



Amusement structures – A guide for local government

This guidance is intended to assist local government authorities and amusement structure owners/operators in Western Australia understand their duties under occupational safety and health (OSH) laws with respect to amusement structures.

National model work health and safety laws differ from WA OSH laws in some respects, however the WA OSH laws must be used in WA workplaces.

The *Occupational Safety and Health Act 1984* (“OSH Act”) and Occupational Safety and Health Regulations 1996 (“OSH Regulations”) are available at www.legislation.wa.gov.au.

Definitions

Regulation 4.1 of the OSH Regulations defines the term Amusement structure as follows:

Amusement structure means equipment operated for hire or reward which provides entertainment or amusement through movement of the equipment, or part of the equipment, or when passengers travel on, around or along the equipment or move the equipment through self-powered motion.

Amusement device and amusement ride are terms defined in AS 3533.1.

Local Government Authority (LGA) As one of Australia's three spheres of government (Federal, State, Local), Local Government is the sphere that most closely affects the daily lives of citizens. It is also referred to as elected Councils, Shires, Local Councils or Local Government Authorities (LGA's).-The WA Local Government Association

References

In relation to amusement structures, the following Australian Standards (AS) are referenced in Schedule 1 of OSH regulations 1996 of WA as mandatory standards.

- AS 3533.1-1997 Amusement rides and devices - Design and construction
- AS 3533.1 Supplement 1 -2003 Amusement rides and devices - Design and construction - Intrinsic safety (Supplement to AS 3533.1-1997)
- AS 3533.2-1997 Amusement rides and devices – Operation and maintenance
- AS 3533.2 Supplement 1-1997 Amusement rides and devices – Operation and maintenance - Logbook (Supplement to AS 3533.2-1997)
- AS 3533.3-2003 Amusement rides and devices – In service inspection
- AS 3533.4.1-2005 Amusement rides and devices - Specific requirements- Land borne inflatable devices

Agreement

Western Australian State – Local Government Agreement – An agreement in relation to State and Local government sectors working together in relation to communication, consultation and good governance, available [here](#).

Duty holders

The duty holder may differ depending on the persons organising the event.

1. Where the LGA runs an event and procures amusement structures, the LGA is a duty holder under the OSH legislation.
2. Where the LGA sends staff to monitor public safety issues at an event not run by the LGA, and are not the duty holders under the OSH legislation. The event organiser and the amusement structure operators are duty holders under the OSH legislation.

Where the LGA is running an event, the LGA should have a system in place to procure safe and compliant amusement structures to ensure compliance with OSH legislation. Such a system should include the following documents:

- Copy of public liability insurance;
- Annual certificate of inspection of the amusement structure by a competent person;
- Copy of WorkSafe plant registration;
- For Class 1 amusement structures, an assessment or certification letter from a competent person that shows the assessment methodology.

Where the LGA is not running an event, but is providing public safety regulatory services, there is the option of checking the above, but there is no duty to do so imposed by the OSH Act.

Frequently asked questions

When do OSH laws apply?

The OSH Regulations apply to workplaces. A workplace is a place where employees or self-employed people work or are likely to be in the course of their work.

For example, if an event organiser pays a ride operator to attend an event and operate a ride, the operator is working and the OSH laws apply.

Who has duties under OSH laws?

Employers, employees, self-employed persons and persons with control of a workplace have duties under OSH laws.

For example, an owner-operator of an amusement ride may be a self-employed person. A person employed by a business to operate a ride may be an employee. An event organiser, who controls the layout of the event and access to and egress from the event, may be a person in control of a workplace.

What are examples of amusement structures?

- Mechanically operated rides (fixed location or mobile)
- Inflatable devices / “bouncy castles”
- Climbing walls
- Go-karts
- Water slides (fixed location or mobile)
- Flying foxes (“ziplines”)

Note that public playground equipment does not fall under the definition of an amusement structure.

