



Western Australia

## **Health (Asbestos) Regulations 1992**

Compare between:

[10 Jan 2017, 01-d0-00] and [24 Jan 2017, 01-e0-03]



## Health (Asbestos) Regulations 1992

### Part 1 — Preliminary

#### 1. Citation

These regulations may be cited as the *Health (Asbestos) Regulations 1992*<sup>1</sup>.

#### 2. Interpretation

In these regulations, unless the contrary intention appears —  
*asbestos* means the asbestiform variety of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals and includes actinolite, amosite, anthophyllite, chrysotile, crocidolite, tremolite, and any mixture containing 2 or more of those;

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

~~*authorised person* means an environmental health officer or a person authorised under regulation 5;~~

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

*material containing asbestos* means material in which —

- (a) fibrous material is able to be detected by stereoscopic light microscopy at a magnification of not less than 10 times and not greater than 40 times; and
- (b) the fibrous material is able to be identified as asbestos by polarised light microscopy at a magnification of not

greater than 400 times or by a method approved by the  
~~Executive Director, Public~~ Chief Health Officer.

*[Regulation 2 amended in Gazette 28 Jun 1994 p. 3016;  
29 Dec 2000 p. 7908; 10 Jan 2017 p. 261 and 262.]*

**3. Local laws**

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

*[Regulation 3 inserted in Gazette 29 Dec 2000 p. 7908.]*

**4. Asbestos declared hazardous**

Asbestos is declared to be a hazardous substance.

**[5. ~~Authorised persons~~**

~~*The Executive Director, Public Health may authorise a person Deleted in writing to be an authorised person for the purposes of these regulations. Gazette 10 Jan 2017 p. 261.*~~

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## Part 2 — Asbestos cement product

*[Heading inserted in Gazette 29 Dec 2000 p. 7908.]*

### 6. Sale or supply of an asbestos cement product

A person who sells or supplies an asbestos cement product to another commits an offence, except when —

- (a) that person has the prior written approval of the ~~Executive Director, Public~~ Chief Health Officer and does so in accordance with that approval; or
- (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;~~ 2004; or
- (c) the asbestos cement product forms part of a fixture on land when the ownership of that land is transferred to another; or
- (d) the asbestos cement product 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.

Penalty: a fine of \$10 000.

*[Regulation 6 amended in Gazette 28 Jun 1994 p. 3016-17; 29 Dec 2000 p. 7908 and p. ~~7911~~7911; 10 Jan 2017 p. 262; 10 Jan 2017 p. 199-200.]*

### 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~~ 2004;

- (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~~ [Chief Health Officer](#) and does so in accordance with that approval.

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[Penalty for this subregulation: a fine of \\$10 000.](#)

- (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.

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[Penalty for this subregulation: a fine of \\$10 000.](#)

- (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~~ [Chief Health Officer](#);
- (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* ~~2004~~ as soon as practicable.

[Regulation 7 amended in Gazette 28 Jun 1994 p. 3017; 29 Dec 2000 p. 7908-9 and p. 7911; [10 Jan 2017 p. 200 and 262.](#)]

**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.

[Penalty for this subregulation: a fine of \\$10 000.](#)

**Health (Asbestos) Regulations 1992**

**Part 2** Asbestos cement product

**r. 7A**

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(2) The ~~Executive Director, Public~~ Chief Health Officer 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~~ who fails to comply with a condition imposed on an approval under subregulation (2) ~~en~~ commits an ~~approval~~ offence.

Penalty for this subregulation: a fine of \$10 000.

(4) A person ~~must not cut~~ who cuts or deliberately ~~break~~ breaks 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 commits an offence.

Penalty for this subregulation: a fine of \$10 000.

