



Defence People Policy, SafetyMan

Asbestos Management Policy and Guidance

Policy statement

1. Asbestos and asbestos-containing materials are health hazards, particularly when asbestos fibres are released into the air and inhaled. Defence manages the risks to health and safety through the elimination or control of asbestos to create a safe working environment.

Scope

2. This policy applies to all Defence workers, including ADF members, APS employees, ADF cadets, contractors and other persons.
3. The application of this policy to contractors and sub-contractors is dependent on the degree of control and influence that Defence has over the undertaking and will be defined within the relevant contractual arrangements.

Policy – core elements

4. **Airborne asbestos.** Groups and Services must ensure, so far as is reasonably practicable, that exposure of people at the workplace to airborne asbestos is eliminated. If this is not reasonably practicable, then the exposure must be minimised, so far as is reasonably practicable. Groups and Services must also ensure that the exposure standard for asbestos is not exceeded at the workplace.
5. Groups and Services have a responsibility to manage processes under any of the following categories:
 - 5.1. **Asbestos-related work.** Any work involving asbestos – other than asbestos removal work to which Part 8.7 of the Work Health and Safety Regulations 2011 (WHS Regulations) applies – that is permitted under the exceptions set out in subregulations 419(3), (4) and (5); and
 - 5.2. **Asbestos removal work.** Any work involving removal of asbestos and asbestos-containing materials. *Ensure* asbestos removalists are licensed in accordance with the WHS Regulations, Part 8.10, Division 1 – Asbestos removalists – requirements to be licensed, regulations 485 to 488.
6. Asbestos removal work must be performed according to legislation, relevant Codes of Practice, and Australian standards – particularly those relating to asbestos removal – by a licensed asbestos removalist as outlined above.
7. Under the WHS Regulations, there are notification obligations to Comcare in the following circumstances:
 - 7.1. **Standard asbestos removal work.** Comcare is to be notified by the licensed asbestos removalist in writing at least five days before starting asbestos removal work.
 - 7.2. **Specified sudden and unexpected events.** Only in the following situations can asbestos removal work be carried out immediately, Comcare is to be notified immediately by the licensed asbestos removalist by phone, followed by a written statement within 24 hours of the call:



- 7.2.1. sudden and unexpected incident that may cause persons to be exposed to respirable asbestos fibres; or
 - 7.2.2. unexpected breakdown of an essential service that must be immediately rectified. Essential service means the supply of gas, water, sewerage, telecommunications, electricity or similar services, or chemicals, fuel and refrigerant in pipes or lines.
- 7.3. **Elevated respirable fibre levels.** Where reported results for air monitoring carried out in accordance with Part 8.8 - Asbestos removal requiring Class A licence, exceeds 0.02 fibres/ml, Comcare is to be notified immediately by the licensed asbestos removalist by phone followed by a written statement. Further information is available on actions and controls required for different asbestos levels at reference: Comcare Asbestos Notifications.
- 7.4. **Emergency demolition works involving asbestos.** The person with management or control of the workplace on becoming aware of the emergency and before commencement of demolition, is to notify Comcare immediately in writing. An emergency is defined to occur if a structure or plant is structurally unsound or if its collapse is imminent.
8. If an asbestos exposure occurs that meets the definition of a dangerous incident then notification to Comcare must be made immediately by phone, in accordance with the *Work Health and Safety Act 2011* and the SafetyMan, WHS Incident Reporting Policy and Guidance.
9. For asbestos removal work to be considered a dangerous incident, a person would need to be exposed to a significant health and safety risk. That is, one or more persons would need to be close enough to the incident site, in location and/or time, that the possibility of a serious risk to them is created, emanating from an immediate or imminent exposure.
10. Where asbestos exposures occur that are not defined as dangerous incidents, these are *not* notifiable to Comcare. However, there is an obligation to report such incidents to Defence via Sentinel – see SafetyMan, WHS Incident Reporting Procedure 01 – Sentinel Reporting.
11. Where asbestos is encountered or suspected asbestos is discovered on deployed ADF operations including Defence Assistance to the Civil Community tasking, Commanders are to ensure that asbestos is considered in hazard identification processes and where identified or suspected, eliminated or managed as far as reasonably practicable for the circumstances in accordance with this policy. Further information is available in SafetyMan, Asbestos Management Procedure 03 – Unexpected Finds of Asbestos.
12. Prior to procurement or importation of materiel, a quality assurance system should be put in place to ensure that the materiel does not contain asbestos. Strengthened contractual terms for all Defence procurement should include a positive assurance from suppliers, including overseas suppliers, that the materiel does not contain asbestos.
13. The assurance must include independent certification from a suitably qualified and accredited occupational hygienist and test facility. When the testing is carried out overseas, before shipping to Australia, certification must be from a testing laboratory accredited by the National Association of Testing Authorities (NATA) equivalent testing authority in that country. The local testing authority must be a signatory to a Mutual Recognition Arrangement (MRA) with NATA. Testing undertaken overseas should be at least equivalent to the relevant Australian standards, and the content of the laboratory report must meet Australian requirements. Exhaustive analysis of alternatives is to be undertaken, including the possibility of re-engineering or replacement, to confirm that there is no viable current alternative. Substitution and elimination should always be considered first.

14. The importation of all types of asbestos and materials containing asbestos into Australia is generally prohibited under the Customs (Prohibited Imports) Regulations 1956 except in limited circumstances, or where legislative exceptions have been granted.
15. Exceptions to the legislation will be considered by Comcare on a case-by-case basis under regulation 419. If issued, exceptions can be subject to a range of conditions and review requirements. Further information on Defence exemptions is available:
 - 15.1. in SafetyMan, Asbestos Management Policy Guidance – Asbestos Exception; and
 - 15.2. on the Australian Border Force website for the importing, exporting and manufacturing of prohibited goods.
16. Defence assets containing asbestos or asbestos-containing materials may only be sold, gifted or disposed of in accordance with Part 8.7 and 8.9 of the WHS Regulations; and Vice Chief of the Defence Force Directive 03/2015 – Disposal of Assets and Inventory Containing Asbestos Within Defence. Full disclosure of all safety-related information for the use, storage, transport, handling, labelling, maintenance, decommissioning, dismantling and disposal of the asset must be provided to the recipient/s.
17. Before starting and throughout asbestos-related work, a competent person must perform air monitoring of the work area if there is uncertainty about whether the exposure standard is likely to be exceeded. Further information is provided in SafetyMan, Hazardous Chemicals Management Procedure 12 – Health Monitoring for Hazardous Chemicals and SafetyMan, Hazardous Chemicals Management Procedure 13 – Monitoring for Airborne Contaminants.
18. Due to the serious consequences that may result from exposure to asbestos, Defence must investigate all asbestos exposure incidents reported within Sentinel. Defence must:
 - 18.1. determine the exact cause of the exposure;
 - 18.2. assess the risk of significant exposure to personnel and recurrence of the incident;
 - 18.3. develop controls to prevent future incidents; and
 - 18.4. continually improve the Defence safety management system.
19. External/environmental and personal risk factors are to be considered in the assessment of asbestos risk.
20. **Record keeping.** Where airborne contaminant exposure monitoring is performed, Defence must keep records of the results for 30 years and ensure that they are readily accessible to persons at the workplace who may be exposed to asbestos; pursuant to regulation 50.

Roles and responsibilities

21. Group Heads and Service Chiefs as officers of the person conducting a business or undertaking are responsible for allocating sufficient resources to effectively manage asbestos-related risks.
22. Commanders/managers and supervisors must take all practicable steps to protect the health and safety of workers. They have a responsibility to:
 - 22.1. understand how asbestos affects their workers and the work being performed;
 - 22.2. consult with workers to identify, assess and control asbestos-related hazards and risks;
 - 22.3. ensure the appropriate risk management is conducted for all activities;
 - 22.4. provide all workers with appropriate supervision, training, and information – including information about *historical exposure*;

- 22.5. ensure that asbestos removal has been authorised by a competent person, and carried out by a licensed asbestos removalist;
 - 22.6. implement improvements to reduce asbestos-related risks, so far as is reasonably practicable to acceptable levels; and
 - 22.7. analyse incident reports where exposure to asbestos, or potential exposure, may cause or contribute to injury or illness.
23. All workers have a responsibility to:
- 23.1. take all reasonably practicable steps to safeguard their own health and safety, and the health and safety of others in the workplace;
 - 23.2. understand and follow established safe work practices and procedures, participate in training and hazard identification, and control risks arising from asbestos hazards in accordance with guidance;
 - 23.3. advise supervisors of any perceived risk that could increase exposure to injury or illness;
 - 23.4. monitor themselves and their fellow workers, and take action when they observe or suspect elevated risks to themselves or others; and
 - 23.5. report exposure or potential exposure to asbestos that might result in injury or illness.
24. Contractors engaged by Defence to undertake asbestos-related or removal work have a responsibility under the WHS Regulations:
- 24.1. to be licensed to remove asbestos;
 - 24.2. to complete the Comcare Notification of Licensed Asbestos Removal Work form in accordance with section 6 of this policy;
 - 24.3. to meet all legislative requirements, including other laws relating to matters such as environmental protection, public health, building and construction and local government regulation and take reasonable care for their own health and safety; and
 - 24.4. to meet all shared responsibilities contained under contractual arrangements. All shared duties should be agreed on by both parties (ie Defence and contractors engaged by Defence) during the contract negotiation stage.
25. The SafetyMan, Contractor Safety Management Policy provides information on shared duty responsibilities and the documentation of safety information including roles and responsibilities.

Overseas non-operational arrangements. Where arrangements or agreements are made with foreign entities that may expose Defence people to risk of asbestos exposure, the respective group or service which manages the relationship with that foreign entity is responsible for the communication, risk management and reporting of asbestos exposure.

References and related documents

[Work Health and Safety Act 2011](#)

[Customs \(Prohibited Imports\) Regulations 1956](#)

[Work Health and Safety Regulations 2011](#), Chapter 8—Asbestos

[How to Manage and Control Asbestos in the Workplace Code of Practice 2015](#)

[How to Safely Remove Asbestos Code of Practice 2015](#)

SafetyMan, [Asbestos Management Policy Guidance - Asbestos Exception](#)

SafetyMan, [Asbestos Management Procedure 03 - Unexpected Finds of Asbestos](#)

SafetyMan, [Asbestos](#) page

SafetyMan, [Contractor Safety Management Policy and Guidance](#)

SafetyMan, [Hazardous Chemicals Management Procedure 12 – Health Monitoring for Hazardous Chemicals](#)

SafetyMan, [Hazardous Chemicals Management Procedure 13 – Monitoring for Airborne Contaminants](#)

SafetyMan, [SafetyMan Glossary](#)

SafetyMan, [WHS Incident Investigation Policy and Guidance](#)

SafetyMan, WHS Incident Reporting Procedure 01 – Sentinel Reporting twistie on [WHS Incident Reporting Policy and Guidance](#) page

[AS 1319:1994 \(R2018\) Safety Signs for the Occupational Environment](#)

[AS 4964:2004 Method for the Qualitative Identification of Asbestos in Bulk Samples](#)

[AS/NZS 1715:2009 Selection, Use and Maintenance of Respiratory Protective Equipment](#)

[Estate and Infrastructure Group Asbestos Management Plan \(AMP\)](#), Downloadable PDF

[Vice Chief of the Defence Force Directive 03/2015 – Disposal of Assets and Inventory Containing Asbestos Within Defence](#)

[Asbestos Notifications](#) page (Comcare)

[Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition \[NOHSC:3003 \(2005\)\]](#)

[Importing, Exporting and Manufacturing Asbestos](#) page, Australian Border Force website

Licensed Asbestos Removal Work Notification form via the Comcare [Forms](#) page

[National Association of Testing Authorities](#) (NATA)

Note

1. Links to Australian Standards will only work if the reader has followed the instructions on the Defence Library Service, [Australian Standards](#) page; and accessed the SAI Global, i2i Platform after logging into [OpenAthens](#). Defence DRNet access is required to create an OpenAthens account.

Document	SafetyMan, Asbestos Management Policy and Guidance
Content owner	Work Health and Safety Branch
Date published	14 July 2022
Objective ID	AB36411959
Version	3.0



Defence People Policy, SafetyMan

Asbestos Management Procedure 01 - Hazard And Risk Identification For Asbestos

1. This procedure provides work health and safety information relating to the *SafetyMan - Asbestos Management Policy and Guidance*.

Introduction

2. Asbestos has physical and chemical properties (heat insulation, fire resistance and high friction capabilities) which resulted in its widespread use, including in the workplace (eg buildings, building products, platforms, machinery, plant and equipment). However, asbestos is extremely hazardous. Therefore, the *Work Health and Safety Regulations 2011* require the identification of asbestos in the workplace, including naturally occurring asbestos, so the risk of exposure can be eliminated or minimised, so far as is reasonably practicable. To facilitate the identification process, this procedure supplements the requirements of *SafetyMan – Asbestos Management Procedure 02 -Risk Management of Asbestos in Workplaces*.

Identification of asbestos

3. A person managing or controlling a workplace must ensure asbestos or asbestos-containing material at the workplace is identified by a competent person. Identifying asbestos or asbestos-containing materials is the first step in managing the risk of exposure to asbestos.
4. As there may be more than one person in the workplace responsible for identifying asbestos, it is important that all duty holders consult, cooperate and coordinate with each other as well as consulting with workers and health and safety representatives:
 - 4.1. the person with control of the workplace must manage the identification of asbestos with the person who has day-to-day management of the workplace to ensure it has been done accurately; and
 - 4.2. all suspected finds of asbestos in the Defence estate should be reported to the immediate supervisor of the identifier, the supervisor of the activity, the person managing or controlling the workplace and the Defence Estate and Infrastructure Group relevant Base Support Manager as soon as practicable.
5. If the person managing or controlling the workplace has reasonable grounds to believe that asbestos is present, and that there is no risk or hazard identified, then there is a need to consult a competent person to identify the substances assumed or thought to be asbestos.
6. Factors that must be considered and formally recorded for future reference, should a decision be made not to consult with a competent person include:
 - 6.1. The age of the building/platform/equipment:
 - 6.1.1. asbestos was widely used in platforms/plant as an insulator until the late 1980s when bans on its manufacture and use were put in place. However, the use of asbestos was not prohibited until 31 December 2003; and



- 6.1.2. as the bans were not absolute prior to 2003 and asbestos-containing inventory/spare parts may have been stockpiled or recycled and used, it is possible that asbestos may be present in platforms that were constructed up to and potentially later than 31 December 2003.
- 6.2. Refurbishments or additions to the building/platform prior to 31 December 2003:
 - 6.2.1. any refurbishment or refit to the original platform prior to 1990 and potentially up to 31 December 2003 may have involved the use of asbestos-containing parts; and
 - 6.2.2. while the original parts may not have contained asbestos, subsequent additions may contain asbestos.
- 6.3. Information from designers and design plans and manufacturers or suppliers of plant:
 - 6.3.1. asbestos may be present in specific parts of plant/equipment in a workplace if it was used in gasket and friction brake products;
 - 6.3.2. despite a large reduction in its use, chrysotile asbestos was still being used in some specific applications until recent years, including rotary vane vacuum pumps and in gaskets for certain types of equipment; and
 - 6.3.3. for plant designed, built and installed prior to 1 January 2004, the supplier, manufacturer or designer of the plant should be consulted to find out if asbestos is present. Ideally, this advice would be obtained in writing. For plant that was designed, built and installed after 1 January 2004, the design plans should be reviewed and advice sought from an experienced engineer or plant designer.
- 6.4. Information from workers who have worked in the workplace for a long time:
 - 6.4.1. experienced workers may be aware of the history of the building, including its age, construction, renovation or repairs, and may know where asbestos is located in the workplace.

Visual inspection for asbestos

- 7. The workplace should be visually inspected to identify asbestos and asbestos-containing materials and to identify inaccessible areas where there might be asbestos (and which must be assumed to contain asbestos).
 - 7.1. The inspection must be comprehensive—including all buildings, structures, ceiling spaces, cellars, shafts, storage areas and wall cavities.
 - 7.2. Material must be assumed to contain asbestos if it cannot be identified or there is uncertainty whether it contains asbestos or if the material is inaccessible.
 - 7.3. The design plans for a building, structure, ship or plant/equipment may assist in identifying inaccessible areas, as would discussion with builders, architects, manufacturers of plant and maintenance workers.
 - 7.4. Knowledge of materials used in the construction of the building or experience and findings from inspections of similar sections of the building (or similar buildings) may also assist.
 - 7.5. All asbestos finds (and assumed asbestos) must be included in an asbestos register. Taking notes and photographs during the inspection can assist in producing the asbestos register.

8. In addition to the initial visual inspection of the workplace, the person managing or controlling a workplace should regularly (eg annually) inspect the workplace to identify changes to the condition of asbestos and the associated risk, and to identify previously unidentified asbestos.

Arranging a sample to identify asbestos

9. Only a competent person can take a sample of material to be analysed for the presence of asbestos. Samples must only be analysed by a laboratory accredited by the National Association of Testing Authorities.
10. A directory of National Association of Testing Authorities accredited laboratories is at <http://www.nata.com.au>. Search for Facilities and Labs/Chemical Testing/Asbestos, or call 1800 621 666.
11. Once the analysis results are known, the person managing/controlling the workplace (refer to para 5) must update the asbestos register and asbestos management plan. Refer to *SafetyMan – Asbestos Management Procedure 06 - Asbestos Record Keeping, Labelling and Signage*.
12. If suspected asbestos is stable and non-friable then it should not be disturbed. Only material that is loose/friable or will be disturbed should be sampled.
13. As soon as asbestos is identified in the workplace, or there is an assumption that there is asbestos in the workplace, an asbestos management plan and an asbestos register are to be created. Refer to *SafetyMan – Asbestos Management Procedure 06 - Asbestos Record Keeping, Labelling and Signage*.

Customs regulations

14. The *Customs (Prohibited Imports) Regulations 1956* prohibit the importation of plant containing asbestos and any other form of asbestos. This prohibition has been in place since 31 December 2003. However, while Australia has prohibited the importation and use of asbestos, many countries still use it and the possibility remains that imported plant and materials may contain asbestos. Notwithstanding, any importation of asbestos is in contravention of the Customs Regulations.

Examples

15. The following photos provide some examples of where asbestos may be found:



Clutch plate (Serial no. 0059B-18/08)



Brake Shoe (0051/04-18/13)



M2A2 inert charge bags (Serial no. N/A)



Macchi Air-conditioning Pipes, external fuselage – left side (Serial no. 0571/10 – 18/01 6)



Asbestos lagging on board a vessel.



120cm Searchlight – WII (Lens Seal)
(Serial no. 0443/1-18/03)



Broken asbestos cement sheets in old buildings.

References and related documents

16. [Work Health and Safety Act 2011](#)
17. [Work Health and Safety Regulations 2011 Chapter 8 Asbestos](#)
18. [Code of Practice – How to Control and Manage Asbestos in the Workplace](#)
19. [Code of Practice – How to Safely Remove Asbestos](#)
20. [SafetyMan:](#)
 - 20.1. [Asbestos Management Policy suite](#)
 - 20.2. [Hazardous Chemicals Management Policy suite](#)
21. Work Health and Safety Branch – [Asbestos webpage](#)
22. [Australian Standard 4964–2004—Method for the Qualitative Identification of Asbestos in Bulk Samples \(SAI Global\)](#)
23. [National Association of Testing Authorities](#)
24. [Customs \(Prohibited Imports\) Regulations 1956](#)
25. [Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition](#)

Document Reference:	Asbestos Management Procedure 01 – Hazard and Risk Identification for Asbestos		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411976	Version:	1.1



Defence People Policy, SafetyMan

Asbestos Management Procedure 02 - Risk Management of Asbestos In Workplaces

1. This procedure provides work health and safety information relating to the *SafetyMan - Asbestos Management Policy and Guidance*.

Asbestos hazard management process

2. In accordance with the *Work Health and Safety Regulations 2011*, Groups and Services are required to create and implement an asbestos management plan addressing the following:
 - 2.1. identification of current and foreseeable hazards to health and safety due to asbestos;
 - 2.2. establishing a system of work associated with asbestos;
 - 2.3. completing a risk assessment for each asbestos hazard and assumed asbestos hazard (whether or not assumed asbestos content has been confirmed);
 - 2.4. implementing hazard management systems including asbestos removal, access restrictions, provision of personal protective equipment, medical checks and installation of workplace signage;
 - 2.5. maintaining records about hazard identification and subsequent risk control action;
 - 2.6. establishing a program of regular monitoring and assessment of asbestos hazards and risks in the workplace; and
 - 2.7. providing training, information, instruction and supervision to people in the workplace including staff, contractors and visitors.

Risk management process

3. Hazard identification and confirmation must be undertaken if there is doubt as to the presence of asbestos in buildings, building products, equipment or equipment parts (refer to *SafetyMan – Asbestos Management Procedure 01 – Hazard and Risk Identification for Asbestos* and *SafetyMan – Asbestos Management Procedure 06 - Asbestos Record Keeping, Labelling and Signage*). If there is uncertainty whether asbestos is present in a workplace, the person with management or control of the workplace must assume asbestos is present and manage accordingly. Guidance for identifying and testing asbestos is in *SafetyMan – Asbestos Management Procedure 01 – Hazard and Risk Identification for Asbestos*.
4. Estate and Infrastructure Group regional offices are responsible for developing asbestos management plans for fixed plant and Defence infrastructure and for the administration, identification (surveys), labelling, enclosure, encapsulating and removal of asbestos from Defence buildings and land. *SafetyMan - Asbestos Management Procedure 01 - Hazard and Risk Identification for Asbestos* can be used to assist in the identification of asbestos in the workplace.



5. No portable equipment should contain asbestos. Capability Acquisition and Sustainment Group is aware of the prohibition on the importation of equipment containing asbestos. Asbestos may exist and be embedded in equipment parts, eg gaskets, and these will remain in-situ until appropriate maintenance requires the asbestos containing material to be replaced. Any embedded asbestos containing material is to be identified and workers who could be exposed to the material must be informed and educated on the risk associated with exposure.

Measurement of airborne asbestos

6. Airborne asbestos levels may be measured to monitor exposure, to study the effect of exposure, and for compensation purposes. In the event that a manager has cause to believe there may be airborne asbestos in the workplace (eg because friable asbestos has been disturbed), the level of airborne asbestos should be measured/monitored. Measuring must be conducted by a National Association of Testing Authorities accredited laboratory.
7. Air monitoring may be used in conjunction with periodic visual assessments by the workplace manager/controller to monitor the risk of exposure. Air sampling is not to be used as an alternative to visual assessment.

Measuring asbestos

8. Within the occupational environment, monitoring of asbestos fibres aims to quantify the number of breathable asbestos fibres present within the breathing zone to determine the level of risk.
9. Pictures below are examples of air sampling equipment.



Figure 1 – Air Sampling Pump.



Figure 2 – Sampling Pump Conductive Cowling.

Risk assessment

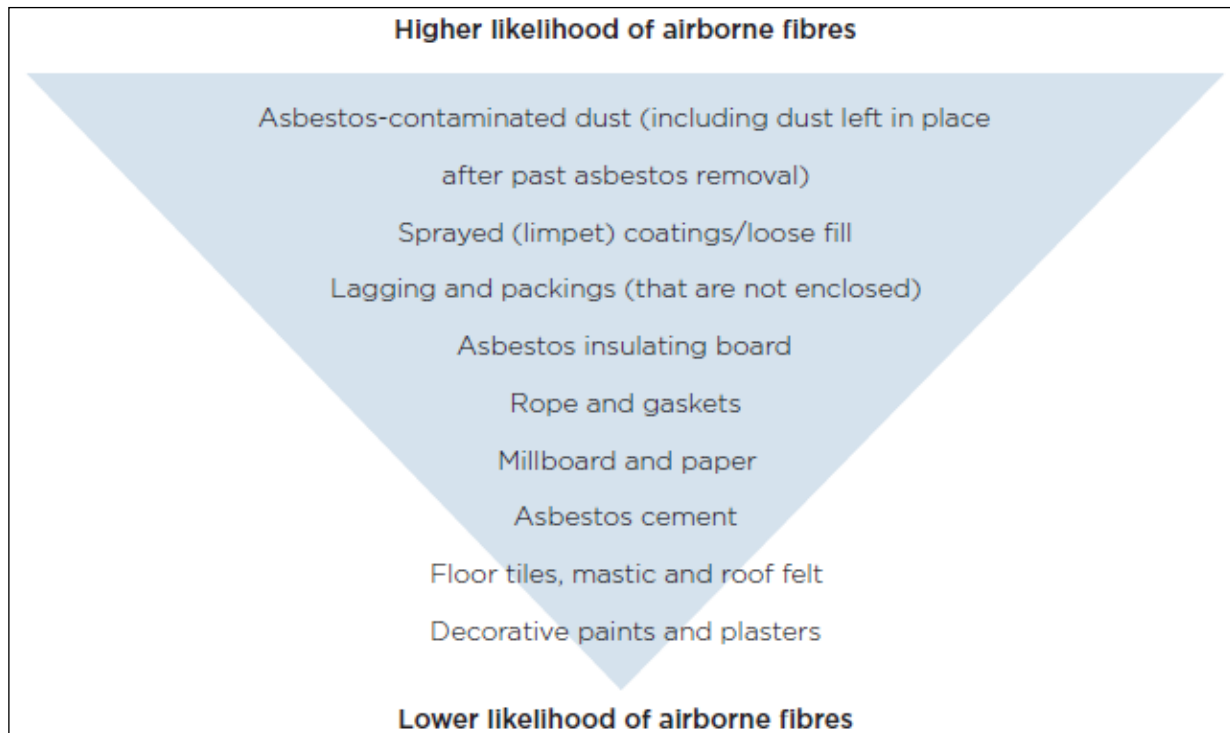
10. Prior to any work taking place on any item or material that may contain asbestos, commanders/managers must ensure an asbestos exposure risk assessment is conducted. In the case of materiel, this will involve consulting with the relevant system program office within Capability Acquisition and Sustainment Group to determine whether asbestos is present (in-situ) in the platform. Further, before starting any work within Defence estate, contractors and Defence personnel must consult the asbestos register and the regional asbestos management plan to determine whether any asbestos on the site is likely to be disturbed by the proposed work.

Risk factors

11. The condition and location of asbestos will determine the period between each visual inspection. In situations where the asbestos is in good condition and unlikely to be disturbed, visual inspection on an annual basis is to occur. In other cases such as situations where the asbestos is becoming friable (dry/crumbly) risk assessments must be conducted to consider the degree of risk, and all factors that may influence the degree of risk, before remediation can take place.

Conducting risk assessment

12. A risk-based approach must be taken to determine the priorities of replacing asbestos items with safe alternatives using normal maintenance schedules. Asbestos items that have been installed into platforms after 2003 have the same level of risk as an item installed before prohibition. Therefore, managers and commanders should not increase that level of risk by unnecessarily replacing the item outside of routine maintenance.
13. The potential for exposure of persons entering a building or using equipment is to be evaluated if the presence of asbestos is confirmed, and details of the evaluation recorded on the asbestos hazard register. A competent person (refer to *SafetyMan - Asbestos Management Procedure 01 - Hazard and Risk Identification for Asbestos*) is to assess the associated risk (that is, the potential of the asbestos to release airborne dust) and is to visually inspect the general condition of all asbestos hazards identified in the workplace.
14. The *Code of Practice - How to Manage and Control Asbestos in the Workplace* provides advice on the assessment of risk.
15. If asbestos or asbestos-containing material is in good condition and left undisturbed, it is unlikely that asbestos fibres will be released into the air and the risk to health is extremely low. It is usually safer to leave it and review its condition over time. However, if the asbestos or asbestos-containing material has deteriorated or has been disturbed and asbestos-contaminated dust is present, the likelihood that asbestos fibres will become airborne asbestos is increased.
16. The type of material that binds asbestos fibres will influence the potential to become airborne asbestos and varies between different asbestos or asbestos containing material types. These could be a loosely bound sprayed (or limpet) coating as it is more likely to release fibres when disturbed than asbestos cement in which fibres are firmly bound.
17. The following list ranks different types of asbestos according to the likelihood that asbestos could become airborne and released into the air if it has deteriorated or been disturbed. The potential risk to health is greater for items higher up the list if people are exposed to airborne asbestos, but any of the materials listed can produce asbestos fibres if they are disturbed.



18. In conducting a risk assessment, the following should be considered:
- 18.1. type of asbestos;
 - 18.2. condition, stability of asbestos;
 - 18.3. location of the asbestos;
 - 18.4. accessibility of personnel to the asbestos;
 - 18.5. work activity being conducted in the area where the asbestos has been identified;
 - 18.6. frequency of exposure;
 - 18.7. environmental conditions;
 - 18.8. purpose of asbestos; and
 - 18.9. access to appropriate personal protective equipment.

