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Occupational Health and Safety (Maritime Industry) (National Standards) Amendment Regulations 2004 (No. 1)¹

Statutory Rules 2004 No. 1²

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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 (Maritime Industry) Act 1993*.

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 (Maritime Industry) (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 (Maritime Industry) (National Standards) Regulations 2003

Schedule 1 amends the *Occupational Health and Safety (Maritime Industry) (National Standards) Regulations 2003*.

Schedule 1 Amendments

(regulation 3)

[1] Regulation 2.03, 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 that is in the product is prohibited under regulation 2.08, the product is fixed or installed:

- (a) in:
 - (i) a ship or any other structure that forms a workplace;
or
 - (ii) a plant or any other thing that is for use at a workplace; and
- (b) in a way that does not constitute a risk to users until the asbestos contained in the product is disturbed.

Examples

The following are examples of asbestos in products that are in situ:

- (a) amosite and chrysotile used between lamina in laminated panelling;
- (b) chrysotile used as a fire retardant in wall cladding in engine rooms.

[2] Schedule 1, item 1, third column, paragraph (b)

omit

roadworks

insert

roadworks;

[3] Schedule 1, item 1, third column, after paragraph (b)

insert

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

[4] Schedule 1, item 2, third column, paragraph (b)

omit

roadworks

insert

roadworks;

[5] Schedule 1, item 2, third column, after paragraph (b)

insert

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

[6] Schedule 1, item 3, third column, paragraph (b)

omit

roadworks

insert

roadworks;

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- [7] Schedule 1, item 3, third column, after paragraph (b)**
insert
(c) use (without disturbance) of anthophyllite in products that are in situ
- [8] Schedule 1, item 5, third column, paragraph (b)**
omit
roadworks
insert
roadworks;
- [9] Schedule 1, item 5, third column, after paragraph (b)**
insert
(c) use (without disturbance) of crocidolite in products that are in situ
- [10] Schedule 1, item 6, third column, paragraph (b)**
omit
roadworks
insert
roadworks;
- [11] Schedule 1, item 6, third column, after paragraph (b)**
insert
(c) use (without disturbance) of tremolite in products that are in situ
- [12] Schedule 2, item 1, third column**
substitute
1. Bona fide research.
2. Handling for storage prior to removal or disposal of actinolite.

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3. Storage prior to removal or disposal of actinolite.
 4. Removal or disposal of actinolite in accordance with:
 - (a) a law of a State or Territory relating to the removal of asbestos; or
 - (b) if no such law applies — the Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1988)].
 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.

[13] Schedule 2, item 2, third column, after item 5

insert

6. Use (without disturbance) of amosite in products that are in situ

[14] Schedule 2, item 3, third column

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) a law of a State or Territory relating to the removal of asbestos; or
 - (b) if no such law applies — the Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1988)].
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.

[15] Schedule 2, item 5, third column, after item 5

insert

6. Use (without disturbance) of crocidolite in products that are in situ

[16] Schedule 2, item 6, third column

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) a law of a State or Territory relating to the removal of asbestos; or
 - (b) if no such law applies — the Code of Practice for the Safe Removal of Asbestos [NOHSC:2002 (1988)].
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 2003 No. 324.
2. Notified in the *Commonwealth of Australia Gazette* on

h 2004. 28 July