



REPUBLIC OF NAURU

# ENVIRONMENTAL MANAGEMENT AND CLIMATE CHANGE (ASBESTOS MANAGEMENT) REGULATIONS 2024

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The Cabinet makes the following Regulations under Section 62 of the *Environmental Management and Climate Change Act 2020*:

**1 Citation**

These Regulations may be cited as the *Environmental Management and Climate Change (Asbestos Management) Regulations 2024*.

**2 Commencement**

These Regulations commence on the date they are notified in the Gazette.

**3 Definitions**

In these Regulations:

**'Act'** means the *Environmental Management and Climate Change Act 2020*;

**'asbestos'** means any of the following asbestiform varieties:

- (a) asbestos actinolite;
- (b) asbestos grunerite (amosite) (brown asbestos) (cummingtonite-grunerite);
- (c) asbestos anthophyllite;
- (d) asbestos chrysotile (white asbestos) (serpentine);
- (e) asbestos crocidolite (blue asbestos) (riebeckite);
- (f) asbestos tremolite;
- (g) a mixture that contains one or more of the above;

**'Asbestos Management Code of Practice'** means the Asbestos Management Code of Practice referred to under Regulation 4 and includes amendments or supplementary Guidance documents issued for the Code;

**'asbestos containing material'** meaning any goods, material or thing, including waste material and soil, that contains asbestos;

**'asbestos waste'** means any waste that contains asbestos or asbestos containing material;

**'recycling'** means any operation by which asbestos waste is reprocessed into products, materials or substances whether for the original or other purposes; and

**'re-use'** means any operation by which asbestos waste is used again for the same purpose for which that asbestos or asbestos containing material was originally intended.

**4 Asbestos Management Code of Practice**

- (1) The Asbestos Management Code of Practice shall be determined by Minister.
- (2) The Secretary shall cause the Asbestos Management Code of Practice to be published in the Gazette.
- (3) A person who transports, disposes, accepts or removes asbestos, asbestos containing material or asbestos waste under these Regulations, shall comply with the Asbestos Management Code of Practice.

**5 Prohibition on the sale or supply of asbestos and asbestos containing material**

- (1) A person shall not sell or supply asbestos or asbestos containing material, to any person.
- (2) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

**6 Prohibition on the use of asbestos and asbestos containing material**

- (1) A person shall not use asbestos or asbestos containing material anywhere or for any purpose in the Republic.
- (2) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

**7 Order to remove asbestos or asbestos containing material**

- (1) For the purposes of Section 61 of the Act and in determining an offence under Regulation 5, where an owner's premises are found to contain asbestos or asbestos containing material, the District Court shall order the owner or occupier of such premises, to remove such asbestos or asbestos containing material.
- (2) The order under subregulation (1) shall require that any removal of asbestos or asbestos containing material be in accordance with the Asbestos Management Code of Practice and in accordance with such other directions as the Secretary may specify.

- (3) A person who contravenes an order issued under subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.
- (4) Any asbestos or asbestos containing material subject to an order for removal under this Regulation shall be deemed to be asbestos waste.

## **8 Transport of asbestos waste**

- (1) A person transporting asbestos waste shall only transport such asbestos waste to a place that is duly authorised by the Secretary to receive such waste, in accordance with the Asbestos Management Code of Practice.
- (2) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

## **9 Disposal of asbestos waste**

- (1) A person shall not dispose of asbestos waste at a place other than at a place that is duly authorised by the Secretary to receive such waste for disposal.
- (2) The disposal of asbestos waste shall be done in accordance with the in accordance with the Asbestos Management Code of Practice.
- (3) A person who contravenes subregulation (1) or (2), commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

## **10 Acceptance of asbestos waste**

- (1) A waste facility or waste landfill site shall not accept asbestos waste unless duly authorised by the Secretary to accept such waste.
- (2) A manager or owner of a waste facility or waste landfill site who accepts asbestos waste which is not authorised to do so, commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

- (3) It is a defence to an offence under this Regulation where the manager or owner of a waste facility or landfill waste establishes, on the balance of probabilities, that the:
  - (a) commission of the offence was due to causes over which he or she had no control; and
  - (b) manager or owner took all reasonable precautions and exercised due diligence to prevent the commission of such offence.

**11 Prohibition on the re-use of recycling of asbestos waste**

- (1) A person shall not re-use or recycle asbestos waste.
- (2) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.
- (3) It is a defence under this Regulation where the person establishes on the balance of probabilities that the re-use or recycling was authorised by the relevant authority.

**12 Record keeping requirements of asbestos or asbestos containing material being transported**

- (1) A person who transports, disposes or receives asbestos waste shall keep and maintain a record of such asbestos waste.
- (2) The records shall be kept and maintained in:
  - (a) electronic form or digital form; and
  - (b) manually or in case of electronic or digital form, capable of being produced in printed form.
- (3) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

**13 Providing information to authorised officers**

- (1) A person who keeps and maintains information under Regulation 12 shall upon the request of an authorised officer provide such information to such authorised officer.

- (2) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

**14 False or misleading information regarding asbestos waste**

- (1) A person shall not provide false or misleading information to an authorised officer.
- (2) A person who contravenes subregulation (1) commits an offence and shall upon conviction, be liable to a fine not exceeding \$10,000.

**15 Transitional provision**

Regulations 5 and 6 shall not apply to the sale or supply of asbestos or asbestos containing material fixed or installed on or in a building, structure, ship, aircraft or vehicle at the time these Regulations came into force.