

THE LEGISLATIVE ASSEMBLY  
FOR THE AUSTRALIAN CAPITAL TERRITORY

**DANGEROUS SUBSTANCES (GENERAL) AMENDMENT REGULATION 2007  
(No 2)**

Subordinate Law No **SL2007-38**

**EXPLANATORY STATEMENT**

Circulated by the authority of  
Andrew Barr MLA  
Minister for Industrial Relations

## **Dangerous Substances (General) Amendment Regulation 2007 (No 2)**

### Outline

The purpose of the *Dangerous Substances Act 2004* (the Act) is to protect the health and safety of people, and to protect property and the environment from damage, from the hazards associated with dangerous substances.

The Dangerous Substances (General) Regulation 2004 (the Regulation) is made under section 216 of the Act. The Regulation gives effect to agreed national uniform provisions in relation to dangerous substances, and implements elements of the *National Model Regulations for the Control of Workplace Hazardous Substances [NOHSC:1005 (1994)]* (the National Model Regulations) which include a prohibition on the use of chrysotile asbestos.

As part of the phase-in of the prohibition the National Occupational Health and Safety Commission declared, in Schedule 2 of the National Model Regulations, a National List of Exemptions to allow time-limited exemptions for specific situations in the period following the introduction of the prohibition. The National List of Exemptions provided a nationally consistent approach to exemptions, enabling effective implementation of the chrysotile prohibition.

Exemption 4 of the National List of Exemptions allows for the Australian Defence Organisation (the ADO) to use chrysotile-containing parts and components that are considered to be mission-critical and where there is no known suitable non-chrysotile alternative. This exemption will expire on 31 December 2007.

Section 305 of the Regulation provides that asbestos and asbestos products are prohibited dangerous substances. Section 301 of the Regulation provides that 'asbestos' includes 'chrysotile'. Section 311 in Part 3.3 of the Regulation provides for the Chief Executive to authorise a person, in certain circumstances, to import, supply, store or use a chrysotile product for a use specified in the Regulation. Section 321 provides that Part 3.3 will expire on 31 December 2007. These provisions were drafted to implement the National Model Regulations in the ACT.

The reliance of the ADO on the availability of chrysotile parts and components will continue past the expiration date of Exemption 4, that is, 31 December 2007. The extension of Exemption 4 of the National List of Exemptions until 31 December 2010 would enable the ADO to continue to use mission-critical components and parts that contain chrysotile for a further three years.

On 17 October 2007 the Australian Safety and Compensation Council declared, by majority decision, and in accordance with an out-of-session agreement with the States and Territories, an amendment to Schedule 2 of the National Model Regulations to extend the exemption for the ADO to 31 December 2010. Part 3 of the Regulation is amended accordingly so that agreed national consistency is maintained.

### Revenue/Cost Implications

There are no cost implications.

## Notes on Specific Provisions

### **Section 1 Name of regulation**

Section 1 provides for the name of the regulation to be the Dangerous Substances (General) Amendment Regulation 2007 (No 2).

### **Section 2 Commencement**

Section 2 provides for commencement of the regulation to be on the day after its notification day.

### **Section 3 Legislation amended**

Section 3 provides that the regulation amends the Dangerous Substances (General) Regulation 2004 (the Principal Regulation).

### **Sections 4 to 6**

Sections 4, 5 and 6 amend sections 306, 307 and 308 of the Principal Regulation to omit the references to '1 January 2008' and substitute references to the date '1 January 2011'.

### **Section 7**

Section 7 amends section 309 of the Principal Regulation to omit the reference to '31 December 2007' and substitute a reference to the date '31 December 2010'.

### **Section 8**

Section 8 amends section 310 of the Principal Regulation to omit the references to '1 January 2008' and substitute references to the date '1 January 2011'.

### **Section 9**

Section 9 amends item 5, column 4 of the Table at section 311 of the Principal Regulation to omit the reference to '31 December 2007' and substitute a reference to the date '31 December 2010'.

### **Section 10**

Section 10 amends section 321 of the Principal Regulation to omit the reference to '31 December 2007' and substitute a reference to the date '31 December 2010'.