

- **Subject: Alteration of Design requiring Design Registration**

The Australian Elevator Association (AEA) has been seeking clarification for lift or escalator modernisation works, either upgrade or replacement and what constitutes an alteration under the Work health and Safety Legislation following the publication of the 2022 Design Application Form by SafeWork NSW.

The AEA contacted SafeWork NSW requesting clarification of the requirements relating to the Work Health and Safety Regulation clause **244 Altered plant designs to be registered** which states:

(2) In this clause a reference to the alteration of a design is a reference to an alteration that may affect health or safety.

The following information in part, was provided as to what could be considered “**as affecting health and safety**”:

*“The 2022 Design Application form doesn’t incorporate that ‘pre-2000’ option, as Design Registrations were not in use prior to the OHS Legislation in 2001. As such, we can’t process an alteration for a Design Registration that doesn’t currently exist. So, if a change is made on a lift designed before 01 September 2001 that ‘**affects health and safety**’ a new design registration would then need to be applied for, incorporating the new modified design.”*

In summary

- **Altered designs that affect health and safety.**
If the lift was designed before 1 September 2001, in which case a design registration is not required, a registration of a new design is required.
If the lift was designed after 1 September 2001, in which case a design registration is required, a registration of an altered design is required.
- **Altered designs that do not affect health and safety.**
No action required in relation to registration.

An alteration that ‘affects health and safety’ is sometimes difficult to determine. We’re still attempting to settle on definitive advice as to what changes do ‘affects health and safety’, but one such assessment is whether the change alters the original design/operating parameters of the device.

For example - a new controller installation that maintains the original specifications, then we still need to ensure that we are managing the risks associated with the plant, including the new controller installation, in accordance with Cl.203, and that could, as an example be satisfied through an assessment and certification of the change by a competent person.”

Industry Position Paper (IPP07)

It is therefore our opinion based on the above response that if there is no change to any of the following plant conditions (basic design parameters) then it would not constitute as an alteration that **'affects health and safety'**:

1. Rated Speed
2. Rated Load
3. Increase or decrease in the travel distance.
4. Mass of the car by +/- 5%
5. Suspension medium or traction calculations
6. Number of openings or landings served by the lift.
7. Change of car or counterweight Safety Gear or Governor to another type
8. Change of car or counterweight buffers to another type.
9. Landing door locks
10. Installation of terminal bypassing switches

Note:1

Repair and maintenance using like-for-like replacement parts would not be considered an alteration, even if those parts are manufactured by a different company.

However, to ensure that any upgrade / modifications, that are outside the "basic design parameters" detailed above, in the scope of works do not increase the risks associated with any upgrade / modifications, should be assessed and certified by a competent person under clause **203 Management of risks to health and safety** from the Work Health and Safety Regulations 2017 which states:

A person with management or control of plant at a workplace must manage risks to health and safety associated with plant, in accordance with Part 3.1.

SafeWork NSW have provided the following statement regarding this position paper:
"We have reviewed the document and believe the attached aligns with the intent of the legislation."

Version Control

| Version | Description | Author | Date |
|---------|-----------------------------------|------------|------------|
| V1.0 | IPP 07 Draft | AEA | 15/01/2023 |
| V1.1 | Draft following SafeWork Comments | Noel Smith | 14/2/2023 |
| V1.2 | Final | Noel Smith | 18/5/2023 |

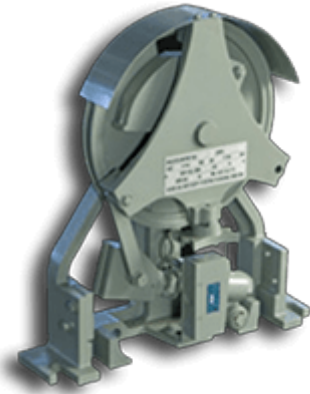
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Some typical “Like for Like” replacement examples:



Old Ball Type Governor

replaced with



new Governor -

with the same design operational functionality by a different manufacturer.



Spring buffer

replaced with



polyurethane buffer -

with the same design operational functionality by a different manufacturer.