

Occupational Health and Safety (National Occupational Health and Safety Commission's Asbestos: Code of Practice and Guidance Notes) Revocation 2005

Disallowable Instrument DI2005-296

Explanatory Statement

Section 206 of the *Occupational Health and Safety Act 1989* (the Act) provides that the Minister may approve a code of practice for providing practical guidance for the Act. An approval under section 206 is a disallowable instrument. Section 46 of the *Legislation Act 2001* provides that the power to make a statutory instrument includes power to amend or repeal the instrument. The power to amend or repeal the instrument is exercisable in the same way, and subject to the same conditions, as the power to make the instrument.

Under s.38 of the *National Occupational Health and Safety Commission Act 1985 (Cwlth)*, the National Occupational Health and Safety Commission (NOHSC) could declare national standards and codes of practice. In 1988, NOHSC declared the *Code of Practice for the Safe Removal of Asbestos* [NOHSC:2002(1988)]. NOHSC also declared a supporting *Guide to the Control of Asbestos Hazards in Buildings and Structures* [NOHSC:3002(1988)] which provided information on the identification of hazards, development of management plans, and preparation of asbestos registers and a *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust* [NOHSC:3002(1989)].

In 1991, the NOHSC Safe Removal Code of Practice and the Guidance Notes were approved as a code of practice under the *Occupational Health and Safety Act 1989* (ACT). The approval was notified in the Australian Capital Territory Gazette No. 22 of 5 June 1991.

In April 2005, NOHSC revoked the declaration of the 1988 and 1989 documents. In their stead, NOHSC declared the following revised and updated documents:

- *Code of Practice for the Safe Removal of Asbestos* 2nd edition [NOHSC:2002(2005)];
- *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018(2005)]; and
- *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres* 2nd Edition [NOHSC:3003(2005)].

These documents will be progressively integrated into the asbestos regulatory regime developed through the *Dangerous Substances Act 2004* (ACT) commencing with the approval

of *Code of Practice for the Safe Removal of Asbestos* 2nd edition as a code of practice under the Act.

The revocation under section 206 is a disallowable instrument.

The instrument commences on 1 May 2006.