Risk management

19. Under *Work Health and Safety Regulations 2011, Regulation 420(1) (a) – Exposure to airborne asbestos at the workplace* (Annex A), elimination of the hazard must be the first consideration in the management of risk. Where it is possible to remove the asbestos this process must be undertaken by approved and qualified contractors. Contracts and contractors used for the removal or maintenance of asbestos are to comply with the requirements of the *Code of Practice - How to Safely Remove Asbestos*. So far as is reasonably practicable, the risk control methods are to be applied by accredited agencies that are registered under relevant State or Territory legislation, see *SafetyMan – Asbestos Management Procedure 05 - Removal of Asbestos from the Workplace*.

Risk control

20. Asbestos risks must be eliminated wherever possible and where it is safe to do so. Reasons for failure to eliminate asbestos risks are to be documented and recorded. Where elimination of the asbestos hazard is not possible or is not warranted based upon the risk assessment, *Work Health and Safety Regulations 2011, Regulation 420(1) (b) - Exposure to airborne asbestos at the workplace* requires that exposure to asbestos fibres is to be minimised so far as is reasonably practicable.
21. Enclosing, encapsulating, sealing or using certain tools is options for this form of controls. These controls are explained in the *Code of Practice - How to Manage and Control Asbestos in the Workplace*.
22. In cases where there is negligible risk of exposure and asbestos will not be damaged, disturbed or degraded causing the release of airborne particles, it may be unnecessary to apply measures to control the hazard. In such cases, monitoring of the potential hazard must still be conducted periodically.
23. Commanders/managers are to use the risk assessment to determine treatment or control methods that will ensure that persons are not exposed to asbestos to an extent likely to endanger their health. In completing a risk assessment for the asbestos hazard it is important that sound treatment strategies and methods are developed, implemented, monitored, reviewed and communicated. Treatment strategies must be thoroughly analysed to ensure they are not creating additional hazards that may be of larger magnitude than the initial hazard. In addition, consideration must be given to the impact of risk treatment failure.

Tools and equipment

24. Certain equipment must not be used on asbestos. It is therefore important to select the correct equipment to minimise the generation of airborne asbestos.
25. Manually operated (non-powered) hand tools should be used wherever possible. If they will not provide sufficient physical force to perform the required operation, low-speed, battery-powered tools that are able to be used in conjunction with wet methods for dust control are preferred.
26. Battery-powered tools should be fitted with a local exhaust ventilation dust control hood wherever possible operating through high efficiency particle air filters. If a local exhaust ventilation dust control hood cannot be attached and other dust control methods including pastes and gels are unsuitable, then shadow vacuuming techniques should be used.

27. Where power tools with dust suppression/extraction are used, exposure monitoring should be carried out to ensure the controls used are effective in reducing the generation of fibres. It is good practice to ensure that the levels of airborne fibres do not exceed one half of the exposure standard (0.1 fibres/ml). If more than half the exposure standard is exceeded, work should be stopped and improvements made to the controls being used.
28. The use of high-pressure water and compressed air is prohibited under the *Work Health and Safety Regulations 2011* as they can cause asbestos to become friable.

Asbestos vacuum cleaners

29. Asbestos vacuum cleaners should comply with the requirements in *Australian and New Zealand Standard 60335.2.69 Household and similar electrical appliances* (particular requirements for wet and dry vacuum cleaners, including power brush, for industrial and commercial use these can be found at Part 2.69).
30. Household vacuum cleaners, including cleaners with a high efficiency particulate air filter, must never be used where asbestos may be present.
31. More comprehensive information about asbestos vacuum cleaners is provided in the *Code of Practice - How to Safely Remove Asbestos*.

Safe work practices

32. Administrative controls include safe work practices and procedures. Safe work practices must be applied for asbestos removal work or other asbestos-related work. Techniques that prevent or minimise the generation of airborne asbestos fibres include:
 - 32.1. wetting asbestos using surface or wetting agents, such as detergent water;
 - 32.2. using thickened substances, pastes and gels, including hair gel and shaving cream, to cover the surfaces of asbestos being worked on (these substances should be compatible with the conditions of use, including the temperature, and should not pose a risk to health);
 - 32.3. shadow vacuuming; and
 - 32.4. performing the task in a controlled environment, eg a ventilated enclosure.
33. When selecting the best technique, the work should first be assessed for any electrical hazards that might result from the use of water or other liquids. If an electrical hazard exists, primary consideration should be given to removing the asbestos, rather than relying on dry work methods.
34. If asbestos-related work or maintenance or service tasks are assessed by a competent person as involving similar levels of risk, they too may be performed only after the risks for that task have been assessed and appropriate control measures implemented.
35. The use of high-speed abrasive power tools such as angle grinders, sanders, saws and high-speed drills is prohibited under the *Work Health and Safety Regulations 2011*, except where used with dust suppression/extraction controls operating through a high efficiency particle air filter system. These controls include local exhaust ventilation dust-control hoods that attach to the tool and isolate the area where the work is occurring ensuring that the dust is captured.

Personal protective equipment

36. The selection, use and maintenance of personal protective equipment is covered in *SafetyMan - Personal Protective Equipment Policy*. Personal protective equipment is the last line of defence—used after all other control methods have been implemented so far as is reasonably practicable—and should not be used in isolation of other higher-order control methods.

Laundering

37. Whenever reasonably practicable to do so, disposable coveralls should be used as protective clothing. When non-disposable protective clothing is used, the contaminated clothing must be laundered in a suitable laundering facility that is equipped to launder asbestos-contaminated clothing. Contaminated protective clothing must not be laundered in homes. Any clothing worn under coveralls must be disposed of or suitably bagged for laundering as asbestos-contaminated clothing.

Ongoing risk management

38. Groups and Services (through commanders and managers) must take all reasonably practicable steps to ensure that:
- 38.1. control measures are documented, maintained, and effectively supervised to minimise risk to health and safety;
 - 38.2. systems of work are implemented and effectively supervised to minimise risk to health and safety;
 - 38.3. personal protective equipment, if required, is provided and maintained to minimise risk to health and safety; and
 - 38.4. reported hazardous situations do not place personnel at risk while steps are being implemented to rectify/control the hazardous situation.
39. If the controls implemented to eliminate or minimise a risk are inadequate, the Group or Service must take all reasonably practicable steps to apply administrative controls, including introducing safe working practices and restricting access to hazardous areas to prevent exposure. Restricting access to areas where the occupational exposure limit of asbestos could be exceeded is crucial. Further information is in *Safe Work Australia - Hazardous Chemicals Information System*.

Asbestos management plans

40. Where asbestos or asbestos-containing material has been identified in a workplace, in the first instance an effective estate asbestos management plan must be developed and implemented. The plan defines strategies and programs for managing asbestos in the workplace. Groups and Services must develop a local plan managing asbestos related work.
41. The asbestos management plan (in accordance with *Work Health and Safety Regulations 2011, Regulation 429 – Asbestos management plan* (Annex B)) must be readily accessible in the workplace. The plan must:
- 41.1. comply with Defence internal policies and procedures and external regulatory requirements;
 - 41.2. address hazard identification and risk assessment processes and outcomes. Further information is in *SafetyMan – Asbestos Management Procedure 01 - Hazard and Risk Identification for Asbestos*;

- 41.3. address development and implementation of strategies to ensure the health and safety of workers, for example restricting access to areas awaiting risk assessment. Further information is in the *Code of Practice - How to Manage and Control Asbestos in the Workplace*;
 - 41.4. include consultation with Health and Safety Representatives;
 - 41.5. incorporate all records as required (asbestos management plans, risk assessments, asbestos registers, exposure monitoring results, results from health surveillance, disposal records, etc). Further information/instruction is in *SafetyMan - Asbestos Management Procedure 06 - Asbestos Record Keeping, Labelling and Signage*;
 - 41.6. address training, information and instruction to be provided to workers; and
 - 41.7. detail provisions for workers to access health examinations.
42. Other information that may be included in the asbestos management plan is:
- 42.1. an outline of how asbestos risks will be controlled, including consideration of appropriate control measures;
 - 42.2. a timetable for managing risks of exposure, eg priorities and dates for any reviews, circumstances and activities that could affect the timing of action;
 - 42.3. identification of each appointment (or individual) with responsibilities under the asbestos management plan and their responsibilities;
 - 42.4. procedures, including a timetable for reviewing and, if necessary, revising the asbestos management plan and asbestos register; and
 - 42.5. air monitoring procedures at the workplace, if required.

Asbestos management plan review

43. The person managing or controlling the workplace must ensure the asbestos management plan is reviewed and, if necessary, revised at least once every five years or when:
- 43.1. there is a review of the asbestos register or a control measure; or
 - 43.2. asbestos is removed from, or disturbed, sealed or enclosed at the workplace; or
 - 43.3. the plan is no longer adequate for managing asbestos or asbestos-containing material at the workplace; or
 - 43.4. a Health and Safety Representative requests a review (refer to *Work Health and Safety Regulations 2011, Regulation 430 (2) (a) and (b) – Review of asbestos management plan* (Annex C)).

References and related documents

- 44. [Work Health and Safety Act 2011](#)
- 45. [Work Health and Safety Regulations 2011 Chapter 8 Asbestos](#)
- 46. [Code of Practice - How to Manage and Control Asbestos in the Workplace](#)
- 47. [Code of Practice - How to Safely Remove Asbestos](#)
- 48. [Safe Work Australia - Hazardous Chemicals Information System](#)
- 49. *SafetyMan*:
 - 49.1. *Hazardous Chemicals Management Policy suite*
 - 49.2. *Asbestos Management Policy suite*

49.3. Personal Protective Equipment Policy

50. [Australian Standard 4964-2004 - Method for the Qualitative Identification of Asbestos in Bulk Samples](#)
51. [Australian Standard 1319-1994 - Safety Signs for the Occupational Environment;](#)
52. [Australian/New Zealand Standard 1715:2009 - Selection, Use and Maintenance of Respiratory Protective Equipment](#)
53. [Australian and New Zealand Standard 60335.2.69 Household and similar electrical appliances](#)
54. [Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment, \[NOHSC:1003 \(1995\)\]](#)
55. [Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition \[NOHSC:3003 \(2005\)\]](#)
56. [Globally Harmonized System of Classification and Labelling of Chemicals \(GHS\)](#)
57. Work Health and Safety Branch – [Asbestos webpage](#)

Document Reference:	Asbestos Management Procedure 02- Risk Management of Asbestos in Workplaces		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411961	Version:	1.1

Annexes

- A. Work Health and Safety Regulations 2011, Regulation 420 – Exposure to airborne asbestos at the workplace
- B. Work Health and Safety Regulations 2011, Regulation 429 – Asbestos management plan

- C. Work Health and Safety Regulations 2011, Regulation 430 – Review of asbestos management plan

Work Health and Safety Regulations 2011

Regulation 420 Exposure to airborne asbestos at workplace

(1) A person conducting a business or undertaking at a workplace must ensure that:

(a) exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable; and

(b) if it not reasonably practicable to eliminate exposure to airborne asbestos—exposure is minimised so far as is reasonably practicable.

Note: WHS Act—section 19 (see regulation 9).

(2) A person conducting a business or undertaking at a workplace must ensure that the exposure standard for asbestos is not exceeded at the workplace.

Penalty:

(a) In the case of an individual—\$6 000.

(b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(3) Paragraphs (1)(a) and (2) do not apply in relation to an asbestos removal area:

(a) that is enclosed to prevent the release of respirable asbestos fibres in accordance with regulation 477; and

(b) in which negative pressure is used in accordance with that regulation.

Annex B

Work Health and Safety Regulations 2011

Regulation 429 Asbestos management plan

(1) This regulation applies if asbestos or ACM is:

- (a) identified at a workplace under regulation 422; or
- (b) likely to be present at a workplace from time to time.

(2) A person with management or control of the workplace must ensure that a written plan (an **asbestos management plan**) for the workplace is prepared.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Penalty:

- (a) In the case of an individual—\$6 000.
- (b) In the case of a body corporate—\$30 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(4) An asbestos management plan must include information about the following:

- (a) the identification of asbestos or ACM;

Example: A reference or link to the asbestos register for the workplace and signage and labelling.

(b) decisions, and reasons for decisions, about the management of asbestos at the workplace;

Example: Safe work procedures and control measures.

(c) procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace;

(d) workers carrying out work involving asbestos.

Example: Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to:

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Penalty:

(a) In the case of an individual—\$3 600.

(b) In the case of a body corporate—\$18 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

Annex C

Work Health and Safety Regulations 2011

Regulation 430 Review of asbestos management plan

(1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in the following circumstances:

- (a) there is a review of the asbestos register or a control measure;
- (b) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace;
- (c) the plan is no longer adequate for managing asbestos or ACM at the workplace;
- (d) a health and safety representative requests a review under subregulation (2);
- (e) at least once every 5 years.

Penalty:

- (a) In the case of an individual—\$3 600.
- (b) In the case of a body corporate—\$18 000.

Note: Section 12F of the Act provides that strict liability applies to each physical element of each offence under the Act, unless otherwise stated. The reference in section 12F of the Act includes these Regulations.

(2) A health and safety representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that:

- (a) a circumstance referred to in subregulation (1)(a), (b) or (c) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
- (b) the person with management and control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance.



Defence People Policy, SafetyMan

Asbestos Management Procedure 03 - Unexpected Finds of Asbestos

1. This procedure provides work health and safety information relating to the *SafetyMan - Asbestos Management Policy and Guidance*.

Introduction

2. Occasionally, asbestos is found unexpectedly—for example: while conducting operations outside of Australia (especially in developing countries); or during Defence Assistance to the Civil Community operations such as bushfire or flood assistance; or when installing or removing infrastructure.
3. This procedure deals with unexpected finds in any workplace, including a worker's normal workplace as well as workplaces in the (national and international) deployed environment.

Unexpected asbestos finds

4. This procedure deals with asbestos unexpectedly found during the operation of asbestos-containing plant/equipment/platforms or minor maintenance or refurbishment projects. Major work, large refurbishment and demolition projects at Defence establishments are managed through a structured remediation program separate from normal site operations and are beyond the scope of this procedure.
5. The management and remediation of asbestos, including asbestos in soils within Defence establishments is the responsibility of the Estate and Infrastructure Group who engage specialised contractors for this type of work.
6. Before commencing work on plant/equipment the Capability Acquisition and Sustainment Group asbestos register must be consulted. Further information is in *SafetyMan – Asbestos Management Procedure 02 – Risk Management of Asbestos in Workplaces*.
7. When dealing with an unexpected find in a platform/plant/equipment, the commander or manager is to undertake a risk assessment, add the item to the asbestos register and create an asbestos management plan. If the suspect item is an inventory or stock item, which is subsequently confirmed to contain asbestos, disposal action is required. Local Joint Logistics Units or Estate and Infrastructure Group can assist with the disposal of asbestos-containing items.
8. Details regarding reporting suspected asbestos, organising sampling and analysis are in the *SafetyMan – Asbestos Management Procedure 01 - Hazard and Risk Identification for Asbestos*.
9. Irrespective of the work being undertaken, or the location of the work, workers who believe they may have been exposed to asbestos or asbestos containing material are to report the event immediately to their workplace supervisor (or commander or manager). Formal incident reporting in accordance with *SafetyMan – Work Health and Safety Event (Incident) Reporting Policy and Guidance* and supporting guidelines is to occur only after an industrial hygiene investigation confirms the presence of asbestos and that people may have been exposed to airborne asbestos.



10. In the event that workers may have been exposed to airborne asbestos, asbestos levels may be measured and monitored. Workplace managers can find more information about airborne asbestos measurement in *SafetyMan – Asbestos Management Procedure 02 - Risk Management of Asbestos in Workplaces*.
11. In the event a test confirms the presence of asbestos, the asbestos register should be amended and an asbestos management plan developed and implemented. Further information is in *SafetyMan – Asbestos Management Procedure 06 - Asbestos Record Keeping, Labelling and Signage*.

Asbestos in soil

12. Human activities can contaminate the soil. Where Defence workers, including contractors, are required to complete activities involving excavation in soil that may have been contaminated, assessments of the soil in the immediate and surrounding area are to be undertaken prior to, during and after excavation to determine:
 - 12.1 whether asbestos, asbestos-containing material and other contaminants are present;
 - 12.2 the feasibility of re-using the soil in the excavation; and
 - 12.3 the potential cost to remove the contaminated soil from site.
13. A preliminary site inspection will generally be conducted as a desktop study and will involve collecting information on the location, type, condition and amount of any contaminants present on the site.
14. Risk assessments should start early in the contaminated soil investigation. Immediate hazard or contamination control measures may sometimes be necessary to protect on-site personnel and the local community.
15. At all times, exposure of individuals should not exceed National Exposure Standards. Hence, measuring and monitoring of airborne asbestos may be required. An occupational hygienist must be engaged to measure and monitor the level of breathable asbestos in the air. The Defence Work Health and Safety Services Standing Offer Panel (SON2405851) provides contact details of occupational hygienists.
16. Managing and remediating sites contaminated with asbestos are specialised tasks. Engaging specialists, including asbestos removalists, is required for all but the most minor of non-friable contaminations. As stated previously, no Defence worker (civilian, military or contractor) is to be engaged to remove or handle asbestos from contaminated buildings or worksites except in emergency situations and then only if properly trained.

Preparation for sampling and analysis

17. Details for arranging sampling and testing of soil for asbestos are in the *SafetyMan - Asbestos Management Procedure 01 - Hazard and Risk Identification for Asbestos*. Specific soil investigation methodologies for identifying the extent and distribution of contamination and the contaminant/s are outlined in the *National Environmental Protection Measure 1999*.

Asbestos risk during Defence Assistance to the Civil Community operations

18. Asbestos is of most concern when airborne, breathable asbestos fibres are generated—for example, asbestos cement building material may explode during fire producing airborne, breathable fibres. Asbestos contamination may also result from fire-fighting water runoff which can carry fine asbestos material. Consequently, all work health and safety plans for Defence Assistance to the Civil Community operations are to consider the risk of exposure of Defence personnel to asbestos.

19. Recommended immediate management actions for when the Defence Assistance to the Civil Community area of operation is first accessible to Defence personnel include the following:
 - 19.1 identify the worst contaminated areas (eg areas where asbestos cement sheeting has been used). If there is time, have representative samples from the areas tested for asbestos;
 - 19.2 limit access to properly trained personnel with sufficient site risk information and appropriate personal protective equipment. Further information is in the *Asbestos Site Entry Safety Analysis Checklist* located within this document;
 - 19.3 wet the potentially contaminated areas, especially the footprint and adjacent areas, to settle dust;
 - 19.4 limit site access and disturbance, especially from vehicles. Erect warning signs and fencing if necessary;
 - 19.5 provide guidance for concerned or affected members of the public; and
 - 19.6 after a fire, some actions may be appropriate for nearby houses or buildings, such as turning off ventilation systems. Responders must wear a Class P2 respirator and employ hygienic practices.
20. Commanders or managers should also consider the use of perimeter air monitoring for asbestos fibres. This may be appropriate for major contamination or reassurance purposes if requested by the host governing authority, especially if there are occupied residences or sensitive buildings nearby, such as schools. When atmospheric sampling is required to measure and monitor the level of breathable asbestos in the air, an occupational hygienist must be engaged.

Defence Assistance to the Civil Community asbestos management principles

21. The presence of asbestos in the area of operations must be ascertained so the risk may be assessed and management plans may be implemented. The *Asbestos Site Entry Safety Analysis Checklist*—which identifies potential sources of information about asbestos along with management strategies—may be of assistance to commanders and managers.
22. Asbestos testing may be required for fragments, soil and air. Ideally a sole analytical laboratory capable of testing fragment, soil and air samples would be contracted.
23. Appointing dedicated project managers for building remediation and associated tasks may be an effective strategy as Local Government Agencies and other responsible agencies may not have time or project expertise, including in regard to financial issues, or experience working with insurers.
24. Consider undertaking the building/remediation work in stages and define criteria for prioritising some sites ahead of others.
25. Make maximum use of local government agencies records and information about the affected buildings and areas, including age and building materials used.
26. Implement systems/processes/precautions to avoid recontamination of remediated sites (eg recontamination by machinery tracking).

Preliminary asbestos exposure assessment checklist

27. The template below is an example of a general exposure risk assessment checklist that should be completed prior to approaching or entering areas or premises affected by fire in Defence Assistance to the Civil Community environments.

ASBESTOS SITE ENTRY SAFETY ANALYSIS CHECKLIST

This checklist is intended for Environmental Health and Occupational Hygienists at any stage of asbestos fire management but may be used by others involved.

Information compilation

From the following, tick the source/s from which information about potential asbestos contamination has been obtained:

☐ Brief from Local Government Agency ☐ Owner Advice ☐ Building records ☐ Police ☐ State/Local Fire Authority ☐ Other

(describe):.....
.....

Is there sufficient credible information to inform risk assessment and management plan? ☐ Yes ☐ No ☐ Maybe

For 'No' or 'Maybe', additional information should be sought or a more cautionary approach taken to any site entry.

Hazard identification and rating

In the following table, identify the hazards that may be present and rate the likelihood that they are present.

Hazard	Likely	Unlikely	Unknown	Comment
Fire/heat				
Friable/brittle asbestos				
Bonded asbestos, eg pieces				
Other hazardous material/fumes				
Other:				
Other:				
Other:				

Risk management action

In the following table, identify the risk management actions that should be implemented.

Measure	Yes	No/NA	Unknown	Comment
First responder escort				
Other relevant escort				
Work partner/s				
Movement plan				
Personal protective equipment				
Other:				
Other:				

For personal protective equipment from the following list, identify the equipment that will be used (minimum normally is a Class P2 respirator, safety shoes/boots, safety glasses and gloves).

☐ respirator ☐ gloves ☐ safety shoes ☐ hard hat ☐ eye protection ☐ coveralls ☐ other
(describe):

Final review and decision

Based on the information available and the hazards identified and risk management actions, is the site safe to enter?

- ☐ Yes. Proceed with inspection but review process as necessary.
- ☐ No. Seek advice from commander/manager and/or expert external agencies.

Name:

Signature:

Date:

Contaminated sites

28. The management and remediation of sites contaminated with asbestos is a specialised task. In some instances, site remediation may entail removal of asbestos and asbestos-containing material from the site; in other cases this may not be practicable, and other management strategies should be used. Engaging specialists, including asbestos removalists, is highly recommended for all but the most minor of non-friable asbestos and asbestos-containing material.
29. *The National Environment Protection (Assessment of Site Contamination) Measure 1999* sets out the general principles for assessment and remediation of contaminated sites. The *National Environment Protection (Assessment of Site Contamination) Measure 1999* recommends that a person conducting a business or undertaking who has a workplace that is, or is suspected of being, contaminated with asbestos should engage specialists possessing the identified competencies.
30. Defence personnel (ADF members, APS employees, ADF cadets and other persons) are not to be involved in asbestos removal or remediation work. This is a specialised field and requires individuals to be trained and licensed. Specialist contractors should be engaged to undertake asbestos removal and/or remediation.

Naturally occurring asbestos

31. The *Code of Practice – How to Manage and Control Asbestos in the Workplace* provides information on the application of *Work Health and Safety Regulations 2011, Part 8.4 - Management of naturally occurring asbestos* (Annex A).
32. As for other asbestos, asbestos-containing material and suspected asbestos, naturally occurring asbestos identified or assumed at a workplace must be included on the asbestos register and a management plan must be developed.

References and related documents

33. [Work Health and Safety Act 2011](#)
34. [Work Health and Safety Regulations 2011](#) - Chapter 8 Asbestos
35. [Code of Practice - How to Manage and Control Asbestos in the Workplace](#)
36. [Code of Practice - How to Safely Remove Asbestos](#)
37. *SafetyMan*
- 37.1.1. *Hazardous Chemicals Management Policy suite*
- 37.1.2. *Asbestos Management Policy suite*

- 37.1.3. *Work Health and Safety Event (Incident) Reporting Policy and Guidance*
- 38. Australian Standards ([SAI Global](#))
 - 38.1.1. *Australian Standard 4964–2004 - Method for the qualitative identification of asbestos in bulk samples*
 - 38.1.2. *Australian Standard 1319–1994 - Safety signs for the occupational environment*
 - 38.1.3. *Australian Standard 4482.1-2005 - Guide to the investigation and sampling of sites with potentially contaminated soil - Non-volatile and semi-volatile compounds*
 - 38.1.4. *Australian/New Zealand Standard 1715:2009 - Selection, use and maintenance of respiratory protective equipment*
- 39. [National Environmental Protection \(Assessment of Site Contamination\) Measure 1999](#)
- 40. [Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment, \[NOHSC:1003 \(1995\)\]](#)
- 41. [Guidance Note on the Membrane Filter method for Estimating Airborne Asbestos Fibres 2nd Edition \[NOHSC:3003 \(2005\)\]](#)
- 42. Work Health and Safety Branch – [Asbestos webpage](#)

Document Reference:	Asbestos Management Policy Guidance 03 – Unexpected Finds of Asbestos		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411975	Version:	1.1

Annex

- A. Work Health and Safety Regulations 2011, Part 8.4 – Management of naturally occurring asbestos

ANNEX A

Work Health and Safety Regulations 2011

Part 8.4 - Management of Naturally Occurring Asbestos

Regulation 431 - Naturally occurring asbestos

The person with management or control of a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with naturally occurring asbestos at the workplace.

Note

WHS Act—section 20 (see regulation 9).

Regulation 432 - Asbestos management plan

(1) This regulation applies if naturally occurring asbestos is:

- (a) identified at a workplace; or
- (b) likely to be present at a workplace.

(2) A person with management or control of the workplace must ensure that a written plan (an **asbestos management plan**) for the workplace is prepared in relation to the naturally occurring asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) An asbestos management plan must include information about the following:

- (a) the identification of naturally occurring asbestos;
- (b) decisions, and reasons for decisions, about the management of naturally occurring asbestos at the workplace;

Example

Safe work procedures and control measures.

- (c) procedures for detailing incidents or emergencies involving naturally occurring asbestos at the workplace;
- (d) workers carrying out work involving naturally occurring asbestos.

Example

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for naturally occurring asbestos at the workplace is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
- (b) a health and safety representative who represents a worker referred to in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Regulation 433 - Review of asbestos management plan

A person with management or control of a workplace that has an asbestos management plan for naturally occurring asbestos must ensure that the plan is reviewed and as necessary revised if the plan is no longer adequate for managing naturally occurring asbestos at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Example

A control measure is revised under regulation 38.

Regulation 434 -Training in relation to naturally occurring asbestos

A person conducting a business or undertaking must ensure that the training required under regulation 445 includes training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.



Defence People Policy, SafetyMan

Asbestos Management Procedure 04 - Asbestos Contract And Contractor Control

1. This procedure provides work health and safety information relating to the *SafetyMan - Asbestos Management Policy and Guidance* and clarifies shared duty responsibilities and the documentation of safety information including responsibilities. These activities are best placed in the contract between Defence and contractors performing work in the Defence undertaking.
2. Based on the risks associated with handling and disposing of asbestos or asbestos containing material, all asbestos removal operations are to be contracted out to specialist personnel (except in emergency situations) who have the appropriate licences and training to undertake the work.
3. To ensure high standards of work health and safety performance, safety must be considered when:
 - 3.1. selecting contractors;
 - 3.2. developing contractual arrangements;
 - 3.3. planning contractor work health and safety management;
 - 3.4. inducting and training contractors for site work health and safety;
 - 3.5. monitoring contractor work health and safety performance;
 - 3.6. partnering with industry in work health and safety; and
 - 3.7. controlling visitors to the workplace.
4. Defence needs to ensure that the contracts developed for asbestos work and asbestos removal tasks are clear and that Defence responsibilities, contractor responsibilities and common responsibilities for shared duties under the *Work Health and Safety Act 2011* are clearly articulated.
5. When a contractor is engaged for asbestos-related work, Defence is responsible for monitoring and managing the safety of contract workers—because they are Defence workers under the *Work Health and Safety Act 2011*.
6. This procedure provides an outline of requirements to assist commanders and managers in developing contracts for asbestos work or asbestos removal work in their area of responsibility.

