



Australian Capital Territory

Dangerous Substances (General) Regulations 2004

SL2004-9

made under the

Dangerous Substances Act 2004

Republication No 2

Effective: 16 May 2004 – 30 August 2004

Republication date: 16 May 2004

Regulations not amended
(republication for commenced expiry)

Authorised by the ACT Parliamentary Counsel

About this republication

The republished law

This is a republication of the *Dangerous Substances (General) Regulations 2004*, made under the *Dangerous Substances Act 2004* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 16 May 2004. It also includes any commencement, repeal or expiry affecting the republished law.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at www.legislation.act.gov.au):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

Editorial amendments

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

Dangerous Substances (General) Regulations 2004

made under the

Dangerous Substances Act 2004

Contents

	Page
Part 1	Preliminary
1	Name of regulations 2
3	Dictionary 2
4	Notes 2
5	Offences against regulations—application of Criminal Code etc 2
Part 2	Licences
50	Term of licence—Act, s 54 (2) 4

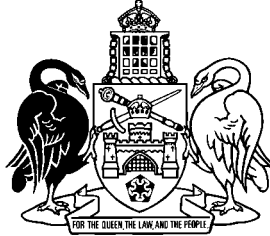
R2
16/05/04

Dangerous Substances (General) Regulations 2004
Effective: 16/05/04-30/08/04

contents 1

		Page
Part 3	Asbestos and asbestos products	
Division 3.1	Preliminary	
150	Object of pt 3	5
151	Definitions for pt 3	5
152	Meaning of <i>authorised activity</i> and <i>authorised activity condition</i> for pt 3	6
153	When asbestos and asbestos product <i>correctly</i> packed—Act, s 14 (1) (a)	7
154	When asbestos and asbestos product <i>correctly</i> labelled—Act, s 14 (2) (a)	7
Division 3.2	Asbestos and asbestos products prohibited dangerous substances	
155	Asbestos and asbestos products are prohibited dangerous substances—Act, s 73	7
Division 3.3	Authorised handling of asbestos and asbestos products	
156	Authorised importation of asbestos and asbestos products—Act, s 75 (1) (b)	7
157	Authorised supply of asbestos and asbestos products—Act, s 76 (1) (b) and (3) (b)	9
158	Authorised possession of asbestos and asbestos products—Act, s 77 (1) (b)	10
159	Storage of asbestos and asbestos products—Act, s 78 (1) (a)	12
160	Authorised use of asbestos and asbestos products—Act, s 79 (1) (b)	12
Division 3.4	Chrysotile product exemptions	
161	Applications for exemptions for chrysotile products	13
162	Decision on application for exemption	17
163	Conditions of exemptions	18
164	Term of exemption	18
165	Exemption not transferable	19
166	Form of exemption	19
167	Operation of an exemption	19
168	Amendment of exemption on application of exemption-holder	20
169	Cancellation of exemption or imposition etc of conditions on chief executive's initiative	20
170	Continuation of exemptions under former regulations	22

	Page
171 Expiry of div 3.4	22
Part 4 Administrative review of decisions	
200 Reviewable decisions—Act, s 186 (b)	23
201 Notice of reviewable decisions—Act, s 187 (1)	23
202 Internally reviewable decisions—Act, s 188 (1)	23
Part 5 Modification of Act, ch 14	
250 Act modified—pt 5	24
251 Section 226 (3)	24
252 Section 226 (5), definition of <i>former explosives licence</i>	24
253 New section 226C	24
Schedule 1 Reviewable decisions	26
Part 1.1 Chief executive—reviewable decisions under Act	26
Part 1.2 Inspectors—internally reviewable decisions under Act	29
Part 1.3 Chief executive—reviewable decisions under these regulations	31
Dictionary	32
Endnotes	
1 About the endnotes	34
2 Abbreviation key	34
3 Legislation history	35
4 Amendment history	35
5 Earlier republications	37



Australian Capital Territory

Dangerous Substances (General) Regulations 2004

made under the

Dangerous Substances Act 2004

Part 1 Preliminary

1 Name of regulations

These regulations are the *Dangerous Substances (General) Regulations 2004*.

3 Dictionary

The dictionary at the end of these regulations is part of these regulations.

Note 1 The dictionary at the end of these regulations defines certain terms used in these regulations, and includes references (*signpost definitions*) to other terms defined elsewhere in these regulations.

For example, the signpost definition '*asbestos*, for part 3 (Asbestos and asbestos products)—see regulation 151.' means that the term '*asbestos*' is defined in that regulation for part 3.

Note 2 A definition in the dictionary (including a signpost definition) applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

4 Notes

A note included in these regulations is explanatory and is not part of these regulations.

