



Australian Capital Territory

Work Health and Safety (Asbestos) Amendment Regulation 2014 (No 1)

Subordinate Law SL2014-32

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

Dated 3 December 2014.

MICK GENTLEMAN
Minister

ANDREW BARR
Minister



Australian Capital Territory

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[Work Health and Safety Act 2011](#)

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1 Name of regulation

This regulation is the *Work Health and Safety (Asbestos) Amendment Regulation 2014 (No 1)*.

2 Commencement

- (1) Section 6, so far as it inserts the following provisions, commences on 1 July 2015:
 - section 460 (1)
 - section 493 (1) (c)
 - section 494 (1) (c)
 - section 498 (a) (ii)
 - section 499 (b)
 - section 518 (a) (i).

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

- (2) Section 6, so far as it inserts section 493 (1) (e), section 498 (b) and section 520 (1) (e), and section 10 commence on 1 January 2016.
- (3) Section 6 remainder and the remaining provisions of this regulation commence on 1 January 2015.

3 Legislation amended

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

Note This regulation also amends the *Dangerous Substances (General) Regulation 2004* (see s 17).

4 Section 291 (2)

omit

5 Section 292

substitute

292 Meaning of *construction project*—ch 6

(1) In this chapter:

construction project means a project—

(a) that involves construction work; and

(b) where—

(i) the cost of the construction work is \$250 000 or more; or

(ii) the construction work involves the demolition or refurbishment of a structure containing loose-fill asbestos insulation.

(2) In this section:

loose-fill asbestos insulation—see the [Dangerous Substances \(General\) Regulation 2004](#), section 338.

6 Chapter 8*substitute***Chapter 8 Asbestos****Part 8.1 Prohibitions and authorised conduct****419 Work involving asbestos or ACM—prohibitions and exceptions**

- (1) A person conducting a business or undertaking must not carry out, direct or allow a worker to carry out, work involving asbestos.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (2) In this section, work *involves* asbestos if the work involves manufacturing, supplying, transporting, importing, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or ACM.
- (3) Subsection (1) does not apply if the work involving asbestos is any of the following:
- (a) genuine research and analysis;
- (b) sampling and identification in accordance with this regulation;
- (c) maintenance of, or service work on, non-friable asbestos or ACM, fixed or installed before 31 December 2003, in accordance with this regulation;

- (d) removal or disposal of asbestos or ACM, including demolition, in accordance with this regulation;
 - (e) the transport and disposal of asbestos or asbestos waste in accordance with the *Environment Protection Act 1997* and the *Dangerous Goods (Road Transport) Act 2009*;
 - (f) demonstrations, education or practical training in relation to asbestos or ACM;
 - (g) display, or preparation or maintenance for display, of an artefact or thing that is, or includes, asbestos or ACM;
 - (h) management in accordance with this regulation of in situ asbestos that was installed or fixed before 31 December 2003;
 - (i) work that disturbs asbestos during mining operations that involve the extraction of, or exploration for, a mineral other than asbestos;
 - (j) laundering asbestos contaminated clothing in accordance with this regulation;
 - (k) minor or routine maintenance work, or other minor work, in accordance with this regulation.
- (4) Subsection (1) does not apply if the regulator approves the method adopted for managing risk associated with asbestos.
- (5) Subsection (1) does not apply to the following:
- (a) soil that a licensed asbestos assessor has determined—
 - (i) does not contain any visible ACM or friable asbestos; or

- (ii) if friable asbestos is visible—does not contain more than trace levels of asbestos determined in accordance with AS 4964:2004 (Method for the qualitative identification of asbestos in bulk samples);

Note AS 4964:2004 does not need to be notified under the [Legislation Act](#) because s 47 (5) does not apply (see s 15 and [Legislation Act](#), s 47 (7)). The standard may be purchased at www.standards.org.au.

- (b) naturally occurring asbestos managed in accordance with an asbestos management plan prepared under section 432 (Naturally occurring asbestos—asbestos management plan).

Part 8.2 General duty

420 Exposure to airborne asbestos at workplace—Act, s 19

- (1) A person conducting a business or undertaking at a workplace must ensure that—
 - (a) exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable; and
 - (b) if it is not reasonably practicable to eliminate exposure to airborne asbestos—exposure is minimised so far as is reasonably practicable.

Note [WHS Act](#)—s 19 (see s 9).

- (2) A person conducting a business or undertaking at a workplace must ensure that the exposure standard for asbestos is not exceeded at the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (3) Subsections (1) (a) and (2) do not apply in relation to an asbestos removal area—
- (a) that is enclosed to prevent the release of respirable asbestos fibres in accordance with section 477 (Removing friable asbestos); and
- (b) in which negative pressure is used in accordance with that section.

Part 8.3 Management of asbestos and associated risks

421 Application—pt 8.3

- (1) This part does not apply to naturally occurring asbestos.
- (2) Section 425 (Asbestos register), section 426 (Review of asbestos register), section 427 (Access to asbestos register), section 428 (Transfer of asbestos register by person relinquishing management or control), section 429 (Asbestos management plan) and section 430 (Review of asbestos management plan) do not apply to any part of residential premises that is used only for residential purposes.

422 Asbestos to be identified or assumed at workplace

- (1) A person with management or control of a workplace must ensure, so far as is reasonably practicable, that all asbestos or ACM at the workplace is identified by a licensed asbestos assessor.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (2) A person with management or control of a workplace must—
- (a) if material at the workplace cannot be identified but a licensed asbestos assessor reasonably believes that the material is asbestos or ACM—assume that the material is asbestos; and
- (b) if part of the workplace is inaccessible to workers and likely to contain asbestos or ACM—assume that asbestos is present in the part of the workplace; and
- (c) if the workplace is residential premises and an approved warning sign is displayed at the residential premises—assume that asbestos is present at the workplace.
- (3) Subsection (1) does not apply if the person—
- (a) assumes that asbestos or ACM is present; or
- (b) has reasonable grounds to believe that asbestos or ACM is not present.
- (4) If asbestos or ACM is assumed to be present at a workplace, it is taken to be identified at the workplace.

422A Asbestos risk assessment

- (1) This section applies if friable asbestos is identified, or taken to be identified, at a workplace under section 422.
- (2) A person with management or control of the workplace must ensure that—
 - (a) a written assessment (a *risk assessment*) is made of the risk associated with the friable asbestos at the workplace; and
 - (b) the risk assessment is undertaken by a licensed asbestos assessor; and
- (3) The risk assessment must—
 - (a) take account of the following:
 - (i) the condition of the friable asbestos;
 - (ii) the likelihood of anyone being exposed to the friable asbestos;
 - (iii) whether the nature or location of any work to be carried out is likely to disturb the friable asbestos;
 - (iv) the result of any air monitoring at the workplace; and
 - (b) set out the control measures considered, or used, for control of the risks associated with the friable asbestos.

422B Asbestos risk assessment—review

- (1) A person with management or control of a workplace must ensure that the risk assessment for the workplace is reviewed by a licensed asbestos assessor if any of the following apply:
 - (a) there is evidence of which the person is, or should be, aware that—
 - (i) the risk assessment is no longer valid or adequate; or

- (ii) the control measures set out in the risk assessment are no longer valid or adequate;
 - (b) a significant change is proposed for the premises, or for work practices or procedures, relevant to the risk assessment;
 - (c) there is a change in the condition of the friable asbestos.
- (2) A review of a risk assessment need not include more than a visual inspection of the friable asbestos if the licensed asbestos assessor considers that the inspection is sufficient to adequately assess the risk.

423 Analysis of sample

- (1) A person with management or control of a workplace may identify asbestos or ACM by arranging for a sample of material at the workplace to be analysed for the presence of asbestos or ACM.
- (2) If a person with management or control of a workplace arranges for an analysis, the person must ensure that the sample is analysed only by—
- (a) a NATA-accredited laboratory accredited for the relevant test method; or
 - (b) a laboratory approved by the regulator in accordance with guidelines published by Safe Work Australia; or
 - (c) a laboratory operated by the regulator.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

424 Presence and location of asbestos to be indicated

A person with management or control of a workplace must ensure that—

- (a) the presence and location of asbestos or ACM identified at the workplace under section 422 (Asbestos to be identified or assumed at workplace) is clearly indicated; and
- (b) if it is reasonably practicable to do so, indicate the presence and location of the asbestos or ACM by a label.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

425 Asbestos register

- (1) A person with management or control of a workplace must ensure that a register (an *asbestos register*) is prepared and kept at the workplace.

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).

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- (2) The person must ensure that the asbestos register is maintained to ensure the information in the register is up-to-date.

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).

- (3) The asbestos register must—
- (a) record any asbestos or ACM identified at the workplace under section 422 (Asbestos to be identified or assumed at workplace), or likely to be present at the workplace from time to time including—
- (i) the date on which the asbestos or ACM was identified; and
- (ii) details of any analysis confirming the presence of asbestos or ACM in material at the workplace; and
- (iii) if asbestos or ACM is identified at the workplace by a licensed asbestos assessor—the name of the licensed asbestos assessor; and
- (iv) the location, type and condition of the asbestos or ACM; or
- (b) state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.
- (3A) If a risk assessment is made of the workplace under section 422A, the asbestos register must include the risk assessment.
- (4) The person is not required to prepare an asbestos register for a workplace if a register has already been prepared for that workplace.

- (5) Subject to subsection (6), this section applies to buildings whenever constructed.
- (6) This section does not apply to a workplace if—
 - (a) the workplace is a building that was constructed after 31 December 2003; and
 - (b) no asbestos has been identified at the workplace; and
 - (c) no asbestos is likely to be present at the workplace from time to time.

426 Review of asbestos register

- (1) A person with management or control of a workplace where an asbestos register is kept must ensure that the register is reviewed and as necessary revised if—
 - (a) the asbestos management plan is reviewed under section 430 (Review of asbestos management plan); or
 - (b) further asbestos or ACM is identified at the workplace; or
 - (c) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace.

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) A person with management or control of a workplace where an asbestos register is kept must ensure that the register records—
 - (a) the date of each review; and
 - (b) the name of each person who conducted the review; and
 - (c) the review's findings and conclusions.

427 Access to asbestos register

- (1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to—
- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
 - (b) a health and safety representative who represents a worker mentioned in paragraph (a); and
 - (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
 - (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

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) If a person conducting a business or undertaking carries out, or intends to carry out, work at a workplace that involves a risk of exposure to airborne asbestos, the person with management or control of the workplace must ensure that the person is given a copy of the asbestos register.

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).

428 Transfer of asbestos register by person relinquishing management or control

If a person with management or control of a workplace plans to relinquish management or control of the workplace, the person must ensure, so far as is reasonably practicable, that the asbestos register is given to the person, if any, assuming management or control of the workplace.

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).

