



New South Wales

Occupational Health and Safety Amendment (Residual Current Devices) Regulation 2011

under the

Occupational Health and Safety Act 2000

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Occupational Health and Safety Act 2000*.

MICHAEL DALEY, MP
Minister for Finance

Explanatory note

The object of this Regulation is to require electrical outlet sockets and certain electrical articles at places of work to be protected by residual current devices (ie safety switches).

This Regulation is made under the *Occupational Health and Safety Act 2000*, including section 33 (the general regulation-making power).

2011 No 73

Clause 1

Occupational Health and Safety Amendment (Residual Current Devices)
Regulation 2011

**Occupational Health and Safety Amendment (Residual
Current Devices) Regulation 2011**

under the

Occupational Health and Safety Act 2000

1 Name of Regulation

This Regulation is the *Occupational Health and Safety Amendment
(Residual Current Devices) Regulation 2011*.

2 Commencement

This Regulation commences on the day on which it is published on the
NSW legislation website.

Schedule 1 Amendment of Occupational Health and Safety Regulation 2001

[1] Part 4.3 Use of places of work

Insert after Division 7:

Division 7A Residual current devices (safety switches)

62A Residual current devices—electrical outlet sockets

- (1) An employer must ensure that, in relation to each electrical outlet socket at the employer's place of work, the circuit is protected by a residual current device.
- (2) In complying with subclause (1), the employer must ensure, so far as is reasonably practicable, that the residual current device is incorporated before or as part of the socket.
- (3) This clause commences 4 years after the commencement of the *Occupational Health and Safety Amendment (Residual Current Devices) Regulation 2011*.
Maximum penalty: Level 4.

62B Residual current devices—electrical articles

- (1) An employer must ensure that each of the following electrical articles at the employer's place of work is protected by a residual current device with a tripping current that does not exceed 30 milliamps if electricity is supplied to the article through an electrical outlet socket not exceeding 20 amps:
 - (a) a hand-held electrical article,
 - (b) an electrical article that is moved while in operation,
 - (c) an electrical article that is moved between operations in circumstances that could result in damage to the article,
 - (d) an electrical article that is used for construction work,
 - (e) an electrical article that is used in an environment in which normal use of the article exposes the article to operating conditions that are likely to result in a reduction in its expected life span, including exposure to moisture, heat, vibration, mechanical damage, corrosive chemicals or dust.
- (2) This clause does not apply if the supply of electricity to the electrical article:
 - (a) does not exceed 50 volts alternating current, or

2011 No 73

Occupational Health and Safety Amendment (Residual Current Devices)
Regulation 2011

Schedule 1 Amendment of Occupational Health and Safety Regulation 2001

- (b) is direct current, or
 - (c) is provided through an isolating transformer that provides at least an equivalent level of protection, or
 - (d) is provided from a non-earthed electrical outlet socket supplied by a non-earthed portable generator that provides at least an equivalent level of protection.
- (3) This clause commences 12 months after the commencement of the *Occupational Health and Safety Amendment (Residual Current Devices) Regulation 2011*.
Maximum penalty: Level 4.

62C Testing of residual current devices

- (1) An employer must ensure that residual current devices used at the employer's place of work are tested regularly by a competent person to ensure that the devices are operating effectively.
- (2) An employer must as soon as practicable replace a residual current device that is not operating effectively.
- (3) An employer must keep a record of each testing of a residual current device until the next testing is carried out.
- (4) This clause does not affect any requirement under Division 8 of this Part.
Maximum penalty: Level 4.

62D Division extends to controllers of premises

This Division extends to a controller of premises. Accordingly, a reference in this Division to an employer is taken to include a reference to a controller of premises and a reference to the employer's place of work is taken to include the premises controlled by the controller.

62E Division does not apply to electrical supply authority works

This Division does not apply to the works of an electrical supply authority used for the generation, transmission or distribution of electricity for the public.

62F Requirements under the Electricity (Consumer Safety) Act 2004

In the event of an inconsistency between the requirements of this Division and the regulations under the *Electricity (Consumer Safety) Act 2004*, the requirements of those regulations prevail.

[2] Schedule 2 Penalty notices

Insert the following after the matter relating to clause 44 (c) in Columns 1 and 2 respectively:

Clause 62A	1,000
Clause 62B	1,000
Clause 62C	1,000