Note See Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

5 Offences against regulations—application of Criminal Code etc

Other legislation applies in relation to offences against these regulations.

Note 1 *Criminal Code*

The Criminal Code, ch 2 applies to all offences against these regulations (see Code, pt 2.1).

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg *conduct*, *intention*, *recklessness* and *strict liability*).

Note 2 *Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

Part 2 Licences

50 Term of licence—Act, s 54 (2)

- (1) This regulation applies to a licence issued before 1 July 2005.
- (2) The licence may not be issued for longer than 1 year.
- (3) This part expires on 1 July 2005.

Part 3 Asbestos and asbestos products

Division 3.1 Preliminary

150 Object of pt 3

The object of this part is to protect people against the risk of asbestos-related disease resulting from exposure to airborne asbestos fibres.

151 Definitions for pt 3

In this part:

asbestos means the fibrous form of the mineral silicates belonging to the serpentine and amphibole groups of rock-forming minerals, including the following:

- (a) actinolite;
- (b) amosite (brown asbestos);
- (c) anthophyllite;
- (d) chrysotile (white asbestos);
- (e) crocidolite (blue asbestos);
- (f) tremolite.

asbestos product means anything that contains asbestos.

authorised activity, for asbestos or an asbestos product—see regulation 152 (1).

authorised activity condition, for an authorised activity for asbestos or an asbestos product—see regulation 152 (2).

chrysotile product means chrysotile and anything that contains chrysotile.

correctly labelled, for asbestos or an asbestos product—see regulation 154.

correctly packed, for asbestos or an asbestos product—see regulation 153.

exemption means an exemption under regulation 162.

152 **Meaning of *authorised activity* and *authorised activity condition* for pt 3**

- (1) For this part, each of the following is an *authorised activity* for asbestos or an asbestos product:
 - (a) genuine scientific research in relation to the asbestos or asbestos product;
 - (b) the sampling of a substance for identifying the kind or quantities of ingredients in the substance;
 - (c) carrying out demonstrations, education or practical training in relation to the asbestos or asbestos product.
- (2) For this part, each of the following is an *authorised activity condition* for an authorised activity for asbestos or an asbestos product:
 - (a) the asbestos or asbestos product must be the minimum quantity practicable for the activity;
 - (b) the asbestos or asbestos product must be correctly packed and labelled;
 - (c) the asbestos or asbestos product must be used in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.

**153 When asbestos and asbestos product *correctly* packed—
Act, s 14 (1) (a)**

Asbestos or an asbestos product is *correctly* packed if it is packed in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.

**154 When asbestos and asbestos product *correctly* labelled—
Act, s 14 (2) (a)**

Asbestos or an asbestos product is *correctly* labelled if the package in which it is packed is clearly labelled to identify that the package contains asbestos or an asbestos product.

**Division 3.2 Asbestos and asbestos products
prohibited dangerous substances**

**155 Asbestos and asbestos products are prohibited
dangerous substances—Act, s 73**

Asbestos and asbestos products are prohibited dangerous substances.

Note See the Act, s 73, def *prohibited dangerous substance*, par (b).

**Division 3.3 Authorised handling of asbestos and
asbestos products**

Note 1 The manufacture of asbestos products is prohibited except in certain circumstances (see the Act, s 74 (1)).

Note 2 The transport of asbestos and asbestos products is regulated by the *Road Transport Reform (Dangerous Goods) Act 1995* (Cwlth).

**156 Authorised importation of asbestos and asbestos
products—Act, s 75 (1) (b)**

- (1) A person is authorised to import asbestos or an asbestos product (including a chrysotile product) if—

- (a) the asbestos or asbestos product is in plant or a vehicle imported by the person; and

Note **Plant** includes machinery and equipment and a building or other structure (see the Act, dict).

- (b) the asbestos or asbestos product is fixed in place; and
(c) the asbestos or asbestos product was fixed in place before 31 December 2003; and
(d) the asbestos or asbestos product is fixed in a way that does not cause a risk unless it is disturbed.

Note **Import** means import into the ACT (see the Act, dict).

- (2) A person is authorised to import asbestos or an asbestos product (including a chrysotile product) if—
- (a) the person imports the asbestos or asbestos product for an authorised activity; and
(b) the person complies with the authorised activity conditions for the authorised activity.
- (3) A person is authorised to import asbestos (including chrysotile) if the person imports the asbestos in its natural form in minimal quantities in another mineral and the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) A person is authorised to import a chrysotile product if—
- (a) the person imports the chrysotile product under an exemption; and
(b) the person complies with the exemption (including any conditions to which the exemption is subject); and
(c) the chrysotile product is correctly packed and labelled.