429 Asbestos management plan

- (1) This section applies if asbestos or ACM is—
 - (a) identified at a workplace under section 422 (Asbestos to be identified or assumed at workplace); or
 - (b) likely to be present at a workplace from time to time.
- (2) A person with management or control of the workplace must ensure that a written plan (an *asbestos management plan*) for the workplace is prepared.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

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- (3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up-to-date.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (4) An asbestos management plan must include—
- (a) if a risk assessment has been made of the workplace under section 422A—the risk assessment; and
- (b) information about the following:
- (i) the identification of asbestos or ACM;

Example

a reference or link to the asbestos register for the workplace and signage and labelling

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (ii) decisions, and reasons for decisions, about the management of asbestos at the workplace;

Example

safe work procedures and control measures

- (iii) procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace;
- (iv) workers carrying out work involving asbestos.

Example

consultation, responsibilities, information and training

- (5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to—
- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
 - (b) a health and safety representative who represents a worker mentioned in paragraph (a); and
 - (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
 - (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

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).

430 Review of asbestos management plan

- (1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in the following circumstances:
- (a) there is a review of the asbestos register or a control measure;
 - (b) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace;
 - (c) the plan is no longer adequate for managing asbestos or ACM at the workplace;

- (d) a health and safety representative requests a review under subsection (2);
- (e) at least once every 5 years.

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) A health and safety representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that—
 - (a) a circumstance mentioned in subsection (1) (a), (b) or (c) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
 - (b) the person with management or control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance.

Part 8.4 Management of naturally occurring asbestos

431 Naturally occurring asbestos—Act, s 20

The person with management or control of a workplace must manage, in accordance with part 3.1 (Managing risks to health and safety), risks to health and safety associated with naturally occurring asbestos at the workplace.

Note [WHS Act](#)—s 20 (see s 9).

432 Naturally occurring asbestos—asbestos management plan

- (1) This section applies if naturally occurring asbestos is—
 - (a) identified at a workplace; or
 - (b) likely to be present at a workplace.
- (2) A person with management or control of the workplace must ensure that a written plan (an *asbestos management plan*) for the workplace is prepared in relation to the naturally occurring asbestos.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up-to-date.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

(4) An asbestos management plan must include information about the following:

- (a) the identification of naturally occurring asbestos;
- (b) decisions, and reasons for decisions, about the management of naturally occurring asbestos at the workplace;

Example

safe work procedures and control measures

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (c) procedures for detailing incidents or emergencies involving naturally occurring asbestos at the workplace;
- (d) workers carrying out work involving naturally occurring asbestos.

Example

consultation, responsibilities, information and training

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for naturally occurring asbestos at the workplace is readily accessible to—

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
- (b) a health and safety representative who represents a worker mentioned in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

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).

433 Naturally occurring asbestos—review of asbestos management plan

A person with management or control of a workplace that has an asbestos management plan for naturally occurring asbestos must ensure that the plan is reviewed and as necessary revised if the plan is no longer adequate for managing naturally occurring asbestos at the workplace.

Maximum penalty:

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

Example

a control measure is revised under s 38

Note 1 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

434 Training in relation to naturally occurring asbestos

A person conducting a business or undertaking must ensure that the training required under section 445 (Duty to train workers about asbestos) includes training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

Part 8.5 Asbestos at the workplace**Division 8.5.1 Health monitoring****435 Duty to provide health monitoring**

- (1) A person conducting a business or undertaking must ensure that health monitoring is provided, in accordance with section 436, to a worker carrying out work for the business or undertaking if the worker is—
 - (a) carrying out licensed asbestos removal work at a workplace and is at risk of exposure to asbestos when carrying out the work; or

- (b) is carrying out other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) For the purposes of subsection (1) (a), the person must ensure that the health monitoring of the worker commences before the worker carries out licensed asbestos removal work.
- (3) The person must ensure that the worker is informed of any health monitoring requirements before the worker carries out any work that may expose the worker to asbestos.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

436 Duty to ensure appropriate health monitoring provided

A person conducting a business or undertaking must ensure that the health monitoring of a worker mentioned in section 435 includes—

- (a) consideration of—
 - (i) the worker’s demographic, medical and occupational history; and
 - (ii) records of the worker’s personal exposure; and

(b) a physical examination of the worker;

unless another type of health monitoring is recommended by a registered medical practitioner.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

437 Duty to ensure health monitoring supervised by registered medical practitioner with relevant experience

- (1) A person conducting a business or undertaking must ensure that the health monitoring of a worker mentioned in section 435 (Duty to provide health monitoring) is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

438 Duty to pay costs of health monitoring

- (1) A person conducting a business or undertaking must pay all expenses relating to health monitoring mentioned in section 435 (Duty to provide health monitoring).

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) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

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).

439 Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- (a) the name and address of the person conducting the business or undertaking;
(b) the name and date of birth of the worker;

- (c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- (d) if the worker has started that work, how long the worker has been carrying out that work.

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).

440 Duty to obtain health monitoring report

- (1) A person conducting a business or undertaking who commissioned health monitoring mentioned in section 435 (Duty to provide health monitoring) must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) The health monitoring report must include the following:
 - (a) the name and date of birth of the worker;
 - (b) the name and registration number of the registered medical practitioner;
 - (c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;
 - (d) the date of health monitoring;

- (e) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;
- (f) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
- (g) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

441 Duty to give health monitoring report to worker

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

442 Duty to give health monitoring report to regulator

A person conducting a business or undertaking for which a worker is carrying out work for which health monitoring is required must give a copy of the health monitoring report relating to a worker to the regulator as soon as practicable after obtaining the report if the report contains—

- (a) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring; or
- (b) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work mentioned in section 435 (Duty to provide health monitoring).

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

443 Duty to give health monitoring report to relevant persons conducting businesses or undertakings

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

444 Health monitoring records

- (1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record—
 - (a) identified as a record in relation to the worker; and
 - (b) for at least 40 years after the record is made.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

- (2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
(b) in the case of a body corporate—\$6 000.

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

- (3) Subsection (2) does not apply if the record is disclosed under section 442 (Duty to give health monitoring report to regulator) or section 443 (Duty to give health monitoring report to relevant persons conducting businesses or undertakings) or to a person who must keep the record confidential under a duty of professional confidentiality.

Division 8.5.2 Training

445 Duty to train workers about asbestos

- (1) In addition to the training required by division 3.2.1 (Information, training and instruction), a person conducting a business or undertaking must ensure that the following people are trained in the VET course *Asbestos Awareness*:
- (a) a worker engaged by the person who the person reasonably believes will work with asbestos or ACM while the worker is carrying out work in the business or undertaking;

- (b) a worker engaged by the person in an occupation declared under subsection (1A).

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (1A) The Minister may declare an occupation for which training in the VET course *Asbestos Awareness* is required.

- (1B) A declaration is a notifiable instrument.

Note A notifiable instrument must be notified under the [Legislation Act](#).

- (2) This section does not apply in relation to a licensed asbestos removalist or a licensed asbestos assessor.
- (3) The person must ensure that a record is kept of the training undertaken by the worker—
 - (a) while the worker is carrying out work in the business or undertaking; and
 - (b) for 5 years after the day the worker ceases working for the person.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

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- (4) The person must keep the record available for inspection under the Act.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
(b) in the case of a body corporate—\$6 000.

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

Division 8.5.3 Control on use of certain equipment

446 Duty to limit use of equipment

- (1) A person conducting a business or undertaking must not use, or direct or allow a worker to use, either of the following on asbestos or ACM:

- (a) high-pressure water spray;
(b) compressed air.

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) Subsection (1) (a) does not apply to the use of a high-pressure water spray for firefighting or fire protection purposes.
- (3) A person conducting a business or undertaking must not use, or direct or allow a worker to use, any of the following equipment on asbestos or ACM unless the use of the equipment is controlled:
- (a) power tools;
(b) brooms;

- (c) any other implements that cause the release of airborne asbestos into the atmosphere.

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) In this section:

controlled—the use of equipment is ***controlled*** if—

- (a) the equipment is enclosed during its use; or
- (b) the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design; or
- (c) the equipment is used in a way that is designed to capture or suppress airborne asbestos safely; or
- (d) any combination of paragraphs (a), (b) and (c) applies.

Part 8.6 Demolition and refurbishment

447 Application—pt 8.6

- (1) This part applies to the demolition or refurbishment of a structure or plant constructed or installed before 31 December 2003.
- (2) In this section:

demolition or refurbishment does not include minor or routine maintenance work, or other minor work.

448 Review of asbestos register

The person with management or control of a workplace must ensure that, before demolition or refurbishment is carried out at the workplace, the asbestos register for the workplace is—

- (a) reviewed; and
- (b) if the register is inadequate having regard to the proposed demolition or refurbishment—revised.

Example

the register identifies an inaccessible area that is likely to contain asbestos and the area is likely to be accessible because of demolition

Note An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

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).

449 Duty to give asbestos register to person conducting business or undertaking of demolition or refurbishment

The person with management or control of a workplace must ensure that the person conducting a business or undertaking who carries out the demolition or refurbishment is given a copy of the asbestos register before the demolition or refurbishment is commenced.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

450 Duty to obtain asbestos register

A person conducting a business or undertaking who carries out demolition or refurbishment at a workplace must obtain a copy of the asbestos register from the person with management or control of the workplace, before the person commences the demolition or refurbishment.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

451 Determining presence of asbestos or ACM

- (1) This section applies if—
 - (a) demolition or refurbishment is to be carried out at a workplace; and
 - (b) there is no asbestos register for the structure or plant to be demolished or refurbished at the workplace.
- (2) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must not carry out the demolition or refurbishment until the structure or plant has been inspected to determine whether asbestos or ACM is fixed to or installed in the structure or plant.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must ensure that the determination is undertaken by a licensed asbestos assessor.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (4) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must assume that asbestos or ACM is fixed to or installed in the structure or plant if—
- (a) the licensed asbestos assessor is, on reasonable grounds, uncertain whether or not asbestos is fixed to or installed in the structure or plant; or
- (b) part of the structure or plant is inaccessible and likely to be disturbed; or
- (c) the structure or plant is at residential premises and an approved warning sign is displayed at the residential premises.
- (5) If asbestos or ACM is determined or assumed to be fixed to or installed in the structure or plant, the person conducting a business or undertaking who is to carry out the demolition or refurbishment must inform—
- (a) if the workplace is residential premises—
- (i) the occupier of the premises; and
- (ii) the owner of the premises; and

- (b) in any other case—the person with management or control of the workplace.

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).

452 Identification and removal of asbestos before demolition

- (1) This section applies if a structure or plant at a workplace is to be demolished.
- (2) This section does not apply—
 - (a) in an emergency to which section 454 (Emergency procedure) applies; or
 - (b) to residential premises.
- (3) The person with management or control of the workplace, or of the structure or plant, must ensure—
 - (a) that all asbestos that is likely to be disturbed by the demolition is identified; and
 - (b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (4) Subsection (3) (b) does not apply if the purpose of the demolition is to gain access to the asbestos.

