

WORK HEALTH AND SAFETY REGULATIONS 2012

*Exemption***Granting of exemption from requirements of the Work Health and Safety Regulations 2012 – Regulation 419(1) – Work involving asbestos or ACM—Prohibitions and exceptions**

The purpose of regulation 419 of the *Work Health and Safety Regulations 2012* (**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.

It has been identified that certain coloured decorative sands (**the Sands**) that have been imported to Australia from overseas and sold by stores in Australia may contain asbestos. The Sands have been in use in homes and workplaces for some time, and those in possession of the Sands now seek to dispose of them.

In that context 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 that the Sands be returned to the store for appropriate disposal.

In accordance with regulation 685 of the WHS Regulations, I consider that the risks associated with stores collecting the Sands can be mitigated and are lower than the risks associated with unlawful disposal that may otherwise occur if the Sands cannot be returned to stores.

Pursuant to regulations 684(1) and 684(2) of the WHS Regulations, I have determined on my own initiative to grant an exemption to stores that are accepting the Sands for return from the requirement under regulation 419(1) of the WHS Regulations 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**).

The Exemption is granted subject to the following conditions:

1. The Exemption is exclusively limited to facilitate the return to stores of the Sands identified as containing, or be at risk of containing, trace levels of asbestos.
2. The Exemption only applies to stores that are accepting Sands for return that have been recalled, or that are otherwise suspected of containing trace asbestos.
3. The stores must ensure that a safe work procedure is implemented for the return of the Sands, and including at a minimum:
 - a) A dedicated storage area separate from other wastes and goods for sale;
 - b) A sign for the dedicated storage area of the Sands, 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 the wearing of disposable gloves and P2 masks if wrapping/containing the Sands further;
 - e) Labels to be applied to the contained Sands 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 the Sands; and
 - g) A system to regularly dispose of the materials at an approved asbestos disposal site to prevent long-term storage, with transport carried out by a waste transporter holding an Environment Protection Authority (EPA) Regulated Waste Transport licence.
4. The Exemption does not create a duty for any store to accept returned Sands.
 5. The Exemption takes effect on 25 November 2025 and is valid until 30 June 2026.

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).



Glenn Farrell
Executive Director
SafeWork SA

Dated: 25 / 11 / 2025