1 AIM

To prevent asbestos related disease in the workplace.

2 SCOPE

Asbestos fibres represent a major occupational health hazard and may cause chronic lung conditions such as asbestosis, lung cancer and mesothelioma. Company Policy prohibits the use of asbestos in its workplaces and processes. All asbestos is required to be removed safely as soon as practicable after it has been identified.

3 DEFINITIONS

USAGE

The use of asbestos materials in new or replacement applications is prohibited.

REGISTER

A register of all asbestos materials known to be on each site should be prepared and made available to all employees, particularly maintenance workers, who may need to work in these areas. This register is to indicate the location, type of material and the condition of the material. It should include asbestos cement sheeting even where this is in good condition and does not require removal.

IDENTIFICATION OF SUSPECTED ASBESTOS MATERIALS

Where there is doubt as to whether a material contains asbestos, samples must be sent to a recognised laboratory for analysis.

EXPOSURE ASSESSMENT

All materials thought to contain asbestos are to be assessed for the risk of fibre release based on the condition and type of material and the likelihood of damage or the need for
maintenance work. Consideration must be given to the activities of non-company people, and appropriate precautions and controls exercised.

4 REFERENCES AND RELATED DOCUMENTS

Asbestos Removal Regulation 1996,
Model Asbestos Policy for NSW Councils

5 RESPONSIBILITIES

EMPLOYEE INVOLVEMENT
Workers through Health and Safety Committees, Plant Safety Officers, Workplace Health & Safety Team, Health & Safety Representatives and Unions are to be involved in all discussions relating to asbestos identified at a work site. At no time should asbestos be removed or sealed without full consultation with employees.

6 PROCEDURE

CONTROL MEASURES
Control of asbestos can take three forms:
• removal
• sealing or enclosure
• leave in place

While the long term aim must be for removal, this is not necessarily a priority in the short term, particularly where there is no danger of employee exposure or where the source of the asbestos is asbestos cement sheeting in good condition.

Decisions on control measures should be made with reference to local State Work Health & Safety Legislation, the Worksafe Code of Practice for Asbestos and in consultation with your local WHS personnel.

Removal
All asbestos materials that are in poor condition, liable to be worked on eg. gaskets, or liable to release fibres eg. pipe laggings, are to be removed. This must be performed by registered contractors and in Australia all State legislative procedures are to be followed. Asbestos removals are to be carried out according to strict procedures, with the removal area isolated from the rest of the workplace to ensure that employees will not be exposed to the dust or fibres from the removal process. Removals should alternatively be carried out when employees are off site.

Workplace hygiene monitoring may need to be arranged during and after removal to ensure employees are not exposed to residual airborne asbestos fibres.
Sealing or Enclosure

In some instances it may be necessary to seal or enclose the asbestos material. Sealing must be done using approved sealants. Enclosing the asbestos, must be done so that fibres are not released into the atmosphere. These operations are to be performed by registered contractors. In both cases, the locations are to be clearly labelled "Asbestos" to warn anyone who needs to work on this material. As in 6.1 above, work on asbestos should take place where there is no risk of employee exposure to dust and fibres.

Sealing or enclosing are to be considered as temporary measures to make the material safe until it can be removed.

Leave in Place

The decision to leave asbestos material in place requires special approval. Your local WHS personnel will be able to advise you on this matter. If the asbestos material is in good condition it may be safer to leave it in place (examples are AC sheeting and pipes or asbestos insulation in fully enclosed fire doors). Regular checks must be made to ensure the material is in good condition, and the date and outcome of the checks documented and filed with the asbestos register.

ASBESTOS AT OTHER LOCATIONS

Where the Organisation's workers may be exposed to asbestos at non-Council locations, Council management will discuss with the owner of the site/building the best means of controlling or removing the source of exposure.

7 DOCUMENTS

Nil
Responding to the asbestos problem:  
*The need for significant reform in NSW*  

November 2010
Responding to the asbestos problem:

*The need for significant reform in NSW*

November 2010
November 2010

The Hon Amanda Fazio MLC
President
Legislative Council
Parliament House
SYDNEY NSW 2000

The Hon Richard Torbay MP
Speaker
Legislative Assembly
Parliament House
SYDNEY NSW 2000

Dear Madam President and Mr Speaker,

I submit a report pursuant to s.31 of the Ombudsman Act, 1974.
I draw your attention to the provisions of s.31AA of the Ombudsman Act, 1974 in relation to the tabling of this report and request that you make it public forthwith.

Yours faithfully

Bruce Barbour
Ombudsman
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Executive summary

In NSW there is no single government agency responsible for coordinating the management and containment of asbestos, there is no state-wide government plan for dealing with asbestos, there are gaps in asbestos legislation and funding to deal with these issues is inadequate.

Australian Bureau of Statistics figures show that 397 people died in fatal road traffic accidents in NSW in 2008, with 1,464 deaths Australia wide.1 As tragic as these figures are, the annual road toll is expected to be dwarfed by future cases of asbestos-related deaths. While 1,014 people died from mesothelioma in NSW during the five year period between 2002 and 2006,2 it is estimated that by 2020 Australia will have 13,000 cases of mesothelioma, for which there is currently no known cure, and a further 40,000 cases of asbestos-related cancers.3

In the course of our investigations we heard from experts that even though, historically, it was the workers in asbestos industries who had contracted asbestos-related diseases, several additional waves are now occurring. Tradesmen, home renovators and innocent bystanders are now presenting with asbestos-related diseases and dying from mesothelioma. In some cases those deaths have resulted from minimal contact with asbestos which occurred years before the diagnosis. For example, a woman in South Australia developed mesothelioma in her early thirties from an exposure that occurred as a child while playing near bonded asbestos being worked on by her father.4 There are many similar stories about people dying from non occupational exposure to asbestos in circumstances which were previously thought to be harmless.

Case study investigations

For the past two years we have conducted three investigations into specific asbestos-related issues which we have used as case studies to inform our broader review of how the NSW government as a whole is responding to the asbestos problem.

In 2007 we investigated the circumstances surrounding the actions taken at a warehouse on the central coast which had been contaminated by asbestos fibres following a severe hail storm (our first case study). Management had sought the advice of an occupational hygienist, who failed to identify the presence of friable asbestos; the workers had then been directed by management to clean the warehouse with no regard for the potential to be exposed to asbestos.

We provided a report to the relevant minister and agency and made a number of recommendations relating to workplaces, occupational hygienists and policies and procedures.

The second case study concerns asbestos within the Aboriginal Community at Wallaga Lake. In 2009 we received complaints about the existence of widespread asbestos contamination that had been identified within the community in 2007, but no clean up at the site occurred until 2009, and only following intense media exposure. The Wallaga Lake incident highlighted the confusion that exists within local councils and the community about who is responsible for dealing with incidents and the lack of any sense of urgency to remove asbestos from sites. It also revealed a lack of understanding about the dangers and potential for exposure amongst the Wallaga Lake community and the community generally.

We wrote to the relevant agencies involved at Wallaga Lake and while we maintain some concerns about the delays in clearing the site of asbestos, we were pleased to note that an asbestos management plan has now been put in place to help the local community to address the issues on an ongoing basis.

The third case study concerns the Woods Reef mine (see chapter 7). This abandoned open cut asbestos mine located at Barraba could reasonably be described as an environmental disaster. The extent of the asbestos contamination at the site is extraordinary, yet very little remediation has occurred at the site since the mine closed in 1983. Friable chrysotile asbestos is scattered over vast areas of the 400 hectare site, untreated and with minimal security or protection in place. Despite a plethora of consultants’ reports obtained by government showing there is a danger to the health of people inhaling asbestos fibres, very little has been done by successive governments and agencies to deal with this serious public health issue.

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1 Australian Bureau of Statistics, Year Book Australia 2009–2010, cat. no. 1301.0, ABS, Canberra.
2 Incidence and Mortality data from the NSW Central Cancer Registry.
4 Amaca Pty Ltd v CSR Limited [2008] NSWDDT 16.
The fact that the asbestos contamination at the Woods Reef mine has been allowed to go virtually untreated since 1983 exemplifies the way asbestos issues have generally been perceived as low priority throughout NSW. Excessive delays, lack of funding, no coherent plan for remediation and an apathetic approach by government to what is a significant public health and safety issue have left contamination on a scale that is of serious concern.

**Addressing the asbestos problem**

Dealing effectively with asbestos in NSW is not only necessary but it has the potential to save many lives. This can best be achieved by increasing public awareness and by implementing long-term regulatory and remediation measures designed to reduce the incidence of asbestos-related diseases and death.

Approaches to dealing with asbestos across the whole of government have to date been disjointed, ad hoc and confusing. Tens of thousands of fibro buildings constructed throughout the 20th century continue to deteriorate and be renovated or demolished, yet there are no laws preventing home owners from undertaking these works personally without first checking if there is asbestos present and, if it is, taking adequate safety precautions. Asbestos is illegally dumped on public and private land and community awareness of the dangers of asbestos is minimal.

In the course of our investigations we have obtained information from officials from all government agencies that have a role in dealing with asbestos issues and from industry groups. We have visited asbestos sites and spoken with members of the public, asbestos support groups, lawyers representing asbestos victims, and with union representatives. We have concluded that the systems for dealing with asbestos in NSW are ineffective.

The focus of our investigations have been to identify ways to improve the systems in place as opposed to making punitive findings against agencies and individuals. We have noted commendable efforts by certain officials within relevant agencies to come to grips with the issues surrounding asbestos, in particular the efforts by Ms Lisa Hunt, CEO WorkCover to negotiate consistent approaches with other agencies. It seems that efforts by agencies to address the key deficiencies have been hampered by a lack of central planning, fragmented responses to incidents and limiting legislation.

We have noted how NSW Health have historically interacted with other agencies at a technical level and have made continued calls for action in areas like the Woods Reef mine. We are also grateful for the assistance we have received from NSW Health during this investigation, in particular from Professor Wayne Smith, Director, Environmental Health Branch.

**Saving lives in the future**

It is well known that there is a risk of contracting asbestos-related diseases from inhaling asbestos fibres, most significantly from airborne friable asbestos. The majority of asbestos in NSW consists of asbestos bonded with concrete in the form of house cladding and roofs. If damaged these forms of asbestos have the potential to be released into the environment. Hail, storm and fire damaged bonded asbestos can pose a high risk of asbestos exposure as friable asbestos may be released into the environment. Bonded asbestos that has been drilled, sawn or incorrectly removed, such as during home renovations or demolitions, can also pose a risk.

The only way to effectively address the issue of asbestos in NSW is through preventative measures. By their very nature, cancers such as mesothelioma cannot be detected until it is too late, therefore the primary consideration at all sites where asbestos is present, should be to safely remove it. If this is impractical, then in the short term, steps must be taken to protect people from exposure and educate them about the risks.

One way of achieving long-term eradication of the risk of asbestos from our environment is to implement a priority removal program, commencing with NSW Government buildings.

We acknowledge that the amount of asbestos remaining in NSW is immense; however the safe removal of asbestos is the only sure way of reducing the numbers of fatalities caused by asbestos-related diseases. The long-term removal of asbestos from buildings and remediation of sites contaminated by asbestos should be incorporated into a state-wide NSW asbestos plan as a priority.

This report details my concerns about public safety and the way asbestos is dealt with in NSW and makes a number of recommendations relating to systemic issues and reform.

Bruce Barbour
Ombudsman
## Key recommendations

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<td>2. An Asbestos Act be introduced to facilitate effective measures to appropriately address asbestos issues in NSW.</td>
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<td>3. The NSW Government develop a state-wide plan for dealing with asbestos.</td>
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<td>4. Adequate funding be allocated for implementing the state-wide asbestos plan.</td>
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\(^5\) Some of the issues that should be addressed by the ACA include those matters set out in chapter 11 of this report.
Chapter 1.
Asbestos in Australia

1.1. What is asbestos?
Asbestos is the generic term used for a number of silicate minerals with fibrous crystalline structures. For more than 4,500 years naturally occurring fibrous minerals have been used by humans for their flexibility, strength, chemical inertness and insulation qualities. The Romans used asbestos for its flame-retardant and insulation properties by weaving asbestos fibres into fabrics and the Ancient Egyptians also used asbestos to improve durability in their clothes.

The asbestos minerals belong to two distinct mineralogical groups:
- Serpentine, including chrysotile (white asbestos), and
- Amphibole, including amosite (brown asbestos) and crocidolite (blue asbestos), as well as a number of less known types such as tremolite, actinolite and anthophyllite.\(^6\)

Under NSW Occupational Health and Safety legislation, material that contains asbestos is referred to as friable or bonded.

Bonded asbestos material
Bonded asbestos material is any material that contains asbestos in a bonded matrix. It may consist of asbestos mixed with Portland cement or various resins/binders, which cannot be crushed by hand when dry. Asbestos cement products and electrical meter boards in good condition are examples of bonded asbestos material.

Friable asbestos material
Friable asbestos material is any material that contains asbestos and is in the form of a powder, or can be crumbled, pulverized or reduced to powder by hand pressure when dry. Examples of friable asbestos include:
- asbestos cloth and rope
- millboard
- pipe lagging
- boiler lagging, and
- sprayed limpet.

Any asbestos cement products that have been subjected to weathering, or damaged by hail, fire or water blasting, are also considered to be friable asbestos.\(^7\)

1.2. Mining of asbestos in Australia
Asbestos was mined in Australia for over 100 years and Australia was the world’s highest user per capita of asbestos in the 1950’s.\(^8\) Between 1880 and 1889 approximately 47 tonnes of amphiboles were mined at Jones’ Creek, near Gundagai, NSW, and between 1890 and 1899 about 35 tonnes of chrysotile was mined at Anderson’s Creek, Tasmania. South Australia was the first State to mine crocidolite, at Robertstown in 1916.

Throughout the 20th century there was a gradual increase in asbestos production, with more chrysotile than amphiboles mined until 1939. With the commencement of mining at Wittenoom, Western Australia, in 1937, crocidolite dominated production, until final closure in 1966. New South Wales, the first State to mine asbestos, also produced the largest tonnages of chrysotile (until 1983) as well as smaller quantities of amphiboles (until 1949).

---


\(^8\) Leigh, J, Driscoll, T, Malignant Mesothelomia in Australia, 1945–2002.
With the closing of the crocidolite mine at Wittenoom in 1966, Australian asbestos production declined to a pre-1952 level. Exports declined from 1967. Imports of chrysotile also started to decline. The earliest records of asbestos imports date from 1929. The main sources of raw asbestos imports were Canada (chrysotile) and South Africa (crocidolite and amosite).

In NSW, the chrysotile mine at Baryulgil continued production until 1971 when the chrysotile deposits at Woods Reef near Barraba began to be exploited and exports of asbestos fibre expanded as production increased. This operation was open-cast with dry milling. At its height the Woods Reef mine employed some 400 workers.9

Australian production of asbestos fibre decreased in 1981 because of the drop in world demand for asbestos and the increased operating costs at the Woods Reef mine. This mine ceased production in 1983 when the dry milling plant could not meet dust control regulations.

1.3. Use of asbestos in Australia

Asbestos-containing materials were used extensively in Australian buildings and structures, plant and equipment and in ships, trains and motor vehicles during the 1950’s, 1960’s and 1970’s, and some uses, including some friction materials and gaskets, were only discontinued on 31 December 2003.10

In Australia over 60% of all production and 90% of all consumption of asbestos fibre was by the asbestos cement manufacturing industry. From about 1940 to the late 1960’s all three types of asbestos were used in this industry, crocidolite then being phased out. Amosite use in this industry continued until about 1983. Chrysotile was used until about 1987. Much of this industry output remains in service today in the form of fibro houses and water and sewerage piping. By 1954 Australia was number four in the world in gross consumption of asbestos cement products, after the United States of America, the United Kingdom and France. Australia ranked first on a per capita basis.

Between 1945 and 1954, 70,000 asbestos cement houses were built in the State of NSW alone (52% of all houses built). In Australia as a whole, until the 1960’s, 25% of all new housing was clad in asbestos cement.11

Today there are tens of thousands of houses and industrial buildings in NSW that are constructed from materials containing asbestos.

There were also a number of sites within the Sydney metropolitan area which were known to contain asbestos waste left over from asbestos producing facilities operated by James Hardie Industries.

We have been advised by the Department of Environment, Climate Change and Water (DECCW) that they had obtained information from James Hardie related entities about where asbestos materials had been placed in the past. Forty seven sites were identified in the local government areas of Parramatta (29), Fairfield (2), Holroyd (5), Homebush (3), Wingecarribee (1), Liverpool (1) Auburn (3), Blacktown (2) and Baulkham Hills (1).12

The DECCW has taken action to investigate each of the sites and had provided advice to the relevant local councils concerning clean-up, capturing the sites on their property information systems and section 149 planning certificates under the Environmental Planning and Assessment Act 1979.

We also understand that it has been agreed that James Hardie will not be held responsible for asbestos remediation in NSW. It therefore follows that these sites containing asbestos can only be remediated at cost to the current owners or the NSW Government.

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11 Ibid.
12 Department of Environment, Climate Change and Water response dated 15 March 2010.
Chapter 2.
The effects of exposure to asbestos

Every time you walk into an office building, a home, a factory; every time you put your foot on the brake, ride in a train, see a bulldozer at work. Every time you see or do any of those things, the chances are that a product from James Hardie (Asbestos) Group of Companies has a part in it.

John Reid, Chairman of James Hardie Asbestos Ltd. In Hardie Ferodo 1000; A James Hardie Group and Activity Report (1978)

Asbestos is in houses, schools, hospitals, factories and commercial buildings. Asbestos has been used as a reinforcing agent in cement sheeting for walls and roofs; in cement building products, such as tiles, cold water tanks, pipes and gutters; and in insulating board used, among other things, as wall partitions, fire doors, ceiling tiles and electrical switchboards. It was also mixed with cement to make lighter, stronger commercial and domestic building materials such as flat and corrugated sheets for cladding, roofing and fencing, moulded products such as flue pipes, guttering and downpipes, and high and low-pressure pipes for water distribution. Asbestos cement tiles have been used as flooring in larger commercial buildings. The manufacture of asbestos cement sheeting and high-pressure piping ceased in the late 1980’s and houses built since then are unlikely to contain asbestos.

Bonded asbestos materials in Australia typically contain 10–15 per cent asbestos by weight, bound in a cement matrix. Chrysotile is the most commonly used form of asbestos, although asbestos cement products may also contain a small quantity of amosite and/or crocidolite. There may be 3–5 per cent asbestos in fibrocement products manufactured during the phase-out of asbestos in the late 1980’s. The release of fibres from materials such as asbestos cement used for construction is the main potential source of indoor exposure to fibres in domestic premises.

It is also currently not possible to identify how many buildings in NSW contain asbestos. We noted that local councils do not hold data showing which buildings are constructed of asbestos containing materials nor does any other government agency.

It is generally accepted that asbestos poses a very significant health hazard in Australia. Exposure to asbestos fibres is known to cause mesothelioma, asbestosis and lung cancer. While asbestos is relatively safe in a bonded form, asbestos poses a risk to health by inhalation whenever asbestos fibres become airborne and people are exposed to these fibres. Non-friable asbestos containing materials that has been subjected to extensive weathering or deterioration also has a higher potential to release asbestos fibres into the air.

Current scientific literature indicates there is no safe exposure level for asbestos fibres.

Malignant mesothelioma is a cancer of the outer covering of the lung (the pleura) or the abdominal cavity (the peritoneum). It is usually fatal. Mesothelioma is caused by the inhalation of needle-like asbestos fibres deep into the lungs where they can damage mesothelial cells, potentially resulting in cancer.

The latency period is generally between 35 and 40 years, but it may be longer, and the disease is very difficult to detect prior to the onset of illness. Survival rates for mesothelioma in NSW are particularly poor, with only 40% surviving for one year after diagnosis and only 4.5% surviving for five years.

Mesothelioma was once rare, but its incidence is increasing throughout the industrial world as a result of past exposures to asbestos. Australia has the highest reported incidence of mesothelioma in the world.

Lung cancer has been shown to be caused by all types of asbestos. The average latency period of the disease, from the first exposure to asbestos, ranges from 20 to 30 years. Lung cancer symptoms are rarely felt until the disease has developed to an advanced stage.

Asbestosis is a form of lung disease (pneumoconiosis) directly caused by inhaling asbestos fibres, causing a scarring (fibrosis) of the lung tissue which decreases the ability of the lungs to transfer oxygen to the blood. The latency period of asbestosis is generally between 15 and 25 years.

Given the vast numbers of buildings in NSW that are either constructed of bonded asbestos or which contain asbestos products, we sought to establish whether bonded asbestos materials posed a health risk and if so how that was manifested.

At a hearing we conducted, we obtained evidence from Dr James Leigh, a consultant occupational physician who was head of the Epidemiology Unit at the National Occupational Health and Safety Commission from 1998 to 2000. We asked Dr Leigh whether or not there was a safe level of exposure to asbestos, in particular a level above which asbestos-related diseases such as mesothelioma may occur. He answered:

Mesothelioma have been reported in exposures down to one day, quite casual exposures of days or weeks. So the current consensus is that there is no threshold for mesothelioma causation.

Mesothelioma has also been diagnosed where there has been no other exposure apart from during renovations or as a bystander to demolitions. Dr Leigh confirmed the potential for broken, damaged or cut bonded asbestos to result in mesothelioma. He stated:

I'm aware in the Australian Mesothelioma Register in the cases from 1 January of 1986 to 31 December 2001 which was the period that the register operated in its fullest form, there was 71 cases where the only exposure was listed as asbestos dwellings, fences built [or] renovated, in other words people that just did domestic work … using asbestos cement sheeting like the building or renovator. Some of those exposures, I know from giving evidence in Court cases, were quite low, … over just a few days or weeks exposed to cutting asbestos or in some cases exposed to asbestos waste from a building project … or playing on broken asbestos as a child. There’s certainly cases that I’m aware of from exposure due to broken asbestos cement products over a fairly short period.20

While the latency period for mesothelioma may be several decades long, this disease causes a torturous and painful death. The pain and suffering associated with mesothelioma was described by Justice O’Meally of the Dust Diseases Tribunal, where he said:

I have been at the bedside of many men and women dying of mesothelioma. I have seen many people present in court, at their homes, at hospitals and at hospices dying of mesothelioma. It is a dreadful and a devastating disease, accompanied by pain which is uncontrollable. Those who suffer it reach a stage where it is necessary to fight for every breath, with every breath accompanied by pain so dreadful that the only way to avoid it is not to breathe. The choice between breathing and not breathing is no choice at all. Constant and exquisite pain is all that one may expect in the struggle to exist. My own experience is that in 80 to 85 per cent of cases, plaintiffs with mesothelioma reach a stage where they suffer pain which is uncontrollable.21

Additionally the NSW fire brigade advises that asbestos roofs and walls have a tendency to explode when subjected to intense fires. The downwind effects of such events remains unknown as no testing has been done to measure asbestos fibre concentrations emitted in such circumstances.

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20 Provided in evidence before a NSW Ombudsman hearing on 30 September 2008.
Chapter 3.
Community understanding of the dangers of asbestos

We did not know it was dangerous stuff going down into your lungs. It was just rubbish. The same as in a dust storm; you put a handkerchief up to your face; you do not think the dust is poison.

Former Baryulgil asbestos mine worker\textsuperscript{22}

From our research and enquiries it is clear that the public has little or no knowledge about the dangers of asbestos and the types of measures required to handle it safely. This was evidenced during our enquiries into the Wallaga Lake issues where it was clear that the community was poorly informed about asbestos. This extended to individual community members who had been employed demolishing fibro houses in the 1990’s, who seemed to have little understanding of the danger they may have been exposed to.

Although members of the community had been provided with a copy of a consultant’s report which detailed the findings of asbestos testing carried out at the site and advised that the site was safe; the report was complex, full of technical jargon and difficult to understand. Accordingly the report provided little real assistance or practical information for the community.

Many Aboriginal communities in NSW contain fibro houses and buildings that are, in some cases, more than 50 years old. While we have not focused particularly on Aboriginal communities as part of this investigation, we have identified that there is clearly a need for education and public awareness to be provided for these communities in particular, given the heightened risk levels.

More generally, there are several websites containing advice on how to deal with asbestos, such as WorkCover and the Think Asbestos websites, but that information is of little value, or no use where the people do not read the information, do not know how to find it or have no access to computers or the internet.

The Cancer Council of Western Australia conducted a survey of around 2,800 people living in WA. 77% of male and 71% of female respondents stated they had been exposed to asbestos dust or fibres. 11% of males and 10% of females said they had lived near where asbestos was processed or used and a total of 65% of both sexes said that they had been exposed to asbestos in the home.

Of those interviewed only 40% stated they had taken precautions to protect themselves from asbestos in the workplace, of those who lived near where asbestos was processed or used only 10% had taken precautions and only 11% stated they had taken precautions when they had lived near asbestos renovations/demolitions.\textsuperscript{23}

We are concerned by such figures, with about three in four people knowing they have been exposed to some form of asbestos during their lifetime but only about 10% of those exposed to asbestos outside workplaces having taken any precautions to protect themselves.


\textsuperscript{23} Cited in a presentation to the National Asbestos Summit, Sydney, 29 June 2010, by Slevin, T, for the National Research Centre for Asbestos Disease (UWA, Curtin University, Murdoch University).
Chapter 4.
The current regulatory response to asbestos issues

4.1. Coordinating asbestos issues

There is no single government agency in NSW which has the role of coordinating asbestos issues throughout the state. The primary agencies are the Department of Environment, Climate Change and Water (DECCW), which deals with asbestos in various environmental settings and WorkCover, which deals with workplace matters. Local councils are responsible for residential issues, demolitions and developments, while private certifiers coordinate development sites that are exempt or compliant under the State Environmental Planning Policies. These diverse arrangements contribute to confusion amongst members of the public, councils and industry alike.

The manufacture and use of products containing chrysotile asbestos has been prohibited in Australia since 2003 and products containing amphibole variety asbestos have been prohibited since 1984. However, there remains a state-wide legacy of asbestos products in both occupational and non-occupational settings that have not been subjected to an integrated and coordinated regulatory response by government. Some aspects of the regulatory response are thorough, particularly in the occupational environment; however there are significant gaps in other areas. The environmental hazards presented by abandoned asbestos works such as the Woods Reef mine or the damage to or removal of asbestos building products by owner-builders are subject to either patchy or little or no effective regulation.

4.2. The workplace: asbestos as an occupational hazard

In NSW the management of asbestos risk in the workplace is the primary responsibility of WorkCover. This area of risk is closely regulated by the Occupational Health and Safety Act 2000 and, in particular, the Occupational Health and Safety Regulation 2001 (OH&S regulation) imposes strict obligations on employers to identify and manage asbestos risks in the workplace. The OH&S regulation additionally provides a permit/licensing scheme for persons who operate a business involving asbestos removal. However, a person who privately carries out bonded asbestos removal work as an owner-builder is not regulated by the licensing or permit schemes under the OH&S regulation.

