



Exemption 12 of 2025

GRANTING OF EXEMPTION FROM REQUIREMENT(S) OF THE WORK HEALTH AND SAFETY (GENERAL) REGULATIONS 2022 – REGULATION 419(1) – WORK INVOLVING ASBESTOS OR ACM; PROHIBITIONS AND EXCEPTIONS

Pursuant to Regulation 684 of the Work Health and Safety (General) Regulations 2022 (WHS Regulations), I have determined on my own initiative to grant an exemption from the requirement that a person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, work if it involves asbestos. The exemption is to facilitate the return to stores of coloured sand products identified to contain, or be at risk of containing, trace levels of asbestos.

The purpose of Regulation 419 of the WHS Regulations is to enforce the prohibition on new uses of asbestos containing materials in workplaces, and in doing so to reduce the risk of persons being exposed to respirable asbestos fibres which present a risk of harm to health.

In the context where coloured sands with trace asbestos ('Sands') have been imported and have been in use in homes and workplaces for some time, and those in possession of the Sands seek to dispose of them, I have considered that there is a risk that some persons may not have access to approved asbestos disposal facilities, and that certain stores that previously supplied the Sands have offered to accept returned Sands for appropriate disposal.

I consider that the risks associated with the stores collecting the Sands can be mitigated, and are lower than the risks associated with unlawful disposal that may otherwise occur to a greater extent.

For the purposes of Regulation 484(1)(b), stores accepting returned Sands are considered to be sites authorised to accept asbestos waste, (limited to waste of the category of the Sands).

In accordance with the provisions of Regulation 684(1) of the WHS Regulations, an exemption has been granted from the Regulation 419(1) requirement that a person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, work if it involves asbestos, subject to the following conditions:

1. The exemption only applies to stores that are accepting returned Sands that have been recalled, or that are otherwise suspected of containing trace asbestos.
2. The stores must ensure that a safe work procedure is implemented for the return of the Sands, and that it includes at least:
 - a. A dedicated storage area separate from other wastes and goods for sale;
 - b. A sign for the dedicated storage area including an asbestos caution;
 - c. Checks of incoming material to ensure that they are fully contained or wrapped;
 - d. Provision of wrapping/containment material to further contain any materials where the original containment is damaged and wearing of disposable gloves and P2 masks if wrapping materials further;



- e. Labels to be applied to the contained materials including an asbestos caution;
 - f. A procedure to follow for handling the Sands, and a procedure to follow in the event of a spill of Sands; and
 - g. A system to regularly dispose of the materials at an approved asbestos disposal site to prevent long term storage.
3. This exemption does not create a duty for any store to accept returned Sands.
4. The exemption is valid until 30 June 2026.

Should you have any queries on this matter please contact the Department on 1300 307 877.

Sally North

WorkSafe Commissioner

21 November 2025