- (5) This subregulation and the following provisions expire on 31 December 2007:
- the words ‘(including a chrysotile product)’ in subregulations (1) and (2)
 - the words ‘(including chrysotile)’ in subregulation (3)
 - subregulation (4).

**157 Authorised supply of asbestos and asbestos products—
Act, s 76 (1) (b) and (3) (b)**

- (1) A person is authorised to supply asbestos or an asbestos product (including a chrysotile product) to someone else if—
- (a) the asbestos or asbestos product is in plant or a vehicle supplied by the person to the other person; and
- Note* **Plant** includes machinery and equipment and a building or other structure (see the Act, dict).
- (b) the asbestos or asbestos product is fixed in place; and
- (c) the asbestos or asbestos product was fixed in place before 31 December 2003; and
- (d) the asbestos or asbestos product is fixed in a way that does not cause a risk unless it is disturbed.
- (2) A person is authorised to supply asbestos or an asbestos product (including a chrysotile product) to someone else (the *recipient*) if—
- (a) the person supplies the asbestos or asbestos product to the recipient for disposal and the asbestos or asbestos product is correctly packed and labelled; or
- (b) the person (the *supplier*) supplies the asbestos or asbestos product to the recipient for an authorised activity and the supplier complies with the authorised activity conditions for the authorised activity.

- (3) A person is authorised to supply asbestos (including chrysotile) to someone else if the person supplies the asbestos in its natural form in minimal quantities in another mineral to the other person and the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) A person is authorised to supply a chrysotile product to someone else if—
- (a) the chrysotile product was obtained by the person under an exemption; and
 - (b) the person complies with the exemption (including any conditions to which the exemption is subject); and
 - (c) the chrysotile product is correctly packed and labelled.
- (5) This subregulation and the following provisions expire on 31 December 2007:
- the words ‘(including a chrysotile product)’ in subregulations (1) and (2)
 - the words ‘(including chrysotile)’ in subregulation (3)
 - subregulation (4).

Note For the meaning of *supply*, see the Act, dict.

158 Authorised possession of asbestos and asbestos products—Act, s 77 (1) (b)

- (1) A person is authorised to possess asbestos or an asbestos product (including a chrysotile product) if—
- (a) the person is authorised to handle (the *authorised handling*) the asbestos or asbestos product under another provision of this division; and

Note Handling a dangerous substance includes importing, manufacturing, storing, supplying, possessing, receiving or using the substance (see the Act, s 11).

- (b) the person possesses the asbestos or asbestos product for the purpose of the authorised handling; and
- (c) the person complies with the requirements of this division in relation to the authorised handling of the asbestos or asbestos product.
- (2) A person is authorised to possess asbestos or an asbestos product (including a chrysotile product) if—
- (a) the asbestos or asbestos product is in plant or a vehicle in the person's possession; and
- Note* **Plant** includes machinery and equipment and a building or other structure (see the Act, dict).
- (b) the asbestos or asbestos product is fixed in place; and
- (c) the asbestos or asbestos product was fixed in place before 31 December 2003; and
- (d) the asbestos or asbestos product is fixed in a way that does not cause a risk unless it is disturbed.
- (3) A person is authorised to possess asbestos (including chrysotile) if the person possesses the asbestos in its natural form in minimal quantities in another mineral and the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) This subregulation and the following provisions expire on 31 December 2007:
- the words '(including a chrysotile product)' in subregulations (1) and (2)
 - the words '(including chrysotile)' in subregulation (3).

**159 Storage of asbestos and asbestos products—
Act, s 78 (1) (a)**

- (1) A person who stores asbestos or an asbestos product that has been removed from plant or a vehicle (the *waste*) must ensure that—
- (a) the waste is correctly packed and labelled; and
 - (b) the person disposes of the waste as soon as practicable after the person comes into possession of the waste.

Note **Plant** includes machinery and equipment and a building or other structure (see the Act, dict).

- (2) A person who stores asbestos or an asbestos product for an authorised activity must comply with the authorised activity conditions for the authorised activity.
- (3) A person who stores a chrysotile product obtained under an exemption must ensure that the chrysotile product is correctly packed and labelled.
- (4) Subregulation (3) and this subregulation expire on 31 December 2007.

**160 Authorised use of asbestos and asbestos products—Act,
s 79 (1) (b)**

- (1) A person is authorised to use asbestos or an asbestos product (including a chrysotile product) if—
- (a) the asbestos or asbestos product is in plant or a vehicle used by the person; and

Note **Plant** includes machinery and equipment and a building or other structure (see the Act, dict).

