

Reprint
as at 4 April 2016



Health and Safety in Employment (Asbestos) Regulations 1998

(SR 1998/443)

Health and Safety in Employment (Asbestos) Regulations 1998: revoked, on 4 April 2016, by regulation 100 of the Health and Safety at Work (Asbestos) Regulations 2016 (LI 2016/15).

Michael Hardie Boys, Governor-General

Order in Council

At Wellington this 14th day of December 1998

Present:

His Excellency the Governor-General in Council

Pursuant to section 21 of the Health and Safety in Employment Act 1992, His Excellency the Governor-General, acting by and with the advice and consent of the Executive Council, makes the following regulations.

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Note

Changes authorised by subpart 2 of Part 2 of the Legislation Act 2012 have been made in this official reprint.
Note 4 at the end of this reprint provides a list of the amendments incorporated.

These regulations are administered by the Ministry of Business, Innovation, and Employment.

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Regulations

1 Title and commencement

- (1) These regulations may be cited as the Health and Safety in Employment (Asbestos) Regulations 1998.
- (2) These regulations come into force on the 28th day after the date of their notification in the *Gazette*.

2 Interpretation

In these regulations, unless the context otherwise requires,—

Act means the Health and Safety in Employment Act 1992

asbestos means—

- (a) amosite, chrysotile, crocidolite, fibrous actinolite, fibrous anthophyllite, or fibrous tremolite; or
- (b) a mixture containing a mineral specified in paragraph (a); or
- (c) a material that is composed wholly or partly of a mineral specified in paragraph (a); or

- (d) a material or article that is contaminated by a mineral specified in paragraph (a)

asbestos dust has the meaning given to it in Schedule 1

asbestos fibre means a particle of asbestos that—

- (a) is not less than 5 micrometres and not more than 100 micrometres in length; and
- (b) is less than 3 micrometres in width; and
- (c) has a length to width ratio of not less than 3 to 1

certificate of competence means a certificate of the kind referred to in regulation 19(1)

dust control equipment means equipment that, when used in satisfactory working order, suppresses the release of asbestos fibres into the air by any means, including the conveying of water or any other wetting agent to the asbestos that would otherwise generate asbestos dust

friable means asbestos that under ordinary conditions can be easily crumbled

New Zealand accredited laboratory means a laboratory that is currently accredited by International Accreditation New Zealand on behalf of the Accreditation Council

protective clothing means protective clothing that is to be used or is used in a place of work to help to prevent asbestos dust causing harm to the wearer of the clothing

protective equipment means protective equipment that is to be used or is used in a place of work to prevent asbestos dust causing harm to the user of the equipment

restricted work means work in 1 or more of the following categories:

- (a) work involving asbestos, if the asbestos concerned is friable and is or has been used in connection with thermal or acoustic insulation, or fire protection, in buildings, ships, structures, or vehicles:
- (b) work involving asbestos, if the asbestos concerned is friable and is or has been used in connection with lagging around boilers, ducts, furnaces, or pipes:
- (c) the demolition or maintenance of any thing, including a building or a part of a building, containing friable asbestos:
- (d) the encapsulation of materials containing friable asbestos:
- (e) the use, on asbestos cement or other bonded product containing asbestos, of—
- (i) a power tool with any kind of cutting blade or abrasive device, except when it is used with dust control equipment; or

- (ii) any other equipment whose use may result in the release of asbestos dust, except when it is used with dust control equipment:
- (f) dry sanding of floor coverings containing asbestos

vacuum cleaning equipment means vacuum cleaning equipment complying with the requirements of the Australian Standard numbered AS 3544—1988 and entitled “Industrial Vacuum Cleaners for Particulates Hazardous to Health”

work involving asbestos means—

- (a) work involving the cleaning, disposal, handling, processing, storage, use, or working of asbestos; or
- (b) work involving the demolition or maintenance of any thing, including a building or a part of a building, containing asbestos; or
- (c) cleaning work carried out as a consequence of, or in connection with, work specified in paragraph (a) or paragraph (b).

