

2003

LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

DANGEROUS GOODS (ASBESTOS) AMENDMENT REGULATIONS 2003 (NO 1)
SL2003-50

EXPLANATORY STATEMENT

Circulated by authority of the
Minister for Industrial Relations
Ms Katy Gallagher MLA

DANGEROUS GOODS (ASBESTOS) AMENDMENT REGULATIONS 2003 (NO 1)

The *Dangerous Goods Act 1975* (the Act) regulates the import, manufacture, transport, storage, handling, sale and use of dangerous goods in the ACT. Section 49 of the Act provides the Executive with the power to make regulations under the Act.

On 18 May 2001, the Workplace Relations Ministers' Council agreed to a nationwide ban on the import and use of asbestos from 31 December 2003. The Dangerous Goods (Asbestos) Amendment Regulations 2003 (the regulations) give effect to the nationally agreed ban. The regulations prohibit the import, manufacture, supply (including sale), storage, use, re-use and installation of all types of asbestos. The transport of asbestos is regulated by the *Road Transport Reform (Dangerous Goods) Act 1995* (Cth).

The ban is not restricted to workplaces and all persons are required to comply. The ban will not apply to asbestos products and materials that are already fixed or installed ("in situ"). However, when they require replacement, an alternative which does not contain asbestos must be used.

The regulations provide for the nationally agreed exemptions as declared by the National Occupational Health and Safety Commission (NOHSC) and, where relevant, the expiration date of the exemptions. The regulations also provide for the issuing of a certificate of exemption where an application is approved to import, supply, store or use asbestos or material containing asbestos where the use is an exempt use as set out in the NOHSC exemptions. This certificate of exemption will also be relied upon by customs to allow the import of asbestos or material containing asbestos into the country under the customs regulations.

The regulations come into effect on 31 December 2003.