
WORKSAFE

WS301

OCCUPATIONAL SAFETY AND HEALTH ACT 1984

**OCCUPATIONAL SAFETY AND HEALTH AMENDMENT
REGULATIONS (No. 3) 1997**

Made by the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Occupational Safety and Health Amendment Regulations (No. 3) 1997*.

Principal regulations

2. In these regulations the *Occupational Safety and Health Regulations 1996** are referred to as the principal regulations.

[* *Published in Gazette 27 September 1996, pp. 4837-5080.*
For amendments to 20 August 1997 see Gazette 10 June 1997.]

Regulation 1.11 amended

3. Regulation 1.11 of the principal regulations is amended —

(a) by inserting after “includes” the following —

“ , subject to this regulation, ”;

(b) by inserting after the regulation designation “1.11.” the subregulation designation “(1)”¹; and

(c) by inserting the following subregulations —

“

(2) A reference in any provision of these regulations to the *National Exposure Standards* [NOHSC: 1003 (1995)] is a reference to the *Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment* [NOHSC: 1003 (1995)] and includes any amendment to the document made before 30 June 1997.

(3) A reference in any provision of these regulations to the Guidance Note on the Interpretation of Exposure Standards for Atmospheric Contaminants in the Occupational Environment [NOHSC: 3008 (1995)] includes any amendment to the document made before 30 June 1997.

Regulation 3.60 repealed and a regulation substituted

4. Regulation 3.60 of the principal regulations is repealed and the following regulation is substituted —

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Protection against earth leakage current when portable equipment in use

3.60. (1) This regulation applies to a workplace other than one to which AS/NZS 3012 applies but does not apply to a workplace at which the supply of electricity —

- (a) does not exceed 32 volts alternating current;
- (b) is direct current;
- (c) is provided through an isolating transformer complying with AS/NZS 3108; or
- (d) is provided from the unearthed outlet of a portable generator.

(2) In this regulation —

“**hand-held equipment**” means portable equipment —

- (a) of a kind that is intended to be held in the hand during normal use; and
- (b) the motor, if any, of which forms an integral part of the equipment;

“**portable equipment**” means equipment that is —

- (a) connected to an electricity supply; and
 - (b) intended to be moved when it is in use,
- and includes, but is not limited to, hand-held equipment;

“**workplace**” means a workplace to which this regulation applies.

(3) A person having control of a workplace —

- (a) must ensure that each non-portable residual current device installed at the workplace is kept in a safe working condition and tested on a regular basis to ensure its continued effective operation; and
- (b) must ensure, where electricity is supplied to portable equipment through a fixed socket at the workplace after 31 March 1998, that, where practicable, the final sub-circuit to which the fixed socket is connected is protected by a non-portable residual current device.

Penalty: \$25 000.

(4) A person who is an employer or a self-employed person at a workplace —

- (a) must ensure that each portable residual current device used at the workplace by the person or an employee of the person is kept in a safe working condition and tested on a regular basis to ensure its continued effective operation; and

- (b) where compliance with subregulation (3) (b) is not practicable —
- (i) must provide a portable residual current device for use with each item of portable equipment used by the person or an employee of the person at the workplace after 31 March 1998; and
 - (ii) must ensure that a portable residual current device is directly connected to the output side of a fixed socket when an item of portable equipment is being used by the person or an employee of the person at the workplace after 31 March 1998.

Penalty: \$25 000.

(5) An employee who is provided with a portable residual current device for use with an item of portable equipment at a workplace must not use the portable equipment unless the portable residual current device is directly connected to the output side of a fixed socket.

Penalty: \$5 000.

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By Command of the Governor,

M. C. WAUCHOPE, Clerk of the Executive Council.