453 Identification and removal of asbestos before demolition of residential premises

- (1) A person conducting a business or undertaking that is to carry out the demolition of residential premises must ensure—
 - (a) that all asbestos that is likely to be disturbed by the demolition is identified; and
 - (b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) This section does not apply in an emergency to which section 455 (Emergency procedure—residential premises) applies.
- (3) Subsection (1) (b) does not apply if the purpose of the demolition is to gain access to the asbestos.

454 Emergency procedure

- (1) This section applies if—
 - (a) an emergency occurs at a workplace other than residential premises; and
 - (b) a structure or plant at the workplace must be demolished; and
 - (c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.

- (2) The person with management or control of the workplace must ensure, so far as is reasonably practicable, that—
- (a) before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard; and
 - (b) the asbestos register for the workplace is considered in the development of the procedure.

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).

- (3) The person must ensure that the regulator is given written notice about the emergency—
- (a) immediately after the person becomes aware of the emergency; and
 - (b) before the demolition is commenced.

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) For the purposes of this section, an **emergency** occurs if—
- (a) a structure or plant is structurally unsound; or
 - (b) collapse of the structure or plant is imminent.

455 Emergency procedure—residential premises

- (1) This section applies if—
 - (a) an emergency occurs at residential premises; and
 - (b) a structure or plant at the premises must be demolished; and
 - (c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.
- (2) A person conducting a business or undertaking who is to carry out the demolition of the residential premises must ensure so far as is reasonably practicable, that, before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard.

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).

- (3) The person must ensure that the regulator is given written notice about the emergency—
 - (a) immediately after the person becomes aware of the emergency; and
 - (b) before the demolition is commenced.

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) For the purposes of this section, an *emergency* occurs if—
 - (a) a structure or plant is structurally unsound; or
 - (b) collapse of the structure or plant is imminent.

456 Identification and removal of asbestos before refurbishment

- (1) This section applies if a structure or plant at a workplace is to be refurbished.
- (2) This section does not apply to residential premises.
- (3) The person with management or control of the workplace, or of the structure or plant, must ensure that—
 - (a) all asbestos that is likely to be disturbed by the refurbishment is identified; and
 - (b) so far as is reasonably practicable, the asbestos is removed before the refurbishment is commenced.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

457 Refurbishment of residential premises

A person conducting a business or undertaking who is to carry out refurbishment of residential premises must ensure that—

- (a) all asbestos that is likely to be disturbed by the refurbishment is identified; and
- (b) so far as is reasonably practicable, the asbestos is removed before the refurbishment is commenced.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

Part 8.7 Asbestos removal work**458 Duty to ensure asbestos removalist is licensed**

A person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Note 1 **Licensed asbestos removalist**—see the dictionary.

Note 2 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

459 Asbestos removal supervisor must be present

A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is present at the asbestos removal area whenever the removal work is being carried out.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

460 Asbestos removal worker must be trained

- (1) A licensed asbestos removalist must not direct or allow a worker to carry out licensed asbestos removal work unless the removalist is satisfied that the worker holds a certification in relation to the specified VET course for asbestos removal relevant to the class of licensed asbestos removal work to be carried out by the worker.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Note 1 ***Licensed asbestos removal work***—see the dictionary.

Note 2 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

- (2) A licensed asbestos removalist must provide appropriate training to a worker carrying out licensed asbestos removal work at a workplace to ensure that the work is carried out in accordance with the asbestos removal control plan for the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (3) In this section:

appropriate training means training designed specifically for the workplace where the licensed asbestos removal work is carried out and the work to be carried out at the workplace.

Note Unless this section applies, the obligation to provide training to workers carrying out unlicensed asbestos removal work is set out in s 445.

461 Licensed asbestos removalist must keep training records

- (1) A licensed asbestos removalist must keep a record of the training undertaken by a worker carrying out licensed asbestos removal work—
- (a) while the worker is carrying out licensed asbestos removal work; and
- (b) for 5 years after the day the worker stopped carrying out licensed asbestos removal work for the removalist.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
(b) in the case of a body corporate—\$6 000.

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

- (2) The licensed asbestos removalist must ensure that the training record is readily accessible at the asbestos removal area and available for inspection under the Act.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
(b) in the case of a body corporate—\$6 000.

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

462 Duty to give information about health risks of licensed asbestos removal work

A licensed asbestos removalist must give the following information to a person likely to be engaged to carry out licensed asbestos removal work before the person is engaged to carry out the work:

- (a) the health risks and health effects associated with exposure to asbestos;
(b) the need for, and details of, health monitoring of a worker carrying out licensed asbestos removal work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

463 Asbestos removalist must obtain register

- (1) A licensed asbestos removalist must obtain a copy of the asbestos register for a workplace before the removalist carries out asbestos removal work at the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (2) Subsection (1) does not apply if the asbestos removal work is to be carried out at residential premises.

464 Asbestos removal control plan

- (1) A licensed asbestos removalist must prepare an asbestos removal control plan for any licensed asbestos removal work the removalist is commissioned to undertake.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (2) An asbestos removal control plan must include—
- (a) details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used; and
- (b) details of the asbestos to be removed, including the location, type and condition of the asbestos.

- (3) The licensed asbestos removalist must give a copy of the asbestos removal control plan to the person who commissioned the licensed asbestos removal work.

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).

465 Asbestos removal control plan to be kept and available

- (1) Subject to subsection (2), a licensed asbestos removalist must ensure that a copy of the asbestos removal control plan prepared under section 464 is kept until the asbestos removal work to which it relates is completed.

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) If a notifiable incident occurs in connection with the asbestos removal work to which the asbestos removal control plan relates, the licensed asbestos removalist must keep the asbestos removal control plan for at least 2 years after the incident occurs.

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).

-
- (3) The licensed asbestos removalist must ensure that, for the period for which the asbestos removal control plan must be kept under this section, a copy is—
- (a) readily accessible to—
 - (i) a person conducting a business or undertaking at the workplace; and
 - (ii) the person's workers at the workplace, or a health and safety representative who represents the workers; and
 - (iii) if the asbestos removal work is to be carried out in residential premises—the occupants of the premises; and
 - (b) available for inspection under the Act.

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).

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.

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 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 of the licensed asbestos assessor engaged to carry out a clearance inspection and issue a clearance certificate for the work;
- (ca) if air monitoring of the asbestos removal area is required under section 475 (Air monitoring—asbestos removal requiring Class A licence)—the name of the independent licensed asbestos assessor engaged to undertake the air monitoring.
- (d) the name and contact details of the person for whom the work is to be carried out;
- (e) 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;
- (f) the date of the notice;
- (g) the date when the asbestos removal work is to commence and the estimated duration of the work;
- (h) whether the asbestos to be removed is friable or non-friable;
- (i) if the asbestos to be removed is friable—the way the area of removal will be enclosed;
- (j) the estimated quantity of asbestos to be removed;
- (k) the number of workers who are to carry out the asbestos removal work;

- (l) for each worker who is to carry out asbestos removal work—
details of the worker’s competency to carry out asbestos
removal work.

**467 Licensed asbestos removalist must inform certain
persons about intended asbestos removal work**

- (1) This section applies if a licensed asbestos removalist is to carry out
licensed asbestos removal work at a workplace.
- (2) The licensed asbestos removalist must, before commencing the
licensed asbestos removal work, inform the person with
management or control of the workplace—
 - (a) that licensed asbestos removal work is to be carried out at the
workplace; and
 - (b) when the work is to commence.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) If the workplace is residential premises, the licensed asbestos
removalist must, so far as is reasonably practicable, before
commencing the licensed asbestos removal work, inform the
following persons that asbestos removal work is to be carried out at
the workplace, and when the work is to commence:
 - (a) the person who commissioned the asbestos removal work;
 - (b) a person conducting a business or undertaking at the
workplace;
 - (c) the occupier of the residential premises;
 - (d) the owner of the residential premises;

- (e) anyone occupying premises in the immediate vicinity of the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

468 Person with management or control of workplace must inform persons about asbestos removal work

- (1) This section applies if the person with management or control of a workplace is informed that asbestos removal work is to be carried out at the workplace.
- (2) The person must ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences:
 - (a) the person's workers and any other persons at the workplace;
 - (b) the person who commissioned the asbestos removal work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The person must take all reasonable steps to ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences:
 - (a) anyone conducting a business or undertaking at, or in the immediate vicinity of, the workplace;

- (b) anyone occupying premises in the immediate vicinity of the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

469 Signage and barricades for asbestos removal work

A licensed asbestos removalist must ensure that—

- (a) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos removal work is being carried out; and
- (b) barricades are erected to delineate the asbestos removal area.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

470 Limiting access to asbestos removal area

- (1) This section applies to—
 - (a) a person conducting a business or undertaking at a workplace who commissions a person to carry out licensed asbestos removal work at the workplace; and
 - (b) a person with management or control of a workplace who is aware that licensed asbestos removal work is being carried out at the workplace.

- (2) Subject to subsection (4), the person must ensure, so far as is reasonably practicable, that no-one other than the following has access to an asbestos removal area:
- (a) workers engaged in the asbestos removal work;
 - (b) other persons associated with the asbestos removal work;
 - (c) anyone allowed under this regulation or another law to be in the asbestos removal area.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The person may refuse to allow access to an asbestos removal area at the workplace to anyone who does not comply with—
- (a) a control measure implemented for the workplace in relation to asbestos; or
 - (b) a direction of the licensed asbestos removalist.
- (4) A person mentioned in subsection (2) (a), (b) or (c) has access to an asbestos removal area subject to any direction of the licensed asbestos removalist.
- (5) If a person mentioned in subsection (2) (a), (b) or (c) has access to an asbestos removal area, the person must comply with any direction of the licensed asbestos removalist.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

471 Decontamination facilities

- (1) A licensed asbestos removalist must ensure that facilities are available to decontaminate the following:
- (a) the asbestos removal area;
 - (b) any plant used in the asbestos removal area;
 - (c) workers carrying out asbestos removal work;
 - (d) other persons who have access to the asbestos removal area under section 470 (2) (b).

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) A licensed asbestos removalist must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos removal area unless the thing—
- (a) is decontaminated before being removed; or
 - (b) is sealed in a container, and the exterior of the container is, before being removed—
 - (i) decontaminated; and

- (ii) labelled in accordance with the GHS to indicate the presence of asbestos.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Note 1 **GHS**—see the dictionary.

Note 2 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

472 Disposing of asbestos waste and contaminated personal protective equipment

- (1) Subject to subsections (2) and (3), a licensed asbestos removalist must ensure that asbestos waste—
 - (a) is contained and labelled in accordance with the GHS before the waste is removed from an asbestos removal area; and

Note **GHS**—see the dictionary.