Asbestos-related work

7. The *Work Health and Safety Regulations 2011* allows work on asbestos under certain circumstances. Licensed removal work is an acceptable practice under the *Work Health and Safety Regulations 2011* if the party undertaking the work is qualified to do so. Work where asbestos may be encountered as part of an unrelated task is referred to as asbestos-related work, eg removal of asbestos containing brake pads during a vehicle

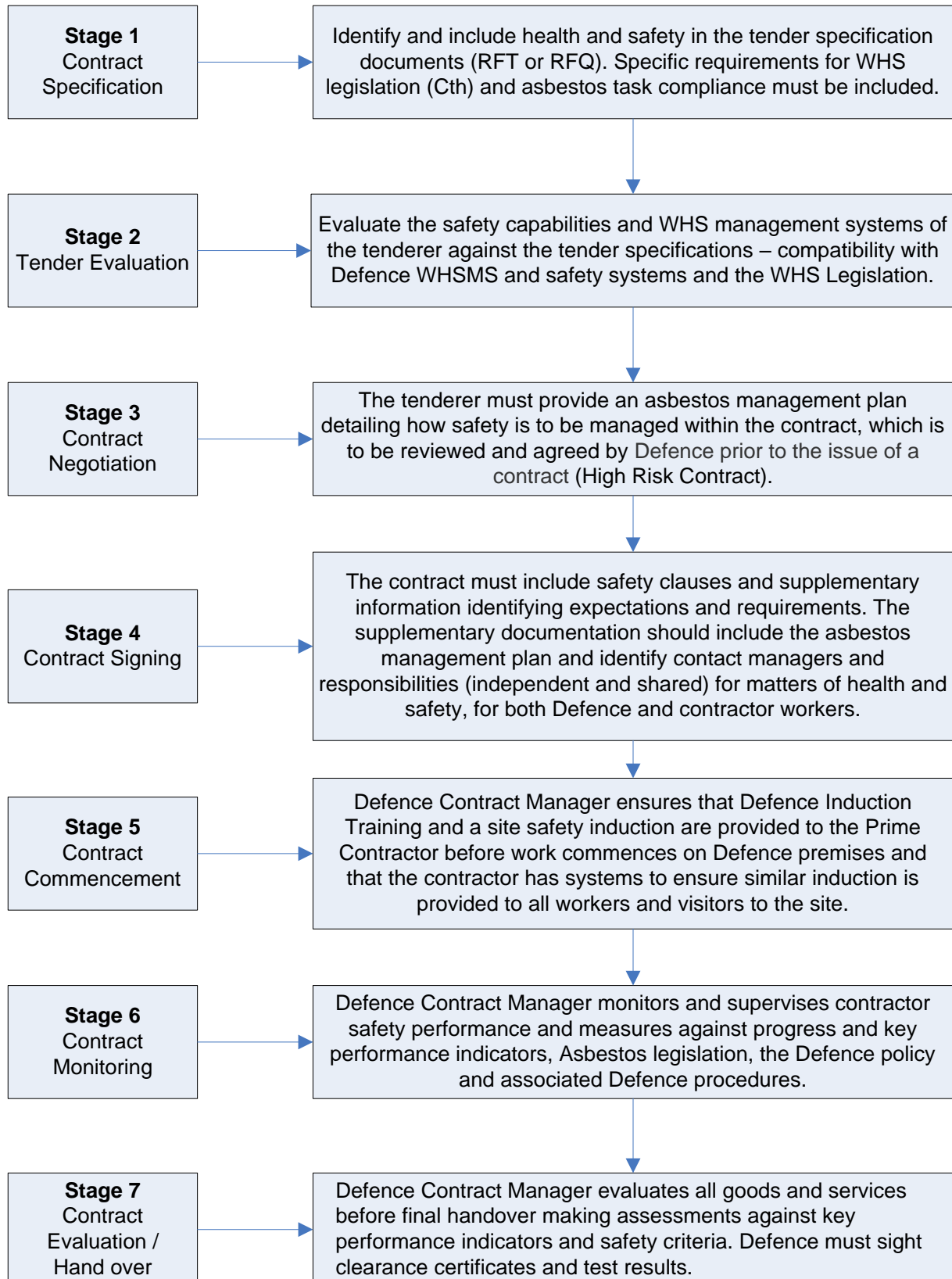


servicing task. Under the *Work Health and Safety Regulations 2011* asbestos-related work includes:

- 7.1. research and analysis;
 - 7.2. sampling and identification in accordance with the *Work Health and Safety Regulations 2011*;
 - 7.3. maintenance of, or service work on, non-friable asbestos or asbestos-containing material fixed or installed before 31 December 2003, in accordance with the *Work Health and Safety Regulations 2011*;
 - 7.4. the transport and disposal of asbestos and asbestos waste in accordance with jurisdictional legislation;
 - 7.5. demonstrations, education or practical training in relation to asbestos or asbestos-containing material;
 - 7.6. display, or preparation or maintenance for display, of an artefact or thing that is, or includes, asbestos or asbestos-containing material;
 - 7.7. management in accordance with the *Work Health and Safety Regulations 2011* of in-situ asbestos that was installed or fixed before 31 December 2003;
 - 7.8. work that disturbs asbestos during mining operations that involve the extraction of or exploration for a mineral other than asbestos;
 - 7.9. laundering asbestos-contaminated clothing in accordance with the *Work Health and Safety Regulations 2011*;
 - 7.10. where the Regulator approves the method adopted for managing risks associated with asbestos;
 - 7.11. soil that a competent person has determined does not contain any visible asbestos, does not contain more than trace levels of asbestos determined in accordance with *Australian Standards 4964:2004 Method for the Qualitative Identification of Asbestos in Bulk Samples*; and/or
 - 7.12. management, in accordance with an asbestos management plan of naturally occurring asbestos.
8. When undertaking asbestos-related work, the *Work Health and Safety Regulations 2011* require that the work is performed in accordance with the following requirements:
 - 8.1. the worker must be informed of the health risks of exposure to asbestos and that they will need to undergo health monitoring;
 - 8.2. a competent person carries out air monitoring of the work area if there is uncertainty whether the exposure standard is likely to be exceeded; and
 - 8.3. any suspected asbestos that is encountered must be identified, or if it is not possible to identify then it must be assumed to contain asbestos.
 9. Defence employees and members are not permitted to undertake intentional asbestos-related work or asbestos removal work except in emergency situations. Under these circumstances, Defence employees and members must be licensed and trained asbestos removalists.

Asbestos contract management process

10. The stages in the contract process, including specifically where safety criteria should be considered are indicated below:



Stage 1 - Contract specification

11. The specification issued is to ensure that safety criteria are established and included as part of the request for tender/request for quotation. A contractor must comply with all the specified asbestos safety criteria before entry into a contract with Defence. The purpose of the criteria is to ensure that the contractor's safety standards are in line with the standards generally set by Defence. These criteria will be applied to all asbestos-related contracts irrespective of size.
12. The criteria are established to provide evidence of the contractor's good safety performance record. The following provides a guide for the evaluation and assessment of a contractor's asbestos safety performance:
 - 12.1. the contractor's general approach to safety (such as incident statistics or records of industrial disputes concerning safety matters and the contractor's response to them) and any safety training the contractor may have done and what it involved;
 - 12.2. the asbestos training qualifications and experience of the contractor's personnel and the quality of the contractor's plant used in asbestos-related tasks. This criterion may be assessed through contractor-supplied supporting documentation, such as maintenance schedules for plant, appropriate (including safety-specific) training undertaken by workers, etc;
 - 12.3. the contractor's system of safety performance which will include written safe work procedures, risk assessment and control strategies, first aid arrangements, emergency procedures and, where appropriate, subcontractor evaluation (contractor and Defence have a shared duty responsibility in this matter);
 - 12.4. asbestos register management requirements (contractor and Defence have a shared duty responsibility in this matter);
 - 12.5. contractor's asbestos management plan (or asbestos removal control plan) and review schedule for the tasks identified;
 - 12.6. details of workers' training and currency prior to undertaking work in Defence workplaces;
 - 12.7. health monitoring plan, responsibilities to manage and pay for health monitoring and health monitoring records management and sharing;
 - 12.8. site management plan to control exposure of workers, visitors and third parties to asbestos (contractor and Defence have a shared duty responsibility in this matter);
 - 12.9. disclosure of the equipment to be used, its maintenance and registration where required, on the tasks involving asbestos;
 - 12.10. contractor details on how they will undertake the tasks required and comply with work health and safety legislation related to the tasks;
 - 12.11. Class A and B asbestos removal licensing compliance;
 - 12.12. copies of the licensing details of asbestos removalist personnel of the contractor who will be used in the asbestos removal work;
 - 12.13. names, qualifications and licence details of all contractor personnel to be used in the implementation of the proposed contract;
 - 12.14. name and full details of the contract asbestos removal supervisor;
 - 12.15. details of training records which must be kept on-site by the licensed asbestos removalist;

- 12.16. methods for isolating the workplace where asbestos removal work is to be undertaken;
- 12.17. details of air monitoring systems in the workplace where required;
- 12.18. list of asbestos assessor licensed personnel;
- 12.19. details of method of notifying Comcare of asbestos removal work (contractor and Defence have a shared duty responsibility in this matter);
- 12.20. communication of asbestos removal work with affected people (contractor and Defence have a shared duty responsibility in this matter);
- 12.21. contractor details for signposting, barricades and labelling asbestos in the workplace during and after the work processes;
- 12.22. access control to the asbestos removal workplace (contractor and Defence have a shared duty responsibility in this matter);
- 12.23. details of decontamination methods and facilities;
- 12.24. waste disposal methods for asbestos, personal protective equipment and clothing used or contaminated during the specified asbestos work (contractor and Defence have a shared duty responsibility in this matter);
- 12.25. methods for conducting clearance inspections and issuing clearance certificates where appropriate;
- 12.26. details of the open and effective communication channels/systems between the contractor and the contract manager (contractor and Defence have a shared duty responsibility in this matter);
- 12.27. efficient method(s) for monitoring the contractor's safety performance during the contract period (contractor and Defence have a shared duty responsibility in this matter);
- 12.28. commitment to safety dispute resolution procedures (contractor and Defence have a shared duty responsibility in this matter); and
- 12.29. timely notification and reporting of contractor workplace incidents (contractor and Defence have a shared duty responsibility in this matter).

Stage 2 - Tender evaluation

- 13. When selecting a preferred tender, responsible commanders or managers are to consider evidence of previous best practice performance of the contractor and the contractor's staff in relation to safety matters both as submitted and based upon previous experience with the contractors in the Defence workplace. Long-term contractors (eg contracted for a term of twelve months or more) should be invited to participate on local safety committees.
- 14. The tenderer is to comply with the work health and safety legislation and Defence policies and procedures.
- 15. The responsible commander or manager is to ensure that a Defence Safety Liaison Officer has been nominated for the asbestos work. The nomination of a Defence Safety Liaison Officer is essential when the asbestos work undertaken by the contractor has the potential to affect the health and safety of Defence and contract workers (contractor and Defence have a shared duty responsibility in this matter).

16. The approved contractor must provide an outline of the asbestos management plan as part of the tender process. This plan must be fleshed out and approved prior to the contract being signed by the contract parties. This will assist in clarifying the responsibilities of all parties in the management of the work and the workplace prior to work starting.

Stage 3 - Contract negotiations

17. The following safety systems are to be included (if not already included in the Request for Tender or Request for Quotation documentation) in the requirements for the contract to conduct asbestos-related work or asbestos removal work:
 - 17.1. conduct and record hazard and risk assessments for identified holdings of asbestos in the workplace undergoing works; and
 - 17.2. notify Defence of asbestos-containing material identified during work so that Defence asbestos registers can be updated; and
 - 17.3. a single workplace safety system and systems for workplace management including an up-to-date asbestos management plan, site safety inductions and an auditing program compliant with work health and safety legislation and Defence policy and procedures.

Stage 4 - Contract signing

18. All the agreed clauses to achieve legislative compliance are to be included in the contract. A general statement that the contractor is to comply with work health and safety legislation is not suitable. The work and the work processes are to be clearly defined and clauses relating to the work and responsibilities are to clarify all aspects of the asbestos tasks involved in the contract.
19. Shared duty responsibilities can be managed by one or both of the contract parties and this must be stated. However, where shared duty responsibilities are stated, each party must monitor the other party's performance to verify that the responsibilities are being performed or both parties could be liable for any non-compliance.

Stage 5 - Contract commencement

20. Companies or individuals engaged to perform asbestos work for Defence and Defence-controlled workplaces must have a demonstrated understanding of the site safety and emergency procedures by signing a *Contractor Site Safety Agreement* which forms part of the tender documentation. This agreement will also form part of the initial order for engagement.
21. The Defence contractor manager or Defence Safety Liaison Officer will ensure that:
 - 21.1. contractors and their staff, before they commence the work, receive an induction brief which addresses local: communication channels, emergency procedures, prohibited areas, first aid arrangements, hazards and their control arrangements, safety-related dispute arrangements, Defence safety policies and procedures, and incident notification and reporting procedures; and
 - 21.2. where the contractor takes control of the workplace for asbestos removal tasks, the contractor provides induction and briefing to potentially exposed workers and Defence personnel.
22. The regulator is to be notified before asbestos removal work commences (this is a shared duty responsibility).

Stage 6 - Contract monitoring

23. The Defence Safety Liaison Officer monitors health and safety performance during the period of the contract where the contractor's safety performance has the potential to affect Defence and contractor workers. The role of the Defence Safety Liaison Officer may be performed by the commander or manager, or the contract project manager (as specified in the contract documentation), or any other person nominated for the task.
24. The role of the Defence Safety Liaison Officer may vary depending on whether the workplace is contractor or Defence controlled. In a contractor-controlled workplace, the Defence Safety Liaison Officer has no jurisdiction to monitor the contractor's safety performance. Where the contractor's safety performance has the potential to affect Defence workers, the duties of the Defence Safety Liaison Officer, with respect to safety, include:
 - 24.1. periodically monitoring the safety performance of contractors and their staff within the workplace. A method of monitoring a contractor's safety performance is to be developed;
 - 24.2. liaising with the appropriate Defence supervisor who has contractors at their workplace to monitor compliance by the contractor and the contractor's staff with safety arrangements and advise the commander or manager accordingly so that all matters are taken into account when reviewing or renewing contracts;
 - 24.3. ensuring Standard Operating Procedures that address the health and safety obligations of Defence are extended to include contractors and their staff as defined Defence workers; and
 - 24.4. providing contractors with a copy of this procedure during their induction brief.
25. The manner in which the Defence Safety Liaison Officer undertakes their duties is dependent upon the nature of the contract and the degree of risk posed to the health and safety of Defence workers. All contracted asbestos tasks are considered to be high risk and high levels of interaction and monitoring would be expected and should be documented.
26. Where Defence workers are required to work in the same workplace as the specialist asbestos contractor, the Defence Safety Liaison Officer is to brief the appropriate safety advisor and/or Health and Safety Representative on procedures for reporting breaches of safety standards (including those committed by the subcontractors).
27. If a contractor breaches safety standards on Defence premises and the breach could result in exposure of Defence workers to asbestos dusts, the Defence Safety Liaison Officer may after consultation with and authorisation by the commander or manager and project manager, stop the work of the contractor. Such an event would be regarded as a dangerous incident and must be reported through Sentinel and by telephone to the regulator who may require an investigation. Where an incident occurs the incident site is to be preserved until it is released by the regulator back into Defence control. Irrespective of whether an incident has occurred, asbestos must not be left in a condition where other people can be exposed to breathable dust.

28. The *Work Health and Safety Act 2011* provides that a health and safety representative is to inform immediately the supervisor responsible for the workplace or work system if the health and safety representative has reasonable cause to believe that there is an emergency or an immediate threat to the health and safety of any worker. The supervisor must take action that they consider appropriate to remove that threat. If the supervisor cannot be contacted immediately, the health and safety representative may direct the worker(s) to evacuate or cease work, in a safe manner. Work should only cease where the breach has not been satisfactorily addressed within a stipulated time frame and there is a significant risk to a person's health and safety. The work should resume when the significant risk to health and safety has been eliminated or minimised to the mutual satisfaction of all parties. If a breach in safety provisions occurs at the contractor's premises then Defence workers are to be removed until the issue has been satisfactorily resolved.
29. Should any safety issues arise relating to contractors working within Defence workplaces, appropriate Defence safety officers may be contacted to assist with the resolution of any policy related issues.
30. When re-negotiating contracts with existing contractors, the *SafetyMan – Asbestos Management Policy* suite is to be acknowledged and the requirements incorporated into those contracts.

Stage 7 - Contract evaluation

31. For asbestos removal work, the contractor must conduct air monitoring and keep records. At the end of the work the contractor is to provide a clearance certificate indicating compliance with the requirements of the legislation and an indication that it is safe to reoccupy the area.
32. The Defence Safety Liaison Officer must obtain the air monitoring results and the clearance certificate and confirm that the work has been completed in accordance with the legislation and the terms of the contract before agreement that the contracted work has been finalised.

Control of asbestos contractors in Defence workplaces

33. Defence-controlled workplaces are to be managed to protect the health, safety and welfare of Defence workers, contractors and third parties at or near the workplace. This obligation is also imposed upon the contractor. Defence obligations include:
 - 33.1. maintaining a safe workplace, without risk to their health, that provides adequate facilities for their welfare at work;
 - 33.2. ensuring safety at work in connection with the supply, use, handling, storage and transportation of plant or substances;
 - 33.3. ensuring safe access to, and egress from, the workplace;
 - 33.4. ensuring, before commencement of the work, the provision of the necessary information, contract safety induction briefing and a workplace safety briefing on the Defence safety standards and policy;
 - 33.5. providing appropriate mechanisms for continuing consultation and review of safety matters; and
 - 33.6. ensuring that the contractor's system of work does not place the contractor's workers or Defence workers at risk of injury/illness.
34. Contractors must report to the workplace supervisor daily advising of their presence in the workplace. This is to ensure that emergency management procedures, if enacted, cover all workers and people present at the workplace. Contractors must be inducted into a new workplace in accordance with Defence policy.

Contractor-controlled workplaces

35. Defence is to ensure that the contractor in control of a workplace has an agreed and appropriate safety management system in place that will ensure the safety of the contractor's staff, sub-contractors and Defence workers working in the vicinity. A contractor-controlled workplace is defined as a workplace over which Defence has no control or open access such as a fenced-off construction or demolition site. It does not include partitioned areas of buildings or offices within buildings over which Defence does exercise control.
36. Contractors must supply to Defence a copy of their safety/asbestos management plan as part of the contract negotiations at Stage 3 of the contract process. This plan is to show how the contractor will provide a safe and healthy workplace for its workers, sub-contractors and third parties.
37. A copy of the plan should be available on-site and for review by the Defence contract manager, the regulator, workers and affected third parties at all times during the course of the contract.

Visitors to workplaces

38. Both Defence and the contractor owe a duty of care to visitors to the workplace under relevant work health & safety legislation. All visitors must report to the workplace supervisor and be inducted on the safety issues affecting the workplace being visited. Visitors must be escorted at all times by an inducted worker of Defence or the contractor in control of the workplace.

Incident management and reporting

39. Incidents and near misses are to be reported when there is:
 - 39.1. damage to property/equipment;
 - 39.2. injury to, or illness or death of, a worker;
 - 39.3. exposure to asbestos dusts (notifiable to the regulator); and/or
 - 39.4. a potential for any of the consequences in para's 39.1–39.3.
40. In Defence-controlled workplaces, reporting accords with *SafetyMan – Work Health and Safety Event (Incident) Reporting Policy and Guidance*. Sentinel is the preferred method of incident reporting in Defence. Further information can be accessed via the following intranet link: <http://whs.eas.defence.mil.au/sentinel.htm>.
41. All incidents related to asbestos exposure, or the potential for that exposure, are to be investigated in accordance with *SafetyMan – Work Health and Safety Event Investigation Policy* to prevent the possible recurrence of the events leading to the incident. Details are to be reported through the chain of command or management chain to the Defence Work Health and Safety Branch for review.
42. *SafetyMan – Asbestos Management Procedure 07 - Asbestos Incident Management* provides details on incident management, incident reporting and incident investigation requirements in Defence.
43. For contractor-controlled workplaces, incidents will be reported according to the relevant State or Territory safety legislation. Details of all incidents at the workplace and covered by the contract, including measures taken by the contractor to prevent a recurrence of the incident, will be reported to the Defence contract manager or Defence Safety Liaison Officer for review against the contractors' asbestos management plan and the general terms of contract.

References and related documents

44. [Work Health and Safety Act 2011](#)
45. [Work Health and Safety Regulations 2011](#), Chapter 8 Asbestos
46. [Code of Practice - How to Manage and Control Asbestos in the Workplace](#)
47. [Code of Practice - How to Safely Remove Asbestos](#)
48. *SafetyMan*
 - 48.1. *Hazardous Chemicals Management Policy suite*
 - 48.2. *Asbestos Management Policy suite*
 - 48.3. *Work Health and Safety Event (Incident) Reporting Policy and Guidance*
 - 48.4. *Work Health and Safety Event Investigation Policy suite.*
49. [Australian Standards 4964:2004 - Method for the Qualitative Identification of Asbestos in Bulk Samples](#)
50. [Defence Asbestos and Hazardous Chemicals Exposure Scheme \(DAHCES\)](#) - Telephone 1800 DEFENCE (1800 333 362)
51. Work Health and Safety Branch – [Asbestos webpage](#)
52. Defence Work Health and Safety Branch Sentinel Business Support Team - contact help desk on 1800 220 820 or email whs.sentinel@defence.gov.au

Document Reference:	Asbestos Management Procedure 04- Asbestos Contract and Contractor Control		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411973	Version:	1.1



Defence People Policy, SafetyMan

Asbestos Management Procedure 05 - Removal Of Asbestos From The Workplace

1. This procedure provides work health and safety information relating to the *SafetyMan – Asbestos Management Policy and Guidance*.

Introduction

2. Contractors and sub-contractors are to be qualified and licensed for the work being undertaken and must comply with the provisions of the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2011, Chapter 8 - Asbestos* (Annex A), and associated Codes of Practice. Cross-jurisdictional licenses are to be checked to confirm they comply with the Commonwealth version of the harmonised work health and safety legislation.
3. In an emergency situation asbestos may be removed by Defence personnel only if they are qualified, trained and licensed in accordance with the provisions of the *Work Health and Safety Act 2011*, the *Work Health and Safety Regulations 2011* and associated Codes of Practice.
4. The general duty of care obligations of officers of the Person Conducting a Business or Undertaking must be maintained at all times when managing the risks associated with asbestos in Defence-controlled workplaces.

Asbestos removal

5. Defence does not maintain a dedicated, in-house asbestos removal capability. When asbestos removal is needed, Defence engages contractors who are licensed to work in the state or territory where the work is to be undertaken. Notwithstanding, in emergency situations and in accordance with paragraph 3 asbestos removal tasks may be undertaken by Defence personnel.
6. Asbestos and asbestos containing material may be removed in the following circumstance:
 - 6.1. if the risk assessment indicates the need for removal;
 - 6.2. the asbestos risk/hazard cannot be eliminated by enclosing, encapsulating and/or sealing and removal of high-risk and/or friable asbestos or asbestos containing material in a poor condition is an immediate priority; and
 - 6.3. where feasible, asbestos and asbestos-containing material should be removed during scheduled renovation, refurbishment, demolition and maintenance works instead of enclosing, encapsulating or sealing.

Removal licensing

7. The *Work Health and Safety Regulations 2011* set out a framework for managing asbestos-containing material in the workplace.



8. Removal of asbestos is to be undertaken by accredited agencies (specialist contractors) and licensed personnel only. Specialist contractors should undertake all asbestos removal, unless there is no practical alternative.
9. Defence is to ensure that contracted asbestos removal personnel are licensed, trained, inducted, informed and supervised in accordance with *Work Health and Safety Regulations 2011, Regulations 458-462 – Asbestos Removal Work* (Annex A). Specialist contractors are also required to meet any applicable state/territory licensing and removal requirements.
10. Defence is to provide, and the contractor is to seek, the applicable asbestos registers related to the work being undertaken. The *Code of Practice - How to Safely Remove Asbestos* is to be used as a guide by Defence contract managers and Defence Safety Liaison Officers for monitoring the performance of the contractor.
11. Under *Work Health and Safety Regulations 2011, Regulation 488 – Recognition of asbestos removal licences in other jurisdictions* (Annex A), asbestos removal licenses are recognised across each jurisdiction.

Asbestos-related work

12. Defence personnel may undertake asbestos-related work on Defence establishments where non-friable asbestos-containing material will be encountered, in areas of 10m² or less. Work may take place as part of minor routine maintenance work including the removal of asbestos or asbestos-containing material in the form of gaskets or brake components in accordance with procedures outlined in the code of practice.
13. Defence must ensure that a competent person (such as an occupational hygienist or asbestos assessor) carries out air monitoring of the workplace (in accordance with the *Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Dust* [National Occupational Health and Safety Commission: 3003 (1988)]) where asbestos-related work is being carried out if there is uncertainty as to whether the exposure standard is likely to be exceeded.
14. Where this situation occurs, Defence is to direct the contractor/worker(s) involved with the asbestos-related work or removal works to ensure that the asbestos management plan caters for the worst case management requirements.

Asbestos removal plan

15. The asbestos removalist must prepare an asbestos removal plan for the contracted work and provide details to the Defence contract manager, the local commander/manager, Defence Safety Liaison Officer and Regional Asbestos Officer. The asbestos removal plan must include:
 - 15.1. details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used; and
 - 15.2. details of the asbestos to be removed, including the location, type and condition of the asbestos.
16. The asbestos removal plan should also include how other hazards/risks shall be managed—such as confined spaces, heights/falls, heat stress, and the use of electrical equipment and electricity.
17. The asbestos removal plan is to be readily accessible for the period of the contract and until the asbestos removal work has been completed. All plans must be reviewed by a competent person such as an occupational hygienist or an asbestos assessor. The

Defence Work Health and Safety Services Standing Offer Panel (SON2405851) provide contact details for occupational hygienists.

Notification to the regulator

18. The asbestos removalist is to notify the regulator in writing at least five days before the licensed asbestos removal work is undertaken. In the case of an emergency removal the removalist is to notify the regulator immediately by telephone and within 24 hours in writing. The notification to remove asbestos must include the requirements set out under section 3.6 of the *Code of Practice - How to Safely Remove Asbestos*.

Emergency demolition

19. Any emergency that requires the demolition of a structure (domestic premises excluded for this procedure) or equipment that contains asbestos or asbestos-containing material is to be notified to the Regulator before the demolition work starts.
20. A procedure is to be developed by the demolition contractor that will, so far as is reasonably practicable, reduce the risk of exposure—to less than the exposure standard—of workers and persons in the vicinity of the demolition. The procedure will consider the requirements of the asbestos register and is to be provided to the regulator before work commences.

Asbestos disposal

21. All state and territory legislation requires both friable and non-friable asbestos to be disposed of at a site authorised to accept asbestos waste. Under state and territory-specific legislation, operators of waste facilities are required to obtain a license from the environment protection authority in their jurisdiction to allow them to accept asbestos-containing material waste.
22. Table 1 summarises the state/territory legislation containing the regulatory framework associated with the issue of licenses in relation to asbestos waste.

Table 1 – State/territory asbestos waste legislative frameworks

State/territory	Governing authority	Relevant legislation
New South Wales	New South Wales Environmental Protection Authority	<i>Protection of the Environment Operations Act 1999</i>
Northern Territory	Northern Territory Environmental Protection Authority	<i>Waste Management Pollution and Control Act</i>
Queensland	Queensland Department of Environment and Heritage Protection	<i>Environmental Protection Regulation 2008</i>
Western Australia	Western Australian Department of Environment Regulation	<i>Environmental Protection Act 1986</i>
Tasmania	Environmental Protection Authority of Tasmania	<i>Environmental Management and Pollution Control (Waste Management) Regulations 2010</i>

Victoria	Environmental Protection Authority of Victoria	<i>Environment Protection Act 1970</i>
South Australia	Environmental Protection Authority of South Australia	<i>Environment Protection Act 1993</i>
Australian Capital Territory	Australian Capital Territory Environment and Planning Directorate	<i>Environment Protection Act 1997</i>

Transport and disposal

23. The asbestos removalist must ensure that asbestos waste is contained and labelled in accordance with the *Globally Harmonized System for the Identification and Labelling of Hazardous Chemicals* before the waste is removed from an asbestos removal area. Asbestos waste is to be disposed of as soon as practicable at a site authorised to accept asbestos waste.
24. Transport and disposal of asbestos waste, including contaminated Personal Protective Equipment, are only to be carried out in a manner that will prevent the liberation of asbestos fibres into the atmosphere.
25. Asbestos waste is not to be stored for extended periods or buried on Defence property. Details of transfer and disposal of asbestos waste are to be recorded in an asbestos register.
26. For asbestos-containing material items from plant or equipment, when correctly bagged, the collected asbestos-containing material can be transported to the regional Joint Logistics Unit by unit means. However, the Joint Logistics Unit must be contacted prior to moving the asbestos-containing material as it may be more cost-effective to have an approved contractor collect directly from the unit. The cost of this collection or disposal will initially be met by the Joint Logistics Unit.

Waste containers

27. Where specialist asbestos containers are not available, asbestos waste should be collected in suitable containers such as heavy duty polyethylene bags. Bags must be heavy duty (thickness at least 200 µm), made of clear plastic and no more than 1200 mm long and 900mm wide to prevent manual task injuries. Containers/bags must be marked with the label '**Caution: Asbestos—do not open or damage bag, do not inhale dust**'.
28. Asbestos waste disposal bags must not be filled to more than 50 per cent capacity and must be double-bagged to reduce the chance of the bags rupturing.

Asbestos-contaminated soil removal

29. Asbestos contamination of soil may be detected during building and road construction and excavation, waste disposal, damage following a severe weather event, weathering over time, or when asbestos is inappropriately handled or damaged during removal jobs. Asbestos-contaminated soil must be managed and may require removal.
30. Naturally occurring asbestos is not considered contamination whilst in situ. However, once disturbed, naturally occurring asbestos poses the same potential health risk as other asbestos. Therefore sites containing naturally occurring asbestos require appropriate management.