- (b) the asbestos or asbestos product is fixed in place; and
- (c) the asbestos or asbestos product was fixed in place before 31 December 2003; and

- (d) the asbestos or asbestos product is fixed in a way that does not cause a risk unless it is disturbed.
- (2) A person is authorised to use asbestos or an asbestos product (including a chrysotile product) for an authorised activity if the person complies with the authorised activity conditions for the authorised activity.
- (3) A person is authorised to use asbestos (including chrysotile) in its natural form in minimal quantities in another mineral if the presence of the asbestos is incidental to the purpose of disturbing or extracting the other mineral.
- (4) A person is authorised to use a chrysotile product that was obtained by the person under an exemption if—
- (a) the chrysotile product is used for the purpose stated in the exemption; and
 - (b) the person complies with the exemption (including any conditions to which the exemption is subject); and
 - (c) the chrysotile product is used in a way that minimises the possibility of the release into the environment of airborne asbestos fibres.
- (5) This subregulation and the following provisions expire on 31 December 2007:
- the words ‘(including a chrysotile product)’ in subregulations (1) and (2)
 - the words ‘(including chrysotile)’ in subregulation (3)
 - subregulation (4).

Division 3.4 Chrysotile product exemptions

161 Applications for exemptions for chrysotile products

- (1) A person may apply in writing to the chief executive for an exemption that authorises the person to import, supply, store or use

a chrysotile product (the *proposed activity*) for a use mentioned in table 161.1, column 2.

Note 1 If a form is approved under the Act, s 222 for an application, the form must be used.

Note 2 A fee may be determined under the Act, s 221 for this regulation.

- (2) An application for an exemption must include the following information (the *required information*):
- (a) the applicant's name and any business name used by the applicant;
 - (b) the applicant's address and telephone number;
 - (c) the proposed activity to which the application relates;
 - (d) the category of chrysotile product to which the application relates;
 - (e) the amount of chrysotile product to which the application relates;
 - (f) the address of the premises where the proposed activity will be carried out;
 - (g) if a person other than the applicant will be the person directly involved in the proposed activity—the name, address and telephone number of that person;
 - (h) the measures that the applicant will take, if the exemption is granted, to control the risks resulting from the use of the chrysotile product;
 - (i) if the proposed activity is the use of a chrysotile product—the name, address and telephone number of anyone who the applicant proposes will import, supply or store the chrysotile product for the applicant.
- (3) The chief executive need not decide the application if it does not include the required information.

- (4) This subregulation and table 161.1, item 2 expire on 31 December 2004.
- (5) This subregulation and table 161.1, items 1 and 4 expire on 31 December 2006.
- (6) In this regulation:
category of chrysotile product means the category mentioned in table 161.1, column 3.

Table 161.1 Table of exempt chrysotile product uses

column 1 item	column 2 uses for which exemption may be granted	column 3 category	column 4 latest date exemption may end
1	use of chrysotile product in a compressed asbestos fibre gasket that is for use with chlorine in a plant used in liquid chlorine service with design process conditions of— 45°C and 1 500kPa	1	31 December 2006
2	use of chrysotile product in a compressed asbestos fibre gasket that is for use with— (a) saturated steam; or (b) superheated steam; or (c) substances that are classified as dangerous goods under the Australian Dangerous Goods Code	1	31 December 2004

Part 3 Asbestos and asbestos products
Division 3.4 Chrysotile product exemptions

Regulation 161

column 1 item	column 2 uses for which exemption may be granted	column 3 category	column 4 latest date exemption may end
3	use of chrysotile product in a product that consists of a mixture of asbestos with a phenol formaldehyde resin or with a cresylic formaldehyde resin used in: <ul style="list-style-type: none"> (a) a vane for rotary vacuum pumps; or (b) a vane for rotary compressors; or (c) a split face seal of at least 150mm in diameter used to prevent leakage of water from cooling water pumps in fossil fuel electricity generating stations 	2	31 December 2007
4	use of chrysotile product in a diaphragm for use in an electrolytic cell in an existing electrolysis plant for chlor-alkali manufacture	3	31 December 2006
5	use of chrysotile product in relation to which an exemption under the <i>Occupational Health and Safety (Commonwealth Employment) (National Standards) Regulations 1994</i> (Cwlth) has been granted to the Department of Defence or the Australian Defence Force for mission-critical parts or components of plant	4	31 December 2007

Note The categories in table 161.1, col 3 reflect the exemption numbering in the NOHSC model regulations, sch 2 mentioned in reg 162 (5).

