



INFORMATION SHEET

Implementation of Work Health and Safety legislation – Mines Safety plant and design

The Western Australian work health and safety (WHS) laws came into effect on 31 March 2022.

The WHS laws include the:

- *Work Health and Safety Act 2020* (WHS Act)
- Work Health and Safety (General) Regulations 2022 (WHS General Regulations)
- Work Health and Safety (Mines) Regulations 2022 (WHS Mines Regulations).

There are transitional provisions and periods for items of plant on mine sites to allow a safe transition to the WHS Act and Regulations.

Measures that transition or preserve existing arrangements in the Mines Safety and Inspection Regulations 1995 (MSIR) or delay commencement of certain duties in the WHS Mines Regulations can be found in regulation 2 (Commencement) and Part 11.4 (Transitional and savings provisions).

What are the key changes?

- The term “**classified plant**” is changed to “**registered plant**”.
- All general and specific exemptions relating to classified plant on mines under the MSIR will expire as outlined in the transitional provisions.
- Classified plant that was registered by the State mining engineer under the MSIR prior to 31 March 2022 is deemed to be both design and item registered under the WHS Act and no additional action is required.
- There is a change to the certain types of equipment that require registration and all plant design and item registrations are conducted under the WHS General Regulations as referenced in the WHS Mines Regulations.
- There is a new application process for mining operations to submit their design and plant registration applications.

- There is no longer a requirement to keep a classified plant record book (or other hardcopies of plant records) at the mine. This is replaced with the requirement to keep records of all plant at the mine.
- There is no longer provision to appoint a competent person under section 44 of the *Mines Safety and Inspection Act 1994* (MSIA) for the inspection of classified plant at a mine.
- Statutory inspection intervals are not defined in the WHS Mines Regulations.

The 2013 general exemption to MSIR r. 6.34(1) for the registration of certain types of plant

On 31 March 2022, the general exemption from the requirement for plant registration of specific items of classified plant lapsed and the transitional provisions apply. These are detailed in WHS Mines Regulations Part 11.4 – Transitional and savings provisions. Key regulations to note are rr. 705, 706, 711, 712, 713, 716, 717, 718, 749.

Regulation 718, outlines the transitional timing requirement for plant at a mine site that holds a valid design registration by another authority but not a classified plant registration under the MSIR. The action for these items is to apply for item registration within the transition period specified in r. 718.

Details of these transitional regulations can be found in the [Information sheet: Work Health and Safety \(Mines\) Regulations 2022 – transitional and savings provisions](#).

Note this does not need to be completed on the first day of the WHS laws. It must be completed before the end of the applicable transition period, however it is recommended it be completed after the next major inspection as reference to the inspection document will form part of the application.

Other plant exemptions

If there is an item of plant at the mine that:

- holds a current MSIR exemption from registration, and
- does not meet any classification set out in r. 718, and
- is in use at a mine,

the item must be registered within 2 years of the WHS laws commencing as per r. 749.

Continuation of registration from MSIR to WHS legislation

Regulation 706(b) of the WHS Mines Regulations outlines if an item of plant was submitted for registration under the MSIR prior to WHS commencement, this application will be processed under the conditions of the MSIR.

WHS Mines Regulations r. 716 details the instances where plant that is registered under the MSIR is to be taken as registered for both design and item as under WHS Mines Regulations Part 5.3. **In these instances there is no action for the mine.**

Part 5.3 of the WHS Mines Regulations does not apply to any item of plant that is not required to be registered under MSIR r. 6.34 and that was manufactured or completed:

- on WHS commencement, or
- prior to WHS commencement, or
- within 2 years of WHS commencement.

Changes to type of plant requiring registration

- Plant that has changed registration status and now needs to be registered:
 - Concrete placing booms require both a 'design' registration and an 'item of plant' registration
- Plant that is no longer required to be registered:
 - Scissor lift EWPs and vertically moving platforms will no longer require registration.

For detailed information, refer to WHS Mines Regulations Schedule 5 – Registration of plant and plant designs.

Who can apply for registration

Only a person with management or control of an item of plant, e.g. the mine operator or contractor, can make the application for plant registration. The designer can apply for the design registration of plant.

Registration of plant under WHS General Regulations

All registrations of plant under the WHS legislation will be conducted through Part 5.3 of the WHS General Regulations. All regulations not specifically relating to the registration process in relation to the management of registerable plant are mirrored across the WHS Mining Regulations and WHS General Regulations.

Management of registered plant at a mine

Under the WHS Act there is no equivalent provision for an MSIA s. 44 appointment for the management or inspection of registered plant. Under s. 19 of the WHS Act, the mine operator and site senior executive are to ensure a safe workplace. The management of plant is to form part of the mine safety management system.

As part of this transition, there is no requirement to keep a physical book of registered plant details and inspections. These details and records need to be maintained as part of the mine's maintenance system and need to be produced on request by an inspector.

Other items for consideration

Regulation 282 of the WHS General Regulations states that the registration holder must notify the regulator within 14 days of:

- a change to the registration holder's name
- a change to the business name
- alterations to plant that warrant new control measures (this may also require registering an alteration to design application)
- relocation of plant that is usually fixed
- transfer of the management or control of an item of plant.

Further information

- [Plant design and registration](#)
- [Plant and design – forms and fees](#)

If you have any queries in relation to this information please contact WorkSafe Licensing via email at WHSplantdesign@dmirs.wa.gov.au, or phone on 1300 307 877.