

South Australia

Dust Diseases Regulations 2021

under the *Dust Diseases Act 2005*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed industrial and commercial processes—section 8(2)
- 5 Prescribed industrial and commercial processes—section 9(2)

Schedule 1—Prescribed industrial and commercial processes (regulation 4)

- 1 Interpretation
- 2 Prescribed industrial and commercial processes

Schedule 2—Prescribed industrial and commercial processes (regulation 5)

Schedule 3—Revocation of *Dust Diseases Regulations 2006*

1—Short title

These regulations may be cited as the *Dust Diseases Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which they are made.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Dust Diseases Act 2005*.

4—Prescribed industrial and commercial processes—section 8(2)

- (1) For the purposes of section 8(2) of the Act, an industrial or commercial process specified in column 2 of the table in Schedule 1 clause 2 is prescribed.
- (2) The prescription of an industrial or commercial process under subregulation (1) only applies to a process carried on from the date specified in relation to that process in column 3 of the table in Schedule 1 clause 2.

5—Prescribed industrial and commercial processes—section 9(2)

- (1) For the purposes of section 9(2) of the Act, an industrial or commercial process specified in Schedule 2 is prescribed.
- (2) The prescription of an industrial or commercial process under subregulation (1) only applies to a process carried on from 1 January 1940.

Schedule 1—Prescribed industrial and commercial processes (regulation 4)

1—Interpretation

In this Schedule—

prescribed business means a business (whether incorporated or otherwise) that, at the time the relevant industrial or commercial process occurred, employed more than 20 persons.

2—Prescribed industrial and commercial processes

	Industrial or commercial process	Relevant date
1	Mining or milling of asbestos, or associated packing or transportation of asbestos	1 January 1940
2	Manufacture of products containing asbestos	1 January 1940
3	Packing or transportation of products containing asbestos by the manufacturer of the products	1 January 1940
4	Sale or supply of products containing asbestos by the manufacturer of the products	1 January 1940
5	Use of products containing asbestos by the manufacturer of the products	1 January 1940
6	Design of any object or thing containing asbestos or products containing asbestos—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
7	Sale (whether wholesale or retail) or other supply of products containing asbestos by a person other than the manufacturer of the product—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
8	Installation of products containing asbestos (whether in buildings, plant and equipment, vehicles or vessels or otherwise)—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
9	Use of products containing asbestos by a person other than the manufacturer of the product—	
	(a) in the case of a prescribed business	1 January 1960
	(b) in any other case	1 July 1971
10	Any industrial or commercial process involving asbestos or products containing asbestos (not being a process referred to in items 1 to 9 above, and not including where the only involvement of asbestos or products containing asbestos in the process is the presence of asbestos or the product in a structure comprising or forming part of the premises in which the process occurred)	1 January 1976

Schedule 2—Prescribed industrial and commercial processes (regulation 5)

Mining or milling of asbestos, or associated packing or transportation of asbestos
Manufacture of products containing asbestos
Packing or transportation of products containing asbestos by the manufacturer of the products
Sale or supply of products containing asbestos by the manufacturer of the products
Use of products containing asbestos by the manufacturer of the products

Schedule 3—Revocation of *Dust Diseases Regulations 2006*

The *Dust Diseases Regulations 2006* are revoked.

Note—

As required by section 10AA(2) of the *Subordinate Legislation Act 1978*, the Minister has certified that, in the Minister's opinion, it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

with the advice and consent of the Executive Council
on 17 June 2021

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