 - (b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) A licensed asbestos removalist must ensure that personal protective equipment used in asbestos removal work and contaminated with asbestos—
 - (a) is sealed in a container before being removed from an asbestos waste area; and

- (b) so far as is reasonably practicable, is disposed of on the completion of the asbestos removal work at a site authorised to accept asbestos waste; and
- (c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing—
 - (i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or
 - (ii) if it is not practicable to launder the clothing—is kept in the sealed container until it is re-used for asbestos removal purposes; and
- (d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing—
 - (i) is decontaminated before it is removed from the asbestos removal area; or
 - (ii) if it is not practicable to decontaminate the equipment in the asbestos removal area—is kept in the sealed container until it is re-used for asbestos removal purposes.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Example—personal protective equipment

work boots

Note 1 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) A licensed asbestos removalist must ensure that a sealed container mentioned in subsection (2) is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed from the asbestos removal area.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

Note 1 **GHS**—see the dictionary.

Note 2 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

473 Clearance inspection

- (1) This section applies if a person commissions licensed asbestos removal work at a workplace.
- (2) The person or, if the workplace is residential premises, the licensed asbestos removalist must ensure that, when the licensed asbestos removal work is completed, an independent licensed asbestos assessor carries out a clearance inspection of—
- (a) the asbestos removal area; and
(b) the area surrounding the asbestos removal area, including access and egress pathways.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (3) In this part:

clearance inspection means an inspection of an asbestos removal area after asbestos removal work has been completed to verify that the area is safe for normal use, that—

- (a) includes a visual inspection; and
- (b) may include air monitoring.

Note If it is not reasonably practicable for the licensed asbestos assessor to be independent, the person or licensed asbestos removalist may apply to the regulator for an exemption under pt 11.2 from the requirement that the assessor be independent.

474 Clearance certificates

- (1) This section applies if a clearance inspection has been made in accordance with section 473.
- (2) The licensed asbestos assessor who carried out the clearance inspection must issue a clearance certificate, in accordance with this section, before the asbestos removal area at the workplace is re-occupied.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The licensed asbestos assessor must ensure that the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (4) The licensed asbestos assessor must not issue a clearance certificate unless satisfied that—

- (a) the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination; and
(b) if the assessor undertook air monitoring as part of the clearance inspection—the monitoring shows asbestos below 0.01 fibres/mL.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

- (5) The clearance certificate must be in writing and must state that—

- (a) the assessor found no visible asbestos residue from asbestos removal work in the area, or in the vicinity of the area, where the work was carried out; and
(b) if air monitoring was carried out by the assessor as part of the clearance inspection—the airborne asbestos fibre level was less than 0.01 asbestos fibres/mL.

Part 8.8 Asbestos removal requiring Class A licence

475 Air monitoring—asbestos removal requiring Class A licence

- (1) A person conducting a business or undertaking who commissions asbestos removal work requiring a Class A asbestos removal licence at a workplace must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) If the workplace is residential premises, the licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at the premises must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the premises.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The air monitoring must be carried out—
 - (a) immediately before the licensed asbestos removal work commences; and
 - (b) while the licensed asbestos removal work is carried out.

- (4) The person who commissions the licensed asbestos removal work must ensure that the results of the air monitoring are given to the following:
- (a) workers at the workplace;
 - (b) health and safety representatives for workers at the workplace;
 - (c) a person conducting a business or undertaking at the workplace;
 - (d) other persons at the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (5) If the workplace is residential premises, the licensed asbestos removalist carrying out the licensed asbestos removal work at the premises must ensure that the results of the air monitoring are given to the following:
- (a) the person who commissioned the asbestos removal work;
 - (b) workers at the workplace;
 - (c) health and safety representatives for workers at the workplace;
 - (d) a person conducting a business or undertaking at the workplace;
 - (e) the occupier of the residential premises;
 - (f) the owner of the residential premises;

(g) other persons at the workplace.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (6) An independent licensed asbestos assessor, who undertakes air monitoring for the purposes of this section, must use the membrane filter method for the air monitoring.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

476 Action if respirable asbestos fibre level too high

- (1) The licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at a workplace must—
 - (a) if respirable asbestos fibre levels are recorded at the asbestos removal area at 0.01 fibres/mL or more, but not at 0.02 fibres/mL or more—immediately—
 - (i) investigate the cause of the respirable asbestos fibre level; and
 - (ii) implement controls to prevent exposure of anyone to asbestos; and
 - (iii) prevent the further release of respirable asbestos fibres; and

- (b) if respirable asbestos fibre levels are recorded at the asbestos removal area at 0.02 fibres/mL or more—immediately—
 - (i) order the asbestos removal work to stop; and
 - (ii) notify the regulator; and
 - (iii) investigate the cause of the respirable asbestos fibre level; and
 - (iv) implement controls to prevent exposure of anyone to asbestos; and
 - (v) prevent the further release of respirable asbestos fibre.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) If the licensed removalist stops asbestos removal work requiring a Class A asbestos removal licence because the recorded respirable asbestos fibre level reaches or exceeds 0.02 fibres/mL, the removalist must ensure that the asbestos removal work does not resume until air monitoring shows that the recorded respirable asbestos fibre level is below 0.01 fibres/mL.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

477 Removing friable asbestos

- (1) A licensed asbestos removalist removing friable asbestos must ensure, so far as is reasonably practicable, the following:
- (a) the asbestos removal area is enclosed to prevent the release of respirable asbestos fibres;
 - (b) negative pressure is used;
 - (c) the wet method of asbestos removal is used;
 - (d) the asbestos removal work does not commence until the air monitoring is commenced by a licensed asbestos assessor;
 - (e) air monitoring is undertaken during the asbestos removal work, at times decided by the independent licensed asbestos assessor undertaking the monitoring.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) A licensed asbestos removalist must ensure that any enclosure used in removing friable asbestos is tested for leaks.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The licensed removalist must not dismantle an enclosure for a friable asbestos removal area until the removalist receives results of air monitoring, showing that the recorded respirable asbestos fibre level within the enclosure is below 0.01 fibres/mL, from—
- (a) if the friable asbestos is removed from residential premises—the licensed asbestos assessor who undertook the air monitoring; or
 - (b) in any other case—the person who commissioned the Class A asbestos removal work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (4) The licensed removalist must ensure that an enclosure for a friable asbestos removal area is dismantled in a way that, so far as is reasonably practicable, eliminates the release of respirable asbestos fibre.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (5) The person who commissioned the removal of the friable asbestos must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the friable asbestos removal area has been dismantled.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

Part 8.9 Asbestos-related work

478 Application—pt 8.9

This part applies in relation to asbestos-related work.

479 Uncertainty as to presence of asbestos

- (1) If there is uncertainty (based on reasonable grounds) as to whether work to be carried out for a business or undertaking is asbestos-related work, the person conducting the business or undertaking must ensure that analysis of a sample is undertaken to determine if asbestos or ACM is present.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
(b) in the case of a body corporate—\$30 000.

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

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- (2) For the purposes of subsection (1), the person must ensure that the sample is analysed only by—
- (a) a NATA-accredited laboratory accredited for the relevant test method; or
- Note* *NATA*—see the dictionary.
- (b) a laboratory approved by the regulator in accordance with guidelines published by Safe Work Australia; or
 - (c) a laboratory operated by the regulator.
- (3) Subsection (1) does not apply if the person assumes that asbestos is present.

480 **Duty to give information about health risks of asbestos-related work**

A person conducting a business or undertaking must give the following information to a person likely to be engaged to carry out asbestos-related work for the business or undertaking before the person is engaged to carry out the work:

- (a) the health risks and health effects associated with exposure to asbestos;
- (b) the need for, and details of, health monitoring of a worker carrying out asbestos-related work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

481 Asbestos-related work to be in separate area

A person conducting a business or undertaking that involves the carrying out of asbestos-related work must ensure that—

- (a) the asbestos-related work area is separated from other work areas at the workplace; and
- (b) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos-related work is being carried out; and
- (c) barricades are erected to delineate the asbestos-related work area.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

482 Air monitoring

- (1) A person conducting a business or undertaking at a workplace must ensure that a licensed asbestos assessor carries out air monitoring of the work area where asbestos-related work is being carried out if there is uncertainty as to whether the exposure standard is likely to be exceeded.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) If the licensed asbestos assessor determines that the exposure standard has been exceeded at any time in a work area, the person conducting the business or undertaking must, so far as is reasonably practicable—
- (a) determine the workers and other persons who were in the work area during that time; and
 - (b) warn those workers about possible exposure to respirable asbestos fibres; and
 - (c) so far as is reasonably practicable, warn the other persons about possible exposure to respirable asbestos fibres.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (3) The person conducting the business or undertaking must ensure that information about exposure to respirable asbestos fibres, including the determination made by the licensed asbestos assessor and the results of the air monitoring, is readily accessible to the workers and other persons mentioned in subsection (2).

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).

483 Decontamination facilities

- (1) A person conducting a business or undertaking for which asbestos-related work is carried out must ensure that facilities are available to decontaminate the following:
- (a) the asbestos-related work area;
 - (b) any plant used in the asbestos-related work area;
 - (c) workers carrying out the asbestos-related work;
 - (d) other persons who have access to the asbestos removal area under section 470 (2) (b) or (c) (Limiting access to asbestos removal area).

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) The person must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos-related work area unless the thing—
- (a) is decontaminated before being removed; or
 - (b) is sealed in a container, and the exterior of the container is—
 - (i) decontaminated; and

- (ii) labelled in accordance with the GHS to indicate the presence of asbestos;

before being removed.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Note 1 **GHS**—see the dictionary.

Note 2 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

484 Disposing of asbestos waste and contaminated personal protective equipment

- (1) Subject to subsection (2), a person conducting a business or undertaking for which asbestos-related work is carried out must ensure that asbestos waste—
 - (a) is contained and labelled in accordance with the GHS before the waste is removed from an asbestos-related work area; and

Note **GHS**—see the dictionary.

- (b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

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

- (2) The person must ensure that personal protective equipment used in asbestos-related work and contaminated with asbestos—
 - (a) is sealed in a container, and that the exterior of the container is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed; and
 - (b) so far as is reasonably practicable, is disposed of on the completion of the asbestos-related work at a site authorised to accept asbestos waste; and
 - (c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing—
 - (i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or
 - (ii) if it is not practicable to launder the clothing, is kept in the sealed container until it is re-used for the purposes of asbestos-related work; and
 - (d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing—
 - (i) is decontaminated before it is removed from the asbestos removal area; or

- (ii) if it is not practicable to decontaminate the equipment in the asbestos removal area, is kept in the sealed container until it is re-used for the purposes of asbestos-related work.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Example—personal protective equipment

work boots

Note 1 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

Note 2 An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).

- (3) The person must ensure that a sealed container mentioned in subsection (2) is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed from the asbestos-related work area.

Maximum penalty:

- (a) in the case of an individual—\$6 000; or
- (b) in the case of a body corporate—\$30 000.

Note 1 **GHS**—see the dictionary.

Note 2 Strict liability applies to each physical element of each offence under this regulation, unless otherwise stated (see s 6A).