Regulation 2 **New Zealand accredited laboratory**: amended, on 21 October 2015, by section 45(2) of the Standards and Accreditation Act 2015 (2015 No 91).

3 **Meaning of employer and employee**

- (1) In these regulations, **employer** includes—
 - (a) a person who controls a place of work; and
 - (b) a principal who controls the place of work at which a contractor or subcontractor works.
- (2) In these regulations, **employee**,—
 - (a) in relation to a person who controls a place of work, means a person working in the place of work; and
 - (b) in relation to a principal, means an employee of a contractor or subcontractor or, if a contractor or subcontractor is an individual, the contractor or subcontractor, being an employee, contractor, or subcontractor doing work (other than residential work) that the contractor was engaged to do.

4 **Relationship between Act and regulations**

A person on whom a duty is imposed by these regulations in relation to a particular set of circumstances must, on the occurrence of those circumstances, comply with that duty, despite the fact that the Act may impose the same, a similar, or an additional duty on that person in relation to that set of circumstances.

Part 1

Duties of employers in relation to all work involving asbestos

Testing for identification of asbestos

5 Approved laboratory to specify testing method

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that, when it is necessary to know whether a substance is or is not asbestos, the substance is tested in accordance with a method specified by a New Zealand accredited laboratory for the identification of asbestos.
- (3) Every employer must take all practicable steps to ensure that, when the air in the place of work is tested for the presence of asbestos dust, the test is conducted in accordance with a method specified by a New Zealand accredited laboratory for atmospheric testing for airborne asbestos fibre concentrations.

Protection from exposure to asbestos dust

6 Warning notices

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos that is likely to produce asbestos dust.
- (2) Every employer must take all practicable steps to ensure that—
 - (a) signs are made that state, in letters at least 100 millimetres high, “ASBESTOS HAZARD AREA—KEEP OUT”; and
 - (b) the signs are placed at all entrances to the areas in which the work is carried out; and
 - (c) the signs are placed so that they are clearly visible.

7 Dust control measures

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that—
 - (a) the release of asbestos fibres into the air is suppressed; or
 - (b) if it is not possible to suppress the release into the air of asbestos fibres that are likely to produce asbestos dust,—
 - (i) protective clothing is issued to, and worn by, every employee; and
 - (ii) protective equipment is issued to every employee who needs it and is used by every such employee.
- (3) Every employer must take all practicable steps to ensure that—

- (a) protective clothing is issued to, and worn by, every employee; and
 - (b) protective equipment is issued to every employee who needs it and is used by every such employee—
when asbestos is cut, ground, sanded, or otherwise abraded during the removal of asbestos from a building, ship, structure, or vehicle.
- (4) Every employer must take all practicable steps to ensure that dust control equipment is used when asbestos is cut, ground, sanded, or otherwise abraded in any other case.

8 Adequate and suitable storage

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that adequate and suitable storage for protective clothing and protective equipment is provided in a changing area that is accessible to, and conveniently located for, every employee who needs to wear the clothing or use the equipment.

Cleanliness

9 Maintaining cleanliness

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that—
 - (a) all plant; and
 - (b) every work bench; and
 - (c) the external surfaces of all dust control equipment; and
 - (d) all floors, inside walls, ceilings, ledges, and other internal surfaces; and
 - (e) all storage, and every changing area, referred to in regulation 8—
are kept free from asbestos waste, and from dust of any kind, by a method described in subclause (3).
- (3) The methods are—
 - (a) using vacuum cleaning equipment suitable for the purpose; or
 - (b) effectively wetting the area to be cleaned, by means of a water spray applied gently, and then by cleaning the area; or
 - (c) using any other effective way of suppressing the release of asbestos dust into the air.
- (4) Every employer must take all practicable steps to ensure that the external surfaces of equipment used for the purposes of subclause (3) are kept free from asbestos waste and from dust of any kind.

