

## INFORMATION SHEET

# Perth Royal Show: Duties of a competent person – inspection and maintenance of plant

Under the *Work Health and Safety Act 2020* (WHS Act), a person conducting a business or undertaking (PCBU) and a person with management or control of plant must ensure that items of plant are inspected and maintained by a competent person.

A person is competent if they have acquired through training, qualification or experience, the knowledge and skills to carry out a specific task. Therefore, the inspection and maintenance of plant may involve more than one competent person.

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

*Note: This information sheet does not list the requirements for a competent persons for inspection and testing of electrical equipment, demolition work, general diving work, design verification, asbestos clearance inspection and removal.*

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

Under the work health and safety (WHS) legislation, a competent person provides a WHS service if they are operating as a PCBU and provide that service to another PCBU, for example, as a consultant. In such instances, the competent person has duties under section 26A of the *Work Health and Safety Act 2020* (WHS Act).

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

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

Under the WHS General Regulations, an item of plant specified in Schedule 5 Division 2 must be registered with the regulator and this includes cranes and amusement devices.

The purpose of registering an item of plant is to ensure that it is inspected by a competent person and is safe to operate.

*Note: For a competent person inspecting amusement devices, additional requirements specified under regulation 241(1A) of Work Health and Safety (General) Regulations 2022 are applicable.*

## Major inspection – Cranes

### WHS General Regulations r. 235(1B)

Major inspection of registered mobile cranes and tower cranes: Competent person

A major inspection must be conducted for registered mobile cranes and tower cranes by a competent person who has acquired through training, qualification or experience the knowledge and skills to carry out a major inspection of the plant and is eligible for professional engineer membership of Engineers Australia, or is determined by the regulator to be a competent person.

## Annual inspection – Amusement devices

### WHS General Regulations r. 241(1A)

Annual inspection of amusement devices and passenger ropeways: Competent person

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

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