

amusement device means plant operated for hire or reward that provides entertainment, sightseeing or amusement through movement of the equipment, or part of the equipment, or when passengers or other users travel or move on, around or along the equipment, **but does not include—**

- (a) a miniature train and railway system owned and operated by a model railway society, club or association; or
 - (b) a ride or device that is used as a form of transport and that is, in relation to its use for that purpose, regulated under another Act or an Act of the Commonwealth; or
 - (c) a boat or flotation device—
 - (i) that is solely propelled by a person who is in or on the boat or device; and
 - (ii) that is not attached to any mechanical elements or equipment outside the boat or device, and that does not rely on any artificial flow of water to move; or
 - (d) any plant specifically designed for a sporting, professional stunt, theatrical or acrobatic purpose or activity; or
 - (e) a coin-operated or token-operated device that—
 - (i) is intended to be ridden, at the one time, by not more than 4 children who must be below the age of 10 years; and
 - (ii) is usually located in a shopping centre or similar public location; and
 - (iii) does not necessarily have an operator;
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competent person means – (a); (b); (c); (d); (e); (f); (g)

- (d) for inspection of amusement devices and passenger ropeways under regulation 241 - see regulation 241;

241—Annual inspection of amusement device or passenger ropeway

- (5) In this regulation, a **competent person** is a person who—
 - (a) in the case of an inflatable device (continuously blown) with a platform height less than 9 metres—has acquired through training, qualification or experience the knowledge and skills to inspect the plant; or
 - (b) in the case of any other amusement device or a passenger ropeway—
 - (i) has acquired through training, qualification or experience the knowledge and skills to inspect the plant; and
 - (ii) is—
 - (A) registered, or eligible to be registered, on the National Professional Engineers Register administered by the Institution of Engineers, Australia; or
 - (B) a member, or eligible to be a member, of the Institution of Engineers Australia with the status of Chartered Professional Engineer; or
 - (c) is determined by the regulator to be a competent person.
- (6) The regulator may, on the application of a person, make a determination in relation to the person for the purposes of subregulation (5)(c) if the regulator considers that exceptional circumstances exist.

Work Health & Safety Legislation
Effective 1 January 2013
(replaces Occupational Health Safety & Welfare)

In regards to **Inflatable** Amusement Structures – now called Amusement Devices

Platform Height (as per definition in regulations)

*In relation to an inflatable device (continuously blown) means the height of the highest part of the device designed to support persons using it (the platform), as measured from the surface supporting the device to the top surface of the platform when the device is inflated **but** unloaded;*

(In other words – from the ground to the highest point at which a patron/child is supported eg. top of slide)

Under 3m platform height:

No longer require item registration. *Refer Schedule 5 - Part 2 – 4 - Exceptions (2)(e)*

No longer require design registration. *Refer Schedule 5 - Part 1 – 2 - Exceptions (2)(e)*

No longer require a professional engineer to conduct the annual inspection – it is now a competent person.
Refer Reg. 241 (5) (a)

Between 3m and 9m platform height:

No longer require a professional engineer to conduct the annual inspection – it is now a competent person.
Refer Reg. 241 (5) (a)

Still require design registration (except Class 1)

Still require item registration (except Class 1)

Over 9m platform height:

Still require annual inspection by professional engineer. *Refer Reg. 241 (5)(b)*

Still require. *Refer Schedule 5 Part 1 – 2 - Exceptions (2)(e)*

Still require item registration. *Refer Schedule 5 - Part 2 – 4 - Exceptions (2)(e)*

In all cases listed above – owners are still required to ensure the log book is maintained as was the requirement under OHS&W legislation.