EXPLANATORY STATEMENT

Issued by the authority of the Minister for Employment and Workplace Relations

Subject - Asbestos Safety and Eradication Agency Act 2013

Proclamation

The Asbestos Safety and Eradication Agency Act 2013 (the Act) will establish the Asbestos Safety and Eradication Agency (the Agency) as a statutory agency. The functions of the Agency will include co-ordinating the implementation of the National Strategic Plan for Asbestos Awareness and Management and providing advice on asbestos safety to the Minister for Employment and Workplace Relations. The Act will also establish the Asbestos Safety and Eradication Council (the Council). The functions of the Council will include monitoring implementation of the National Strategic Plan and providing advice to the Chief Executive Officer of the Agency and to the Minister for Employment and Workplace Relations.

Section 2 of the Act provides that sections 3 to 48 of the Act will commence on a day to be fixed by Proclamation.

The Proclamation fixes 1 July 2013 as the day on which sections 3 to 48 of the Act commence.

Sections 3 to 48 of the Act constitute the entirety of the Act, apart from section 1 (which provides the title of the Act) and section 2 (which provides for the commencement of the Act).

The commencement of sections 3 to 48 on 1 July 2013 allows the Agency and the Council to commence their roles in promoting asbestos safety without delay.

The Office of Asbestos Safety within the Department of Education, Employment and Workplace Relations conducted a range of consultation on the proposed structure and functions of the new statutory agency, including state, territory and local government officials via a Government Reference Group; Commonwealth officials via an Australian Government Inter-departmental Committee; and the National Workplace Relations Consultative Council.

The Proclamation is a legislative instrument for the purposes of the Legislative Instruments Act 2003.

The Office of Best Practice Regulation previously granted the Act an exemption from requiring a Regulation Impact Statement (reference 14196), and has granted a further exemption from the requirement for this proclamation, as it is machinery of government in nature (reference 15095).