

Exemption from provisions of Health and Safety at Work (Asbestos) Regulations:

In accordance with section 220 of the Health and Safety at Work Act 2015 (the Act), I, Phil Parkes, Acting Chief Executive, exempt Antarctica New Zealand from compliance with the following provision(s) of the Health and Safety at Work (Asbestos) Regulations:

Regulations 41(2)(a), 42(2), 43(1), 46(1)(d), 46(1)(e) and 46(6).

Clearance Inspection

- a. **41(2)(a)**: a clearance inspection of the asbestos removal work at the workplace is carried out by, in the case of Class A asbestos removal work, an independent licensed asbestos assessor
- b. **42(2)**: the PCBU with management or control of the workplace at which the clearance inspection was carried out must obtain a clearance certificate from the licensed asbestos assessor or competent person, in accordance with this regulation, before the asbestos removal area at the workplace is reoccupied. [note that this regulation applies if a clearance inspection has been carried out under regulation 41]

Air Monitoring for Class A asbestos removal work

- c. **43(1)**: A PCBU who commissions Class A asbestos removal work at a workplace must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the workplace in accordance with subclause (3).

Duties relating to removal of friable asbestos

- d. **46(6)**: The PCBU who commissioned the removal of the friable asbestos must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the area in which friable asbestos removal work has been carried out has been dismantled.

I do so being satisfied that:

- the extent of the exemption is not broader than is reasonably necessary to address the matters that gave rise to it.
- the exemption is not inconsistent with the purpose of the Act.
- The persons undertaking the asbestos removal and clearance monitoring work are fully competent to do so and work will be carried out to the required standard using the required methodology and equipment.

subject to the following conditions (also detailed in Appendix A):

- The exemption only applies to the removal of friable asbestos from Cape Roberts Hut, Cape Bird Hut and Cape Evans Hut and non-friable asbestos from Cosray Building over the period October 2018 – March 2019
- The person commissioning the work must comply with their duties in regulations 41, 43 and 46, as if Mr Ogier were a licenced asbestos assessor.

This exemption takes effect on 15 October 2018 and expires on 15 October 2021 unless it is sooner replaced or revoked.

Signed at Wellington
this 11th day of October 2018
by


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Phil Parkes

Phil Parkes
Acting Chief Executive
WorkSafe New Zealand

Appendix A

Exemption conditions – Antarctica New Zealand

Condition
a) The exemption only applies to the removal of friable asbestos from Cape Roberts Hut, Cape Bird Hut and Cape Evans Hut and non-friable asbestos from Cosray Building over the period October 2018 – March 2019
b) The person commissioning the work must comply with their duties in regulations 41, 43 and 46 as if Mr Ogier were a licenced asbestos assessor.

