



Australian Capital Territory

# **Dangerous Substances (General) Amendment Regulation 2015 (No 2)**

**Subordinate Law SL2015-13**

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The Australian Capital Territory Executive makes the following regulation under the *Dangerous Substances Act 2004*.

Dated 21 April 2015.

ANDREW BARR  
Minister

MICK GENTLEMAN  
Minister

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# Dangerous Substances (General) Amendment Regulation 2015 (No 2)

Subordinate Law SL2015-13

made under the

[Dangerous Substances Act 2004](#)

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## 1 Name of regulation

This regulation is the *Dangerous Substances (General) Amendment Regulation 2015 (No 2)*.

## 2 Commencement

This regulation commences on 1 February 2016.

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

### 3 Legislation amended

This regulation amends the *Dangerous Substances (General) Regulation 2004*.

### 4 Section 338, new definitions

*insert*

*asbestos contamination* means loose-fill asbestos contaminated dust or debris.

*asbestos contamination report*, for affected residential premises—see section 341 (1).

*contamination management plan*—see section 341 (1) (c).

*living areas*, of premises, means all internal areas of the premises other than—

- (a) the roof space, wall cavity or sub-floor area; and
- (b) any shed, carport or other structure that is not attached to the main structure of the premises.

*regulator*—see the *Work Health and Safety Act 2011*, dictionary.

### 5 Sections 341 and 342

*substitute*

#### 341 Asbestos contamination report

- (1) An *asbestos contamination report*, for affected residential premises, is a report prepared by a licensed asbestos assessor that—
  - (a) identifies the location, type and condition of—
    - (i) asbestos contamination in the living area of the premises; and

- (ii) any opening or crack through which asbestos contamination could enter the living area of the premises; and
- (b) assesses the risk—
  - (i) resulting from the asbestos contamination in the living area of the premises; and
  - (ii) that asbestos contamination may enter the living area of the premises; and
- (c) includes a plan that advises how the asbestos contamination should be managed (the *contamination management plan*).

*Note* If a form is approved under the [Act](#), s 222 for this provision, the form must be used.

- (2) The contamination management plan must identify—
  - (a) work required to seal, lock or clean the living areas of the premises; and
  - (b) any location at the premises where a warning sign must be displayed.

### **342 Asbestos contamination report—owner and occupier responsibilities**

- (1) The owner of affected residential premises must—
  - (a) have an asbestos contamination report for the premises that—
    - (i) is less than 2 years old; and
    - (ii) was prepared after any building work at, or structural damage to, the premises that may have disturbed asbestos contamination in the roof space, wall cavity or sub-floor area; and

#### **Examples—structural damage**

- fire damage

- dislodged fixture or fitting
- hole in ceiling, wall or floor

*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).

- (b) arrange for a licensed asbestos removal worker to do the following within 6 months after the inspection date for the report:
- any work required under the contamination management plan to seal, lock or clean the living areas of the premises;
  - install any warning sign required under the contamination management plan; and
- (c) comply with any other requirement in the contamination management plan; and
- (d) if the owner or anyone else is to do building work or maintenance work at the premises that may disturb asbestos contamination in the roof space, wall cavity or sub-floor area—tell the regulator about the work at least 5 business days before the day the work begins; and
- (e) give a copy of the report to an occupier of the premises.
- (2) An occupier of affected residential premises—
- must—
    - tell a person who enters the living areas of the premises about the asbestos contamination; and
    - make a copy of the asbestos contamination report for the premises available to the person; and

- (b) must not tamper, or attempt to tamper, with—
  - (i) work undertaken to seal, lock or clean the living areas of the premises; or
  - (ii) a warning sign required under the contamination management plan for the premises.
- (3) This section does not apply to residential premises—
  - (a) owned by a person who has agreed, in writing, to surrender the crown lease for the premises before 1 July 2016; or
  - (b) acquired by the Territory under the buyback scheme.
- (4) In this section:

*building work*—see the *Building Act 2004*, section 6.

*buyback scheme*—see the *Dangerous Substances Act 2004*, section 47N (6).

*inspection date*, for an asbestos contamination report, means the date the premises were last inspected by the licensed asbestos assessor for the purposes of preparing the report.

*maintenance work* does not include minor or routine maintenance work.

### **343 Assessor must give copy of report to regulator and owner**

A licensed asbestos assessor who prepares an asbestos contamination report for affected residential premises must give a copy of the report to—

- (a) the regulator; and
- (b) the owner of the premises.

**344 Asbestos removal worker must give copy of work report to regulator and owner**

A licensed asbestos removal worker who does work required under an asbestos contamination report for affected residential premises must—

- (a) certify whether the work has been completed in accordance with the contamination management plan; and
- (b) give the certification to—
  - (i) the regulator; and
  - (ii) the owner of the premises; and
  - (iii) the occupier of the premises.

*Note* If a form is approved under the [Act](#), s 222 for this provision, the form must be used.

**6 Dictionary, new definitions**

*insert*

***asbestos contamination***, for part 3.5 (Asbestos management—residential premises)—see section 338.

***asbestos contamination report***, for affected residential premises, for part 3.5 (Asbestos management—residential premises)—see section 341 (1).

***contamination management plan***, for part 3.5 (Asbestos management—residential premises)—see section 341 (1) (c).

***living areas***, of premises, for part 3.5 (Asbestos management—residential premises)—see section 338.

***regulator***, for part 3.5 (Asbestos management—residential premises)—see the [Work Health and Safety Act 2011](#), dictionary.



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## Endnotes

**1 Notification**

Notified under the [Legislation Act](#) on 30 April 2015.

**2 Republications of amended laws**

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

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