*[Regulation 7A inserted in Gazette 29 Dec 2000 p. 7909-10; amended in Gazette 10 Jan 2017 p. 200-1 and 262.]*



### **Part 3 — Material containing asbestos**

#### **8. Directions by authorised ~~persons~~ officer**

- (1) An authorised ~~person~~ officer may, by a written notice served on —
  - (a) the owner of material containing asbestos; or
  - (b) the owner or occupier of premises on which material containing asbestos is present; or
  - (c) a person handling material containing asbestos,direct that person to maintain, repair, remove, move, dispose of, or handle the material containing asbestos in such manner and within such time as is specified in the direction.
- (2) The power conferred by subregulation (1) to direct a person to maintain, repair, remove, move, dispose of, or handle material containing asbestos includes power to direct that person to do any 2 or more of those things in combination.
- (3) A person who is served with a notice under subregulation (1) may, within 28 days of the service of the notice, appeal in writing against the notice to the ~~Executive Director, Public~~ Chief Health Officer who may uphold, revoke, or amend the notice.
- (4) A person who fails to comply with a direction in a notice under subregulation (1) commits an offence.

Penalty for this subregulation: a fine of \$10 000.

[Regulation 8 amended in Gazette 10 Jan 2017 p. 201, 261 and 262.]

#### **8A. Payment for work done in default**

- (1) If a person fails to comply with a direction under regulation 8(1) (to maintain, repair, remove, move, dispose of, or handle material containing asbestos) in the manner, or within the time, specified in the direction, a local government may carry out, or make alternative arrangements to carry out, the work required to be done under that direction.

- (2) The expenses incurred by the local government in ensuring that the required work is carried out ~~shall~~must be paid by the person whose failure to comply with a direction gave rise to the need for the local government to carry out, or make alternative arrangements to carry out, the work described in subregulation (1).

- (3) A person who fails to comply with the requirement to pay for expenses incurred by the local government under subregulation (2) commits an offence.

Penalty for this subregulation: a fine of \$10 000.

*[Regulation 8A inserted in Gazette 13 Aug 2002 p. ~~4179~~4179; amended in Gazette 10 Jan 2017 p. 201.]*

**9. ~~Executive Director~~Chief Health Officer may prohibit or restrict use, sale or supply of material containing asbestos**

- (1) The ~~Executive Director, Public~~Chief Health Officer may, by notice published in a newspaper circulating in the State —
- (a) prohibit; or
  - (b) impose conditions or restrictions on,

the use, sale, or supply of material containing asbestos.

- (2) A person aggrieved by a notice made under subregulation (1) may appeal in writing against the notice to the Minister who may uphold, revoke, or amend the notice.
- (3) A person who uses, sells, or supplies material containing asbestos in contravention of a notice made under subregulation (1) commits an offence.

Penalty for this subregulation: a fine of \$10 000.

*[Regulation 9 amended in Gazette 10 Jan 2017 p. 262; 10 Jan 2017 p. 202.]*

## Part 4 — Disposal of material containing asbestos

[10. Deleted in Gazette 29 Dec 2000 p. 7910.]

### 11. Asbestos for disposal to be separated ~~etc.~~ and contained

~~A person shall not~~

~~(a) supply~~ (1) Subject to subregulation (2), a person commits an offence if the person —

(a) supplies material containing asbestos to another person for the purpose of having that other person dispose of it; or

(b) ~~transport~~ transports material containing asbestos;

~~unless~~

~~(c) it~~ Penalty for this subregulation: a fine of \$10 000.

(2) Subregulation (1) does not apply if the material containing asbestos —

(a) is separated from other material for disposal where ~~that is~~ reasonably practicable; and

~~(d) it~~ (b) 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~~ Chief Health Officer.

[~~Regulation 11~~ inserted in Gazette ~~28 Jun 1994~~ 10 Jan 2017 p. ~~3018~~; amended in Gazette 29 Dec 2000 p. ~~7910~~ 202.]

### 12. Duty to notify others of presence of asbestos

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

~~{(2) deleted}~~

(2) A person who fails to comply with subregulation (1) commits an offence.