162 Decision on application for exemption

- (1) The chief executive must grant an exemption authorising a person to use a chrysotile product if the chief executive is satisfied that—
 - (a) the use is for a use (the *authorised use*) mentioned in table 161.1, column 2; and
 - (b) the authorised use is essential to the applicant's activities; and
 - (c) the applicant has in place appropriate measures to control the risks resulting from the use of the chrysotile product; and
 - (d) the applicant will be able to comply with the condition mentioned in regulation 163 (3); and
 - (e) the giving of the exemption is consistent with the object of this part.
- (2) The chief executive must refuse to grant an exemption authorising a person to use a chrysotile product if the chief executive is not satisfied about the matters mentioned in subregulation (1).
- (3) The chief executive must grant an exemption authorising a person to import, supply or store a chrysotile product if the chief executive is satisfied that—
 - (a) the import, supply or storage of the chrysotile product is for a use mentioned in table 161.1, column 2; and
 - (b) the use has been, or will be, authorised under an exemption; and
 - (c) the person has in place appropriate measures to control the risks resulting from the import, storage or supply of the chrysotile product; and
 - (d) the giving of the exemption is consistent with the object of this part.
- (4) The chief executive must refuse to grant an exemption authorising a person to import, supply or store a chrysotile product if the chief

executive is not satisfied about the matters mentioned in subregulation (3).

- (5) In making a decision under this regulation, the chief executive may have regard to the notes mentioned in the *National Model Regulations for the Control of Workplace Hazardous Substances*, schedule 2, approved by the National Occupational Health and Safety Commission under the *National Occupational Health and Safety Commission Act 1985* (Cwlth), as in force on 31 December 2003.

163 Conditions of exemptions

- (1) The chief executive may include conditions in an exemption to protect people against the risk of asbestos-related disease resulting from exposure to airborne asbestos fibres.
- (2) An exemption is subject to—
- (a) any conditions included in the exemption by the chief executive; and
 - (b) for an exemption that authorises a person to use a chrysotile product—the exemption stated in subregulation (3).
- (3) An exemption that authorises an exemption-holder to use a chrysotile product is subject to the condition that the exemption-holder tells the chief executive, in writing, as soon as possible after the exemption-holder becomes aware that the use authorised by the exemption is no longer essential to the exemption-holder's activities.

164 Term of exemption

The chief executive may only grant an exemption for a period that ends on or before the date stated in table 161.1, column 4 that relates to the exemption.

165 Exemption not transferable

An exemption is not transferable.

166 Form of exemption

- (1) An exemption must show the following information:
 - (a) the full name of the exemption-holder;
 - (b) the premises where a person is authorised to carry out activities under the exemption;
 - (c) the activities authorised by the exemption;
 - (d) any conditions included in the exemption by the chief executive;
 - (e) a unique identifying number;
 - (f) when the exemption ends.
- (2) If the exemption authorises a person to use a chrysotile product, the exemption must state the condition mentioned in regulation 163 (3).
- (3) An exemption may also include any other information the chief executive considers appropriate.

167 Operation of an exemption

- (1) An exemption begins on—
 - (a) the day it is granted; or
 - (b) if a later date is stated in the exemption—the later date.
- (2) The chief executive must cancel an exemption if—
 - (a) satisfied that continuing the exemption would be inconsistent with the object of this part; or
 - (b) the exemption-holder asks the chief executive to cancel it.

168 Amendment of exemption on application of exemption-holder

- (1) A exemption-holder may apply to the chief executive to amend the exemption.

Examples of amendments

- 1 to amend or revoke a condition included in the exemption by the chief executive
- 2 to change the premises where activities may be carried out under the exemption

Note 1 If a form is approved under the Act, s 222 for an application, the form must be used.

Note 2 A fee may be determined under the Act, s 221 for this regulation.

Note 3 An example is part of these regulations, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (2) The chief executive must amend the exemption if, assuming that the application to amend were an application under regulation 161 (Applications for exemptions for chrysotile products) for an exemption that included the proposed amendment, the chief executive would be required to grant the exemption.
- (3) If subregulation (2) does not apply, the chief executive must refuse the application to amend the exemption.

