



2004B00246

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## Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2004 (No. 1)<sup>1</sup>

Statutory Rules 2004 No. 1<sup>2</sup>

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I, PHILIP MICHAEL JEFFERY, Governor-General of the Commonwealth of Australia, acting with the advice of the Federal Executive Council, make the following Regulations under the *Occupational Health and Safety (Commonwealth Employment) Act 1991*.

Dated 21 JUL 2004 2004

PM Jeffery  
Governor-General

By His Excellency's Command

KEVIN ANDREWS  
Minister for Employment and Workplace Relations

**1 Name of Regulations**

These Regulations are the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Amendment Regulations 2004 (No. 1)*.

**2 Commencement**

These Regulations commence on the date of their notification in the *Gazette*.

**3 Amendment of *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994***

Schedule 1 amends the *Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994*.

**Schedule 1 Amendments**

(regulation 3)

**[1] Regulation 6.03, definition of *in situ***

*substitute*

*in situ*, in relation to a product that contains asbestos, means that, at the time the use of the form of asbestos in the product is prohibited under regulation 6.16, the product is fixed or installed:

(a) in:

- (i) a building or any other structure that forms a workplace; or
- (ii) a plant, a vehicle or any other thing that is for use at a workplace; and

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- (b) in a way that does not constitute a risk to users until the asbestos contained in the product is disturbed.

**[2] Schedule 1A, item 4, column 3, paragraph (b)**

*omit*

roadworks

*insert*

roadworks;

**[3] Schedule 1A, item 4, column 3, after paragraph (b)**

*insert*

- (c) use (without disturbance) of amosite in products that are in situ

**[4] Schedule 1A, item 8, column 3, paragraph (b)**

*omit*

roadworks

*insert*

roadworks;

**[5] Schedule 1A, item 8, column 3, after paragraph (b)**

*insert*

- (c) use (without disturbance) of crocidolite in products that are in situ

**[6] Schedule 1A, item 26, column 3, paragraph (b)**

*omit*

roadworks

*insert*

roadworks;

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**[7] Schedule 1A, item 26, column 3, after paragraph (b)**

*insert*

- (c) use (without disturbance) of actinolite in products that are in situ

**[8] Schedule 1A, item 27, column 3, paragraph (b)**

*omit*

roadworks

*insert*

roadworks;

**[9] Schedule 1A, item 27, column 3, after paragraph (b)**

*insert*

- (c) use (without disturbance) of anthophyllite in products that are in situ

**[10] Schedule 1A, item 28, column 3, paragraph (b)**

*omit*

roadworks

*insert*

roadworks;

**[11] Schedule 1A, item 28, column 3, after paragraph (b)**

*insert*

- (c) use (without disturbance) of tremolite in products that are in situ

**[12] Schedule 1, item 204, column 3**

*substitute*

1. Bona fide research.
2. Handling for storage prior to removal or disposal of amosite.

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3. Storage prior to removal or disposal of amosite.
  4. Removal or disposal of amosite in accordance with a law of a State or Territory relating to the removal of asbestos.
  5. Disturbance of naturally occurring amosite that is incidental to operations not related to the extraction or processing of amosite, for example, roadworks.
  6. Use (without disturbance) of amosite in products that are in situ.

**[13] Schedule 1, item 208, column 3**

*substitute*

1. Bona fide research.
2. Handling for storage prior to removal or disposal of crocidolite.
3. Storage prior to removal or disposal of crocidolite.
4. Removal or disposal of crocidolite in accordance with a law of a State or Territory relating to the removal of asbestos.
5. Disturbance of naturally occurring crocidolite that is incidental to operations not related to the extraction or processing of crocidolite, for example, roadworks.
6. Use (without disturbance) of crocidolite in products that are in situ.

**[14] Schedule 1, item 212, column 3**

*substitute*

1. Bona fide research.
2. Handling for storage prior to removal or disposal of actinolite.
3. Storage prior to removal or disposal of actinolite.
4. Removal or disposal of actinolite in accordance with a law of a State or Territory relating to the removal of asbestos.
5. Disturbance of naturally occurring actinolite that is incidental to operations not related to the extraction or processing of actinolite, for example, roadworks.
6. Use (without disturbance) of actinolite in products that are in situ.

**[15] Schedule 1, item 213, column 3***substitute*

1. Bona fide research.
2. Handling for storage prior to removal or disposal of anthophyllite.
3. Storage prior to removal or disposal of anthophyllite.
4. Removal or disposal of anthophyllite in accordance with a law of a State or Territory relating to the removal of asbestos.
5. Disturbance of naturally occurring anthophyllite that is incidental to operations not related to the extraction or processing of anthophyllite, for example, roadworks.
6. Use (without disturbance) of anthophyllite in products that are in situ.

**[16] Schedule 1, item 215, column 3***substitute*

1. Bona fide research.
2. Handling for storage prior to removal or disposal of tremolite.
3. Storage prior to removal or disposal of tremolite.
4. Removal or disposal of tremolite in accordance with a law of a State or Territory relating to the removal of asbestos.
5. Disturbance of naturally occurring tremolite that is incidental to operations not related to the extraction or processing of tremolite, for example, roadworks.
6. Use (without disturbance) of tremolite in products that are in situ.

**Notes**

1. These Regulations amend Statutory Rules 1994 No. 414, as amended by 1995 Nos. 53, 98 and 337; 1996 Nos. 129 and 288; 1997 No. 227; 1999 Nos. 66, 86 and 189; 2000 No. 289; 2001 No. 326; 2003 Nos. 286 and 314.
2. Notified in the *Commonwealth of Australia Gazette* on *h* 2004. *28 July*