**Health (Asbestos) Regulations 1992**

**Part 4** Disposal of material containing asbestos

**r. 12**

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[Penalty for this subregulation: a fine of \\$10 000.](#)

*[Regulation 12 inserted in Gazette 28 Jun 1994 p. 3018-9;  
amended in Gazette 29 Dec 2000 p. 7910; [10 Jan 2017](#)  
[p. 202-3.](#)]*

*[12A, 13. Deleted in Gazette 29 Dec 2000 p. 7910.]*

## Part 5 — Miscellaneous

### 14. Power to take sample

- (1) An authorised ~~person~~officer may take a sample of any thing which he or she believes on reasonable grounds —
  - (a) is an asbestos cement product 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 authorised ~~person shall~~—officer must —
  - (a) cause no more damage to property than is reasonably necessary; and
  - (b) divide the sample into 3 separate parts and package and label them appropriately; and
  - (c) give one part to the person in possession of the thing from which the sample is taken; and
  - (d) have the second part analysed; and
  - (e) safely keep the third part for future comparison.

*[Regulation 14 inserted in Gazette 28 Jun 1994 p. 3019;  
amended in Gazette 29 Dec 2000 p. 7911; [10 Jan 2017 p. 203](#)  
[and 61.](#)]*

### ~~15. Penalties~~

- ~~(1) A person who does not comply with these regulations commits an offence.~~
- ~~(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) A person who commits an offence under these regulations is liable on conviction to~~

~~(a) a penalty of not more than \$1 000 and not less than~~

~~(i) in the case of a first offence, \$100;~~

~~(ii) in the case of a second offence, \$200; and~~

~~(iii) in the case of a third or subsequent offence, \$500;~~

~~and~~

~~(b) if that offence is a continuing offence, a daily penalty of not more than \$100 and not less than \$50.~~

~~(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 CEO, the Executive Director, Public Health, or the local government in consequence of the breach or non-observance of the regulation to the CEO, the Executive Director, Public Health, or the local government, as the case requires.~~

~~[Regulation 15 amended in Gazette 29 Dec 2000 p. 7910-11; 15 Dec 2006 p. 5622.]~~

**16. Repeal**

~~The Health (Disposal of Asbestos Waste) Regulations 1984 are repealed.~~

~~[Schedules 1, 2 and 3 deleted in Gazette 29 Dec 2000 p. 7911.]~~

## Notes

<sup>†</sup>—This is a compilation of the *Health (Asbestos) Regulations 1992* and includes the amendments made by the written laws referred to in the following table.<sup>†a</sup>—The table also contains information about any reprint.

### Compilation table

Citation	Gazettal	Commencement
<i>Health (Asbestos) Regulations 1992</i>	22 May 1992 p. 2129-34	22 May 1992
<i>Health (Asbestos) Amendment Regulations 1994</i>	28 Jun 1994 p. 3016-20	28 Jun 1994
<i>Health (Asbestos) Amendment Regulations 1997</i>	11 Apr 1997 p. 1834	11 Apr 1997
<i>Health (Asbestos) Amendment Regulations (No. 2) 1998</i>	14 Aug 1998 p. 4420	14 Aug 1998
<i>Health (Asbestos) Amendment Regulations 2000</i>	29 Dec 2000 p. 7907-11 (as amended in <i>Gazette</i> 30 Mar 2001 p. 1756 r. 4)	1 Apr 2001 (see r. 2 and <i>Gazette</i> 30 Mar 2001 p. 1837)
<b>Reprint of the <i>Health (Asbestos) Regulations 1992</i> as at 1 June 2001</b> (includes amendments listed above)		
<i>Health (Asbestos) Amendment Regulations 2002</i>	13 Aug 2002 p. 4179	13 Aug 2002
<i>Health (Asbestos) Amendment Regulations 2006</i>	15 Dec 2006 p. 5622	15 Dec 2006

<sup>†a</sup>—On the date as at which this compilation was prepared, provisions referred to in the following table had not come into operation and were therefore not included in this compilation. For the text of the provisions see the endnotes referred to in the table.