This is because these regulatory schemes primarily have application to people who carry on the business of licensed work (clause 318(1) of the OH&S regulation) – that is, a commercial operator. Whilst a commercial operator is required to have a permit for all friable asbestos removal work (of any amount) they are not required to have a licence where the removal work involves less than 10 square metres of bonded asbestos. Permits and licences are matters for which WorkCover is the responsible authority.

By way of contrast, there would seem to be no legislation barring a home owner from privately carrying out removal work involving any amount of bonded asbestos. It also appears that a home owner is not prevented from privately removing friable asbestos. Whilst part 11.2 of chapter 11 of the OH&S regulation prohibits the carrying out of friable asbestos removal work other than by a person who holds a permit and a licence under chapter 10 of the OH&S regulation. It would appear that these provisions apply to workplaces only.

Clearly ordinary citizens cannot be expected to know about the OH&S regulation, or the difference between bonded and friable asbestos, or the requirements for licencing. We have seen from our enquiries how local councils have experienced difficulty in applying the relevant legislation and in understanding who is responsible for regulatory action. This confusion was highlighted by comments made by one council manager who said, ‘There is no clear legislative delineation of responsibility in relation to the governance of asbestos management. This leads working arrangements between agencies to be guided by the knowledge that the individual worker has.’ If it is confusing for councils and they get it wrong, clearly it must be difficult for members of the public to be across the issues and handle asbestos safely.

The transportation and disposal of bonded asbestos is regulated by clause 42 of the Protection of the Environment Operations (Waste) Regulation 2005 and enforced by DECCW. Additionally, DECCW may issue Environment Protection Notices (prevention or clean-up) under chapter 4 of the Protection of the Environment Operations Act (POEO) 1997. For instance, where an owner-builder is carrying out bonded asbestos removal work in such a way as to cause a pollution incident (the term is defined in the Act) then DECCW may issue notices to the occupier to prevent the further carrying on of the work in this manner (s.96 of the Act) and/or to clean up the polluted site (s.91 of the Act).
In particular, clause 42 of the Protection of the Environment Operations (Waste) Regulation has general application to disposal of all asbestos products, whether removed by a commercial operator or an owner-builder. The clause sets out in detail the manner in which asbestos waste is to be transported and disposed of at an authorised landfill site.

Many local councils require, as a condition of any development approval that might involve the carrying out of bonded asbestos removal work, compliance with the relevant codes of asbestos removal. It should be noted, though, that not every development requires council approval. In this regard, the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008, which came into force in February 2009, provides for a complying development to be approved by a private certifier without a development application going before council. The Code, which is intended to simplify the approval process for the construction of standard types of housing, contains only standard conditions for demolition. In contrast, a development application approved by a council can be subject to conditions concerning the safe removal of asbestos products during demolition.

In summary, there are gaps in the legislation and not everyone is prevented from removing bonded and friable asbestos in an unsafe way. We consider this to be a significant public safety issue that requires legislative change making it illegal for anyone to remove any amount of friable asbestos and more than 10m$^2$ of bonded asbestos without a permit. This should apply regardless of the setting i.e. residential, workplace, public, private or Crown land.

### 4.3. The environment: asbestos as a pollutant and public health risk

The management of asbestos risk in the environment is the primary responsibility of DECCW under the POEO Act, although local councils also have powers as a regulatory authority under that Act, particularly in relation to the illegal dumping of asbestos contaminated waste.

In relation to the abandoned asbestos mine site at Woods Reef, there are clear regulatory gaps. Provided that work is being carried out at a mine site, a mining company can be required to rehabilitate and remediate the site under the Mining Act 1992, which is administered by the Department of Industry and Infrastructure (DII). However, Woods Reef is no longer an operating mine site and DII told us:

‘…for abandoned mine sites where no work is being carried out, DII does not have any [regulatory] responsibility.’

Whilst the Woods Reef mine site is eligible for rehabilitation funding under the DII’s Derelict Mines Program, it is not clear to us why the site might not also be dealt with as ‘contaminated land’ for the purposes of the Contaminated Land Management Act 1997. This Act is administered by DECCW and has as its object the remediation of land identified as significantly contaminated.

Where asbestos is a contaminated waste product that requires storage or treatment or presents as a public health risk, the Contaminated Land Management Act and the Public Health Act 1991 (administered by NSW Health) seem to have application. In particular, Part 2 of the Public Health Act provides powers to the Minister for Health to take action in relation to what would seem to be the type of risk to public health posed by asbestos exposure. However, the view of NSW Health is that the focus of the Public Health Act relates to controlling pandemic situations:

‘… in circumstances where there are no other readily available means to deal with the imminent risk to public health [and] the powers in Part 2 of the Public Health Act are not readily applicable to situations in which there is asbestos contamination on land … given that such contamination is unlikely to pose an immediate and acute risk to public health.’

This lack of certainty and responsibility would seem to leave a site such as Woods Reef, although located on Crown land, in a regulatory limbo.
Chapter 5.
Involvement of local councils

5.1. Responsibilities of local councils

Local councils are usually the first point of contact for members of the public seeking information on asbestos, either by phone or via the internet. When we looked at how councils deal with asbestos issues and how they provide information we saw little evidence to suggest the majority have sufficient understanding and appreciation of their role in relation to regulation of asbestos. Indeed, what we saw was very disturbing as it demonstrated an alarming lack of knowledge and interest on the part of many councils.

A number of councils acknowledged confusion in relation to identifying the responsible agency for asbestos incidents and difficulty in clearly distinguishing council responsibilities from other key agencies in particular WorkCover and DECCW. From our enquiries it is clear that such confusion is common and that councils have a poor grasp of the roles and responsibilities of the relevant regulatory agencies, including their own role. One council stated that ‘… there is considerable confusion in the community about which agency deals with asbestos incidents’. Another council stated that ‘… there is no clear delineation of responsibility in relation to the governance of asbestos management. This leads working arrangements between agencies to be guided by the knowledge that the individual worker has’. Only one council indicated a working relationship, formalised in a ‘statement of alliance’, with another agency – in this case WorkCover.

Confusion in regard to the legislative framework for asbestos has significant implications for the capacity of councils to effectively fulfil their regulatory responsibilities in this area. As an authority under the Protection of the Environment Operations Act and Environmental Planning and Assessment Act for asbestos incidents on public land which are not the responsibility of DECCW, councils have responsibilities for a wide range of asbestos-related activities. Those include building construction and demolition, activities in relation to residential properties, commercial sites and the illegal dumping of asbestos.

In their formal response to this investigation one council stated that ‘Council does not see it as its role or responsibility to facilitate clean up and removal of this material’, while another suggested that the role of council in ensuring that correct procedures were followed in regard to asbestos was minor, ‘… as a general rule the owners of properties are well educated and they know they have to do this’.

Local councils also have important responsibilities for ensuring that the public are adequately informed about asbestos-related matters, including the provision of information relating to the dangers of asbestos, health and safety standards, licensing, certifying and legislative requirements, and reference to the various asbestos-related codes of practices and guidelines. This function is important in regard to the range of unregulated activities involving asbestos, from home handyman renovations to the illegal removal and disposal of asbestos, which constitute a significant risk to public health and safety. Many of these activities occur due to a lack of public awareness in regard to the presence of asbestos in domestic dwellings and the dangers of exposure to asbestos.

Overall we have found that asbestos is being dealt with in home renovations and on development and demolition sites without proper oversight by councils or any other regulatory agency.

5.2. Council websites

As part of our investigation, the websites of all the 152 councils across NSW were reviewed in order to assess the extent to which they were providing asbestos-related information to their local community.

We were concerned to see that there was no consistency in the information that was provided to the public. We observed that many of the websites contained:

- • advice to members of the public that they can remove asbestos with no stipulation that there is in fact a legal requirement for a licenced person to remove bonded or friable asbestos in specified circumstances
- • out of date information stating it is acceptable to remove up to 200m² of bonded asbestos without a licence
- • no information detailing the dangers of friable or damaged bonded asbestos
- • little or no advice about mandatory licencing requirements for the removal of asbestos
- • no information concerning demolition work and the requirement to obtain approvals from WorkCover NSW and council
no information showing how compliance and enforcement action can or will be taken against those who fail to deal with asbestos appropriately, and

no council policy for dealing with asbestos.

Our review of council websites found that 53% made no reference at all to asbestos. Of the 47% that contained some reference to asbestos issues, in a significant proportion of cases this consisted of little more than a direction to visit the websites of other authorities. Only 34% provided any policy information in regard to asbestos and only 22% provided correct advice concerning asbestos removal licencing requirements.

We also found that many council websites incorrectly advised people to contact WorkCover for information about asbestos issues that were not workplace related. This indicated to us that there is widespread misunderstanding of councils’ jurisdiction and responsibilities.

We wrote to all councils suggesting they conduct reviews of their websites to ensure the information they were providing complied with relevant legislation and asbestos-related information including:

- councils roles and responsibilities in relation to asbestos
- licencing requirements for asbestos removals
- local council requirements for demolitions and renovations of buildings containing asbestos
- council regulatory measures in place to ensure compliance when demolitions and development are carried out, and
- links to relevant government websites containing up to date information on dealing with asbestos.

The majority of councils responded positively and amended their websites and policies accordingly. Disappointingly, some still held the view that asbestos was not their responsibility but that of DECCW or WorkCover.

5.3. Holroyd Council

In the course of our enquiries we have identified several local councils who have excellent policies, practices and procedures in place for dealing with asbestos. We have been particularly impressed with the way Holroyd Council has introduced comprehensive asbestos policies. In addition we noted how Holroyd have implemented public awareness information sessions and have lobbied for improvements in the way asbestos is dealt with.

Holroyd Council has also provided input to the Asbestos Co-regulators Working Group (see chapter 11) as an invited party. This has provided the working group with a much needed local council perspective.
Chapter 6.
Woods Reef abandoned mine

6.1. Asbestos at the mine

Asbestos was mined in NSW from the 1890’s until 1983 when the only remaining asbestos mine at Woods Reef near Barraba was closed down. The Woods Reef mine exemplifies the serious challenges facing NSW in relation to the management of asbestos, including a lack of responsibility for the site and the scale of the problem.

The Woods Reef mine site is situated approximately 20 km north east of the Barraba township. Mining has occurred at Woods Reef since asbestos was discovered in the region of the Peel Fault system in the early 1900’s. The large scale mining operations were conducted by the Chrysotile Mining Corporation of Australia between 1972 and 1983. During the period the mine was in operation around 500,000 tonnes of chrysotile asbestos was produced. At its height the Woods Reef mine employed some 400 workers. The entire mining area, including tailings and over burden stockpiles covers approximately 400 hectares.

The Woods Reef mine is the only known asbestos mine site in NSW which has yet to be remediated. With the failure of the mine in 1983, the then owners abandoned the site and it later became part of the Derelict Mines Program (DMP) administered by the Department of Industry and Investment (DII). While the DII manages the site under the DMP, as we have previously stated there is no government agency that has a legislative responsibility for the site.

The Woods Reef site includes an abandoned eight story building where the processing of asbestos occurred when the site was operating (see Photo 1). The building is in a severe state of disrepair, is deteriorating rapidly and is heavily contaminated with 100% friable asbestos fibres.

Photo 1. Abandoned mill house.

24 Department of Industry and Investment submission dated 2 August 2010.
There are four mining pits at the site which remain open and unfenced and contain water. The largest of those pits is approximately 500m wide, 1km long and 150m deep to the surface of the water.

To the south of the mill house is a mound of asbestos tailings reaching a height of some 75m which is said to contain approximately 24 million tonnes of fine tailings (see photo 2). There are three separate waste rock dumps located around the open pits. Together these dumps contain 75 million tonnes of rock.  


**Photo 2. Asbestos tailings mound. Crow Mountain Road can be seen in the foreground.**

An unsealed road (Crow Mountain Road) divides the rock tailings, the mill house and the asbestos tailings mound. The public has access to this road and it is used regularly by several neighbouring properties.

While the mine site has been fenced off to a certain degree, the site can be entered from a number of other points which are not fenced. It should also be noted that the asbestos tailing mounds are only partially fenced and access can be gained by entering from neighbouring private properties.

Assessments of the environmental issues at the Woods Reef site began as far back as 1985. Since that time there have been numerous studies, reviews and proposals provided to government to address the environmental issues. To date there has been minimal remediation work at the site, with the exception of the following:

- In 1998/99 $500,000 was spent on fencing, air monitoring testing, sediment/erosion controls, detailed costings and revegetation trials.
- In 2004 $200,000 was expended on sediment and erosion control works.

In 1997 a consultancy firm undertook a risk assessment of the Woods Reef site. They assessed the risks associated with the inhalation of asbestos as generally low – low for residents of Barraba and medium for residents near the mine or downstream watercourses and for regular users of Crow Mountain Road. This assessment was undertaken at a time when asbestos products were still widely used in Australia and before all forms of asbestos including chrysotile were finally banned in December 2003. Even then (1997) it was deemed that the asbestos was a risk to the public and the environment.
While we acknowledge that such a large scale clean up may prove difficult and costly, the community should be concerned about the failure on the part of relevant agencies and successive governments to take effective action since the mine closed in 1983. In the short term the mine site must be properly quarantined and secured to prevent public access, a plan for remediation developed and decisions made concerning the timing of remediation works. The DMP has responsibility for in excess of 500 derelict sites within NSW. Funding for the entire program is currently set at $1.9 million per annum. Clearly this is inadequate to carry out remediation at Woods Reef on the scale necessary, let alone any other sites.

In 2005 the consultancy firm Parsons Brinkerhoff was engaged by the then Department of Mineral Resources to prepare a tender specification for the demolition of the mill building and to review methods, permits and licences required for the disposal of the asbestos waste products (building materials and raw fibres) on site. They made a number of recommendations which included the removal of the buildings and processed asbestos left on site.28

In 2009 the DII submitted a proposal to government for funding to remove the buildings and processed asbestos. That proposal amounted to $5.5 million to carry out the critical removal of buildings and friable asbestos waste. Funding was not approved in the 2010–2011 budget.

We note that most of the studies into the mine conducted by or on behalf of government have focused on accepting the risk of people becoming exposed to asbestos on the basis that it was deemed a low risk.29 The acceptance of risk on behalf of workers and members of the public, where there is no safe exposure level, without taking action to prevent exposures is of serious concern.

6.2. Local community awareness of the problem

When one of my officers inspected the Woods Reef mine site he spoke with some members of the Barraba community. He found there was generally a lack of awareness about the seriousness of asbestos exposures and indeed one local voiced the opinion that:

*It’s a shame to see such a good product going to waste.*

He met with a person who worked at the site in the late 1970’s and admitted to entering the site regularly and taking tourists there as it was considered a local attraction. We remain concerned about how unimpeded access to the site is being permitted, potentially exposing members of the local community and outsiders to asbestos.

During our investigation, we noticed that the Area Health Service at Barraba had the mine listed on their website as a local attraction stating:

*The Woods Reef asbestos mine is closed but can be viewed from the road.*

After we voiced our concerns to the Department of Health, that website entry was removed.

We were gravely concerned to learn that the mine site has been treated as a tourist attraction by members of the local community and many of them appear to be ill informed about the real dangers of exposure to asbestos. This general lack of understanding in the Barraba community needs to be addressed as a priority through a properly structured public awareness campaign.


Chapter 7.
The asbestos industry in NSW

7.1. Licencing of asbestos removalists
Asbestos removalists are licenced through WorkCover in accordance with the requirements of the Occupational Health and Safety Act 2000. There are two types of asbestos specific licences which are designated as ASA and ASB licences:

- ASA licences the operator to carry out work with friable and bonded asbestos.
- ASB licences the operator to carry out work with bonded asbestos only.

According to WorkCover figures there are some 106 ASA licences and 1230 ASB licences current in NSW.  

7.2. Training required to obtain an asbestos removal licence
The OH&S regulation requires a licence for the removal of bonded or friable asbestos by a commercial operator, with some exceptions. Applicants for licences must complete a training course recognised by WorkCover to obtain a licence.

The bonded asbestos courses are delivered by organisations such as TAFE, Master Builders Association, Housing Industry Association, Local Government Training Institute and the Asbestos Removal Contractors Association.

Friable asbestos training courses are only conducted by Miller TAFE in NSW. The course is of two days duration. The course covers both bonded and friable removal work, including conducting risk assessments, preparing safe work statements and all aspects of asbestos encapsulation, safe removal, setting up of decontamination units, ongoing monitoring and clearance checking. The course is targeted at workers involved in the removal of friable asbestos.

7.3. Occupational hygienists
Probably the most crucial members of the asbestos industry in NSW are occupational hygienists. It is their role to attend sites, conduct testing and provide clearances declaring a site is safe and free from contaminants such as asbestos. There are no regulatory requirements or oversight of whether they are adequately qualified and experienced to carry out these tasks. Asbestos removalists, developers, government agencies and individuals often rely on occupational hygienists’ reports to ensure asbestos is dealt with appropriately.

While WorkCover recommends the services of hygienists accredited by the Australian Institute of Occupational Hygienists (AIOH), there is no legislation making this mandatory. Given the importance of this work, it seems extraordinary that any person can claim to be an occupational hygienist and engage in assessment and testing at asbestos sites without having any formal qualifications or certification.

AIOH holds concerns for unqualified people acting as hygienists and the possible consequences:

A major concern of the AIOH is that there are many individuals claiming to be occupational hygienists, with no formal background in the area. It is not uncommon to see consulting companies offering services in occupational hygiene, despite having no known expertise as occupational hygienists. The consequence of unqualified, untrained and uninformed personnel advising employers on the management of health hazards in the workplace should be the cause of significant concern to all parties engaged in OH&S legislation.

AIOH recommended that consideration be given to the recognition of professionally qualified OH&S practitioners to ensure employers and employees are not subjected to unethical, inappropriate or incorrect advice.

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30 Figures provided by WorkCover and correct as at 31 August 2010.
31 WorkCover submission dated 15 March 2010.
32 Australian Institute of Occupational Hygienists submission to the National Review into Model OHS Laws dated 10 July 2008.
33 Ibid.
We have previously recommended to WorkCover that hygienists be licenced and regulated by WorkCover and that they should be required to hold qualifications laid down by the AIOH for membership. WorkCover has advised they have taken this recommendation to the Safework Australia forums for inclusion in the national harmonisation of occupational health and safety laws, which is a federal government initiative. Whether or not the other states and territories agree to licencing and regulating hygienists, we believe introducing such a scheme in NSW will improve the handling of asbestos and has the potential to save lives by ensuring hygienists are properly qualified and experienced in dealing with asbestos sites.

While we understand the difficulties in training and qualifying occupational hygienists to the required standards, their role at asbestos sites is pivotal in protecting workers and the public from exposure. Effective training, licencing and monitoring would at least provide standards for the industry to abide by. The current situation where any person can engage in work with asbestos as an occupational hygienist without qualifications or regulation is of serious concern, regardless of whether most other jurisdictions in Australia operate the same way.
Chapter 8.  
Management of asbestos in other states

To eliminate deadly asbestos-related disease in Australia we must decrease and eventually eliminate all exposures to asbestos. To achieve that, governments and the community generally must adopt programs to safely and systematically remove Asbestos Containing Materials (ACMs) from the built environment.34

8.1.  Comparison with other states/jurisdictions

All other states and territories of Australia have some form of licencing controls relating to asbestos removalists. However as in NSW, there is little or no regulation for occupational hygienists or competent persons who are responsible for testing on sites and deeming them free from contaminants.

While there are some significant variations in the way asbestos is dealt with throughout Australia, we noted that generally, with the exception of Tasmania, the Australian Capital Territory (ACT) and South Australia, it appears there are no plans to address the issues on a state-wide basis.

Tasmania

Tasmania recently introduced several changes to how asbestos is dealt within that state, by setting up a government asbestos unit and introducing changes relating to asbestos removal in particular.

In the 2010-11 Tasmanian budget, the government announced the establishment of an Asbestos Unit, which will initially investigate the registration and prioritised removal of asbestos in Tasmania.35

ACT

In 2004 the ACT Government conducted extensive surveys and research into asbestos in private residences and non residential buildings in the ACT and developed a system of regulating the asbestos industry which exceeded all other Australian jurisdictions.

They also introduced significant changes to asbestos laws. Of interest was the ACT approach to licencing of people to inspect sites containing asbestos.36 The ACT Government identified the need to licence ‘asbestos assessors’ and require assessors to undergo training and have mandatory qualifications.

The ACT legislation also requires property vendors to provide an asbestos certificate or asbestos advice to purchasers as part of the sale process.

The ACT model is one that may be suitable for NSW, especially as it relates to licencing of assessors and vendor disclosure. We accept that the ACT is a great deal smaller than NSW and the imposition of controls on hygienists would have a significant impact. Nonetheless we believe the system has potential to be applied in NSW.

South Australia (SA)

In 2008 the SA Government released a plan titled the South Australian Asbestos Safety Action Plan. In his foreword to that plan the SA Premier said:

The South Australian Asbestos Safety Action Plan outlines the State Government’s commitment to reducing death and illness resulting from asbestos-related diseases.37

The plan has been coordinated and led by SafeWork SA, and developed in partnership with key government agencies, local government authorities, industry representatives, unions, the Asbestos Advisory Committee, the Asbestos Victims Association and Asbestos Diseases Society SA.

The SA plan is an excellent initiative and we note that it contains processes for identifying actions and responsibilities at various levels and, importantly, is signed off by the Premier and relevant ministers.

34 National Declaration: Towards Australian Safe Asbestos Free Environment (SAFE) agreed to at the National Asbestos Summit, Sydney, 29 June 2010.
36 Asbestos Management in the ACT, Report by the ACT Asbestos Task Force, August 2005.
Chapter 9.
Asbestos Co-regulators Working Group

Arising out of our enquiries into the central coast warehouse incident the CEO of WorkCover formed an Asbestos Co-regulators Working Group (ACWG).

The ACWG was established with the approval of the Minister for Finance:

… as a mechanism to clarify existing roles and responsibilities, identify potential policy or operational gaps and to use the forum as a means of sharing information about agencies initiatives.38

Members of the ACWG include:

- DECCW
- WorkCover
- Department of Premier and Cabinet
- Department of Planning
- Workers Compensation Dust Diseases Board, and
- other agencies with asbestos responsibilities.

We consider this to be an excellent initiative and an important way for the various agencies to identify key issues and provide consistent approaches to dealing with asbestos.

Terms of Reference for the ACWG are:

To provide high-level input to:

- clarify roles and responsibilities for the management of asbestos issues
- identify potential issues and unintended consequences arising from the legislative framework and contribute to the development of options to address any policy or operational gaps
- provide technical and policy advice on the operations of the agencies’ legislative obligations as they relate to asbestos, and
- promote the exchange and deliberation of each agencies’ interventions, projects and communications regarding asbestos matters.

The terms of reference also lists key challenges for the relevant agencies which are to:

- identify barriers that adversely influence the interagency coordination of asbestos issues and consider opportunities to positively drive improved cooperation between agencies
- consider and provide constructive feedback and guidance on a range of available options for improving the effectiveness of the management of asbestos matters in New South Wales, and
- foster a cooperative and consultative environment in which consensus can be reached on key issues.

ACWG meetings commenced in March 2010 and WorkCover invited a representative of this office to attend the sessions as an observer. The final outcomes from the ACWG are due to be reported in March 2011.

WorkCover is to be commended for the efforts they have made to bring together all of the key agencies in an attempt to gain consensus on the most suitable approach to asbestos issues. In particular we have been impressed with the contributions made by the working group chair Mr Peter Dunphy, Director, Specialist Services Group, WorkCover NSW, who has been the catalyst for effective exchange of ideas and concepts within the ACWG.

We will continue to observe the workings of the group and look forward to seeing their final report.

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38 Letter from the CEO WorkCover to the Ombudsman dated 11 March 2010.
Chapter 10. Conclusion

Looking back in the light of present knowledge, it is impossible not to feel that opportunities for discovery and prevention of asbestos disease were badly missed.

Thomas Legge, ex Chief Medical Inspector of Factories [UK], in Industrial Maladies, 1934.39

Whilst the NSW public have the right to expect that government agencies will respond appropriately to environmental health hazards such as asbestos, methods for dealing with asbestos across the whole of government have been disjointed, ad hoc and confusing. There are no laws preventing home owners from demolishing asbestos buildings, asbestos is dumped illegally on public and private land; awareness of the dangers of asbestos seems minimal, and tens of thousands of fibro buildings constructed in the 20th century continue to deteriorate and be renovated or demolished.

There must be carefully considered and appropriate action on asbestos in NSW that tackles these difficult issues. Preventing exposures to asbestos by implementing a comprehensive government plan, introducing an effective coordination scheme, addressing the legislative deficiencies and adequately funding asbestos remediation are key control strategies that must be given the priority they deserve.

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Chapter 11.
The way ahead

11.1. NSW needs a coordinating authority which is responsible for asbestos

Recommendation:
An Asbestos Coordination Authority (ACA) be established and adequately funded.

We have found that there is general confusion across agencies, in particular local councils, about exactly what their responsibilities are in relation to asbestos. In addition there are a number of legislative deficiencies which together make it very difficult for those who deal with the public to provide clear and concise advice and directions.

We understand the Australian Council of Trade Unions has called for a national asbestos unit to coordinate asbestos issues. We support this but we would add that there is a pressing need to resolve the systemic problems in NSW. Widespread confusion and insufficient expertise at many levels are symptoms of a system that is not working.

Given the consequences of indecision and prevarication we have seen in relation to asbestos incidents, we believe the only way to ensure there is proper commitment to solving asbestos problems is to have one body responsible for the oversight of all asbestos matters in NSW. This would alleviate the current unacceptable level of confusion about responsibility and should provide consistent clear directions to government agencies, industry and the public.

NSW needs a body that is charged with coordinating the activities of government agencies in relation to all aspects of asbestos regulation, remediation, training, industry oversight and public awareness.

To be effective such an authority needs to be adequately resourced and staffed by people trained and qualified in asbestos issues. In addition the authority should provide a single point of contact to the public for information concerning asbestos. Ideally the authority should also be responsible for reviewing asbestos legislation, providing oversight to agencies and have a training development function.

The ACA could form part of an existing agency with expertise in dealing with asbestos such as, DECCW or WorkCover. Alternatively it may be appropriate for the ACA to be a stand-alone body with its own board of management.

Funding for the authority should be new funding and not simply re-allocated from other areas. The success of the authority will be dependent upon the adequacy and security of that funding.

