

Information Bulletin for Councillors

Residual Current Devices (“RCDs”) and Strata Titled Property

In recent years, 23 people including six children have been electrocuted in homes in Western Australia. All of these deaths could have been prevented if RCDs had been fitted to the power point (socket outlet) and lighting circuits.

RCDs offer a high level of personal protection for you and your family from electrocution. The fitting of these devices to all power point and lighting circuits can be a life-saving investment.

NEW REGULATIONS

The State Government has published new regulations which require installation of RCD’s, also known as Safety Switches, and those regulations have effect from 9 August 2009.

DEFINITIONS

“*Residential premises*” means premises that constitute or are intended to constitute a place of residence; (section 3 of the Residential Tenancies Act 1987) but does not apply to any common property relating to the residential premises
“*Common property*” has the same meaning as set out in section 3 of the Strata Titles Act 1985 (WA) [“the Act”]

“*Occupied by an owner*” in relation to residential premises means occupied by a legal or beneficial owner as the owner’s principal place of residence.

WHAT IS AN RCD?

An RCD is an electrical safety device specially designed to immediately switch OFF when electricity ‘leaks’ to earth at a level harmful to a human.

If the RCD detects an imbalance in the electrical current, indicating a leakage to earth, e. g. current flows through someone’s body to earth, the RCD immediately cuts the electricity supply to prevent electrocution. RCDs are extremely sensitive, disconnecting within 10 to 50 milliseconds of detecting 30 milliamps or more of leakage current.

WHO IS AFFECTED?

With the exception of those situations shown below under **exemptions** all owners of *residential premises*, including those in strata titled developments and all strata companies with residential lots are affected by the new regulations. See also under the heading **COST RESPONSIBILITY** below.

The regulations refer to the owner of the common property being responsible for compliance with regard to any common property electrical circuits. Technically the strata company is not the owner of the common property, but it is the strata company which is required to manage and control the common property for the benefit of all proprietors. Where any of the lots are used as *residential premises* the strata company would be properly acting on behalf of the common property owners. The Council have the delegated responsibility to ensure compliance with these regulations.

YOUR STRATA COMPANY, as part of its duties in respect of *common property*, must therefore install at least one RCD in respect of all power point and lighting circuits installed on common property for a residential development by not later than 8 August 2011. Where possible and on the recommendation of a licensed electrician it would seem advisable to fit two RCDs. In multi-level buildings and/or where there are amenities such as swimming pools, it may be necessary to install multiple sets of RCDs throughout the property.

AN OWNER OCCUPIER must install two RCDs prior to transfer of title (sale), prior to entering into a residential tenancy agreement (with a new tenant) or before making any part of the premises available for hire.

AN ABSENTEE OWNER must install two RCDs prior to transfer of title (sale), prior to entering into a residential tenancy agreement with a new tenant, before making any part of the premises available for hire and

in any event by not later than 8 August 2011. There are no exemptions for *residential premises* not occupied by the owner.

Penalties apply if RCDs are not fitted in compliance with these regulations.

RECOMMENDED ACTION BY THE STRATA COMPANY COUNCIL

IN EVERY CASE

Arrange for a licensed electrician to survey the existing switchboard/s to determine;

- a. If all circuits relating to common property are protected by RCDs;
- b. If required to install RCDs, whether any problem will arise when the strata company installs RCDs to comply with the new regulations; and,

Provide a quotation for work required to ensure compliance by the strata company.

MULTIPLE METER/SWITCHBOARDS

Arrange for a licensed electrician to survey the existing switchboard/s to determine;

- a. If the circuits relating to common property are protected by RCDs;
- b. If required to install RCDs whether any problem will arise when the strata company or proprietors install RCDs to comply with the new regulations;
- c. If the cabinet is of sufficient size to accommodate both proprietor and strata company RCD installations; and,

Provide a quotation for work required to ensure compliance by the strata company and/or provision of a larger or additional cabinet to accommodate all consumers. The strata company would be ill advised not to make such a provision even if one or more resident owners have no immediate intention to sell, let or hire their premises.

It would appear prudent for strata companies to comply at the earliest opportunity rather than wait until the 2011 deadline.

MODIFICATION OF SWITCHBOARDS

In most cases the requirements for two RCDs can be achieved by upgrading or extending the switchboard with little inconvenience and minor additional cost. In some instances, especially old flats and living units, the safety of the electrical installation is increased by removing the small and obsolete rewirable fuses and replacing it with modern circuit breakers and RCDs.

If multiple switchboards are located in or on the common property these may need to be either replaced with a larger or second secure cabinet if all consumers, including the strata company, would not be able to install the required RCDs in the existing switchboard/s.

Other associated problems may be encountered where modification is required. For example;

- a. The meter board mounting sheet may be an asbestos based material.
- b. Existing wiring may require replacement before any electrical installation work can be carried out.

COST RESPONSIBILITY

The **strata company** will bear the cost of installing RCDs to protect circuits which service the common property. In some cases there may be additional and perhaps significant strata company costs of increasing switchboard capacity to enable RCDs to be installed by owners and/or the strata company. This may also necessitate replacement of mounting boards if there are any safety issues arising e.g asbestos material or wiring. It could be necessary to levy contributions from owners to meet these costs.