10 Laundering of contaminated clothing

- (1) Every employer must take all practicable steps to ensure, in relation to every place of work under the control of that employer at which employees carry out restricted work, that all clothing that is contaminated by asbestos as a result of the work is disposed of as asbestos waste in accordance with regulation 13.
- (2) Every employer must take all practicable steps to ensure, in relation to every place of work under the control of that employer at which employees carry out any other work involving asbestos, that all clothing that is contaminated by asbestos as a result of that work is either—
 - (a) disposed of as asbestos waste in accordance with regulation 13; or
 - (b) laundered in accordance with the following requirements:
 - (i) the clothing is, wherever practicable, laundered at the place at which the work involving asbestos has been carried out; and
 - (ii) if it is not practicable to launder the clothing at that place, the clothing is, before being taken to the place where it is to be laundered, damped and placed in a closed container impermeable to asbestos dust and conspicuously marked with the words “ASBESTOS CONTAMINATED CLOTHING”; and
 - (iii) wherever the clothing is laundered, it is laundered in such a manner as to clean the clothing and to suppress the release of asbestos dust into the air; and
 - (iv) every employee to whom the clothing is given for laundering receives, before being given the clothing, instructions on the precautions to be taken to ensure that the clothing is laundered and handled in such a manner as to protect the safety of every employee coming into contact with it during the laundering process; and
 - (v) the clothing is not laundered by an employee at an employee’s home.

*Storage, distribution, and disposal of asbestos***11 Storage of asbestos**

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that asbestos likely to produce asbestos dust is stored in containers that are—
 - (a) closed; and
 - (b) impermeable to asbestos dust; and
 - (c) conspicuously marked, in letters at least 25 millimetres high, with the words “ASBESTOS HAZARD—WEAR RESPIRATOR AND PROTECTIVE CLOTHING WHILE HANDLING CONTENTS”.

- (3) Every employer must take all practicable steps to ensure that all asbestos used in connection with work involving asbestos is stored so as not to create a hazard.

12 Distribution of asbestos

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that asbestos waste that is likely to produce asbestos dust is distributed or received—
- (a) in closed containers that suppress the release of asbestos dust into the air; or
 - (b) in enclosed dust-proof systems of conveyance.

13 Disposal of asbestos waste

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that all asbestos waste that is to be disposed of in accordance with subclause (3) is, while awaiting disposal, kept in containers that are—
- (a) closed; and
 - (b) impermeable to asbestos dust; and
 - (c) conspicuously marked, in letters at least 25 millimetres high, with the words “ASBESTOS HAZARD—WEAR RESPIRATOR AND PROTECTIVE CLOTHING WHILE HANDLING CONTENTS”.
- (3) Every employer must take all practicable steps to ensure that all asbestos waste is, as soon as possible after it is produced, disposed of safely and regularly by—
- (a) depositing it in a place approved for the purpose by a territorial authority under the Resource Management Act 1991; and
 - (b) immediately covering it with not less than 1 metre of earth.
- (4) Every employer must take all practicable steps to ensure that—
- (a) every container that has been emptied of asbestos—
 - (i) is rendered unusable, in a manner that does not create asbestos dust; and
 - (ii) is disposed of in the same manner as if it were asbestos waste; and
 - (b) no previously used product that contains asbestos is re-used or offered for sale.

*Maintenance of equipment***14 Maintenance of protective clothing and equipment**

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that protective clothing and equipment are maintained in satisfactory working order.

15 Maintenance of dust control equipment

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos that is likely to produce asbestos dust.
- (2) Every employer must take all practicable steps to ensure that dust control equipment used in the course of the work is inspected for defects at least once every 7 days by an employee who has—
 - (a) the relevant knowledge, experience, and skill to inspect dust control equipment for defects; and
 - (b) either—
 - (i) a relevant qualification; or
 - (ii) a certificate issued by the employee's employer—
evidencing the employee's possession of that knowledge, experience, and skill.

16 Maintenance of cleaning equipment

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that—
 - (a) equipment used for the purposes of regulation 9(3) is so maintained that it is safe for every employee to use; and
 - (b) every employee to whom equipment used for the purposes of regulation 9(3) is given for repair receives, before being given the equipment, instructions on the precautions to be taken to ensure that the equipment is handled in such a manner as to protect the safety of every employee coming into contact with it during the repair process.

Part 2**Duties of employers in relation to restricted work****17 Isolation of work areas**

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out restricted work.

