

# Work Health and Safety (Coloured Sand Products Clearance Inspection and Clearance Certificate) Exemption 2025\*

Notifiable instrument NI2025–636

made under the

***Work Health and Safety Regulation 2011*, section 684 (General power to grant exemptions)**

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## 1 Name of instrument

This instrument is the *Work Health and Safety (Coloured Sand Products Clearance Inspection and Clearance Certificate) Exemption 2025*.

## 2 Commencement

This instrument commences on the day after its notification day.

## 3 Scope of Exemption

I, the Work Health and Safety Commissioner and regulator, acting under section 684 of the *Work Health and Safety Regulation 2011*, having taken into account all relevant matters including section 685 of the *Work Health and Safety Regulation 2011*, grant an exemption from compliance with the following sections of *Work Health and Safety Regulation 2011*.

- a) 473(2)
- b) 474(2)
- c) 474(3)
- d) 474(4)
- e) 474(5)(a)

In making this decision, I have had regard to the health and safety risks associated with permitting a competent person to undertake clearance inspections and issue clearance certificates for asbestos removal work associated with asbestos contaminated coloured sand products or coloured sand products presumed to contain asbestos.

I have determined that placing conditions on the exemption will ensure that work carried out under this exemption carries no greater risk of exposure to asbestos than work that is ordinarily permitted by, and carried out in accordance with, the *Work Health and Safety Regulation 2011*.

\*Name amended under Legislation Act, s 60

#### **4 Persons to whom the exemption applies**

This exemption applies to a person who commissions licensed asbestos removal work for asbestos contaminated coloured sand products or coloured sand products presumed to contain asbestos at a workplace, including workplaces that are residential premises. A reference to a person who commissions asbestos removal work includes a licensed asbestos removalist if the workplace is residential premises.

#### **5 The work or thing and circumstances to which the exemption relates**

This exemption applies to specific situations where it is necessary to remove asbestos contaminated coloured sand products or coloured sand products presumed to contain asbestos from a workplace, including instances where the workplace is residential premises.

This exemption will operate in the following manner regarding the requirements of the *Work Health and Safety Regulation 2011* as set out below:

- a) 473(2) - an independent licensed asbestos assessor is not required to carry out the clearance inspection. A competent person is authorised to carry out the clearance inspection.
- b) 474(2) – a licensed asbestos assessor is not required to carry out the clearance inspection or issue a clearance certificate. A competent person is authorised to carry out the clearance inspection and issue a clearance certificate.
- c) 474(3) – a licensed asbestos assessor is not required ensure that the asbestos removal area does not pose a risk to health and safety from exposure to asbestos. A competent person must ensure that the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.
- d) 474(4) – does not have to be satisfied by using a licensed asbestos assessor. A competent person must not issue a clearance certificate unless satisfied that –
  - i. the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination; and
  - ii. If the competent person undertook air monitoring as part of the clearance inspection, the monitoring results shows asbestos below 0.01 fibres/mL.
- e) 474(5)(a) - does not require a statement from a licensed asbestos assessor. A competent person must issue a written clearance certificate and the clearance certificate must state that –
  - i. The competent person found no visible asbestos residue from asbestos removal work in the area, or in the vicinity of the area, where the work was carried out; and

- ii. If air monitoring was carried out by the competent person as part of the clearance inspection – the airborne asbestos fibre level was less than 0.01 asbestos fibres/mL.

## **6 Conditions on the exemption**

In accordance with the provisions of section 685(b) of the *Work Health and Safety Regulation 2011*, an exemption has been granted from sections 473(2), 474(2), 474(3), 474(4) and 474(5)(a) of the *Work Health and Safety Regulation 2011* on the following conditions:

- a) The exemption only applies to asbestos removal work associated with asbestos contaminated coloured sand products or coloured sand products which are presumed to contain asbestos.
- b) All references to “licensed asbestos assessor” or “assessor” in the sections covered by this exemption are to be replaced with “competent person” as defined in the *Work Health and Safety Regulation 2011* (i.e. a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task).
- c) This exemption applies to all workplaces in the Australian Capital Territory.

## **7 Duration**

This instrument remains in effect until it is amended or cancelled under Section 697 of the *Work Health and Safety Regulation 2011*.

Jacqueline Agius  
Work Health and Safety Commissioner  
24 November 2025