

HE301**HEALTH ACT 1911****HEALTH (ASBESTOS) AMENDMENT REGULATIONS 1994**

Made by the Lieutenant-Governor and deputy of the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Health (Asbestos) Amendment Regulations 1994*.

Principal regulations

2. In these regulations the *Health (Asbestos) Regulations 1992** are referred to as the principal regulations.

[* *Published in Gazette of 22 May 1992 at pp. 2129-34.*]

Regulation 2 amended

3. Regulation 2 of the principal regulations is amended by inserting in the appropriate alphabetical position the following definition —

“

“dwelling-house” does not include any associated structure or outbuilding that is not an integral part of a dwelling-house’s structure;

”.

Regulation 3 repealed and a regulation substituted

4. Regulation 3 of the principal regulations is repealed and the following regulation is substituted —

“

Application

3. These regulations have effect in all districts.

”.

Regulation 6 amended

5. Regulation 6 is amended —

- (a) in paragraph (b) by deleting “was” and substituting the following —

“ is ”; and

- (b) by deleting paragraphs (c) and (d) and substituting the following paragraphs —

“

- (c) the asbestos cement sheet forms part of a fixture on land when the ownership of that land is transferred to another; or
- (d) the asbestos cement sheet forms part of a dwelling-house (whether or not a fixture on land) which is sold or supplied and which, at that time, is not substantially dismantled.

”.

Regulation 7 amended

6. Regulation 7 of the principal regulations is amended —

- (a) by deleting “or” after subregulation (1) (a);
- (b) by inserting after subregulation (1) (a) the following paragraph —

“

- (aa) where, for the purpose of carrying out work under or near an asbestos cement sheet fence, the person dismantles and reinstates the whole or part of the fence within a reasonable time; or

”;

- (c) by deleting subregulation (2) (b) and substituting the following —

“

- (b) the use of that asbestos cement sheet as that part of that structure has continued, without the position of the asbestos cement sheet being changed, since these regulations came into operation.

”;

- (d) in subregulation (3) by inserting after “damages,” the following —

“ cuts, ”;

- (e) by deleting subregulation (4) (d) and substituting the following paragraph —

“

- (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;

”; and

- (f) by deleting subregulation (4) (e) and substituting the following paragraph —

“

- (e) ensuring, so far as is reasonably practicable, that asbestos cement sheet is not broken or abraded;

”.

Regulation 7A inserted

7. After regulation 7 of the principal regulations the following regulation is inserted —

“

Asbestos dwelling-houses

7A. (1) A person who moves a dwelling-house built wholly or partly with asbestos cement sheet commits an offence unless, in the course of moving it, that part of it built wholly or partly with asbestos cement sheet is not substantially dismantled.

(2) A person shall not cut or deliberately break asbestos cement sheet for the purpose, or in the course of moving, a dwelling-house built wholly or partly with asbestos cement sheet.

”

Regulation 10 amended

8. (1) Regulation 10 (2) of the principal regulations is repealed and the following subregulation is substituted —

“

(2) Material containing asbestos in a district other than a district referred to in Schedule 1 shall be disposed of at a place approved in writing as a place for the disposal of material containing asbestos by the local authority of the district.

”

(2) Regulation 10 (3) is amended by deleting “11” and substituting the following —

“ 12A ”.

Regulations 11 and 12 repealed and regulations 11, 12 and 12A substituted

9. Regulations 11 and 12 of the principal regulations are repealed and the following regulations are substituted —

“

Asbestos for disposal to be separated etc.

11. A person shall not —

- (a) supply material containing asbestos to another for the purpose of having that other person dispose of it; or
- (b) take material containing asbestos to a place referred to in Schedule 2 or 3, or to a place approved under regulation 10 (2),

unless —

- (c) it is separated from other material for disposal where that is reasonably practicable; and
- (d) it is wrapped in plastic so as to prevent asbestos fibres entering the atmosphere, or is contained in such other manner as is approved in writing by the Executive Director, Public Health.

Duty to notify others of presence of asbestos

12. (1) A person who supplies material containing asbestos to another for the purpose of having that other person dispose of it shall inform (whether by use of an appropriate label or otherwise) the other person that it is or contains asbestos.

(2) A person who takes material containing asbestos to a place referred to in Schedule 2 or 3, or to a place approved under regulation 10 (2), shall inform (whether by use of an appropriate label or otherwise) the person who operates or controls the place that it is or contains asbestos.

Executive Director may approve place and manner of disposal in special cases

12A. (1) If satisfied that the circumstances of a particular case warrant the disposal of material containing asbestos at a place other than a place referred to in Schedule 2 or 3, or a place approved under regulation 10 (2), the Executive Director, Public Health may, in writing —

- (a) approve a place for the disposal of the material containing asbestos; and
- (b) give directions as to the manner in which the material containing asbestos is to be transported to and disposed of at that place.

(2) A person who is given an approval under subregulation (1) and who disposes of material containing asbestos —

- (a) at the place approved, does not commit an offence under regulation 10 (3);
- (b) in a manner that is in accordance with it, does not commit an offence under regulation 11.

Regulation 13 amended

10. Regulation 13 of the principal regulations is amended by deleting "by the Executive Director, Public Health" in the first place where it occurs and substituting the following —

" under regulation 10 (2) "

Regulation 14 inserted

11. The principal regulations are amended by inserting in Part 5 before regulation 15 the following regulation —

"

Power to take sample

14. (1) An authorized person may take a sample of any thing which he or she believes on reasonable grounds —

- (a) is asbestos cement sheet or material containing asbestos; and
- (b) is or may be evidence in relation to an offence under these regulations.

(2) When taking a sample, an authorized person shall —

- (a) cause no more damage to property than is reasonably necessary;
- (b) divide the sample into 3 separate parts and package and label them appropriately;
- (c) give one part to the person in possession of the thing from which the sample is taken;
- (d) have the second part analysed; and
- (e) safely keep the third part for future comparison.

"

Schedule 2 amended**12. Schedule 2 to the principal regulations is amended —**

- (a) by deleting the item relating to "Kalamunda. Brand Road, High Wycombe.";
- (b) by deleting the item relating to "Kalamunda. Dawson Avenue, Forrestfield."; and
- (c) by inserting after the item relating to "Melville. Dundee Street, Leeming." the following item —

"
Rockingham. Cockburn Sound Location 2170.
Millar Road,
Baldivis.
"

Schedule 3 amended**13. Schedule 3 to the principal regulations is amended by inserting after the item relating to "Cockburn. Rockingham Road, Henderson." the following item —**

"
Kalamunda. Reserve 41156.
Dawson Avenue,
Forrestfield.
"

By the Command of the Lieutenant-Governor and deputy of the Governor.

D. G. BLIGHT, Clerk of the Council.