- (2) Every employer must take all practicable steps to ensure that the area where the restricted work is carried out is isolated in such a way as to suppress the release of asbestos fibres from that area to any other area.

18 Certificates of competence for restricted work involving asbestos

- (1) This regulation applies to every place of work under the control of an employer at which employees carry out work involving asbestos.
- (2) Every employer must take all practicable steps to ensure that every employee who undertakes restricted work—
 - (a) holds a certificate of competence; or
 - (b) is working under the direct supervision of a person who holds such a certificate.

Part 3 Certificates of competence

19 Certificates of competence

- (1) A certificate of competence as an asbestos worker who may undertake restricted work may be issued under regulation 26.
- (2) A certificate of competence as an asbestos worker who may undertake restricted work authorises the holder to participate in a category of restricted work specified in the certificate.

Application, issue, renewal, cancellation, and suspension

20 WorkSafe may recognise organisations

- (1) WorkSafe may, on being satisfied that it is appropriate to do so, recognise an organisation as an organisation that may issue certificates of competence.
- (2) WorkSafe may, on being satisfied that it is appropriate to do so, withdraw recognition from an organisation recognised under this regulation.
- (3) If WorkSafe has recognised an organisation, or withdrawn recognition from an organisation, under this regulation, the Secretary must publish a notice to that effect in the *Gazette*.

Regulation 20 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 20(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 20(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 20(3): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

21 Application for certificate of competence to be made to chief executive or WorkSafe

- (1) An application for a certificate of competence must be made—
- (a) to the chief executive of an organisation that has been recognised by WorkSafe under regulation 20 as an organisation that may issue certificates of competence, by lodging the application at the head office of the organisation; or
 - (b) if no such organisation has been recognised, to WorkSafe, by lodging the application at an office—
 - (i) that deals with occupational safety and health matters; and
 - (ii) that is an office of the department.
- (2) Every application made under subclause (1) for which a fee is prescribed in Schedule 2 must be accompanied by the fee so prescribed.

Regulation 21 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 21(1)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 21(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

22 Application to contain evidence

An application for a certificate of competence must contain evidence of the matters referred to in regulation 23.

23 Requirements of applicants

An applicant for a certificate of competence must—

- (a) have a thorough knowledge of the hazards associated with restricted work; and
- (b) have a thorough knowledge of the work practices to be followed in undertaking restricted work; and
- (c) be physically and mentally able to perform every task that it is reasonable to expect the holder of a certificate to perform; and
- (d) be of good character and reputation.

24 Investigations by chief executive or WorkSafe

- (1) For the purpose of investigating whether an applicant for a certificate of competence is a person to whom regulation 23 applies, the chief executive or WorkSafe, as the case may be, may—
- (a) request the applicant to supply information on relevant matters; and
 - (b) request a person who the chief executive or WorkSafe believes is able to provide relevant information to provide information on relevant matters.

- (2) A request under subclause (1)—
 - (a) must specify those matters on which the chief executive or WorkSafe, as the case may be, seeks information; and
 - (b) may be made from time to time.
- (3) The applicant must supply information on such matters as may be specified in a request made under subclause (1)(a).
- (4) A person to whom a request is made under subclause (1)(b) must supply information on such matters as may be specified in the request, if the person holds that information or can reasonably be expected to obtain it.
- (5) Every person has the same privileges in relation to the giving of information to the chief executive or WorkSafe, as the case may be, as witnesses have in a court.
- (6) No person is liable to prosecution for an offence against an enactment by reason of that person's compliance with a requirement of the chief executive or WorkSafe, as the case may be, under this regulation.

Regulation 24 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(1)(b): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(2)(a): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(5): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 24(6): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

25 Use of information

For the purpose of determining whether an applicant is a person to whom regulation 23 applies, the chief executive or WorkSafe, as the case may be, may take into account information received in response to the exercise of the powers conferred by regulation 24.

Regulation 25: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

26 Chief executive or WorkSafe to issue certificate of competence

- (1) A chief executive or WorkSafe, as the case may require, to whom an application for a certificate of competence is made must issue a certificate if he or she is satisfied—
 - (a) that the application was made in accordance with regulations 21 and 22; and
 - (b) that the applicant is a person to whom regulation 23 applies.