31. A risk assessment by an independent, licensed asbestos assessor or competent person, including contaminated site assessment practitioners, should determine the most appropriate control measures and remediation strategies.
32. Asbestos-contaminated soil is also subject to requirements of other regulatory agencies such as the Environmental Protection Agency, public health agencies and local governments.
33. Guidance on the assessment and remediation of contaminated sites is in the *Assessment of Contaminated Sites National Environmental Protection Measure*. The National Environmental Protection Measure is published by the Environmental Protection Heritage Council. Other state and territory environmental legislation may also need to be considered when dealing with asbestos-contaminated soils.

References and related documents

34. [Work Health and Safety Act 2011](#)
35. [Work Health and Safety Regulations 2011](#) Chapter 8 Asbestos
36. [Code of Practice - How to Safely Remove Asbestos](#)
37. [Code of Practice - How to Manage and Control Asbestos in the Workplace](#)
38. [Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition](#)
39. [Globally Harmonized System for the Identification and Labelling of Hazardous Chemicals](#)
40. SafetyMan:
 - 40.1. *Hazardous Chemicals Management Policy suite;*
 - 40.2. *Asbestos Management Policy suite;*
 - 40.3. *Work Health and Safety Event (Incident) Reporting Policy and Guidance; and*
 - 40.4. *Work Health and Safety Event Investigation Policy.*
41. [ABR 6303, Section 4, Chapter 23 - Asbestos](#)
42. [AAP 6730.001, Section 4, Chapter 4 - Asbestos;](#)
43. [Protection of the Environment Operations Act 1997](#)
44. [Waste Management Pollution and Control Act](#)
45. [Environmental Protection Regulation 2008](#)
46. [Environmental Protection Act 1986](#)
47. [Environmental Management and Pollution Control \(Waste Management\) Regulations 2010](#)
48. [Environment Protection Act 1970](#)
49. [Environment Protection Act 1993](#)
50. [Environment Protection Act 1997](#)
51. [National Environment Protection Council](#)
52. Work Health and Safety Branch – [Asbestos webpage](#)
53. [Defence Asbestos and Hazardous Chemicals Exposure Scheme \(DAHCES\)](#) - telephone 1800 DEFENCE (1800 333 362)

54. Defence Work Health and Safety Branch Business Support Team - telephone 1800 220 820 or e-mail WHS.Sentinel@defence.gov.au.

Document Reference:	Asbestos Management Procedure 05 – Removal of Asbestos from the Workplace		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411960	Version:	1.1

Annex

- A. Work Health and Safety Regulations 2011, Chapter 8 – Asbestos

Work Health and Safety Regulations 2011

Chapter 8 Asbestos

Part 8.1 Prohibitions and Authorised Conduct

419 Work involving asbestos or ACM—prohibitions and exceptions

(1) A person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, work involving asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) In this regulation, work involves asbestos if the work involves manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or ACM.

(3) Subregulation (1) does not apply if the work involving asbestos is any of the following:

- (a) genuine research and analysis;
- (b) sampling and identification in accordance with these Regulations;
- (c) maintenance of, or service work on, non-friable asbestos or ACM, fixed or installed before 31 December 2003, in accordance with these Regulations;
- (d) removal or disposal of asbestos or ACM, including demolition, in accordance with these Regulations;
- (e) the transport and disposal of asbestos or asbestos waste in accordance with [jurisdictional legislation];

Note

See jurisdictional note in the Appendix.

- (f) demonstrations, education or practical training in relation to asbestos or ACM;
 - (g) display, or preparation or maintenance for display, of an artefact or thing that is, or includes, asbestos or ACM;
 - (h) management in accordance with these Regulations of in situ asbestos that was installed or fixed before 31 December 2003;
 - (i) work that disturbs asbestos during mining operations that involve the extraction of, or exploration for, a mineral other than asbestos;
 - (j) laundering asbestos contaminated clothing in accordance with these Regulations.
- (4) Subregulation (1) does not apply if the regulator approves the method adopted for managing risk associated with asbestos.
- (5) Subregulation (1) does not apply to the following:
- (a) soil that a competent person has determined:
 - (i) does not contain any visible ACM or friable asbestos; or
 - (ii) if friable asbestos is visible—does not contain more than trace levels of asbestos determined in accordance with AS 4964:2004 (Method for the qualitative identification of asbestos in bulk samples);

- (b) naturally occurring asbestos managed in accordance with an asbestos management plan prepared under regulation 432.

Part 8.2 General Duty

420 Exposure to airborne asbestos at workplace

- (1) A person conducting a business or undertaking at a workplace must ensure that:
 - (a) exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable; and
 - (b) if it not reasonably practicable to eliminate exposure to airborne asbestos—exposure is minimised so far as is reasonably practicable.

Note

WHS Act—section 19 (see regulation 9).

- (2) A person conducting a business or undertaking at a workplace must ensure that the exposure standard for asbestos is not exceeded at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) Subregulations (1)(a) and (2) do not apply in relation to an asbestos removal area:
 - (a) that is enclosed to prevent the release of respirable asbestos fibres in accordance with regulation 477; and
 - (b) in which negative pressure is used in accordance with that regulation.

Part 8.3 Management of Asbestos and Associated Risks

421 Application of Part 8.3

- (1) This Part does not apply to naturally occurring asbestos.
- (2) Regulations 425, 426, 427, 428, 429 and 430 do not apply to any part of residential premises that is used only for residential purposes.

422 Asbestos to be identified or assumed at workplace

- (1) A person with management or control of a workplace must ensure, so far as is reasonably practicable, that all asbestos or ACM at the workplace is identified by a competent person.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) A person with management or control of a workplace must:
 - (a) if material at the workplace cannot be identified but a competent person reasonably believes that the material is asbestos or ACM—assume that the material is asbestos; and
 - (b) if part of the workplace is inaccessible to workers and likely to contain asbestos or ACM—assume that asbestos is present in the part of the workplace.

- (3) Subregulation (1) does not apply if the person:
 - (a) assumes that asbestos or ACM is present; or
 - (b) has reasonable grounds to believe that asbestos or ACM is not present.
- (4) If asbestos or ACM is assumed to be present at a workplace, it is taken to be identified at the workplace.

423 Analysis of sample

- (1) A person with management or control of a workplace may identify asbestos or ACM by arranging for a sample of material at the workplace to be analysed for the presence of asbestos or ACM.
- (2) If a person with management or control of a workplace arranges for an analysis, the person must ensure that the sample is analysed only by:
 - (a) a NATA-accredited laboratory accredited for the relevant test method; or
 - (b) a laboratory approved by the regulator in accordance with guidelines published by Safe Work Australia; or
 - (c) a laboratory operated by the regulator.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

424 Presence and location of asbestos to be indicated

A person with management or control of a workplace must ensure that:

- (a) the presence and location of asbestos or ACM identified at the workplace under regulation 422 is clearly indicated; and
- (b) if it is reasonably practicable to do so, indicate the presence and location of the asbestos or ACM by a label.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

425 Asbestos register

- (1) A person with management or control of a workplace must ensure that a register (an asbestos register) is prepared and kept at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (2) The person must ensure that the asbestos register is maintained to ensure the information in the register is up to date.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The asbestos register must:

(a) record any asbestos or ACM identified at the workplace under regulation 422, or likely to be present at the workplace from time to time including:

(i) the date on which the asbestos or ACM was identified; and

(ii) the location, type and condition of the asbestos or ACM; or

(b) state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.

(4) The person is not required to prepare an asbestos register for a workplace if a register has already been prepared for that workplace.

(5) Subject to subregulation (6), this regulation applies to buildings whenever constructed.

(6) This regulation does not apply to a workplace if:

(a) the workplace is a building that was constructed after 31 December 2003; and

(b) no asbestos has been identified at the workplace; and

(c) no asbestos is likely to be present at the workplace from time to time.

426 Review of asbestos register

A person with management or control of a workplace where an asbestos register is kept must ensure that the register is reviewed and as necessary revised if:

(a) the asbestos management plan is reviewed under regulation 430; or

(b) further asbestos or ACM is identified at the workplace; or

(c) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

427 Access to asbestos register

(1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to:

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If a person conducting a business or undertaking carries out, or intends to carry out, work at a workplace that involves a risk of exposure to airborne asbestos, the person with management or control of the workplace must ensure that the person is given a copy of the asbestos register.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

428 Transfer of asbestos register by person relinquishing management or control

If a person with management or control of a workplace plans to relinquish management or control of the workplace, the person must ensure, so far as is reasonably practicable, that the asbestos register is given to the person, if any, assuming management or control of the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

429 Asbestos management plan

(1) This regulation applies if asbestos or ACM is:

- (a) identified at a workplace under regulation 422; or
- (b) likely to be present at a workplace from time to time.

(2) A person with management or control of the workplace must ensure that a written plan (an asbestos management plan) for the workplace is prepared.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) An asbestos management plan must include information about the following:

- (a) the identification of asbestos or ACM;

Example

A reference or link to the asbestos register for the workplace and signage and labelling.

- (b) decisions, and reasons for decisions, about the management of asbestos at the workplace;

Example

Safe work procedures and control measures.

- (c) procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace;
- (d) workers carrying out work involving asbestos.

Example

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
- (b) a health and safety representative who represents a worker referred to in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

430 Review of asbestos management plan

(1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in the following circumstances:

- (a) there is a review of the asbestos register or a control measure;
- (b) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace;
- (c) the plan is no longer adequate for managing asbestos or ACM at the workplace;
- (d) a health and safety representative requests a review under subregulation (2);
- (e) at least once every 5 years.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) A health and safety representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that:

- (a) a circumstance referred to in subregulation (1)(a), (b) or (c) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
- (b) the person with management and control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance.

Part 8.4 Management of Naturally Occurring Asbestos

431 Naturally occurring asbestos

The person with management or control of a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with naturally occurring asbestos at the workplace.

Note

WHS Act—section 20 (see regulation 9).

432 Asbestos management plan

(1) This regulation applies if naturally occurring asbestos is:

- (a) identified at a workplace; or
- (b) likely to be present at a workplace.

(2) A person with management or control of the workplace must ensure that a written plan (an asbestos management plan) for the workplace is prepared in relation to the naturally occurring asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) An asbestos management plan must include information about the following:

- (a) the identification of naturally occurring asbestos;
- (b) decisions, and reasons for decisions, about the management of naturally occurring asbestos at the workplace;

Example

Safe work procedures and control measures.

- (c) procedures for detailing incidents or emergencies involving naturally occurring asbestos at the workplace;
- (d) workers carrying out work involving naturally occurring asbestos.

Example

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for naturally occurring asbestos at the workplace is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

- (b) a health and safety representative who represents a worker referred to in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

433 Review of asbestos management plan

A person with management or control of a workplace that has an asbestos management plan for naturally occurring asbestos must ensure that the plan is reviewed and as necessary revised if the plan is no longer adequate for managing naturally occurring asbestos at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Example

A control measure is revised under regulation 38.

434 Training in relation to naturally occurring asbestos

A person conducting a business or undertaking must ensure that the training required under regulation 445 includes training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Part 8.5 Asbestos at the Workplace

Division 1 Health monitoring

435 Duty to provide health monitoring

(1) A person conducting a business or undertaking must ensure that health monitoring is provided, in accordance with regulation 436, to a worker carrying out work for the business or undertaking if the worker is:

- (a) carrying out licensed asbestos removal work at a workplace and is at risk of exposure to asbestos when carrying out the work; or
- (b) is carrying out other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) For the purposes of subregulation (1)(a), the person must ensure that the health monitoring of the worker commences before the worker carries out licensed asbestos removal work.

(3) The person must ensure that the worker is informed of any health monitoring requirements before the worker carries out any work that may expose the worker to asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

436 Duty to ensure that appropriate health monitoring is provided

A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 435 includes:

(a) consideration of:

(i) the worker's demographic, medical and occupational history; and

(ii) records of the worker's personal exposure; and

(b) a physical examination of the worker,

unless another type of health monitoring is recommended by a registered medical practitioner.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

437 Duty to ensure health monitoring is supervised by registered medical practitioner with relevant experience

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 435 is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

438 Duty to pay costs of health monitoring

(1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in regulation 435.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

439 Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- (a) the name and address of the person conducting the business or undertaking;
- (b) the name and date of birth of the worker;
- (c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- (d) if the worker has started that work, how long the worker has been carrying out that work.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

440 Duty to obtain health monitoring report

(1) A person conducting a business or undertaking who commissioned health monitoring referred to in regulation 435 must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The health monitoring report must include the following:

- (a) the name and date of birth of the worker;
- (b) the name and registration number of the registered medical practitioner;
- (c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;
- (d) the date of health monitoring;
- (e) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;

- (f) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
- (g) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

441 Duty to give health monitoring report to worker

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

442 Duty to give health monitoring report to regulator

A person conducting a business or undertaking for which a worker is carrying out work for which health monitoring is required must give a copy of the health monitoring report relating to a worker to the regulator as soon as practicable after obtaining the report if the report contains:

- (a) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring; or
- (b) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work referred to in regulation 435.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

443 Duty to give health monitoring report to relevant persons conducting businesses or undertakings

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

444 Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record:

- (a) identified as a record in relation to the worker; and
- (b) for at least 40 years after the record is made.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 442 or 443 or to a person who must keep the record confidential under a duty of professional confidentiality.

Division 2 Training

445 Duty to train workers about asbestos

(1) In addition to the training required by Division 1 of Part 3.2, a person conducting a business or undertaking must ensure that workers engaged by the person, whom the person reasonably believes may be involved in asbestos removal work or in the carrying out of asbestos-related work, are trained in the identification and safe handling of, and suitable control measures for, asbestos and ACM.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) This regulation does not apply in relation to a worker referred to in regulation 460.

(3) The person must ensure that a record is kept of the training undertaken by the worker:

- (a) while the worker is carrying out the work; and
- (b) for 5 years after the day the worker ceases working for the person.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(4) The person must keep the record available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

Division 3 Control on use of certain equipment

446 Duty to limit use of equipment

(1) A person conducting a business or undertaking must not use, or direct or allow a worker to use, either of the following on asbestos or ACM:

- (a) high-pressure water spray;
- (b) compressed air.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) Subregulation (1)(a) does not apply to the use of a high pressure water spray for fire fighting or fire protection purposes.

(3) A person conducting a business or undertaking must not use, or direct or allow a worker to use, any of the following equipment on asbestos or ACM unless the use of the equipment is controlled:

- (a) power tools;
- (b) brooms;
- (c) any other implements that cause the release of airborne asbestos into the atmosphere.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(4) In subregulation (3), the use of equipment is controlled if:

- (a) the equipment is enclosed during its use; or
- (b) the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design; or
- (c) the equipment is used in a way that is designed to capture or suppress airborne asbestos safely; or
- (d) any combination of paragraphs (a), (b) and (c) applies.

Part 8.6 Demolition and Refurbishment

447 Application—Part 8.6

(1) This Part applies to the demolition or refurbishment of a structure or plant constructed or installed before 31 December 2003.

(2) In this regulation, demolition or refurbishment does not include minor or routine maintenance work, or other minor work.

448 Review of asbestos register

The person with management or control of a workplace must ensure that, before demolition or refurbishment is carried out at the workplace, the asbestos register for the workplace is:

- (a) reviewed; and

- (b) if the register is inadequate having regard to the proposed demolition or refurbishment—revised.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Example

The register identifies an inaccessible area that is likely to contain asbestos and the area is likely to be accessible because of demolition.

449 Duty to give asbestos register to person conducting business or undertaking of demolition or refurbishment

The person with management or control of a workplace must ensure that the person conducting a business or undertaking who carries out the demolition or refurbishment is given a copy of the asbestos register before the demolition or refurbishment is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

450 Duty to obtain asbestos register

A person conducting a business or undertaking who carries out demolition or refurbishment at a workplace must obtain a copy of the asbestos register from the person with management or control of the workplace, before the person commences the demolition or refurbishment.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

451 Determining presence of asbestos or ACM

(1) This regulation applies if:

- (a) demolition or refurbishment is to be carried out at a workplace; and
- (b) there is no asbestos register for the structure or plant to be demolished or refurbished at the workplace.

(2) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must not carry out the demolition or refurbishment until the structure or plant has been inspected to determine whether asbestos or ACM is fixed to or installed in the structure or plant.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must ensure that the determination is undertaken by a competent person.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must assume that asbestos or ACM is fixed to or installed in the structure or plant if:

(a) the competent person is, on reasonable grounds, uncertain whether or not asbestos is fixed to or installed in the structure or plant; or

(b) part of the structure or plant is inaccessible and likely to be disturbed.

(5) If asbestos or ACM is determined or assumed to be fixed to or installed in the structure or plant, the person conducting a business or undertaking who is to carry out the demolition or refurbishment must inform:

(a) if the workplace is residential premises:

(i) the occupier of the premises; and

(ii) the owner of the premises; and

(b) in any other case—the person with management or control of the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

452 Identification and removal of asbestos before demolition

(1) This regulation applies if a structure or plant at a workplace is to be demolished.

(2) This regulation does not apply:

(a) in an emergency to which regulation 454 applies; or

(b) to residential premises.

(3) The person with management or control of the workplace, or of the structure or plant, must ensure:

(a) that all asbestos that is likely to be disturbed by the demolition is identified; and

(b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) Subregulation (3)(b) does not apply if the purpose of the demolition is to gain access to the asbestos.

453 Identification and removal of asbestos before demolition of residential premises

(1) A person conducting a business or undertaking that is to carry out the demolition of residential premises must ensure:

(a) that all asbestos that is likely to be disturbed by the demolition is identified; and

- (b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) This regulation does not apply in an emergency to which regulation 455 applies.
- (3) Subregulation (1)(b) does not apply if the purpose of the demolition is to gain access to the asbestos.

454 Emergency procedure

- (1) This regulation applies if:
 - (a) an emergency occurs at a workplace other than residential premises; and
 - (b) a structure or plant at the workplace must be demolished; and
 - (c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.
- (2) The person with management or control of the workplace must ensure, so far as is reasonably practicable, that:
 - (a) before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard; and
 - (b) the asbestos register for the workplace is considered in the development of the procedure.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (3) The person must ensure that the regulator is given written notice about the emergency:
 - (a) immediately after the person becomes aware of the emergency; and
 - (b) before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (4) For the purposes of this regulation, an emergency occurs if:
 - (a) a structure or plant is structurally unsound; or
 - (b) collapse of the structure or plant is imminent.

455 Emergency procedure—residential premises

- (1) This regulation applies if:
 - (a) an emergency occurs at residential premises; and
 - (b) a structure or plant at the premises must be demolished; and

(c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.

(2) A person conducting a business or undertaking who is to carry out the demolition of the residential premises must ensure so far as is reasonably practicable, that, before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The person must ensure that the regulator is given written notice about the emergency:

- (a) immediately after the person becomes aware of the emergency; and
- (b) before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(4) For the purposes of this regulation, an emergency occurs if:

- (a) a structure or plant is structurally unsound; or
- (b) collapse of the structure or plant is imminent.

456 Identification and removal of asbestos before refurbishment

(1) This regulation applies if a structure or plant at a workplace is to be refurbished.

(2) This regulation does not apply to residential premises.

(3) The person with management or control of the workplace, or of the structure or plant, must ensure:

- (a) that all asbestos that is likely to be disturbed by the refurbishment is identified; and
- (b) so far as is reasonably practicable, that the asbestos is removed before the refurbishment is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

457 Refurbishment of residential premises

A person conducting a business or undertaking who is to carry out refurbishment of residential premises must ensure:

- (a) that all asbestos that is likely to be disturbed by the refurbishment is identified; and
- (b) so far as is reasonably practicable, that the asbestos is removed before the refurbishment is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Part 8.7 Asbestos Removal Work

Note

In this Part some duties are placed on licensed asbestos removalists and some on asbestos removalists generally.

458 Duty to ensure asbestos removalist is licensed

(1) A person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) Subregulation (1) does not apply if the asbestos to be removed is:

- (a) 10 square metres or less of non-friable asbestos or ACD associated with the removal of that amount of non-friable asbestos; or
- (b) ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

(3) If subregulation (2) applies, the person conducting the business or undertaking that commissions the asbestos removal work must ensure that the work is carried out by a competent person who has been trained in accordance with regulation 445.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

459 Asbestos removal supervisor must be present or readily available

A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is:

- (a) if the asbestos removal work requires a Class A asbestos removal licence—present at the asbestos removal area whenever the asbestos removal work is being carried out; and
- (b) if the asbestos removal work requires a Class B asbestos removal licence—readily available to a worker carrying out asbestos removal work whenever the work is being carried out.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

460 Asbestos removal worker must be trained

(1) A licensed asbestos removalist must not direct or allow a worker to carry out licensed asbestos removal work unless the removalist is satisfied that the worker holds a certification in relation to the specified VET course for asbestos removal relevant to the class of licensed asbestos removal work to be carried out by the worker.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) A licensed asbestos removalist must provide appropriate training to a worker carrying out licensed asbestos removal work at a workplace to ensure that the work is carried out in accordance with the asbestos removal control plan for the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) In this regulation, appropriate training means training designed specifically for the workplace where the licensed asbestos removal work is carried out and the work to be carried out at the workplace.

Note

Unless this regulation applies, the obligation to provide training to workers carrying out unlicensed asbestos removal work is set out in regulation 445.

461 Licensed asbestos removalist must keep training records

(1) A licensed asbestos removalist must keep a record of the training undertaken by a worker carrying out licensed asbestos removal work:

- (a) while the worker is carrying out licensed asbestos removal work; and
- (b) for 5 years after the day the worker stopped carrying out licensed asbestos removal work for the removalist.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) The licensed asbestos removalist must ensure that the training record is readily accessible at the asbestos removal area and available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

462 Duty to give information about health risks of licensed asbestos removal work

A licensed asbestos removalist must give the following information to a person likely to be engaged to carry out licensed asbestos removal work before the person is engaged to carry out the work:

- (a) the health risks and health effects associated with exposure to asbestos;

- (b) the need for, and details of, health monitoring of a worker carrying out licensed asbestos removal work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

463 Asbestos removalist must obtain register

- (1) A licensed asbestos removalist must obtain a copy of the asbestos register for a workplace before the removalist carries out asbestos removal work at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) Subregulation (1) does not apply if the asbestos removal work is to be carried out at residential premises.

464 Asbestos removal control plan

- (1) A licensed asbestos removalist must prepare an asbestos removal control plan for any licensed asbestos removal work the removalist is commissioned to undertake.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) An asbestos removal control plan must include:

- (a) details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used; and
- (b) details of the asbestos to be removed, including the location, type and condition of the asbestos.

- (3) The licensed asbestos removalist must give a copy of the asbestos removal control plan to the person who commissioned the licensed asbestos removal work.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

465 Asbestos removal control plan to be kept and available

- (1) Subject to subregulation (2), a licensed asbestos removalist must ensure that a copy of the asbestos removal control plan prepared under regulation 464 is kept until the asbestos removal work to which it relates is completed.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If a notifiable incident occurs in connection with the asbestos removal work to which the asbestos removal control plan relates, the licensed asbestos removalist must keep the asbestos removal control plan for at least 2 years after the incident occurs.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The licensed asbestos removalist must ensure that, for the period for which the asbestos removal control plan must be kept under this regulation, a copy is:

(a) readily accessible to:

(i) a person conducting a business or undertaking at the workplace; and

(ii) the person's workers at the workplace, or a health and safety representative who represents the workers; and

(iii) if the asbestos removal work is to be carried out in residential premises—the occupants of the premises; and

(b) available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

466 Regulator must be notified of asbestos removal

(1) A licensed asbestos removalist must give written notice to the regulator at least 5 days before the removalist commences licensed asbestos removal work.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) Despite subregulation (1), licensed asbestos removal work may be commenced immediately if there is:

(a) a sudden and unexpected event, including a failure of equipment, that may cause persons to be exposed to respirable asbestos fibres; or

(b) an unexpected breakdown of an essential service that requires immediate rectification to enable the service to continue.

(3) If the asbestos must be removed immediately, the licensed asbestos removalist must give notice to the regulator:

(a) immediately by telephone; and

(b) in writing within 24 hours after notice is given under paragraph (a).

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (4) A notice under subregulation (1) or (3) must include the following:
- (a) the following in relation to the licensed asbestos removalist:
 - (i) name;
 - (ii) registered business name;
 - (iii) Australian Business Number;
 - (iv) licence number;
 - (v) business contact details;
 - (b) the name and business contact details of the supervisor of the licensed asbestos removal work;
 - (c) the name of the competent person or licensed asbestos assessor engaged to carry out a clearance inspection and issue a clearance certificate for the work;
 - (d) the name and contact details of the person for whom the work is to be carried out;
 - (e) the following in relation to the workplace where the asbestos is to be removed:
 - (i) the name, including the registered business or company name, of the person with management or control of the workplace;
 - (ii) the address and, if the workplace is large, the specific location of the asbestos removal;
 - (iii) the kind of workplace;
 - (f) the date of the notice;
 - (g) the date when the asbestos removal work is to commence and the estimated duration of the work;
 - (h) whether the asbestos to be removed is friable or non-friable;
 - (i) if the asbestos to be removed is friable—the way the area of removal will be enclosed;
 - (j) the estimated quantity of asbestos to be removed;
 - (k) the number of workers who are to carry out the asbestos removal work;
 - (l) for each worker who is to carry out asbestos removal work—details of the worker's competency to carry out asbestos removal work.

467 Licensed asbestos removalist must inform certain persons about intended asbestos removal work

- (1) This regulation applies if a licensed asbestos removalist is to carry out licensed asbestos removal work at a workplace.
- (2) The licensed asbestos removalist must, before commencing the licensed asbestos removal work, inform the person with management or control of the workplace:
- (a) that licensed asbestos removal work is to be carried out at the workplace; and
 - (b) when the work is to commence.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) If the workplace is residential premises, the licensed asbestos removalist must, so far as is reasonably practicable, before commencing the licensed asbestos removal work, inform the following persons that asbestos removal work is to be carried out at the workplace, and when the work is to commence:

- (a) the person who commissioned the asbestos removal work;
- (b) a person conducting a business or undertaking at the workplace;
- (c) the occupier of the residential premises;
- (d) the owner of the residential premises;
- (e) anyone occupying premises in the immediate vicinity of the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

468 Person with management or control of workplace must inform persons about asbestos removal work

(1) This regulation applies if the person with management or control of a workplace is informed that asbestos removal work is to be carried out at the workplace.

(2) The person must ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences:

- (a) the person's workers and any other persons at the workplace;
- (b) the person who commissioned the asbestos removal work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person must take all reasonable steps to ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences:

- (a) anyone conducting a business or undertaking at, or in the immediate vicinity of, the workplace;
- (b) anyone occupying premises in the immediate vicinity of the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

469 Signage and barricades for asbestos removal work

An asbestos removalist must ensure that:

- (a) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos removal work is being carried out; and

- (b) barricades are erected to delineate the asbestos removal area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

470 Limiting access to asbestos removal area

- (1) This regulation applies to:

- (a) a person conducting a business or undertaking at a workplace who commissions a person to carry out licensed asbestos removal work at the workplace; and
- (b) a person with management or control of a workplace who is aware that licensed asbestos removal work is being carried out at the workplace.

- (2) Subject to subregulation (4), the person must ensure, so far as is reasonably practicable, that no-one other than the following has access to an asbestos removal area:

- (a) workers engaged in the asbestos removal work;
- (b) other persons associated with the asbestos removal work;
- (c) anyone allowed under these Regulations or another law to be in the asbestos removal area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) The person may refuse to allow access to an asbestos removal area at the workplace to anyone who does not comply with:

- (a) a control measure implemented for the workplace in relation to asbestos; or
- (b) a direction of the licensed asbestos removalist.

- (4) A person referred to in subregulation (2)(a), (b) or (c) has access to an asbestos removal area subject to any direction of the licensed asbestos removalist.

- (5) If a person referred to in subregulation (2)(a), (b) or (c) has access to an asbestos removal area, the person must comply with any direction of the licensed asbestos removalist.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

471 Decontamination facilities

- (1) An asbestos removalist must ensure that facilities are available to decontaminate the following:

- (a) the asbestos removal area;
- (b) any plant used in the asbestos removal area;
- (c) workers carrying out asbestos removal work;

- (d) other persons who have access to the asbestos removal area under regulation 470(2)(b).

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) An asbestos removalist must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos removal area unless the thing:

- (a) is decontaminated before being removed; or
- (b) is sealed in a container, and the exterior of the container is, before being removed:
 - (i) decontaminated; and
 - (ii) labelled in accordance with the GHS to indicate the presence of asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

472 Disposing of asbestos waste and contaminated personal protective equipment

- (1) Subject to subregulations (2) and (3), an asbestos removalist must ensure that asbestos waste:

- (a) is contained and labelled in accordance with the GHS before the waste is removed from an asbestos removal area; and
- (b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) An asbestos removalist must ensure that personal protective equipment used in asbestos removal work and contaminated with asbestos:

- (a) is sealed in a container before being removed from an asbestos waste area; and
- (b) so far as is reasonably practicable, is disposed of on the completion of the asbestos removal work at a site authorised to accept asbestos waste; and
- (c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing:
 - (i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or
 - (ii) if it is not practicable to launder the clothing—is kept in the sealed container until it is re-used for asbestos removal purposes; and
- (d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing:
 - (i) is decontaminated before it is removed from the asbestos removal area; or

- (ii) if it is not practicable to decontaminate the equipment in the asbestos removal area—is kept in the sealed container until it is re-used for asbestos removal purposes.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Example

Work boots.

