



DEPARTMENT OF HOME AFFAIRS NOTICE

No. 2019/11

Asbestos - changes to the *Customs (Prohibited Exports) Regulations 1958*

From 26 March 2019, amendments take effect to the export prohibition for asbestos. Outdated provisions and references to repealed legislation have been removed, and the definition of asbestos for the purposes of the export prohibition has been better aligned with Australia's domestic work, health and safety legislation.

The exportation of asbestos, and goods containing asbestos, is controlled under Regulation 4 and Schedule 1 of the *Customs (Prohibited Exports) Regulations 1958* (PE Regulations).

For further information on the changes to the asbestos border control please consult the updated legislation, including the explanatory statement located at: www.legislation.gov.au.

New definition of asbestos

The definition of asbestos under the PE Regulations is amended to align with the definition of asbestos under the *Work, Health and Safety Regulations 2011* (Cth). That is, *asbestos* means the asbestiform varieties of mineral silicates belonging to the following serpentine or amphibole groups of rock forming minerals:

- actinolite asbestos;
- grunerite (or amosite) asbestos (brown);
- anthophyllite asbestos;
- chrysotile asbestos (white);
- crocidolite asbestos (blue);
- tremolite asbestos; or
- a mixture that contains one or more of the minerals referred above.

As a result, only asbestiform asbestos is controlled at the border.

Laboratory reports from testing undertaken overseas that list a mineral silicate of the same name as in the list above must demonstrate that the mineral identified is of a non-asbestiform variety.

Amendments to the export prohibition

The amendments have removed provisions which previously enabled the Safety, Rehabilitation and Compensation Commission, and the Seafarers Safety, Rehabilitation and Compensation Authority to issue exemptions to the asbestos export prohibition.

The amendments empower the Minister to grant permission to export asbestos, and goods containing asbestos, from certain Australian external Territories to the mainland, to enable disposal in a state or territory.

- Asbestos intended to be shipped from Norfolk Island, Christmas Island and Cocos (Keeling) Islands to the mainland requires an **export permission** for the asbestos to leave the external Territory in addition to an **import permission** for the mainland. These territories are subject to customs ordinances which extend the application of the *Customs Act 1901* and associated regulations.
- Other external Territories have various arrangements, and asbestos exportation will be controlled within those existing frameworks.

General requirements of a Ministerial permission to export

Ministerial permission to export asbestos, or goods containing asbestos, must be sought from the Minister administering the *Work, Health and Safety Act 2011* (Cth).

- An export permission will be subject to conditions or requirements to be complied with by a person either before or after the exportation.
- A copy of the permission must be produced if requested by the Australian Border Force.
- Information about applying for Ministerial export permission is available at the Asbestos Safety and Eradication Agency (Cth) website: www.asbestossafety.gov.au.

Information about the border controls for asbestos is available at the ABF website: www.abf.gov.au/asbestos.

[signed]

Matthew Duckworth
Assistant Secretary
Customs and Border Revenue Branch

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