



Selling plant at Auction?

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has you covered.**

Since 2004, Ideagen Plant Assessor has helped hundreds of agents and vendors satisfy their legislative requirements relating to the sale of machinery at clearing sales and auctions.

As the largest provider of machinery safety and compliance advice services in Australia, Ideagen Plant Assessor's risk assessments and team of machine experts ensure that plant is inspected thoroughly, and that inspection results are provided in a clear report.

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In Australia, vendors selling plant at auction must satisfy workplace health and safety legislative obligations.

These obligations vary across different Australian jurisdictions, but generally follow similar principles:

- Suppliers have an obligation to ensure plant is safe to use, and suitable safety information is supplied.
- Suppliers must consider the condition of second-hand plant being sold, and information that needs to be provided to ensure it can be used safely.
- Suppliers must identify any faults, provide details, and whether the plant is safe to use before these faults are fixed.
- If plant is to be sold as parts or scrap, it must be identified accordingly.

Specific obligations for each Australian jurisdiction are set out on the table overleaf

Vendor obligations when selling second hand plant at auction

STATE	LEGISLATIVE	SPECIFIC PROVISIONS
ACT NSW NT QLD WA SA TAS	Work Health & Safety Regulation 2017 <i>Regulation 199 - Supply of second-hand plant - duties of</i>	<ol style="list-style-type: none"> 1. A supplier of second-hand plant must ensure, so far as is reasonably practicable, that any faults in the plant are identified. 2. A supplier of second-hand plant must ensure that the person to whom the plant is supplied is, before the plant is supplied, given written notice- <ol style="list-style-type: none"> a. of the condition of the plant; and b. of any faults identified under subsection (1); and c. if appropriate, that the plant should not be used until the faults are rectified
VIC	Occupational Health and Safety Regulations 2017 <i>Regulation 90 - Information to be given - used plant</i>	<ol style="list-style-type: none"> 1. A supplier of plant must - <ol style="list-style-type: none"> a. in the case of new plant - <ol style="list-style-type: none"> i. take all reasonable steps to obtain the information required to be provided to the supplier by a manufacturer under sections 29(1)(c)(i) and 29(1)(c)(iii) of the Act and regulation 3.5.13; and ii. ensure that the person to whom the plant is supplied is provided with information provided to the supplier under sections 29(1)(c)(i) and 29(1)(c)(iii) of the Act and regulation 3.5.13 when the plant is supplied; and b. in the case of used plant, ensure that the person to whom the plant is supplied is provided, at the time the plant is supplied, with- <ol style="list-style-type: none"> i. any information referred to in paragraph (a) that is in the possession of the supplier relating to safe use of the plant; and ii. any record kept by the previous owner of the plant required under this part that is in the possession of the supplier. 2. If - <ol style="list-style-type: none"> a. in the case of new plant, a supplier of plant is unable to obtain the information required under subregulation (1)(a) to be provided to the person to whom plant is supplied; or b. in the case of used plant, a supplier of plant is not in possession of any information required under subregulation (1)(b) to be provided to the person to whom plant is supplied — the supplier must advise the person to whom the plant is supplied, in writing, that the plant is being supplied without the information required by those provisions and that the plant should not be used as plant without that information. 3. Subregulations (1) and (2) do not apply to a supplier of plant who supplies plant under a hire purchase agreement or hire purchase contract. 4. A supplier of plant that is to be used as scrap material must, when supplying that plant to a person, advise the person in writing that the plant is intended for use as scrap material.

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