

## Work Health and Safety Act 2011: Section 22

### Duties of persons conducting businesses or undertakings that design plant, substances or structures

- (1) This section applies to a person (the designer) who conducts a business or undertaking that designs:
  - a) plant or a substance that is to be used or could reasonably be expected to be used at a workplace; or
  - b) a structure that is to be used or could reasonably be expected to be used as, or at, a workplace.
- (2) The design must ensure, so far as is reasonable practicable, that the plant, substance or structure is designed to be without risks to the health or safety of persons:
  - a) who, at a workplace, use the plant, substance or structure for a purpose for which it was designed; or
  - b) who handle the substance at a workplace; or
  - c) who store the plant or substance at a workplace; or
  - d) who construct the structure at a workplace or
  - e) who carry out any reasonable foreseeable activity at a workplace in relation to:
    - i. the manufacture, assembly or use of plant for a purpose for which it was designed, or the proper storage, demolition or disposal of the plant; or
    - ii. the manufacture or use of the substance for a purpose for which it is designed or the proper handling, storage or disposal of that substance; or
    - iii. the manufacture, assembly or use of a structure for which it was designed or the proper demolition or disposal of the structure; or
  - f) who are at or in the vicinity of a workplace and who are exposed to plant, a substance or a structure at the workplace or whose health or safety may be affected by a use or activity referred to in paragraph (a), (b), (c), (d) or (e).
- (3) The designer must carry out, or arrange the carrying out of, any calculations, analysis, testing and examination that may be necessary for the performance of the duty imposed in subsection (2).
- (4) The designer must give adequate information to each person who is provided with the design for the purpose of giving effect to it concerning:
  - a) each purpose for which the plant, substance or structure was designed; and

- b) the results of any calculations, analysis, testing or examination referred to in subsection (3); and
  - c) any conditions necessary to ensure that the plant, substances or structure is without risks to health or safety when used for the purpose for which it is designed or carrying out any activity referred to in subsection (2)(a) to (e).
- (5) The designer, on request, must, so far as is reasonable practical, give current relevant information on the matters referred to in subsection (4) to a person who carries out, or is to carry out any of the activities referred to in subsection (2) (a) to (e)

Structure is defined under the WHS Act to mean anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:

- building, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
- any component of a structure, and
- part of a structure.