Part 8.10 Licensing of asbestos removalists and asbestos assessors

Division 8.10.1 Asbestos removalists—requirement to be licensed

485 Requirement to hold Class A asbestos removal licence

- (1) A person must not carry out the removal of the following at a workplace unless the person, or the person on whose behalf the work is carried out, holds a Class A asbestos removal licence:
 - (a) friable asbestos;
 - (b) except as provided in section 486, ACD.
- (2) A person who conducts a business or undertaking must not direct or allow a worker to carry out the removal of the following unless the person holds a Class A asbestos removal licence:
 - (a) friable asbestos;
 - (b) except as provided in section 486, ACD.

Note See the [Act](#), s 43 (2) (Requirements for authorisation of work).

486 Exception to requirement to hold Class A asbestos removal licence

A Class A asbestos removal licence is not required for the removal of ACD that is associated with the removal of non-friable asbestos.

487 Requirement to hold Class B asbestos removal licence

- (1) A person must not carry out the removal of the following at a workplace unless the person, or the person on whose behalf the work is carried out, holds a Class B asbestos removal licence or a Class A asbestos removal licence:
- (a) non-friable asbestos or ACM;
 - (b) ACD associated with the removal of non-friable asbestos or ACM.

Note See the [Act](#), s 43 (1) (Requirements for authorisation of work).

- (2) A person who conducts a business or undertaking must not direct or allow a worker to carry out the removal of the following unless the person holds a Class B asbestos removal licence or a Class A asbestos removal licence:
- (a) non-friable asbestos or ACM;
 - (b) ACD associated with the removal of non-friable asbestos or ACM.

Note See the [Act](#), s 43 (2) (Requirements for authorisation of work).

488 Recognition of asbestos removal licences in other jurisdictions

- (1) In this division, a reference to an asbestos removal licence includes a reference to an equivalent licence—
- (a) granted under a corresponding WHS law; and
 - (b) that is being used in accordance with the terms and conditions under which it was granted.

- (1A) However, subsection (1) does not apply in relation to an equivalent licensee (other than a licensee who also holds a licence granted under an ACT law) unless the licensee notifies the regulator, before undertaking asbestos removal work in the ACT for the first time after the commencement of this section, that the licensee intends to undertake the work in the ACT.
- (2) Subsection (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

Division 8.10.2 Asbestos assessors—requirement to be licensed

489 Requirement to hold asbestos assessor licence

A person must not carry out the following at a workplace unless the person holds an asbestos assessor licence:

- (a) air monitoring during asbestos removal work;
- (b) clearance inspections for asbestos removal work;
- (c) issuing clearance certificates in relation to asbestos removal work;
- (d) identifying the location, type and condition of asbestos or ACM, including by taking samples;
- (e) assessing the risk resulting from the identified asbestos or ACM;
- (f) advising on how the asbestos or ACM should be managed;
- (g) reporting about the work mentioned in paragraphs (a) to (e).

Note See the [Act](#), s 43 (1) (Requirements for authorisation of work).

490 Recognition of asbestos assessor licences in other jurisdictions

- (1) In this division, a reference to an asbestos assessor licence includes a reference to an equivalent licence—
 - (a) granted under a corresponding WHS law; and
 - (b) that is being used in accordance with the terms and conditions under which it was granted.
- (1A) However, subsection (1) does not apply in relation to an equivalent licensee (other than a licensee who also holds a licence granted under an ACT law) unless the licensee notifies the regulator, before undertaking asbestos assessor work in the ACT for the first time after the commencement of this section, that the licensee intends to undertake the work in the ACT.
- (2) Subsection (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

Division 8.10.3 Licensing process**491 Who may apply for licence**

- (1) Only a person who conducts, or proposes to conduct, a business or undertaking may apply for an asbestos removal licence.
- (2) Only an individual who holds the qualifications set out in section 495 (Content of application—asbestos assessor licence) may apply for an asbestos assessor licence.

492 Application for asbestos removal licence or asbestos assessor licence

- (1) This section applies to an application for—
 - (a) an asbestos removal licence; or
 - (b) an asbestos assessor licence.

- (2) The application must include the following information:
- (a) the name and address of the applicant;
 - (aa) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;
 - (b) any other evidence of the applicant's identity required by the regulator;
 - (c) the class of licence to which the application relates;
 - (d) if, in the case of an asbestos removal licence, the applicant conducts the business or undertaking under a business name—that business name and a certificate or other written evidence of the registration of the business name;
 - (e) a declaration that the applicant does not hold an equivalent licence under a corresponding WHS law;
 - (f) if the applicant is an individual—
 - (i) a declaration as to whether or not the applicant has ever been convicted or found guilty of any offence under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004*, or under any corresponding WHS law; and
 - Note 1* A conviction does not include a spent conviction (see *Spent Convictions Act 2000*, s 16 (c) (i)).
 - Note 2* A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104).
 - (ii) details of any conviction or finding of guilt declared under subparagraph (i); and

- (iii) a declaration as to whether or not the applicant has been convicted or found guilty of any offence in relation to the unlawful disposal of hazardous waste under the *Environment Protection Act 1997* or the *Dangerous Goods (Road Transport) Act 2009*; and
- (iv) details of any conviction or finding of guilt declared under subparagraph (iii); and
- (v) a declaration as to whether or not the applicant has ever entered into an enforceable undertaking under the Act, the *Construction Occupations (Licensing) Act 2004*, or under any corresponding WHS law; and
- (vi) details of any enforceable undertaking declared under subparagraph (v); and
- (vii) if the applicant has previously been refused an equivalent licence under the *Construction Occupations (Licensing) Act 2004* or a corresponding WHS law, a declaration giving details of that refusal; and
- (viii) if the applicant has previously held an equivalent licence under the *Construction Occupations (Licensing) Act 2004* or a corresponding WHS law, a declaration—
 - (A) describing any condition imposed on that licence; and
 - (B) stating whether or not that licence had been suspended or cancelled and, if so, whether or not the applicant had been disqualified from applying for any licence; and
 - (C) giving details of any suspension, cancellation or disqualification;

- (g) if the applicant is a body corporate, the information referred to in paragraph (f) in relation to—
 - (i) the body corporate; and
 - (ii) each officer of the body corporate;
- (h) in the case of an application for an asbestos removal licence—the additional information referred to in section 493 (Content of application—Class A asbestos removal licence) or 494 (Content of application—Class B asbestos removal licence), as applicable;
- (i) in the case of an asbestos assessor licence—the additional information referred to in section 495 (Content of application—asbestos assessor licence).

Note 1 A fee may be determined under the [Act](#), s 278 for this provision.

Note 2 If a form is approved under the [Act](#), s 277 for this provision, the form must be used.

Note 3 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

493 Content of application—Class A asbestos removal licence

- (1) For the purposes of section 492 (2) (h), an application for a Class A asbestos removal licence must include the following:
 - (a) the names of 1 or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence;
 - (b) evidence, as required by the regulator, that each named supervisor is at least 18 years of age;

- (c) a copy of a certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work;
 - (d) evidence that each named supervisor has at least 3 years of relevant industry experience;
 - (e) evidence that the applicant has a certified safety management system in place.
- (2) If the applicant is an individual who proposes to supervise the carrying out of the Class A asbestos removal work, the statement and information referred to in subsection (1) (b), (c) and (d) must relate to the applicant.

494 Content of application—Class B asbestos removal licence

- (1) For the purposes of section 492 (2) (h) (Application for asbestos removal licence or asbestos assessor licence), an application for a Class B asbestos removal licence must include the following:
- (a) the name of 1 or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence;
 - (b) evidence, as required by the regulator, that each named supervisor is at least 18 years of age;
 - (c) a copy of a certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work;
 - (d) evidence that each named supervisor has at least 1 year of relevant industry experience.

- (2) If the applicant is an individual who proposes to supervise the carrying out of the Class B asbestos removal work, the statement and information referred to in subsection (1) (b), (c) and (d) must relate to the applicant.

495 Content of application—asbestos assessor licence

For the purposes of section 492 (2) (i) (Application for asbestos removal licence or asbestos assessor licence), an application for an asbestos assessor licence must include—

- (a) evidence that the applicant has acquired through training or experience the knowledge and skills of relevant asbestos assessment and removal industry practice; and
- (b) either—
- (i) a copy of a certification held by the applicant in relation to the specified VET course for asbestos assessor work; or
 - (ii) evidence that the applicant holds a tertiary qualification in occupational health and safety, industrial hygiene, science, building construction or environmental health.

496 Additional information

- (1) If an application for a licence does not contain sufficient information to enable the regulator to make a decision whether or not to grant the licence, the regulator may ask the applicant to provide additional information.
- (2) A request for additional information must—
- (a) specify the date (being not less than 28 days after the request) by which the additional information is to be given; and
 - (b) be confirmed in writing.

- (3) If an applicant does not provide the additional information by the date specified, the application is to be taken to have been withdrawn.
- (4) The regulator may make more than 1 request for additional information.

497 Decision on application

- (1) Subject to subsection (3), the regulator must grant an asbestos removal licence or asbestos assessor licence if satisfied about—
 - (a) the matters referred to in subsection (2); and
 - (b) the additional matters referred to in section 498 (Class A asbestos removal licence—regulator to be satisfied about additional matters) or section 499 (Class B asbestos removal licence—regulator to be satisfied about additional matters), as applicable.
- (2) The regulator must be satisfied about the following:
 - (a) the application has been made in accordance with this regulation;
 - (b) the applicant does not hold an equivalent licence under a corresponding WHS law unless that licence is due for renewal;
 - (c) if the applicant is an individual, the applicant—
 - (i) resides in the ACT; or
 - (ii) resides outside the ACT and circumstances exist that justify the grant of the licence;
 - (d) if the applicant is a body corporate, the applicant's registered office—
 - (i) is located in the ACT; or

- (ii) is located outside the ACT and circumstances exist that justify the grant of the licence;
 - (e) the applicant is able to ensure that the work or other activities to which the licence relates are carried out safely and competently;
 - (f) the applicant is able to ensure compliance with any conditions that will apply to the licence.
- (3) The regulator must refuse to grant a licence if satisfied that—
- (a) the applicant is disqualified under a corresponding WHS law from holding an equivalent licence; or
 - (b) the applicant, in making the application, has—
 - (i) given information that is false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given.
- (4) If the regulator decides to grant the licence, it must notify the applicant within 14 days after making the decision.
- (5) If the regulator does not make a decision within 120 days after receiving the application or the additional information requested under section 496, the regulator is taken to have refused to grant the licence applied for.

Note A refusal to grant a licence (including under s (5)) is a reviewable decision (see s 676).

498 Class A asbestos removal licence—regulator to be satisfied about additional matters

For the purposes of section 497 (1) (b), in relation to a Class A asbestos removal licence, the regulator must be satisfied that—

- (a) each supervisor named by the applicant—
 - (i) is at least 18 years of age; and
 - (ii) holds a certification for—
 - (A) the specified VET course for the supervision of asbestos removal work; and
 - (B) the specified VET course for the Class A asbestos removal work; and
 - (C) the specified VET course for the Class B asbestos removal work; and
 - (iii) has at least 3 years of relevant industry experience; and
- (b) the applicant has a certified safety management system in place.