11.2. NSW needs an Asbestos Act

Recommendation:
An Asbestos Act be introduced to facilitate effective measures to appropriately address asbestos issues in NSW.

The gaps in legislation concerning asbestos need to be addressed and relevant legislation needs to be consolidated into a single stand-alone Act and regulation. It is important that the legislation encompasses asbestos in all environments, including workplaces, residential settings and private, public and Crown land.
11.3. **A plan for asbestos in NSW**

**Recommendation:**

The NSW Government develop a state-wide plan for dealing with asbestos.

There needs to be a whole of government approach to the problem of asbestos in NSW. A state-wide plan for the management and future eradication of asbestos should be developed as a priority. Ideally those measures should be incorporated into the current State Plan under the Green State initiatives.\(^40\)

We acknowledge the problem is immense and in some instances costly to resolve, however the problem(s) we describe are not going away and a proper long-term response is overdue. We accept there are technical difficulties in removing asbestos and that it is safer for the environment in many instances to leave it in situ, but there remains the possibility of life threatening asbestos-related diseases being contracted from buildings that are ageing and deteriorating and from unsafe practices during renovations and demolitions.

We note that the Australian Council of Trade Unions has approached the federal government with a proposal to have all asbestos in Australia removed by 2030.\(^41\) Whether or not that timeframe is feasible remains a point of contention, but the proposal has rightly identified the need for a proper plan for the complete eradication of asbestos at a future date.

NSW should consult with the Commonwealth about these issues; but nonetheless develop its own clear plan of action.

We consider the SA Asbestos Safety Action Plan to be an example of the sort of government plan that is required to address asbestos issues in NSW. We are also of the belief that the collaborative approach involving agencies, industry and the public should be taken up by NSW.

A NSW plan should be developed in consultation with industry, government agencies, asbestos victims groups and the public. The first step in this process should be widespread consultations amongst all interested parties with a view to providing the people of NSW with a coherent workable plan for dealing with asbestos.

There are many government buildings that still contain asbestos, including schools and other buildings used by the public. The NSW government asbestos plan should include plans for the prioritised removal of asbestos from all government buildings and should include a future date for this action to be complete.

11.4. **The asbestos problem must be adequately funded**

**Recommendation:**

Adequate funding be allocated for implementing the state-wide asbestos plan.

We understand that each year in excess of 200,000 tonnes of asbestos-related waste is processed through disposal facilities in NSW. This waste attracts a levy of up to $70 per tonne. We have seen no evidence that any appreciable portion of these funds is dedicated to addressing asbestos issues. We believe that funds generated by the imposition of the levy on asbestos waste could potentially be utilised to fund the implementation of the ACA and towards the costs of asbestos remediation.

It is essential that the remedial action proposed is properly funded and resourced. Some of the matters we have raised require urgent government attention to reduce the risk of people becoming exposed to asbestos and developing life threatening diseases. For this reason alone such matters should receive priority.

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\(^40\) NSW Government State Plan, 2010.

\(^41\) National Declaration: Towards Australian Safe Asbestos Free Environment (SAFE) agreed to at the National Asbestos Summit, Sydney, 29 June 2010.
11.5. The Woods Reef Mine

Recommendation:
Funding be allocated for the $5.5 million remediation project at the Woods Reef mine sought by the Department of Industry and Investment in 2009.

Initial remediation steps that should be taken as a matter of urgency include removing the derelict buildings and equipment, closing Crow Mountain Road to public access and implementing proper security measures to prevent access to the site.

There also needs to be a long-term plan developed for remediation of the site.

11.6. Community awareness program

Recommendation:
Government develop a comprehensive public awareness program for asbestos for all sections of the community.

There must be a coordinated approach to providing asbestos awareness information to members of all communities in NSW, which is not just confined to electronic media sources. People have the right to know where asbestos is and how they can reduce the likelihood of becoming exposed. There needs to be a comprehensive community awareness program developed and delivered throughout NSW. This could be developed by the government or by the new Asbestos Co-ordinating Authority.

11.7. Division of Local Government of the Department of Premier and Cabinet

Recommendation:
The Chief Executive of the Division of Local Government issue a model asbestos policy to all NSW councils.

The Department of Premier and Cabinet’s Division of Local Government has a responsibility to provide guidelines to councils in NSW in accordance with s.23A of the Local Government Act 1993, which provides that, ‘… the Director-General [Chief Executive of the Division of Local Government] may from time to time prepare, adopt or vary guidelines relating to the exercise by a council of any of its functions.’

Section 23A also stipulates that:

(3) A council must take any relevant guidelines issued under this section into consideration before exercising any of its functions.

There is an unacceptable level of non compliance, confusion and misunderstanding about asbestos within councils in NSW. The Division of Local Government has a responsibility to provide consistent guidelines to councils for dealing with asbestos.

Considering the potential for asbestos to be dealt with or disposed of in unsafe ways, consistent council policies must be introduced as a priority across all local government areas.
11.8. Identifying asbestos in residences

**Recommendation:**
Consideration be given to the introduction of vendor disclosure laws making it mandatory for property vendors to provide certification of the presence of asbestos in buildings.

Current OH&S regulations require workplaces to maintain an Asbestos Register detailing the location of all asbestos on site. No such requirement applies for private dwellings and there is no requirement for a purchaser or occupier of a residence in NSW to be informed where asbestos may be in a building. We consider this to be a serious safety issue and suggest that occupants, owners and purchasers have a right to know where asbestos is located and to be assured that there is no danger to their health.

The introduction of a scheme to certify the presence or otherwise of asbestos in a building constructed before 1987 (the year asbestos ceased being used in construction) would provide important information to all parties. Ideally such a scheme would ensure that the purchaser and occupier of a residence are provided with a certificate compiled by a qualified person who identifies the location and types of asbestos present in any building. That certificate could be provided to the purchaser when a property is sold as part of the vendor disclosure requirements. Copies should also be provided to incoming tenants.

Certificates obtained during the sale of a property could also be lodged with the relevant local council. This will allow councils to build up records of asbestos in their areas of responsibility and may help to assist in ensuring compliance with asbestos-related legislation.

Introducing an asbestos reporting scheme has the potential to reduce the number of people exposed to asbestos in residential settings and thereby save lives.

Government should consider similar schemes in operation in other states and consult with all relevant parties to assist in making a decision about whether to implement a scheme in NSW.

11.9. Government response

Given the seriousness of the issues raised in this report, I recommend that the Premier advise the NSW Parliament within six months of the date of this report of the actions taken or proposed by government in responding to my recommendations.
WORK HEALTH & SAFETY HARMONISATION GAP ANALYSIS

BLUE MOUNTAINS CITY COUNCIL

April 2012
CONTENTS

1. Executive Summary 1
2. Findings and Recommendations 4

Willis Australia Limited Consultant: Daniel McConville
Audit Date: 22nd & 23rd February 2012
Conferred with: Trevor Anderson
Program Leader Work Place Safety and Risk – Blue Mountains City Council
Stuart Liddell Risk Manager – Blue Mountains City Council

REPORT ISSUE:

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<tr>
<td>April 12</td>
<td>1</td>
<td>Blue Mountains City Council - WHS Harmonisation Gap Analysis Report</td>
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1. **EXECUTIVE SUMMARY**

The Blue Mountains local government area covers 143,000 hectares of land in the Greater Sydney Region. About 70 per cent of the area is incorporated into the World Heritage Blue Mountains National Park, with approximately 11 per cent of the total land area in private ownership and available for domestic settlement. The resident population for the Blue Mountains in the year 2006 was 73,084 people who lived in, or in the vicinity of the 27 towns and villages.

Blue Mountains City Council has 12 Councillors (including the Mayor who is elected by the Councillors), representing 4 Wards within the City. The General Manager is appointed by the Council to manage the administration of the Council and in turn, the General Manager appoints staff within Council.

Council has actively responded to the new Integrated Planning and Reporting Reforms for NSW Local Government. These reforms require all council's in NSW to adopt a strong sustainability focus with at least a 10 year strategic business planning framework relative to their Local Government Areas and the activities of the Council.

The Blue Mountains City Council (BMCC) engaged the services of Willis Australia Limited (Willis) to perform a Gap Analysis of their current Occupational Health and Safety (OHS) Practices against the new Work Health and Safety Legislation, which was enacted on the 1st of January 2012. Willis conducted the audit over two days. This included a detailed review of existing OHS documentation maintained by BMCC and verification site inspections of the City Council offices and Springwood depot.

An entry meeting was held with Trevor Anderson, Program Leader Workplace Safety & Risk, where an outline of the gap analysis was discussed.

To create an understanding of BMCC’s operations, the current BMCC Occupational Health and Safety Management System (OHSMS) documentation was provided and the review was completed with the assistance of and in consultation with Trevor Anderson, Program Leader Workplace Safety & Risk.

The site is well maintained and BMCC has a documented OHSMS in place, however the management system has not been certified to Australian Standard AS4801. The current management system covers a number of elements outlined in AS4801, including OHS Policy and Commitment, Planning and Implementation. In addition, OHS information is readily available and the OHSMS is centrally located to ensure OHS management principles are consistently applied.
BMCC has a list of protocols however no policies are in place. The Workplace Health and Safety (WHS) protocol makes reference to Officers of the organisation, including their roles and responsibilities. The WHS protocol demonstrates commitment to continued improvement. The WHS protocol is in place and has been authorised by the Governance and Risk Steering Group (G&RSG), however there is no revision date on the protocol.

There were a number of high risks identified on the day of the inspection. The high risk areas relate to:

- Management of asbestos
- Control of contractors
- Emergency preparedness
- Asbestos Management

An asbestos survey has not been conducted within BMCC in the last 5 years. It was reported that a survey had previously been undertaken, however results of the survey could not be located at the time of the audit and therefore the status could not be confirmed. The Sydney Anglican Diocese has conducted an asbestos survey on buildings that they occupy within the Springwood Parish (14th July 2010). It was reported that the results of the last survey may be held within the Assets department; however this could not be verified on the day of the inspection. This represents a significant risk to BMCC and it is recommended that an asbestos survey is conducted on all buildings which have been constructed prior 2000.

All contractors are managed by Assets department. It could not be verified on the day of the inspection if certificates of currency or Public Liability/Professional Indemnity insurance certificates have been reviewed prior to work commencing. In addition it was not clear if written contracts have been signed between the contractor and BMCC.

The submission of contractor safety plans prior to work commencing could not be verified on the day of the inspection. It was reported that preferred contractors are used to undertake works, however what information the contractor is required to provide prior to becoming preferred was not sighted and therefore could not be verified. Similar contractor information could not be provided for Safe Work Method Statements (SWMS) or inductions. This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans and SWMS have been provided and maintained. Furthermore, there should be an annual internal audit conducted on the Contractor Management System.

The other high risk relates to emergency preparedness, in particular site emergency plans and emergency evacuation drills. Although the requirement for BMCC to prepare, maintain and implement an emergency plan does not commence in New South Wales until 1 January 2013, there are implications by not having site plans updated, particularly as they have previously been developed and implemented. Site plans are not developed or displayed in a number of BMCC controlled workplaces.

Emergency drills are written into the plan, however they are not conducted in accordance with any schedule, standard or Regulation. This also has serious implications for BMCC particularly if an evacuation was required.

BMCC has an internal auditor based at Katoomba. An internal audit process has been written however this has not been followed. Consideration should be given to utilising the skills of the auditor to conduct internal audits throughout the organisation. This would reduce the auditing responsibilities of the Supervisors and Managers and would achieve a more consistent result.
Whilst the above summarised the key risks/ gaps identified during the onsite review, a summary of other findings is presented hereunder;

The above chart outlines the trend in WHS actions. Of the 186 actions identified, 7 are high 48 and medium and 131 are low priority.

Based on the BMCC wanting to confirm their commitment to WHS, the above trending will continue to be monitored by the Councillors of BMCC to ensure an ongoing improvement and commitment to WHS.
# 2. FINDINGS AND RECOMMENDATIONS

## SECTION 1: OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEM

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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<th>REVIEW COMMENTS</th>
<th>DOCUMENTATION</th>
<th>RECOMMENDATIONS</th>
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**A Work Health & Safety (WHS) policy is in place and signed by the CEO.**

The policy:
- a) stipulates compliance of Officers with legislative due diligence requirements
- b) is appropriate to the nature and scale of the organisation’s health and safety risks;
- c) states overall health and safety objectives and targets; and
- d) demonstrates a commitment to the continued improvement of health and safety performance
- e) is displayed on employee noticeboard and in the entrance foyer

<table>
<thead>
<tr>
<th>1.1.1</th>
<th>Low</th>
<th>Blue Mountains City Council (BMCC) has a list of protocols and not policies. The Workplace Health and Safety (WHS) protocol makes reference to Officers of the organisation, including their roles and responsibilities.</th>
<th>WHS Protocol &amp; WHS Risk Management Protocol</th>
<th>It is recommended that a revision date is added onto the existing WHS protocol.</th>
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<tr>
<td>1.1.2</td>
<td>Low</td>
<td>Roles and responsibilities and accountabilities have been set out in the BMCC WHS protocol. In addition, position descriptions were cited for the General Manager and Coordinator - Roads East. WHS responsibilities are included in the position description under; General Work Requirements.</td>
<td>Retro-Paid-Loss Premium Calculation Method application</td>
<td>Nil</td>
</tr>
</tbody>
</table>

WHS roles, responsibilities and accountabilities are:
- a) set via position description.
- b) specified in the WHS Manual or Work Instructions
- c) Contract/tender documents
- d) organisational structure or chart

**WHS Protocol & WHS Risk Management Protocol**

It is recommended that a revision date is added onto the existing WHS protocol.
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<th>DOCUMENTATION</th>
<th>RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>A documented WHS Management System is in place and reflects a known standard; i.e. Australian Standard 4804 and 4801.</td>
<td>1.1.3</td>
<td>Medium</td>
<td>A documented health and safety management system is in place however the management system has not been certified to Australian Standard AS4801. A total review of the BMCC Occupational Health and Safety Program Guidelines has not been undertaken since May 2007. The current management system covers a number of elements outlined in a AS4801, including WHS protocol, Planning and Implementation, document and data control and Hazard Identification.</td>
<td>BMCC Occupational Health and Safety Program Guidelines</td>
<td>BMCC should consider further updating their existing management system to reflect the recommendations provided within this report. In addition the BMCC Occupational Health and Safety Program Guidelines should be reviewed every two years, in accordance with BMCC-SPP-21 Continuous Improvement Review.</td>
</tr>
<tr>
<td>A document control procedure exists which ensures; a) all documents are dated and authorised; b) all document versions are numbered; c) all draft documents are appropriately identified</td>
<td>1.1.4</td>
<td>Low</td>
<td>A document and data control procedure exists in the BMCC Occupational Health and Safety Program Guidelines (Section 4.5) Documents have version control including document title, Issue No. and date of issue.</td>
<td>BMCC Occupational Health and Safety Program Guidelines</td>
<td>Nil</td>
</tr>
<tr>
<td>Electronic storage of all WHS documentation is in a dedicated folder or database and available to all staff via the organisation intranet.</td>
<td>1.1.5</td>
<td>Low</td>
<td>Storage of all OHS documentation is in both electronic and hard copy formats and workers have access to the intranet.</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Paper based' WHS documentation is stored in a central known location. Printed documentation is watermarked or the like with 'document uncontrolled when printed'. Paper based documentation is archived for 10 years.</td>
<td>1.1.6</td>
<td>Low</td>
<td>All paper-based OHS documentation is stored within each location and documents that are printed are printed as uncontrolled copies.</td>
<td>Nil</td>
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<td>REQUIREMENT</td>
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<tr>
<td>The organisation's officers and management representatives have received training in the WHS Management System and have signed acknowledgement of receipt of training.</td>
<td>1.1.7</td>
<td>Medium</td>
<td>BMCC has identified Officers of the organisation, however training has not yet commenced. It was reported that training will commence shortly for all designated Officers.</td>
<td></td>
<td>It is recommended that Officers and management representatives of the company are trained to ensure that they understand their roles and responsibilities in relation to the WHSMS.</td>
</tr>
<tr>
<td>The organisation has in place a system to monitor the content of all WHS Legislation, standards, codes of practice, guidance material relevant to its operation. Responsibility for completion assigned and monitored.</td>
<td>1.1.8</td>
<td>Low</td>
<td>There is no system in place to monitor changes to WHS Legislation and Regulations.</td>
<td></td>
<td>It is recommended that BMCC set up a system where changes to Legislation, Regulations and Codes of Practice are identified.</td>
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<td>REQUIREMENT</td>
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<td>OBJECTIVES AND TARGETS INCLUDING STRATEGIC PLANNING</td>
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<tr>
<td>A Strategic WHS Plan exists and covers specific risk activities relevant to the business operations. It should:</td>
<td>1.2.1</td>
<td>Low</td>
<td>A Strategic WHS Plan (WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012) exists and covers specific risk activities relevant to the business operations. The WHS plan forms part of the WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012, which has been signed off by the G&amp;RSG. The plan includes Management Responsibilities, Risk Management, OHS Consultation, Incident Analysis and Review of BMCC WHS System.</td>
<td>WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012.</td>
<td>Nil</td>
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<td>a) be developed by or in consultation with the organisation’s officers</td>
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<td>b) list the organisation’s key operational WHS high risk activities (i.e. - top 5 hazards)</td>
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<td>c) set out the method of risk assessment and control;</td>
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<td>d) consider available technology in relation to control;</td>
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<td>e) list the organisational objectives and targets, including allocation of responsibility for achieving these objectives and targets and reporting any deviation against these;</td>
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<td>f) reference resource allocation</td>
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<td>g) set timeframes for completion</td>
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<td>h) state how progress against the plan will be monitored</td>
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<td>The strategic plan should be reviewed by the Board Steering Committee (or alternative sub-board review meeting) prior to each meeting to discuss progress against the plan. Outcomes to be provided to the Executive Management Team and Board on current and emerging issues.</td>
<td>1.2.2</td>
<td>Low</td>
<td>The strategic plan should be reviewed by the Governance and Risk Steering Group on an annual basis. In addition, the WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012 is forwarded to WorkCover NSW for review.</td>
<td>WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012.</td>
<td>Nil</td>
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<tr>
<td>REQUIREMENT</td>
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<td>Board reporting reflects lead and lag indicators and reference to performance against the Strategic WHS Plan and WHS Action Plan.</td>
<td>1.2.3</td>
<td>Low</td>
<td>As the WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012 is required to be approved by WorkCover NSW, reporting reflects performance.</td>
<td>WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012.</td>
<td>Nil</td>
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<td><strong>RESOURCING</strong></td>
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<tr>
<td>The organisation has a) a demonstrated allocated and operational WHS budget. b) a developed WHS Strategic Plan which specifies the required resources for key priority items c) physical evidence of the allocation of resources, i.e.: new equipment modifications to plant and training facilities</td>
<td>1.3.1</td>
<td>Low</td>
<td>BMCC has an allocated OHS budget. Through the 'Burning Cost' scheme additional money will be allocated to the budget.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Officers of the organisation have received training in WHS due diligence requirements and have signed acknowledgement of receipt of training. A link is established with the site training matrix to ensure annual refresher training is undertaken.</td>
<td>1.3.2</td>
<td>Medium</td>
<td>BMCC has identified Officers of the organisation, however training has not yet commenced. It was reported that training will commence shortly for all designated Officers.</td>
<td></td>
<td>It is recommended that Officers and management representatives of the company are trained to ensure that they understand their roles and responsibilities in relation to the WHSMS.</td>
</tr>
<tr>
<td>There are sufficient qualified and competent personnel to implement the organisations WHS Action Plan/Strategic Plan, including site WHS Coordinators or dedicated WHS Manager.</td>
<td>1.3.3</td>
<td>Low</td>
<td>Trevor Anderson, Steven Keszler, Yvonne Kingdom and Morris Pugh have attended the OHS Accredited course for Workplace Committees; Morris Pugh and Yvonne Kingdom has attended the OHS Committee Chairperson Workshop.</td>
<td></td>
<td>Nil</td>
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<tr>
<td>The site WHS Coordinator/Manager (should one exist) should have received</td>
<td>1.3.4</td>
<td>Low</td>
<td>The WHS Committee Chairpersons have received the required training.</td>
<td>Nil</td>
<td>It is recommended that Officers and management representatives of the company are trained to ensure that they understand their roles and responsibilities in relation to the WHSMS.</td>
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<td>training. Basic training should be the legislative HSR training, followed</td>
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<td>by Certificate 4 in Occupational Health &amp; Safety and training in behavioural</td>
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<td>safety management concepts and have signed acknowledgement of receipt of</td>
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<tr>
<td>training. Departmental Management personnel have been provided with WHS</td>
<td>1.3.5</td>
<td>Medium</td>
<td>Officers and management representatives of the company have not been trained in the WHSMS.</td>
<td>Nil</td>
<td>It is recommended that Officers and management representatives of the company are trained to ensure that they understand their roles and responsibilities in relation to the WHSMS.</td>
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<td>responsibilities training as well as behavioural safety management concepts</td>
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<td>training and have signed acknowledgement of receipt of training.</td>
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<td>INTERNAL / EXTERNAL AUDITING</td>
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<td>A twelve month internal audit review schedule should be in place to verify</td>
<td>1.4.1</td>
<td>Medium</td>
<td>Although an OHS Management Systems Audit procedure (BMCC-SPP-17) exists, it was reported that</td>
<td>BMCC Occupational</td>
<td>It is recommended that an internal audit schedule is implemented and internal audits undertaken on a regular basis of the WHS management system</td>
</tr>
<tr>
<td>document control of the WHS Management System and implementation of the WHS</td>
<td></td>
<td></td>
<td>internal audits have not been undertaken.</td>
<td>Health and Safety Program Guidelines</td>
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<td>Management System.</td>
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<tr>
<td>Internal Auditors should have been trained accordingly.</td>
<td>1.4.2</td>
<td>Medium</td>
<td>Internal auditors have not been identified or trained.</td>
<td>BMCC Occupational</td>
<td>It is recommended that internal auditors are identified and then trained through a recognised auditing body e.g. NATA.</td>
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<td>Health and Safety Program Guidelines</td>
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<tr>
<td>Non-conformances should be added to the site WHS Action Plan for completion.</td>
<td>1.4.3</td>
<td>Medium</td>
<td>Non-conformances are not added to the WHS Action plan</td>
<td>BMCC Occupational Health and Safety Program Guidelines</td>
<td>It is recommended that once internal audits are undertaken that all actions are added to a WHS action plan.</td>
</tr>
<tr>
<td>The internal review process should involve all levels of Management over the twelve month period.</td>
<td>1.4.4</td>
<td>Medium</td>
<td>Management review is not conducted.</td>
<td>BMCC Occupational Health and Safety Program Guidelines</td>
<td>It is recommended that an internal review process is developed and implemented. The process should include, but not be limited to items such as: Management review, internal audit schedules, corrective actions reports and action plans.</td>
</tr>
<tr>
<td>A regular external review of the entire Management System should be undertaken to ensure ongoing compliance with the WHS Legislation. Items from this audit should be transferred to the WHS Action Plan for completion.</td>
<td>1.4.5</td>
<td>Medium</td>
<td>Internal or external review is not conducted.</td>
<td>BMCC Occupational Health and Safety Program Guidelines</td>
<td>It is recommended that a Management review process is developed and implemented. The process should consider external review of the WHS Management system.</td>
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### MANAGEMENT REVIEW

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<tr>
<th>MANAGERMENT REVIEW</th>
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<th>RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>A monthly management review meeting is undertaken by the organisation where applicable.</td>
<td>1.5.1</td>
<td>Low</td>
<td>Coordinator meetings are conducted on a monthly basis. In addition, the Governance and Risk Steering Group meet on a regular basis.</td>
<td>Nil</td>
<td>Nil</td>
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<td><strong>REQUIREMENT</strong></td>
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<td>This monthly management review meeting should include a review of incidents that have occurred for the month, workplace inspections conducted (including actions arising) and toolbox/consultative meetings (including actions arising) and a review of the WHS Action Plan, including checking progress on priority items and overdue issues. Minutes are recorded.</td>
<td>1.5.2</td>
<td>Low</td>
<td>Minutes of these meetings are recorded (sighted). Agenda items include but are not limited to Workstation Inspections, Incident reports and Training.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>A monthly WHS Management System report is compiled and records (at minimum); a) Incidents for the month and actions arising b) Incident types over a 12 month rolling period. (including strategic risk planning in response) c) Toolbox Meetings (or other employee consultative arrangements) conducted vs. required d) Workplace Inspections conducted vs. required e) Hazard Reporting and internal audit results f) Statistical monitoring - including LTIFR (3 and 12 month), MTIFR, all incidents and near misses g) Lead indicators - number of risk assessments completed, number of completed items removed from the WHS Action Plan.</td>
<td>1.5.3</td>
<td>Low</td>
<td>A report is compiled for the Governance and Risk Steering Group. The report includes items such as Statistical monitoring - including LTIFR; Incident types over a 12 month rolling period; and Incidents for the month and actions arising.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Performance targets are set and the site Management Team should review performance against these targets on an annual basis and reset as necessary.</td>
<td>1.5.4</td>
<td>Low</td>
<td>Performance targets form part of the Retro-Paid-Loss Premium.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
<td>PRIORITY</td>
<td>REVIEW COMMENTS</td>
<td>DOCUMENTATION</td>
<td>RECOMMENDATIONS</td>
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<tr>
<td><strong>OHS CONSULTATIVE PROCESSES</strong></td>
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</tr>
</tbody>
</table>

### CONSULTATION / COORDINATION BETWEEN PARTIES WHO SHARE A COMMON DUTY

Evidence of consultation and coordination of activities undertaken between contractors, subcontractors, labour hire organisations, suppliers and other parties who enter into an agreement, prior to engagement services and during the life of the contract.

<table>
<thead>
<tr>
<th>Requirement</th>
<th>Priority</th>
<th>Review Comments</th>
<th>Documentation</th>
<th>Recommendations</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.6.1</td>
<td>Low</td>
<td>Consultation is undertaken between Contractors and BMCC. There are no labour hire contractors on this site.</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>

### OHS COMMITTEE (WHERE PRESENT)

The committee:

a) Terms of reference/charter is established and reflect WHS legislative requirements
b) is comprised of equal management and employee representatives.
c) A management representative chairs the meeting
d) meets at least quarterly
e) minutes are recorded, actions arising are assigned to committee personnel (where applicable) proposed time of completion set. Minutes are circulated to attendees and noticeboards where applicable.