- (3) An asbestos removalist must ensure that a sealed container referred to in subregulation (2) is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed from the asbestos removal area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Note

See the jurisdictional notes in the Appendix.

473 Clearance inspection

- (1) This regulation applies if a person commissions licensed asbestos removal work at a workplace.

- (2) The person or, if the workplace is residential premises, the licensed asbestos removalist must ensure that, when the licensed asbestos removal work is completed, a clearance inspection of the asbestos removal area at the workplace is carried out by:

- (a) if the asbestos removal work must be carried out by the holder of a Class A asbestos removal licence—an independent licensed asbestos assessor; or
- (b) in any other case—an independent competent person.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) In this regulation, a clearance inspection is an inspection of an asbestos removal area after asbestos removal work has been completed to verify that the area is safe for normal use, that:

- (a) includes a visual inspection; and
- (b) may include air monitoring.

Note

If it is not reasonably practicable for the licensed asbestos assessor or competent person to be independent, the person or licensed asbestos removalist may apply to the regulator for an exemption under Part 11.2 from the requirement that the assessor or competent person be independent.

474 Clearance certificates

- (1) This regulation applies if a clearance inspection has been made in accordance with regulation
- (2) The licensed asbestos assessor or competent person who carried out the clearance inspection must issue a clearance certificate, in accordance with this regulation, before the asbestos removal area at the workplace is re-occupied.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) The licensed asbestos assessor or competent person must ensure that the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (4) The licensed asbestos assessor or competent person must not issue a clearance certificate unless satisfied that:

- (a) the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination; and
- (b) if the assessor or competent person undertook air monitoring as part of the clearance inspection—the monitoring shows asbestos below 0.01 fibres/ml.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (5) The clearance certificate must be in writing and must state that:

- (a) the assessor or 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
- (b) if air monitoring was carried out by the assessor or competent person as part of the clearance inspection—the airborne asbestos fibre level was less than 0.01 asbestos fibres/mL.

Part 8.8 Asbestos Removal Requiring Class A Asbestos Removal Licence

475 Air monitoring—asbestos removal requiring Class A asbestos removal licence

- (1) A person conducting a business or undertaking who commissions asbestos removal work requiring a Class A asbestos removal licence at a workplace must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) If the workplace is residential premises, the licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at the premises must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the premises.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The air monitoring must be carried out:

- (a) immediately before the licensed asbestos removal work commences, unless glove bags are to be used for the removal; and
- (b) while the licensed asbestos removal work is carried out.

(4) The person who commissions the licensed asbestos removal work must ensure that the results of the air monitoring are given to the following:

- (a) workers at the workplace;
- (b) health and safety representatives for workers at the workplace;
- (c) a person conducting a business or undertaking at the workplace;
- (d) other persons at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(5) If the workplace is residential premises, the licensed asbestos removalist carrying out the licensed asbestos removal work at the premises must ensure that the results of the air monitoring are given to the following:

- (a) the person who commissioned the asbestos removal work;
- (b) workers at the workplace;
- (c) health and safety representatives for workers at the workplace;
- (d) a person conducting a business or undertaking at the workplace;
- (e) the occupier of the residential premises;
- (f) the owner of the residential premises;
- (g) other persons at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(6) An independent licensed asbestos assessor, who undertakes air monitoring for the purposes of this regulation, must use the membrane filter method for the air monitoring.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

476 Action if respirable asbestos fibre level too high

- (1) The licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at a workplace must:
- (a) if respirable asbestos fibre levels are recorded at the asbestos removal area at 0.01 fibres/ml or more, but not more than 0.02 fibres/ml—immediately:
 - (i) investigate the cause of the respirable asbestos fibre level; and
 - (ii) implement controls to prevent exposure of anyone to asbestos; and
 - (iii) prevent the further release of respirable asbestos fibres; and
 - (b) if respirable asbestos fibre levels are recorded at the asbestos removal area at more than 0.02 fibres/ml—immediately:
 - (i) order the asbestos removal work to stop; and
 - (ii) notify the regulator; and
 - (iii) investigate the cause of the respirable asbestos fibre level; and
 - (iv) implement controls to prevent exposure of anyone to asbestos; and
 - (v) prevent the further release of respirable asbestos fibre.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) If the licensed removalist stops asbestos removal work requiring a Class A asbestos removal licence because the recorded respirable asbestos fibre level exceeds 0.02 fibres/ml, the removalist must ensure that the asbestos removal work does not resume until air monitoring shows that the recorded respirable asbestos fibre level is below 0.01 fibres/ml.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

477 Removing friable asbestos

- (1) A licensed asbestos removalist removing friable asbestos must ensure, so far as is reasonably practicable, the following:
- (a) the asbestos removal area is enclosed to prevent the release of respirable asbestos fibres;
 - (b) subject to subregulation (3), negative pressure is used;
 - (c) the wet method of asbestos removal is used;
 - (d) subject to subregulation (3), the asbestos removal work does not commence until the air monitoring is commenced by a licensed asbestos assessor;
 - (e) air monitoring is undertaken during the asbestos removal work, at times decided by the independent licensed asbestos assessor undertaking the monitoring;
 - (f) any glove bag used to enclose the asbestos removal area is dismantled and disposed of safely.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) A licensed asbestos removalist must ensure that any enclosure used in removing friable asbestos is tested for leaks.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) Subregulations (1)(b) and (1)(d) do not apply if glove bags are used in the Class A asbestos removal work.

(4) The licensed removalist must not dismantle an enclosure for a friable asbestos removal area until the removalist receives results of air monitoring, showing that the recorded respirable asbestos fibre level within the enclosure is below 0.01 fibres/ml, from:

(a) if the friable asbestos is removed from residential premises—the licensed asbestos assessor who undertook the air monitoring; or

(b) in any other case—the person who commissioned the Class A asbestos removal work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(5) The licensed removalist must ensure that an enclosure for a friable asbestos removal area is dismantled in a way that, so far as is reasonably practicable, eliminates the release of respirable asbestos fibre.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(6) The person who commissioned the removal of the friable asbestos must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the friable asbestos removal area has been dismantled.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Part 8.9 Asbestos-related Work

478 Application of Part 8.9

This Part applies in relation to asbestos-related work.

479 Uncertainty as to presence of asbestos

(1) If there is uncertainty (based on reasonable grounds) as to whether work to be carried out for a business or undertaking is asbestos-related work, the person conducting the business or undertaking must ensure that analysis of a sample is undertaken to determine if asbestos or ACM is present.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) For the purposes of subregulation (1), the person must ensure that the sample is analysed only by:

- (a) a NATA-accredited laboratory accredited for the relevant test method; or
- (b) a laboratory approved by the regulator in accordance with guidelines published by Safe Work Australia; or
- (c) a laboratory operated by the regulator.

(3) Subregulation (1) does not apply if the person assumes that asbestos is present.

480 Duty to give information about health risks of asbestos-related work

A person conducting a business or undertaking must give the following information to a person likely to be engaged to carry out asbestos-related work for the business or undertaking before the person is engaged to carry out the work:

- (a) the health risks and health effects associated with exposure to asbestos;
- (b) the need for, and details of, health monitoring of a worker carrying out asbestos-related work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

481 Asbestos-related work to be in separate area

A person conducting a business or undertaking that involves the carrying out of asbestos-related work must ensure that:

- (a) the asbestos-related work area is separated from other work areas at the workplace; and
- (b) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos-related work is being carried out; and
- (c) barricades are erected to delineate the asbestos-related work area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

482 Air monitoring

(1) A person conducting a business or undertaking at a workplace must ensure that a competent person carries out air monitoring of the work area where asbestos-related work is being carried out if there is uncertainty as to whether the exposure standard is likely to be exceeded.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) If the competent person determines that the exposure standard has been exceeded at any time in a work area, the person conducting the business or undertaking must, so far as is reasonably practicable:

- (a) determine the workers and other persons who were in the work area during that time: and
- (b) warn those workers about possible exposure to respirable asbestos fibres; and
- (c) so far as is reasonably practicable, warn the other persons about possible exposure to respirable asbestos fibres.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person conducting the business or undertaking must ensure that information about exposure to respirable asbestos fibres, including the determination made by the competent person and the results of the air monitoring, is readily accessible to the workers and other persons referred to in subregulation (2).

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

483 Decontamination facilities

(1) A person conducting a business or undertaking for which asbestos-related work is carried out must ensure that facilities are available to decontaminate the following:

- (a) the asbestos-related work area;
- (b) any plant used in the asbestos-related work area;
- (c) workers carrying out the asbestos-related work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The person must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos-related work area unless the thing:

- (a) is decontaminated before being removed; or
- (b) is sealed in a container, and the exterior of the container is:
 - (i) decontaminated; and
 - (ii) labelled in accordance with the GHS to indicate the presence of asbestos, before being removed.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

484 Disposing of asbestos waste and contaminated personal protective equipment

(1) Subject to subregulation (2), a person conducting a business or undertaking for which asbestos-related work is carried out must ensure that asbestos waste:

- (a) is contained and labelled in accordance with the GHS before the waste is removed from an asbestos-related work area; and
- (b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The person must ensure that personal protective equipment used in asbestos-related work and contaminated with asbestos:

- (a) is sealed in a container, and that the exterior of the container is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed; and
- (b) so far as is reasonably practicable, is disposed of on the completion of the asbestos-related work at a site authorised to accept asbestos waste; and
- (c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing:
 - (i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or
 - (ii) if it is not practicable to launder the clothing, is kept in the sealed container until it is re-used for the purposes of asbestos-related work; and
- (d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing:
 - (i) is decontaminated before it is removed from the asbestos removal area; or
 - (ii) if it is not practicable to decontaminate the equipment in the asbestos removal area, is kept in the sealed container until it is re-used for the purposes of asbestos-related work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Example

Work boots.

(3) The person must ensure that a sealed container referred to in subregulation (2) is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed from the asbestos-related work area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Note

See the jurisdictional notes in the Appendix.

Part 8.10 Licensing of Asbestos Removalists and Asbestos Assessors

Division 1 Asbestos removalists—requirement to be licensed

485 Requirement to hold Class A asbestos removal licence

(1) A person must not carry out the removal of the following at a workplace unless the person, or the person on whose behalf the work is carried out, holds a Class A asbestos removal licence:

- (a) friable asbestos;
- (b) except as provided in regulation 486, ACD.

Note

See section 43(1) of the Act.

(2) A person who conducts a business or undertaking must not direct or allow a worker to carry out the removal of the following unless the person holds a Class A asbestos removal licence:

- (a) friable asbestos;
- (b) except as provided in regulation 486, ACD.

Note

See section 43(2) of the Act.

486 Exception to requirement to hold Class A asbestos removal licence

A Class A asbestos removal licence is not required for the removal of ACD that:

- (a) is associated with the removal of non-friable asbestos; or
- (b) is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

487 Requirement to hold Class B asbestos removal licence

(1) A person must not carry out the removal of the following at a workplace unless the person, or the person on whose behalf the work is carried out, holds a Class B asbestos removal licence or a Class A asbestos removal licence:

- (a) more than 10 square metres of non-friable asbestos or ACM;
- (b) ACD associated with the removal of more than 10 square metres of non-friable asbestos or ACM.

Note

See section 43(1) of the Act.

(2) A person who conducts a business or undertaking must not direct or allow a worker to carry out the removal of the following unless the person holds a Class B asbestos removal licence or a Class A asbestos removal licence:

- (a) more than 10 square metres of non-friable asbestos or ACM;
- (b) ACD associated with the removal of more than 10 square metres of non-friable asbestos or ACM.

Note

See section 43(2) of the Act.

488 Recognition of asbestos removal licences in other jurisdictions

(1) In this Division, a reference to an asbestos removal licence includes a reference to an equivalent licence:

- (a) granted under a corresponding WHS law; and
- (b) that is being used in accordance with the terms and conditions under which it was granted.

(2) Subregulation (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

Division 2 Asbestos assessors—requirement to be licensed

489 Requirement to hold asbestos assessor licence

A person must not carry out the following at a workplace unless the person holds an asbestos assessor licence:

- (a) air monitoring during Class A asbestos removal work;
- (b) clearance inspections for Class A asbestos removal work;
- (c) issuing clearance certificates in relation to Class A asbestos removal work.

Note

See section 43(1) of the Act.

490 Recognition of asbestos assessor licences in other jurisdictions

(1) In this Division, a reference to an asbestos assessor licence includes a reference to an equivalent licence:

- (a) granted under a corresponding WHS law; and
- (b) that is being used in accordance with the terms and conditions under which it was granted.

(2) Subregulation (1) does not apply to a licence that is suspended or cancelled or has expired in the corresponding jurisdiction.

Division 3 Licensing process

491 Who may apply for a licence

- (1) Only a person who conducts, or proposes to conduct, a business or undertaking may apply for an asbestos removal licence.
- (2) Only an individual who holds the qualifications set out in regulation 495 may apply for an asbestos assessor licence.

492 Application for asbestos removal licence or asbestos assessor licence

- (1) An application for an asbestos removal licence or asbestos assessor licence must be made in the manner and form required by the regulator.
- (2) The application must include the following information:
 - (a) the name and address of the applicant;
 - (ab) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;
 - (b) any other evidence of the applicant's identity required by the regulator;
 - (c) the class of licence to which the application relates;
 - (d) if, in the case of an asbestos removal licence, the applicant conducts the business or undertaking under a business name—that business name and a certificate or other written evidence of the registration of the business name;
 - (e) a declaration that the applicant does not hold an equivalent licence under a corresponding WHS law;
 - (f) if the applicant is an individual:
 - (i) a declaration as to whether or not the applicant has ever been convicted or found guilty of any offence under the Act or these Regulations or under any corresponding WHS law; and

Note

See the jurisdictional note in the Appendix.

- (ii) details of any conviction or finding of guilt declared under subparagraph (i); and
- (iii) a declaration as to whether or not the applicant has been convicted or found guilty of any offence in relation to the unlawful disposal of hazardous waste under [a relevant environment protection law]; and

Note

See the jurisdictional note in the Appendix.

- (iv) details of any conviction or finding of guilt declared under subparagraph (iii); and
- (v) a declaration as to whether or not the applicant has ever entered into an enforceable undertaking under the Act or under any corresponding WHS law; and
- (vi) details of any enforceable undertaking declared under subparagraph (v); and

(vii) if the applicant has previously been refused an equivalent licence under a corresponding WHS law, a declaration giving details of that refusal; and

(viii) if the applicant has previously held an equivalent licence under a corresponding WHS law, a declaration:

(A) describing any condition imposed on that licence; and

(B) stating whether or not that licence had been suspended or cancelled and, if so, whether or not the applicant had been disqualified from applying for any licence; and

(C) giving details of any suspension, cancellation or disqualification;

(g) if the applicant is a body corporate, the information referred to in paragraph (f) in relation to:

(i) the body corporate; and

(ii) each officer of the body corporate;

(h) in the case of an application for an asbestos removal licence—the additional information referred to in regulation 493 or 494, as applicable;

(i) in the case of an asbestos assessor licence—the additional information referred to in regulation 495.

Note

See section 268 of the Act for offences relating to the giving of false or misleading information under the Act or these Regulations.

(3) The application must be accompanied by the relevant fee.

493 Content of application—Class A asbestos removal licence

(1) For the purposes of regulation 492(2)(h), an application for a Class A asbestos removal licence must include the following:

(a) the names of 1 or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence;

(b) evidence, as required by the regulator, that each named supervisor is at least 18 years of age;

(c) a copy of a certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work;

(d) evidence that each named supervisor has at least 3 years of relevant industry experience;

(e) evidence that the applicant has a certified safety management system in place.

(2) If the applicant is an individual who proposes to supervise the carrying out of the Class A asbestos removal work, the statement and information referred to in subregulation (1)(b), (c) and (d) must relate to the applicant.

494 Content of application—Class B asbestos removal licence

(1) For the purposes of regulation 492(2)(h), an application for a Class B asbestos removal licence must include the following:

- (a) the name of 1 or more competent persons who have been engaged by the applicant to supervise the asbestos removal work to be authorised by the licence;
 - (b) evidence, as required by the regulator, that each named supervisor is at least 18 years of age;
 - (c) a copy of a certification issued to each named supervisor for the specified VET course for the supervision of asbestos removal work;
 - (d) evidence that each named supervisor has at least 1 year of relevant industry experience.
- (2) If the applicant is an individual who proposes to supervise the carrying out of the Class B asbestos removal work, the statement and information referred to in subregulation (1)(b), (c) and (d) must relate to the applicant.

495 Content of application—asbestos assessor licence

For the purposes of regulation 492(2)(i), an application for an asbestos assessor licence must include:

- (a) evidence that the applicant has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice; and
- (b) either:
 - (i) a copy of a certification held by the applicant in relation to the specified VET course for asbestos assessor work; or
 - (ii) evidence that the applicant holds a tertiary qualification in occupational health and safety, industrial hygiene, science, building construction or environmental health.

496 Additional information

- (1) If an application for a licence does not contain sufficient information to enable the regulator to make a decision whether or not to grant the licence, the regulator may ask the applicant to provide additional information.
- (2) A request for additional information must:
- (a) specify the date (not being less than 28 days after the request) by which the additional information is to be given; and
 - (b) be confirmed in writing.
- (3) If an applicant does not provide the additional information by the date specified, the application is to be taken to have been withdrawn.
- (4) The regulator may make more than 1 request for additional information.

497 Decision on application

- (1) Subject to subregulation (3), the regulator must grant an asbestos removal licence or asbestos assessor licence if satisfied about:
- (a) the matters referred to in subregulation (2); and
 - (b) the additional matters referred to in regulation 498 or 499, as applicable.

(2) The regulator must be satisfied about the following:

- (a) the application has been made in accordance with these Regulations;
- (b) the applicant does not hold an equivalent licence under a corresponding WHS law unless that licence is due for renewal;
- (c) if the applicant is an individual, the applicant:
 - (i) resides in [this jurisdiction]; or
 - (ii) resides outside [this jurisdiction] and circumstances exist that justify the grant of the licence;
- (d) if the applicant is a body corporate, the applicant's registered office:
 - (i) is located in [this jurisdiction]; or
 - (ii) is located outside [this jurisdiction] and circumstances exist that justify the grant of the licence;
- (e) the applicant is able to ensure that the work or other activities to which the licence relates are carried out safely and competently;
- (f) the applicant is able to ensure compliance with any conditions that will apply to the licence.

Note

See the jurisdictional notes in the Appendix.

(3) The regulator must refuse to grant a licence if satisfied that:

- (a) the applicant is disqualified under a corresponding WHS law from holding an equivalent licence; or
- (b) the applicant, in making the application, has:
 - (i) given information that is false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given.

(4) If the regulator decides to grant the licence, it must notify the applicant within 14 days after making the decision.

(5) If the regulator does not make a decision within 120 days after receiving the application or the additional information requested under regulation 496, the regulator is taken to have refused to grant the licence applied for.

Note

A refusal to grant a licence (including under subregulation (5)) is a reviewable decision (see regulation 676).

498 Class A asbestos removal licence—regulator to be satisfied about additional matters

For the purposes of regulation 497(1)(b), in relation to a Class A asbestos removal licence, the regulator must be satisfied that:

- (a) each supervisor named by the applicant:
 - (i) is at least 18 years of age; and
 - (ii) holds a certification for:

- (A) the specified VET course for the supervision of asbestos removal work; and
- (B) the specified VET course for the Class A asbestos removal work; and
- (iii) has at least 3 years of relevant industry experience; and
- (b) the applicant has a certified safety management system in place.

499 Class B asbestos removal licence—regulator to be satisfied about additional matters

For the purposes of regulation 497(1)(b), in relation to a Class B asbestos removal licence the regulator must be satisfied that each supervisor named by the applicant:

- (a) is at least 18 years of age; and
- (b) holds a certification for:
 - (i) the specified VET course for the supervision of asbestos removal work; and
 - (ii) the specified VET course for the Class B asbestos removal work; and
- (c) has at least 1 year of relevant industry experience.

500 Matters to be taken into account

(1) For the purposes of regulation 497(2)(e) and (f), the regulator must have regard to all relevant matters, including the following:

- (a) any offence under the Act or these Regulations or under a corresponding WHS law of which the applicant has been convicted or found guilty;

Note

See the jurisdictional note in the Appendix.

- (b) any offence in relation to the unlawful disposal of hazardous waste under [a relevant environment protection law] of which the applicant has been convicted or found guilty;

Note

See the jurisdictional notes in the Appendix.

- (c) any enforceable undertaking the applicant has entered into under the Act or a corresponding WHS law;
- (d) in relation to any equivalent licence applied for or held by the applicant under the Act or these Regulations or under a corresponding WHS law:
 - (i) any refusal to grant the licence; and
 - (ii) any condition imposed on the licence, if granted; and
 - (iii) any suspension or cancellation of the licence, if granted, including any disqualification from applying for any licence;
- (e) the record of the applicant in relation to any matters arising under the Act or these Regulations or under a corresponding WHS law.

(2) For the purposes of regulation 497(2)(e) and (f), if the applicant is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subregulation (1), in relation to:

- (i) the body corporate; and
- (ii) each officer of the body corporate.

501 Refusal to grant licence—process

(1) If the regulator proposes to refuse to grant a licence, the regulator must give the applicant a written notice:

- (a) informing the applicant of the reasons for the proposed refusal; and
- (b) advising the applicant that the applicant may, by a specified date (being not less than 28 days after giving the notice), make a submission to the regulator in relation to the proposed refusal.

(2) After the date specified in a notice under subregulation (1), the regulator must:

- (a) if the applicant has made a submission in relation to the proposed refusal to grant the licence—consider that submission; and
- (b) whether or not the applicant has made a submission—decide whether to grant or refuse to grant the licence; and
- (c) within 14 days after making the decision, give the applicant written notice of the decision, including the reasons for the decision.

Note

A refusal to grant a licence is a reviewable decision (see regulation 676).

502 Conditions of licence

(1) The regulator may impose any conditions it considers appropriate on an asbestos removal licence or asbestos assessor licence.

(2) Without limiting subregulation (1), the regulator may impose conditions in relation to 1 or more of the following:

- (a) control measures which must be implemented in relation to the carrying out of work or activities under the licence;
- (b) the recording or keeping of information;
- (c) requiring the licence holder, or a nominated supervisor of the licence holder, to undergo retraining or reassessment during the term of the licence;
- (d) the provision of information to the regulator;
- (e) the nature of work or activities authorised by the licence;
- (f) the circumstances in which work or activities authorised by the licence may be carried out.

Notes

1A person must comply with the conditions of a licence (see section 45 of the Act).

2A decision to impose a condition on a licence is a reviewable decision (see regulation 676).

503 Duration of licence

Subject to this Part, an asbestos removal licence or asbestos assessor licence takes effect on the day it is granted and, unless cancelled earlier, expires 5 years after that day.

504 Licence document

(1) If the regulator grants an asbestos removal licence or asbestos assessor licence, the regulator must issue to the applicant a licence document in the form determined by the regulator.

(2) The licence document must include the following:

- (a) the name of the licence holder;
- (b) if the licence holder conducts the business or undertaking under a business name—that business name;
- (c) in the case of an asbestos removal licence—the class of asbestos removal licence and a description of the work within the scope of the licence;
- (d) any conditions imposed on the licence by the regulator;
- (e) the date on which the licence was granted;
- (f) the expiry date of the licence.

505 Licence document to be available

(1) A licence holder must keep the licence document available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) Subregulation (1) does not apply if the licence document is not in the licence holder's possession because:

- (a) it has been returned to the regulator under regulation 512; and
- (b) the licence holder has applied for, but has not received, a replacement licence document under regulation 513.

Division 4 Amendment of licence and licence document

506 Changes to information

(1) The licence holder of an asbestos removal licence or asbestos assessor licence must give the regulator written notice of any change to any material particular in any information given at any time by the licence holder to the regulator in relation to the licence within 14 days after the licence holder becomes aware of the change.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) Subregulation (1) applies whether the information was given in the application for grant or renewal of the licence or in any other circumstance.

507 Change to nominated supervisor

(1) If there is a change in relation to a supervisor named to the regulator by the holder of an asbestos removal licence (other than a licence holder who is an individual), the licence holder must:

- (a) if the change is to remove a supervisor—within 14 days after the change, ask the regulator to amend the licence under regulation 509 to make that change; and
- (b) if the change is to add a supervisor—give the regulator the information about the supervisor referred to in regulation 498 or 499.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) If the change referred to in subregulation (1) is to add a supervisor, that supervisor is not a nominated supervisor for the purposes of these Regulations until the regulator has approved the nomination.

508 Amendment imposed by regulator

(1) The regulator may, on its own initiative, amend an asbestos removal licence or asbestos assessor licence, including by amending the licence to:

- (a) vary or delete a condition of the licence; or
- (b) impose a new condition on the licence.

(2) If the regulator proposes to amend a licence, the regulator must give the licence holder written notice:

- (a) setting out the proposed amendment and the reasons for it; and
- (b) advising the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission to the regulator in relation to the proposed amendment.

(3) After the date specified in a notice under subregulation (2), the regulator must:

- (a) if the licence holder has made a submission in relation to the proposed amendment—consider that submission; and
- (b) whether or not the licence holder has made a submission—decide:
 - (i) to make the proposed amendment; or
 - (ii) not to make any amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence holder; and
- (c) within 14 days after making that decision, give the licence holder written notice that:
 - (i) sets out the amendment, if any, or states that no amendment is to be made; and

- (ii) if a submission was made in relation to the proposed amendment—sets out the regulator's reasons for making the amendment; and
- (iii) specifies the date (being not less than the 28 days after the licence holder is given the notice) on which the amendment, if any, takes effect.

Note

A decision to amend a licence is a reviewable decision (see regulation 676).

509 Amendment on application by licence holder

(1) The regulator, on application by the licence holder, may amend an asbestos removal licence or asbestos assessor licence, including by amending the licence to vary or delete a condition of the licence.

(2) If the regulator proposes to refuse to amend the licence, the regulator must give the licence holder a written notice:

- (a) informing the licence holder of the proposed refusal to amend the licence and the reasons for the proposed refusal; and
- (b) advising the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission to the regulator in relation to the proposed refusal.

(3) After the date specified in a notice under subregulation (2), the regulator must:

- (a) if the licence holder has made a submission in relation to the proposed refusal—consider that submission; and
- (b) whether or not the licence holder has made a submission—decide:
 - (i) to make the amendment applied for; or
 - (ii) not to make any amendment; or
 - (iii) to make a different amendment that results from consideration of any submission made by the licence holder; and

(c) within 14 days after making that decision, give the licence holder written notice of the decision in accordance with this regulation.

(4) If the regulator makes the amendment applied for, the notice under subregulation (3)(c) must specify the date (being not less than 28 days after the licence holder is given the notice) on which the amendment takes effect.

(5) If the regulator refuses to make the amendment applied for or makes a different amendment, the notice under subregulation (3)(c) must:

- (a) if a submission was made in relation to the proposed refusal of the amendment applied for—set out the reasons for the regulator's decision; and
- (b) if the regulator makes a different amendment:
 - (i) set out the amendment; and
 - (ii) specify the date (being not less than 28 days after the licence holder is given the notice) on which the amendment takes effect.

Note

A refusal to make the amendment applied for, or a decision to make a different amendment, is a reviewable decision (see regulation 676).

510 Minor corrections to licence

The regulator may make minor amendments to a licence, including an amendment:

- (a) to correct an obvious error; or
- (b) to change an address; or
- (c) that does not impose a significant burden on the licence holder.

511 Regulator to give amended licence to the holder

If the regulator amends an asbestos removal licence or asbestos assessor licence and considers that the licence document requires amendment, the regulator must give the licence holder an amended licence document within 14 days after making the decision to amend the licence.

512 Licence holder to return licence

The holder of an asbestos removal licence or asbestos assessor licence that has been amended must return the licence document to the regulator for amendment at the written request of the regulator and within the time specified in the request.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

513 Replacement licence document

(1) A licence holder of an asbestos removal licence or an asbestos assessor licence must notify the regulator as soon as practicable if the licence document is lost, stolen or destroyed.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) If a licence document is lost, stolen or destroyed, the licence holder may apply to the regulator for a replacement document.

Note

A licence holder is required to keep the licence document available for inspection (see regulation 505).

(3) An application for a replacement licence document must be made in the manner and form required by the regulator.

(4) The application must:

- (a) include a declaration describing the circumstances in which the original document was lost, stolen or destroyed; and

Note

See section 268 of the Act for offences relating to the giving of false or misleading information under the Act or these Regulations.