- (2) If a chief executive or WorkSafe, as the case may require, refuses to issue a certificate of competence, he or she must supply to the applicant a statement of the reasons for the refusal.

Regulation 26 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 26(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 26(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

27 WorkSafe to determine duration

- (1) WorkSafe must from time to time determine the period for which certificates of competence, issued after a date to be determined by WorkSafe, remain in force.
- (2) Every certificate of competence expires at the close of the day that concludes the period for which certificates of competence remain in force.
- (3) Every certificate of competence must show on its face the date on which it expires.

Regulation 27 heading: amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 27(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

28 Renewal of certificate of competence

- (1) An application for the renewal of a certificate of competence must—
- (a) be made before the day on which the certificate expires; and
 - (b) be accompanied by the fee, if any, prescribed in Schedule 2; and
 - (c) be made,—
 - (i) if the certificate was issued by an organisation recognised under regulation 20, to the chief executive of that organisation; or
 - (ii) if WorkSafe has withdrawn recognition from the organisation that issued the certificate or if the organisation has ceased to exist, to the chief executive of an organisation recognised under regulation 20 whose functions are substantially similar to those of the organisation that issued the certificate, or to WorkSafe; or
 - (iii) if the certificate was issued by the Secretary, to WorkSafe.
- (2) If WorkSafe has, after the date on which a certificate of competence was issued, recognised an organisation under regulation 20 as an organisation that may issue certificates of competence, WorkSafe must transfer to the organisation every application for a renewal of a certificate of competence.
- (3) If an application is made in accordance with this regulation, the certificate of competence to which the application relates must be renewed, unless the per-

son to whom the application is made or transferred cancels or suspends the certificate under regulation 29.

- (4) A certificate of competence may be renewed before or after the day on which the certificate expires, but in each case the renewed certificate is in force from the commencement of the day following that day.
- (5) Subclauses (2) and (3) of regulation 27 apply to a certificate of competence renewed under this regulation.

Regulation 28(1)(c)(ii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 28(1)(c)(iii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 28(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

29 Cancellation or suspension of certificate of competence

- (1) The person who issued a certificate of competence must cancel the certificate if he or she is satisfied on reasonable grounds that the holder has died.
- (2) The person who issued a certificate of competence must cancel the certificate if, after giving the holder an opportunity to be heard, he or she is satisfied on reasonable grounds—
 - (a) that the certificate was issued in error; or
 - (b) that the holder's application for the certificate contained false information or evidence; or
 - (c) that the holder either never has been or is no longer a person to whom regulation 23 applies.
- (3) The person who issued a certificate of competence must cancel the certificate or suspend the certificate for such period as he or she thinks fit if, after giving the holder an opportunity to be heard, he or she is satisfied on reasonable grounds—
 - (a) that the holder has been so negligent in carrying out a task that the holder of the certificate could reasonably be expected to perform to a reasonable standard that the life of a person has been or could have been endangered; or
 - (b) that the holder has shown himself or herself unfit to be the holder of the certificate by the improper manner in which he or she has carried out a task that the holder of the certificate could reasonably be expected to perform in a proper manner.
- (4) In this regulation, the term **person who issued a certificate of competence** includes a person to whom an application under regulation 28 is made or transferred.

30 Replacement of certificate of competence

- (1) An application for a duplicate of a certificate of competence must—
- (a) be accompanied by the fee, if any, prescribed in Schedule 2; and
 - (b) be made,—
 - (i) if the certificate was issued by an organisation recognised under regulation 20, to the chief executive of that organisation; or
 - (ii) if WorkSafe has withdrawn recognition from the organisation that issued the certificate or if the organisation has ceased to exist, to the chief executive of an organisation recognised under regulation 20 whose functions are substantially similar to those of the organisation that issued the certificate, or to WorkSafe; or
 - (iii) if the certificate was issued by WorkSafe, to WorkSafe.
- (2) If WorkSafe has, after the date on which a certificate of competence was issued, recognised an organisation under regulation 20 as an organisation that may issue certificates of competence, WorkSafe must transfer to the chief executive of that organisation every application for a duplicate of a certificate of competence.
- (3) If the person to whom an application is made or transferred under this regulation is satisfied that a certificate of competence has been lost or destroyed, that person must issue a duplicate of that certificate.