<table>
<thead>
<tr>
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</tr>
</thead>
</table>
| 1.7.1       | Low      | BMCC has an established WHS Committee, which meets on a regular basis. The coordinators meet on a monthly basis and the Council OHS Meeting is undertaken twice yearly. BMCC has developed and implemented a WHS Safety Consultation procedure which outlines Consultative Arrangements, roles and responsibilities of Committee members, functions of the Committee, Training requirements and Distribution of Information. Minutes of WHS Committee meetings were sighted for:
- 7th September 2011
- 2nd November 2011:
- 16th December 2011 | WHS Consultation procedures | Nil |
### REQUIREMENT

<table>
<thead>
<tr>
<th>OUTSTANDING ITEMS FROM THE COMMITTEE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minutes should be added to the site WHS Action Plan for action.</td>
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</table>

<table>
<thead>
<tr>
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<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.7.2</td>
<td>Low</td>
<td>It was noted that action dates/responsibilities are not listed on the minutes of the meetings.</td>
<td>Council OHS Meeting Coordinators Monthly Meeting</td>
<td>It is recommended that action dates and responsibilities are added to the minutes of WHS Committee meetings.</td>
</tr>
</tbody>
</table>

### WORK GROUPS AND HEALTH AND SAFETY REPRESENTATIVES

<table>
<thead>
<tr>
<th>HEALTH AND SAFETY REPRESENTATIVES (HSR) (AND DEPUTY HEALTH AND SAFETY REPRESENTATIVES)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have been elected by their work group or via other agreed methods such as nominations</td>
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</table>

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1.8.1</td>
<td>Low</td>
<td>Health and Safety Representatives (HSR) have not been elected by their workgroups. It was reported that as this had not been a previous requirement, when HSR's are nominated they will undergo the required training. All WHS Committee members have undertaken the required training.</td>
<td>WHS Consultation procedures</td>
<td>It is recommended that when workers nominate to become HSR's that they are given the required training.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>DESIGNATED WORK GROUPS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Have been established, (where requested) in consultation with workers who form the work group or with their representatives.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
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</tr>
</thead>
<tbody>
<tr>
<td>1.8.2</td>
<td>Low</td>
<td>Designated Work Groups (DWG) have been established by BMCC. The DWGs are: - Environmental Rangers - Libraries/FDC - Tourism - Sports and Aquatic Services - Building Cleaners</td>
<td>WHS Consultation procedures</td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>HSR'S HAVE COMPLETED THE INITIAL WHS HSR APPROVED TRAINING. ANNUAL REFRESHER TRAINING HAS BEEN ESTABLISHED IN THE TRAINING MATRIX.</th>
</tr>
</thead>
<tbody>
<tr>
<td>All WHS Committee members have undertaken the required training.</td>
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</table>

<table>
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<tbody>
<tr>
<td>1.8.3</td>
<td>Low</td>
<td>All WHS Committee members have undertaken the required training.</td>
<td>WHS Consultation procedures</td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>THE SITE CAN DEMONSTRATE EVIDENCE OF CONSULTATION WITH THE HSR IN RELATION TO WHS MATTERS AFFECTING THEIR WORK GROUP.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minutes of meetings provide evidence of consultation with the HSR in relation to WHS matters affecting their work group.</td>
</tr>
</tbody>
</table>

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<tr>
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</thead>
<tbody>
<tr>
<td>1.8.4</td>
<td>Low</td>
<td>Minutes of meetings provide evidence of consultation with the HSR in relation to WHS matters affecting their work group.</td>
<td>WHS Consultation procedures</td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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<td>DOCUMENTATION</td>
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</tr>
<tr>
<td>TOOLBOX MEETINGS/STAFF MEETINGS</td>
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</tr>
<tr>
<td>The site may have agreed methods of staff consultation (i.e. toolbox meetings). The site has established and agreed on these methods for consultation.</td>
<td>1.9.1</td>
<td>Medium</td>
<td>Toolbox meetings are conducted on a weekly basis by the Operational departments. It was reported that whilst some departments are good at conducting toolboxes, other departments do not conduct them on a regular basis.</td>
<td></td>
</tr>
</tbody>
</table>
| Toolbox meetings/Staff Meetings;  
a) are conducted at Departmental level and terms of reference established.  
b) the Head of Department is responsible for chairing the toolbox meeting/staff meeting  
c) minutes are be kept and items/actions arising closed out immediately or transferred to the site WHS Action Plan for completion. Information is presented in languages other than English where applicable.  
d) Where applicable, a debrief should be undertaken following Toolbox Meetings/Staff Meetings to assist in actioning items arising. | 1.9.2 | Low | Toolbox meetings are conducted on a weekly basis by the Operational departments. Items on the agenda of toolbox meetings include: OHS - Issues arising; Quality; and Environmental Issues  
Minutes if toolbox meetings are maintained on ‘SharePoint’. |  | Nil |
| Department Heads should be trained in how to undertake effective Toolbox/WHS Consultation Meetings and have signed acknowledgement of receipt. | 1.9.3 | Medium | Department managers are not trained in how to undertake toolbox meetings. |  | It is recommended that all Operations/Department managers who are required to undertake toolbox meetings are given formal training in how the meetings should be conducted. |
## REQUIREMENT

### COMMUNICATION

#### ISSUE RESOLUTION

<table>
<thead>
<tr>
<th>Requirement</th>
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</tr>
</thead>
<tbody>
<tr>
<td>A documented WHS issue resolution procedure is in place and displayed.</td>
<td>1.10.1</td>
<td>Low</td>
<td>BMCC has an Issue Resolution procedure, which is in the draft. The flowchart reflects how issues are to be resolved and who the responsible representatives are.</td>
<td>BMCC Resolution of Issues procedure (Draft)</td>
<td>Nil</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Requirement</th>
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</thead>
<tbody>
<tr>
<td>All employees have received training on issue resolution and have signed acknowledgement of receipt.</td>
<td>1.10.2</td>
<td>Low</td>
<td>As the procedure is still in draft format, training hasn’t been undertaken.</td>
<td>BMCC Resolution of Issues procedure (Draft)</td>
<td>It is recommended that when the procedure has been formalised then training is given to workers. This can be undertaken through induction.</td>
</tr>
</tbody>
</table>

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<thead>
<tr>
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</thead>
<tbody>
<tr>
<td>A Senior organisation Management representative has been nominated on the issue resolution procedure.</td>
<td>1.10.3</td>
<td>Low</td>
<td>Senior Management have been nominated on the flow chart.</td>
<td>BMCC Resolution of Issues procedure (Draft)</td>
<td>Nil</td>
</tr>
</tbody>
</table>

#### INCIDENT REPORTING AND INVESTIGATION

### Section 1: OCCUPATIONAL HEALTH & SAFETY MANAGEMENT SYSTEM

<table>
<thead>
<tr>
<th>Requirement</th>
<th>REF</th>
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</tr>
</thead>
<tbody>
<tr>
<td>An incident reporting and investigation procedure is in place, including the requirements of reporting and action required following notifiable incidents. This procedure documents the requirements for workers.</td>
<td>1.11.1</td>
<td>Low</td>
<td>BMCC has an Injury Treatment and Notification Procedure along with an Accident, Injury and Incident Form and the BMCC Accident Investigation Report Form. This procedure does include requirements following a ‘Notifiable Incident’.</td>
<td>Injury Treatment and Notification Procedure Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>It is recommended that the Injury Treatment and Notification Procedure is reviewed to include action required following notifiable incidents.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
<td>PRIORITY</td>
<td>REVIEW COMMENTS</td>
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</tr>
<tr>
<td>The incident investigation format meets the requirements of AS1885.1.</td>
<td>1.11.2</td>
<td>Low</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All incidents reported should have an investigation completed, including contributing factors identified and Corrective Actions developed.</td>
<td>1.11.3</td>
<td>Low</td>
<td>Nil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Corrective actions follow the risk control hierarchy and are closed out immediately where practicable. Medium to longer term action items are transferred to the site WHS Action Plan for completion.</td>
<td>1.11.4</td>
<td>Medium</td>
<td>It is recommended that the Injury Treatment and Notification Procedure is reviewed to include the hierarchy of controls when referring to corrective actions.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**DOCUMENTATION**

- Injury Treatment and Notification Procedure
- Accident Investigation Report Form
- BMCC Accident Investigation Report Form

**RECOMMENDATIONS**

- Nil
- Nil
- It is recommended that the Injury Treatment and Notification Procedure is reviewed to include the hierarchy of controls when referring to corrective actions.
<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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</tr>
</thead>
<tbody>
<tr>
<td>Incident Investigations should involve the direct First Aid Officer and the worker involved.</td>
<td>1.11.5</td>
<td>Low</td>
<td>The Supervisor commences the investigation immediately upon notification of the injury.</td>
<td>Injury Treatment and Notification Procedure Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>Nil</td>
</tr>
<tr>
<td>Personnel (First Aid Officer) required to complete investigations have received training in incident reporting, investigation and root cause analysis and have signed acknowledgement of receipt of training.</td>
<td>1.11.6</td>
<td>Low</td>
<td>Completed Incident Investigation reports have included root causes and corrective actions.</td>
<td>Injury Treatment and Notification Procedure Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>Nil</td>
</tr>
<tr>
<td>Management personnel are trained in notifiable incident reporting requirements and understand the process to be followed in the event of a serious incident.</td>
<td>1.11.7</td>
<td>Medium</td>
<td>No training has been undertaken on notifiable incidents.</td>
<td>It is recommended that those workers likely to be involved in incident investigation, along with members of the OHS Committee are given some type of training into notifiable incidents and how they are to be treated.</td>
<td>Nil</td>
</tr>
<tr>
<td>A process is in place to seek legal advice and access to legal professional privilege, following a notifiable incident.</td>
<td>1.11.8</td>
<td>Low</td>
<td>A process is in place and this is managed through Council</td>
<td>Injury Treatment and Notification Procedure Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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</tr>
<tr>
<td>The site has a process for employees to access trauma/crisis counselling services following serious/notifiable incidents.</td>
<td>1.11.9</td>
<td>Low</td>
<td></td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>There is a process whereby site activities cease to allow a debrief to be undertaken with all personnel following any serious incident.</td>
<td>1.11.10</td>
<td>Low</td>
<td></td>
<td>Injury Treatment and Notification Procedure Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>Nil</td>
</tr>
<tr>
<td>Near misses are reported and investigated.</td>
<td>1.11.11</td>
<td>Low</td>
<td>Near misses are not always reported.</td>
<td>Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>It is recommended that reporting of near misses is encouraged. This could be included in the hazard identification form.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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<td>DOCUMENTATION</td>
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</tr>
<tr>
<td>Incident reports and investigation records are filed in the dedicated central filing system for WHS documentation and kept for 10 years.</td>
<td>1.11.12</td>
<td>Low</td>
<td>Incident reports are filed at each site.</td>
<td>Injury Treatment and Notification Procedure  Accident, Injury and Incident Form BMCC Accident Investigation Report Form</td>
<td>Nil</td>
</tr>
</tbody>
</table>


## SECTION 2: RISK MANAGEMENT PROCESSES

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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</thead>
<tbody>
<tr>
<td><strong>HAZARD REPORTING</strong></td>
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<td></td>
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</tr>
<tr>
<td>A defined Hazard Reporting procedure in place.</td>
<td>2.1.1</td>
<td>Low</td>
<td>The procedure/form used for Hazard Reporting is the Injury Treatment and Notification Procedure and the Accident, Injury and Incident Form.</td>
<td>Injury Treatment and Notification Procedure and the Accident, Injury and Incident Form.</td>
<td>Nil</td>
</tr>
<tr>
<td>Employees have received training on the procedure and have signed acknowledgement of receipt of training.</td>
<td>2.1.2</td>
<td>Medium</td>
<td>There is no separate hazard identification form.</td>
<td>Injury Treatment and Notification Procedure and the Accident, Injury and Incident Form.</td>
<td>It is recommended that a separate Hazard Identification procedure is developed and implemented that employees are trained in the procedure.</td>
</tr>
<tr>
<td>Hazards identified should be allocated a risk ranking and added to the site Hazard register for completion.</td>
<td>2.1.3</td>
<td>Medium</td>
<td>Hazards aren’t identified according to risk ranking. There is no separate hazard identification form.</td>
<td>Injury Treatment and Notification Procedure and the Accident, Injury and Incident Form.</td>
<td>It is recommended that a separate Hazard Identification procedure is developed and implemented.</td>
</tr>
<tr>
<td>Hazard Reporting levels should be tracked as a KPI, and targets may be defined.</td>
<td>2.1.4</td>
<td>Medium</td>
<td>Hazard reports should be tracked as a KPI.</td>
<td>Injury Treatment and Notification Procedure and the Accident, Injury and Incident Form.</td>
<td>It is recommended that when the Hazard Identification procedure is developed that KPI’s are tracked and targets are defined.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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<tr>
<td><strong>VEHICLE AND DRIVER FATIGUE MANAGEMENT</strong></td>
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</tbody>
</table>
| A documented vehicle policy and driver fatigue management plan is in place, including:  
  a) provision of registration certificate for the vehicle  
  b) provision of driver’s licence of the driver  
  c) vehicles insurance, including liability  
  d) accurate records are kept                                                                 | 2.2.1 | Medium   | There is no documented driver fatigue management plan. Most vehicles/drivers travel less than 100 kilometres per day, therefore making them exempt from preparing fatigue management procedures. Records are maintained for Stop/Start activities and meal breaks. It was reported that training on driver management has been discussed however it has never eventuated. |                                                                                                                                                                                                             | It is recommended that consideration is given to drivers relating to driver fatigue. This could be covered in a toolbox talk. Typical topics would include signs of fatigue and what to do if I am fatigued. |
| **BULLYING AND HARASSMENT**         |      |          |                                                                                                                                                                                                             |                                                                                                                                                                                                             |                                                                                                                                                                                                             |
| A defined bullying and harassment policy and procedure (staff and student) is in place that:  
  a) outlines the definitions of bullying (including cyber bullying) and harassment, risk assessment and control methods.  
  b) Has been developed in consultation with workers and health and safety representatives.  
  c) Ensures reports of bullying and harassment are dealt with in an objective, fair, transparent and confidential manner.  
  d) The Senior Management team have been trained in the requirements of the bullying and harassment procedures as well as conflict management/resolution strategies. | 2.3.1 | Medium   | BMCC has a Harassment - Ensuring Good Working Relationships procedure, however there is no reference to Bullying.                                                                                           | Harassment - Ensuring Good Working Relationships procedure                                                                                                                                                      | It is recommended that the Harassment - Ensuring Good Working Relationships procedure is reviewed to ensure that the procedure includes Bullying and Cyber Bullying. |
<p>| | | | | | |
|                                      |      |          |                                                                                                                                                                                                             |                                                                                                                                                                                                             |                                                                                                                                                                                                             |</p>
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</thead>
<tbody>
<tr>
<td>All staff have been trained in the bullying and harassment procedures and the incident reporting and investigation procedure in relation to reporting of incidents.</td>
<td>2.3.3</td>
<td>Medium</td>
<td>Staff have not been trained in the requirements of bullying and harassment.</td>
<td>Harassment - Ensuring Good Working Relationships procedure</td>
<td>It is recommended that when the procedure has been reviewed that all staff are trained in the requirements of the procedure.</td>
</tr>
</tbody>
</table>

**MANUAL HANDLING**

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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</thead>
<tbody>
<tr>
<td>There should be a systematic process for identifying Hazardous Manual Handling tasks.</td>
<td>2.4.1</td>
<td>Low</td>
<td>BMCC-SPP-13.2 - Safety Program Procedure for Manual Handling outlines the risk identification, assessment and control process. The procedure applies to all work activities that have a manual handling component.</td>
<td>BMCC-SPP-13.2 - Safety Program Procedure for Manual Handling</td>
<td>Nil</td>
</tr>
<tr>
<td>A Manual Handling Risk Assessment document should be in place.</td>
<td>2.4.2</td>
<td>Medium</td>
<td>A manual handling risk assessment is in place; however it is not used on a regular basis.</td>
<td>BMCC-SPP-13.2 - Safety Program Procedure for Manual Handling</td>
<td>Manual handling risk assessments should be conducted, as a minimum, on all hazardous manual handling tasks.</td>
</tr>
<tr>
<td>The site should complete Manual Handling Risk Assessments following all Manual Handling incidents.</td>
<td>2.4.3</td>
<td>Medium</td>
<td>There was no evidence of manual handling risk assessments having been completed.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Manual Handling Risk Assessments should be completed in consultation with employees (and the relevant HSR where applicable) and observations of the tasks completed as part of this process. These should be reviewed and updated every 5 years or following a manual handling incident.</td>
<td>2.4.4</td>
<td>Medium</td>
<td>There was no evidence of manual handling risk assessments having been completed.</td>
<td></td>
<td>Manual handling risk assessments should be conducted, as a minimum, on all hazardous manual handling tasks. Workers and HSR’s should be consulted during the process.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
<td>PRIORITY</td>
<td>REVIEW COMMENTS</td>
<td>DOCUMENTATION</td>
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<tr>
<td>Controls should be identified for each Hazardous Manual Handling Task in</td>
<td>2.4.5</td>
<td>Medium</td>
<td>As there was no evidence of manual handling risk assessments having been completed</td>
<td>Manual handling risk assessments should be conducted, as a minimum, on all</td>
<td>Manual handling risk assessments should be conducted, as a minimum, on all</td>
</tr>
<tr>
<td>consultation with employees (and the relevant HSR where applicable) and</td>
<td></td>
<td></td>
<td>controls have not been identified</td>
<td>hazardous manual handling tasks. Workers and HSR's should be consulted during</td>
<td>hazardous manual handling tasks. Workers and HSR's should be consulted during</td>
</tr>
<tr>
<td>follow the risk control hierarchy.</td>
<td></td>
<td></td>
<td></td>
<td>the process.</td>
<td>the process.</td>
</tr>
<tr>
<td>Control measures should be completed and signed off or added to the WHS</td>
<td>2.4.6</td>
<td>Medium</td>
<td>As per 2.4.5</td>
<td>Nil</td>
<td>Nil</td>
</tr>
<tr>
<td>Action Plan for completion.</td>
<td></td>
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</tr>
<tr>
<td>Manual handling training should be provided for all employees who</td>
<td>2.4.7</td>
<td>Low</td>
<td>Manual handling training is provided for all employees on a regular basis.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>undertake hazardous manual handling tasks. Employees should have signed</td>
<td></td>
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</tr>
<tr>
<td>acknowledgement of receipt of training.</td>
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<tr>
<td>Office personnel should be receiving training in Office Ergonomics,</td>
<td>2.4.8</td>
<td>Low</td>
<td>Office Ergonomic training is provided for all office personnel on a regular basis.</td>
<td>Nil</td>
<td></td>
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<tr>
<td>including how to set up their workstation.</td>
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</tbody>
</table>

