The Occupational Health and Safety Act 2004 clarifies and brings Victoria’s safety laws up-to-date to reflect modern workplaces and arrangements.

The Act states manufacturers must take every reasonable action, and work proactively, to maximise health and safety in their business activities.

They must ensure, so far as is reasonably practicable, that plant to be used at a workplace is safe and without risks to health if used for the purpose for which it was manufactured and supplied.

What is meant by plant?

Plant includes any machinery, equipment, appliance, implement and tool and may range from hand-held tools to heavy machinery. The definition extends to any component or part fitted to these items of plant. For example, plant can be a piece of machinery such as a compressor motor, but also a component, such as a safety guard fitted to plant.

The Occupational Health and Safety Regulations 2017 provide additional requirements for the safe management of some plant.

Ensuring health and safety

In ensuring that plant is safe and without risks to health, risks to health and safety must be eliminated so far as reasonably practicable. If risks cannot be eliminated, they must be reduced so far as is reasonably practicable.

Your duties as a manufacturer

Who is a manufacturer?

A manufacturer produces plant and plant components or fittings.

As a manufacturer of plant these duties apply where you know, or should know, that the plant is to be used in a workplace.

Duty to manufacture safe plant

So far as is reasonably practicable, an item of plant is manufactured so that it is safe and without risks to health when used for the purpose for which it was manufactured. For example if you manufacture plant:

• where there are moving parts, guarding needs to be incorporated to prevent access to those parts (eg dough mixers);
• that requires periodic maintenance, you must ensure that this maintenance can be carried out safely and that you make recommendations on frequency of maintenance; and
• you must ensure that its use does not give rise to manual handling risks when used in accordance with instructions (eg trolleys, tools).

Duty to carry out testing

The safe performance of each piece of plant must be established by appropriate testing and examination. For example, reliability testing of safety shut-off switches on the plant, pressure relief devices for boilers or insulation for electrical equipment may be needed. Consideration should be given to ergonomic factors, noise reduction and lighting needs.

The knowledge of what is safe performance is not limited to personal knowledge of the product. It is determined also by the state of knowledge in the industry and relevant technical literature.
Duty to provide information
Adequate health and safety information about plant must be provided to each person to whom it is supplied for use in a workplace.
This information needs to include:
- a description of the purpose of the plant, such as the range of applications for which it was designed;
- the results of any testing or examination carried out; and
- any safety measures necessary to ensure the plant does not cause a risk to health when it is properly used.
For example, information on electrical drill presses should cover the scope of work for which they are intended, any limitations on its use, and the conditions for safe use.
The information should be reviewed and revised whenever new information about the use of the plant or any associated system of work likely to affect health or safety becomes known.

Duty to supply plant in a safe condition
Plant must be supplied in a condition that is safe to use and does not create risks to the health of people who might use it or be exposed to it, so far as is reasonably practicable.
This requirement applies when the supplied goods are used in the workplace for a purpose for which they were designed and manufactured.
As part of meeting this duty suppliers must ensure the plant is appropriate for the purpose specified by the purchaser. Before supplying, plant must be in safe working condition.

Duty to inform user on request
On request, information described in the duty above must be given to the person who uses, or is likely to use, the plant. For example, a chef may request information on how to safely change attachments of a dough mixing machine.
In these cases, as the manufacturer you are obliged to supply adequate and relevant safety advice about your products.

Your duties as a supplier of plant
Who is a supplier?
You are a supplier of plant if your company forms part of the distribution chain of goods from the manufacturer to the user, including importers.
The term supply relates to the sale, exchange, lease, hire or hire-purchase of goods, either from the manufacturer or from an agent.
The duties of suppliers of plant apply where you know, or should know, that the plant is to be used in a workplace.

Further information
This information is based on the Occupational Health and Safety Act 2004 and should not be considered a legal document, or a substitute for the Act.
For further information please contact WorkSafe Victoria on 1800 136 089 or online at www.workcover.vic.gov.au

This guidance has been reviewed and updated for the sole purpose of amending year and regulation references relating to the Occupational Health and Safety Regulations, in line with amendments which came into effect on 18 June 2017.