



Australian Capital Territory

# Work Health and Safety Amendment Regulation 2014 (No 3)

Subordinate Law SL2014-27

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The Australian Capital Territory Executive makes the following regulation under the *Work Health and Safety Act 2011*.

Dated 29 October 2014.

KATY GALLAGHER  
Minister

MICK GENTLEMAN  
Minister

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[Work Health and Safety Act 2011](#)

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Authorised by the ACT Parliamentary Counsel—also accessible at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)

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**1 Name of regulation**

This regulation is the *Work Health and Safety Amendment Regulation 2014 (No 3)*.

**2 Commencement**

This regulation commences on the day after its notification day.

*Note* The naming and commencement provisions automatically commence on the notification day (see [Legislation Act](#), s 75 (1)).

**3 Legislation amended**

This regulation amends the *Work Health and Safety Regulation 2011*.

**4 Section 142 (1)**

*omit*

subsection (4)

*substitute*

subsection (3)

**5 New section 142 (1) (d)**

*before the penalty, insert*

(d) demolition of a structure or part of a structure that contains, or has contained, loose-fill asbestos insulation.

**6 Section 142 (2)**

*omit*

Subsection (4)

*substitute*

Subsection (3)

**7 New section 142 (5)**

*insert*

(5) In this section:

***loose-fill asbestos insulation*** means loose-fill amosite or crocidolite asbestos used as ceiling insulation.

**8 New section 466**

*in chapter 8, insert*

**466 Regulator must be notified of asbestos removal**

(1) A licensed asbestos removalist must give written notice to the regulator at least 5 days before the removalist commences licensed asbestos removal work on a structure, or part of a structure, that contains, or has contained, loose-fill asbestos insulation.

Maximum penalty:

- (a) in the case of an individual—\$3 600; or
- (b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2) Despite subsection (1), licensed asbestos removal work on a structure, or part of a structure, that contains, or has contained, loose-fill asbestos insulation may be commenced immediately if there is—
- (a) a sudden and unexpected event, including a failure of equipment, that may cause persons to be exposed to respirable asbestos fibres; or
  - (b) an unexpected breakdown of an essential service that requires immediate rectification to enable the service to continue.
- (3) If the asbestos must be removed immediately, the licensed asbestos removalist must give notice to the regulator—
- (a) immediately by telephone; and
  - (b) in writing within 24 hours after notice is given under paragraph (a).

Maximum penalty:

- (a) in the case of an individual—\$3 600; or
- (b) in the case of a body corporate—\$18 000.

*Note* Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (4) A notice under subsection (1) or (3) must include the following:
- (a) the following in relation to the licensed asbestos removalist:
    - (i) name;
    - (ii) registered business name;
    - (iii) Australian Business Number;
    - (iv) licence number;
    - (v) business contact details;

- (b) the name and business contact details of the supervisor of the licensed asbestos removal work;
  - (c) the name and contact details of the person for whom the work is to be carried out;
  - (d) the following in relation to the workplace where the asbestos is to be removed:
    - (i) the name, including the registered business or company name, of the person with management or control of the workplace;
    - (ii) the address and, if the workplace is large, the specific location of the asbestos removal;
    - (iii) the kind of workplace;
  - (e) the date of the notice;
  - (f) the date when the asbestos removal work is to commence and the estimated duration of the work;
  - (g) the way the area of removal will be enclosed;
  - (h) the estimated quantity of asbestos to be removed;
  - (i) the number of workers who are to carry out the asbestos removal work;
  - (j) for each worker who is to carry out asbestos removal work—the licence number of each worker who is to carry out asbestos removal work.
- (5) In this section:

***asbestos removal licence*** means a class A licence under the [Construction Occupations \(Licensing\) Regulation 2004](#) in the construction occupation of asbestos removalist.

***asbestos removal work*** means work involving the removal of asbestos or ACM.



*licence number*—see the [Construction Occupations \(Licensing\) Act 2004](#), section 23 (1) (c).

*licensed asbestos removalist* means a person who holds an asbestos removal licence.

*licensed asbestos removal work* means asbestos removal work for which an asbestos removal licence is required.

*loose-fill asbestos insulation* means loose-fill amosite or crocidolite asbestos used as ceiling insulation.

## **9 Dictionary, new definition of *respirable asbestos fibre***

*insert*

*respirable asbestos fibre* means an asbestos fibre that—

- (a) is less than 3µm wide; and
- (b) is more than 5µm long; and
- (c) has a length to width ratio of more than 3:1.

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## **Endnotes**

### **1 Notification**

Notified under the [Legislation Act](#) on 30 October 2014.

### **2 Republications of amended laws**

For the latest republication of amended laws, see [www.legislation.act.gov.au](http://www.legislation.act.gov.au).

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