**PLANT & EQUIPMENT**

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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<th>PRIORITY</th>
<th>REVIEW COMMENTS</th>
<th>DOCUMENTATION</th>
<th>RECOMMENDATIONS</th>
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</thead>
<tbody>
<tr>
<td>A Plant &amp; Equipment register is maintained onsite that links to the</td>
<td>2.5.1</td>
<td>Low</td>
<td>BMCC uses the software program 'Plant Assessor' when conducting plant risk</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>purchasing/equipment register for the site. The register is prioritised</td>
<td></td>
<td></td>
<td>assessments and compiling plant registers.</td>
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<td>in order of risk.</td>
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<tr>
<td>A documented Plant Risk Assessment procedure is in place.</td>
<td>2.5.2</td>
<td>Low</td>
<td>There is a plant Risk Assessment procedure, which is incorporated into the</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Plant Assessor software program.</td>
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<td>REQUIREMENT</td>
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<tr>
<td>Plant Risk Assessments have been completed for each item of plant on the Plant &amp; Equipment register. These should be reviewed and updated every 5 years or following an incident involving plant or equipment.</td>
<td>2.5.3</td>
<td>Low</td>
<td>Risk Assessments have been completed for items of plant. The risk assessments do not have a review date attached.</td>
<td>It is recommended that the plant risk assessments have a review date. All plant risk assessments should be reviewed every 5 years or where the task involving the item of plant changes.</td>
<td></td>
</tr>
<tr>
<td>All Plant Risk Assessments should be completed in consultation with operators of the equipment and an employee representative (HSR) where applicable.</td>
<td>2.5.4</td>
<td>Low</td>
<td>Plant Risk Assessments are completed in consultation with the operators.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Plant Risk Controls should be developed in line with the risk control hierarchy, including compliance with AS4024: Safeguarding of Machinery for all guarding solutions. The site can demonstrate evidence of consultation with expert personnel (where applicable) in relation to guarding solutions.</td>
<td>2.5.5</td>
<td>Low</td>
<td>Plant risk controls are developed in line with the hierarchy of controls.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Plant Risk Assessments should be reviewed at 5 yearly intervals or sooner, or following any plant type incident, or when any machinery is moved.</td>
<td>2.5.6</td>
<td>Low</td>
<td>This is not included in the Plant procedure</td>
<td>It is recommended that the plant procedure is reviewed to include a review following a plant type incident.</td>
<td></td>
</tr>
<tr>
<td>Safe Operating Procedures should be developed for each item of plant, including Isolation, Lock Out and Tag Out (LOTO) requirements for each plant item.</td>
<td>2.5.7</td>
<td>Low</td>
<td>Safe Operating Procedures have been developed for each item of plant. The SOPs are available on the intranet.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Plant items are registered in accordance with regulatory requirements, including but not limited to; air conditioning units, boilers, cooling towers, lifts, mobile cranes, pressure vessels (air receivers), tower cranes.</td>
<td>2.5.8</td>
<td>Low</td>
<td>There are no items used at the Springwood site that require registration</td>
<td>Nil</td>
<td></td>
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<td>REQUIREMENT</td>
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<tr>
<td>LOCKOUT/TAG OUT (LOTO)</td>
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<tr>
<td>A LOTO procedure should have been developed.</td>
<td>2.6.1</td>
<td>Low</td>
<td>A procedure for LOTO was sighted. The procedure is located in the Tradesman's manual, which all tradespersons have access to. Those trades requiring to use LOTO, have their own LOTO tags.</td>
<td>Tradesman's Manual</td>
<td>Nil</td>
</tr>
<tr>
<td>All employees should have been trained in LOTO.</td>
<td>2.6.2</td>
<td>Low</td>
<td>As part of induction, all tradespersons are inducted into the tradesman's manual. Specific training is given to LOTO.</td>
<td>Tradesman's Manual</td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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<tr>
<td><strong>NOISE</strong></td>
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<tr>
<td>A Noise Survey;</td>
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<tr>
<td>1) has been undertaken by a competent person (for noise levels in excess of 85dbA for 8 hour time weighted average or 140dbC peak)</td>
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<tr>
<td>2) personal dosimetry was undertaken over a full shift.</td>
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<tr>
<td>3) A noise map has been developed from the noise survey results and be displayed prominently around the site to advise employees of known noise levels.</td>
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</tr>
<tr>
<td>4) A Noise Control Plan has been developed from the noise survey results to manage noise hazards, including training and personal protective equipment requirements. The noise hazards and proposed control methods on this plan should be added to the site WHS Action Plan for completion.</td>
<td></td>
<td></td>
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<tr>
<td>5) A plan is in place to ensure the noise survey is undertaken every 5 years.</td>
<td></td>
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</tr>
<tr>
<td>f) Workers are provided with training on the findings of the details of the noise survey results and are advised on areas where personal protective equipment is required. Training is provided to employees regarding fit and proper usage of PPE.</td>
<td></td>
<td></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Pre-employment audiograms (or within 3 months of commencement) are undertaken on all new employees, including Labour Hire personnel. These are repeated every two years and a comparison undertaken between previous results. Personnel with demonstrable shift in hearing levels are referred to specialist.</td>
<td></td>
<td></td>
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<tr>
<td>2.7.2 Low</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Noise levels have been monitored at the Waste and Bailing sites. It was reported that no other area have been monitored. PPE has been made available for the workers who work in these sites.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>2.7.3 Medium</td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>During pre-placement, a hearing test is undertaken; however it is not conducted in an approved hearing booth. The Medical Practitioner undertakes the hearing test.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>It is recommended that for those workers who are going to be working in an area where hearing protection is required, a hearing test is conducted prior to commencement.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
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</tr>
<tr>
<td>A Register for Hazardous Chemicals is maintained for all chemicals stored</td>
<td>2.8.1</td>
<td>Low</td>
<td>The Chemwatch online system is used to develop and maintain a chemical register.</td>
<td>Nil</td>
<td>The purchasing procedure (sighted) is directly linked with the purchase of</td>
</tr>
<tr>
<td>and used onsite.</td>
<td></td>
<td></td>
<td>A demonstration of the system was provided.</td>
<td></td>
<td>Dangerous Goods and Hazardous Substances.</td>
</tr>
<tr>
<td>Material Safety Data Sheets exist for all chemicals present on the chemical</td>
<td>2.8.2</td>
<td>Low</td>
<td>Material Safety Data Sheets (MSDS) are maintained and current. MSDS's are</td>
<td>Nil</td>
<td>A specific Dangerous Goods and Hazardous Substances procedure should be</td>
</tr>
<tr>
<td>register and are current to within 5 years of issue.</td>
<td></td>
<td></td>
<td>located in the Tradesman's manual.</td>
<td></td>
<td>developed that includes conducting risk assessments on all hazardous</td>
</tr>
<tr>
<td>An established link exists between the Purchasing procedure and the Register</td>
<td>2.8.3</td>
<td>Low</td>
<td>The purchasing procedure (sighted) is directly linked with the purchase of</td>
<td>Nil</td>
<td>A review process should be included in the Dangerous Goods and Hazardous</td>
</tr>
<tr>
<td>for Hazardous Chemicals.</td>
<td></td>
<td></td>
<td>Dangerous Goods and Hazardous Substances.</td>
<td></td>
<td>Substances procedure. This would determine, according to nature of the work,</td>
</tr>
<tr>
<td>A Hazardous Substances Risk Assessment procedure should be in place and</td>
<td>2.8.4</td>
<td>Low</td>
<td>There is no dedicated Hazardous Substances Risk Assessment procedure. Handling,</td>
<td>BMCC Occupational</td>
<td>This would determine, according to nature of the work, when the Dangerous Goods</td>
</tr>
<tr>
<td>risk assessments completed on all identified Hazardous Substances present</td>
<td></td>
<td></td>
<td>Storage, Use and Transport of substances in included in the OHS Program</td>
<td>Health and Safety Program Guidelines</td>
<td>and Hazardous Substances risk assessment should be conducted and reviewed.</td>
</tr>
<tr>
<td>onsite.</td>
<td></td>
<td></td>
<td>Guidelines.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Risk Assessment should be reviewed and updated every 5 years.</td>
<td>2.8.5</td>
<td>Medium</td>
<td>Risk Assessments on hazardous substances has not been undertaken.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
<td>PRIORITY</td>
<td>REVIEW COMMENTS</td>
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</tr>
<tr>
<td>The controls should be developed in consultation with employees and an</td>
<td>2.8.6</td>
<td>Medium</td>
<td>Risk Assessments on hazardous substances has not been undertaken.</td>
<td></td>
<td>Control measure should be reviewed on a regular basis. This should be identified in the Dangerous Goods and Hazardous Substances procedure.</td>
</tr>
<tr>
<td>employee representative (HSR) where applicable, and follow the risk</td>
<td></td>
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<tr>
<td>control hierarchy. Evidence of consultation with the supplier should also</td>
<td></td>
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<tr>
<td>be made to determine whether a safer chemical alternative is available.</td>
<td></td>
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</tr>
<tr>
<td>Reference should be made to the labelling requirements for hazardous</td>
<td>2.8.7</td>
<td>Medium</td>
<td>There is no reference made to labelling requirements for hazardous chemicals that</td>
<td></td>
<td>A Dangerous Goods and Hazardous Substances procedure should be developed that</td>
</tr>
<tr>
<td>chemicals that are transferred or decanted from a chemical's original</td>
<td></td>
<td></td>
<td>are transferred or decanted from a chemical’s original container at the workplace.</td>
<td></td>
<td>includes the storage, transport, handling and use of substances. This should</td>
</tr>
<tr>
<td>container at the workplace.</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>include consulting with HSR’s and workers of the DWG.</td>
</tr>
<tr>
<td>There should be a process in place to ensure employees using particular</td>
<td>2.8.8</td>
<td>Medium</td>
<td>There is no process in place to ensure employees have been advised of the health</td>
<td></td>
<td>A Dangerous Goods and Hazardous Substances procedure should be developed that</td>
</tr>
<tr>
<td>substances have been advised of the health effects of the substance, the</td>
<td></td>
<td></td>
<td>effects of various substances, including Personal Protective Equipment</td>
<td></td>
<td>includes the labelling, storage, transport, handling and use of substances.</td>
</tr>
<tr>
<td>Personal Protective Equipment requirements, and the First Aid procedures.</td>
<td></td>
<td></td>
<td>requirements, and First Aid procedures.</td>
<td></td>
<td>This should include consulting with HSR’s and workers of the DWG.</td>
</tr>
<tr>
<td>There should be evidence of compliance with PPE requirements and a review</td>
<td></td>
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<td>process in place to verify compliance (i.e. workplace inspection).</td>
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<tr>
<td>DANGEROUS GOODS</td>
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<td></td>
</tr>
<tr>
<td>All Dangerous Goods (including quantities stored) are listed on the Register</td>
<td>2.9.1</td>
<td>Low</td>
<td>The Chemwatch online system is used to develop and maintain a chemical register.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>for Hazardous Chemicals. Placarding and manifest requirements are</td>
<td></td>
<td></td>
<td>A demonstration of the system was provided.</td>
<td></td>
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</tr>
<tr>
<td>established in accordance with quantities stored onsite. Manifest (where</td>
<td></td>
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<tr>
<td>required) kept in a place.</td>
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<tr>
<td>REQUIREMENT</td>
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<tr>
<td>determined in agreement with the primary emergency services authority and is readily available.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>The manifest is reviewed and updated on a regular basis</td>
<td>2.9.2</td>
<td>Low</td>
<td>The manifest is updated when a new substances is bought online or deleted.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Material Safety Data Sheets exist for all Dangerous Goods present on the Register for Hazardous Chemicals and are current to within 5 years of issue.</td>
<td>2.9.3</td>
<td>Low</td>
<td>Material Safety Data Sheets (MSDS) are maintained and current. MSDS's are located in the Tradesman's manual.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Dangerous Goods separation requirements established.</td>
<td>2.9.4</td>
<td>Low</td>
<td>Separation requirements have been established.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>An established link exists between the purchasing procedure and the Chemical Register.</td>
<td>2.9.5</td>
<td>Low</td>
<td>The purchasing procedure (sighted) is directly linked with the purchase of Dangerous Goods ad Hazardous Substances.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>A process of identifying and assessing the risk associated with using, handling or storing Dangerous Goods has been established.</td>
<td>2.9.6</td>
<td>Low</td>
<td>Identifying and assessing risks is undertaken, however the process is not formalised.</td>
<td></td>
<td>A Dangerous Goods and Hazardous Substances procedure should be developed that includes conducting risk assessments on all hazardous substances.</td>
</tr>
<tr>
<td>Controls have been established in line with the risk control hierarchy in relation to the use, handling and storage of Dangerous Goods. All controls in relation to Dangerous Goods that have not been closed out have been added to the WHS Action Plan.</td>
<td>2.9.7</td>
<td>Medium</td>
<td>Risk Assessments on hazardous substances has not been undertaken.</td>
<td></td>
<td>Control measure should be reviewed on a regular basis. This should be identified in the Dangerous Goods and Hazardous Substances procedure.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
<td>PRIORITY</td>
<td>REVIEW COMMENTS</td>
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</tr>
<tr>
<td>Spill containment provisions are maintained onsite to contain and manage any spill of a hazardous chemical.</td>
<td>2.9.8</td>
<td>Low</td>
<td>Spill containment provisions are provided.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Fire equipment is relevant to types of hazardous chemicals stored onsite.</td>
<td>2.9.9</td>
<td>Low</td>
<td>Specific fire equipment, relevant to the substances stored, have been provided.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td><strong>ASBESTOS</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>A copy of the WHS legislation for Asbestos is maintained onsite.</td>
<td>2.10.1</td>
<td>Low</td>
<td>A copy of the WHS Legislation for asbestos is not located in hard copy onsite, however if required, can be downloaded through the WorkCover NSW website.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>An Asbestos survey has been conducted by a competent person to establish all asbestos or ACM present onsite.</td>
<td>2.10.2</td>
<td>High</td>
<td>An asbestos survey has not recently been conducted within BMCC in the last 5 years. It was reported that a survey had previously been undertaken; however results of the survey could not be located. The Sydney Anglican Diocese has conducted an asbestos survey on building that they occupy within the Springwood Parish (14th July 2010).</td>
<td></td>
<td>It is recommended that an asbestos survey is conducted on all buildings within the BMCC which have been constructed after 2000.</td>
</tr>
<tr>
<td>An Asbestos register; a) has been established b) is reviewed and updated by a management representative c) notes condition re-inspection intervals by a competent person d) is readily available to any worker (or HSR) who is required to carry out or intends to carry out work onsite.</td>
<td>2.10.3</td>
<td>Medium</td>
<td>An asbestos survey has not recently been conducted within BMCC in the last 5 years. It was reported that the previous register is maintained by Assets; however this could not be verified. The registers needs to be made available to all personnel and should be kept by one department.</td>
<td></td>
<td>Once the asbestos survey has been undertaken, the register needs to be maintained. Assets have been the custodian of the initial register and this should continue. In addition Assets will need to ensure that updates are provided to register holders.</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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<tr>
<td>An Asbestos Management Plan (AMP) has been established by a management</td>
<td>2.10.4</td>
<td>Medium</td>
<td>An asbestos survey has not recently been conducted within BMCC in the last 5 years.</td>
<td></td>
<td>Once the asbestos survey has been undertaken, the AMP will be developed. Assets should be the custodian of the AMP and ensure that updates are provided to register holders.</td>
</tr>
<tr>
<td>representative and a review is undertaken every 5 years or if conditions</td>
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<td>change.</td>
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<tr>
<td>The AMP includes;</td>
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</tr>
<tr>
<td>a) location of all asbestos locations onsite and these are identified by</td>
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<tr>
<td>signage.</td>
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<tr>
<td>b) risk assessment (conducted by a competent person) and control plans for</td>
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<tr>
<td>each asbestos location on site.</td>
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<tr>
<td>c) Reference to asbestos removal at every opportunity. Removal procedures</td>
<td></td>
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<tr>
<td>are documented and undertaken by competent licensed personnel only.</td>
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<tr>
<td>d) Reference to condition inspection intervals to be undertaken by the</td>
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<tr>
<td>site (condition inspections). To be completed on a monthly basis and any</td>
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<td>damage identified documented, including immediate control action (i.e.</td>
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<tr>
<td>painting of edges to prevent fibre release)</td>
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<tr>
<td>e) Reference to inspection intervals to be undertaken by competent</td>
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<tr>
<td>licensed person.</td>
<td></td>
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<tr>
<td>f) an emergency management plan</td>
<td></td>
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<tr>
<td>Health surveillance is provided to workers who maintain or remove</td>
<td>2.10.5</td>
<td>Low</td>
<td>It was advised that if required, Asbestos removal would be undertaken by approved removalists only, as per WorkCover NSW guidelines and requirements.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>asbestos onsite. This has been undertaken prior to the commencement of</td>
<td></td>
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<tr>
<td>works onsite. Records are maintained for at least 40 years.</td>
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<tr>
<td><strong>TRAFFIC PLANNING</strong></td>
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<tr>
<td>A Traffic Management Risk Assessment has been completed for the site which</td>
<td>2.11.1</td>
<td>Low</td>
<td>A formal traffic management assessment has been conducted and control measures</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>has given consideration to traffic flow onsite, pedestrian and traffic</td>
<td></td>
<td></td>
<td>have been implemented. Training has been provided to all Operational staff</td>
<td></td>
<td></td>
</tr>
<tr>
<td>interaction points, traffic movements, site access and security</td>
<td></td>
<td></td>
<td>(evidence provided). Blue Card, Yellow Card and Red Card training has been</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>undertaken.</td>
<td></td>
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</tr>
<tr>
<td>Traffic Control measures should follow Hierarchy of Controls by using the</td>
<td>2.11.2</td>
<td>Low</td>
<td>Road Maintenance Team (RMT) crews use the hierarchy of controls as a minimum</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>elimination of interaction points, physical isolation by barriers and the</td>
<td></td>
<td></td>
<td>standard.</td>
<td></td>
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<tr>
<td>provision of marked walkways.</td>
<td></td>
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<tr>
<td>There should be evidence of consultation with expert personnel in relation</td>
<td>2.11.3</td>
<td>Low</td>
<td>Consultation is undertaken between BMCC and Transport, Roads and Maritime NSW.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>to control measures for these elements.</td>
<td></td>
<td></td>
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</tr>
<tr>
<td>Traffic Management Procedures have been established for the site.</td>
<td>2.11.4</td>
<td>Low</td>
<td>As RMT crews work on roads and roadways, inspections are conducted on a regular</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>There should be a review process in place (daily/weekly/monthly inspection)</td>
<td></td>
<td></td>
<td>basis.</td>
<td></td>
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</tr>
<tr>
<td>to verify compliance to the procedure.</td>
<td></td>
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<tr>
<td><strong>WORKS REQUIRING PERMIT</strong></td>
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<tr>
<td><strong>CONFINED SPACES</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>A copy of the WHS legislation for Confined Spaces is maintained onsite.</td>
<td>2.12.1</td>
<td>Low</td>
<td>A copy of the WHS Legislation for confined spaces is not located in hard copy on</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>site, however if required, can be downloaded through the WorkCover NSW website.</td>
<td></td>
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</tr>
<tr>
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</tr>
<tr>
<td>A Confined Space Register is available that details each confined space present onsite.</td>
<td>2.12.2</td>
<td>Low</td>
<td>A Confined Spaces register has not been developed. It was reported that confined spaces throughout BMCC are roof voids, under buildings, drains, graves and garbage trucks. Although some don't strictly qualify as confined spaces, the same procedures are followed for these areas.</td>
<td>It is recommended that a Confined Spaces register is developed and maintained by the Assets.</td>
<td></td>
</tr>
<tr>
<td>Each confined space has a documented risk assessment and control plan that outlines hazards specific to entry, works to be performed and emergency planning.</td>
<td>2.12.3</td>
<td>Low</td>
<td>SWMS / Confined Spaces assessments are conducted prior to commencement. Controls are implemented according to the area and the risk. Risk Assessments are signed off by the team leader/supervisor prior to commencement.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>The controls (including process for review) associated with each confined space that require medium to longer term action are added to the site WHS Action Plan for completion.</td>
<td>2.12.4</td>
<td>Low</td>
<td>SWMS / Confined Spaces assessments are conducted prior to commencement. Controls are implemented according to the area and the risk. Risk Assessments are signed off by the team leader/supervisor prior to commencement.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Confined Spaces should be individually numbered and secure to ensure no unauthorised access.</td>
<td>2.12.5</td>
<td>Low</td>
<td>A Confined Spaces register has not been developed.</td>
<td>It is recommended that a Confined Spaces register is developed and maintained by the Assets.</td>
<td></td>
</tr>
<tr>
<td>Signage for each confined space should be clear and prominently located next to each entry to the confined space.</td>
<td>2.12.6</td>
<td>Medium</td>
<td>Not all Confined Spaces have been labelled.</td>
<td>It is recommended that all Confined Spaces are labelled. Each label should be clear and prominently located next to</td>
<td></td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
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</tr>
<tr>
<td>A confined space entry procedure including entry permit has been developed as per the WHS Regulation and AS2865. A list of personnel authorised to issue and cancel permits is established. The Confined Spaces Entry Permit is completed prior to each entry and is completed by a competent person. This includes requirements for isolation and LOTO for the confined space.</td>
<td>2.12.7</td>
<td>Low</td>
<td>All entry to Confined Spaces is conducted by preferred contractors. Entry permits form part of the management plan.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>All personnel using the Confined Space should be provided with training as per AS2865 and competency established, including signed acknowledgement of receipt of training. Retraining intervals should also be in place.</td>
<td>2.12.8</td>
<td>Low</td>
<td>Training in confined spaces has been undertaken. Documents sighted include awareness training and competency assessment.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Continuous communication with the worker and monitoring of conditions is undertaken by a standby person outside the confined space. Procedures are in place to document this process.</td>
<td>2.12.9</td>
<td>Low</td>
<td>Part of confined space entry is to develop, test and implement an Emergency Management Plan. The EMP requires constant communication with workers on the confined space.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>An Emergency Management Plan (EMP) is established that outlines the first aid and rescue procedures to be followed in the event of an emergency in a confined space.</td>
<td>2.12.10</td>
<td>Low</td>
<td>Part of confined space entry is to develop, test and implement an Emergency Management Plan prior to entry.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>The EMP can be initiated from outside of the confined space.</td>
<td>2.12.11</td>
<td>Low</td>
<td>Part of confined space entry is to develop, test and implement an Emergency Management Plan prior to entry.</td>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
### ELECTRICAL

<table>
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<tr>
<th>REQUIREMENT</th>
<th>REF</th>
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<th>RECOMMENDATIONS</th>
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<tbody>
<tr>
<td>Electrical hazards present at the workplace have been identified</td>
<td>2.13.1</td>
<td>Low</td>
<td>Electrical hazards have been identified on site, so far as is reasonably practicable.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>A register of electrical equipment present onsite or used offsite is maintained. An established link exists between the register and the purchasing or receiving procedure.</td>
<td>2.13.2</td>
<td>Low</td>
<td>An electrical register has not been developed.</td>
<td>It is recommended that an electrical register is developed and implemented, so far as is reasonably practicable.</td>
<td></td>
</tr>
<tr>
<td>All electrical equipment should be tested and tagged by a competent person in accordance with the requirements of AS3760. Untested electrical equipment is not to be used.</td>
<td>2.13.3</td>
<td>Low</td>
<td>All electrical equipment is tested and tagged by a competent person in accordance with the requirements of AS3760.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Thermographic testing of switchboards is undertaken on an annual basis.</td>
<td>2.13.4</td>
<td>Medium</td>
<td>It could not be determined if a Thermographic Survey has been undertaken on all switchboards within BMCC's control.</td>
<td>It is recommended that a thermographic survey is undertaken on switchboards within BMCC's control.</td>
<td></td>
</tr>
<tr>
<td>There should be Residual Current Device (RCD) protection in place in relation to each socket outlet at the workplace. The RCD is incorporated before or as part of the socket.</td>
<td>2.13.5</td>
<td>Medium</td>
<td>It could not be determined if RCD protection is in place in relation to each socket outlet at workplaces within BMCC's control.</td>
<td>It is recommended that a review is undertaken to determine which outlets require RCD's.</td>
<td></td>
</tr>
<tr>
<td>RCD units should be performance tested by an electrician at least on a yearly basis.</td>
<td>2.13.6</td>
<td>Medium</td>
<td>It could not be determined if RCD testing is in place at workplaces within BMCC's control.</td>
<td>It is recommended that testing of RCD's is undertaken on an annual basis.</td>
<td></td>
</tr>
<tr>
<td>All Electrical work undertaken onsite is undertaken only by competent suitably trained personnel.</td>
<td>2.13.7</td>
<td>Low</td>
<td>BMCC has two electricians on site.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>All electrical contract personnel are required to submit Safety plans for all electrical work prior to the commencement of works. This plan is signed off by the competent electrical</td>
<td>2.13.8</td>
<td>Low</td>
<td>SWMS are provided as part of the OHS Safety plan.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
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<td>REF</td>
<td>PRIORITY</td>
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</tr>
<tr>
<td>contractor and a management representative of the site prior to commencement of works and also reviewed for compliance during the task.</td>
<td></td>
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</tr>
<tr>
<td>All electrical work where potential access is available to live electrical connectors should be restricted by Lock Out/Tag Out procedures. Prior to commencement of works, electrical equipment is tested to determine whether or not it is energised. Where electrical equipment has been de-energised, it cannot be inadvertently re-energised while work is being carried out. These steps must be included in the contractor’s site safety plan.</td>
<td>2.13.9</td>
<td>Low</td>
<td>A procedure for LOTO was sighted. The procedure is located in the Tradesman’s manual, which all tradespersons have access to. Those trades requiring to use LOTO, have their own LOTO tags.</td>
<td>Tradesman’s Manual</td>
<td>Nil</td>
</tr>
<tr>
<td>All electrical contract personnel are inducted on the site safety requirements for the site prior to the commencement of works and are advised of the requirement to sign the visitors/contractors book on entry and exiting the site.</td>
<td>2.13.10</td>
<td>Low</td>
<td>BMCC has two electricians on site. Electricians are inducted as part of BMCC’s induction process.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>A LOTO procedure exists to ensure that unsafe electrical equipment is disconnected from its electrical supply and cannot be reconnected until repaired or tested and found to be safe.</td>
<td>2.13.11</td>
<td>Low</td>
<td>A procedure for LOTO was sighted. The procedure is located in the Tradesman’s manual, which all tradespersons have access to. Those trades requiring to use LOTO, have their own LOTO tags.</td>
<td>Tradesman’s Manual</td>
<td>Nil</td>
</tr>
<tr>
<td>Employees should have been trained to check all electrical equipment and cords for appropriate tagging, or damage, prior to each use.</td>
<td>2.13.12</td>
<td>Low</td>
<td>As part of induction, all tradespersons are inducted into the tradesman’s manual. Specific training is given to LOTO.</td>
<td>Tradesman’s Manual</td>
<td>Nil</td>
</tr>
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<tr>
<td>Working at Heights</td>
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<tr>
<td>The site should have an established falls register. This should include risks where there is a risk of a fall that is reasonably likely to cause injury to the worker of other person(s). This includes objects falling at the workplace.</td>
<td>2.14.1</td>
<td>Medium</td>
<td>A Working at Heights register has not been developed.</td>
<td></td>
<td>It is recommended that a Working at Heights register is developed and maintained by Assets, so far as is reasonably practicable.</td>
</tr>
<tr>
<td>Fall control plans should be set up for each fall hazard following the hierarchy of fall controls, considering elimination of fall hazards, use of passive fall prevention device, use of work positioning system, use of fall arrest equipment and the use of ladders, administrative control and training. Administrative controls are in place and recorded for all fall hazards over 2 metres</td>
<td>2.14.2</td>
<td>Low</td>
<td>SWMS form the falls control plan. All identified working at heights tasks are controlled by a SWMS.</td>
<td></td>
<td>Nil</td>
</tr>
</tbody>
</table>
Where fall protection equipment is used by site personnel or contractors, there should be evidence of:

a) fall equipment used has been inspected and tagged by an external professional
b) a pre-start check is undertaken on all fall protection equipment to ensure it is not damaged
c) licensing and training requirements are current
d) A falls rescue plan is developed where fall arrest equipment is used. This is to include communications requirements, rescue equipment requirements, recovery of personnel and process for contact with local emergency authorities. The site should provide evidence of procedural information, training and instruction in relation to the emergency and rescue procedures.

**PRIORITY**

All fall arrest equipment is maintained and checked. All trades staff required to work at heights have been trained (records sighted).

**REVIEW COMMENTS**

Nil

**DOCUMENTATION**

Nil

**RECOMMENDATIONS**

Low

2.14.3

**CONTRACTORS**

All contractors are managed by Assets. It could not be verified on the day of the inspection if SWMS, Safety plans and inductions have been undertaken.

This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans have been provided and maintained.

Low

2.15.1

All contractors are managed by Assets. It could not be verified on the day of the inspection if SWMS, Safety plans and inductions have been undertaken.

This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans have been provided and maintained.
<table>
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<tr>
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</thead>
<tbody>
<tr>
<td>The site ensures that insurance requirements (public liability, Workers Compensation) for the contractor are appropriate for the scale of works to be completed prior to the commencement of works</td>
<td>2.15.2</td>
<td>High</td>
<td>All contractors are managed by Assets. It could not be verified on the day of the inspection if certificates of currency have been reviewed prior to commencement.</td>
<td>This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans have been provided and maintained.</td>
<td></td>
</tr>
<tr>
<td>All Contractors submit a job safety analysis/safe work method statement/site safety plan prior to the commencement of works. This plan is signed off by the contractor and a management representative of the site prior to commencement of works. The site conducts review of compliance to the plan.</td>
<td>2.15.3</td>
<td>Medium</td>
<td>All contractors are managed by Assets. It could not be verified on the day of the inspection if SWMS, Safety plans are signed off prior to commencement.</td>
<td>This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans have been provided and maintained.</td>
<td></td>
</tr>
<tr>
<td>All contract personnel are inducted on site safety requirements prior to the commencement of works and are advised of the requirement to sign the visitors/contractors book on entry and exiting the site.</td>
<td>2.15.4</td>
<td>Medium</td>
<td>All contractors are managed by Assets. It could not be verified on the day of the inspection if the sign-in register is signed or how contractors inform BMCC staff that they are on site or have left site.</td>
<td>This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken to ensure that all sign-in books are used by contractors. In addition the audit will need to determine if Contractors sign in and sign out.</td>
<td>Assets will need to ensure that these statutory requirements are adhered to.</td>
</tr>
<tr>
<td>Where required, statutory induction requirements (i.e. construction work) should be in place.</td>
<td>2.15.5</td>
<td>Medium</td>
<td>All contractors are managed by Assets. It could not be verified on the day of the inspection if statutory induction requirements (i.e. construction work) are in place.</td>
<td></td>
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<tr>
<td>REQUIREMENT</td>
<td>REF</td>
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<td>REVIEW COMMENTS</td>
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<td>RECOMMENDATIONS</td>
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<tr>
<td>For larger contractors the organisation should have verified their insurance</td>
<td>2.15</td>
<td>High</td>
<td>All contractors are managed by Assets. It could not be verified on the day of the inspection if certificates of currency have been reviewed prior to commencement.</td>
<td>This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans have been provided and maintained.</td>
<td></td>
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<tr>
<td>requirements (WorkCover and Public Liability).</td>
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</tr>
<tr>
<td>For larger contractors, a review should be undertaken of their OHS</td>
<td>2.15</td>
<td>High</td>
<td>All contractors are managed by Assets. It could not be verified on the day of the inspection if certificates of currency have been reviewed prior to commencement.</td>
<td>This represents a significant risk to BMCC. It is recommended that an internal audit is undertaken of the Contractor system to ensure that all licenses, certificates of currency and safety plans have been provided and maintained.</td>
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<tr>
<td>Management System, including:</td>
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<tr>
<td>a) policy and procedure documentation</td>
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<tr>
<td>b) roles and responsibilities of all contractor and sub-contractor personnel</td>
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<td>c) consultation requirements</td>
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<td>d) training record for all contract staff and subcontractors</td>
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<td>e) incident reporting and investigation procedures</td>
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<td>f) risk management procedures</td>
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<td>g) inspection and hazard reporting mechanisms.</td>
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<tr>
<td>The site can demonstrate reviews of the contractors systems and safety</td>
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<tr>
<td>plans. This process is formalised and documented.</td>
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<tr>
<td>Upon completion of works, the contract manager should verify that all works</td>
<td>2.15</td>
<td>Medium</td>
<td>This could not be verified on the day of the inspection.</td>
<td></td>
<td>It is recommended that Assets ensure that all works that have been completed are signed off. In addition, all areas/plant etc. will need to be handed back in a suitable condition. This</td>
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<tr>
<td>have been completed and ensure that the site is returned to standard</td>
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<tr>
<td>condition.</td>
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<td>REQUIREMENT</td>
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<tr>
<td>OTHER PERMIT SYSTEMS</td>
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</tr>
<tr>
<td>Hot work areas should have been defined and a hot work permit system set up.</td>
<td>2.16.1</td>
<td>Low</td>
<td>Hot works permits are provided by the contractor and signed off by the maintenance department.</td>
<td>Nil</td>
<td>should form part of the review.</td>
</tr>
<tr>
<td>A permit to work system should be in place to cover any excavation works.</td>
<td>2.16.2</td>
<td>Low</td>
<td>Excavation works are generally completed as part of a larger project. Licensing and notification is completed by the principal contractor.</td>
<td>Nil</td>
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<tr>
<td>EQUIPMENT</td>
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<tr>
<td>Pre-start checklists; a) Are established for Mobile Plant and Equipment (those used by either maintenance staff or contractors) b) Are completed by licensed personnel prior to the commencement of their shift and documented c) Any unsatisfactory item is actioned immediately and reported. LOTO procedures apply. Any item not closed out immediately is added to the WHS Action Plan for completion d) training and re-training is undertaken with licensed personnel e) review inspections are undertaken to ensure completion and quality of completion</td>
<td>2.16.1</td>
<td>Low</td>
<td>Pre-start checklists are undertaken on required items of plant prior to commencement. Checks include odometer readings and Hour Metres. If plant is defective then a Defect Report form is completed.</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>
## SECTION 3: VERIFICATION

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
<th>REF</th>
<th>PRIORITY</th>
<th>REVIEW COMMENTS</th>
<th>DOCUMENTATION</th>
<th>RECOMMENDATIONS</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Workplace Inspections Checklists;</td>
<td></td>
<td>Low</td>
<td>Each area has developed and implemented regular inspections.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>a) have been developed in consultation with workers</td>
<td></td>
<td></td>
<td>This is a requirement under the burning cost model (WorkCover Retro-Paid-Loss Premium Arrangements OHS Targets 2011-2012).</td>
<td></td>
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</tr>
<tr>
<td>(and health and safety representatives where applicable) and include</td>
<td></td>
<td></td>
<td>Pre-start checklists are completed prior to starting plant.</td>
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<tr>
<td>area specific hazards</td>
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<tr>
<td>b) are completed on a monthly basis</td>
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<tr>
<td>c) should be completed by a team</td>
<td>3.1.1</td>
<td>Low</td>
<td></td>
<td></td>
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<tr>
<td>leader/management representative and an worker of the work group</td>
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<tr>
<td>d) items identified on the day of the inspection are closed out immediately</td>
<td></td>
<td>Low</td>
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<tr>
<td>A debrief should be undertaken with operational management following</td>
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<tr>
<td>an inspection to ensure that items not closed out are</td>
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<tr>
<td>transferred to the site WHS Action Plan for completion</td>
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<tr>
<td>Management should be involved in undertaking Workplace Inspections with</td>
<td></td>
<td>Medium</td>
<td>Some management are involved in undertaking inspection, however this could be improved. It was</td>
<td></td>
<td></td>
</tr>
<tr>
<td>employees also.</td>
<td>3.1.2</td>
<td>Medium</td>
<td>reported that 25% of inspections are supposed to be completed by area managers, however this figure cannot be verified.</td>
<td></td>
<td>It is recommended that as part of the inspection schedule, management are included and also undertake Workplace Inspections with employees.</td>
</tr>
</tbody>
</table>
## SECTION 4: TRAINING

### TRAINING AND INDUCTION

#### TRAINING NEEDS ANALYSIS

<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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</thead>
<tbody>
<tr>
<td>A Training Needs Analysis (TNA) should be developed for the site, including: a) a list of OHS competencies for each position description for the organisation including management b) a task skills matrix outlining individual competencies including site specific Safe Operating Procedures c) personal development plans</td>
<td>4.1.1</td>
<td>Low</td>
<td>A Training Needs Analysis (TNA) has not been developed for the site, however training needs and competencies are included in Position Descriptions and the Performance, Priority and Review System (PPRS). The key activities of the worker are included along with the Competency Skills Assessment and Performance Standards. All of this is linked into the core competencies for the job/task.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>There should be a competency assessment process attached to training to ensure that personnel have understood this.</td>
<td>4.1.2</td>
<td>Low</td>
<td>The Competency Skills Assessment is linked into the core competencies for the job/task. Records were sighted.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>All training is to be documented and signed acknowledgement received by each worker.</td>
<td>4.1.3</td>
<td>Low</td>
<td>Training is documented and acknowledgement received. Evidence of training records were sighted on the day of the inspection.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>There should be a review process to verify compliance with training over time.</td>
<td>4.1.4</td>
<td>Low</td>
<td>This is achieved through the Performance, Priority and Review System (PPRS)</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Where training is not complied with, there should be a Corrective Action system in place.</td>
<td>4.1.5</td>
<td>Low</td>
<td>There was no evidence to support corrective actions being issues for non-</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>
### Requirement

Individuals are supervised according to their capabilities and the degree of risk of the task. This includes but is not limited to:

- Risk assessments/task analysis that identify the level of supervision required for tasks.
- Evaluations of employee competency to perform assigned tasks.
- Supervision/rosters that demonstrate resources in appropriate areas at appropriate times.
- Logbooks e.g., for new employees or for higher risk tasks.
- "On the job" training procedures (and records) that identify the level of supervision required (and provided).

