

## 7. Use of asbestos cement product

- (1) Subject to subregulation (2), a person who uses any asbestos cement product commits an offence, except —
    - (a) if the person is —
      - (i) maintaining or repairing the asbestos cement product; or
      - (ii) removing the asbestos cement product for the purpose of disposing of it in accordance with the *Environmental Protection (Controlled Waste) Regulations 2000*;
    - (aa) if, —
      - (i) for the purpose of carrying out work on, under or near a structure (which term includes a fence) containing an asbestos cement product, the person dismantles and reinstates the whole or part of the structure within a reasonable time; and
      - (ii) any asbestos cement product used to reinstate the structure —
        - (I) was part of the structure before the structure was dismantled; and
        - (II) is in a stable, undamaged condition;
  - or
  - (b) when that person has the prior written approval of the Executive Director, Public Health and does so in accordance with that approval.
- (2) Subregulation (1) does not apply to the use of asbestos cement product where —
  - (a) the asbestos cement product was in use as part of a structure (which term includes a fence) when these regulations came into operation; and
  - (b) the use of that asbestos cement product as that part of that structure has continued, without the position of the asbestos cement product being changed, since these regulations came into operation.
- (3) A person who stores, breaks, damages, cuts, maintains, repairs, removes, moves, or disposes of, or uses any material containing asbestos without taking reasonable measures to prevent asbestos fibres entering the atmosphere commits an offence.
- (4) For the purposes of subregulation (3), “**reasonable measures**” includes —
  - (a) using water or other practical measures to keep airborne material containing asbestos to a minimum;
  - (b) not using any tools other than non-powered hand tools or portable power tools that incorporate dust suppression or dust extraction attachments designed to collect asbestos fibres;
  - (c) using only vacuum cleaning equipment designed to collect asbestos fibres or wetting the area before sweeping up material containing asbestos;
  - (d) not using a high pressure water jet, or compressed air, unless in a manner which adequately prevents asbestos fibres entering the atmosphere and which is approved in writing by the Executive Director, Public Health;

- (e) ensuring, so far as is reasonably practicable, that material containing asbestos is not broken or abraded;
- (f) ensuring that waste material containing asbestos is disposed of in accordance with the *Environmental Protection (Controlled Waste) Regulations 2000* as soon as practicable.

*[Regulation 7 amended in Gazette 28 Jun 1994 p. 3017; 29 Dec 2000 p. 7908-9 and p. 7911.]*