**Provisions that have not come into operation**

<b>Citation</b>	<b>Gazetal</b>	<b>Commencement</b>
<i>Health Regulations Amendment (Public Health) Regulations 2016 Pt. 10</i> <sup>2</sup>	10 Jan 2017 p. 237-308	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)
<i>Health (Asbestos) Amendment Regulations 2016 r. 3-15</i> <sup>3</sup>	10 Jan 2017 p. 199-211	24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)

<sup>2</sup>—On the date as at which this compilation was prepared, the *Health Regulations Amendment (Public Health) Regulations 2016 Pt. 10* had not come into operation. It reads as follows:

**Part 10 — ~~Health (Asbestos) Regulations 1992~~ amended**

**33. — ~~Regulations amended~~**

~~— This Part amends the *Health (Asbestos) Regulations 1992*.~~

**34. — ~~Regulation 2 amended~~**

~~— In regulation 2 delete the definition of *authorised person*.~~

**35. — ~~Regulation 5 deleted~~**

~~— Delete regulation 5.~~

**36. — ~~Regulation 8 amended~~**

~~— In regulation 8(1) delete “authorised person” and insert:~~

~~— authorised officer~~

~~— Note: — The heading to amended regulation 8 is to read:~~

~~— **Directions by authorised officer**~~

**37. — ~~Regulation 14 amended~~**

~~— In regulation 14(1) and (2) delete “authorised person” and insert:~~

~~— authorised officer~~

**38. — ~~Various references to “Executive Director, Public Health” amended~~**

~~— In the provisions listed in the Table delete “Executive Director, Public Health” (each occurrence) and insert:~~



~~Chief Health Officer~~

**Table**

<del>r. 2 def. of <i>material containing asbestos</i> par. (b)</del>	<del>r. 6(a)</del>
<del>r. 7(1)(b) and (4)(d)</del>	<del>r. 7A(2)</del>
<del>r. 8(3)</del>	<del>r. 9(1)</del>

~~Note: The heading to amended regulation 9 is to read:  
Chief Health Officer may prohibit or restrict use, sale or supply of material containing asbestos~~

<sup>3</sup> ~~On the date as at which this compilation was prepared, *Health (Asbestos) Amendment Regulations 2016* r. 3-15 had not come into operation. They read as follows:~~

~~**3. Regulations amended**~~

~~These regulations amend the *Health (Asbestos) Regulations 1992*.~~

~~**4. Regulation 6 amended**~~

~~(1) In regulation 6:~~

~~(a) in paragraph (a) delete “approval;” and insert:~~

~~approval; or~~

~~(b) in paragraph (b) delete “*Regulations 2000*,” and insert:~~

~~*Regulations 2004*; or~~

~~(2) At the end of regulation 6 insert:~~

~~Penalty: a fine of \$10 000.~~

~~5. Regulation 7 amended~~

~~(1) In regulation 7(1)(a)(ii) delete “Regulations 2000;” and insert:~~

~~Regulations 2004;~~

~~(2) At the end of regulation 7(1) insert:~~

~~Penalty for this subregulation: a fine of \$10 000.~~

~~(3) At the end of regulation 7(3) insert:~~

~~Penalty for this subregulation: a fine of \$10 000.~~

~~(4) In regulation 7(4)(f) delete “Regulations 2000” and insert:~~

~~Regulations 2004~~

~~6. Regulation 7A amended~~

~~(1) At the end of regulation 7A(1) insert:~~

~~Penalty for this subregulation: a fine of \$10 000.~~

~~(2) Delete regulation 7A(3) and (4) and insert:~~

~~(3) A person who fails to comply with a condition imposed on an approval under subregulation (2) commits an offence.~~

~~Penalty for this subregulation: a fine of \$10 000.~~

~~(4) A person who cuts or deliberately breaks 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 commits an offence.~~

~~Penalty for this subregulation: a fine of \$10 000.~~

~~7. Regulation 8 amended~~

~~At the end of regulation 8(4) insert:~~

~~Penalty for this subregulation: a fine of \$10 000.~~

**8. ~~Regulation 8A amended~~**

~~(1) In regulation 8A(2) delete “shall” and insert:~~

~~must~~

~~(2) After regulation 8A(2) insert:~~

~~(3) A person who fails to comply with the requirement to pay for expenses incurred by the local government under subregulation (2) commits an offence.~~