#### 4.1.6

**Priority**

Low

**Review Comments**

Nil

**Recommendations**

Manual handling refresher training is conducted on a regular basis. Training has been provided to all operational staff required to undertake traffic management tasks (evidence provided). Blue Card, Yellow Card and Red Card training has been undertaken.

**Documentation**

Nil
<table>
<thead>
<tr>
<th>REQUIREMENT</th>
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<tbody>
<tr>
<td><strong>INDUCTION</strong></td>
<td></td>
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</tr>
<tr>
<td>Induction;</td>
<td>4.2.1</td>
<td>Low</td>
<td>Corporate inductions are undertaken and OHS forms part of this induction. It was reported that the Corporate induction needs to be updated to reflect the changes in the new WHS Legislation.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>a) a documented procedure is in place, including an employee handbook or similar. This is provided to all new employees.</td>
<td>4.2.1</td>
<td>Low</td>
<td>Workers who are required to work as Traffic Management specialists undertake inductions relevant to their tasks. Sites conduct their own site specific inductions. Separate White Card inductions (Construction Inductions) are also undertaken by relevant workers.</td>
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<tr>
<td>b) includes area level induction process based on operational hazards to which the employee will be exposed and is competency assessed</td>
<td></td>
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<tr>
<td>c) a signed acknowledgement of receipt of induction completion is obtained.</td>
<td></td>
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<tr>
<td>c) a review process to re-induct employees is in place</td>
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</tr>
<tr>
<td>Labour hire and contract personnel should be provided with a similar level of induction to employees. Visitors should be provided with a basic induction provided on signing in to the site.</td>
<td>4.2.2</td>
<td>Low</td>
<td>The visitors register has a sign-in ticket which outlines some of basic safety measures and site safety rules.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Pre-employment medical examinations are undertaken on all new employees. These must incorporate audiometric testing and drug and alcohol screening.</td>
<td>4.2.3</td>
<td>Low</td>
<td>Pre-employment medicals are conducted for new employees; however hearing tests are not part of the process.</td>
<td></td>
<td>It is recommended that those workers who will be exposed to noise levels exceeding 85 dBA have mandatory hearing tests as part of their pre-employment medical.</td>
</tr>
<tr>
<td><strong>VISITORS</strong></td>
<td></td>
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</tr>
<tr>
<td>A visitor’s register should be in place and in use.</td>
<td>4.3.1</td>
<td>Low</td>
<td>A sign-in register has been implemented.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
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</tr>
<tr>
<td>The visitors register process should incorporate explanation of basic site safety rules which should be signed off by all visitors.</td>
<td>4.3.2</td>
<td>Low</td>
<td>The visitors register has a sign-in ticket which outlines some of basic safety measures and site safety rules.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>All contractor personnel are required to sign the visitors register upon entry and exit to the premises.</td>
<td>4.3.3</td>
<td>Low</td>
<td>All personnel are required to sign-in prior to entering and exiting the workplace.</td>
<td>Nil</td>
<td></td>
</tr>
</tbody>
</table>
## First Aid

<table>
<thead>
<tr>
<th>RECOMMENDATIONS</th>
<th>REQUIREMENT</th>
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<tbody>
<tr>
<td><strong>FIRST AID</strong></td>
<td><strong>SECTION 5: EMERGENCY PREPAREDNESS</strong></td>
</tr>
</tbody>
</table>

### 5.1.1 Medium
A first aid risk assessment has not been undertaken to determine the level of first aid required.

- **Recommendation**: Undertake a first aid risk assessment to determine the level of first aid required. At least two First Aid Officers per shift should be accessible on each shift.

### 5.1.2 Medium
First aid officers are accessible on each shift, however this has not been determined through a risk assessment.

- **Recommendation**: Undertake a first aid risk assessment to determine the level of first aid assistance required.

### 5.1.3 Low
First aid kits are well stocked, however this has not been established through any structured method (e.g., head injury, degloving injury, amputation, serious fracture(s), etc.).

- **Recommendation**: Conduct the site specific First Aid Risk Assessment in accordance with the following:

  1. **Medical needs of workers, where applicable**: The site should have provided a First Aid Risk Assessment which identifies the medical needs of workers, where applicable.

  2. **Location of nearest medical facilities and emergency assistance response times**: The location of nearest medical facilities and emergency assistance response times should have been determined and documented.

### 5.1.4 Medium
Medical facilities and emergency assistance have been identified in most areas.

- **Recommendation**: Undertake a first aid risk assessment to ensure that medical facilities and emergency assistance are identified for each location/site and contact numbers are documented.

### 5.1.5 Low
First aid kits are well stocked, however this has not been established through any structured method (e.g., head injury, degloving injury, amputation, serious fracture(s), etc.).

- **Recommendation**: Undertake a first aid risk assessment to ensure that the contents of first aid kits are adequate.

### 5.1.6 Medium
First aid officers are accessible on each shift, however this has not been determined through a risk assessment.

- **Recommendation**: Undertake a first aid risk assessment to determine the level of first aid assistance required.

### 5.1.7 Low
First aid officers are accessible on each shift, however this has not been determined through a risk assessment.

- **Recommendation**: Undertake a first aid risk assessment to determine the level of first aid assistance required.
<table>
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<tr>
<th>REQUIREMENT</th>
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</thead>
<tbody>
<tr>
<td>A Trauma Kit including defibrillator should be available where applicable.</td>
<td>5.1.6</td>
<td>Low</td>
<td>It could not be determined if a Trauma Kit including defibrillator is required.</td>
<td></td>
<td>It is recommended that a first aid risk assessment is undertaken to determine if a Trauma Kit including defibrillator is required.</td>
</tr>
<tr>
<td>First Aid kits should be serviced on a regular basis and an internal verification process should be in place to ensure this has occurred.</td>
<td>5.1.7</td>
<td>Low</td>
<td>First aid kits are restocked on a regular basis.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>First Aid training should be current and the site should have an internal system which identifies when re-training intervals are due. First aid officers should also be familiar with chemicals stored onsite and emergency response required with exposure.</td>
<td>5.1.8</td>
<td>Low</td>
<td>First aid training is current.</td>
<td>Nil</td>
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<tr>
<td><strong>EMERGENCY PLANS</strong></td>
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<tr>
<td>The site should have developed an Emergency Plan in accordance with the Australian Standard which covers all appropriate emergency scenarios, including evacuation.</td>
<td>5.2.1</td>
<td>Low</td>
<td>An Emergency Plan has been developed in accordance with the Australian Standard. In addition Fire control plans have also been developed and implemented.</td>
<td></td>
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<tr>
<td>An emergency control organisation including Chief Warden, Wardens and Deputy Wardens should be specified in accordance with the Australian Standard.</td>
<td>5.2.2</td>
<td>Low</td>
<td>An Emergency Control Organisation (ECO) has been established, however the effectiveness of the ECO needs to be determined.</td>
<td></td>
<td>It is recommended that the role of the Emergency Control Organisation, including Wardens, Chief Wardens etc. is reviewed.</td>
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<tr>
<td>REQUIREMENT</td>
<td>REF</td>
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<td>REVIEW COMMENTS</td>
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</tr>
<tr>
<td>Training should have been undertaken for all personnel in the Emergency</td>
<td>5.2.3</td>
<td>Medium</td>
<td>The responsibility for training rests with each department. It is not clear if all departments have undertaken training.</td>
<td></td>
<td>It is recommended that once the ECO has been established all members are trained by a competent operator.</td>
</tr>
<tr>
<td>Control organisation on their responsibilities. Consideration should be</td>
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<td>given to laminated cards with their helmets setting out their requirements.</td>
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</tr>
<tr>
<td>A schedule of emergency evacuation drills should have been developed and</td>
<td>5.2.4</td>
<td>High</td>
<td>Emergency drills are not conducted in accordance with any type of schedule, standard or Regulation.</td>
<td></td>
<td>It is recommended that emergency drills are conducted on various situations. Consideration is to be given to emergencies that may happen during office lunch hours, or in remote locations etc.</td>
</tr>
<tr>
<td>should cover different scenarios.</td>
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<tr>
<td>A record of each emergency evacuation drill including the time taken to</td>
<td>5.2.5</td>
<td>Medium</td>
<td>It was not determined if records of site specific Emergency drills are maintained.</td>
<td></td>
<td>It is recommended that records, including the time to exit the building, are maintained for all emergency evacuation drills.</td>
</tr>
<tr>
<td>evacuate should be maintained and a debrief meeting should be held with</td>
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<tr>
<td>all members of the ECO following the drill. The results of the debrief</td>
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<tr>
<td>should be provided to all workers.</td>
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</tr>
<tr>
<td>Training in how to use Fire Equipment should have been provided to all</td>
<td>5.2.6</td>
<td>Medium</td>
<td>An Emergency Control Organisation has not been maintained and training levels cannot be verified.</td>
<td></td>
<td>Consideration is to be given to having all members of the ECO trained in the use of fire equipment.</td>
</tr>
<tr>
<td>personnel in the emergency response group.</td>
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</tr>
<tr>
<td>All emergency exit doors should open outward and be push operated.</td>
<td>5.2.7</td>
<td>Low</td>
<td>All fire doors viewed on the day of the inspection had a one way locking system, with a single-handed downward pushing action on a single device located between 900mm and 1.1m above the floor.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>A clear area should have been marked outside the exits and should be</td>
<td>5.2.8</td>
<td>Low</td>
<td>Although there are no markings, all areas surrounding fire extinguishers and emergency exits were clear and free from obstructions.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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<td>REVIEW COMMENTS</td>
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</tr>
<tr>
<td>A regular check of emergency exit signage, (including spot button testing) and function should be undertaken as part of the Workplace Inspection checklist.</td>
<td>5.2.9</td>
<td>Low</td>
<td>A formal inspection of the premises is undertaken by a competent contractor. In addition, emergency exits observed on the day of the inspection were operational and visible.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>A clear area (1mx1m) should have been marked on the floor beneath emergency equipment to ensure it is kept clear of obstruction at all times.</td>
<td>5.2.10</td>
<td>Low</td>
<td>Although there are no markings, all areas surrounding fire extinguishers and emergency exits were clear and free from obstructions.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>The Workplace Inspection checklist should verify that emergency exits are maintained in clear condition.</td>
<td>5.2.11</td>
<td>Low</td>
<td>Although regular inspections are undertaken, it was determined if checking emergency exits are part of the checklist.</td>
<td>It is recommended that the formalised inspection process includes emergency exits.</td>
<td></td>
</tr>
<tr>
<td>A Fire Equipment service provider should have been nominated.</td>
<td>5.2.12</td>
<td>Low</td>
<td>A Fire Equipment service provider has been nominated.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>The Fire Equipment service provider should have undertaken a review of the premises to determine the appropriate location and standard of all Fire Equipment and exits/signage which should be documented.</td>
<td>5.2.13</td>
<td>Low</td>
<td>The fire extinguishers, hydrants and hose reels inspected on the day had current tags securely affixed.</td>
<td>Nil</td>
<td></td>
</tr>
<tr>
<td>Site plans developed and displayed with assembly points designated and critical elements. (E.g. Gas Shut Off, Exits, Fire Appliances)</td>
<td>5.2.14</td>
<td>High</td>
<td>Site plans are not developed or displayed in a number of BMCC controlled workplaces.</td>
<td>It is recommended that Emergency site plans are developed and prominently displayed in all BMCC controlled workplaces. Critical elements such as Gas Shut Off, Emergency Exits and Fire Appliances will need to be identified. In addition designated</td>
<td></td>
</tr>
<tr>
<td>REQUIREMENT</td>
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</tr>
<tr>
<td>The Workplace Inspection checklist should verify that Fire Equipment has been inspected in accordance with requirements.</td>
<td>5.2.15</td>
<td>Low</td>
<td>Although regular inspections are undertaken, it was determined if checking fire equipment forms part of the checklist.</td>
<td>assembly points will need to be displayed.</td>
<td>It is recommended that the formalised inspection process includes checking fire equipment.</td>
</tr>
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# SECTION 6: REHABILITATION AND WORKERS COMPENSATION

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<tr>
<td>Rehabilitation policy and procedures should have been developed and authorised by the Chief Executive Officer.</td>
<td>6.1.1</td>
<td>Low</td>
<td>BMCC has an established injury management program which includes an injury management protocol (policy).</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Rehabilitation procedures are developed and these also cover eventualities such as stress, fatigue, drugs and alcohol.</td>
<td>6.1.2</td>
<td>Low</td>
<td>The injury management program includes suitable duties and Return To Work plans. In addition, psychological injury is included into the program.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>The rehabilitation procedures should include a descriptive list of alternate duties.</td>
<td>6.1.3</td>
<td>Low</td>
<td>Alternative duties are agreed between the Doctor, worker and RTW Coordinator. The duties are selected, modified and controlled as required to ensure the workers safety.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>A Rehabilitation Coordinator/Return to Work Coordinator should have been assigned and trained according to individual state based legislative requirements.</td>
<td>6.1.4</td>
<td>Low</td>
<td>A Return to Work Coordinator has been assigned and trained according to individual state based legislative requirements.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Employees should have been provided with training in relation to the rehabilitation policy and procedures and a signed acknowledgment should be in place. This training should also be provided in languages that cater for Non-English speaking background workers.</td>
<td>6.1.5</td>
<td>Low</td>
<td>Employee training is included in the initial Corporate induction.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>The site should endeavour to have any employee injured at work to sign a medical release form to allow for early dialogue with treating practitioners in order to establish early return to work.</td>
<td>6.1.6</td>
<td>Low</td>
<td>This is outlined in the injury management program.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
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</tr>
<tr>
<td>The site should have a process to follow up absent employees who do not phone in on the first day to ascertain the reason why.</td>
<td>6.1.7</td>
<td>Low</td>
<td>This is outlined in the injury management program.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>Return to Work plans should be in place within 5 days of absence if not sooner.</td>
<td>6.1.8</td>
<td>Low</td>
<td>This is outlined in the injury management program.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>All absences in excess of 10 days if not part of the workers compensation system, should require medical clearances prior to return to work.</td>
<td>6.1.9</td>
<td>Low</td>
<td>This is outlined in the injury management program.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>A preferred rehabilitation provider should have been nominated and should have visited the site. A preferred medical practitioner should have been nominated and should have visited the site.</td>
<td>6.1.10</td>
<td>Low</td>
<td>This is outlined in the injury management program.</td>
<td></td>
<td>Nil</td>
</tr>
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**WORKERS’ COMPENSATION**

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<th>RECOMMENDATIONS</th>
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</thead>
<tbody>
<tr>
<td>The site should undertake regular reviews (monthly or quarterly) as required with the insurer.</td>
<td>6.2.1</td>
<td>Low</td>
<td>All claim files that are open are reviewed regularly, as agreed by BMCC and the insurer dependant on the amount of claims, outstanding issues, legal ramifications of claims etc. but at intervals of not less than four months.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>The site has established monthly claims reporting with the Workers Compensation Insurance Agent, where applicable.</td>
<td>6.2.2</td>
<td>Low</td>
<td>All claim files that are open are reviewed regularly, as agreed by BMCC and the insurer dependant on the amount of claims, outstanding issues, and legal ramifications of claims etc. but at intervals of not less than four months.</td>
<td></td>
<td>Nil</td>
</tr>
<tr>
<td>REQUIREMENT</td>
<td>REF</td>
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<td>REVIEW COMMENTS</td>
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<tr>
<td>Basic training should have been undertaken with supervisory and management personnel such that they understand the impact of claims costs on premiums.</td>
<td>6.2.3</td>
<td>Low</td>
<td>Training is not currently undertaken with supervisory and management personnel.</td>
<td>It is recommended that regular training is conducted with supervisory and management personnel so they understand the impact of claims cost on premiums.</td>
<td></td>
</tr>
</tbody>
</table>
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Model Asbestos Policy for NSW Councils

November 2012
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November 2012
Model Asbestos Policy for NSW Councils

Foreword

Local Government plays a critical role in reducing the risks posed by asbestos. Councils work together with the State Government and wider public to address the unfortunate legacy of asbestos in building materials and land contaminated with asbestos, as well as addressing naturally occurring asbestos.

This Model Asbestos Policy has been developed to assist NSW councils to formulate an asbestos policy and to promote a consistent approach to asbestos management by Local Government across NSW. The Model Asbestos Policy is designed for councils to either adapt an existing asbestos policy or develop a new asbestos policy.

A Guide to developing an asbestos policy based on the Model Asbestos Policy has also been prepared to assist NSW councils. The Guide, Developing your council's asbestos policy: A guide to the Model Asbestos Policy for NSW councils (catalogue no. WC03898) explains how councils may tailor certain sections of the Model Asbestos Policy to formulate their asbestos policy and provides a checklist. The Guide also offers background information and advice for councils.

The Model Asbestos Policy was developed by the Local Government and Shires Associations of NSW (LGSA) on behalf of the Heads of Asbestos Coordination Authorities Working Group. The Heads of Asbestos Coordination Authorities Working Group comprises a number of State Government agencies that provided valuable input to this policy. A Local Government Reference Group and members of staff from councils across NSW also contributed useful advice regarding the Model Asbestos Policy.

This Model Asbestos Policy will assist all NSW councils to prepare and adopt a sound asbestos policy which will provide important information and guidance to council workers and local communities.

Julie Newman
Chair, Heads of Asbestos Coordination Authorities
Chief Executive Officer
WorkCover NSW

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet
Council to insert full name of council
Asbestos Policy
Council to insert year
Administrative information

Council to insert the following information in the policy or attach this information to the policy in council's electronic record keeping system:

<table>
<thead>
<tr>
<th>Administrative Information</th>
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<tbody>
<tr>
<td><strong>File number or Policy number</strong> (council may wish to assign a number to the policy based on any record keeping system)</td>
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</tr>
<tr>
<td><strong>Document status</strong> (council to select one)</td>
<td><strong>Draft / Final</strong></td>
</tr>
<tr>
<td><strong>Version number</strong> (assigned by council)</td>
<td><strong>Version number</strong></td>
</tr>
<tr>
<td><strong>Date last modified or Amendment history</strong> (council to select one)</td>
<td><strong>Insert date/s</strong></td>
</tr>
<tr>
<td><strong>Created by</strong></td>
<td><strong>Staff member/s who created the policy</strong></td>
</tr>
<tr>
<td><strong>Approved by</strong> (It may be appropriate to remove this once policy has been adopted by council)</td>
<td><strong>Staff member who approved the policy</strong></td>
</tr>
<tr>
<td><strong>Date policy first adopted by council</strong></td>
<td><strong>Insert date</strong></td>
</tr>
<tr>
<td><strong>Effective date</strong></td>
<td><strong>Insert date</strong></td>
</tr>
<tr>
<td><strong>Review period</strong></td>
<td>This policy will be reviewed at the time of any relevant legislative changes, or may be reviewed at a minimum, every three years.</td>
</tr>
<tr>
<td><strong>Review date</strong></td>
<td><strong>Insert date</strong></td>
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<tr>
<td><strong>Responsibility for review</strong></td>
<td><strong>Staff member/s responsible for ensuring the policy is current and revised as necessary</strong></td>
</tr>
<tr>
<td><strong>Date presented to the Work Health and Safety Committee</strong></td>
<td><strong>Insert date</strong></td>
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<td><strong>Document distribution</strong></td>
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<tr>
<td><strong>Document owner</strong></td>
<td><strong>Staff member/s responsible for maintaining the accuracy of the document</strong></td>
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<tr>
<td><strong>Contact person for further information</strong></td>
<td>Name, position, contact details of person/s who may be contacted by staff members and members of the public for more information</td>
</tr>
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</table>
Council disclaimer

Here council may wish to include:

- Any standard policy disclaimer council may have
- A specific disclaimer prepared by council for this policy, or
- The disclaimer provided below.

This policy was formulated to be consistent with council’s legislative obligations and within the scope of council’s powers. This policy should be read in conjunction with relevant legislation, guidelines and codes of practice. In the case of any discrepancies, the most recent legislation should prevail.

This policy is based upon the Model Asbestos Policy for NSW Councils developed by the Heads of Asbestos Coordination Authorities to promote a consistent Local Government approach to asbestos management across NSW.

This policy does not constitute legal advice. Legal advice should be sought in relation to particular circumstances and liability will not be accepted for losses incurred as a result of reliance on this policy.
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1. Introduction

Council to insert name of council acknowledges the serious health hazard of exposure to asbestos.

In Australia, asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited since 31 December 2003. Yet asbestos legacy materials still exist in many homes, buildings and other assets and infrastructure. It is estimated that one in three Australian homes contains asbestos. Council to insert one to two sentences on asbestos in the LGA.

Where material containing asbestos is in a non-friable form (that is, cannot be crushed by hand into a powder), undisturbed and painted or otherwise sealed, it may remain safely in place. However, where asbestos containing material is broken, damaged, disturbed or mishandled, fibres can become loose and airborne posing a risk to health. Breathing in dust containing asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

It is often difficult to identify the presence of asbestos by sight. Where a material cannot be identified or is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions. Further information about asbestos and the health impacts of asbestos can be found in Appendix A and website links to additional information are provided in Appendix B.

Council has an important dual role in minimising exposure to asbestos, as far as is reasonably practicable, for both:

- residents and the public within the Local Government Area (LGA)
- workers (employees and other persons) in council workplaces.

Council's legislative functions for minimising the risks from asbestos apply in various scenarios including:

- as a responsible employer
- contaminated land management
- council land, building and asset management
- emergency response
- land use planning (including development approvals and demolition)
- management of naturally occurring asbestos
- regulation of activities (non-work sites)
- waste management and regulation.

1.1 Purpose

This policy aims to outline:

- the role of council and other organisations in managing asbestos
- council's relevant regulatory powers
- council's approach to dealing with naturally occurring asbestos, sites contaminated by asbestos and emergencies or incidents
- general advice for residents on renovating homes that may contain asbestos
- council's development approval process for developments that may involve asbestos and conditions of consent
- waste management and regulation procedures for asbestos waste in the LGA
- council's approach to managing asbestos containing materials in council workplaces
- sources of further information.
1.2 Scope

This policy applies to all of the council to insert name of the Local Government Area LGA within council's jurisdiction.

The policy provides information for council workers, the local community and wider public. Part 1 of the policy includes the sections that are likely to be of most interest to the local community and wider public. Part 2 is information that applies to workers associated with council including employees, contractors, consultants, and volunteers (as defined by the NSW Work Health and Safety Regulation 2011). Definitions for key terms used in the policy are provided in Appendix C and acronyms are listed in Appendix D.

The policy applies to friable, non-friable (bonded) and naturally occurring asbestos (where applicable) within the LGA.

The policy outlines council's commitment and responsibilities in relation to safely managing asbestos and contains general advice. For specific advice, individuals are encouraged to contact council or the appropriate organisation (contact details are listed in Appendix E).

The policy does not provide detail on specific procedures. Practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found in the:

- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW.
- Code of practice on how to safely remove asbestos published by WorkCover NSW (catalogue no. WC03561) published by WorkCover NSW.
- Additional guidance material listed in Appendix B.

Detailed information on council's procedures and plans may be found in other documents, which are referenced in part 2 under section 18.1.