Regulation 30(1)(b)(ii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 30(1)(b)(iii): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

Regulation 30(2): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

31 Register

- (1) Every organisation recognised under regulation 20 and the department must keep a register of the individuals to whom the chief executive or WorkSafe, as the case may be, has issued a certificate of competence.
- (2) Every register kept under subclause (1) must show—
- (a) the full name of the holder;
 - (b) the kind of certificate the holder holds;
 - (c) the date on which the certificate expires;
 - (d) in relation to a certificate that has been suspended, the date on which the suspension took effect and the date on which the suspension ends;
 - (e) in relation to a certificate that has been cancelled, the date of cancellation.

Regulation 31(1): amended, on 16 December 2013, by section 22 of the WorkSafe New Zealand Act 2013 (2013 No 94).

32 Appeal to District Court

- (1) An appeal may be made to a District Court by—
 - (a) an applicant who is dissatisfied with a refusal to issue a certificate of competence under regulation 26:
 - (b) a holder of a certificate of competence who is dissatisfied with a refusal to renew the certificate of competence under regulation 28:
 - (c) a holder of a certificate of competence who is dissatisfied with the cancellation or suspension of the certificate of competence under regulation 29:
 - (d) a holder of a certificate of competence who is dissatisfied with a refusal to issue a duplicate of that certificate under regulation 30.
- (2) Part 9 of the District Courts Rules 1992 applies to an appeal brought under subclause (1).
- (3) The decision of the District Court on an appeal brought under subclause (1) is final.

33 Fees inclusive of goods and services tax

The fees prescribed by Schedule 2 are inclusive of goods and services tax.

34 Transitional provision relating to certificates of competence

A certificate issued under regulation 6A of the Asbestos Regulations 1983 is deemed to have been issued under regulation 26.

Part 4

Duties of manufacturers and suppliers

35 Labelling of products containing asbestos

Every manufacturer and supplier of products containing asbestos must take all practicable steps to ensure that products manufactured or supplied on and after 1 April 1999 bear a label that is—

- (a) in the form specified in Schedule 3; and
- (b) affixed in a conspicuous place; and
- (c) affixed firmly.

Part 5

Offences

36 Offences

- (1) The provisions to which this regulation applies are regulations 5 to 18 and 35.

- (2) The provisions referred to in subclause (1) are provisions to which section 50 of the Act applies. (Section 50 provides that every person who fails to comply with a provision to which that section is declared to apply commits an offence and is liable on conviction to a fine.)

Regulation 36(2): amended, on 1 July 2013, by section 413 of the Criminal Procedure Act 2011 (2011 No 81).

Part 6 Amendments and revocations

37 Consequential amendment

Amendment(s) incorporated in the regulations.

38 Revocations

The following regulations and notice are revoked:

- (a) Asbestos Regulations 1983 (SR 1983/70);
- (b) Asbestos Regulations 1983, Amendment No 1 (SR 1986/300);
- (c) Asbestos Dust (Concentration of Fibres) Notice 1984 (SR 1984/30).

Schedule 1 Meaning of asbestos dust

r 2

1 Definition

In these regulations, **asbestos dust** means asbestos fibres in the air in a concentration exceeding the concentration that is set out in clause 2 for the particular form of asbestos, but only if—

- (a) the fact that the fibres are asbestos is established by testing carried out in accordance with a method specified by a New Zealand accredited laboratory for the identification of asbestos; and
- (b) the fact that the concentration set out in clause 2 is exceeded is established by testing carried out in accordance with a method specified by a New Zealand accredited laboratory for the atmospheric testing of airborne asbestos fibre concentrations.