169 Cancellation of exemption or imposition etc of conditions on chief executive's initiative

- (1) This regulation applies to an exemption-holder if the chief executive proposes, on the chief executive's own initiative, to do any of the following (the *proposed action*):
- (a) cancel the exemption;
 - (b) amend the exemption to impose a condition;

- (c) amend or revoke a condition included in the exemption by the chief executive.
- (2) The chief executive must give the exemption-holder a written notice stating—
- (a) the proposed action; and
 - (b) if the proposed action is to cancel the exemption—any action that the exemption-holder may take to avoid the cancellation of the exemption; and
 - (c) if the proposed action is to impose a condition—the proposed condition; and
 - (d) if the proposed action is to amend a condition—the condition as proposed to be amended; and
 - (e) an explanation for the proposed action; and
 - (f) that the exemption-holder may, within 14 days after the day the exemption-holder receives the notice, give a written response to the chief executive about the notice.
- (3) In deciding whether to take the proposed action, the chief executive must consider any response given to the chief executive in accordance with the notice.
- (4) If the chief executive is satisfied that a reasonable ground exists for taking the proposed action, the chief executive may take the proposed action.
- (5) The chief executive must give the exemption-holder written notice of the chief executive's decision.
- (6) If the chief executive decides to take the proposed action, the chief executive's decision takes effect 14 days after the day when notice of the decision is given to the exemption-holder or, if the notice states a later date of effect, that date.

- (7) If the exemption is amended, the chief executive must, as soon as practicable after the exemption has been returned to the chief executive, amend the exemption or give the exemption-holder a replacement exemption showing the amendment.

170 Continuation of exemptions under former regulations

- (1) An exemption (the *former exemption*) in force under the *Dangerous Goods Regulations 1978*, part 11 immediately before the commencement of the Act is taken to be an exemption granted under these regulations.
- (2) The former exemption is subject to—
- (a) any conditions stated in the former exemption; and
 - (b) the conditions (if any) as amended under the *Dangerous Goods Regulations 1978* or these regulations; and
 - (c) any conditions imposed under these regulations.
- (3) The term of the former exemption is taken to be the unexpired term of the former exemption before the commencement of the Act.

171 Expiry of div 3.4

- (1) This division expires on 31 December 2007.
- (2) Also, regulation 151, definitions of *chrysotile product* and *exemption*, and the dictionary definitions of those terms, expire on 31 December 2007.

Part 4 Administrative review of decisions

200 Reviewable decisions—Act, s 186 (b)

The decisions of the Minister, the chief executive or an inspector mentioned in schedule 1, column 3 are reviewable decisions.

201 Notice of reviewable decisions—Act, s 187 (1)

If the Minister, chief executive or inspector (the *decision-maker*) makes a reviewable decision, the decision-maker must give written notice of the decision to each person mentioned in schedule 1, column 4 in relation to the decision.

Note For the giving of notice of a reviewable decision, see the code of practice under the *Administrative Appeals Tribunal Act 1989*, s 25B.

202 Internally reviewable decisions—Act, s 188 (1)

The decisions of an inspector mentioned in schedule 1, part 1.2 are internally reviewable decisions.

Note 1 For the giving of notice of an internally reviewable decision, see the code of practice under the *Administrative Appeals Tribunal Act 1989*, s 25B.

Note 2 A person may apply to the AAT for review of a decision made by an internal reviewer (see the Act, s 191 (a)), including a decision under the Act, s 189 (1) (b) refusing to allow a longer period to make an application for internal review.

Part 5 Modification of Act, ch 14

250 Act modified—pt 5

This part modifies the *Dangerous Substances Act 2004*, chapter 14 (Consequential and transitional matters).

251 Section 226 (3)

substitute

- (3) If the prescribed former licence is not ended under this Act, it continues in force under this Act until the later of—
- (a) the end of 31 August 2004; or
 - (b) the end of the term of the licence.

252 Section 226 (5), definition of *former explosives licence*

substitute

former explosives licence means a licence or permit under the *Dangerous Goods Act 1975* (other than a prescribed permit under section 226A or section 226B) that authorised a person to handle (within the meaning of this Act) an explosive within the meaning of that Act.

253 New section 226C

insert

226C Existing permits under OH&S Regulations to use explosives

- (1) Despite the repeal of the *Occupational Health and Safety Regulations 1991*, part 4, a prescribed permit is taken to be blasting

permit in force under the *Dangerous Substances (Explosives) Regulations 2004*.

- (2) The blasting permit is subject to—
 - (a) any conditions stated in the prescribed permit; and
 - (b) any conditions prescribed under the *Dangerous Substances (Explosives) Regulations 2004*.
- (3) If the blasting permit is not ended under this Act, it continues in force under this Act until the end of 31 August 2004.
- (4) In this section:

prescribed permit means a permit issued under the *Occupational Health and Safety Regulations 1991*, part 4 that was in force immediately before the commencement of this Act.
- (5) This section expires on 1 September 2004.

