (AS) or an Australian/New Zealand Standard (AS/NZS) published by Standards Australia in the year referred to in the citation of the Standard, as in force from time to time,
And*

(b) if WorkCover has indicated that it is satisfied that another standard provides an equivalent standard of safety to an Australian Standard or an Australian/New Zealand Standard, that



other standard may be applied instead for the purposes of the relevant provision of this Regulation, and

(c) if there is an inconsistency between a provision of this Regulation and a provision of an Australian Standard or another standard referred to in this Regulation, the provision of this Regulation prevails.

Boilers and pressure vessels

AS 1210—1997	Pressure vessels
AS 1210 Supp 1—1990	Unfired pressure vessels—Advanced design and construction
AS 1210 Supp 2—1999	Pressure vessels—Cold-stretched austenitic stainless steel
AS 1228—1997	Pressure equipment—Boilers
AS 2971—1987	Serially produced pressure vessels
AS/NZS 3509:1996	LP gas fuel vessels for automotive use
AS 3892—2001	Pressure equipment—Installation
AS 4343—1999	Pressure equipment—Hazard levels
AS 4458—1997	Pressure equipment—Manufacture
Australian Miniature Boiler Safety Committee Code—Part 1: Copper Boilers	
Australian Miniature Boiler Safety Committee Code—Part 2: Steel Boilers	

Cranes (including hoists and winches)

AS 1418.1—1994	Cranes (including hoists and winches) Part 1—General requirements
AS 1418.2—1997	Cranes (including hoists and winches) Part 2—Serial hoists and winches
AS 1418.3—1997	Cranes (including hoists and winches) Part 3: Bridge, gantry and portal cranes (including container cranes)
AS 1418.4—2001	Cranes (including hoists and winches) Part 4: Tower cranes
AS 1418.5—1995	Cranes (including hoists and winches) Part 5: Mobile and vehicle-loading cranes
AS 1418.6—1988	SAA Crane Code Part 6—Guided storing and retrieving appliances
AS 1418.7—1999	Cranes (including hoists and winches) Part 7: Builders' hoists and associated equipment
AS 1418.8—1989	SAA Crane Code Part 8—Special purpose appliances
AS/NZS 1418.9:1996	Cranes (including hoists and winches) Part 9: Vehicle hoists
AS 1418.10—1996	Cranes (including hoists and winches) Part 10:



- Elevating work platforms*
- AS 1418.12—1991 *Cranes (including hoists and winches) Part 12: Crane collector systems*
- AS 1418.13—1996 *Cranes (including hoists and winches) Part 13: Building maintenance units*
- AS 1418.14—1996 *Cranes (including hoists and winches) Part 14: Requirements for cranes subject to arduous working conditions*
- AS 1418.15—1994 *Cranes (including hoists and winches) Part 15: Concrete placing equipment*
- AS 1418.16—1997 *Cranes (including hoists and winches) Part 16: Mast climbing work platforms*
- AS 1418.17—1996 *Cranes (including hoists and winches) Part 17: Design and construction of workboxes*
- AS 1418.18—2001 *Cranes (including hoists and winches) Part 18: Crane runways and monorails*
- Scaffolding**
- AS/NZS 1576.1:1995 *Scaffolding Part 1: General requirements*
- AS 1576.2—1991 *Scaffolding Part 2: Couplers and accessories*
- AS/NZS 1576.3:1995 *Scaffolding Part 3: Prefabricated and tube-and-coupler scaffolding*
- AS 1576.4—1991 *Scaffolding Part 4: Suspended scaffolding*
- AS/NZS 1576.5:1995 *Scaffolding Part 5: Prefabricated splitheads and trestles*
- AS/NZS 1576.6:2000 *Scaffolding Part 6: Metal tube-and-coupler scaffolding—Deemed to comply with AS/NZS 1576.3*
- Lifts, escalators and moving walks**
- AS 1735.1—1999 *Lifts, escalators and moving walks Part 1: General requirements*
- AS 1735.2—1997 *Lifts, escalators and moving walks Part 2: Passenger and goods lifts—Electric*
- AS 1735.3—2001 *Lifts, escalators and moving walks Part 3: Passenger and goods lifts—Electrohydraulic*
- AS 1735.4—1986 *SAA Lift Code Part 4: Service lifts—Power operated*
- AS 1735.5—2001 *Lifts, escalators and moving walks Part 5: Escalators and moving walks*
- AS 1735.6 (Int)—1996 *Lifts, escalators and moving walks Part 6: Moving*

*walks*

- AS 1735.7—1998 *Lifts, escalators and moving walks Part 7: Stairway lifts*
- AS 1735.8—1986 *SAA Lift Code Part 8: Inclined lifts*
- AS 1735.9—1994 *Lifts, escalators and moving walks Part 9: Special purpose industrial lifts*
- AS 1735.10 (Int)—1998 *Lifts, escalators and moving walks Part 10: Tests*
- AS 1735.11—1986 *SAA Lift Code Part 11: Fire-rated landing doors*
- AS 1735.12—1999 *Lifts, escalators and moving walks Part 12: Facilities for persons with disabilities*
- AS 1735.13—1986 *SAA Lift Code Part 13: Lifts for persons with limited mobility—Manually powered*
- AS 1735.14—1998 *Lifts, escalators and moving walks Part 14: Low rise platforms for passengers*
- AS 1735.15—1990 *Lifts, escalators and moving walks Part 15: Lifts for people with limited mobility—Restricted use—Non-automatically controlled*
- AS 1735.16—1993 *Lifts, escalators and moving walks Part 16: Lifts for people with limited mobility—Restricted use—Automatically controlled*
- AS 1735.17—1995 *Lifts, escalators and moving walks Part 17: Lifts for people with limited mobility—Restricted use—Water drive*

Gas cylinders

- AS 2030.1—1999 *The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases—Part 1: Cylinders for compressed gases other than acetylene*
- AS 2030.2—1996 *The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases—Part 2: Cylinders for dissolved acetylene*
- AS 2030.4—1985 *The verification, filling, inspection, testing and maintenance of cylinders for storage and transport of compressed gases—Part 4 : Welded cylinders—insulated*

Amusement devices

- AS 3533.1—1997 *Amusement rides and devices Part 1: Design and construction*



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