~~Penalty for this subregulation: a fine of \$10 000.~~

**9. ~~Regulation 9 amended~~**

~~At the end of regulation 9(3) insert:~~

~~Penalty for this subregulation: a fine of \$10 000.~~

**10. ~~Regulation 11 replaced~~**

~~Delete regulation 11 and insert:~~

**11. ~~Asbestos for disposal to be separated and contained~~**

~~(1) Subject to subregulation (2), a person commits an offence if the person—~~

~~(a) supplies material containing asbestos to another person for the purpose of having that other person dispose of it; or~~

~~(b) transports material containing asbestos.~~

~~Penalty for this subregulation: a fine of \$10 000.~~

~~(2) Subregulation (1) does not apply if the material containing asbestos—~~

~~(a) is separated from other material for disposal where reasonably practicable; and~~

~~(b) 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 Chief Health Officer.

**11. ~~Regulation 12 amended~~**

~~(1) In regulation 12(1) delete “shall” and insert:~~

~~must~~

~~(2) After regulation 12(1) insert:~~

~~(2) A person who fails to comply with subregulation (1) commits an offence.~~

~~Penalty for this subregulation: a fine of \$10 000.~~

**12. ~~Regulation 14 amended~~**

~~(1) In regulation 14(2) delete “shall” and insert:~~

~~must~~

~~(2) In regulation 14(2) after each of paragraphs (a) to (c) insert:~~

~~and~~

**13. ~~Regulation 15 replaced~~**

~~Delete regulation 15 and insert:~~

**15. Offence by owner**

The owner of material containing asbestos who permits another person to commit an offence under these regulations commits an offence.

Penalty: a fine of \$10 000.

*[Regulation 15 inserted in Gazette 10 Jan 2017 p. 203.]*

**15A. Offence by principal, employer or contractor**

If an offence against these regulations 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.

[\[Regulation 15A inserted in Gazette 10 Jan 2017 p. 203-4.\]](#)

**15B. Expense incurred by CEO, Chief Health Officer or local government**

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 CEO, the Chief Health Officer or the local government in consequence of the breach or non-observance of the regulation to the CEO, the Chief Health Officer or the local government, as the case requires.

[\[Regulation 15B inserted in Gazette 10 Jan 2017 p. 204.\]](#)

**15C. Penalties for continuing offences**

For the purposes of the *Interpretation Act 1984* section 71, in relation to an offence committed under these regulations, the penalty for each separate and further offence committed by a person is a fine of \$1 000.

[\[Regulation 15C inserted in Gazette 10 Jan 2017 p. 204.\]](#)

**15D. Infringement notices**

- (1) The offences specified in Schedule 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.

- (2) The modified penalty specified opposite an offence in Schedule 1 is the modified penalty for that offence for the purposes of the *Criminal Procedure Act 2004* section 5(3).
- (3) The Chief Health Officer may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (4) The Chief Health Officer must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
- (5) A local government may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (6) Each local government that appoints a person as an authorised officer under subregulation (5) must issue to the officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
- (7) A certificate of authority given to a person under the *Public Health Act 2016* section 30 has effect for the purposes of subregulation (4) or (6), whichever is relevant, if it meets the requirement in the subregulation.
- (8) For the purposes of the *Criminal Procedure Act 2004* Part 2 —
  - (a) the prescribed form of an infringement notice is set out in Schedule 2; and
  - (b) the prescribed form of a notice to withdraw an infringement notice is set out in Schedule 3.