Schedule 1 **Reviewable decisions**

(see reg 200)

Part 1.1 **Chief executive—reviewable decisions under Act**

column 1 item	column 2 provision	column 3 decision	column 4 person to be notified of decision
1	52 (3)	refuse to issue licence	applicant
2	53 (1)	issue licence subject to condition included by chief executive	applicant
3	54 (1)	issue licence for less than maximum period allowed	applicant
4	58 (3)	refuse to amend licence	licensee

column 1 item	column 2 provision	column 3 decision	column 4 person to be notified of decision
5	59	impose condition on licence amend or revoke condition included in licence by chief executive	licensee
6	68 (3)	reprimand licensee require licensee to undertake training amend/suspend/cancel licence period of / event for ending suspension disqualify licensee period of / event for ending disqualification	licensee

Schedule 1
Part 1.1

Reviewable decisions
Chief executive—reviewable decisions under Act

column 1 item	column 2 provision	column 3 decision	column 4 person to be notified of decision
7	68 (4)	reprimand former licensee disqualify former licensee period of/complete training/event for ending disqualification	former licensee
8	69 (2)	immediate suspension of licence	licensee
9	124 (1)	refuse to accept safety undertaking	the person who proposed to give the safety undertaking
10	125 (1)	refuse to agree to amendment of enforceable undertaking refuse to agree to withdrawal from enforceable undertaking	relevant person
11	126 (2)	refuse to end enforceable undertaking on application	relevant person

Part 1.2 **Inspectors—internally reviewable decisions under Act**

column 1 item	column 2 provision	column 3 decision	column 4 person to be notified of decision
1	95 (3)	refuse to revoke compliance agreement	each responsible person
2	100	give improvement notice	each responsible person
3	102 (2)	extend compliance period for improvement notice extend compliance period for improvement notice for less than period asked for refuse to extend compliance period for improvement notice if asked	each responsible person
4	106	revoke improvement notice refuse to revoke improvement notice	each responsible person

Schedule 1
Part 1.2

Reviewable decisions
Inspectors—internally reviewable decisions under Act

column 1 item	column 2 provision	column 3 decision	column 4 person to be notified of decision
5	109	give prohibition notice	each responsible person
6	111 (2)	extend relevant period for prohibition notice extend relevant period for prohibition notice for less than period asked for refuse to extend relevant period for prohibition notice if asked	each responsible person
7	116 (3)	refuse to agree to inspect vehicle or equipment at place other than where it was originally inspected	the relevant responsible person for the vehicle or equipment
8	117	revoke prohibition notice refuse to revoke prohibition notice	each responsible person

Part 1.3 **Chief executive—reviewable decisions under these regulations**

column 1 item	column 2 provision	column 3 decision	column 4 person to be notified of decision
1	162 (2) or (4)	refuse to grant exemption	applicant
2	163 (1)	grant exemption subject to condition included by chief executive	applicant
3	168 (2)	refuse to amend exemption	exemption-holder
4	169	cancel exemption	exemption-holder
5	169	impose condition on exemption amend or revoke condition included in exemption by chief executive	exemption-holder

Dictionary

(see reg 3)

Note 1 The Legislation Act contains definitions and other provisions relevant to these regulations.

Note 2 For example, the Legislation Act, dict, pt 1, defines the following terms:

- AAT
- chief executive (see s 163)
- fail
- Minister (see s 162)
- penalty unit (see s 133)
- under.

Note 3 Terms used in these regulations have the same meaning that they have in the *Dangerous Substances Act 2004* (see Legislation Act, s 148). For example, the following terms are defined in the *Dangerous Substances Act 2004*, dict:

- Australian Dangerous Goods Code (see s 10 (3))
- compliance agreement (see s 94 (2))
- dispose
- enforceable undertaking (see s 122)
- handle (see s 11)
- import
- improvement notice (see s 100)
- internally reviewable decision (see s 188 (1))
- licence
- plant
- premises
- prohibition notice (see s 109)
- relevant responsible person
- responsible person (see s 18)
- reviewable decision (see s 186)
- risk (see s 15)
- safety undertaking (see s 123 (2))
- supply
- vehicle.

asbestos, for part 3—see regulation 151.

asbestos product, for part 3—see regulation 151.

authorised activity, for asbestos or an asbestos product, for part 3—see regulation 152 (1).

authorised activity condition, for an authorised activity for asbestos or an asbestos product, for part 3—see regulation 152 (2).

chrysotile product, for part 3—see regulation 151.

correctly labelled, for asbestos or an asbestos product, for part 3—see regulation 154.

correctly packed, for asbestos or an asbestos product, for part 3—see regulation 153.

exemption, for part 3 (Asbestos and asbestos products)—see regulation 162.