Each lot **proprietor** will ordinarily be responsible for the cost of installation of RCDs which protect the circuits associated with their particular lot. In extreme cases it may also be necessary to rewire the lot from the supply point, usually the meter or switchboard, also at the proprietor's expense.

EXEMPTIONS

If the owner of residential property doesn't intend to sell, lease or hire the premises then they do not need to have RCDs fitted to protect all the power point and lighting circuits.

For circuits which provide light and power to common property, the strata company is only required to install one RCD but as mentioned above, where possible and/or on the recommendation of a licensed electrician, it would be advisable to fit two RCDs.

An exemption may also be granted for using only one RCD where there is insufficient room on the switchboard to fit two RCDs and an Inspector considers it impractical to do so.

Although not stated in the regulations, there is a suggestion elsewhere that prohibitive cost to modify the existing switchboard or add an additional switchboard for the RCDs may also be grounds for exemption. The subjective nature of this suggestion should not be relied on without further investigation. A licensed electrician or departmental inspector will be able to advise in such cases.

DEMOLITION OF RESIDENCE

If a buyer of a property intends to demolish the residence, RCDs need not be fitted at the time of sale (transfer of land title) if the new owner provides to the Director of Energy Safety a signed statement that the premises will be demolished within six months of the date that the land transfer occurs. People selling a property, where demolition will occur should obtain a copy of the letter to the Director for their reference. They can then present this letter if requested. If demolition does not occur within six months the new owner of the property must fit two RCDs as prescribed in the Regulations.

PENALTIES

A person failing to fit RCDs in accordance with the regulations may incur the following penalty:

1. in the case of an individual a fine of **\$15,000**
2. in the case of a body corporate a fine of **\$100,000**

TESTING THE RCD

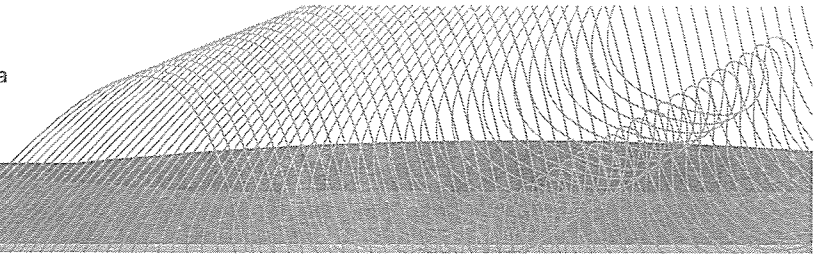
To ensure that the RCD will perform correctly, it must be tested at regular intervals. EnergySafety recommends that each RCD be tested every three months. If the RCD fails to operate, a licensed electrical contractor must be engaged to test the RCD and replace it if necessary.

The strata company as part of its duty of care should make arrangements for common property circuit devices to be regularly tested and to maintain a record of those tests having been conducted by a responsible person.

DISCLAIMER

The contents of this bulletin have been prepared from public and private source material, are general in nature and are not intended to be personal or expert technical advice. Every person affected by the new regulations should seek specialist advice from a licensed electrician when considering the matter of electrical safety and compliance with the applicable regulations.

Further information is available at www.energysafety.wa.gov.au/RCD



New Laws

Residual Current Devices (RCDs)

New regulations under the Electricity Act 1945 that take effect on 9 August 2009 require homes to have two residual current devices (RCDs) installed at the time the ownership is transferred or, when a new rental lease is made.

RCDs save lives

RCDs monitor the flow of electricity from the main switchboard and prevent electrocution by cutting the electricity supply if an imbalance in the current is detected. By installing two RCDs, the property's circuits can be divided evenly between the two. This ensures some light and power remain if one RCD operates and also minimises faulty operation from appliances which have low-level leakage current. All properties constructed from the year 2000 should already have two RCDs fitted.

Homes for sale

From 9 August 2009, two RCDs must be fitted to protect all power point and lighting circuits in all homes before the land title is transferred. If you are planning to sell your home and it does not already have two RCDs protecting all power point and lighting circuits, you will need to engage a licensed electrical contractor to fit two RCDs to the main switchboard or distribution board.

Renting a home

Landlords must arrange for two RCDs to be installed on the switchboard at their rental premises before a new tenant takes up occupancy or before August 2011 for continuing tenancies. If RCDs are not fitted at the time that a new lease is entered into, tenants should contact the managing agent or landlord and request that two RCDs be installed.

Testing the RCD

All RCDs have a test button which should be pressed every three months. Pushing the test button simulates an earth leakage fault and indicates whether or not the RCD is operating correctly. Electric clocks and timers will require resetting after each test.

Cost of RCDs

As a guide, it should cost no more than \$500 to supply and fit two single-phase RCDs in an average sized 4x2 home.

Compliance

Electrical inspectors will monitor homes sold or leased for compliance. Penalties of up to \$15,000 for individuals and up to \$100,000 for a body corporate may apply if the regulations are breached.

For more information visit
www.energysafety.wa.gov.au/RCD
or call 9422 5200.

