



Australian Government
Australian Customs Service

AUSTRALIAN CUSTOMS NOTICE NO. 2004/04

New Export Control on Asbestos

An amendment to the *Customs (Prohibited Exports) Regulations 1956* (the PE Regulations) commenced on 31 December 2003. Regulation 4 of the PE Regulations restricts the export of asbestos and goods containing asbestos. A list of goods containing asbestos is included in Part 1 of Schedule 1 of the PE Regulations (see Attachment A).

Under the provision of the new control, the export of asbestos or goods containing asbestos is prohibited unless:

1. The asbestos is, or goods are, hazardous waste under section 4 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (HW Act). All exportations of hazardous waste must be in accordance with the requirements of the HW Act;
2. The asbestos is, or goods are, to be used for a purpose listed in Part 2 of Schedule 1 of the PE Regulations (see Attachment B) or for research, analysis or display, the exportation is on or before the expiry date listed in the Schedule and a confirmation has been granted in respect of the asbestos or goods by:
 - a. The Seafarers Safety, Rehabilitation and Compensation Authority (SSRCA);
 - b. The Safety, Rehabilitation and Compensation Commission (SRCC); or
 - c. A relevant State/Territory occupational health and safety (OH&S) authority.
3. The Minister for Employment and Workplace Relations (the Minister) or an authorised person confirms that they have granted a permission to export; or
4. The asbestos exists as a naturally occurring trace element in a raw material.

In addition to the exclusions above, the export control does not apply to goods containing asbestos when the good is "in-situ". This exemption only covers instances where the good containing asbestos has been incorporated into a separate, larger item being exported (such as a machine or vehicle) in such a way that it does not constitute a risk to users unless the asbestos in the good is disturbed.

Further information on the controls on asbestos and asbestos goods can be found at the National Occupational Health and Safety Commission website at www.nohsc.gov.au/OHSLegalObligations/HazSubstancesAndDngGoods/Chrysotile.htm. All enquiries concerning the export of asbestos should be directed to the relevant OH&S authority in each state or territory in the first instance:

ACT – WORKCOVER
Phone: (02) 6207 8774

PO Box 224
CIVIC SQUARE ACT 2608

NSW – WORKCOVER
Phone: (02) 4321 5280

Locked Bag 2906
LISAROW NSW 2608

VIC – WORKCOVER AUTHORITY

Phone: (03) 9641 1373

Level 24
222 Exhibition Street
MELBOURNE VIC 3000

QLD – DEPARTMENT OF INDUSTRIAL RELATIONS

Phone: (07) 3247 4498

PO Box 820
LUTWYCHE QLD 4030

SA – WORKPLACE SERVICES

Phone: (08) 8303 0207

GPO Box 465
ADELAIDE SA 5001

WA – WORKSAFE

Phone: (08) 9327 8600 or
(08) 9327 8631

Locked Bag 14
Cloisters Square
PERTH WA 6850

TAS – WORKPLACE STANDARDS

Free call 1300 366 322

PO Box 56
ROSNY PARK TAS 7018

NT – WORK HEALTH AUTHORITY

Free Call 1800 019 115

GPO Box 4821
DARWIN NT 0801

The granting of exemptions for asbestos goods for use by the Department of Defence or the Australian Defence Force is the responsibility of the SRCC. As such, all queries relating to Item 4 of Part 2 of Schedule 3B (See Attachment B) should be referred to ComCare:

COMCARE

Ph: 02 6275 0031

Ph: 02 6275 0054

GPO Box 9905
CANBERRA ACT 2601

The Minister or an authorised person may grant a permission to export asbestos or goods containing asbestos. All relevant queries should be referred to

Department of Employment and Workplace Relations

Safety, Compensation and International Branch

Garema Court 3

GPO Box 9879

CANBERRA ACT 2601

Philomena Carnell
National Manager
Cargo Branch
CANBERRA ACT

14 January 2004

Attachment A

Goods Containing Asbestos

A list of the goods containing asbestos that are covered under this control are detailed in Part 1 of Schedule 1 to the PE Regulations. The following Australian Harmonised Export Commodity Classifications (AHECC) may relate to asbestos goods:

COMMODITY DESCRIPTION	AHECC
1. Cement corrugated sheets	6811.10
2. Cement flat sheet or panels	6811.20
3. Cement shingles or tiles	6811.20
4. Cement pipes, tubes or fittings	6811.30
5. Brake linings or blocks	6813.10
6. Clutch linings or blocks	6813.90
7. Gaskets or seals	6812.90
8. Sheeting	6812.70
9. Electrical panel partitioning	6811.20
10. Fire blankets	6812.90
11. Fire curtains	6812.90
12. Gloves	6812.50
13. Asbestos tape	6812
14. Asbestos rope	6812.90
15. Electrical cloth and tapes	6812
16. Yarn and thread, cords and string	6812.90
17. Lagging and jointed materials	6812.70
18. Tiles	6811.20
19. Sheet vinyl backing	6812
20. Textured paints and coatings	Chapter 32
21. Asbestos bitumen products used to damp-proof	Chapter 27
22. Heat resistant sealing or caulking compounds	2715
23. Mastics, sealants, putties or adhesives	3214.10
24. Mixtures containing phenol formaldehyde resin or cresylic formaldehyde resin	Chapter 39
25. Diaphragms	6812.90
26. Raw materials from mining activities	2524.00

In some instances, it is possible that the goods listed above could be classified to other headings of the AHECC. If in doubt about where your goods should be classified as the basis for whether they are subject to import controls on asbestos, please complete an "Application for AHECC – Exports Advice" form available on the Customs website at www.customs.gov.au. This form should be either faxed to (02) 9213 4149 or posted to:

Manager – Tariff and Valuation
Customs House
Sydney Central Building
477 Pitt Street
SYDNEY NSW 2000

Attachment B

Part 2 of Schedule 1 to the PE Regulations lists the purposes for which goods containing asbestos may be used. The SSRCA, the SRCC or the relevant State/Territory OH&S authority must confirm that goods are going to be used for one of these purposes:

Permitted exportation of asbestos

1. Use of asbestos in compressed asbestos fibre gaskets that is:
 - (a) for use with:
 - i. saturated steam; or
 - ii. superheated steam; or
 - iii. substances that are classified as dangerous goods; or
 - (b) for use with chlorine in a plant used in liquid chlorine service with design process conditions of -45°C and 1500 kPa.

Exemption 1(a) expires on 31 December 2004

Exemption 1(b) expires on 31 December 2006

2. Use of asbestos in a product that consists of a mixture of asbestos with a phenol formaldehyde resin or with a cresylic formaldehyde resin used in:
 - (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.

Exemption expires on 31 December 2007

3. Use of asbestos in a diaphragm for use in electrolytic cell in an existing electrolysis plant for chlor-alkali manufacture.

Exemption expires on 31 December 2006

4. Use by the Department of Defence or the Australian Defence Force of asbestos in a part or component of a plant, if:
 - (a) the unavailability of the part or component prevents the plant from being available for use; and
 - (b) the unavailability of the plant prevents a mission from being undertaken; and
 - (c) there is no reasonable alternative to the use of asbestos.

Exemption expires on 31 December 2007