~~14. \_\_\_\_\_ [Regulation 16 deleted~~

~~\_\_\_\_\_ Delete regulation 16.~~

~~15. \_\_\_\_\_ Schedules 1 to 3 15D inserted in Gazette 10 Jan 2017 p. 204-5.]~~

~~\_\_\_\_\_ At the end of the regulations insert:~~

[\[16. Deleted in Gazette 10 Jan 2017 p. 205.\]](#)

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**Schedule 1 — Prescribed offences and modified penalties**

[r. 15D(1) and (2)]

*[Heading inserted in Gazette 10 Jan 2017 p. 206.]*

	<b>Description of offence</b>	<b>Modified penalty</b>
r. 6	Selling or supplying asbestos cement product	\$1 000
r. 7(1)	Using an asbestos cement product	\$1 000
r. 7(3)	Storing, breaking, damaging, cutting, maintaining, repairing, removing, moving or disposing of, or using any material containing asbestos without taking reasonable measures to prevent asbestos fibres entering the atmosphere	\$2 000
r. 7A(1)	Moving a dwelling-house built wholly or partly with an asbestos cement product	\$2 000
r. 7A(3)	Failing to comply with a condition on an approval	\$2 000
r. 7A(4)	Cutting or deliberately breaking 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	\$2 000
r. 8	Failing to comply with a direction in a notice	\$1 000
r. 11(1)(a)	Supplying material containing asbestos to another for the purpose of having another person dispose of it	\$1 000
r. 11(1)(b)	Transporting material containing asbestos	\$1 000
r. 12	Failing to inform a person that material is or contains asbestos	\$1 000

*[Schedule 1 inserted in Gazette 10 Jan 2017 p. 206-7.]*



## Schedule 2 — Infringement notice

[r. 15D(8)(a)]

*[Heading inserted in Gazette 10 Jan 2017 p. 207.]*

<i>Health (Miscellaneous Provisions) Act 1911</i> <i>Health (Asbestos) Regulations 1992</i> <b>INFRINGEMENT NOTICE</b>		Infringement notice no.
<b>Alleged offender</b>	Name	
	Address	
<b>Details of alleged offence</b>	Date or period	
	Place	
	Written law contravened	<i>Health (Asbestos) Regulations 1992</i> regulation
	Details of offence <sup>1</sup>	
<b>Date of issue</b>	Date of issue	
<b>Issuing officer</b>	Name	
	Office	
	Signature	
<b>Modified penalty</b>	\$	
<b>Penalty</b>	\$	You do not have to pay this amount. This is the maximum fine that can be imposed if you are prosecuted in a court and convicted of this offence.

**TAKE  
NOTICE**

It is alleged that you have committed the above offence.

**If you do not want to be prosecuted in court for the offence**, pay the modified penalty to an Approved Officer within 28 days after the date of this notice.

**If you do not pay** the modified penalty within the 28 days, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.

**If you need more time** to pay the modified penalty, you should contact the Approved Officer at the address below.

Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.

**If you want this matter to be dealt with by prosecution in court**, sign and date here:

\_\_\_\_\_ / /20  
and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.

If you consider that you have good reason to have this notice withdrawn, you can write to the Approved Officer at the address below requesting that this notice be withdrawn and setting out why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.

**By post**

Tick the relevant box below and post this notice to:

Approved Officer — *Health (Asbestos) Regulations 1992*

[Address]

<b>How to pay</b>	<input type="checkbox"/> I want to pay the modified penalty. A cheque or money order (payable to Approved Officer — <i>Health (Asbestos) Regulations 1992</i> ) for the modified penalty is enclosed.		
	<input type="checkbox"/> I want to pay the modified penalty by credit card. Please debit my credit card account. <sup>2</sup>		
	[details <sup>3</sup> ]		
	<b>Complete all details</b>		
	<b>In person<sup>2</sup></b> Pay the cashier at: [Address]		
	<b>Electronically<sup>2</sup></b> [details <sup>3</sup> ]		
	[ ]		
<b>Method of service<sup>2</sup></b>		<b>Date of service</b>	

Notes to Form —

1. The details should say what the alleged offender has done that is considered to be a contravention of the law.
2. Delete this option if not applicable.
3. Include here, when applicable, details of how a payment may be made electronically.

