

INFORMATION SHEET

Duties of a competent person: Inspection and maintenance of plant

Under the work health and safety (WHS) legislation, a person conducting a business or undertaking (PCBU) and the person with management or control of plant at a workplace must ensure that the risk in relation to the use of plant in the workplace is eliminated. Where this is not reasonably practicably, the risks must be minimised using the hierarchy of control measures.

As part of these control measures, certain work relating to plant must be carried out by, or in accordance with the recommendations of, a competent person; for example, work involving installation, assembly, construction, commissioning, maintenance, inspection, testing, decommissioning and dismantling of plant.

Regarding inspection and maintenance, a person is competent if they have acquired through training, qualification or experience, the knowledge and skills to carry out the maintenance and inspection of the item of plant.

Additional requirements under the WHS (General) Regulations 2022 (WHS General Regulations) apply to a competent person for carrying out a major inspection of mobile cranes or tower cranes and for annual inspection of amusement devices and passenger ropeways.

A competent person must act within their knowledge, skills, competencies and training. Therefore, the inspection and maintenance of plant may require more than one competent person.

Note: This document does not list the requirements for a competent person involving inspection and testing of electrical equipment, demolition work, general diving work, design verification, or clearance, inspection and removal of asbestos.

Duties of a competent person as a work health and safety service provider

WHS Act s. 26A

Duty of persons conducting businesses or undertakings that provide services relating to work health and safety

Under the *Work Health and Safety Act 2020* (WHS Act) if a competent person conducting a business or undertaking provides a WHS service to another PCBU, for example, as a consultant, then they have duties as a WHS service provider.

To be considered a WHS service, the activity must:

- relate to work health and safety
- be intended to address the elimination of a hazard or control of a risk

- be provided by a PCBU (the WHS service provider) to another PCBU (the recipient) and include a verbal or written agreement
- be provided in relation to a specific workplace or workplaces.

The WHS service could be providing any of the following that relate to work health and safety:

- recommendations or other advice
- testing or analysis
- information or documents including a report, plan, program, strategy, guideline or manual
- training or other educational course.

These duties include ensuring that any service provided relating to work health and safety, or relevant use of the service, will not put the health and safety of any person at the workplace at risk. For more information, refer to [Duty of persons conducting business or undertakings that provide services relating to work health and safety: Interpretive guideline](#).

Maintenance and inspection of plant

WHS General Regulations r. 213

Maintenance and inspection of plant

The person with management or control of plant at a workplace, must ensure that the maintenance, inspection and testing of the plant is carried out by a competent person:

- a) in accordance with the manufacturer's recommendations, if any, or
- b) if there are no manufacturer's recommendations, in accordance with the recommendations of a competent person, or
- c) in relation to inspection, if it is not reasonably practicable to comply with a) or b), annually.

Items of plant to be inspected prior to plant registration

WHS General Regulations r. 246

Items of plant to be registered

WHS General Regulations r. 267

When is a person competent to inspect plant

An item of plant specified in Schedule 5 Division 2 of the WHS General Regulations must be registered with the regulator. The purpose of registering an item of plant is to ensure that it is inspected by a competent person and is safe to operate.

A person is a competent person to inspect an item of plant for registration if that person has:

- educational or vocational qualifications in an engineering discipline relevant to the plant to be inspected; or
- knowledge of the technical standards relevant to the plant to be inspected.

Note: For a competent person inspecting amusement devices, additional requirements specified under regulation 241(1A) of the WHS General Regulations are applicable.

Major inspection of cranes

WHS General Regulations r. 235

Major inspection of registered mobile cranes or tower cranes

For registered mobile cranes and tower cranes, a major inspection must be carried out by, or under the supervision of, a competent person.

The competent person must have acquired through training, qualification or experience the knowledge and skills to carry out a major inspection of the plant. They must also be eligible for professional engineer membership of Engineers Australia or be determined by the regulator as a competent person.

Annual inspection of amusement devices

WHS General Regulations r. 241

Annual inspection of amusement devices and passenger ropeways

In case of inflatable device (continuously blown) with a platform height of less than 9 meters, the competent person must be someone who has acquired through training, qualification or experience the knowledge and skills to inspect the device.

In case of any other amusement device or a passenger ropeway, a competent person must be someone who has acquired through training, qualification or experience the knowledge and skills to inspect the plant. They must also be eligible for professional engineer membership of Engineers Australia or be determined by the regulator as a competent person.

Further information

- [*Duty of persons conducting business or undertakings that provide services relating to work health and safety: Interpretive guideline*](#)
- [*Managing risks of plant in the workplace: Code of practice*](#)
- [*Plant design and item of plant registration*](#)