499 Class B asbestos removal licence—regulator to be satisfied about additional matters

For the purposes of section 497 (1) (b) (Decision on application), in relation to a Class B asbestos removal licence, the regulator must be satisfied that each supervisor named by the applicant—

- (a) is at least 18 years of age; and
- (b) holds a certification for—
 - (i) the specified VET course for the supervision of asbestos removal work; and
 - (ii) the specified VET course for the Class B asbestos removal work; and

- (c) has at least 1 year of relevant industry experience.

500 Matters to be taken into account

- (1) For the purposes of section 497 (2) (e) and (f) (Decision on application), the regulator must have regard to all relevant matters, including the following:

- (a) any offence under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or under a corresponding WHS law of which the applicant has been convicted or found guilty;

Note 1 A conviction does not include a spent conviction (see *Spent Convictions Act 2000*, s 16 (c) (i)).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104).

- (b) any offence in relation to the unlawful disposal of hazardous waste under the *Environment Protection Act 1997* or the *Dangerous Goods (Road Transport) Act 2009* of which the applicant has been convicted or found guilty;
- (c) any enforceable undertaking the applicant has entered into under the Act or a corresponding WHS law;
- (d) in relation to any equivalent licence applied for or held by the applicant under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or under a corresponding WHS law—
 - (i) any refusal to grant the licence; and
 - (ii) any condition imposed on the licence, if granted; and
 - (iii) any suspension or cancellation of the licence, if granted, including any disqualification from applying for any licence;

- (e) the record of the applicant in relation to any matters arising under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or under a corresponding WHS law.
- (2) For the purposes of section 497 (2) (e) and (f), if the applicant is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subsection (1), in relation to—
 - (a) the body corporate; and
 - (b) each officer of the body corporate.

501 Refusal to grant licence—process

- (1) If the regulator proposes to refuse to grant a licence, the regulator must give the applicant a written notice—
 - (a) informing the applicant of the reasons for the proposed refusal; and
 - (b) advising the applicant that the applicant may, by a specified date (being not less than 28 days after the day the notice is given), make a submission to the regulator in relation to the proposed refusal.
- (2) After the date specified in a notice under subsection (1), the regulator must—
 - (a) if the applicant has made a submission in relation to the proposed refusal to grant the licence—consider that submission; and
 - (b) whether or not the applicant has made a submission—decide whether to grant or refuse to grant the licence; and

- (c) within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.

Note A refusal to grant a licence is a reviewable decision (see s 676).

502 Conditions of licence

- (1) The regulator may impose any conditions it considers appropriate on an asbestos removal licence or asbestos assessor licence.
- (2) Without limiting subsection (1), the regulator may impose conditions in relation to 1 or more of the following:
 - (a) control measures which must be implemented in relation to the carrying out of work or activities under the licence;
 - (b) the recording or keeping of information;
 - (c) requiring the licence-holder, or a nominated supervisor of the licence-holder, to undergo retraining or reassessment during the term of the licence;
 - (d) the provision of information to the regulator;
 - (e) the nature of work or activities authorised by the licence;
 - (f) the circumstances in which work or activities authorised by the licence may be carried out.

Note 1 A person must comply with the conditions of a licence (see [Act](#), s 45).

Note 2 A decision to impose a condition on a licence is a reviewable decision (see s 676).

503 Duration of licence

Subject to this part, an asbestos removal licence or asbestos assessor licence takes effect on the day it is granted and, unless cancelled earlier, expires 5 years after that day.

504 Licence document

- (1) If the regulator grants an asbestos removal licence or asbestos assessor licence, the regulator must issue to the applicant a licence document in the form determined by the regulator.
- (2) The licence document must include the following:
 - (a) the name of the licence-holder;
 - (b) if the licence-holder conducts the business or undertaking under a business name—the business name;
 - (c) in the case of an asbestos removal licence—the class of asbestos removal licence and a description of the work within the scope of the licence;
 - (d) any conditions imposed on the licence by the regulator;
 - (e) the date on which the licence was granted;
 - (f) the expiry date of the licence.

505 Licence document to be available

- (1) A licence-holder must keep the licence document available for inspection under the Act.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

- (2) Subsection (1) does not apply if the licence document is not in the licence-holder's possession because—
 - (a) it has been returned to the regulator under section 512 (Licence-holder to return licence); and

- (b) the licence-holder has applied for, but has not received, a replacement licence document under section 513 (Replacement licence document).

Division 8.10.4 Amendment of licence and licence document

506 Changes to information

- (1) The licence-holder of an asbestos removal licence or asbestos assessor licence must give the regulator written notice of any change to any material particular in any information given at any time by the licence-holder to the regulator in relation to the licence within 14 days after the day the licence-holder becomes aware of the change.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

- (2) Subsection (1) applies whether the information was given in the application for grant or renewal of the licence or in any other circumstance.

507 Change to nominated supervisor

- (1) If there is a change in relation to a supervisor named to the regulator by the holder of an asbestos removal licence (other than a licence-holder who is an individual), the licence-holder must—
 - (a) if the change is to remove a supervisor—within 14 days after the change, ask the regulator to amend the licence under section 509 (Amendment on application by licence-holder) to make that change; and

- (b) if the change is to add a supervisor—give the regulator the information about the supervisor referred to in section 498 (Class A asbestos removal licence—regulator to be satisfied about additional matters) or section 499 (Class B asbestos removal licence—regulator to be satisfied about additional matters).

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

- (2) If the change referred to in subsection (1) is to add a supervisor, that supervisor is not a nominated supervisor for the purposes of this regulation until the regulator has approved the nomination.

508 Amendment imposed by regulator

- (1) The regulator may, on its own initiative, amend an asbestos removal licence or asbestos assessor licence, including by amending the licence to—
 - (a) vary or delete a condition of the licence; or
 - (b) impose a new condition on the licence.
- (2) If the regulator proposes to amend a licence, the regulator must give the licence-holder written notice—
 - (a) setting out the proposed amendment and the reasons for it; and
 - (b) advising the licence-holder that the licence-holder may, by a specified date (being not less than 28 days after the day the notice is given), make a submission to the regulator in relation to the proposed amendment.

- (3) After the date specified in a notice under subsection (2), the regulator must—
- (a) if the licence-holder has made a submission in relation to the proposed amendment—consider that submission; and
 - (b) whether or not the licence-holder has made a submission—decide—
 - (i) to make the proposed amendment; or
 - (ii) not to make any amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence-holder; and
 - (c) within 14 days after making that decision, give the licence-holder written notice that—
 - (i) sets out the amendment, if any, or states that no amendment is to be made; and
 - (ii) if a submission was made in relation to the proposed amendment—sets out the regulator's reasons for making the amendment; and
 - (iii) specifies the date (being not less than the 28 days after the day the licence-holder is given the notice) on which the amendment, if any, takes effect.

Note A decision to amend a licence is a reviewable decision (see s 676).

509 Amendment on application by licence-holder

- (1) The regulator, on application by the licence-holder, may amend an asbestos removal licence or asbestos assessor licence, including by amending the licence to vary or delete a condition of the licence.

- (2) If the regulator proposes to refuse to amend the licence, the regulator must give the licence-holder a written notice—
 - (a) informing the licence-holder of the proposed refusal to amend the licence and the reasons for the proposed refusal; and
 - (b) advising the licence-holder that the licence-holder may, by a specified date (being not less than 28 days after the day the notice is given), make a submission to the regulator in relation to the proposed refusal.
- (3) After the date specified in a notice under subsection (2), the regulator must—
 - (a) if the licence-holder has made a submission in relation to the proposed refusal—consider that submission; and
 - (b) whether or not the licence-holder has made a submission—decide—
 - (i) to make the amendment applied for; or
 - (ii) not to make any amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence-holder; and
 - (c) within 14 days after making that decision, give the licence-holder written notice of the decision in accordance with this section.
- (4) If the regulator makes the amendment applied for, the notice under subsection (3) (c) must specify the date (being not less than 28 days after the day the licence-holder is given the notice) on which the amendment takes effect.

- (5) If the regulator refuses to make the amendment applied for or makes a different amendment, the notice under subsection (3) (c) must—
- (a) if a submission was made in relation to the proposed refusal of the amendment applied for—set out the reasons for the regulator's decision; and
 - (b) if the regulator makes a different amendment—
 - (i) set out the amendment; and
 - (ii) specify the date (being not less than 28 days after the licence-holder is given the notice) on which the amendment takes effect.

Note A refusal to make the amendment applied for, or a decision to make a different amendment, is a reviewable decision (see s 676).

510 Minor corrections to licence

The regulator may make minor amendments to a licence, including an amendment—

- (a) to correct an obvious error; or
- (b) to change an address; or
- (c) that does not impose a significant burden on the licence-holder.

511 Regulator to give amended licence to holder

If the regulator amends an asbestos removal licence or asbestos assessor licence and considers that the licence document requires amendment, the regulator must give the licence-holder an amended licence document within 14 days after making the decision to amend the licence.

512 Licence-holder to return licence

The holder of an asbestos removal licence or asbestos assessor licence that has been amended must return the licence document to the regulator for amendment at the written request of the regulator and within the time specified in the request.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

513 Replacement licence document

- (1) A licence-holder of an asbestos removal licence or an asbestos assessor licence must give written notice to the regulator as soon as practicable if the licence document is lost, stolen or destroyed.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

- (2) If a licence document is lost, stolen or destroyed, the licence-holder may apply to the regulator for a replacement document.

Note 1 A fee may be determined under the Act, s 278 for this provision.

Note 2 If a form is approved under the Act, s 277 for this provision, the form must be used.

Note 3 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

Note 4 A licence-holder is required to keep the licence document available for inspection (see s 505).

- (3) The application must include a declaration describing the circumstances in which the original document was lost, stolen or destroyed.
- (4) The regulator must issue a replacement licence document if satisfied that the original document was lost, stolen or destroyed.
- (5) If the regulator refuses to issue a replacement licence document, it must give the licence-holder written notice of this decision, including the reasons for the decision, within 14 days after making the decision.

Note A refusal to issue a replacement licence document is a reviewable decision (see s 676).

514 Voluntary surrender of licence

- (1) A licence-holder may voluntarily surrender the licence document to the regulator.
- (2) The licence expires on the surrender of the licence document.

Division 8.10.5 Renewal of licence

515 Regulator may renew licence

The regulator may renew an asbestos removal licence or asbestos assessor licence on application by the licence-holder.

516 Application for renewal

- (1) This section applies to an application for renewal of an asbestos removal licence or asbestos assessor licence.
- (2) The application must include the following information:
 - (a) the name and address of the applicant;

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- (b) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;
 - (c) any other evidence of the applicant's identity required by the regulator;
 - (d) written evidence that the applicant has obtained any retraining or reassessment or taken any other action required under section 502 (Conditions of licence);
 - (e) a declaration by the applicant that the applicant or a supervisor named by the applicant, as applicable, has maintained the competency required to carry out the work covered by the licence.
- (3) The application must be made before the expiry of the licence.

