

HE301\*

Health Act 1911

## **Health (Asbestos) Amendment Regulations 2000**

Made by the Governor in Executive Council under sections 134(53), 199(21) and 343A(1) of the *Health Act 1911*.

**1. Citation**

These regulations may be cited as the *Health (Asbestos) Amendment Regulations 2000*.

**2. Commencement**

These regulations come into operation on the day on which the *Environmental Protection (Controlled Waste) Regulations 2000* come into operation.

**3. The regulations amended**

The amendments in these regulations are to the *Health (Asbestos) Regulations 1992\**.

[\* *Published in Gazette 22 May 1992, pp. 2129-34.*

*For amendments to 16 November 2000 see 1999 Index to Legislation of Western Australia, Table 4, p. 125.]*

**4. Regulation 2 amended**

Regulation 2 is amended by deleting the definition of “asbestos cement sheet” and inserting instead —

“

“**asbestos cement product**” means a product or part of a product containing asbestos in a cement binder;

”.

**5. Regulation 3 replaced**

Regulation 3 is repealed and the following regulation is inserted instead —

“

**3. Local laws**

These regulations apply to all districts as if they were local laws made under the Act.

”.

**6. Part 2 heading replaced**

The heading to Part 2 is deleted and the following heading is inserted instead —

“ **Part 2 — Asbestos cement product** ”.

**7. Regulation 6 amended**

Regulation 6 is amended by deleting paragraph (b) and inserting instead —

“

(b) the supply of the asbestos cement product to another is for the purpose of having that other person dispose of it in accordance with the *Environmental Protection (Controlled Waste) Regulations 2000*;

”.

**8. Regulation 7 amended**

(1) Regulation 7(1) is amended by deleting paragraphs (a) and (aa) and the word “or” after paragraph (aa) and inserting instead —

“

(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
- ”.
- (2) Regulation 7(3) is amended by deleting “asbestos cement sheet” and inserting instead —
- “ material containing asbestos ”.
- (3) Regulation 7(4) is amended as follows:
- (a) in paragraph (e) by deleting “asbestos cement sheet” and inserting instead —
    - “ material containing asbestos ”;
  - (b) by deleting paragraph (f) and inserting instead —
    - “
      - (f) ensuring that waste material containing asbestos is disposed of in accordance with the *Environmental Protection (Controlled Waste) Regulations 2000* as soon as practicable.
- ”.

## 9. Regulation 7A replaced

Regulation 7A is repealed and the following regulation is inserted instead —

“

### 7A. Asbestos dwelling-houses

- (1) Subject to subregulation (2), a person who moves a dwelling-house built wholly or partly with an asbestos cement product commits an offence unless, in the course of moving it, —
  - (a) the dwelling-house is not divided into more than 3 sections; and

- (b) that part of it built wholly or partly with an asbestos cement product is not substantially dismantled.
- (2) The Executive Director, Public Health may approve, in writing, with or without conditions, the transportation of a dwelling-house built wholly or partly with an asbestos cement product in more than 3 sections if he or she is satisfied that the dwelling-house cannot be moved safely unless it is divided into more than 3 sections.
- (3) A person must comply with a condition imposed under subregulation (2) on an approval.
- (4) A person must not cut or deliberately break an asbestos cement product for the purpose of, or in the course of, moving a dwelling-house built wholly or partly with an asbestos cement product.

”.

**10. Regulation 10 repealed**

Regulation 10 is repealed.

**11. Regulation 11 amended**

Regulation 11 is amended by deleting paragraph (b) and inserting instead —

“ (b) transport material containing asbestos, ”.

**12. Regulation 12 amended**

Regulation 12(2) is repealed.

**13. Regulation 12A repealed**

Regulation 12A is repealed.

**14. Regulation 13 repealed**

Regulation 13 is repealed.

**15. Regulation 15 amended**

- (1) After regulation 15(1) the following subregulations are inserted —

“

- (1a) The owner of material containing asbestos who permits another person to commit an offence under these regulations commits an offence.
- (1b) Where an offence against this Act is committed by an agent, an employee, or a subcontractor, the principal, employer, or contractor is also guilty of an offence and liable to the same penalty as is prescribed for the first-mentioned offence unless it is proved that the principal, the employer, or contractor could not by the

exercise of reasonable diligence have prevented the commission of the offence by the agent, the employee, or the subcontractor.

”.

(2) After regulation 15(2) the following subregulation is inserted —

“

(3) The court convicting a person of an offence arising from a breach of any of the provisions of these regulations may order that person to pay, in addition to a penalty, any expense incurred by the Commissioner, the Executive Director, Public Health, or the local government in consequence of the breach or non-observance of the regulation to the Commissioner, the Executive Director, Public Health, or the local government, as the case requires.

”.

#### 16. Schedules 1, 2, and 3 repealed

Schedule 1, Schedule 2, and Schedule 3 are repealed.

#### 17. Consequential amendments

The regulations are amended as set out in the Table to this regulation.

##### Table

regulation 6	Delete “asbestos cement sheet” where it first occurs and insert instead — “ an asbestos cement product ”
regulation 6(c)	Delete “sheet” and insert instead — “ product ”
regulation 6(d)	Delete “sheet” and insert instead — “ product ”
regulation 7(1)	Delete “sheet” where it first occurs and insert instead — “ product ”
regulation 7(2)	Delete “sheet” where it first occurs and insert instead — “ product ”
regulation 7(2)(a)	Delete “sheet” and insert instead — “ product ”
regulation 7(2)(b)	Delete “sheet” in both places where it occurs and insert instead — “ product ”
regulation 14(1)(a)	Delete “asbestos cement sheet” and insert instead — “ an asbestos cement product ”

By Command of the Governor,

ROD SPENCER, Clerk of the Executive Council.