Endnotes

1 About the endnotes

Endnotes

1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
cl = clause	pres = present
def = definition	prev = previous
dict = dictionary	(prev...) = previously
disallowed = disallowed by the Legislative Assembly	pt = part
div = division	r = rule/subrule
exp = expires/expired	reg = regulation/subregulation
Gaz = Gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

3 Legislation history

Dangerous Substances (General) Regulations 2004 SL2004-9

notified LR 2 April 2004

reg 1, reg 2 commenced 2 April 2004 (LA s 75 (1))

remainder commenced 5 April 2004 (reg 2)

4 Amendment history

Commencement

reg 2 om LA s 89 (4)

Licences

pt 2 hdg exp 1 July 2005 (reg 50 (3))

Term of licence—Act, s 54 (2)

reg 50 exp 1 July 2005 (reg 50 (3))

Definitions for pt 3

reg 151 def **chrysotile product** exp 31 December 2007 (reg 171 (1))

def **exemption** exp 31 December 2007 (reg 171 (1))

Authorised importation of asbestos and asbestos products—Act, s 75 (1) (b)

reg 156 the words '(including a chrysotile product)' in (1), (2) exp 31 December 2007 (reg 156 (5))

the words '(including chrysotile)' in (3) exp 31 December 2007 (reg 156 (5))

(4), (5) exp 31 December 2007 (reg 156 (5))

Authorised supply of asbestos and asbestos products—Act, s 76 (1) (b) and (3) (b)

reg 157 the words '(including a chrysotile product)' in (1), (2) exp 31 December 2007 (reg 157 (5))

the words '(including chrysotile)' in (3) exp 31 December 2007 (reg 157 (5))

(4), (5) exp 31 December 2007 (reg 157 (5))

Authorised possession of asbestos and asbestos products—Act, s 77 (1) (b)

reg 158 the words '(including a chrysotile product)' in (1), (2) exp 31 December 2007 (reg 158 (4))

the words '(including chrysotile)' in (3) exp 31 December 2007 (reg 158 (4))

(4) exp 31 December 2007 (reg 158 (4))

Storage of asbestos and asbestos products—Act, s 78 (1) (a)

reg 159 (3), (4) exp 31 December 2007 (reg 159 (4))

Endnotes

4 Amendment history

Authorised use of asbestos and asbestos products—Act, s 79 (1) (b)

reg 160 the words '(including a chrysotile product)' in (1), (2) exp 31 December 2007 (reg 160 (5))
the words '(including chrysotile)' in (3) exp 31 December 2007 (reg 160 (5))
(4), (5) exp 31 December 2007 (reg 160 (5))

Chrysotile product exemptions

div 3.4 hdg exp 31 December 2007 (reg 171 (1))

Applications for exemptions for chrysotile products

reg 161 (4) and table 161.1, item 2 exp 31 December 2004 (reg 161 (4))
(5) and table 161.1, items 1 and 4 exp 31 December 2006 (reg 161 (5))
exp 31 December 2007 (reg 171 (1))

Decision on application for exemption

reg 162 exp 31 December 2007 (reg 171 (1))

Conditions of exemptions

reg 163 exp 31 December 2007 (reg 171 (1))

Term of exemption

reg 164 exp 31 December 2007 (reg 171 (1))

Exemption not transferable

reg 165 exp 31 December 2007 (reg 171 (1))

Form of exemption

reg 166 exp 31 December 2007 (reg 171 (1))

Operation of an exemption

reg 167 exp 31 December 2007 (reg 171 (1))

Amendment of exemption on application of exemption-holder

reg 168 exp 31 December 2007 (reg 171 (1))

Cancellation of exemption or imposition etc of conditions on chief executive's initiative

reg 169 exp 31 December 2007 (reg 171 (1))

Continuation of exemptions under former regulations

reg 170 exp 31 December 2007 (reg 171 (1))

Expiry of div 3.4

reg 171 exp 31 December 2007 (reg 171 (1))

New section 226C

reg 253 in part (s 226A) exp 15 May 2004 (s 226A (5))
in part (s 226B) exp 15 May 2004 (s 226B (5))
in part (s 226C) exp 1 September 2004 (s 226C (5))

Dictionary

dict

def **chrysotile product** exp 31 December 2007 (reg 171 (1))def **exemption** exp 31 December 2007 (reg 171 (1))**5 Earlier republications**

Some earlier republications were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republications have also been published in printed format. These republications are marked with an asterisk (*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No and date	Effective	Last amendment made by	Republication for
R1 5 Apr 2004	5 Apr 2004– 15 May 2004	not amended	new regulations

© Australian Capital Territory 2004