

## Occupational Safety and Health Regulations 1996

This below is the section of the Act in relation to Asbestos removal as applies to the licence held by Mike Dumps of Arexion.

### This is a reprint directly from the Act.

#### 5.45. Asbestos removal work, duties as to

- (1) A person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace must ensure that any asbestos work at the workplace involving friable asbestos-containing material —
- (a) is done by —
    - (i) the holder of an unrestricted licence; or
    - (ii) a person employed or otherwise engaged by the holder of an unrestricted licence;and
  - (b) is done in accordance with —
    - (i) the *Code of Practice for the Safe Removal of Asbestos* 2<sup>nd</sup> Edition [NOHSC: 2002 (2005)]; and
    - (ii) the unrestricted licence.

Penalty: the regulation 1.16 penalty.

- (2A) Subject to regulation 5.53A(5), a person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace must ensure that any asbestos work at the workplace involving more than 10 m<sup>2</sup> of non-friable asbestos-containing material —
- (a) is done by —
    - (i) the holder of an unrestricted licence or a restricted licence; or
    - (ii) a person employed or otherwise engaged by the holder of an unrestricted licence or a restricted licence;and
  - (b) is done in accordance with —
    - (i) Part 9 of the *Code of Practice for the Safe Removal of Asbestos* 2<sup>nd</sup> Edition [NOHSC: 2002 (2005)]; and
    - (ii) the unrestricted licence or the restricted licence, as the case requires.

Penalty: the regulation 1.16 penalty.

- (2B) A person who, at a workplace, is an employer, the main contractor, a self-employed person or the person having control of the workplace must ensure that any asbestos work at the workplace involving 10 m<sup>2</sup> or less of non-friable asbestos-containing material is done in accordance with Part 9 of the *Code of Practice for the Safe Removal of Asbestos* 2<sup>nd</sup> Edition [NOHSC: 2002 (2005)].

Penalty: the regulation 1.16 penalty.

- (2) A person doing asbestos work at a workplace must maintain the standard of personal hygiene and use such protective equipment as is required by Part 9 of the *Code of Practice for the Safe Removal of Asbestos* 2<sup>nd</sup> Edition [NOHSC: 2002 (2005)].

Penalty for a person who commits the offence as an employee: the regulation 1.15 penalty.

Penalty in any other case:

- (a) for a first offence, \$25 000; and
- (b) for a subsequent offence, \$31 250.

[Regulation 5.45 amended in Gazette 14 Dec 2004 p. 6017 and 6018; 18 Nov 2005 p. 5661-2; 22 Dec 2009 p. 5244