

# Equipment (Public Safety) Regulations 2017: Summary of Changes

2017

On 18 June 2017, Victoria's new *Equipment (Public Safety) Regulations 2017* (EPS Regulations) will take effect replacing the 2007 version. This information sheet outlines the key changes to the EPS Regulations.

## Part 3 – Duties of designers of prescribed equipment

EPS Regulations 2007	EPS Regulations 2017
Regulation 306(1) Operational stop controls and emergency stop devices (designer)	Regulation 15(1) Emergency stop devices (designer)

The 2017 regulations:

- set out the design requirements for emergency stops in a separate regulation to remove any confusion that an operator stop control is an emergency stop device; and
- replace the requirement for multiple controls to be of the 'stop and lock-off type' and for each stop control to be reset after a stop control has been activated, with a requirement that the emergency stop devices must be of the type that cannot be restarted after an emergency stop control has been used unless that particular device is manually reset and the start function is manually activated.

EPS Regulations 2007	EPS Regulations 2017
Regulation 310(1) Records and information (designer)	Regulation 19(1) Records and information (designer)

A designer will no longer be required to keep a copy of information provided to the manufacturer. This will reduce duplication in record keeping requirements.

EPS Regulations 2007	EPS Regulations 2017
Regulation 310(2) Records and information (designer)	Regulation 19(2) Records and information (designer)
Regulation 311(3) Record of standards or engineering principles used (designer)	Regulation 20(3) Record of standards or engineering principles used (designer)
Regulation 404(2) Records and information (manufacturer) - See Part 4	Regulation 24(2) Records and information (manufacturer) - See Part 4

The time that designers and manufacturers are required to keep records has been reduced from 10 years to 7 years.

## Part 4 – Duties of manufacturers of prescribed equipment

EPS Regulations 2007	EPS Regulations 2017
Regulation 403(1)(a) Information must be obtained and provided (manufacturer)	Regulation 23 Information must be given by a manufacturer (manufacturer)
Regulation 603(1)(a)(i) Information to be obtained and provided (supplier) - See Part 6	Part 6 Regulation 29 Information to be given – new prescribed equipment (supplier) - See Part 6

# Equipment (Public Safety) Regulations 2017: Summary of Changes

Both the EPS Regulations and OHS Regulations place duties on manufacturers and suppliers to obtain and then provide prescribed information. However, the duty to provide information implicitly requires the manufacturer or supplier to obtain that information.

For this reason, the requirement on manufacturers and suppliers to obtain information has been removed.

Regulation 23 also explicitly requires a manufacturer to pass on any revised information that the designer provides to the manufacturer as a result of the manufacturer identifying a hazard during the manufacturing process.

The change provides greater clarity and ensures the regulations are consistent and predictable.

## Part 5 – Duties of importers of prescribed equipment

EPS Regulations 2007	EPS Regulations 2017
Regulation 501(1)(3) General duties	These provisions have been removed.
Regulation 602(1)(3) General duties - See Part 6	

The general duties imposed on importers and suppliers of prescribed equipment have been removed as the general duties imposed by Section 8 of the Equipment (Public Safety) Act 1994 can be relied upon.

## Part 6 – Duties of suppliers and agents of suppliers of prescribed equipment

EPS Regulations 2007	EPS Regulations 2017
Regulation 607 Suppliers of lifts for domestic premises to notify the Authority	This provision has been removed.

The requirement for suppliers to notify WorkSafe of lifts installed in domestic premises has been removed to align with the OHS Regulations, which no longer require items of plant to be registered by WorkSafe.

EPS Regulations 2007	EPS Regulations 2017
No equivalent regulation.	Regulation 32 Rollover protection on tractor (supplier)

A supplier must not supply a tractor unless it is fitted with roll-over protection as is required under Regulation 32 of the EPS Regulations.

This will provide greater consistency in the regulation of roll-over protection on tractors whether being supplied for use in a workplace or a non-workplace.

## Part 8 – Notification of prescribed equipment design

EPS Regulations 2007	EPS Regulations 2017
Regulation 801 Prescribed equipment must be notified and the notification confirmed before equipment used	Regulation 37 Prescribed equipment must be notified and the notice confirmed before equipment used
Regulation 802 How to give notification	Regulation 38 How to give notice
Regulation 805 Recognition of equivalent confirmation, registration or approval	Regulation 41 Recognition of equivalent confirmation, registration or approval

Regulation 41 now recognises a plant design registration under the OHS Regulations as equivalent to a prescribed equipment design notification. WorkSafe administers the two schemes in the same way and an application for design registration is also treated as a prescribed equipment design notification.

# Equipment (Public Safety) Regulations 2017: Summary of Changes

## Part 9 – Incident notifications

EPS Regulations 2007	EPS Regulations 2017
Regulation 903 Notice of dangerous occurrence	Regulation 45 Notice of dangerous occurrence

Incidents that must be notified to WorkSafe under the EPS Regulations include incidents involving specified equipment which expose a person in the immediate vicinity of the equipment to an immediate risk to their health or safety. These are incidents involving the collapse, overturning, failure, malfunction or damage to equipment specified in 2007 Regulation 903.

Chairlifts have been added to the list of prescribed equipment that is subject to incident notification requirements. For consistency with the OHS Regulations, self-erecting tower cranes have also been included in the list of equipment covered by the notification requirement set out in EPS Regulation 45.

EPS Regulations 2007	EPS Regulations 2017
Regulation 905 Preservation of site	Regulation 47 Preservation of site

To more closely align the site preservation requirements with those under the OHS Act, a site is required to be preserved if an incident results in death or serious injury (previously site preservation was only required where an incident resulted in the death of a person).

## Schedule – Prescribed equipment designs to be notified

To align with Schedule 2 of the OHS Regulations, the EPS Regulations 2017 Schedule:

- explicitly specifies that self-erecting tower cranes are prescribed equipment requiring design notification
- excludes service-type lifts (eg lifts with lift cars that are designed for the transportation of goods alone and which do not have any operational controls within the lift car). This type of equipment is of lower risk than lifts designed to transport people or service lifts designed to transport goods and people
- clarifies that design notification does not apply to reach stackers
- excludes the following amusement structures – jet packs; hover boards; rides or devices primarily used as a form of motor sports; and hover crafts
- includes prefabricated scaffolding
- includes mobile cranes with a safe working load greater than 10 tonnes
- excludes the base of a tower crane and crane ties.

**Note:** Design notification will continue to apply to the tower crane itself.

### Further information

For further information, contact the WorkSafe Advisory Service on **1800 136 089** or by email at: [ohsregsreform@worksafe.vic.gov.au](mailto:ohsregsreform@worksafe.vic.gov.au)

Further information is also available on the WorkSafe website: [worksafe.vic.gov.au](http://worksafe.vic.gov.au)