2 Concentrations

The concentrations are—

Form of asbestos	Concentration
Chrysotile	(a) An average concentration over any 4-hour period of 1 fibre per millilitre of air; and

Form of asbestos	Concentration
	(b) An average concentration over any 10-minute period of 6 fibres per millilitre of air.
Amosite, crocidolite, fibrous actinolite, fibrous anthophyllite, and fibrous tremolite	(a) An average concentration over any 4-hour period of 0.1 fibres per millilitre of air; and (b) An average concentration over any 10-minute period of 0.6 fibres per millilitre of air.

Schedule 2

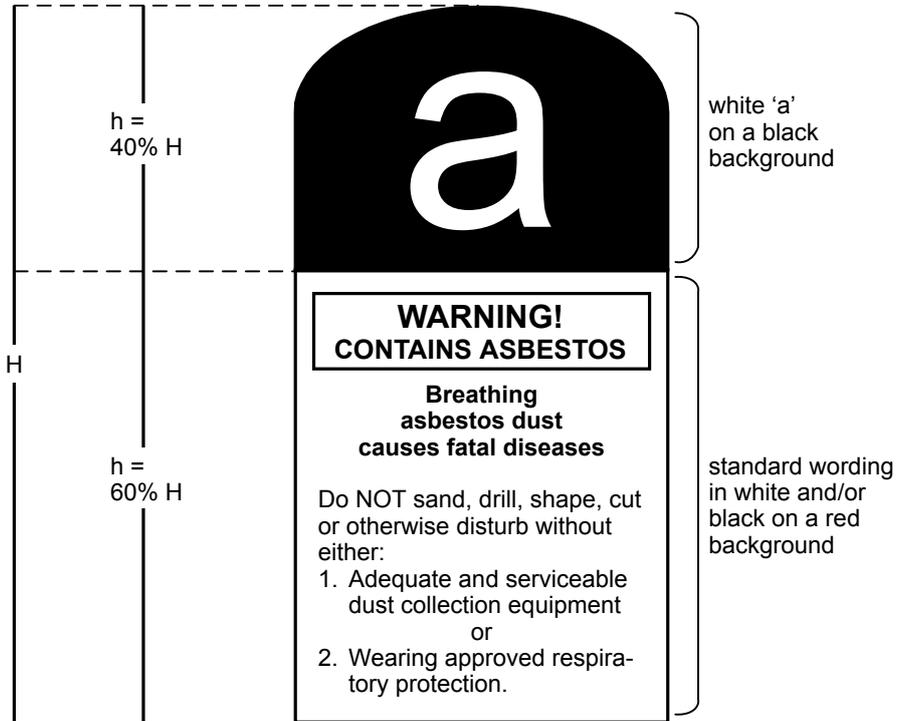
Fees for issue, renewal, and replacement of certificate of competence

rr 21(2), 28(1), 30(1), 33

Issue	\$200
Renewal or replacement	\$100

Schedule 3
Label to be affixed to products containing asbestos

r 35



Marie Shroff,
Clerk of the Executive Council.

Issued under the authority of the Legislation Act 2012.
Date of notification in *Gazette*: 17 December 1998.

Reprints notes

1 *General*

This is a reprint of the Health and Safety in Employment (Asbestos) Regulations 1998 that incorporates all the amendments to those regulations as at the date of the last amendment to them.

2 *Legal status*

Reprints are presumed to correctly state, as at the date of the reprint, the law enacted by the principal enactment and by any amendments to that enactment. Section 18 of the Legislation Act 2012 provides that this reprint, published in electronic form, has the status of an official version under section 17 of that Act. A printed version of the reprint produced directly from this official electronic version also has official status.

3 *Editorial and format changes*

Editorial and format changes to reprints are made using the powers under sections 24 to 26 of the Legislation Act 2012. See also <http://www.pco.parliament.govt.nz/editorial-conventions/>.

4 *Amendments incorporated in this reprint*

Health and Safety at Work (Asbestos) Regulations 2016 (LI 2016/15): regulation 100
Standards and Accreditation Act 2015 (2015 No 91): section 45(2)
WorkSafe New Zealand Act 2013 (2013 No 94): section 22
Criminal Procedure Act 2011 (2011 No 81): section 413