[\[Schedule 2 inserted in Gazette 10 Jan 2017 p. 207-9.\]](#)

**Schedule 3 — Notice to withdraw infringement notice**

[r. 15D(8)(b)]

*[Heading inserted in Gazette 10 Jan 2017 p. 210.]*

<p><i>Health (Miscellaneous Provisions) Act 1911</i>  <i>Health (Asbestos) Regulations 1992</i></p> <p><b>WITHDRAWAL OF  INFRINGEMENT NOTICE</b></p>		<p>Infringement notice no.</p>
<b>Alleged offender</b>	Name	
	Address	
<b>Details of infringement notice</b>	Infringement notice no.	
	Date of issue	
<b>Details of alleged offence</b>	Date or period	
	Place	
	Written law contravened	<i>Health (Asbestos) Regulations 1992</i> regulation
	Details of offence	
<b>Approved Officer withdrawing notice</b>	Name	
	Office	
	Signature	
<b>Date</b>	Date of withdrawal	

<p><b>Withdrawal of infringement notice</b></p> <p><i>[*Delete whichever is not applicable]</i></p>	<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p style="padding-left: 40px;">* Your refund is enclosed</p> <p>or</p> <p style="padding-left: 40px;">* If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p style="padding-left: 40px;">Approved Officer — <i>Health (Asbestos) Regulations 1992</i></p> <p style="padding-left: 40px;">[Address]</p> <p>Your signature                      Date</p>
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[\[Schedule 3 inserted in Gazette 10 Jan 2017 p. 210-11.\]](#)

**Notes**

<sup>1</sup> [This is a compilation of the \*Health \(Asbestos\) Regulations 1992\* and includes the amendments made by the written laws referred to in the following table. The table also contains information about any reprint.](#)

**Compilation table**

<u>Citation</u>	<u>Gazettal</u>	<u>Commencement</u>
<a href="#">Health (Asbestos) Regulations 1992</a>	<a href="#">22 May 1992 p. 2129-34</a>	<a href="#">22 May 1992</a>
<a href="#">Health (Asbestos) Amendment Regulations 1994</a>	<a href="#">28 Jun 1994 p. 3016-20</a>	<a href="#">28 Jun 1994</a>
<a href="#">Health (Asbestos) Amendment Regulations 1997</a>	<a href="#">11 Apr 1997 p. 1834</a>	<a href="#">11 Apr 1997</a>
<a href="#">Health (Asbestos) Amendment Regulations (No. 2) 1998</a>	<a href="#">14 Aug 1998 p. 4420</a>	<a href="#">14 Aug 1998</a>
<a href="#">Health (Asbestos) Amendment Regulations 2000</a>	<a href="#">29 Dec 2000 p. 7907-11 (as amended in <i>Gazette</i> 30 Mar 2001 p. 1756 r. 4)</a>	<a href="#">1 Apr 2001 (see r. 2 and <i>Gazette</i> 30 Mar 2001 p. 1837)</a>
<b><u>Reprint of the <i>Health (Asbestos) Regulations 1992</i> as at 1 June 2001</u></b> (includes amendments listed above)		
<a href="#">Health (Asbestos) Amendment Regulations 2002</a>	<a href="#">13 Aug 2002 p. 4179</a>	<a href="#">13 Aug 2002</a>
<a href="#">Health (Asbestos) Amendment Regulations 2006</a>	<a href="#">15 Dec 2006 p. 5622</a>	<a href="#">15 Dec 2006</a>
<a href="#">Health (Asbestos) Amendment Regulations 2016</a>	<a href="#">10 Jan 2017 p. 199-211</a>	<a href="#">r. 1 and 2: 10 Jan 2017 (see r. 2(a)); Regulations other than r. 1 and 2: 24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)</a>
<a href="#">Health Regulations Amendment (Public Health) Regulations 2016 Pt. 10</a>	<a href="#">10 Jan 2017 p. 237-308</a>	<a href="#">24 Jan 2017 (see r. 2(b) and <i>Gazette</i> 10 Jan 2017 p. 165)</a>