Who is responsible for registration of amusement structure design with WorkSafe?

Regulation 4.2 of the OSH Regulations requires that the manufacturer, importer or supplier (duty holders) register the design of plant types listed in Schedule 4.1. This includes “Amusement structures within the scope of AS 3533 other than Class 1 devices”.

When does an amusement structure need to be individually registered with WorkSafe?

Regulation 4.14 of the OSH Regulations requires items of plant listed in Schedule 4.2 to be registered with WorkSafe. This includes “Amusement structures within the scope of AS 3533 other than Class 1 devices”.

Do operators of amusement structures have to comply with Australian Standard 3533?

Yes, Regulation 4.52 (refer to Attachment 1) requires that amusement structures must comply with the requirements specified in the AS 3533 suite of standards. This is applicable for all classes of amusement structures including Class 1.

How do I find out the Class of an amusement structure?

Australian Standard AS 3533.1 details the calculation method to classify amusement devices or rides, using data such as height, velocity and acceleration. This is a technical calculation and the operator should have the amusement structure assessed by a competent person to accurately determine its class. The classification assessment details should be recorded, for example in the form of a letter from the competent person.

Who can be a competent person?

OSH Regulation 1.3 defines a competent person, in relation to the doing of anything, as a person who has acquired through training, qualification or experience, or a combination of those things, the knowledge and skills required to do that thing competently.

Additionally, appendices within AS 3533.1, AS 3533.2 and AS 3533.3 provide recommended training, qualifications and experience for competent persons specific to a range of tasks relating to amusement structures. Depending on the level of inspection, qualifications and training required may range from internal ride specific training, to a qualified engineer.

How do I find a competent person?

You can search online for a person with the relevant competencies, or alternatively contact an industry association such as the [WA Showman's Association](#).

Annual inspections

OSH Regulation 4.52 requires amusement structures of all classes to be operated, maintained and inspected in accordance with AS 3533.

AS 3533.2 clause 5.4.3.2 and AS 3533.3 clause 5 state that mobile amusement devices need to have a detailed inspection at least once a year.

What paperwork should be supplied to Local Government as part of the stallholder process where local government is running an event?

Where the LGA is running an event, LGA becomes a person in control of a workplace and therefore has duties under the OSH legislation. Prior to procurement, the following should be submitted to LGA as a minimum:

- Copy of public liability insurance;
- Annual inspection certificate;
- Copy of WorkSafe plant registration (or Class 1 certification or letter from a competent person).

What paperwork should be supplied to Local Government as part of the stallholder process where local government is not running the event but is there to provide public health regulatory services?

Where the LGA is not running the event, it is not a duty holder under the OSH Act.

The LGA may choose to promote high standards of safety by checking the information listed above and/or referring amusement structure operators to published WorkSafe guidance material, but this is at the discretion of the LGA and is not a requirement under the OSH Act.

What should a local government officer do if an amusement structure is operating and it does not appear to be registered with WorkSafe or have documentation certifying it as Class 1?

If the event is a workplace managed by the LGA, operating a device other than a Class 1 device that has not been registered is a breach of Regulation 4.14. Both the employer/self-employed person operating the structure and the LGA are duty holders under Regulation 4.14 and both will be in breach if the structure is used. This could result in enforcement action from WorkSafe, such as an Improvement Notice or Prohibition Notice.

Additionally there is the possibility that the design or the particular item of plant may not meet the requirements of the OSH legislation and may present a higher level of risk to people using the structure.

Unregistered amusement structures (other than Class 1) should not be used. A competent person should be engaged by the operator to determine the Class and the registration requirements, and to commence the registration process where required. For this reason registration should be checked before amusement structures are procured.

If the LGA is not the event organiser and identifies an amusement structure that may be unregistered, or which is observed to present a hazard, the concerns should be raised with the owner or manager. If the issues cannot be resolved, the local government officer can [request WorkSafe attendance](#).

