

South Australia

## **Occupational Health, Safety and Welfare (Asbestos) Variation Regulations 2004**

under the *Occupational Health, Safety and Welfare Act 1986*

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### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Occupational Health, Safety and Welfare (Asbestos) Variation Regulations 2004*.

#### **2—Commencement**

These regulations will come into operation on the day on which they are made.

#### **3—Variation provisions**

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

### **Part 2—Variation of *Occupational Health, Safety and Welfare Regulations 1995***

#### **4—Variation of regulation 4.2.4—Licence to carry out asbestos removal work**

- (1) Regulation 4.2.4(2)(c)—delete "200" and substitute:

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- (2) Regulation 4.2.4(4)—delete subregulation (4) and substitute:
- (4) The Director may grant an asbestos removal licence if the Director is satisfied—
    - (a) that the applicant is suitably qualified, or has 1 or more supervisors who are suitably qualified, (through having appropriate qualifications and experience) to supervise or direct any asbestos removal work carried out under the licence; and
    - (b) that the applicant has systems in place to ensure—
      - (i) that any person who undertakes the asbestos removal work is properly trained in the performance of the relevant work; and
      - (ii) that the asbestos removal work will be carried out in a safe and proper manner.
- (3) Regulation 4.2.4(5)—after paragraph (b) insert:
- (ba) that the licensee will not commence asbestos removal work at a particular site (being work for which a licence is required) without having a written plan outlining the measures and processes that are to be adopted by the licensee to ensure that the work is carried out safely and in accordance with the requirements of these regulations and the conditions of the licence, and that the licensee will ensure that a copy of that plan is retained at the site (while work is being carried out) until the completion of the work; and
  - (bb) that the licensee will ensure that any asbestos removal work is carried out under the supervision or direction of a person who has such qualifications and experience as are necessary to ensure that the work is carried out in a safe and proper manner; and
- (4) Regulation 4.2.4—after subregulation (6) insert:
- (6a) A licensee is not required to comply with subregulation (5)(b) in an emergency situation involving an immediate risk to health or safety where the licensee is unable to contact an inspector in order to obtain the approval of the Director in the immediate circumstances but, in such a case, the licensee must, at the earliest practicable opportunity, apply to the Director for the relevant approval (which may be given subject to conditions).
- (5) Regulation 4.2.4—after subregulation (10) insert:
- (11) A person who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.  
Penalty: Division 6 fine.

### **5—Variation of regulation 4.2.7—General duty**

Regulation 4.2.7(4)—at the foot of subregulation (4) insert:

Penalty: Division 6 fine.

**6—Variation of regulation 4.2.8—Duties of employers**

- (1) Regulation 4.2.8(3)(b)—delete "30" and substitute:  
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- (2) Regulation 4.2.8—after subregulation (6) insert:
  - (7) An employer who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.  
Penalty: Division 6 fine.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 12 August 2004

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