(b) be accompanied by the relevant fee.

(5) The regulator must issue a replacement licence document if satisfied that the original document was lost, stolen or destroyed.

(6) If the regulator refuses to issue a replacement licence document, it must give the licence holder written notice of this decision, including the reasons for the decision, within 14 days after making the decision.

Note

A refusal to issue a replacement licence document is a reviewable decision (see regulation 676).

514 Voluntary surrender of licence

(1) A licence holder may voluntarily surrender the licence document to the regulator.

(2) The licence expires on the surrender of the licence document.

Division 5 Renewal of licence

515 Regulator may renew licence

The regulator may renew an asbestos removal licence or asbestos assessor licence on application by the licence holder.

516 Application for renewal

(1) An application for renewal of an asbestos removal licence or asbestos assessor licence must be made in the manner and form required by the regulator.

(2) The application must include the following information:

(a) the name and address of the applicant;

(b) if required by the regulator of an applicant who is an individual, a photograph of the applicant in the form required by the regulator;

(c) any other evidence of the applicant's identity required by the regulator;

(d) written evidence that the applicant has obtained any retraining or reassessment or taken any other action required under regulation 502;

(e) a declaration by the applicant that the applicant or a supervisor named by the applicant, as applicable, has maintained the competency required to carry out the work covered by the licence.

Note

See section 268 of the Act for offences relating to the giving of false or misleading information under the Act or these Regulations.

(3) The application must be accompanied by the relevant fee.

(4) The application must be made before the expiry of the licence.

517 Provisions relating to renewal of licence

(1) For the purposes of this Division:

- (a) regulation 496 applies as if a reference in that regulation to an application for a licence were a reference to an application to renew a licence; and
- (b) regulations 497 (except subregulation (5)), 500, 502 and 503 apply as if a reference in those regulations to the grant of a licence were a reference to the renewal of a licence; and
- (c) regulation 501 applies as if a reference in that regulation to a refusal to grant a licence were a reference to a refusal to renew a licence.

(2) The regulator must not renew an asbestos removal licence unless the regulator is satisfied about the matters referred to in regulation 518.

(3) The regulator must not renew an asbestos removal licence or asbestos assessor licence granted to a person under a corresponding WHS law if that licence is renewed under that law.

(4) If a licence holder applies under regulation 516 for the renewal of an asbestos removal licence or asbestos assessor licence, the licence is taken to continue in force from the day it would, apart from this subregulation, have expired until the licence holder is given notice of the decision on the application.

Note

A refusal to renew a licence is a reviewable decision (see regulation 676).

518 Renewal of asbestos removal licence—regulator to be satisfied about certain matters

For the purposes of regulation 517, the regulator must not renew an asbestos removal licence unless satisfied that:

- (a) each supervisor named by the applicant:
 - (i) holds a certification for the specified VET course for supervision of the asbestos removal work to be authorised by the licence; and
 - (ii) has appropriate experience in the asbestos removal work to be authorised by the licence; and
- (b) asbestos removal work of the type authorised by the licence has been carried out on behalf of the applicant during the term of the licence.

519 Status of licence during review

(1) This regulation applies if the regulator gives a licence holder written notice of its decision to refuse to renew the licence.

(2) If the licence holder does not apply for internal review of the decision, the licence continues to have effect until the last of the following events:

- (a) the expiry of the licence;
- (b) the end of the time for applying for an internal review.

(3) If the licence holder applies for an internal review of the decision, the licence continues to have effect until the earlier of the following events:

- (a) the licence holder withdraws the application for review;
- (b) the regulator makes a decision on the review.

(4) If the licence holder does not apply for an external review, the licence continues to have effect until the end of the time for applying for an external review.

(5) If the licence holder applies for an external review, the licence continues to have effect until the earlier of the following events:

- (a) the licence holder withdraws the application for review;
- (b) [the external review body] makes a decision on the review.

Note

See the jurisdictional note in the Appendix.

(6) The licence continues to have effect under this regulation even if its expiry date passes.

Division 6 Suspension and cancellation of licence

520 Suspension or cancellation of licence

(1) The regulator may suspend or cancel an asbestos removal licence or asbestos assessor licence if satisfied about 1 or more of the following:

- (a) the licence holder has failed to ensure that the work or other activities authorised by the licence are carried out safely and competently;
- (b) the licence holder has failed to ensure compliance with a condition of the licence, including a condition requiring the licence holder, or a nominated supervisor of the licence holder, to undergo retraining or reassessment during the term of the licence;
- (c) the licence holder, in the application for the grant or renewal of the licence or on request by the regulator for additional information:
 - (i) gave information that was false or misleading in a material particular; or
 - (ii) failed to give any material information that should have been given in that application or on that request;
- (d) in relation to an asbestos removal licence—the licence was granted or renewed on the basis of a certification that was obtained on the basis of the giving of false or misleading information by any person or body;
- (e) in relation to a Class A asbestos removal licence—the licence holder has failed to have a certified safety management system in place.

(2) It is a ground for the suspension or cancellation of an asbestos removal licence if the licence holder does not have a qualified nominated asbestos removal supervisor.

Note

Regulation 507 provides for a licence holder to notify the regulator of any change in a nominated supervisor.

(3) For the purposes of subregulation (1)(b), a licence holder complies with a condition on the licence that requires the licence holder or a nominated supervisor of the licence holder to

undergo retraining or reassessment during the term of the licence if the licence holder provides a certification in relation to that retraining or reassessment.

(4) If the regulator suspends or cancels a licence, the regulator may disqualify the licence holder from applying for:

- (a) a further licence of the same type; or
- (b) another licence under these Regulations to carry out work which requires skills that are the same as or similar to those required for the work authorised by the licence that has been suspended or cancelled.

Note

A decision to suspend a licence, to cancel a licence or to disqualify the licence holder from applying for a further licence is a reviewable decision (see regulation 676).

521 Matters taken into account

(1) In making a decision under regulation 520, the regulator must have regard to:

- (a) any submissions made by the licence holder under regulation 522; and
- (b) any advice received from a corresponding regulator.

(2) For the purposes of regulation 520(1)(a) and (b), if the licence holder is an individual, the regulator must have regard to all relevant matters, including the following:

- (a) any offence under the Act or these Regulations or under a corresponding WHS law, of which the licence holder has been convicted or found guilty;

Note

See the jurisdictional note in the Appendix.

- (b) any enforceable undertaking the licence holder has entered into under this Act or a corresponding WHS law;

(c) in relation to any equivalent licence applied for or held by the licence holder under the Act or these Regulations or under a corresponding WHS law:

- (i) any refusal to grant the licence; and
- (ii) any condition imposed on the licence, if granted; and
- (iii) any suspension or cancellation of the licence, if granted, including any disqualification from applying for any licence;

- (d) the record of the licence holder in relation to any matters arising under the Act or these Regulations or under a corresponding WHS law.

(3) For the purposes of regulation 520(1)(a) and (b), if the licence holder is a body corporate, the regulator must have regard to all relevant matters, including the matters referred to in subregulation (2), in relation to:

- (i) the body corporate; and
- (ii) each officer of the body corporate.

522 Notice to and submissions by licence holder

Before suspending or cancelling an asbestos removal licence or asbestos assessor licence, the regulator must give the licence holder a written notice of the proposed suspension or cancellation and any proposed disqualification:

- (a) outlining all relevant allegations, facts and circumstances known to the regulator; and
- (b) advising the licence holder that the licence holder may, by a specified date (being not less than 28 days after giving the notice), make a submission in relation to the proposed suspension or cancellation and any proposed disqualification.

523 Notice of decision

(1) The regulator must give the licence holder written notice of a decision under regulation 520 to suspend or cancel an asbestos removal licence or asbestos assessor licence within 14 days after making the decision.

(2) The notice must:

- (a) state that the licence is to be suspended or cancelled; and
- (b) if the licence is to be suspended, state:
 - (i) when the suspension begins and ends; and
 - (ii) the reasons for the suspension; and
 - (iii) whether the licence holder is required to undergo retraining or reassessment or take any other action before the suspension ends; and
 - (iv) whether or not the licence holder is disqualified from applying for a further licence during the suspension; and
- (c) if the licence is to be cancelled, state:
 - (i) when the cancellation takes effect; and
 - (ii) the reasons for the cancellation; and
 - (iii) whether or not the licence holder is disqualified from applying for a further licence; and
- (d) if the licence holder is disqualified from applying for a further licence, state:
 - (i) when the disqualification begins and ends; and
 - (ii) the reasons for the disqualification; and
 - (iii) whether or not the licence holder is required to undergo retraining or reassessment or take any other action before the disqualification ends; and
 - (iv) any other class of licence under these Regulations that the licence holder is disqualified from applying for; and
- (e) state when the licence document must be returned to the regulator.

524 Immediate suspension

(1) The regulator may suspend an asbestos removal licence or asbestos assessor licence on a ground referred to in regulation 520 without giving notice under regulation 522, if satisfied that:

- (a) work carried out under the licence should cease because the work may involve an imminent serious risk to the health or safety of any person; or

- (b)a corresponding regulator has suspended an equivalent licence held by the licence holder under this regulation as applying in the corresponding jurisdiction.
- (2)If the regulator decides to suspend a licence under this regulation:
 - (a)the regulator must give the licence holder written notice of the suspension and the reasons for the suspension; and
 - (b)the suspension of the licence takes effect on the giving of the notice.
- (3)The regulator must then:
 - (a)give notice under regulation 522 within 14 days after giving the notice under subregulation (2); and
 - (b)make its decision under regulation 520.
- (4)If the regulator does not give notice under subregulation (3), the suspension ends at the end of the 14 day period.
- (5)If the regulator gives notice under subregulation (3), the licence remains suspended until the decision is made under regulation 520.

525 Licence holder to return licence document

A licence holder, on receiving a notice under regulation 523, must return the licence document to the regulator in accordance with the notice.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

526 Regulator to return licence document after suspension

The regulator must return the licence document to the licence holder within 14 days after the licence suspension ends.

Division 7 General

527 Asbestos removal licence register

The regulator must keep a register of:

- (a)each person holding an asbestos removal licence; and
- (b)each supervisor named to the regulator in relation to an asbestos removal licence.

528 Asbestos assessors register

The regulator must keep a publicly available register of each person holding an asbestos assessor licence.

529 Work must be supervised by named supervisor

A person who holds an asbestos removal licence must ensure that asbestos removal work authorised by the licence is supervised by a supervisor named to the regulator by the licence holder.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.



Defence People Policy, SafetyMan

Asbestos Management Procedure 06 – Asbestos Record Keeping, Labelling And Signage

1. This procedure provides work health and safety information relating to *SafetyMan – Asbestos Management Policy and Guidance*.

Overview

2. Work health and safety legislation requires that records are kept for a range of hazards and tasks. Asbestos may be a severe hazard and when/where asbestos is identified or suspected it is to be recorded (in an asbestos register), labelled and signposted. This procedure provides a summary of the requirements contained in the *Work Health and Safety Regulations 2011* and in the *Codes of Practice* relating to asbestos-related records.

Asbestos registers

3. *Work Health and Safety Regulations 2011, Regulation 425 – Asbestos register* (Annex A) directs a person with management or control of a workplace to ensure that an asbestos register is prepared and kept at the workplace. The asbestos register is to be maintained and the information contained in the register must be kept up to date. This regulation does not apply if the workplace was constructed after 31 December 2003.
4. The registers should be developed to reflect the nature of the workplace core business and as a minimum contain the following detail:
 - 4.1. location of the material, process or equipment that contains asbestos or could contain asbestos from time to time;
 - 4.2. details of workers exposed to asbestos;
 - 4.3. the date asbestos was identified (if known);
 - 4.4. the type of asbestos present;
 - 4.5. condition of the asbestos;
 - 4.6. actions taken to control the exposure hazard;
 - 4.7. follow-up action required to ensure the risk is kept as low as reasonably practicable;
 - 4.8. asbestos removal details;
 - 4.9. details of transfer and disposal of asbestos wastes; and
 - 4.10. waste disposal site.
5. The asbestos register is to be reviewed on a regular and planned basis to ensure that the information in the register is maintained and kept up to date. The register is to be reviewed whenever the asbestos management plan is reviewed, new asbestos or asbestos-containing material is identified, or if known asbestos is removed, disturbed, sealed or enclosed.



6. The Royal Australian Navy has produced a dedicated *Asbestos Hazard Register and Inspection Record (AC 585)* – refer to *ANP 2200, Navy Safety Systems Manual, Section 4, Chapter 23 – Asbestos*.
7. *Work Health and Safety Regulations 2011, Regulation 427 – Access to asbestos register* (Annex B) states a person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to:
 - 7.1. a worker who has worked/will work/is working at the workplace;
 - 7.2. a health and safety representative who represents a worker working in the workplace;
 - 7.3. a person conducting a business or undertaking—and/or their employee—who has worked/will work/is working at the workplace; and
 - 7.4. a person conducting a business or undertaking who has required/requires/shall require work at the workplace.
8. The asbestos register is to be reviewed prior to maintenance, refurbishment or demolition work. A copy of the register is to be provided to a worker who intends to undertake work where there is a potential for asbestos exposure.
9. If the person with management or control of a workplace plans to relinquish management or control, they must ensure, so far as is reasonably practicable, that a copy of the asbestos register is given to the person who is assuming management or control of the workplace.
10. Estate and Infrastructure Group regional offices are responsible for the development of asbestos management plans for fixed plant and Defence infrastructure and for the administration, identification (surveys), labelling, enclosure, encapsulating and removal of asbestos from Defence buildings and land.
11. *SafetyMan – Asbestos Management Procedure 01 - Hazard and Risk Identification for Asbestos* and *SafetyMan – Asbestos Management Procedure 02 - Risk Management of Asbestos in Workplaces* can be used to assist in the identification of asbestos in the workplace. Estate and Infrastructure Group asbestos management information is available from their website.
12. All asbestos and asbestos-containing material identified in Defence platforms, plant and equipment must be registered within the Capability Acquisition and Sustainment Group in-situ asbestos register found in ChemAlert. Further information about this register may be accessed through the [Work Health and Safety Branch website](#).
13. The term 'in-situ asbestos' relates to asbestos/asbestos-containing material that may be embedded in equipment parts such as gaskets. These parts will remain in-situ until scheduled or necessary unscheduled maintenance occurs; then the part/s can be replaced. Embedded asbestos/asbestos-containing material is to be identified and workers who potentially could be exposed to the material must be informed and educated on the hazards associated with that potential exposure.

Asbestos management plans

14. Where asbestos has been identified in a workplace it must be included in the asbestos register and a documented asbestos management plan must be implemented. An asbestos management plan sets out how the asbestos-containing material will be managed; that is what, when and how action will be taken to manage asbestos risks. The requirements of an asbestos management plan are outlined in the *Work Health and Safety Regulations 2011, Regulation 429 – Asbestos management plan and Regulation 430 – Review of asbestos management plan* (Annex C).

Asbestos training records

15. Service Chiefs and Group Heads should ensure the *Defence Asbestos Awareness* package, currently available on Campus (PMKeys 214145), is completed by all Defence workers who may work within buildings or with equipment/platforms containing asbestos. Completions will be automatically recorded within PMKeyS.

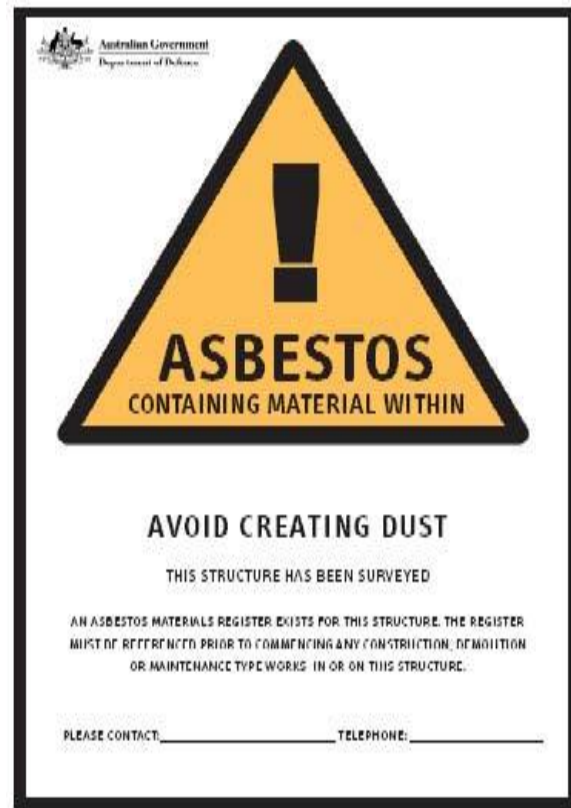
Asbestos health monitoring records

16. Although Defence personnel are not to participate in asbestos removal work, occasionally personnel may be required to undertake asbestos-related work. Where personnel undertake asbestos-related work and are at risk of exposure, health monitoring must be provided and records kept in accordance with work health and safety legislation, including *Work Health and Safety Regulations 2011, Regulation 444 – Health monitoring records* (Annex D).

Labels

17. When reasonably practicable, labels must be used to identify the material/items that contain (or have been assumed to contain) asbestos. When labels can be used, a competent person (the Defence Work Health and Safety Services Standing Offer Panel (SON2405851) provides contact details for occupational hygienists) should determine the number and positions of the labels required. The location of labels should be listed in the asbestos register.
18. Where in-situ asbestos is removed, any container in which it is stored must be labelled in accordance with the *Code of Practice - Labelling of Workplace Hazardous Chemicals* approved under the *Work Health and Safety Act 2011, Section 274 – Approved Codes of Practice* (Annex E).
19. Defence workers are not to remove, deface, modify or alter any asbestos/ asbestos-containing material label.
20. Asbestos-containing material labels, must identify the material as containing asbestos and should be labelled or otherwise signposted in accordance with *Australian Standards 1319–1994—Safety Signs for the Occupational Environment*.
21. The labels and warning signs only provide an indication of the words that may be used to alert persons to the presence of asbestos-containing material and asbestos hazards. The wording is not mandatory. Other warning signs and labels may be used, provided they meet the requirements of *Australian Standards 1319–1994—Safety Signs for the Occupational Environment*.

22. Examples of asbestos-containing material labels:

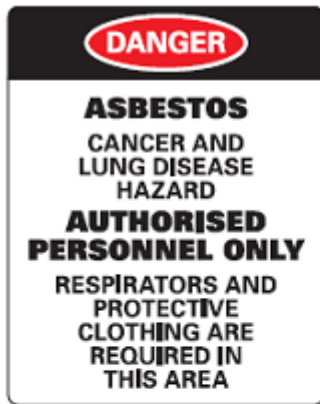




Warning signs

23. Areas of a workplace that contain asbestos or assumed asbestos, including plant, equipment and components, should be signposted with warning signs to ensure asbestos is not disturbed without the correct precautions being taken. Inaccessible places where the presence of asbestos has been assumed should also be signposted. Signs should be visually unobstructed, weatherproof and adequately secured. All warning signs should comply with *Australian Standards 1319–1994—Safety Signs for the Occupational Environment*. Signs should be placed at all the main entrances to the work areas where asbestos is present.
24. When in-situ asbestos is present or asbestos removal work is in progress, warning signs should be erected. For asbestos removal work, all signs should remain in place until the asbestos removal process has been completed and clearance to reoccupy has been granted.
25. Where direct labelling of asbestos is not possible, identifying the presence and location of asbestos to workers such as plumbers, electricians and carpenters before they commence work may be achieved by implementing a permit-to-work system.
26. The location of the asbestos should be entered on site plans and the asbestos register.

27. Examples of asbestos signage:



References and related documents

28. [Work Health and Safety Act 2011](#)
29. [Work Health and Safety Regulations 2011](#) Chapter 8 Asbestos
30. [Code of Practice - How to Manage and Control Asbestos in the Workplace](#)
31. [Code of Practice - How to Safely Remove Asbestos](#)
32. [Code of Practice – Labelling of Workplace Hazardous Chemicals](#)
33. SafetyMan
 - 33.1. [Asbestos Management Policy](#)
 - 33.2. [Hazardous Chemicals Management Policy](#)
34. [Work Health and Safety Branch – Asbestos webpage](#)
35. [Australian Standard \(SAI Global\)](#)
 - 35.1. [AS 4964–2004—Method for the Qualitative Identification of Asbestos in Bulk Samples](#)
 - 35.2. [AS 1319–1994—Safety Signs for the Occupational Environment](#)
 - 35.3. [AS/NZS 1715:2009 – Selection, Use and Maintenance of Respiratory Protective Equipment](#)
36. [Adopted National Exposure Standards for Atmospheric Contaminants in the Occupational Environment, \[NOHSC:1003 \(1995\)\]](#)
37. [Guidance Note on the Membrane Filter Method for Estimating Airborne Asbestos Fibres 2nd Edition \[NOHSC:3003 \(2005\)\]](#);
38. [Defence Instruction \(Navy\) PERS 32–1—Royal Australian Navy Asbestos Management Plan](#)
39. [Globally Harmonized System of Classification and Labelling of Chemicals \(GHS\)](#)
40. [ANP 2200, Navy Safety Systems Manual, Section 4, Chapter 23 – Asbestos](#)

Document Reference:	Asbestos Management Procedure 06 – Asbestos Record Keeping, Labelling and Signage		
Policy Owner:	Work Health and Safety Branch		
Date Published:	14 May 2019		
Objective ID:	AB36411968	Version:	1.2

Annexes

- A. Work Health and Safety Regulations 2011, Regulation 425 – Asbestos register
- B. Work Health and Safety Regulations 2011, Regulation 427 – Access to asbestos register
- C. Work Health and Safety Regulations 2011, Regulation 429 – Asbestos management plan and Regulation 430 – Review of asbestos management plan
- D. Work Health and Safety Regulations 2011, Regulation 444 – Health monitoring records
- E. Work Health and Safety Act 2011, Section 274 – Approved Codes of Practice

Annex A

Work Health and Safety Regulations 2011

Regulation 425 – Asbestos register

(1) A person with management or control of a workplace must ensure that a register (an **asbestos register**) is prepared and kept at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) The person must ensure that the asbestos register is maintained to ensure the information in the register is up to date.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The asbestos register must:

(a) record any asbestos or ACM identified at the workplace under regulation 422, or likely to be present at the workplace from time to time including:

- (i) the date on which the asbestos or ACM was identified; and
- (ii) the location, type and condition of the asbestos or ACM; or

(b) state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.

(4) The person is not required to prepare an asbestos register for a workplace if a register has already been prepared for that workplace.

(5) Subject to subregulation (6), this regulation applies to buildings whenever constructed.

(6) This regulation does not apply to a workplace if:

- (a) the workplace is a building that was constructed after 31 December 2003; and
- (b) no asbestos has been identified at the workplace; and
- (c) no asbestos is likely to be present at the workplace from time to time.

Annex B

Work Health and Safety Regulations 2011

Regulation 427 – Access to asbestos register

(1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
- (b) a health and safety representative who represents a worker referred to in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If a person conducting a business or undertaking carries out, or intends to carry out, work at a workplace that involves a risk of exposure to airborne asbestos, the person with management or control of the workplace must ensure that the person is given a copy of the asbestos register.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Annex C

Work Health and Safety Regulations 2011

Regulation 429 - Asbestos management plan

(1) This regulation applies if asbestos or ACM is:

- (a) identified at a workplace under regulation 422; or
- (b) likely to be present at a workplace from time to time.

(2) A person with management or control of the workplace must ensure that a written plan (an **asbestos management plan**) for the workplace is prepared.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) An asbestos management plan must include information about the following:

- (a) the identification of asbestos or ACM;

Example

A reference or link to the asbestos register for the workplace and signage and labelling.

- (b) decisions, and reasons for decisions, about the management of asbestos at the workplace;

Example

Safe work procedures and control measures.

- (c) procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace;
- (d) workers carrying out work involving asbestos.

Example

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
- (b) a health and safety representative who represents a worker referred to in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Regulation 430 - Review of asbestos management plan

(1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in the following circumstances:

- (a) there is a review of the asbestos register or a control measure;
- (b) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace;
- (c) the plan is no longer adequate for managing asbestos or ACM at the workplace;
- (d) a health and safety representative requests a review under subregulation

(2);

- (e) at least once every 5 years.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) A health and safety representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that:

- (a) a circumstance referred to in subregulation (1)(a), (b) or (c) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
- (b) the person with management and control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance.

Work Health and Safety Regulations 2011

Regulation 444 - Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record:

- (a) identified as a record in relation to the worker; and
- (b) for at least 40 years after the record is made.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 442 or 443 or to a person who must keep the record confidential under a duty of professional confidentiality.

Work Health and Safety Act 2011

Section 274 Approved codes of practice

(1) The Minister may approve a code of practice for the purposes of this Act and may vary or revoke an approved code of practice.

(2) The Minister may only approve, vary or revoke a code of practice under subsection (1) if that code of practice, variation or revocation was developed by a process that involved consultation between:

- (a) the Governments of the Commonwealth and each State and Territory; and
- (b) unions; and
- (c) employer organisations.

(3) A code of practice may apply, adopt or incorporate any matter contained in a document formulated, issued or published by a person or body whether:

- (a) with or without modification; or
- (b) as in force at a particular time or from time to time.

Note: Subsection (4) is included in some jurisdictions to deal with publication and commencement of an approved code of practice. Under this Act, an approved code of practice is a legislative instrument (see section 273B(1)) and so will be registered on the Federal Register of Legislation and commence in accordance with section 12 of the *Legislation Act 2003*.

(5) As soon as practicable after approving a code of practice, or varying or revoking an approved code of practice, the Minister must ensure that notice of the approval, variation or revocation is published in a newspaper circulating generally throughout the Commonwealth.

(6) The regulator must ensure that a copy of:

- (a) each code of practice that is currently approved; and
- (b) each document applied, adopted or incorporated (to any extent) by an approved code of practice;

is available for inspection by members of the public without charge at the office of the regulator during normal business hours.



Defence People Policy, SafetyMan

Asbestos Management Procedure 07 – Asbestos Incident Management

1. This procedure provides work health and safety information relating to SafetyMan, Asbestos Management Policy and Guidance.

Asbestos exposure action plan

2. Figure 1 below shows the workflow for the management of a suspected asbestos exposure incident. Action items are discussed below Figure 1.



Asbestos Exposure Action Plan

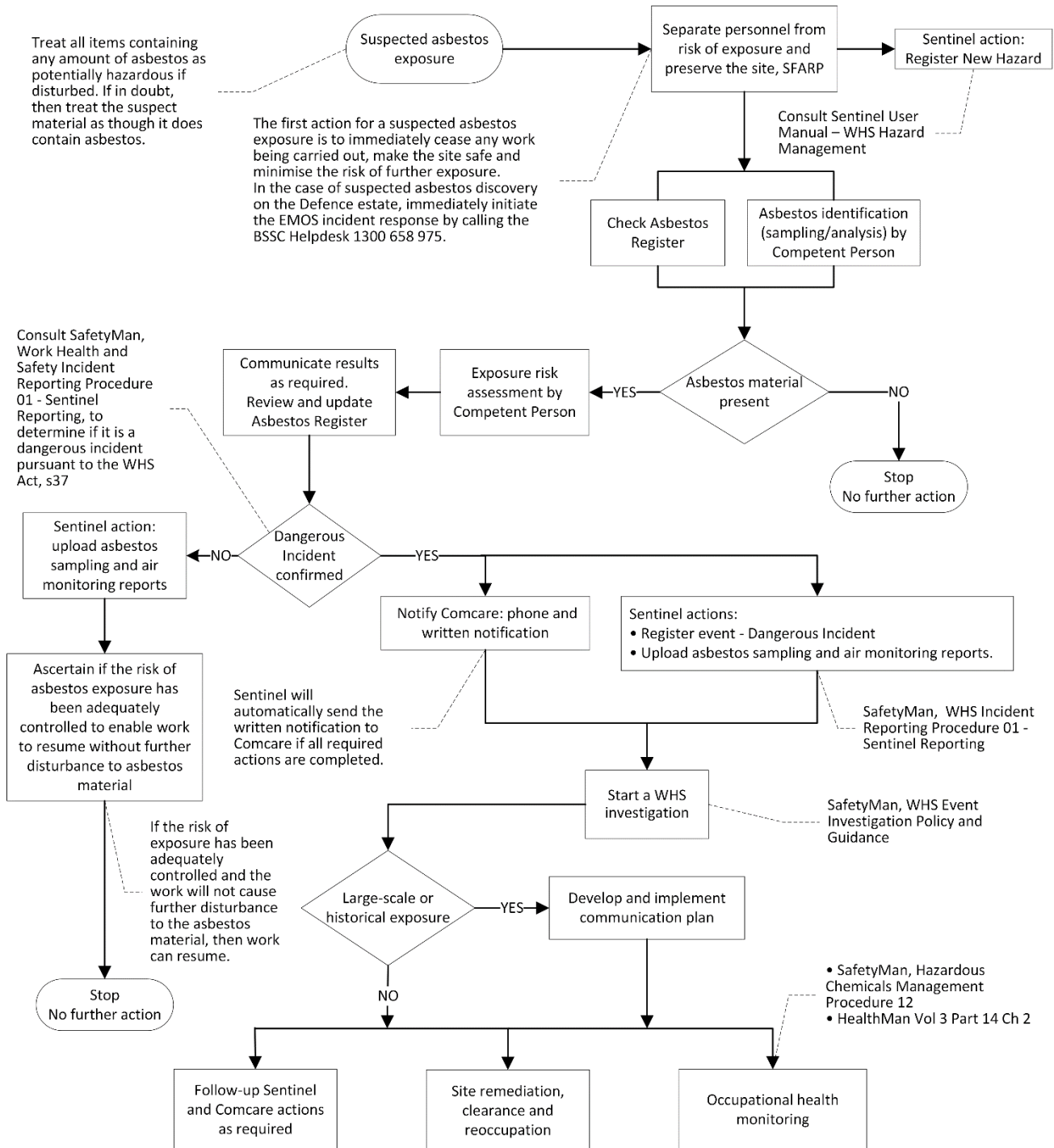


Figure 1: Suspected asbestos exposure incident workflow

Initial response

- Response to an asbestos incident is initiated when known asbestos, or material suspected to be asbestos, is disturbed. All asbestos incidents must be treated as high risk until confirmed otherwise. The immediate action is to *cease work* and take all available steps to separate personnel from any risk of exposure to the hazard until the area is declared safe.

