



# DEPARTMENT OF HOME AFFAIRS NOTICE

## No. 2019/12

### **Asbestos – changes to the *Customs (Prohibited Imports) Regulations 1956***

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 Outdated provisions and references to repealed legislation have been removed, and the definition of asbestos for the purposes of the import prohibition has been better aligned with Australia's domestic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

The importation of asbestos, and goods containing asbestos, is controlled under Regulation 4C of the *Customs (Prohibited Imports) Regulations 1956* (PI 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](http://www.legislation.gov.au).

#### **New definition of asbestos**

The definition of asbestos under the PI 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. The border control for the importation of asbestos is now applied equally to all of the specified asbestos mineral silicate types. Previously, amphibole asbestos and chrysotile asbestos were treated differently 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 import 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 import prohibition.

The amendments have removed Item 8 of Schedule 12 of the PI Regulations – *Gas masks that contain asbestos*. Goods formerly listed under this item are now captured by regulation 4C.

The amendments have removed the exception for the importation of chrysotile asbestos from the Australian Antarctic Territory (AAT). Returning asbestos from the AAT to Australia will now be part of the Ministerial permission scheme.

The amendments have removed Schedule 3B of the PI Regulations – *Permitted importation of chrysotile*, and the associated provision.

In addition to the pre-existing permissible purposes of research, analysis or display, the Minister can now also grant permission to import asbestos, and goods containing asbestos, from Australian external Territories for the purpose of 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.

#### **General requirements of a Ministerial permission to import**

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

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

Information about the border controls for asbestos is available at the ABF website: [www.abf.gov.au/asbestos](http://www.abf.gov.au/asbestos).

[signed]

Matthew Duckworth  
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Customs and Border Revenue Branch

26 March 2019