What paperwork does an amusement structure operator need to have on them when they attend the event?

AS 3533.2, Appendix L, lists the minimum documentation to be kept with the amusement structure.

Examples of the documentation to be kept with the structure include insurance information, procedures to erect and dismantle the structure, operating instructions, maintenance records, evidence of registration and the recent daily check sheets.

Who resolves disputes in interpretation on the requirements of the OSH legislation?

Queries in relation to OSH laws should be directed to WorkSafe on 1300 307 877 or email safety@dmirs.wa.gov.au.

Further information

Western Australia

Commission for Occupational Safety and Health (WA) – [Guidance Note – General duty of care in WA workplaces](#) (2005)

Department of Mines, Industry Regulation and Safety (WorkSafe directorates) Visit www.dmirs.wa.gov.au, email safety@dmirs.wa.gov.au or telephone 1300 307 877

- [Checklist – Inflatable water slides](#)
- [Checklist – Amusement centres and inflatables](#)
- [FAQs – Plant design and item of plant registration](#)
- [Plant and design registration overview](#)

Safe Work Australia

Safe Work Australia has a range of publications on amusement devices available at <https://www.safeworkaustralia.gov.au/collection/workplace-amusement-devices-guidance-material>. These include:

- Amusement devices operator checklist
- Amusement devices – Inflatable devices
- Information sheet – Amusement devices annual inspection
- Information sheet – Amusement devices owners and managers
- Amusement devices – General guide

It should be noted that laws referenced by Safe Work Australia are national model Work Health and Safety laws and there are some differences between those laws and WA laws. If you are unclear in relation to WA laws, please contact WorkSafe WA.

NT WorkSafe

- [Safety and Health Alert – Ride failure highlights the need for rigorous inspection and testing of amusement rides](#) (2019)

SafeWork NSW

- [Safety and Health Alert – Rider restraints on hurricane style amusement device](#) (2017)

Workplace Health and Safety Queensland

- [Safety and Health Alert – Safety of amusement rides](#) (2013)

WorkSafe Queensland

- [Safety and Health Alert – Uncontrolled starting of amusement devices](#) (2018)

WorkSafe Victoria

- [Safety and Health Alert - Amusement ride guarding](#) (2019)

Extract from OSH Regulations 1996

4.52. Amusement structure, duties of employer etc. as to

- (1) If, at a workplace, there is an amusement structure then a person who, at the workplace is an employer, a self-employed person, a person having control of the workplace or a person having control of access to the workplace must ensure —
 - (a) that the structure is operated, maintained and inspected —
 - (i) in accordance with AS 3533 or, if applicable, the Australian Association of Live Steamers Code of Practice and maintained in accordance with that Standard or Code, as the case requires; and
 - (ii) having regard to the instructions of a person who designed or manufactured the structure or of any competent person who develops instructions for the operation of that structure; and
 - (b) that records are kept in relation to the structure in accordance with AS 3533 or, if applicable, the Australian Association of Live Steamers Code of Practice; and
 - (c) that the structure has such emergency brakes as are necessary to prevent collision between components of the amusement structure in the event of the normal controls failing; and
 - (d) where the structure uses inclined tracks, that it has automatic anti-rollback devices to prevent backward movement of any passenger carrying units upon failure of the propelling mechanism.
- (2) A person who is an employer, a self-employed person, a person having control of the workplace or a person having control of access to the workplace at a workplace at which an amusement structure is operated must ensure that —
 - (a) if the operator of the structure does not have a clear view of the point at which passengers are loaded or unloaded then the structure has a signal system for starting and stopping; and
 - (b) any code of signals adopted is printed and kept posted at the stations of the operator and the signaller; and
 - (c) signals for the movement or operation of the structure are given only when all passengers and other persons who may be endangered by such movement or operation are in a position of safety.

Penalty applicable to subregulations (1) and (2): the regulation 1.16 penalty.

A30049721