The site must be preserved so far as is reasonably practicable (SFARP) pending future investigation.

Competent person

4. For the purposes of this Procedure, a competent person is defined as in the 'Manage and Control Asbestos in the Workplace' Code of Practice. In the Defence context, this may include a Certified Occupational Hygienist, a Licensed Asbestos Assessor or a Defence Level 2 or 3 Occupational Hygienist with asbestos experience.

Confirming the presence of asbestos

5. The relevant asbestos register must be consulted to ascertain whether there is a record relating to the instance of the suspect material. If the presence of asbestos cannot be confirmed, either:
 - 5.1. sampling of the suspect material by a competent person, and analysis by a NATA accredited laboratory, must be undertaken as soon as possible; or
 - 5.2. the competent person may determine, without testing, that it is reasonable to suspect a substance is asbestos or contains asbestos.
6. Test results, or determination from the competent person, regardless of whether or not the outcome is positive for asbestos, must be included in a written report which includes any laboratory results and, if positive for asbestos, whether the material is friable or non-friable as determined by the competent person.

Confirming asbestos exposure

7. Once it has been confirmed that asbestos is present, a competent person is to be consulted to conduct an exposure risk assessment to assess whether personnel were exposed, or potentially exposed, to hazardous concentrations of airborne asbestos fibres. The competent person can be the same person who undertook the sampling, and the assessment may take place concurrently with sampling activities. The assessment is to consider the:
 - 7.1. likelihood that personnel were exposed to hazardous concentrations of airborne asbestos fibres,
 - 7.2. personnel who were exposed,
 - 7.3. duration the inhalation hazard was present,
 - 7.4. locations where personnel were exposed,
 - 7.5. details of any protection from personal protective equipment or other controls, and
 - 7.6. results of air monitoring.
8. A written report of the results of the assessment is to be prepared.

Incident reporting

9. After an individual has notified the supervisor, manager or commander of a suspected asbestos exposure, the hazard should be recorded as a hazard in Sentinel, pending further investigation. Consult the Sentinel User Manual – WHS Hazard Management.
10. Exposure to hazardous concentrations of airborne asbestos fibres is a reportable and notifiable incident. The following standardised process is to be followed if a Dangerous Incident is confirmed:
 - 10.1. If the asbestos exposure meets the definition of a 'dangerous incident' – pursuant to the Work Health and Safety Act 2011 (WHS Act), section 37 – then the commander

or manager must notify Comcare by phone immediately after becoming aware that a notifiable incident has occurred.

- 10.2. The commander or manager reporting to Comcare must record the exposure in Sentinel in accordance with SafetyMan, 'Work Health and Safety Incident Reporting Policy'.
- 10.3. The site must be preserved until Comcare have conducted an investigation and have released the incident site into Defence management control.

Communicating large-scale and historical asbestos exposures

11. A large-scale asbestos exposure event exists when a competent person confirms that several people have been exposed, or potentially exposed, to inhalation of airborne asbestos fibres. Large-scale exposures include incidents:
 - 11.1. that involve personnel under the command of more than one Head of a Resident Unit or manager on a base,
 - 11.2. that impact more than one group or service, or
 - 11.3. where an unexpected or previously unknown instance of asbestos has been identified and a competent person deems that the hazard has been present for a long time.
12. The communication plan is to be coordinated as follows:
 - 12.1. For exposures involving more than one Resident Unit on a base where exposure is not likely beyond the Base population, the Base Manager should coordinate communication through Base networks.
 - 12.2. For exposures, including historical exposures, which affect personnel beyond a base population, communication should be coordinated via Group Safety Coordinators in consultation with Defence WHS Branch.
 - 12.3. The communication plan should consider personnel who may have been exposed and are no longer in Defence.

References and related documents

[Work Health and Safety Act 2011](#)

[Work Health and Safety Regulations 2011](#), Chapter 8 – Asbestos

[How to Manage and Control Asbestos in the Workplace Code of Practice 2015](#)

[How to Safely Remove Asbestos Code of Practice 2015](#)

[Managing Risks of Hazardous Chemicals in the Workplace Code of Practice 2015](#)

SafetyMan, [Asbestos Management Policy and Guidance](#)

SafetyMan, [Hazardous Chemicals Management Policy and Guidance](#)

SafetyMan, [WHS Incident Reporting Policy and Guidance](#)

SafetyMan, [WHS Incident Investigation Policy and Guidance](#)

[Defence Health Manual Volume 3, Part 14, Chapter 2, 'Asbestos'](#)

Downloadable PDF

Sentinel User Manual – WHS Hazard Management via the [Sentinel Help & Support](#) page | WHS Hazard Management twistie

[Defence Asbestos and Hazardous Chemicals Exposure Scheme](#)

(DAHCES) page

[Estate and Infrastructure Group Asbestos Management Plan](#) (AMP),

Downloadable PDF

[Sentinel Help & Support](#) page

Document	SafetyMan, Asbestos Management Procedure 07 – Asbestos Incident Management
Content owner	Work Health and Safety Branch
Date published	21 July 2022
Objective ID	AB36411971
Version	2.0



Defence People Policy, SafetyMan

Asbestos Management Policy Guidance – Asbestos Exception

1. The following information supports the application of Defence *SafetyMan - Asbestos Management Policy and Guidance*.
2. Although the import and use of asbestos was banned in Australia from 31 December 2003, up until 31 December 2010 Defence was exempt from the ban for mission-critical items of equipment. Consequently, there is asbestos in some military equipment.
3. The *Work Health and Safety Regulations 2011, Chapter 8 – Asbestos (Annex A)*, allows Defence to continue to use items/parts made of asbestos-containing material in equipment for which asbestos-free replacement items/parts are not available or for which replacement has not yet been required as part of normal, on-going maintenance. Similarly, asbestos-containing material may remain in existing infrastructure until it requires replacement as part of on-going maintenance.
4. Since the exemption expired, Comcare has agreed that exceptions to the legislation can be considered on a case-by-case basis under the *Work Health and Safety Regulations 2011, 419(4) - Work involving asbestos or asbestos containing material – prohibitions and exemptions*. If issued, exceptions can be subject to a range of conditions and review requirements.
5. Occasionally, a need arises for Defence to purchase materiel from countries whose asbestos regimes are different from Australia. Therefore, while Defence always seeks asbestos-free equipment and parts, occasionally Defence may seek exceptions to legislation and bans in order to purchase materiel to develop/maintain/sustain required capability.

Scope

6. This guidance outlines the process for a business unit to seek exception (not exemption) from Work Health and Safety legislation under *Work Health and Safety Regulations 2011, 419(4) - Work involving asbestos or asbestos containing material – prohibitions and exemptions*.

Defence exception process

7. Requests for exception are submitted to dpg.whs@defence.gov.au. Note: throughout the exception process, work to find asbestos-free materiel should continue.
8. The following issues/requirements should be addressed in the submission seeking Defence Work Health and Safety Committee and Defence Committee approval:
 - 8.1. strengthened contractual terms—for all Defence materiel that requires a positive assurance from overseas suppliers that their materiel does not contain asbestos. The assurance must include independent assurance by a suitably qualified occupational hygienist who is cognisant of the Australian test standards, or by an accredited laboratory such as the National Association of Testing Authorities;



- 8.2. the *Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace* indicates that a quality assurance system should be implemented to ensure—before importation or use—that there is no asbestos in imported plant or other materiel;
- 8.3. where asbestos is identified in materiel to be acquired or in the associated inventory, exhaustive examination of alternatives is to be undertaken—including re-engineering or replacement—to identify viable, asbestos-free alternatives;
- 8.4. a comprehensive asbestos management plan must be submitted with the application for exception. A rigorous regime of internal controls is required to cover the use of the materiel to which the exception would apply. The asbestos management plan shall require regulator approval;
- 8.5. a concise, risk-based argument addressing why a non-asbestos alternative cannot be sought and how any risks associated with the asbestos item shall be managed; and
- 8.6. within five years of an exception being approved by the regulator, a review is required to examine existing controls and the viability of new controls and solutions aimed at eliminating asbestos from the plant/equipment that is the subject of the exception.

References and related documents

9. [Work Health and Safety Act 2011](#)
10. [Work Health and Safety Regulations 2011](#)
11. [Safe Work Australia Code of Practice – How to Manage and Control Asbestos in the Workplace](#)

Document Reference:	Asbestos Management Policy Guidance – Asbestos Exception		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411955	Version:	1.1

Annex

- A. Work Health and Safety Regulations 2011 – Chapter 8 – Asbestos

Annex A

**Work Health and Safety Regulations 2011
Chapter 8 - Asbestos**

Part 8.1 - Prohibitions and Authorised Conduct

419 Work involving asbestos or ACM—prohibitions and exceptions

(1) A person conducting a business or undertaking must not carry out, or direct or allow a worker to carry out, work involving asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) In this regulation, work involves asbestos if the work involves manufacturing, supplying, transporting, storing, removing, using, installing, handling, treating, disposing of or disturbing asbestos or ACM.

(3) Subregulation (1) does not apply if the work involving asbestos is any of the following:

- (a) genuine research and analysis;
- (b) sampling and identification in accordance with these Regulations;
- (c) maintenance of, or service work on, non-friable asbestos or ACM, fixed or installed before 31 December 2003, in accordance with these Regulations;
- (d) removal or disposal of asbestos or ACM, including demolition, in accordance with these Regulations;
- (e) the transport and disposal of asbestos or asbestos waste in accordance with [jurisdictional legislation];

Note

See jurisdictional note in the Appendix.

- (f) demonstrations, education or practical training in relation to asbestos or ACM;
 - (g) display, or preparation or maintenance for display, of an artefact or thing that is, or includes, asbestos or ACM;
 - (h) management in accordance with these Regulations of in situ asbestos that was installed or fixed before 31 December 2003;
 - (i) work that disturbs asbestos during mining operations that involve the extraction of, or exploration for, a mineral other than asbestos;
 - (j) laundering asbestos contaminated clothing in accordance with these Regulations.
- (4) Subregulation (1) does not apply if the regulator approves the method adopted for managing risk associated with asbestos.
- (5) Subregulation (1) does not apply to the following:
- (a) soil that a competent person has determined:
 - (i) does not contain any visible ACM or friable asbestos; or

(ii) if friable asbestos is visible—does not contain more than trace levels of asbestos determined in accordance with AS 4964:2004 (Method for the qualitative identification of asbestos in bulk samples);

(b) naturally occurring asbestos managed in accordance with an asbestos management plan prepared under regulation 432.

Part 8.2 - General Duty

420 - Exposure to airborne asbestos at workplace

- (1) A person conducting a business or undertaking at a workplace must ensure that:
- (a) exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable; and
 - (b) if it not reasonably practicable to eliminate exposure to airborne asbestos—exposure is minimised so far as is reasonably practicable.

Note

WHS Act—section 19 (see regulation 9).

- (2) A person conducting a business or undertaking at a workplace must ensure that the exposure standard for asbestos is not exceeded at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) Subregulations (1)(a) and (2) do not apply in relation to an asbestos removal area:
- (a) that is enclosed to prevent the release of respirable asbestos fibres in accordance with regulation 477; and
 - (b) in which negative pressure is used in accordance with that regulation.

Part 8.3 - Management of Asbestos and Associated Risks

421 - Application of Part 8.3

- (1) This Part does not apply to naturally occurring asbestos.
- (2) Regulations 425, 426, 427, 428, 429 and 430 do not apply to any part of residential premises that is used only for residential purposes.

422 - Asbestos to be identified or assumed at workplace

- (1) A person with management or control of a workplace must ensure, so far as is reasonably practicable, that all asbestos or ACM at the workplace is identified by a competent person.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) A person with management or control of a workplace must:

- (a) if material at the workplace cannot be identified but a competent person reasonably believes that the material is asbestos or ACM—assume that the material is asbestos; and
 - (b) if part of the workplace is inaccessible to workers and likely to contain asbestos or ACM—assume that asbestos is present in the part of the workplace.
- (3) Subregulation (1) does not apply if the person:
 - (a) assumes that asbestos or ACM is present; or
 - (b) has reasonable grounds to believe that asbestos or ACM is not present.
- (4) If asbestos or ACM is assumed to be present at a workplace, it is taken to be identified at the workplace.

423 - Analysis of sample

- (1) A person with management or control of a workplace may identify asbestos or ACM by arranging for a sample of material at the workplace to be analysed for the presence of asbestos or ACM.
- (2) If a person with management or control of a workplace arranges for an analysis, the person must ensure that the sample is analysed only by:
 - (a) a NATA-accredited laboratory accredited for the relevant test method; or
 - (b) a laboratory approved by the regulator in accordance with guidelines published by Safe Work Australia; or
 - (c) a laboratory operated by the regulator.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

424 - Presence and location of asbestos to be indicated

A person with management or control of a workplace must ensure that:

- (a) the presence and location of asbestos or ACM identified at the workplace under regulation 422 is clearly indicated; and
- (b) if it is reasonably practicable to do so, indicate the presence and location of the asbestos or ACM by a label.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

425 - Asbestos register

- (1) A person with management or control of a workplace must ensure that a register (an asbestos register) is prepared and kept at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) The person must ensure that the asbestos register is maintained to ensure the information in the register is up to date.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The asbestos register must:

(a) record any asbestos or ACM identified at the workplace under regulation 422, or likely to be present at the workplace from time to time including:

(i) the date on which the asbestos or ACM was identified; and

(ii) the location, type and condition of the asbestos or ACM; or

(b) state that no asbestos or ACM is identified at the workplace if the person knows that no asbestos or ACM is identified, or is likely to be present from time to time, at the workplace.

(4) The person is not required to prepare an asbestos register for a workplace if a register has already been prepared for that workplace.

(5) Subject to subregulation (6), this regulation applies to buildings whenever constructed.

(6) This regulation does not apply to a workplace if:

(a) the workplace is a building that was constructed after 31 December 2003; and

(b) no asbestos has been identified at the workplace; and

(c) no asbestos is likely to be present at the workplace from time to time.

426 - Review of asbestos register

A person with management or control of a workplace where an asbestos register is kept must ensure that the register is reviewed and as necessary revised if:

(a) the asbestos management plan is reviewed under regulation 430; or

(b) further asbestos or ACM is identified at the workplace; or

(c) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

427 - Access to asbestos register

(1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to:

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If a person conducting a business or undertaking carries out, or intends to carry out, work at a workplace that involves a risk of exposure to airborne asbestos, the person with management or control of the workplace must ensure that the person is given a copy of the asbestos register.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

428 - Transfer of asbestos register by person relinquishing management or control

If a person with management or control of a workplace plans to relinquish management or control of the workplace, the person must ensure, so far as is reasonably practicable, that the asbestos register is given to the person, if any, assuming management or control of the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

429 - Asbestos management plan

(1) This regulation applies if asbestos or ACM is:

- (a) identified at a workplace under regulation 422; or
- (b) likely to be present at a workplace from time to time.

(2) A person with management or control of the workplace must ensure that a written plan (an asbestos management plan) for the workplace is prepared.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) An asbestos management plan must include information about the following:

- (a) the identification of asbestos or ACM;

Example

A reference or link to the asbestos register for the workplace and signage and labelling.

(b) decisions, and reasons for decisions, about the management of asbestos at the workplace;

Example

Safe work procedures and control measures.

(c) procedures for detailing incidents or emergencies involving asbestos or ACM at the workplace;

(d) workers carrying out work involving asbestos.

Example

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to:

(a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and

(b) a health and safety representative who represents a worker referred to in paragraph (a); and

(c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and

(d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

430 - Review of asbestos management plan

(1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in the following circumstances:

(a) there is a review of the asbestos register or a control measure;

(b) asbestos is removed from, or disturbed, sealed or enclosed at, the workplace;

(c) the plan is no longer adequate for managing asbestos or ACM at the workplace;

(d) a health and safety representative requests a review under subregulation (2);

(e) at least once every 5 years.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) A health and safety representative for workers at a workplace may request a review of an asbestos management plan if the representative reasonably believes that:

- (a) a circumstance referred to in subregulation (1)(a), (b) or (c) affects or may affect the health and safety of a member of the work group represented by the health and safety representative; and
- (b) the person with management and control of the workplace has not adequately reviewed the asbestos management plan in response to the circumstance.

Part 8.4 - Management of Naturally Occurring Asbestos

431 - Naturally occurring asbestos

The person with management or control of a workplace must manage, in accordance with Part 3.1, risks to health and safety associated with naturally occurring asbestos at the workplace.

Note

WHS Act—section 20 (see regulation 9).

432 - Asbestos management plan

- (1) This regulation applies if naturally occurring asbestos is:
 - (a) identified at a workplace; or
 - (b) likely to be present at a workplace.
- (2) A person with management or control of the workplace must ensure that a written plan (an asbestos management plan) for the workplace is prepared in relation to the naturally occurring asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (4) An asbestos management plan must include information about the following:
 - (a) the identification of naturally occurring asbestos;
 - (b) decisions, and reasons for decisions, about the management of naturally occurring asbestos at the workplace;

Example

Safe work procedures and control measures.

- (c) procedures for detailing incidents or emergencies involving naturally occurring asbestos at the workplace;
- (d) workers carrying out work involving naturally occurring asbestos.

Example

Consultation, responsibilities, information and training.

(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for naturally occurring asbestos at the workplace is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace; and
- (b) a health and safety representative who represents a worker referred to in paragraph (a); and
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace; and
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

433 - Review of asbestos management plan

A person with management or control of a workplace that has an asbestos management plan for naturally occurring asbestos must ensure that the plan is reviewed and as necessary revised if the plan is no longer adequate for managing naturally occurring asbestos at the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Example

A control measure is revised under regulation 38.

434 - Training in relation to naturally occurring asbestos

A person conducting a business or undertaking must ensure that the training required under regulation 445 includes training in the hazards and risks associated with naturally occurring asbestos for workers who carry out work where naturally occurring asbestos is likely to be found.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Part 8.5 - Asbestos at the Workplace

Division 1 - Health monitoring

435 - Duty to provide health monitoring

(1) A person conducting a business or undertaking must ensure that health monitoring is provided, in accordance with regulation 436, to a worker carrying out work for the business or undertaking if the worker is:

- (a) carrying out licensed asbestos removal work at a workplace and is at risk of exposure to asbestos when carrying out the work; or

- (b) is carrying out other ongoing asbestos removal work or asbestos-related work and is at risk of exposure to asbestos when carrying out the work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) For the purposes of subregulation (1)(a), the person must ensure that the health monitoring of the worker commences before the worker carries out licensed asbestos removal work.

(3) The person must ensure that the worker is informed of any health monitoring requirements before the worker carries out any work that may expose the worker to asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

436 - Duty to ensure that appropriate health monitoring is provided

A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 435 includes:

(a) consideration of:

- (i) the worker's demographic, medical and occupational history; and
- (ii) records of the worker's personal exposure; and

(b) a physical examination of the worker,

unless another type of health monitoring is recommended by a registered medical practitioner.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

437 - Duty to ensure health monitoring is supervised by registered medical practitioner with relevant experience

(1) A person conducting a business or undertaking must ensure that the health monitoring of a worker referred to in regulation 435 is carried out by or under the supervision of a registered medical practitioner with experience in health monitoring.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The person must consult the worker in relation to the selection of the registered medical practitioner.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

438 - Duty to pay costs of health monitoring

(1) A person conducting a business or undertaking must pay all expenses relating to health monitoring referred to in regulation 435.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If 2 or more persons conducting businesses or undertakings have a duty to provide health monitoring for a worker and have arranged for one of them to commission the health monitoring, the costs of the health monitoring for which any of those persons is liable must be apportioned equally between each of those persons unless they agree otherwise.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

439 - Information that must be provided to registered medical practitioner

A person conducting a business or undertaking who commissions health monitoring for a worker must provide the following information to the registered medical practitioner carrying out or supervising the health monitoring:

- (a) the name and address of the person conducting the business or undertaking;
- (b) the name and date of birth of the worker;
- (c) the work that the worker is, or will be, carrying out that has triggered the requirement for health monitoring;
- (d) if the worker has started that work, how long the worker has been carrying out that work.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

440 - Duty to obtain health monitoring report

(1) A person conducting a business or undertaking who commissioned health monitoring referred to in regulation 435 must take all reasonable steps to obtain a health monitoring report from the registered medical practitioner who carried out or supervised the monitoring as soon as practicable after the monitoring is carried out in relation to a worker.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The health monitoring report must include the following:

- (a) the name and date of birth of the worker;
- (b) the name and registration number of the registered medical practitioner;

- (c) the name and address of the person conducting the business or undertaking who commissioned the health monitoring;
- (d) the date of health monitoring;
- (e) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring;
- (f) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the type of work that triggered the requirement for health monitoring;
- (g) whether medical counselling is required for the worker in relation to the work that triggered the requirement for health monitoring.

441 - Duty to give health monitoring report to worker

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to the worker as soon as practicable after the person obtains the report.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

442 - Duty to give health monitoring report to regulator

A person conducting a business or undertaking for which a worker is carrying out work for which health monitoring is required must give a copy of the health monitoring report relating to a worker to the regulator as soon as practicable after obtaining the report if the report contains:

- (a) any advice that test results indicate that the worker may have contracted a disease, injury or illness as a result of carrying out the work that triggered the requirement for health monitoring; or
- (b) any recommendation that the person conducting the business or undertaking take remedial measures, including whether the worker can continue to carry out the work referred to in regulation 435.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

443 - Duty to give health monitoring report to relevant persons conducting businesses or undertakings

A person conducting a business or undertaking who commissioned health monitoring for a worker must give a copy of the health monitoring report to all other persons conducting businesses or undertakings who have a duty to provide health monitoring for the worker as soon as practicable after obtaining the report.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

444 - Health monitoring records

(1) A person conducting a business or undertaking must ensure that health monitoring reports in relation to a worker carrying out work for the business or undertaking are kept as a confidential record:

- (a) identified as a record in relation to the worker; and
- (b) for at least 40 years after the record is made.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) The person must ensure that the health monitoring report and results of a worker are not disclosed to another person without the worker's written consent.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(3) Subregulation (2) does not apply if the record is disclosed under regulation 442 or 443 or to a person who must keep the record confidential under a duty of professional confidentiality.

Division 2 - Training

445 - Duty to train workers about asbestos

(1) In addition to the training required by Division 1 of Part 3.2, a person conducting a business or undertaking must ensure that workers engaged by the person, whom the person reasonably believes may be involved in asbestos removal work or in the carrying out of asbestos-related work, are trained in the identification and safe handling of, and suitable control measures for, asbestos and ACM.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) This regulation does not apply in relation to a worker referred to in regulation 460.

(3) The person must ensure that a record is kept of the training undertaken by the worker:

- (a) while the worker is carrying out the work; and
- (b) for 5 years after the day the worker ceases working for the person.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(4) The person must keep the record available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

Division 3 - Control on use of certain equipment

446 - Duty to limit use of equipment

(1) A person conducting a business or undertaking must not use, or direct or allow a worker to use, either of the following on asbestos or ACM:

- (a) high-pressure water spray;
- (b) compressed air.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) Subregulation (1)(a) does not apply to the use of a high pressure water spray for fire fighting or fire protection purposes.

(3) A person conducting a business or undertaking must not use, or direct or allow a worker to use, any of the following equipment on asbestos or ACM unless the use of the equipment is controlled:

- (a) power tools;
- (b) brooms;
- (c) any other implements that cause the release of airborne asbestos into the atmosphere.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(4) In subregulation (3), the use of equipment is controlled if:

- (a) the equipment is enclosed during its use; or
- (b) the equipment is designed to capture or suppress airborne asbestos and is used in accordance with its design; or
- (c) the equipment is used in a way that is designed to capture or suppress airborne asbestos safely; or
- (d) any combination of paragraphs (a), (b) and (c) applies.

Part 8.6 - Demolition and Refurbishment

447 - Application—Part 8.6

(1) This Part applies to the demolition or refurbishment of a structure or plant constructed or installed before 31 December 2003.

(2) In this regulation, demolition or refurbishment does not include minor or routine maintenance work, or other minor work.

448 - Review of asbestos register

The person with management or control of a workplace must ensure that, before demolition or refurbishment is carried out at the workplace, the asbestos register for the workplace is:

- (a) reviewed; and
- (b) if the register is inadequate having regard to the proposed demolition or refurbishment—revised.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

Example

The register identifies an inaccessible area that is likely to contain asbestos and the area is likely to be accessible because of demolition.

449 - Duty to give asbestos register to person conducting business or undertaking of demolition or refurbishment

The person with management or control of a workplace must ensure that the person conducting a business or undertaking who carries out the demolition or refurbishment is given a copy of the asbestos register before the demolition or refurbishment is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

450 - Duty to obtain asbestos register

A person conducting a business or undertaking who carries out demolition or refurbishment at a workplace must obtain a copy of the asbestos register from the person with management or control of the workplace, before the person commences the demolition or refurbishment.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

451 - Determining presence of asbestos or ACM

(1) This regulation applies if:

- (a) demolition or refurbishment is to be carried out at a workplace; and
- (b) there is no asbestos register for the structure or plant to be demolished or refurbished at the workplace.

(2) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must not carry out the demolition or refurbishment until the structure or plant has been inspected to determine whether asbestos or ACM is fixed to or installed in the structure or plant.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must ensure that the determination is undertaken by a competent person.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) The person conducting a business or undertaking who is to carry out the demolition or refurbishment must assume that asbestos or ACM is fixed to or installed in the structure or plant if:

(a) the competent person is, on reasonable grounds, uncertain whether or not asbestos is fixed to or installed in the structure or plant; or

(b) part of the structure or plant is inaccessible and likely to be disturbed.

(5) If asbestos or ACM is determined or assumed to be fixed to or installed in the structure or plant, the person conducting a business or undertaking who is to carry out the demolition or refurbishment must inform:

(a) if the workplace is residential premises:

(i) the occupier of the premises; and

(ii) the owner of the premises; and

(b) in any other case—the person with management or control of the workplace.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

452 - Identification and removal of asbestos before demolition

(1) This regulation applies if a structure or plant at a workplace is to be demolished.

(2) This regulation does not apply:

(a) in an emergency to which regulation 454 applies; or

(b) to residential premises.

(3) The person with management or control of the workplace, or of the structure or plant, must ensure:

(a) that all asbestos that is likely to be disturbed by the demolition is identified; and

(b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(4) Subregulation (3)(b) does not apply if the purpose of the demolition is to gain access to the asbestos.

453 - Identification and removal of asbestos before demolition of residential premises

(1) A person conducting a business or undertaking that is to carry out the demolition of residential premises must ensure:

- (a) that all asbestos that is likely to be disturbed by the demolition is identified; and
- (b) so far as is reasonably practicable, that the asbestos is removed before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) This regulation does not apply in an emergency to which regulation 455 applies.

(3) Subregulation (1)(b) does not apply if the purpose of the demolition is to gain access to the asbestos.

454 - Emergency procedure

(1) This regulation applies if:

- (a) an emergency occurs at a workplace other than residential premises; and
- (b) a structure or plant at the workplace must be demolished; and
- (c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.

(2) The person with management or control of the workplace must ensure, so far as is reasonably practicable, that:

- (a) before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard; and
- (b) the asbestos register for the workplace is considered in the development of the procedure.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The person must ensure that the regulator is given written notice about the emergency:

- (a) immediately after the person becomes aware of the emergency; and
- (b) before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(4) For the purposes of this regulation, an emergency occurs if:

- (a) a structure or plant is structurally unsound; or
- (b) collapse of the structure or plant is imminent.