Note 1 A fee may be determined under the [Act](#), s 278 for this provision.

Note 2 If a form is approved under the [Act](#), s 277 for this provision, the form must be used.

Note 3 It is an offence to make a false or misleading statement, give false or misleading information or produce a false or misleading document (see [Criminal Code](#), pt 3.4).

517 Provisions relating to renewal of licence

- (1) For the purposes of this division—
- (a) section 496 (Additional information) applies as if a reference in that section to an application for a licence were a reference to an application to renew a licence; and
 - (b) section 497 (Decision on application) (except subsection (5)), section 500 (Matters to be taken into account), section 502 (Conditions of licence) and section 503 (Duration of licence) apply as if a reference in those sections to the grant of a licence were a reference to the renewal of a licence; and

- (c) section 501 (Refusal to grant licence—process) applies as if a reference in that section to a refusal to grant a licence were a reference to a refusal to renew a licence.
- (2) The regulator must not renew an asbestos removal licence unless the regulator is satisfied about the matters referred to in section 518.
- (3) The regulator must not renew an asbestos removal licence or asbestos assessor licence granted to a person under a corresponding WHS law if that licence is renewed under that law.
- (4) If a licence-holder applies under section 516 for the renewal of an asbestos removal licence or asbestos assessor licence, the licence is taken to continue in force from the day it would, apart from this subsection, have expired until the licence-holder is given notice of the decision on the application.

Note A refusal to renew a licence is a reviewable decision (see s 676).

518 Renewal of asbestos removal licence—regulator to be satisfied about certain matters

For the purposes of section 517, the regulator must not renew an asbestos removal licence unless satisfied that—

- (a) each supervisor named by the applicant—
 - (i) holds a certification for the specified VET course for supervision of the asbestos removal work to be authorised by the licence; and
 - (ii) has appropriate experience in the asbestos removal work to be authorised by the licence; and
- (b) asbestos removal work of the type authorised by the licence has been carried out on behalf of the applicant during the term of the licence.

519 Status of licence during review

- (1) This section applies if the regulator gives a licence-holder written notice of its decision to refuse to renew the licence.
- (2) If the licence-holder does not apply for internal review of the decision, the licence continues to have effect until the last of the following events:
 - (a) the expiry of the licence;
 - (b) the end of the time for applying for an internal review.
- (3) If the licence-holder applies for an internal review of the decision, the licence continues to have effect until the earlier of the following events:
 - (a) the licence-holder withdraws the application for review;
 - (b) the regulator makes a decision on the review.
- (4) If the licence-holder does not apply for an external review, the licence continues to have effect until the end of the time for applying for an external review.
- (5) If the licence-holder applies for an external review, the licence continues to have effect until the earlier of the following events:
 - (a) the licence-holder withdraws the application for review;
 - (b) the ACAT makes a decision on the review.
- (6) The licence continues to have effect under this section even if its expiry date passes.

Division 8.10.6 Suspension and cancellation of licence

520 Suspension or cancellation of licence

- (1) The regulator may suspend or cancel an asbestos removal licence or asbestos assessor licence if satisfied about 1 or more of the following:
 - (a) the licence-holder has failed to ensure that the work or other activities authorised by the licence are carried out safely and competently;
 - (b) the licence-holder has failed to ensure compliance with a condition of the licence, including a condition requiring the licence-holder, or a nominated supervisor of the licence-holder, to undergo retraining or reassessment during the term of the licence;
 - (c) the licence-holder, in the application for the grant or renewal of the licence or on request by the regulator for additional information—
 - (i) gave information that was false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given in that application or on that request;
 - (d) in relation to an asbestos removal licence—the licence was granted or renewed on the basis of a certification that was obtained on the basis of the giving of false or misleading information by any person or body;
 - (e) in relation to a Class A asbestos removal licence—the licence-holder failed to have a certified safety management system in place.

- (2) It is a ground for the suspension or cancellation of an asbestos removal licence if the licence-holder does not have a qualified nominated asbestos removal supervisor.

Note Section 507 provides for a licence-holder to notify the regulator of any change in a nominated supervisor.

- (3) For the purposes of subsection (1) (b), a licence-holder complies with a condition on the licence that requires the licence-holder or a nominated supervisor of the licence-holder to undergo retraining or reassessment during the term of the licence if the licence-holder provides a certification in relation to that retraining or reassessment.
- (4) If the regulator suspends or cancels a licence, the regulator may disqualify the licence-holder from applying for—
- (a) a further licence of the same type; or
 - (b) another licence under this regulation to carry out work which requires skills that are the same as or similar to those required for the work authorised by the licence that has been suspended or cancelled.

Note A decision to suspend a licence, to cancel a licence or to disqualify the licence-holder from applying for a further licence is a reviewable decision (see s 676).

521 Matters taken into account

- (1) In making a decision under section 520, the regulator must have regard to—
- (a) any submissions made by the licence-holder under section 522; and
 - (b) any advice received from a corresponding regulator.

(2) For the purposes of section 520 (1) (a) and (b), if the licence-holder is an individual, the regulator must have regard to all relevant matters, including the following:

(a) any offence under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or under a corresponding WHS law, of which the licence-holder has been convicted or found guilty;

Note 1 A conviction does not include a spent conviction (see *Spent Convictions Act 2000*, s 16 (c) (i)).

Note 2 A reference to an Act includes a reference to the statutory instruments made or in force under the Act, including any regulation (see *Legislation Act*, s 104).

(b) any enforceable undertaking the licence-holder has entered into under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or a corresponding WHS law;

(c) in relation to any equivalent licence applied for or held by the licence-holder under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or under a corresponding WHS law—

(i) any refusal to grant the licence; and

(ii) any condition imposed on the licence, if granted; and

(iii) any suspension or cancellation of the licence, if granted, including any disqualification from applying for any licence;

(d) the record of the licence-holder in relation to any matters arising under the Act or this regulation, the *Construction Occupations (Licensing) Act 2004* or under a corresponding WHS law.

- (3) For the purposes of section 520 (1) (a) and (b), if the licence-holder is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subsection (2), in relation to—
- (a) the body corporate; and
 - (b) each officer of the body corporate.

522 Notice to and submissions by licence-holder

Before suspending or cancelling an asbestos removal licence or asbestos assessor licence, the regulator must give the licence-holder a written notice of the proposed suspension or cancellation and any proposed disqualification—

- (a) outlining all relevant allegations, facts and circumstances known to the regulator; and
- (b) advising the licence-holder that the licence-holder may, by a specified date (being not less than 28 days after the day the notice is given), make a submission in relation to the proposed suspension or cancellation and any proposed disqualification.

523 Notice of decision

- (1) The regulator must give the licence-holder written notice of a decision under section 520 (Suspension or cancellation of licence) to suspend or cancel an asbestos removal licence or asbestos assessor licence within 14 days after making the decision.
- (2) The notice must—
 - (a) state that the licence is to be suspended or cancelled; and
 - (b) if the licence is to be suspended, state—
 - (i) when the suspension begins and ends; and
 - (ii) the reasons for the suspension; and

- (iii) whether the licence-holder is required to undergo retraining or reassessment or take any other action before the suspension ends; and
 - (iv) whether or not the licence-holder is disqualified from applying for a further licence during the suspension; and
- (c) if the licence is to be cancelled, state—
 - (i) when the cancellation takes effect; and
 - (ii) the reasons for the cancellation; and
 - (iii) whether or not the licence-holder is disqualified from applying for a further licence; and
- (d) if the licence-holder is disqualified from applying for a further licence, state—
 - (i) when the disqualification begins and ends; and
 - (ii) the reasons for the disqualification; and
 - (iii) whether or not the licence-holder is required to undergo retraining or reassessment or take any other action before the disqualification ends; and
 - (iv) any other class of licence under this regulation that the licence-holder is disqualified from applying for; and
- (e) state when the licence document must be returned to the regulator.

524 Immediate suspension

- (1) The regulator may suspend an asbestos removal licence or asbestos assessor licence on a ground referred to in section 520 (Suspension or cancellation of licence) without giving notice under section 522 (Notice to and submissions by licence-holder), if satisfied that—
 - (a) work carried out under the licence should cease because the work may involve an imminent serious risk to the health or safety of any person; or
 - (b) a corresponding regulator has suspended an equivalent licence held by the licence-holder under this section as applying in the corresponding jurisdiction.
- (2) If the regulator decides to suspend a licence under this section—
 - (a) the regulator must give the licence-holder written notice of the suspension and the reasons for the suspension; and
 - (b) the suspension of the licence takes effect on the giving of the notice.
- (3) The regulator must then—
 - (a) give notice under section 522 within 14 days after giving the notice under subsection (2); and
 - (b) make its decision under section 520.
- (4) If the regulator does not give notice under subsection (3), the suspension ends at the end of the 14 day period.
- (5) If the regulator gives notice under subsection (3), the licence remains suspended until the decision is made under section 520.

525 Licence-holder to return licence document

A licence-holder, on receiving a notice under section 523 (Notice of decision), must return the licence document to the regulator in accordance with the notice.

Maximum penalty:

- (a) in the case of an individual—\$1 250; or
- (b) in the case of a body corporate—\$6 000.

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

526 Regulator to return licence document after suspension

The regulator must return the licence document to the licence-holder within 14 days after the licence suspension ends.

Division 8.10.7 General

527 Asbestos removal licence register

The regulator must keep a register of—

- (a) each person holding an asbestos removal licence; and
- (b) each supervisor named to the regulator in relation to an asbestos removal licence.

528 Asbestos assessors register

The regulator must keep a publicly available register of each person holding an asbestos assessor licence.

529 Work must be supervised by named supervisor

A person who holds an asbestos removal licence must ensure that asbestos removal work authorised by the licence is supervised by a supervisor named to the regulator by the licence-holder.

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).

7 Section 676 (1), table, new items 35 to 45

insert

Asbestos removal licences and asbestos assessor licences		
35	497—refusal to grant licence	applicant
36	501—refusal to grant licence	applicant
37	502—imposition of a condition when granting licence	applicant
38	502—imposition of a condition when renewing licence	applicant
39	508—amendment of licence, on regulator's initiative	licence-holder
40	509—refusal to amend licence on application (or a decision to make a different amendment)	licence-holder
41	513—refusal to issue replacement licence document	licence-holder
42	517—refusal to renew licence	applicant
43	520—suspension of licence	licence-holder
44	520—cancellation of licence	licence-holder
45	520—disqualification of licence-holder from applying for another licence	licence-holder

8 **New chapter 21**

insert

**Chapter 21 Transitional—Dangerous
Substances (Asbestos Safety
Reform) Legislation
Amendment Act 2014**

818 Meaning of *commencement day*—ch 21

In this chapter:

commencement day means the day the *Dangerous Substances (Asbestos Safety Reform) Legislation Amendment Act 2014*, section 3 commences.

