

Australian Capital Territory

Work Health and Safety Amendment Regulation 2025 (No 1)

Subordinate law SL2025–26

made under the

Work Health and Safety Act 2011, section 276 (Regulation-making powers)

EXPLANATORY STATEMENT

This explanatory statement relates to the Work Health and Safety Amendment Regulation 2025 (No 1) (the Amendment Regulation).

It has been prepared to assist the reader of the Amendment Regulation. It does not form part of the Amendment Regulation. The statement is to be read in conjunction with the Amendment Regulation. It is not, and is not meant to be, a comprehensive description of the Amendment Regulation.

OVERVIEW OF THE REGULATION

The *Work Health and Safety Amendment Regulation 2025 (No 1)* (Amendment Regulation) makes a minor amendment to section 419 of the *Work Health and Safety Regulation 2011* (WHS Regulation). The amendment will allow the Minister to declare activities that are considered minor or routine maintenance, or minor work, for the purposes of section 419(3)(k) of the WHS Regulation.

This amendment follows a number of product recalls by the Australian Competition and Consumer Commission for coloured sand products where the relevant health advice issued alongside the recalls has been that the products present a very low risk to human health.

As such, their removal and disposal from the workplace is considered to be aligned to the existing category of permitted asbestos-related works in accordance with the WHS Regulation, section 419(3).

CONSULTATION ON THE PROPOSED APPROACH

ACT Government directorates and agencies, including WorkSafe ACT, have been consulted in the development of this Amendment Regulation.

REGULATORY IMPACT STATEMENT

A regulatory impact statement is not required as the Regulation does not impose any new obligations that are likely to result in appreciable costs on the community, or part of the community.

CONSISTENCY WITH HUMAN RIGHTS

All amendment regulations must be compatible with the *Human Rights Act 2004* (HRA). The Amendment Regulation is not considered to engage human rights.

CLAUSE NOTES

Clause 1 **Name of regulation**

Clause 1 establishes the name of the *Work Health and Safety Amendment Regulation 2025 (No 1)*.

Clause 2 **Commencement**

Clause 2 is the commencement provision, which provides for the commencement of Amendment Regulation on the day after its notification day.

Clause 3 **Legislation amended**

Clause 3 sets out the legislation amended.

Clause 4 **New section 419 (3A) and (3B)**

Clause 4 inserts new provisions that allow the Minister to declare by notifiable instrument work to be minor or routine maintenance work, or other minor work, for the purposes of section 419 (3)(k) of the WHS Regulation.

Clause 5 **Section 447 (2), definition of *demolition or refurbishment***

Clause 5 makes a minor drafting clarification amendment to section 447 (2) of the WHS Regulation.