

2010

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

DANGEROUS SUBSTANCES AMENDMENT BILL 2010

EXPLANATORY STATEMENT

Circulated with the authority of
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OVERVIEW

The Dangerous Substances Amendment Bill 20010 (the Bill) will amend the *Dangerous Substances Act 2004* (the Act) and Dangerous Substances (General) Regulation 2004 (the Regulation). The Bill amends the current definition of asbestos in both the Act and the Regulation to clarify what is regarded as asbestos for the purposes of regulation in the Territory.

The import and new use of all forms of asbestos are prohibited in the Territory. The scope of this prohibition covers the asbestiform varieties of all relevant minerals but is not intended to cover those minerals where they present in a non-asbestos form.

Notes on Clauses

Part 1 – Preliminary

Clause 1 - Name of Act

This clause provides that the name of the proposed legislation is the *Dangerous Substances Amendment Act 2010*.

Clause 2 - Commencement

This clause states that this Act will commence the day after it is notified.

Clause 3 – Legislation amended

This clause provides that this legislation amends the *Dangerous Substances Act 2004* and the Dangerous Substances (General) Regulation 2004.

Part 2 – Dangerous Substances Act 2004

Clause 4 – Meaning of asbestos and asbestos product – Section 47A

This clause substitutes section 47A of the Dangerous Substances Act with a new meaning for the term asbestos.

This clause clarifies that asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock-forming minerals. It also provides a list of the asbestiform varieties of particular minerals to which the definition applies. As the meaning of asbestos has been amended, the term asbestos product is no longer used and the former definition has been omitted.

Clause 5 – Dictionary, new definition of asbestos

This clause inserts the term asbestos into the dictionary of the *Dangerous Substances Act* and refers to section 47A to obtain the meaning of the term.

Part 3 – Dangerous Substances (General) Regulation 2004

Clause 6 – Section 3, note 1

This clause replaces the current definition of asbestos for Chapter 3 of the Dangerous Substances (General) Regulation and instead inserts the term asbestos product and refers to section 301 to obtain the meaning of the term.

Clause 7 – Section 301, definition of asbestos

This clause omits section 301 of the Dangerous Substances (General) Regulation which established the definition of asbestos. The meaning set out in the *Dangerous Substances Act 2004* will apply for the purposes of the Dangerous Substances (General) Regulation instead.

Clause 8 – Dictionary, note 3

This clause inserts the term asbestos into note 3 of the dictionary.

Clause 9 – Dictionary, definition of asbestos

This clause omits the definition of asbestos from the dictionary of the Dangerous Substances (General) Regulation.