

AMUSEMENT

DEVICE REGULATION



GUIDE

Disclaimer

This publication contains information regarding occupational health, safety, injury management or workers compensation. It includes some of your obligations under the various workers compensation and occupational health and safety legislation that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate Acts.

This publication may refer to WorkCover NSW administered legislation that has been amended or repealed. When reading this publication you should always refer to the latest laws. Information on the latest laws can be checked at www.nsw.gov.au or contact (02) 9238 0950 or 1800 463 955 (NSW country only).

Guide to Amusement Device Regulation

Background

Under Occupational Health and Safety legislation in New South Wales, owners and operators have a duty of care to provide a place of work that is both safe and without risk to health. This duty of care extends to taking all reasonable steps to minimise the likelihood of accident or injury to staff operating and patrons using amusement devices.

Specific legislation for the control of amusement devices in New South Wales is found in the Regulations under the Construction Safety Act 1912. This is one of many safety Regulations administered by the WorkCover Authority of New South Wales.

The regulation was introduced in the early 1960s and has remained virtually unchanged since then. After a fatal accident last year a major review was undertaken by WorkCover of the regulation and administration of all types of powered amusement devices.

That major review, the first since inception of the amusement device regulation, has resulted in extensive

amendment to the regulation and administrative processes flowing from it. These amendments take effect from 1 February 1998 and relate to the registration, erection, operation and maintenance of amusement devices.

In this guide, “amusement device” means a powered device that can carry, support, lift up, or lower members of the public for the purposes of amusement, entertainment, recreation, or sightseeing. If members of the public pay to enter or use any unpowered device it is also classed as an amusement device, but is not subject to registration as are powered devices.

The Regulation

The amended Regulation states that in particular amusement devices must conform to the Australian Standard AS 3533 – 1997 Amusement Rides and Devices. This now aligns with the approach taken by OHS Authorities in all other Australian states and territories.

Simply put, the regulation requires that:

- all new devices be designed and manufactured in accordance with Australian Standard AS 3533; Amusement Rides and Devices Part 1 – Design and Construction.
- all existing amusement devices be erected, operated and maintained in accordance with AS 3533; Part 2 – Operation and Maintenance. This part of the standard (which should be acquired by all device owners) outlines how the owner should erect, operate and maintain their device along with criteria for training of persons erecting and operating devices.

- there is a new requirement that the Log Book, referenced in AS 3533 Part 2 – Operation and Maintenance and issued as a supplement to Part 2, be maintained for every powered amusement device, It must be available with the device for inspection by WorkCover or the local council for the area in which device is to operate, and be kept up to date. In the Log Book details of the history, required inspections for every set up, inspection reports and maintenance and servicing details are to be recorded. Note: The log book is also to be checked by the engineer inspecting the device for registration purpose referenced later in the guide.
- the owner or operator must ensure that those operating or erecting the amusement device be trained by a competent person and such erection of the device is recorded in the Log Book.
- those owners or persons authorised by them operating the amusement device must:
 - (a) not be under 18;
 - (b) not be physically impaired so that they cannot manage the amusement device safely;
 - (c) not have difficulties with the English language that prevents them from giving and understanding warnings and instructions;
 - (d) not drive it in a reckless or negligent manner;
 - (e) not be under the influence of an intoxicating liquor or drug;
 - (f) be trained by a competent person to operate the device.
- a daily visual check is made by the owner or operator of the amusement device. Plus, before members of the public are allowed access, another check is made with the amusement device running under power. This check is then to be entered into an extra record added to the Log Book previously mentioned.
- a comprehensive annual inspection be carried out for registration by a qualified engineer(s). This is to include checking:
 1. of information relating to maintenance and testing;
 2. whether there are operating and maintenance manuals for the device and;
 3. the Log Book for correct entries.

Registration

An application must be accompanied by:

- two clear photographs (not less than 90mm x 75mm) of the erected amusement device taken from different positions;
- a mechanical/structural engineer's certificate;
- an electrical engineer's certificate (if the amusement device includes an electrical installation);
- if the amusement device is new and is to be registered for the first time, engineering details may be required to accompany the application;

- the fee. Note: if the application for registration is for a new amusement device that is not coin-operated the fee is \$75 (if you are only renewing your registration, the fee is \$50). If applying for a new registration or a renewal of a coin-operated amusement device the fee is \$20. If the registration certificate is lost, stolen, or destroyed a replacement certificate will cost \$50;
- If there is any change in ownership of the amusement device during the period of registration; the details must be sent to WorkCover immediately on a form available from WorkCover. Failure to inform WorkCover of a change in ownership means that the amusement device is deemed to be unregistered;
- the certificate of registration must be kept by either the owner or authorised operator and must be available for presentation on request to any police officer or WorkCover inspector at the site where the amusement device is operating.

Understand how an amusement device should be designed and operated

You are advised to get a copy of the Australian Standard AS 3533. This includes:

- Part 1 – Design and Construction (for people involved in designing, manufacturing or importing amusement devices);
- Part 2 – Operation and Maintenance (for any person owning or operating an amusement device);
- Supplement 1 – Log Book (for any person owning or operating an amusement device). All are available from:

Standards Australia
 PO Box 1055
 Strathfield NSW 2135
 Telephone: (02) 9746 4748
 Facsimile: (02) 9746 4765

Non-compliance penalties

WorkCover inspectors monitor the compliance of owners and operators of amusement devices to this Regulation by carrying out random spot-checks. If you are not complying with the Regulation you may risk the likelihood of:

- (a) an Improvement Notice;
- (b) a Prohibition Notice;
- (c) a Prosecution under the Act. Companies or organisations subject to a prosecution could be up for a fine of up to \$550,000 for corporations and \$55,000 for individuals.

Further information

For registration forms, general enquiries or technical information call your local WorkCover office listed on the next page, or call WorkCover Assistance Service on **13 10 50**.

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