

Dangerous Substances (National Occupational Health and Safety Commission Code of Practice for the Safe Removal of Asbestos 2nd Edition) Approval 2005

DISALLOWABLE INSTRUMENT DI2005-297

Explanatory Statement

Section 219 of the *Dangerous Substances Act 2004* provides that the Minister may approve a code of practice setting out guidelines for the Act.

Under s.38 of the *National Occupational Health and Safety Commission Act 1985* (Cwlth), the National Occupational Health and Safety Commission (NOHSC) could declare national standards and codes of practice. In 1988, NOHSC declared the *Code of Practice for the Safe Removal of Asbestos* [NOHSC:2002(1988)]. NOHSC also declared a supporting *Guide to the Control of Asbestos Hazards in Buildings and Structures* [NOHSC:3002(1988)] which provided information on the identification of hazards, development of management plans, and preparation of asbestos registers and a *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust* [NOHSC:3002(1989)].

In 1991, the NOHSC Safe Removal Code of Practice and the Guidance Notes were approved as a code of practice under the *Occupational Health and Safety Act 1989* (ACT). The approval has been revoked through a separate instrument made under that Act in conjunction with the signing of this instrument.

In April 2005, NOHSC revoked the declaration of the 1988 and 1989 documents. In their stead, NOHSC declared the following revised and updated documents:

- *Code of Practice for the Safe Removal of Asbestos* 2nd edition [NOHSC:2002(2005)];
- *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC:2018(2005)]; and
- *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres* 2nd Edition [NOHSC:3003(2005)].

The new codes strengthen the focus on managing asbestos *in-situ* in workplaces, and update removal practices. The documents propose that asbestos be removed where possible and, where this is not practicable, provide guidance on the safe management of asbestos. A

Regulation Impact Statement prepared by NOHSC prior to declaration of the Codes and the Guidance Note was approved by the Commonwealth Office of Regulation Review in February 2005.

The 2005 NOHSC documents will be progressively integrated into the asbestos regulatory regime developed through the *Dangerous Substances Act 2004* (ACT) commencing with the approval of *Code of Practice for the Safe Removal of Asbestos* 2nd edition as a code of practice under the Act.

The approval under section 219 is a disallowable instrument.

The instrument commences on 1 May 2006.