2. Definitions

Definitions are provided in Appendix C.

3. Roles and responsibilities of council

3.1 Educating residents

Council shall assist residents to access appropriate information and advice on the:

- prohibition on the use and re-use of asbestos containing materials
- requirements in relation to development, land management and waste management
- risks of exposure to asbestos
- safe management of asbestos containing materials
- safe removal and disposal of minor quantities of asbestos containing materials.

Educational information and website links for educational materials can be found in Appendices A and B.

3.2 Managing land

Council is responsible for managing public land. This may include land with naturally occurring asbestos as described in section 5 and land contaminated with asbestos as outlined in section 6.
3.3 Managing waste

Where council is the appropriate regulatory authority, council is responsible for:

- Issuing clean up notices to address illegal storage or disposal of asbestos waste or after an emergency or incident (under the Protection of the Environment Operations Act 1997).
- Issuing prevention or clean up notices where asbestos waste has been handled (including stored, transported or disposed of) in an unsatisfactory manner (under the Protection of the Environment Operations Act 1997).
- Applying planning controls to proposals to dispose of asbestos waste on-site, seeking advice from the Environment Protection Authority (EPA) on this matter and making notation on planning certificates (section 149 certificates) where on-site disposal is permitted.

Council to tailor text if applicable or delete if not applicable:

- Operating licensed landfill facility/facilities that accept/s asbestos waste.
- Contracting a private business that operates a licensed landfill facility/facilities that accepts asbestos waste.

Waste facilities that are licensed to accept asbestos waste are listed in Appendix F.

3.4 Regulatory responsibilities

Council has regulatory responsibilities under the following legislation, policies and standards in situations where council is the appropriate regulatory authority or planning authority:

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Protection of the Environment Operations Act 1997
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- State Environmental Planning Policy No. 55 – Remediation of Land.

Additional legislation, policies and standards relating to the safe management of asbestos are listed in Appendix G.

The situations in which council has a regulatory role in the safe management of asbestos are listed in Table 1.
<table>
<thead>
<tr>
<th>Issue</th>
<th>Council's role</th>
<th>Section of policy</th>
</tr>
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</table>
| Contaminated land            | • Record known asbestos site contamination on section 149 certificates where practicable and for council workplaces, record on council’s asbestos register.  
                              • Notify stakeholders of land use planning policy requirements relating to contamination.                                                                                                                   | Sections 5 and 6  |
|                              | • Manage residential asbestos contaminated land that is not declared ‘significantly contaminated’ under the Contaminated Land Management Act 1997 (excluding oversight of removal or remediation work which is the role of WorkCover).        |                   |
| Development assessment       | • Assess development applications for approval under the Environmental Planning and Assessment Act 1979.                                                                                                      | Section 9         |
|                              | • Set conditions of consent for renovations, alterations, additions, demolitions or other developments requiring consent and which may involve disturbance of asbestos containing materials.                       |                   |
|                              | • Ensure compliance with development conditions.                                                                                                                                                              |                   |
|                              | • Apply conditions relating to development involving friable and non-friable asbestos material under the relevant legislation and planning codes and as outlined in section 9.                        |                   |
| Demolition                   | • Approve demolition under the Environmental Planning and Assessment Act 1979.                                                                                                                                  | Section 9         |
|                              | • Council certifiers approve development as complying development under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.                                         |                   |
| Emergencies and incidents    | • Regulate the clean up of asbestos waste following emergencies where sites are handed over to the council or a local resident by an emergency service organisation (excluding oversight of licensed removal or remediation work which is the role of WorkCover). Council may consider the need to issue a clean up notice, prevention notice or cost compliance notice under the Protection of the Environment Operations Act 1997. | Section 7         |
| Naturally occurring asbestos | • Verify compliance with environmental planning and assessment legislation for development applications that could disturb naturally occurring asbestos.                                                     | Section 5         |
|                              | • Prepare an asbestos management plan for council workplaces or road works which occur on land containing naturally occurring asbestos.                                                                             |                   |
| Residential premises         | • Respond to any public health risks (risks to council workers and wider public) relating to the removal of asbestos containing materials or asbestos work at residential properties that does not involve a business or undertaking. | Section 9         |
|                              | • Respond to complaints about unsafe work at a residential property that is undertaken by a resident (not a worker, which is the role of WorkCover).                                               |                   |
|                              | • Respond to public health risks posed by derelict properties or asbestos materials in residential settings.                                                                                                    |                   |
| Waste                        | • Manage waste facilities in accordance with environmental protection legislation.                                                                                                                               | Section 10        |
|                              | • Respond to illegal storage, illegal dumping and orphan waste.                                                                                                                                              |                   |
|                              | • Regulate non-complying transport of asbestos containing materials.                                                                                                                                        |                   |
3.5 Responsibilities to workers

Council is committed to fulfilling its responsibilities to workers under the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2011 and maintaining a safe work environment through council’s:

- general responsibilities
- education, training and information for workers
- health monitoring for workers
- procedures for identifying and managing asbestos containing materials in council premises.

These responsibilities are outlined in part 2.

4. Other stakeholders involved in managing asbestos

Council is committed to working collaboratively with other government agencies and where appropriate, other stakeholders as needed to respond to asbestos issues.

Appendix E notes useful contacts and Appendix H notes agencies involved in managing asbestos. Various asbestos scenarios requiring stakeholders to work together are outlined in Appendix I.

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

Council is to select the applicable option and delete the other.

- *Asbestos is found as a naturally occurring mineral in the following locations in the LGA* (if applicable, council to insert details of known naturally occurring asbestos in the LGA including locations).
- *Council is not aware of any naturally occurring asbestos in the LGA.*

Naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air, either by human activities or by natural weathering and these fibres are breathed in by people. Information on naturally occurring asbestos, work processes that have the potential to release naturally occurring asbestos fibres into the air and known locations of naturally occurring asbestos in NSW is provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of all naturally occurring asbestos in NSW.

5.1 Responsibilities for naturally occurring asbestos

For naturally occurring asbestos that will remain undisturbed by any work practice, council is the lead regulator.

Where development applications propose activities that may disturb areas of naturally occurring asbestos (such as excavation), any consent or approval should contain conditions requiring: testing to determine if asbestos is present, and the development of an asbestos management plan if the testing reveals naturally occurring asbestos is present. Council will verify compliance with environmental planning and assessment legislation and together with the EPA and WorkCover will coordinate enforcement where non-compliance is suspected.

Where naturally occurring asbestos will be disturbed due to a work process, including roadwork, excavation and remediation work, WorkCover is the lead regulator. Requirements for workplaces are summarised in the Naturally-occurring asbestos fact sheet (catalogue no. WC03728) published by WorkCover. Where naturally occurring asbestos is part of a mineral extraction process, Department of Trade and Investment, Regional Infrastructure is the lead regulator.
5.2 Managing naturally occurring asbestos

Where naturally occurring asbestos is encountered or suspected, the risk from disturbance of the naturally occurring asbestos should be assessed by an occupational hygienist.

The management of naturally occurring asbestos that stays in its natural state is not prohibited if managed in accordance with an asbestos management plan. Requirements for risk management, asbestos management plans and provisions for workers are outlined in the Naturally-occurring asbestos fact sheet (catalogue no. WC03728) published by WorkCover.

5.2.1 Management of naturally occurring asbestos by council

Council will aim to prevent the exposure of workers and the public to any naturally occurring asbestos that is known or discovered in the council workplace.

If council is not aware of any naturally occurring asbestos in the LGA insert:

- If naturally occurring asbestos is discovered in the LGA, council will develop risk controls, an asbestos management plan in relation to the naturally occurring asbestos and provide guidance materials where necessary.

If council is aware of naturally occurring asbestos in the LGA, select the applicable option and delete the other:

- Council has an asbestos management plan for the naturally occurring asbestos in the LGA.
- Council will develop an asbestos management plan for the naturally occurring asbestos in the LGA.

6. Contamination of land with asbestos

Background information on contamination of land with asbestos and potential disturbance of asbestos contaminated sites can be found in Appendix A under sections 2 and 3. The nature of asbestos contamination of land can vary significantly and there can be a number of different mechanisms available to address this contamination depending upon its source and extent.

6.1 Responsibilities for contaminated land

Responsibility for cleaning up contaminated land lies with the person responsible for contaminating the land or the relevant landowner.

Council may issue a clean up notice to the occupier of premises at or from which council reasonably suspects that a pollution incident has occurred, or is occurring, requiring asbestos waste to be removed (under part 4.2 of the Protection of the Environment Operations Act 1997).

Council may also issue prevention notices (under part 4.3 of the Protection of the Environment Operations Act 1997) to ensure good environmental practice. If a person does not comply with a prevention notice given to the person, council employees, agents or contractors may take action to cause compliance with the notice.

Any reasonable costs incurred by council in monitoring or enforcing clean up and prevention notices may be recovered through a compliance cost notice (under part 4.5 of the Protection of the Environment Operations Act 1997). Council shall keep records of: tasks undertaken; the hours council employees have spent undertaking those tasks; and expenses incurred.

During site redevelopment council will consider contamination with asbestos containing materials in the same way as other forms of contamination as stipulated by the Environmental Planning and Assessment Act 1979. That is, council will apply the general requirements of State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land and the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land.

Council provides information about land contamination on planning certificates (issued under section 149 of the Environmental Planning and Assessment Act 1979) as outlined in section 6.2.
For sites that are ‘significantly contaminated’ and require a major remediation program independent of any rezoning or development applications, the EPA and WorkCover are the lead regulatory authorities as outlined in Appendix A under section 2.4.2.

The management of council workplaces contaminated with asbestos is outlined in section 14.4.

6.2 Finding out if land is contaminated

A person may request from council a planning certificate containing advice on matters including whether council has a policy to restrict the use of land due to risks from contamination. Certificates are issued under section 149(2) of the Environmental Planning and Assessment Act 1979.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. When council receives a request for a certificate under section 149(2), it may also inform applicants of any further information available under section 149(5). Council may also use section 149(5) certificates to record other information, particularly anything else of a factual nature about contamination which council deems appropriate (such as details of land history, assessment, testing and remediation).

Council records can only indicate known contaminated sites. Any site may potentially be contaminated.

6.3 Duty to report contaminated land

A person whose activities have contaminated land or a landowner whose land has been contaminated is required to notify the EPA when they become aware of the contamination (under section 60 of the Contaminated Land Management Act 1997). Situations where this is required are explained in the document: Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997.

The EPA will inform council of contaminated land matters relating to the LGA as required under section 59 of the Contaminated Land Management Act 1997.

6.4 Derelict buildings

Concerns regarding potential health risks from derelict properties may be directed to council. Derelict properties include abandoned buildings, fire damaged buildings and otherwise dilapidated buildings. Where derelict properties contain friable asbestos and asbestos is exposed, either from human activities or weathering, this poses a potential risk to public health.

Council may respond to derelict properties that pose a demonstrable public health risk using a range of regulatory tools according to the particular circumstances.

Council may issue a clean up notice or prevention notice and compliance cost notice as noted in section 6.1. Council may also order a person to demolish or remove a building if the building is so dilapidated as to present harm to its occupants or to persons or property in the neighbourhood (under section 121B (2)(c) of the Environmental Planning and Assessment Act 1979). An order may require immediate compliance with its terms in circumstances which the person who gives the order believes constitute a serious risk to health or safety or an emergency (under section 121M of the Environmental Planning and Assessment Act 1979). If a person fails to comply with the terms of an order, council may act under section 121ZJ of the Environmental Planning and Assessment Act 1979 to give effect to the terms of the order, including the carrying out of any work required by the order.

If the derelict building is on a site that is a workplace then WorkCover is the lead agency responsible for ensuring that asbestos is removed by appropriately licensed removalists.

7. Responding to emergencies and incidents

Emergencies and incidents such as major collapses, cyclones, explosions, fires, storms, or vandalism can cause damage to buildings or land that contain asbestos. This can create site contamination issues and potentially
expose emergency service workers and the wider public to asbestos. Emergencies or incidents can arise from natural hazards, or from accidental or deliberate human activities including criminal activity.

7.1 Responsibilities in the clean up after an emergency or incident

Council may play a role in ensuring that asbestos containing materials are cleaned up after an emergency or incident. If the emergency or incident occurs at a workplace, WorkCover is the lead agency.

Council may issue a clean up, prevention, cost compliance or penalty infringement notice as outlined in section 3.3 and section 6.1.

Alternatively, council may act under the Environmental Planning and Assessment Act 1979 as outlined in section 6.4 of this policy.

Council will determine an appropriate response depending on the nature of the situation.

This may include to:

- Seek advice from an occupational hygienist on the likely level of risk and appropriate controls required.
- Liaise with or consult the appropriate agencies.
- Inform emergency personnel of any hazards known to council as soon as practicable.
- Follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by WorkCover NSW.
- Ensure that any council workers attending the site have appropriate training and are wearing appropriate personal protective equipment.
- Exclude the public from the site.
- Inform the public of the potential sources of exposure to asbestos, health risks and emergency management response.
- Minimise the risks posed by any remaining structures (see section 6.4).
- Address the risks posed by disturbed asbestos containing materials by engaging a licensed removalist (as outlined in section 14.6.2) or issuing a clean up or prevention notice (as outlined in section 6.4) to ensure asbestos containing materials are removed for disposal.
- Ensure that the site is kept damp, at all times or sprayed with PVA glue, particularly where friable asbestos is present, if considered appropriate (noting that in some instances this may not be appropriate, for example if there are live electrical conductors or if major electrical equipment could be permanently damaged or made dangerous by contact with water).
- Ensure that asbestos containing materials are disposed of at a facility licensed to accept asbestos waste and sight proof of appropriate disposal through weighbridge dockets or similar documentation.

7.2 Advice to the public regarding clean up after an emergency or incident

During a clean up after an emergency or incident, the possibility of neighbours being exposed to asbestos fibres may be very low if precautions are taken to minimise the release and inhalation of asbestos dust and fibres.

As a precautionary measure, where council is involved in a clean up, council may consider advising those in neighbouring properties to:

- avoid unnecessary outdoor activity and do not put any laundry outside during the clean up
- close all external doors and windows and stay indoors during the clean up
- consider avoiding using air conditioners that introduce air from outside into the home during the clean up
- dispose of any laundry that may have been contaminated with asbestos as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)
use a low pressure hose on a spray configuration to remove visible dust from pathways after the clean up

• wipe dusty surfaces with a damp cloth and bag and dispose of the cloth as asbestos waste after the clean up (advice on disposing of asbestos waste is provided in section 10)

• any other measures recommended by an occupational hygienist following assessment of the situation.

8. Council’s process for changing land use

Council recognises the need to exercise care when changing zoning for land uses, approving development or excavating land due to the potential to uncover known or unknown asbestos material from previous land uses (for example, where a site has been previously been used as a landfill or for on-site burial of asbestos waste).

State Environmental Planning Policy No. 55 – Remediation of Land states that land must not be developed if it is unsuitable for a proposed use because it is contaminated. If the land is unsuitable, remediation must take place before the land is developed.

Managing sites contaminated with asbestos material is addressed in section 6.

9. Council’s process for assessing development

This section applies to development applications assessed under the Environmental Planning and Assessment Act 1979 and complying development applications assessed under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 or council’s complying codes (see section 9.5.2). This includes alterations and additions to residential development, which may include internal work as well as extensions to the existing main structure, or changes to outbuildings, sheds or garages.

This section also covers renovations that do not require development consent or a complying development certificate. Development consent is not required to maintain an existing structure. For example, the replacement of windows, doors and ceilings may involve the removal of asbestos but does not constitute development under the Environmental Planning and Assessment Act 1979. In these instances, council has an educative role in providing owners and occupiers with advice and information about the identification and safe management of asbestos.

9.1 Responsibilities for approving development

Council is the consent authority for the majority of development applications in the LGA. The Joint Regional Planning Panel (JRPP) is also consent authority for certain local or regional development. Council may have representation on the JRPP.

Council or the JRPP may impose conditions of consent and a waste disposal policy to a development consent to ensure the safe removal of asbestos, where asbestos has been identified or may be reasonably assumed to be present.

Either council or a private certifier may assess a complying development certificate. Where a private certifier is engaged to assess a complying development certificate, the private certifier is responsible for ensuring that the proposed development activities include adequate plans for the safe removal and disposal of asbestos.

This also applies to the demolition of buildings. Certifiers are able to issue a complying development certificate under the Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008. Further information on demolition is provided in section 9.4.

When a private certifier issues a complying development certificate and is appointed as the Principal Certifying Authority for the development it is the certifier’s responsibility to follow up to ensure that works including asbestos handling, removal and disposal if present, are carried out appropriately in accordance with the Environmental Planning and Assessment Regulation 2000 (clause 136E). Compliance is covered in section 9.7.

9.2 Providing advice to home owners, renovators and developers

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Council is committed to providing information to minimise the risks from asbestos in the LGA. Information is provided below and in Appendix A. Appendix B lists additional sources of information on how to deal safely with the risks of asbestos and Appendix J lists asbestos containing products that may be found around the home.

The key points are:

- Before any renovation, maintenance or demolition work is carried out, any asbestos or asbestos containing materials should be identified (refer to section 9.3).
- Where a material cannot be identified or it is suspected to be asbestos, it is best to assume that the material is asbestos and take appropriate precautions.
- If asbestos containing materials can be maintained in good condition it is recommended that they be safely contained, left alone and periodically checked to monitor their condition, until demolition or redevelopment. If asbestos materials cannot be safely contained, they should be removed as outlined in section 9.4.
- For demolition or redevelopment, any asbestos containing materials should be safely removed and disposed of prior to the work commencing.

Anyone who is undertaking renovations themselves without a contractor is encouraged to refer to Appendices A and B for more information and contact council where they require further advice or clarification. Anyone engaging an asbestos removal contractor may contact WorkCover with any queries as WorkCover regulates asbestos removal by workers (as explained in section 9.4). Contact details for council and WorkCover are provided in Appendix E.

9.3 Identifying asbestos

Information on common places where asbestos is likely to be found in residential, commercial and industrial premises with materials from prior to 2004 on the premises is provided in Appendix A.

A person may apply to council for a planning certificate (called a section 149 certificate) for the relevant land. Council may provide information on a planning certificate including whether council has a policy to restrict the use of land due to risks from asbestos contamination, as outlined in section 6.2.

Council aims to ensure that records are, as far as possible, accurate. In some instances, council may not have up-to-date information about asbestos for a property. Council may be able to provide general advice on the likelihood of asbestos being present on the land based on the age of the buildings or structures on the land. A general guide to the likelihood of asbestos presence based on building age is provided in Appendix A under section 2.2.

The most accurate way to find out if a building or structure contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos, such as an occupational hygienist (a competent person is defined by the NSW Work Health and Safety Regulation 2011). This is highly advisable before undertaking major renovations to buildings constructed, or containing materials from prior to 2004.

Property owners and agents are encouraged to inform any tenants or occupiers of the presence of asbestos and to address any potential asbestos hazards where appropriate.

Property owners who let their properties out are required to identify any asbestos within those properties before any work is carried out (this includes residential properties).

The Work Health and Safety Regulation 2011 states that the person conducting a business or undertaking in any building constructed before 31 December 2003 must identify if there is any asbestos in the building.

All commercial properties that contain asbestos must have and maintain a current asbestos register and asbestos management plan.

9.4 Removing asbestos, refurbishments and demolitions

9.4.1 Removing asbestos at domestic premises

If development is undertaken by contractors, as is the case with a lot of home renovations, then the work is considered to be at a workplace and is regulated by WorkCover under the NSW Work Health and Safety Regulation 2011.
Regulation 2011. This requires that a person conducting a business or undertaking who is to carry out refurbishment or demolition of residential premises must ensure that all asbestos that is likely to be disturbed by the refurbishment or demolition is identified and, so far as reasonably practicable, is removed before the refurbishment or demolition is commenced.

Depending on the nature and quantity of asbestos to be removed, a licence may be required to remove the asbestos. The requirements for licenses are outlined below and summarised in the table in Appendix K. WorkCover is responsible for issuing asbestos licences.

Friable asbestos must only be removed by a licensed removalist with a friable (Class A) asbestos removal licence. Except in the case of the removal of:

- asbestos containing dust associated with the removal of non-friable asbestos, or
- asbestos containing dust that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (which is when the asbestos contamination is incidental and can be cleaned up in less than one hour).

The removal of more than 10 square metres of non-friable asbestos or asbestos containing material must be carried out by a licensed non-friable (Class B) or a friable (Class A) asbestos removalist.

The removal of asbestos containing dust associated with the removal of more than 10 square metres of non-friable asbestos or asbestos containing material requires a non-friable (Class B) asbestos removal licence or a friable (Class A) asbestos removal licence.

Removal of 10 square metres or less of non-friable asbestos may be undertaken without a licence. However, given the risks involved, council encourages residents to consider engaging a licensed asbestos removal contractor. The cost of asbestos removal by a licensed professional is comparable in price to most licensed tradespeople including electricians, plumbers and tilers.

All asbestos removal should be undertaken in accordance with the Code of practice on how to safely remove asbestos (catalogue no. WC03561).

If a residential premise is a workplace, the licensed asbestos removalist must inform the following persons before licensed asbestos removal work is carried out:

- the person who commissioned the work
- a person conducting a business or undertaking at the workplace
- the owner and occupier of the residential premises
- anyone occupying premises in the immediate vicinity of the workplace (as described in section 467 of the NSW Work Health and Safety Regulation 2011).

In certain circumstances, a premise may be used for both residential and commercial purposes and is therefore classified as a workplace.

All licensed asbestos removal must be:

- supervised by a supervisor named to WorkCover
- notified to WorkCover at least five days prior to the work commencing.

Requirements for the transport and disposal of asbestos waste are covered in section 10.

9.4.2 Removing asbestos at workplaces

The NSW Work Health and Safety Regulation 2011 specifies requirements for demolition and refurbishment at a workplace with structures or plants constructed or installed before 31 December 2003. WorkCover is the lead agency for regulating the safe management of asbestos at workplaces.

9.4.3 Obtaining approval for demolition
Demolition work must comply with Australian Standard AS 2601 – 2001: The demolition of structures. In most circumstances demolition of a structure requires development consent or a complying development certificate. Applicants need to enquire to council as to whether and what type of approval is required. Where a development application is required council's standard conditions need to be applied to ensure that asbestos is safely managed. Council's conditions for development consent are referred to in section 9.6.

A wide range of development, including residential, industrial and commercial development, can be approved for demolition as complying development under the Demolition Code of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 and the Environmental Planning and Assessment Regulation 2000 provides mandatory conditions for complying development certificate applications.

The Code of practice for demolition work (published by Safe Work Australia in 2012) provides practical guidance to persons conducting a business or undertaking how to manage the health and safety risks associated with the demolition work. The Code of practice for demolition work applies to all types of demolition work.

9.5 Exempt or complying development

9.5.1 Exempt development

Exempt development does not require any planning or construction approval if it meets the requirements of the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

This means that there is no ability for council or a private certifier to impose safeguards for the handling of asbestos through conditions of development consent. However, council advises that all asbestos removal work should be carried out in accordance with the Code of practice on how to safely remove asbestos (catalogue no. WC03561).

9.5.2 Complying development

The Environmental Planning and Assessment Regulation 2000 (clause 136E) outlines conditions under which a complying development certificate can be issued for development that involves building work or demolition work and friable or non-friable asbestos.

Applications for complying development certificates must include details of the estimated area (if any) in square metres of friable and/or non-friable asbestos material that will be disturbed, repaired or removed in carrying out the development (under Schedule 1 part 2 of the Environmental Planning and Assessment Regulation 2000).

Where more than 10 square metres of non-friable asbestos is to be removed, a contract evidencing the engagement of a licensed asbestos removal contractor is to be provided to the principal certifying authority. The contract must specify the landfill site lawfully able to accept asbestos to which the removed asbestos will be delivered.

If the contract indicates that asbestos will be removed to a specified landfill site, the person having the benefit of the complying development certificate must give the principal certifying authority a copy of a receipt from the operator of the landfill site stating that all the asbestos material referred to in the contract has been received by the operator.

If the work involves less than 10 square metres of non-friable asbestos and is not undertaken by a licensed contractor, it should still be undertaken in a manner that minimises risks as detailed in the Code of practice on how to safely remove asbestos (catalogue no. WC03561). In instances where asbestos removal is less than 10 square metres of non-friable asbestos and not from a place of work, then WorkCover would not be the agency responsible for regulating this activity. Concerns or complaints may be directed to council as outlined in section 11.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 outlines the requirements for the applicant to notify their neighbours that works may include asbestos removal.

Further requirements to inform other persons of licensed asbestos removal are described in section 467 of the NSW Work Health and Safety Regulation 2011 as noted in section 9.4.1 of this policy.

9.6 Development applications
If a proposed building does not meet the requirements of exempt or complying development then there is a final planning approval option: a development application (DA). A DA can only be approved by a local council, the JRPP or, for very large, State-significant development proposals, the State Government. A development application needs to be prepared and it will be assessed in accordance with the development standards established by council. Council may undertake a site inspection as part of the DA assessment.

9.6.1 Pre-development application advice regarding asbestos
Council’s pre-DA service enables proponents to discuss asbestos-related issues with council prior to lodging a DA, if the issue is raised. Council may inform applicants of this policy, fact sheets or websites. Generally this may be most relevant to structures erected or modified before the 1980s and any other structure that could be reasonably suspected to contain asbestos including those with building materials from prior to 2004.

9.6.2 Conditions of consent
Council to insert, outline, or refer to council’s conditions of consent relating to work that may involve asbestos.

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement
The controls rely on information being provided and checked by the principal certifying authority which may be either the local council or a private certifier. A private certifier has powers under the Environmental Planning and Assessment Act 1979 to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections. Councils will not always be the principal certifying authority. When a council is not nominated as the principal certifying authority for a complying development certificate or development application, the council may not have any knowledge of the asbestos matter. Accordingly, coordination of compliance and/or enforcement actions between the council and the private certifier will be required.

Council may take action on any development for which council has issued the development consent, even when not appointed as the principal certifying authority to ensure enforcement. Where council receives a complaint about a development for which council is not the principal certifying authority, council should consider whether council is the appropriate authority to resolve the matter. Complaints that warrant action by councils because of their greater enforcement powers include:

- urgent matters, for example, a danger to the public or a significant breach of the development consent or legislation
- matters that are not preconditions to the issue of the occupation/subdivision certificate.

In relation to naturally occurring asbestos, council is to verify compliance with environmental planning and assessment legislation and together with the EPA and WorkCover is to coordinate enforcement where non-compliance is suspected.

9.7.2 Compliance strategies
Illegal works include:

- works that are undertaken without a required development consent or complying development certificate
- works that are undertaken that do not comply with the conditions of the development consent or complying development certificate.