819 Asbestos assessor licence—Class A

- (1) This section applies if, immediately before the commencement day, a person holds an asbestos assessor licence, Class A (an *old licence*) under the *Construction Occupations (Licensing) Act 2004*, section 19 (Decision on licence application).
- (2) The old licence is, on the commencement day, taken to be an asbestos assessor licence (a *new licence*) under section 497 (Decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence.
- (3) The new licence—
 - (a) expires on the expiry date stated in the old licence; and
 - (b) must not be transferred or renewed; but

- (c) may be amended.

820 Asbestos assessor licence—Class B

- (1) This section applies if, immediately before the commencement day, a person holds an asbestos assessor licence, Class B (an *old licence*) under the *Construction Occupations (Licensing) Act 2004*, section 19 (Decision on licence application).
- (2) The old licence is, on the commencement day, taken to be an asbestos assessor licence (a *new licence*) under section 497 (Decision on application)—
- (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence; but
 - (c) licensing the assessor only to undertake field surveys to identify the location, type and condition of asbestos in buildings for the *Building Act 2004*, the *Civil Law (Sale of Residential Property) Act 2003*, the *Construction Occupations (Licensing) Act 2004*, the *Dangerous Substances Act 2004* or the *Residential Tenancies Act 1997*, including, for example, by bulk sampling.
- Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see [Legislation Act](#), s 126 and s 132).
- (3) The new licence—
- (a) expires on the expiry date stated in the old licence; and
 - (b) must not be transferred or renewed; but
 - (c) may be amended.

821 Asbestos removal licence—Class A

- (1) This section applies if, immediately before the commencement day, a person or partnership holds an asbestos removalist licence, Class A (an *old licence*) under the *Construction Occupations (Licensing) Act 2004*, section 19 (Decision on licence application).
- (2) The old licence is, on the commencement day, taken to be a Class A asbestos removal licence (a *new licence*) granted under section 497 (Decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence.
- (3) The new licence—
 - (a) expires on the expiry date stated in the old licence; and
 - (b) must not be transferred or renewed; but
 - (c) may be amended.

822 Asbestos removal licence—Class B

- (1) This section applies if, immediately before the commencement day, a person or partnership holds an asbestos removalist licence, Class B (an *old licence*) under the *Construction Occupations (Licensing) Act 2004*, section 19 (Decision on licence application).
- (2) The old licence is, on the commencement day, taken to be a Class B asbestos removal licence (a *new licence*) granted under section 497 (Decision on application)—
 - (a) in the same terms as the old licence; and
 - (b) subject to the same conditions as the old licence.

- (3) The new licence—
 - (a) expires on the expiry date stated in the old licence; and
 - (b) must not be transferred or renewed; but
 - (c) may be amended.

823 Asbestos register

- (1) This section applies if, immediately before the commencement day, a person has an asbestos register under the *Dangerous Substances (General) Regulation 2004*, section 327 (Asbestos register).
- (2) The asbestos register is taken to be an asbestos register under section 425 (Asbestos register).

824 Asbestos management plans

- (1) This section applies if, immediately before the commencement day, a person has an asbestos management plan under the *Dangerous Substances (General) Regulation 2004*, section 325 (Asbestos management plan).
- (2) The asbestos management plan is taken to be an asbestos management plan under section 429 (Asbestos management plan).

825 Occupational discipline—licensees

- (1) This section applies if, immediately before the commencement day—
 - (a) a person holds an asbestos removal licence, or an asbestos assessor licence, under the *Construction Occupations (Licensing) Act 2004*, section 19 (Decision on licence application); and
 - (b) the registrar has applied to the ACAT for an order for occupational discipline in relation to the person; and

- (c) the ACAT has not decided whether to make an order for occupational discipline.
- (2) The *Construction Occupations (Licensing) Act 2004* and the *ACT Civil and Administrative Tribunal Act 2008* continue to apply to the application.
- (3) If the ACAT makes an order for occupational discipline in relation to the person, and the person's licence is taken to be a new licence under section 819, section 820, section 821 or section 822, the order for occupational discipline applies to the person in relation to the new licence.

826 Expiry—ch 21

This chapter expires 5 years after the commencement day.

Note Transitional provisions are kept in the regulation for a limited time. A transitional provision is repealed on its expiry but continues to have effect after its repeal (see [Legislation Act](#), s 88).

9 Dictionary, new definitions

insert

ACD—see *asbestos-contaminated dust or debris*.

approved warning sign—see the *Dangerous Substances (General) Regulation 2004*, section 338.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos management plan—see section 429 and section 432.

asbestos register—see section 425.

asbestos-related work means work involving asbestos (other than asbestos removal work to which part 8.7 (Asbestos removal work) applies) that is permitted under the exceptions set out in section 419 (3), (4) and (5).

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means—

- (a) work involving the removal of asbestos or ACM; or
- (b) in Part 8.10 (Licensing of asbestos removalists and asbestos assessors), Class A asbestos removal work or Class B asbestos removal work.

asbestos waste means asbestos or ACM removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.

10 Dictionary, new definition of *certified safety management system*

insert

certified safety management system, for chapter 8 (Asbestos), means a safety management system that complies with AS 4801:2001 (Occupational health and safety management systems), or an equivalent system determined by the regulator.

Note AS 4801:2001 may be purchased at www.standards.org.au.

11 Dictionary, definition of *class*

substitute

class means—

- (a) in relation to high risk work—a class of work stated in schedule 3 (High risk work licences and classes of high risk work); and
- (b) in relation to asbestos removal work—Class A asbestos removal work or Class B asbestos removal work.

12 Dictionary, new definitions

insert

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence-holder.

Class A asbestos removal work means work that is required to be licensed under section 485.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence-holder.

Class B asbestos removal work means work that is required to be licensed under section 487, but does not include Class A asbestos removal work.

clearance certificate—see section 474.

clearance inspection—see section 473 (3).

friable asbestos means material that—

- (a) is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry; and
- (b) contains asbestos.

genuine research means systematic investigative or experimental activities that are carried out for either acquiring new knowledge (whether or not the knowledge will have a specific practical application) or creating new or improved materials, products, devices, processes or services.

GHS means the Globally Harmonised System of Classification and Labelling of Chemicals, 3rd revised edition, published by the United Nations.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring under chapter 8 (Asbestos), means—

- (a) not involved in the removal of the asbestos; and
- (b) not involved in a business or undertaking involved in the removal of the asbestos;

in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or ACM fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

13 Dictionary, definition of *licence-holder*

substitute

licence-holder means—

- (a) in the case of a high risk work licence—the person who is licensed to carry out the work; or
- (b) in the case of an asbestos assessor licence—the person who is licensed—
 - (i) to carry out air monitoring during asbestos removal work; and
 - (ii) to carry out clearance inspections of asbestos removal work; and
 - (iii) to issue clearance certificates in relation to asbestos removal work; and
 - (iv) to identify the location, type and condition of asbestos or ACM, including by taking samples; and
 - (v) to assess the risk resulting from the identified asbestos or ACM; and
 - (vi) to advise on how the asbestos or ACM should be managed; and
 - (vii) to report about the work mentioned in paragraphs (i) to (v); or
- (c) in the case of an asbestos removal licence—the person conducting the business or undertaking to whom the licence is granted.

14 Dictionary, new definitions

insert

licensed asbestos assessor means a person who holds an asbestos assessor licence.

licensed asbestos removalist means a person conducting a business or undertaking who is licensed under this regulation to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

15 Dictionary, new definitions

insert

membrane filter method means the membrane filter method described in the Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres [NOHSC:3003 (2005)].

NATA means the National Association of Testing Authorities, Australia.

Note The National Association of Testing Authorities is accessible at www.nata.com.au.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note Non-friable asbestos may become friable asbestos through deterioration (see def *friable asbestos*).

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.

Safe Work Australia means Safe Work Australia established under the [Safe Work Australia Act 2008](#) (Cwlth), section 5.

16 Dictionary, definition of *specified VET course*

substitute

specified VET course means—

- (a) in relation to general construction induction training—the VET course *Work Safely in the Construction Industry* or a corresponding subsequent VET accredited course; or
- (b) in relation to Class A asbestos removal work—the VET course *Remove friable asbestos*; or
- (c) in relation to Class B asbestos removal work—the VET course *Remove non-friable asbestos*; or
- (d) in relation to the supervision of asbestos removal work—the VET course *Supervise asbestos removal*; or
- (e) in relation to asbestos assessor work—the VET course *Conduct asbestos assessment associated with removal*; or
- (f) in relation to high risk work—the relevant VET course specified in schedule 4.

**17 Dangerous Substances (General) Regulation 2004
New part 3.3**

insert

Part 3.3 Asbestos management— non-workplace premises

311 Application—pt 3.3

- (1) This part applies to premises if—
 - (a) asbestos or asbestos containing material is being removed from the premises; and
 - (b) at the time the asbestos or asbestos containing material is being removed, the premises are not a workplace.
- (2) However, this part does not apply to premises if the removal of asbestos or asbestos containing material is incidental to minor or routine maintenance work, or other minor work, at the premises.
- (3) In this section:
workplace—see the [Work Health and Safety Act 2011](#), section 8.

312 Removal of asbestos or ACM from premises

- (1) A person must not remove asbestos or asbestos containing material from premises unless the person is a licensed asbestos removalist, licensed to remove the asbestos or asbestos containing material.

Maximum penalty: 40 penalty units.
- (2) An offence against this section is a strict liability offence.

313 Asbestos removal control plan

- (1) A licensed asbestos removalist must prepare an asbestos removal control plan for any licensed asbestos removal work the removalist is commissioned to undertake.

Maximum penalty: 40 penalty units.

- (2) An asbestos removal control plan must include—
- (a) details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used; and
 - (b) details of the asbestos to be removed, including the location, type and condition of the asbestos.
- (3) The licensed asbestos removalist must give a copy of the asbestos removal control plan to the person who commissioned the licensed asbestos removal work.

Maximum penalty: 24 penalty units.

- (4) An offence against this section is a strict liability offence.

314 Asbestos removal control plan to be kept and available

- (1) Subject to subsection (2), a licensed asbestos removalist must ensure that a copy of the asbestos removal control plan prepared under section 313 is kept until the asbestos removal work to which it relates is completed.

Maximum penalty: 24 penalty units.

- (2) If a notifiable incident occurs in connection with the asbestos removal work to which the asbestos removal control plan relates, the licensed asbestos removalist must keep the asbestos removal control plan for at least 2 years after the incident occurs.

Maximum penalty: 24 penalty units.

- (3) The licensed asbestos removalist must ensure that, for the period for which the asbestos removal control plan must be kept under this section, a copy is—
- (a) readily accessible to—
 - (i) the person who commissioned the licensed asbestos removal work; and
 - (ii) if the asbestos removal work is to be carried out in residential premises—the occupants of the premises; and
 - (b) available for inspection under the Act.

Maximum penalty: 24 penalty units.

- (4) An offence against this section is a strict liability offence.

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 4 December 2014.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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