



Australian Capital Territory

Work Health and Safety Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-3

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

Dated 19 February 2019.

RACHEL STEPHEN-SMITH
Minister

GORDON RAMSAY
Minister



Australian Capital Territory

Work Health and Safety Amendment Regulation 2019 (No 1)

Subordinate Law SL2019-3

made under the

[Work Health and Safety Act 2011](#)

1 Name of regulation

This regulation is the *Work Health and Safety Amendment Regulation 2019 (No 1)*.

2 Commencement

This regulation commences on 1 July 2019.

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

3 Legislation amended

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

4 Section 434

omit

section 445 (Duty to train workers about asbestos)

substitute

section 445 (Duty to train workers about asbestos awareness) and section 445A (Duty to train workers about working with asbestos)

5 Section 445 heading

substitute

445 Duty to train workers about asbestos awareness

6 New section 445A

in division 8.5.2, insert

445A Duty to train workers about working with 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 a worker engaged by the person in an occupation declared under subsection (2) (a) is trained in a course in working safely with asbestos declared under subsection (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) The Minister may declare—
- (a) an occupation for which training in a course in working safely with asbestos is required; and
 - (b) a course in working safely with asbestos.

- (3) A declaration is a notifiable instrument.

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

- (4) This section does not apply in relation to a licensed asbestos removalist or a licensed asbestos assessor.

- (5) 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).

- (6) 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).

Endnotes

1 Notification

Notified under the [Legislation Act](#) on 21 February 2019.

2 Republications of amended laws

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

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