

1990 - No. 635

CONSTRUCTION SAFETY ACT 1912 - REGULATION

(Relating to construction work involving asbestos
and asbestos cement)

NEW SOUTH WALES



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HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Construction Safety Act 1912, has been pleased to make the Regulation set forth hereunder.

JOHN FAHEY
Minister for Industrial Relations.

Commencement

1. This Regulation commences on 1 November 1990.

Amendments

2. The Construction Safety Regulations 1950 are amended:
 - (a) by omitting from Regulation 84A (1) the definition of "AS 1319" and by inserting instead the following definition:

"AS 1319-1983" means Australian Standard 1319-1983 published by the Standards Association of Australia in 1983 and entitled "Safety Signs for the Occupational Environment" as in force at the time of that publication;
 - (b) by omitting from Regulation 84A (1) the definition of "asbestos cement process" and by inserting instead the following definition:

"asbestos cement process" means a process, including drilling, grinding, finishing, routing, sanding, sawing or demolishing, involving asbestos cement;

- (c) by omitting from Regulation 84A (1) the definition of "asbestos material process" and 1 by inserting instead the following definition:

"asbestos material process" means a process involving the installation, sealing, repair, removal or demolition of asbestos material;

- (d) by omitting from paragraph (a) of the definition of "excess dust" in Regulation 84A (1) the words ", fibrous anthophyllite, tremolite or actinolite";
- (e) by omitting from paragraph (b) of the definition of "excess dust" in Regulation 84A (1) the words "or amosite" and by inserting instead the words ", amosite, fibrous anthophyllite, tremolite or actinolite";
- (f) by omitting from paragraph (b) of the definition of "prescribed work" in Regulation 84A (1) the words "or amosite" wherever occurring and by inserting instead the words ", amosite, fibrous anthophyllite, tremolite or actinolite";
- (g) by inserting after Regulation 84CA the following Regulation:

Use of fibrous anthophyllite, tremolite or actinolite

84CB. (1) A constructor must not use fibrous anthophyllite, tremolite or actinolite or any materials (including any products formed from asbestos cement) containing fibrous anthophyllite, tremolite or actinolite in any construction work, other than construction work involving the handling of asbestos material which was used before 1 November 1990 on any building or structure.

(2) If construction work involving the handling of asbestos material which was used before 1 November 1990 on any building or structure is to be carried out, the material is to be taken, unless the constructor proves otherwise to the satisfaction of the Chief Inspector, to contain fibrous anthophyllite, tremolite or actinolite.

- (h) by omitting Regulation 84D (1) (b) and by inserting instead the following paragraph:
- (b) the process is carried out in compliance with such of the provisions, if any, of the "Code of Practice for the Safe

Removal of Asbestos", "Guide to the Control of Asbestos Hazards in Buildings and Structures" and "Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust" issued by the National Occupational Health and Safety Commission in August, 1988 as are applicable to the process;

- (i) by omitting Regulation 84D (2) (c) and by inserting instead the following paragraph
 - (c) except as provided by Regulation 84C, 84CA or 84CB, ensure that any asbestos material containing crocidolite, amosite, fibrous anthophyllite, tremolite or actinolite is not used in any work;
- (j) by omitting from Regulation 84E (f) the words "adopted by the National Health and Medical Research Council of Australia" and by inserting instead the words "issued by the National Occupational Health and Safety Commission";
- (k) by omitting Regulation 84F (1) (a) (ii) - (iv) and by inserting instead the following subparagraphs:
 - (ii) in an area in which excess dust may be inhaled; or
 - (iii) engaged in any prescribed work,
- (l) by inserting in Regulation 84H (2) and (7) after the matter "AS 1319" wherever occurring the matter "- 1983";
- (m) by inserting after Regulation 84HA the following Regulation:

Re-use of asbestos material or asbestos cement

84HB. A constructor must not, in or in connection with carrying out construction work, re-use asbestos material or asbestos cement.

- (n) by omitting from the definition of "authorised medical officer" in Regulation 841 (1) the words "Department of Industrial Relations" and by inserting instead the words "WorkCover Authority".

EXPLANATORY NOTE

The object of this Regulation is to amend the Construction Safety Regulations 1950 made under the Construction Safety Act 1912 so as:

- (a) to revise references to requirements applying in relation to oversight of construction work involving asbestos and asbestos cement; and

- (b) to amend various provisions to ensure that the requirements apply to such work even if excess dust is not generated; and
 - (c) to revise the definition of "excess dust" by lowering the threshold limit for airborne fibres of certain asbestos minerals to accord with limits endorsed by WorkSafe Australia and the majority of Australian States; and
 - (d) to prohibit the use by a constructor of fibrous anthophyllite, tremolite and actinolite and to ensure that these minerals are regulated in the same manner as other asbestos minerals; and
 - (e) to prohibit a constructor from re-using asbestos material or asbestos cement.
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