455 - Emergency procedure—residential premises

- (1) This regulation applies if:
- (a) an emergency occurs at residential premises; and
 - (b) a structure or plant at the premises must be demolished; and
 - (c) asbestos is fixed to or installed in the structure or plant before the emergency occurs.
- (2) A person conducting a business or undertaking who is to carry out the demolition of the residential premises must ensure so far as is reasonably practicable, that, before the demolition is commenced, a procedure is developed that will, so far as is reasonably practicable, reduce the risk of exposure of workers and persons in the vicinity of the demolition site to asbestos to below the exposure standard.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (3) The person must ensure that the regulator is given written notice about the emergency:
- (a) immediately after the person becomes aware of the emergency; and
 - (b) before the demolition is commenced.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (4) For the purposes of this regulation, an emergency occurs if:
- (a) a structure or plant is structurally unsound; or
 - (b) collapse of the structure or plant is imminent.

456 - Identification and removal of asbestos before refurbishment

- (1) This regulation applies if a structure or plant at a workplace is to be refurbished.
- (2) This regulation does not apply to residential premises.
- (3) The person with management or control of the workplace, or of the structure or plant, must ensure:
- (a) that all asbestos that is likely to be disturbed by the refurbishment is identified; and
 - (b) so far as is reasonably practicable, that the asbestos is removed before the refurbishment is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

457 - Refurbishment of residential premises

A person conducting a business or undertaking who is to carry out refurbishment of residential premises must ensure:

- (a) that all asbestos that is likely to be disturbed by the refurbishment is identified; and
- (b) so far as is reasonably practicable, that the asbestos is removed before the refurbishment is commenced.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Part 8.7 - Asbestos Removal Work

Note

In this Part some duties are placed on licensed asbestos removalists and some on asbestos removalists generally.

458 - Duty to ensure asbestos removalist is licensed

(1) A person conducting a business or undertaking that commissions the removal of asbestos must ensure that the asbestos removal work is carried out by a licensed asbestos removalist who is licensed to carry out the work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) Subregulation (1) does not apply if the asbestos to be removed is:

- (a) 10 square metres or less of non-friable asbestos or ACD associated with the removal of that amount of non-friable asbestos; or
- (b) ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

(3) If subregulation (2) applies, the person conducting the business or undertaking that commissions the asbestos removal work must ensure that the work is carried out by a competent person who has been trained in accordance with regulation 445.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

459 - Asbestos removal supervisor must be present or readily available

A licensed asbestos removalist must ensure that the nominated asbestos removal supervisor for asbestos removal work is:

- (a) if the asbestos removal work requires a Class A asbestos removal licence—present at the asbestos removal area whenever the asbestos removal work is being carried out; and
- (b) if the asbestos removal work requires a Class B asbestos removal licence—readily available to a worker carrying out asbestos removal work whenever the work is being carried out.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

460 - Asbestos removal worker must be trained

(1) A licensed asbestos removalist must not direct or allow a worker to carry out licensed asbestos removal work unless the removalist is satisfied that the worker holds a certification in relation to the specified VET course for asbestos removal relevant to the class of licensed asbestos removal work to be carried out by the worker.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) A licensed asbestos removalist must provide appropriate training to a worker carrying out licensed asbestos removal work at a workplace to ensure that the work is carried out in accordance with the asbestos removal control plan for the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) In this regulation, appropriate training means training designed specifically for the workplace where the licensed asbestos removal work is carried out and the work to be carried out at the workplace.

Note

Unless this regulation applies, the obligation to provide training to workers carrying out unlicensed asbestos removal work is set out in regulation 445.

461 - Licensed asbestos removalist must keep training records

(1) A licensed asbestos removalist must keep a record of the training undertaken by a worker carrying out licensed asbestos removal work:

- (a) while the worker is carrying out licensed asbestos removal work; and
- (b) for 5 years after the day the worker stopped carrying out licensed asbestos removal work for the removalist.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

(2) The licensed asbestos removalist must ensure that the training record is readily accessible at the asbestos removal area and available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$1 250.

In the case of a body corporate—\$6 000.

462 - Duty to give information about health risks of licensed asbestos removal work

A licensed asbestos removalist must give the following information to a person likely to be engaged to carry out licensed asbestos removal work before the person is engaged to carry out the work:

- (a) the health risks and health effects associated with exposure to asbestos;
- (b) the need for, and details of, health monitoring of a worker carrying out licensed asbestos removal work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

463 - Asbestos removalist must obtain register

(1) A licensed asbestos removalist must obtain a copy of the asbestos register for a workplace before the removalist carries out asbestos removal work at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) Subregulation (1) does not apply if the asbestos removal work is to be carried out at residential premises.

464 - Asbestos removal control plan

(1) A licensed asbestos removalist must prepare an asbestos removal control plan for any licensed asbestos removal work the removalist is commissioned to undertake.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) An asbestos removal control plan must include:

- (a) details of how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used; and
- (b) details of the asbestos to be removed, including the location, type and condition of the asbestos.

(3) The licensed asbestos removalist must give a copy of the asbestos removal control plan to the person who commissioned the licensed asbestos removal work.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

465 - Asbestos removal control plan to be kept and available

(1) Subject to subregulation (2), a licensed asbestos removalist must ensure that a copy of the asbestos removal control plan prepared under regulation 464 is kept until the asbestos removal work to which it relates is completed.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) If a notifiable incident occurs in connection with the asbestos removal work to which the asbestos removal control plan relates, the licensed asbestos removalist must keep the asbestos removal control plan for at least 2 years after the incident occurs.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(3) The licensed asbestos removalist must ensure that, for the period for which the asbestos removal control plan must be kept under this regulation, a copy is:

(a) readily accessible to:

(i) a person conducting a business or undertaking at the workplace; and

(ii) the person's workers at the workplace, or a health and safety representative who represents the workers; and

(iii) if the asbestos removal work is to be carried out in residential premises—the occupants of the premises; and

(b) available for inspection under the Act.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

466 - Regulator must be notified of asbestos removal

(1) A licensed asbestos removalist must give written notice to the regulator at least 5 days before the removalist commences licensed asbestos removal work.

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

(2) Despite subregulation (1), licensed asbestos removal work may be commenced immediately if there is:

(a) a sudden and unexpected event, including a failure of equipment, that may cause persons to be exposed to respirable asbestos fibres; or

(b) an unexpected breakdown of an essential service that requires immediate rectification to enable the service to continue.

(3) If the asbestos must be removed immediately, the licensed asbestos removalist must give notice to the regulator:

(a) immediately by telephone; and

(b) in writing within 24 hours after notice is given under paragraph (a).

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

- (4) A notice under subregulation (1) or (3) must include the following:
- (a) the following in relation to the licensed asbestos removalist:
 - (i) name;
 - (ii) registered business name;
 - (iii) Australian Business Number;
 - (iv) licence number;
 - (v) business contact details;
 - (b) the name and business contact details of the supervisor of the licensed asbestos removal work;
 - (c) the name of the competent person or licensed asbestos assessor engaged to carry out a clearance inspection and issue a clearance certificate for the work;
 - (d) the name and contact details of the person for whom the work is to be carried out;
 - (e) the following in relation to the workplace where the asbestos is to be removed:
 - (i) the name, including the registered business or company name, of the person with management or control of the workplace;
 - (ii) the address and, if the workplace is large, the specific location of the asbestos removal;
 - (iii) the kind of workplace;
 - (f) the date of the notice;
 - (g) the date when the asbestos removal work is to commence and the estimated duration of the work;
 - (h) whether the asbestos to be removed is friable or non-friable;
 - (i) if the asbestos to be removed is friable—the way the area of removal will be enclosed;
 - (j) the estimated quantity of asbestos to be removed;
 - (k) the number of workers who are to carry out the asbestos removal work;
 - (l) for each worker who is to carry out asbestos removal work—details of the worker's competency to carry out asbestos removal work.

467 - Licensed asbestos removalist must inform certain persons about intended asbestos removal work

- (1) This regulation applies if a licensed asbestos removalist is to carry out licensed asbestos removal work at a workplace.
- (2) The licensed asbestos removalist must, before commencing the licensed asbestos removal work, inform the person with management or control of the workplace:
- (a) that licensed asbestos removal work is to be carried out at the workplace; and

- (b) when the work is to commence.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) If the workplace is residential premises, the licensed asbestos removalist must, so far as is reasonably practicable, before commencing the licensed asbestos removal work, inform the following persons that asbestos removal work is to be carried out at the workplace, and when the work is to commence:

- (a) the person who commissioned the asbestos removal work;
- (b) a person conducting a business or undertaking at the workplace;
- (c) the occupier of the residential premises;
- (d) the owner of the residential premises;
- (e) anyone occupying premises in the immediate vicinity of the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

468 - Person with management or control of workplace must inform persons about asbestos removal work

(1) This regulation applies if the person with management or control of a workplace is informed that asbestos removal work is to be carried out at the workplace.

(2) The person must ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences:

- (a) the person's workers and any other persons at the workplace;
- (b) the person who commissioned the asbestos removal work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person must take all reasonable steps to ensure that the following persons are informed that asbestos removal work is to be carried out at the workplace and when the work is to commence, before the work commences:

- (a) anyone conducting a business or undertaking at, or in the immediate vicinity of, the workplace;
- (b) anyone occupying premises in the immediate vicinity of the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

469 - Signage and barricades for asbestos removal work

An asbestos removalist must ensure that:

- (a) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos removal work is being carried out; and
- (b) barricades are erected to delineate the asbestos removal area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

470 - Limiting access to asbestos removal area

(1) This regulation applies to:

- (a) a person conducting a business or undertaking at a workplace who commissions a person to carry out licensed asbestos removal work at the workplace; and
- (b) a person with management or control of a workplace who is aware that licensed asbestos removal work is being carried out at the workplace.

(2) Subject to subregulation (4), the person must ensure, so far as is reasonably practicable, that no-one other than the following has access to an asbestos removal area:

- (a) workers engaged in the asbestos removal work;
- (b) other persons associated with the asbestos removal work;
- (c) anyone allowed under these Regulations or another law to be in the asbestos removal area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person may refuse to allow access to an asbestos removal area at the workplace to anyone who does not comply with:

- (a) a control measure implemented for the workplace in relation to asbestos; or
- (b) a direction of the licensed asbestos removalist.

(4) A person referred to in subregulation (2)(a), (b) or (c) has access to an asbestos removal area subject to any direction of the licensed asbestos removalist.

(5) If a person referred to in subregulation (2)(a), (b) or (c) has access to an asbestos removal area, the person must comply with any direction of the licensed asbestos removalist.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

471 - Decontamination facilities

(1) An asbestos removalist must ensure that facilities are available to decontaminate the following:

- (a) the asbestos removal area;

- (b) any plant used in the asbestos removal area;
- (c) workers carrying out asbestos removal work;
- (d) other persons who have access to the asbestos removal area under regulation 470(2)(b).

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) An asbestos removalist must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos removal area unless the thing:

- (a) is decontaminated before being removed; or
- (b) is sealed in a container, and the exterior of the container is, before being removed:
 - (i) decontaminated; and
 - (ii) labelled in accordance with the GHS to indicate the presence of asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

472 - Disposing of asbestos waste and contaminated personal protective equipment

(1) Subject to subregulations (2) and (3), an asbestos removalist must ensure that asbestos waste:

- (a) is contained and labelled in accordance with the GHS before the waste is removed from an asbestos removal area; and
- (b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) An asbestos removalist must ensure that personal protective equipment used in asbestos removal work and contaminated with asbestos:

- (a) is sealed in a container before being removed from an asbestos waste area; and
- (b) so far as is reasonably practicable, is disposed of on the completion of the asbestos removal work at a site authorised to accept asbestos waste; and
- (c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing:
 - (i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or
 - (ii) if it is not practicable to launder the clothing—is kept in the sealed container until it is re-used for asbestos removal purposes; and
- (d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing:

- (i) is decontaminated before it is removed from the asbestos removal area; or
- (ii) if it is not practicable to decontaminate the equipment in the asbestos removal area—is kept in the sealed container until it is re-used for asbestos removal purposes.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Example

Work boots.

- (3) An asbestos removalist must ensure that a sealed container referred to in subregulation (2) is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed from the asbestos removal area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Note

See the jurisdictional notes in the Appendix.

473 - Clearance inspection

- (1) This regulation applies if a person commissions licensed asbestos removal work at a workplace.

- (2) The person or, if the workplace is residential premises, the licensed asbestos removalist must ensure that, when the licensed asbestos removal work is completed, a clearance inspection of the asbestos removal area at the workplace is carried out by:

- (a) if the asbestos removal work must be carried out by the holder of a Class A asbestos removal licence—an independent licensed asbestos assessor; or
- (b) in any other case—an independent competent person.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) In this regulation, a clearance inspection is an inspection of an asbestos removal area after asbestos removal work has been completed to verify that the area is safe for normal use, that:

- (a) includes a visual inspection; and
- (b) may include air monitoring.

Note

If it is not reasonably practicable for the licensed asbestos assessor or competent person to be independent, the person or licensed asbestos removalist may apply to the regulator for an exemption under Part 11.2 from the requirement that the assessor or competent person be independent.

474 - Clearance certificates

- (1) This regulation applies if a clearance inspection has been made in accordance with regulation

473 - Clearance Inspection

- (2) The licensed asbestos assessor or competent person who carried out the clearance inspection must issue a clearance certificate, in accordance with this regulation, before the asbestos removal area at the workplace is re-occupied.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) The licensed asbestos assessor or competent person must ensure that the asbestos removal area does not pose a risk to health and safety from exposure to asbestos.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (4) The licensed asbestos assessor or competent person must not issue a clearance certificate unless satisfied that:

- (a) the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination; and
- (b) if the assessor or competent person undertook air monitoring as part of the clearance inspection—the monitoring shows asbestos below 0.01 fibres/ml.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (5) The clearance certificate must be in writing and must state that:

- (a) the assessor or 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
- (b) if air monitoring was carried out by the assessor or competent person as part of the clearance inspection—the airborne asbestos fibre level was less than 0.01 asbestos fibres/mL.

Part 8.8 - Asbestos Removal Requiring Class A Asbestos Removal Licence

475 - Air monitoring—asbestos removal requiring Class A asbestos removal licence

- (1) A person conducting a business or undertaking who commissions asbestos removal work requiring a Class A asbestos removal licence at a workplace must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) If the workplace is residential premises, the licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at the premises must ensure that an independent licensed asbestos assessor undertakes air monitoring of the asbestos removal area at the premises.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The air monitoring must be carried out:

- (a) immediately before the licensed asbestos removal work commences, unless glove bags are to be used for the removal; and
- (b) while the licensed asbestos removal work is carried out.

(4) The person who commissions the licensed asbestos removal work must ensure that the results of the air monitoring are given to the following:

- (a) workers at the workplace;
- (b) health and safety representatives for workers at the workplace;
- (c) a person conducting a business or undertaking at the workplace;
- (d) other persons at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(5) If the workplace is residential premises, the licensed asbestos removalist carrying out the licensed asbestos removal work at the premises must ensure that the results of the air monitoring are given to the following:

- (a) the person who commissioned the asbestos removal work;
- (b) workers at the workplace;
- (c) health and safety representatives for workers at the workplace;
- (d) a person conducting a business or undertaking at the workplace;
- (e) the occupier of the residential premises;
- (f) the owner of the residential premises;
- (g) other persons at the workplace.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(6) An independent licensed asbestos assessor, who undertakes air monitoring for the purposes of this regulation, must use the membrane filter method for the air monitoring.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

476 - Action if respirable asbestos fibre level too high

(1) The licensed removalist carrying out asbestos removal work requiring a Class A asbestos removal licence at a workplace must:

- (a) if respirable asbestos fibre levels are recorded at the asbestos removal area at 0.01 fibres/ml or more, but not more than 0.02 fibres/ml—immediately:
 - (i) investigate the cause of the respirable asbestos fibre level; and
 - (ii) implement controls to prevent exposure of anyone to asbestos; and
 - (iii) prevent the further release of respirable asbestos fibres; and
- (b) if respirable asbestos fibre levels are recorded at the asbestos removal area at more than 0.02 fibres/ml—immediately:
 - (i) order the asbestos removal work to stop; and
 - (ii) notify the regulator; and
 - (iii) investigate the cause of the respirable asbestos fibre level; and
 - (iv) implement controls to prevent exposure of anyone to asbestos; and
 - (v) prevent the further release of respirable asbestos fibre.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) If the licensed removalist stops asbestos removal work requiring a Class A asbestos removal licence because the recorded respirable asbestos fibre level exceeds 0.02 fibres/ml, the removalist must ensure that the asbestos removal work does not resume until air monitoring shows that the recorded respirable asbestos fibre level is below 0.01 fibres/ml.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

477 - Removing friable asbestos

(1) A licensed asbestos removalist removing friable asbestos must ensure, so far as is reasonably practicable, the following:

- (a) the asbestos removal area is enclosed to prevent the release of respirable asbestos fibres;
- (b) subject to subregulation (3), negative pressure is used;
- (c) the wet method of asbestos removal is used;
- (d) subject to subregulation (3), the asbestos removal work does not commence until the air monitoring is commenced by a licensed asbestos assessor;
- (e) air monitoring is undertaken during the asbestos removal work, at times decided by the independent licensed asbestos assessor undertaking the monitoring;

- (f) any glove bag used to enclose the asbestos removal area is dismantled and disposed of safely.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (2) A licensed asbestos removalist must ensure that any enclosure used in removing friable asbestos is tested for leaks.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (3) Subregulations (1)(b) and (1)(d) do not apply if glove bags are used in the Class A asbestos removal work.

- (4) The licensed removalist must not dismantle an enclosure for a friable asbestos removal area until the removalist receives results of air monitoring, showing that the recorded respirable asbestos fibre level within the enclosure is below 0.01 fibres/ml, from:

- (a) if the friable asbestos is removed from residential premises—the licensed asbestos assessor who undertook the air monitoring; or
- (b) in any other case—the person who commissioned the Class A asbestos removal work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (5) The licensed removalist must ensure that an enclosure for a friable asbestos removal area is dismantled in a way that, so far as is reasonably practicable, eliminates the release of respirable asbestos fibre.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

- (6) The person who commissioned the removal of the friable asbestos must obtain a clearance certificate from a licensed asbestos assessor after the enclosure for the friable asbestos removal area has been dismantled.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Part 8.9 - Asbestos-related Work

478 - Application of Part 8.9

This Part applies in relation to asbestos-related work.

479 - Uncertainty as to presence of asbestos

(1) If there is uncertainty (based on reasonable grounds) as to whether work to be carried out for a business or undertaking is asbestos-related work, the person conducting the business or undertaking must ensure that analysis of a sample is undertaken to determine if asbestos or ACM is present.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) For the purposes of subregulation (1), the person must ensure that the sample is analysed only by:

- (a) a NATA-accredited laboratory accredited for the relevant test method; or
- (b) a laboratory approved by the regulator in accordance with guidelines published by Safe Work Australia; or
- (c) a laboratory operated by the regulator.

(3) Subregulation (1) does not apply if the person assumes that asbestos is present.

480 - Duty to give information about health risks of asbestos-related work

A person conducting a business or undertaking must give the following information to a person likely to be engaged to carry out asbestos-related work for the business or undertaking before the person is engaged to carry out the work:

- (a) the health risks and health effects associated with exposure to asbestos;
- (b) the need for, and details of, health monitoring of a worker carrying out asbestos-related work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

481 - Asbestos-related work to be in separate area

A person conducting a business or undertaking that involves the carrying out of asbestos-related work must ensure that:

- (a) the asbestos-related work area is separated from other work areas at the workplace; and
- (b) signs alerting persons to the presence of asbestos are placed to indicate where the asbestos-related work is being carried out; and
- (c) barricades are erected to delineate the asbestos-related work area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

482 - Air monitoring

(1) A person conducting a business or undertaking at a workplace must ensure that a competent person carries out air monitoring of the work area where asbestos-related work is

being carried out if there is uncertainty as to whether the exposure standard is likely to be exceeded.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) If the competent person determines that the exposure standard has been exceeded at any time in a work area, the person conducting the business or undertaking must, so far as is reasonably practicable:

- (a) determine the workers and other persons who were in the work area during that time: and
- (b) warn those workers about possible exposure to respirable asbestos fibres; and
- (c) so far as is reasonably practicable, warn the other persons about possible exposure to respirable asbestos fibres.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(3) The person conducting the business or undertaking must ensure that information about exposure to respirable asbestos fibres, including the determination made by the competent person and the results of the air monitoring, is readily accessible to the workers and other persons referred to in subregulation (2).

Maximum penalty:

In the case of an individual—\$3 600.

In the case of a body corporate—\$18 000.

483 - Decontamination facilities

(1) A person conducting a business or undertaking for which asbestos-related work is carried out must ensure that facilities are available to decontaminate the following:

- (a) the asbestos-related work area;
- (b) any plant used in the asbestos-related work area;
- (c) workers carrying out the asbestos-related work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The person must ensure that nothing that is likely to be contaminated with asbestos is removed from the asbestos-related work area unless the thing:

- (a) is decontaminated before being removed; or
- (b) is sealed in a container, and the exterior of the container is:
 - (i) decontaminated; and

- (ii) labelled in accordance with the GHS to indicate the presence of asbestos, before being removed.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

484 - Disposing of asbestos waste and contaminated personal protective equipment

(1) Subject to subregulation (2), a person conducting a business or undertaking for which asbestos-related work is carried out must ensure that asbestos waste:

- (a) is contained and labelled in accordance with the GHS before the waste is removed from an asbestos-related work area; and
- (b) is disposed of as soon as practicable at a site authorised to accept asbestos waste.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

(2) The person must ensure that personal protective equipment used in asbestos-related work and contaminated with asbestos:

- (a) is sealed in a container, and that the exterior of the container is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed; and
- (b) so far as is reasonably practicable, is disposed of on the completion of the asbestos-related work at a site authorised to accept asbestos waste; and
- (c) if it is not reasonably practicable to dispose of the personal protective equipment that is clothing:
 - (i) is laundered at a laundry equipped to launder asbestos-contaminated clothing; or
 - (ii) if it is not practicable to launder the clothing, is kept in the sealed container until it is re-used for the purposes of asbestos-related work; and
- (d) if it is not reasonably practicable to dispose of the personal protective equipment that is not clothing:
 - (i) is decontaminated before it is removed from the asbestos removal area; or
 - (ii) if it is not practicable to decontaminate the equipment in the asbestos removal area, is kept in the sealed container until it is re-used for the purposes of asbestos-related work.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Example

Work boots.

(3) The person must ensure that a sealed container referred to in subregulation (2) is decontaminated and labelled in accordance with the GHS to indicate the presence of asbestos before being removed from the asbestos-related work area.

Maximum penalty:

In the case of an individual—\$6 000.

In the case of a body corporate—\$30 000.

Note

See the jurisdictional notes in the Appendix.



Defence People Policy, SafetyMan

Asbestos Management Policy Guidance - Roles And Responsibilities

1. All Defence leaders are responsible for promoting a strong safety culture so individuals will understand and recognise the requirement to manage the risks and hazards associated with asbestos and asbestos-containing materials.
2. The following table describes additional responsibilities for Defence individuals.

Group Heads and Service Chiefs	<p>In reporting to the Secretary of Defence and to the Chief of Defence Force, Group Heads and Service Chiefs are accountable for:</p> <ul style="list-style-type: none">• ensuring their asbestos management policies and guidance material are consistent with this policy;• investigating and reporting asbestos incidents as part of annual work health and safety assurance;• establishing and implementing asbestos management plans specific to their workplaces;• ensuring their operating procedures for the control of asbestos hazards are consistent with this policy and relevant legislation;• implementing agreements with responsible support organisations, Capability Acquisition and Sustainment Group for materiel and Estate and Infrastructure Group for facilities and land, with respect to asbestos management;• maintaining asbestos management meeting/decision records;• working with the Capability Acquisition and Sustainment Group and the Estate and Infrastructure Group, and implementing processes to assure materiel acquired is asbestos-free;• providing key messages and direction on asbestos hazards, plans to mitigate risks and what individuals who might be exposed to asbestos should do; and• allocating sufficient resources to asbestos management programs in line with the degree of assessed risk.
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Joint Operations Command	Joint Operations Command is responsible for delivering a readiness plan(s) to deal with asbestos hazards on operations, exercise and Defence Assistance to Civil Communities into wider military emergency planning.
Estate and Infrastructure Group	<p>Estate and Infrastructure Group has responsibility for:</p> <ul style="list-style-type: none"> • developing, implementing and maintaining asbestos policy for items of fixed plant, Defence-owned infrastructure and asbestos in soils; • administering, identifying, labelling and enclosing, encapsulating or removing asbestos from Defence buildings and land; • maintaining asbestos registers clearly identifying the location and condition of existing asbestos and asbestos-containing materials on establishments; • inspecting all Defence structures to locate asbestos; • providing asbestos management and advice to Groups and Services about asbestos exposure risk, control, management and removal, relating to asbestos in Defence buildings, infrastructure and soil; • ensuring that contractors providing advice or undertaking work in relation to asbestos are qualified, licensed and experienced in accordance with state and Commonwealth requirements, and that they do not introduce new asbestos products or asbestos-containing materials to infrastructure; and • controlling and managing the asbestos exposure risks associated with the infrastructure and the Defence estate.
Capability Acquisition and Sustainment Group	<p>Capability Acquisition and Sustainment Group has responsibility to:</p> <ul style="list-style-type: none"> • develop, implement and maintain asbestos management policy for platforms, ships and non-fixed equipment; • administer, identify, label and enclose, encapsulate or remove asbestos from Defence equipment; • maintain asbestos registers clearly identifying the location and condition of existing asbestos materials in equipment (in-situ); • ensure no new asbestos products or asbestos-containing materials are procured or introduced into service; • strengthen contractual terms with overseas suppliers of Defence materiel to gain a positive assurance that their materiel does not contain asbestos; • implement a quality assurance system to ensure-before it is used or supplied to Defence workplaces-that plant and other materials imported from countries where asbestos has not been banned is free of asbestos; • provide leadership in relation to the prohibition on the importation and use of asbestos by: <ul style="list-style-type: none"> - eliminating or substituting materiel items/parts identified as containing asbestos;

	<ul style="list-style-type: none"> - seeking exemptions through Comcare for mission-critical items containing asbestos where an asbestos-free alternative is not available; and - implementing treatment measures for mission-critical items containing asbestos where available. • maintain policy relating to the differences in international governments' definitions of asbestos-containing materials and guidance for personnel involved with foreign military sales; and • where asbestos or asbestos-containing materials has been identified, conduct physical audits of Defence inventory holdings to ensure recontamination has not occurred.
Prime contractors	<p>Prime contractors have shared duty responsibilities in the Defence undertaking and are responsible for:</p> <ul style="list-style-type: none"> • ensuring their workers and subcontractors are appropriately trained, qualified/licensed and aware of their responsibilities in relation to Defence asbestos management policy and the <i>Work Health and Safety Regulations 2011</i>; • satisfying the requirements of the <i>Work Health and Safety Act 2011</i> and <i>Work Health and Safety Regulations 2011</i> by identifying, assessing and controlling the risks associated with asbestos and asbestos-containing materials in their area of responsibility; • complying with the <i>Work Health and Safety Act 2011</i> and <i>Work Health and Safety Regulations 2011</i>, relevant state/territory legislation and regulations addressing disposal, storage, waste management and transport requirements; • complying with Defence policy and procedures and any other procedures stipulated or specified in contract documents; • managing their inventory to ensure that asbestos and asbestos-containing materials are not introduced into new products, installations, platforms, inventory or materiel; • ensuring they and their sub-contractors comply with all relevant Defence safety policies, procedures and directives as specified in the contract; • ensuring that subcontractors' safety management systems are in place and align with Defence policy and procedures; and • recording and documenting any perceived exposure to asbestos.
Work Health and Safety Branch	<p>Work Health and Safety Branch is Defence's work health and safety centre of expertise for asbestos. The Branch has responsibility to:</p> <ul style="list-style-type: none"> • maintain, review and update policy in response to legislative requirements, Defence capability and resourcing levels; • provide advice to stakeholders and clients in response to inquiries about asbestos illness and injury, exposure control, management, maintenance and removal;

	<ul style="list-style-type: none"> • provide information and advice throughout Defence on asbestos management/policy issues; • coordinate and manage the operation of the Defence Asbestos and Hazardous Chemicals Exposure Scheme; • liaise with Comcare and Defence stakeholders on asbestos management policy and investigation issues in accordance with <i>SafetyMan - Comcare Interactions Policy</i>; • liaise with the Groups and Services and Comcare with regard to asbestos exceptions; • maintain records of reported asbestos exposures; • monitor Comcare investigation findings and Audit and Fraud Control Division findings and recommended corrective actions to ensure completion; and • monitor reports of incidents, including possible individual exposures and major breakdowns in asbestos handling procedures to assure reports are managed effectively.
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References and related documents

3. [Work Health and Safety Act 2011](#)
4. [Work Health and Safety Regulations 2011](#)
5. [Defence Asbestos and Hazardous Chemicals Exposure Scheme](#)

Document Reference:	Asbestos Management Policy Guidance – Roles and Responsibilities		
Policy Owner:	Work Health and Safety Branch		
Date Published:	12 July 2018		
Objective ID:	AB36411965	Version:	1.1