Where council becomes aware of illegal work involving asbestos or asbestos containing materials, council will notify WorkCover if the site is a workplace.

The Environmental Planning and Assessment Act 1979 empowers council to issue orders to direct specific work be undertaken to comply with a development consent.
Council may need to issue an order under the *Local Government Act 1993* (section 124) to direct a person to ‘do or refrain from doing such things as are specified in the order to ensure that land is, or premises are, placed or kept in a safe or healthy condition.’

Council may also issue a clean up notice or prevention notice under the *Protection of the Environment Operations Act 1997* as outlined in section 6.1 of this policy.

Council may audit asbestos-related demolition works which council has recently approved by using a legal notice under section 192 of the *Protection of the Environment Operations Act 1997* to require developers to provide information and records regarding disposal of their asbestos waste.

Council may wish to include any strategies for monitoring and enforcing compliance or reference to any council compliance manual or breach policy.

10. Managing asbestos as a waste

It is illegal to dispose of asbestos waste in domestic garbage bins or to recycle, reuse, bury or illegally dump asbestos waste. Asbestos must not be placed in general waste skip bins, yet there have been instances where asbestos has been illegally placed in skip bins by third parties. Members of the public need to be aware of this hazard and may need to secure their skip bins to prevent a third party from illegally disposing of asbestos in the skip bin.

Asbestos waste (in any form) must only be disposed of at a landfill site that may lawfully receive asbestos waste.

10.1 Responsibilities for asbestos waste management

Council's responsibilities for asbestos waste management are outlined in section 3.3.

The handling and, where appropriate, temporary storage of asbestos waste at worksites is regulated by WorkCover NSW.

The EPA regulates premises that have or require an environment protection licence in accordance with the *Protection of the Environment Operations Act 1997*. A licence is required where more than 5 tonnes of asbestos waste, brought from off-site, is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

10.2 Handling asbestos waste for disposal

The *Code of practice on how to safely remove asbestos* (catalogue no. WC03561) provides details on waste containment and disposal and controls applicable to all types of asbestos removal (in section 4.8 of the Code).

10.3 Transporting asbestos waste

The following requirements apply to the transport of asbestos waste and non-compliance with these requirements is an offence under the *Protection of the Environment Operations (Waste) Regulation 2005* clause 42(3):

a. non-friable asbestos material must be securely packaged at all times
b. friable asbestos material must be kept in a sealed container
c. asbestos-contaminated soils must be wetted down
d. all asbestos waste must be transported in a covered, leak-proof vehicle.

Asbestos waste that is transported interstate must be tracked in accordance with the *Protection of the Environment Operations (Waste) Regulation 2005*. Asbestos waste transported within New South Wales does not need to be tracked. The waste tracking system is administered by the EPA. An environment protection licence is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.
It is an offence to transport waste to a place that cannot lawfully receive that waste, or cause or permit waste to be so transported (under section 143 of the Protection of the Environment Operations Act 1997). Penalty notices may be issued for $1500 (to individuals) and $5000 (to corporations).

10.4 Disposing of asbestos waste at waste facilities

If applicable, council to insert information on any waste facilities in the LGA that will accept asbestos waste (these may be council operated and/or privately managed facilities) including:

- the name/s of waste facility/facilities
- hours of operation
- contact details
- any fees for disposing of asbestos waste
- any restrictions or additional conditions on receiving asbestos waste.
- where the abovementioned information can be found on council’s website
- any further details provided in the appendices.

If applicable, council to note waste facilities in the LGA that will not accept asbestos waste eg transfer stations.

Persons delivering waste to a landfill site must comply with the following requirements:

- a person delivering waste that contains asbestos to a landfill site must inform the landfill occupier of the presence of asbestos when delivering the waste.
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust.

Non-compliance with these requirements is an offence under the Protection of the Environment Operations (Waste) Regulation 2005 and these offences attract strong penalties.

If applicable, council to insert instructions that relate to council’s conditions of consent regarding waste management.

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Asbestos waste may be rejected from a waste facility if the waste is:

- not correctly packaged for delivery and disposal (as per sections 10.2 and 10.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials, or
- taken to a waste facility that does not accept asbestos waste.

Where waste is rejected, the waste facility must inform the transporter of the waste of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the Protection of the Environment Operations (Waste) Regulation 2005).

Individuals may be fined $1500 and corporations may be fined $5000 under the Protection of the Environment Operations Act 1997 and Protection of the Environment Operations (Waste) Regulation 2005 for transporting asbestos waste to a facility that cannot lawfully receive asbestos waste.

10.5 Illegal dumping of asbestos waste

Illegal dumping is the unlawful deposit of waste onto land. That is waste materials dumped, tipped or otherwise deposited onto private or public land where no licence or approval exists to accept such waste. Illegal landfilling, which is waste used as fill material with the consent of the owner or occupier of the land but without the necessary council or EPA approvals, is also considered to be illegal dumping and pollution of land.
Illegal dumping of asbestos waste in public places such as parks, streets or nature strips can attract regulatory action including:

- on the spot fines of up to $5000
- prosecution for pollution of land of up to $1 million for a corporation and $120,000 for each day the offence continues (under section 142A of the Protection of the Environment Operations Act 1997), or
- up to $1 million, or seven years imprisonment, or both for an individual (under section 119 of the Protection of the Environment Operations Act 1997).

The responsibility for cleaning up illegally dumped waste lies with the person or company that deposited the waste. If they cannot be identified the relevant landowner becomes the responsible party.

Local councils are the appropriate regulatory authority for illegal dumping unless:

- the activity was part of the carrying on of an activity listed in Schedule 1 of the Protection of the Environment Operations Act 1997
- the activity was carried out by a public authority or the state, or
- the site is regulated by a different authority such as the Minister for Planning and Infrastructure.

A handbook to assist Aboriginal communities to prevent and arrange the clean up of illegal dumping (published by the EPA) is noted in Appendix B.

10.6 Asbestos remaining on-site

The disposal of asbestos on site is not encouraged as it requires an effective ongoing system of long term management to ensure the material does not pose unacceptable risks to future site activities and occupants. For on-site burial of asbestos waste, council will seek advice from the EPA. Council will confirm if on-site disposal is permitted under planning controls whether or not consent is required and will require recording of on-site disposal on the zoning certificate (section 149 certificate).

11. Complaints and investigations

Complaints and inquiries may be directed to council about incidents in public places and private properties. Complaints and inquiries regarding a workplace should be directed to WorkCover NSW. Complaints and inquiries regarding licensed premises under the Protection of the Environment Operations Act 1997 should be directed to the EPA.

Council will respond to complaints and inquiries regarding:

- council’s requirements in relation to development, land management and waste management
- derelict properties
- general asbestos safety issues
- illegal dumping
- safe removal and disposal of minor quantities of asbestos materials
- unsafe work at a residential property conducted by a homeowner or tenant.

Complaints about council in relation to asbestos may be directed to the NSW Ombudsman.

Part 2 – Management of asbestos risks within council

12. Rights and responsibilities of workers at the council workplace
12.1 Duties of council workers at the council workplace

12.1.1 The General Manager
The General Manager has a duty to exercise due diligence to ensure that council complies with the NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. This includes taking reasonable steps to ensure that council has and uses appropriate resources and processes to eliminate or minimise risks associated with asbestos.

12.1.2 Workers
Workers have a duty to take reasonable care for their own health and safety and that they do not adversely affect the health and safety of other persons. Accordingly workers:
- must comply with this policy and any reasonable instruction or procedure relating to health and safety at the workplace
- must use any personal protective equipment provided, in accordance with information, training and reasonable instruction provided so far as the worker is reasonably able
- may cease, or refuse to carry out, work if the worker has a reasonable concern that to carry out the work would expose them, or other persons, to a serious health or safety risk, emanating from an immediate or imminent exposure to a hazard
- should ensure they are using the latest version of all relevant procedures, plans, guidelines and legislation (refer to Appendix G).

Managers are responsible for ensuring workers who report to them have access to this policy and appropriate information, documentation and training.

12.1.3 Prohibited work activities
Council will not permit the use of the following on asbestos or asbestos containing material:
- high pressured water spray (unless for fire fighting or fire protection purposes), or
- compressed air.

Council will not permit the following equipment to be used on asbestos or asbestos containing material unless the use of the equipment is controlled in accordance with the NSW Work Health and Safety Regulation 2011:
- power tools
- brooms (note brooms are allowed for use on vinyl floor tiles), or
- any other implements that cause the release of airborne asbestos into the atmosphere.

Council may wish to note any activities council employees will not undertake or be allowed to undertake.

12.2 Responsibilities of council to council workers

12.2.1 Council's general responsibilities
Council has general responsibilities under the NSW Work Health and Safety Act 2011 and the NSW Work Health and Safety Regulation 2011. Accordingly council will:
- not use any asbestos containing materials (unless in accordance with part 8.1 (419) of the NSW Work Health and Safety Regulation 2011) and will not cause or permit asbestos waste in any form to be reused or recycled
- ensure that exposure of a person at the workplace to airborne asbestos is eliminated so far as is reasonably practicable
ensure that the exposure standard for asbestos (defined in Appendix C) is not exceeded in the workplace

notify WorkCover immediately if persons are likely to be affected by asbestos fibres or if an air monitoring process records respirable asbestos fibre levels above 0.02 fibres/ml of air

ensure that any contractors engaged to undertake the removal of asbestos for council are appropriately licensed

consult with workers as required by the Work Health and Safety Act 2011.

Council will not import asbestos or asbestos containing material into Australia as prohibited under the Customs (Prohibited Imports) Regulations 1956. If plant or other materials are imported from countries where asbestos is not yet prohibited, council shall ensure the plant or materials do not contain asbestos prior to supply or use in the workplace.

12.2.2 Education, training and information for workers

As required by the NSW Work Health and Safety Act 2011 and NSW Work Health and Safety Regulation 2011, council will:

- provide any information, training, instruction or supervision that is necessary to protect all persons at the workplace from risks to their health and safety arising from work carried out as part of the conduct of council business
- ensure workers who council reasonably believes may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace are trained in the identification, safe handling and suitable control measures for asbestos and asbestos containing material.

Council may wish to insert: Any workers who are involved in any activity listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and information and training suitable to their role and the activity.

Council may wish to insert: Workers may be required to sign a statement to the effect that they acknowledge they have received, read and understood a copy of council’s Asbestos Policy and any relevant procedures, or alternatively workers may note this in council’s electronic record keeping system.

Council may wish to insert: council may also provide information and training to council employees who may need to respond to asbestos issues related to renovations and developments as outlined in section 9.

Topics training may cover are outlined in the Code of practice on how to safely remove asbestos (catalogue no. WC03561). Councils with naturally occurring asbestos in the LGA should insert: Training will include 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.

Education and training will only be provided by appropriately accredited individuals. Council may wish to note the asbestos training courses available locally which council may arrange for workers to complete. Or council may wish to place this information in the appendices and refer to the appendices.

Council may wish to insert: Education and training may include both initial induction and ongoing reinforcement on a regular basis, council may wish to provide examples of how education and training will be delivered and reinforced such as tool box meetings, general in-house training or on council’s intranet.

A record of asbestos training undertaken by each worker will be kept until five years after the day the worker ceases to work for council. Council may wish to insert who is responsible for keeping the records, or how or where the records shall be kept.

A list of workers who have received the appropriate training to respond to asbestos hazards is available. Council to insert where this information can be accessed eg asbestos management plan, council’s intranet, or records management system.

12.2.3 Health monitoring for workers
Council will ensure health monitoring is provided to a worker if they are carrying out licensed asbestos removal work, other ongoing asbestos removal work or asbestos-related work at the workplace for council and are at risk of exposure to asbestos when carrying out the work.

The health monitoring will be consistent with the Code of practice on how to safely remove asbestos (catalogue no. WC03561) and meet the requirements of the NSW Work Health and Safety Regulation 2011 (part 8.5 Division 1).

Health counselling may be appropriate where a heightened sense of concern exists for individuals possibly exposed to elevated levels of airborne asbestos fibres.

Employees who were exposed to asbestos in the past and if there is a risk to the health of the employee as a result of that exposure, are covered by the NSW Work Health and Safety Regulation 2011 (clauses 435-444). Council will ensure these employees are kept on the health monitoring program.

Council may wish to refer to any plan / procedures / forms / record keeping systems that council may have for health monitoring for workers and the council employee responsible for coordinating the health monitoring. If council does not have any plans or procedures, council may include a commitment to develop a health monitoring plan/ procedures based on the Code of practice on how to safely remove asbestos (catalogue no. WC03561) and part 8.5 Division 1 of the NSW Work Health and Safety Regulation 2011.

13. Identifying and recording asbestos hazards in the council workplace

This section outlines how council will identify and record asbestos hazards in the workplace. This section does not cover naturally occurring asbestos which is addressed in section 5 or illegal dumping which is addressed in section 10.5.

13.1 Identifying asbestos

Council will ensure, so far as is reasonably practicable, that all asbestos or asbestos containing material at the workplace is identified by a competent person (as defined by the NSW Work Health and Safety Regulation 2011). If a material cannot be identified or accessed, it will be assumed to be asbestos. This does not apply if council has reasonable grounds to believe that asbestos or asbestos containing material is not present.

13.1.1 Material sampling

Council may choose to identify asbestos or asbestos containing material by arranging for a sample to be analysed. Where council arranges sampling of asbestos containing material, this will be undertaken by an appropriately trained and competent council worker or a competent person will be contracted to undertake this task. Analysis of the sample must only be carried out by a National Association of Testing Authorities (NATA) accredited laboratory (refer to Appendix E) or a laboratory approved or operated by the regulator.

13.2 Indicating the presence and location of asbestos

Council will clearly indicate the presence and location of any asbestos or asbestos containing material identified or assumed at the workplace. Where it is reasonably practicable to do so, council will indicate the presence and location of the asbestos or asbestos containing material by a label.

13.3 Asbestos register

Council is to select the applicable option and delete the other.

- Council has an asbestos register which can be found (insert soft copy location eg: on council's intranet and electronic record keeping system) and is kept at the workplace (insert location of hard copy).
- Council will prepare an asbestos register and keep it at the workplace.

Council's asbestos register will be maintained to ensure the register lists all identified (or assumed) asbestos in the workplace and information in the register is up to date. The asbestos register will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2011 (clauses 425 – 428).
Council will ensure that any worker carrying out or intending to carry out work at a council workplace that involves a risk of exposure to airborne asbestos, is given a copy of the asbestos register.

13.4 Suspected asbestos

If a worker suspects there is asbestos in a council workplace, they should inform their manager or supervisor. A competent worker should check the asbestos register for existing asbestos locations and control measures and may need to arrange for an inspection and sampling of the material (refer to section 13.1.1). If it is likely that asbestos or suspected asbestos is present, the asbestos register will be updated and workers will be notified of any newly identified asbestos locations.

Council may need to manage the suspected asbestos as outlined in section 14. If the suspected asbestos has been disturbed and has, or could, become airborne, council may need to respond immediately as outlined in section 15.

14. Managing asbestos-related risks in the council workplace

14.1 Asbestos management plan

Council is to select the applicable option and delete the other.

- Council will prepare an asbestos management plan.
- Council has an asbestos management plan which can be found (insert soft copy location eg: on council’s intranet and electronic record keeping system) and is kept at the workplace (insert location of hard copy).

The asbestos management plan will be accessible, reviewed, revised and otherwise managed as mandated by the NSW Work Health and Safety Regulation 2011 clause 429.

14.2 Asbestos management plan for naturally occurring asbestos

Council is to select the applicable option and delete the others.

- Council has an asbestos management plan for naturally occurring asbestos in the workplace (insert name of the asbestos management plan and where the plan can be found).
- Council will develop an asbestos management plan for naturally occurring asbestos in the workplace, in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).
- Council is not aware of any naturally occurring asbestos in the workplace. If naturally occurring asbestos is discovered, council will prepare an asbestos management plan in relation to the naturally occurring asbestos in accordance with the NSW Work Health and Safety Regulation 2011 part 8.4 (Management of naturally occurring asbestos).

14.3 Management options for asbestos-related risks in the council workplace

Council’s asbestos management plan includes decisions and reasons for decisions about the management of asbestos at the workplace.

Options for managing asbestos-related risks include:

- removal of asbestos or asbestos containing materials (preferred wherever reasonably practicable)
- interim control measures: enclosure (only for non-friable asbestos), encapsulation (when the original asbestos bond is still intact) or sealing (where the sealed material is unlikely to be subject to mechanical damage) asbestos containing material, to be implemented along with regular inspections by a competent person
- leaving asbestos containing material in situ (deferring action).
Council may undertake an asbestos risk assessment, in consultation with workers and/or their representatives, in order to inform decision-making. Only competent persons will perform risk assessments or any subsequent reviews or revisions of risk assessments.

For all asbestos work or asbestos-related work, safe work practices will be in place and suitable personal protective equipment will be used.

Council may wish to include reference to any council procedures for risk assessment or risk management eg the preparation of Safe Work Method Statements, or the inclusion of risk ratings in council's risk register.

14.4 Sites contaminated with asbestos that are council workplaces

Where asbestos is identified as contaminating a workplace, the site will be included in council's asbestos register and asbestos management plan.

Council may need to ensure that an exposure assessment is undertaken and that appropriate risk management options are determined and implemented.

For asbestos in soil or aggregate, a suitably qualified occupational hygienist must carry out an assessment if the material in the soil and aggregate is unknown or classified as friable.

Council should engage specialists, who may include asbestos removalists, for all cases except in the case of minor, non-friable contaminations.

Further details on managing land contaminated with asbestos may be found in section 6.

14.5 Demolition or refurbishment of council buildings and assets

Council will ensure that before any demolition or refurbishment of a council structure or plant constructed or installed before 31 December 2003 is undertaken, the asbestos register is reviewed and a copy provided to the business undertaking the demolition or refurbishment. Council will ensure that any asbestos that is likely to be disturbed is identified and, so far as is reasonably practicable removed.

14.6 Removal of asbestos in the council workplace

Removal of asbestos or asbestos containing materials in the council workplace will be undertaken in accordance with the:

- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011.

Council may also refer to the Code of practice on how to safely remove asbestos (catalogue no. WC03561).

For licensed asbestos removal work, a licensed asbestos removalist must meet the requirements of the NSW Work Health and Safety Regulation 2011 including the requirements to:

- notify WorkCover at least five days prior to the asbestos removal work commencing. However, in the case of emergency work, such as burst pipes, fires and illegally dumped asbestos, council may request to WorkCover that this five days period be waived
- prepare, supply and keep an asbestos removal control plan
- obtain a copy of the asbestos register before carrying out asbestos removal work
- inform the person with management or control of the workplace that the licensed asbestos removal work is to be carried out at the workplace
- erect signs and barricades
- limit access to the asbestos removal area
- properly dispose of asbestos waste and dispose of, or treat, contaminated personal protective equipment
• arrange a clearance inspection and clearance certificate.

Where council is informed that asbestos removal work is to be carried out at the workplace, council will inform workers and those in the immediate vicinity of the workplace and limit access to the asbestos removal area as per the NSW Work Health and Safety Regulation 2011.

14.6.1 Removal by council employees
Council may delete this section if council employees are not involved in asbestos removal.

A list of employees trained and nominated to remove asbestos as well as the nominated supervisors should be listed in council’s asbestos management plan.

Council will ensure that before any council employee undertakes asbestos (or suspected asbestos) removal work they are:

• appropriately trained
• adequately supervised
• provided with appropriate personal protective equipment and clothing
• provided access to this policy
• provided with information about the health risks and health effects associated with exposure to asbestos and the need for, and details of, health monitoring.

Council may refer to any council processes or templates eg for preparing safe work method statements.

14.6.2 Removal by contractors

Where council commissions the removal of asbestos at the workplace, council will ensure asbestos removal work is carried out only by a licensed asbestos removalist who is appropriately licensed to carry out the work, unless specified in the NSW Work Health and Safety Regulation 2011 that a licence is not required.

Where council requires the services of asbestos removalists, council will require the licence details of asbestos removalists prior to engaging their services and will verify the licence details with WorkCover’s Certification Unit prior to entering a contract or agreement with the licensed asbestos removalists.

Council is required to ensure that the work is carried out by a competent person who has been trained in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing material. Council will therefore require a statement in a written contract or agreement with the licensed asbestos removalist that the licensed asbestos removalist who will undertake the work has been adequately trained.

Council will provide a copy of the asbestos register to the licensed asbestos removalist.

Where council becomes aware of any breaches by licensed asbestos removalists, council will report this to WorkCover.

14.6.3 Clearance inspections and certificates

Where council commissions any licensed asbestos removal work, council will ensure that once the licensed asbestos removal work has been completed, a clearance inspection is carried out and a clearance certificate is issued by an independent licensed asbestos assessor (for Class A asbestos removal work) or an independent competent person (in any other case) before the asbestos removal area is re-occupied.

The friable asbestos clearance certificate will require visual inspection as well as air monitoring of the asbestos removal site. Air monitoring is mandatory for all friable asbestos removal. The air monitoring must be conducted before and during Class A asbestos removal work by an independent licensed asbestos assessor.

The friable asbestos clearance certificate is to state that there was no visible asbestos residue in the area or vicinity of the area where the work was carried out and that the airborne asbestos fibre level was less than 0.01 asbestos fibres/ml.
15. Accidental disturbance of asbestos by workers

In situations where asbestos is accidentally disturbed by council work and has, or could, become airborne, council will act to minimise exposure of workers and the wider public to airborne asbestos.

If council has or is developing procedures for workers to follow in the event that they accidentally disturb asbestos, council may refer to the procedures and remove the text below. If council does not have procedures for the accidental disturbance of asbestos, council may include the following text:

It may be appropriate that council:
- stop works in the vicinity of the asbestos immediately
- inform the site supervisor immediately, inform necessary workers and record the incident
- evacuate the area
- provide personal protective equipment and briefing to appropriately trained workers who will respond to the incident
- restrict access to the area and ensure only appropriately trained and equipped council workers attend the site
- exclude the public from the site and provide information to the public if in a public area
- wet surfaces to reduce the dust levels
- prevent the spread of contamination by using wash down facilities
- provide information, training and supervision to all workers potentially at risk
- contact WorkCover to report the disturbance. WorkCover must be immediately notified if persons are likely to be effected by asbestos fibres or if an air monitoring process records a level above 0.02 fibres/ml of air
- implement an air monitoring program to assess asbestos exposure levels and specific risk control measures
- liaise with or consult the appropriate agencies
- seek advice from an occupational hygienist
- follow the Code of practice on how to safely remove asbestos (catalogue no. WC03561)
- ensure that asbestos materials are disposed of at a facility licensed to accept asbestos materials, and where contractors have been engaged to dispose of asbestos waste, sight proof of appropriate disposal through weighbridge dockets or similar documentation
- update the asbestos register and notify workers of any newly identified asbestos locations.

16. Council’s role in the disposal of asbestos waste

16.1 Responding to illegal dumping

For councils that will permit properly trained, licensed and equipped employees to remove asbestos insert:

Removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or section 14.6.2.

For councils that do not permit council employees to remove asbestos insert:

Where council commissions the removal of illegally dumped asbestos material or suspected asbestos material, council will ensure this is undertaken in accordance with section 14.6.2.

Where council becomes aware of illegally dumped asbestos material outside of council’s jurisdiction, council will promptly notify the relevant authority.
16.2 Transporting and disposing of asbestos waste
Council will transport and dispose of waste in accordance with the legislation and as outlined in section 10.

16.3 Operating council's waste facility / facilities licensed to accept asbestos waste
Councils that do not have waste facilities that are licensed to accept asbestos waste should delete this section. Councils with waste facilities that are licensed to accept asbestos waste that they do not operate should note that the facilities are not operated by council but include any relevant details. Councils that operate waste facilities that are licensed to accept asbestos waste may tailor and include the text provided.

Waste management facilities must be managed in accordance with the Protection of the Environment Operations (Waste) Regulation 2005 including section 42 which specifies that:

- asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste
- when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos
- when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust, and
- asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility’s environment protection licence as detailed in the Protection of the Environment Operations (Waste) Regulation 2005.

Council has / shall develop a charging policy for receiving asbestos waste, which reflects the actual cost of managing the asbestos waste, plus any applicable levies.

When council is receiving construction, renovation and demolition waste, council may screen and inspect incoming loads to minimise asbestos contamination risk as this waste may be high risk for asbestos materials. Council has / shall develop procedures to avoid asbestos contamination in material intended for resource recovery.

Council may issue a receipt for asbestos waste received at a licensed landfill facility. The receipt provided may note the time, date and location of disposal, weight of asbestos containing material disposed, method of disposal (note on handling) and a receipt number. This information must be recorded by the facility, regardless of whether a receipt is issued. Council to note how receipts relate to any conditions of consent.

16.3.1 Asbestos waste incorrectly presented to council's waste facility / facilities
Councils that do not have waste facilities that are licensed to accept asbestos waste should delete the text on packaging and re-packaging asbestos waste. Councils with waste facilities that are licensed to accept asbestos waste that they do not operate should note that the facilities are not operated by council but include any relevant details. Councils that operate waste facilities that are licensed to accept asbestos waste may tailor and include the text provided.

This section applies to situations where asbestos waste is taken to a council waste facility and the waste is:

- not correctly packaged for delivery and disposal (as per sections 9.2 and 9.3)
- not disclosed by the transporter as being asbestos or asbestos containing materials
- taken to a waste facility that does not accept asbestos waste.

In these situations, council may record relevant details such as the:

- contact details of the transporter
- origin of the asbestos or asbestos containing material
- amount and type of asbestos or asbestos containing material
- reasons why the asbestos waste was not properly packaged, disclosed or transported to a waste facility licensed to receive asbestos waste
development consent details (if applicable).

Where asbestos waste is not correctly packaged for delivery and disposal, or is not disclosed by the transporter as being asbestos or asbestos containing materials, council may:

- reject the asbestos waste from the facility
- suggest the transporter re-package the load correctly at the facility
- provide a bay for wetting and/or wrapping the asbestos and protective equipment for the transporter eg the option to purchase an asbestos waste handling kit (for non-commercial operators with less than 10 square metres of non-friable asbestos)
- provide the transporter with educational material such as WorkCover fact sheets on correct methods for packaging, delivery and disposal of asbestos
- question the transporter about the source of asbestos waste
- issue a clean up notice or prevention notice under the Protection of the Environment Operations Act 1997
- issue a compliance cost notice under the Protection of the Environment Operations Act 1997

Where asbestos waste is taken to a waste facility that does not accept asbestos waste, council may reject the waste. Where waste is rejected, council should complete a rejected loads register (a template is available from WorkCover). Council will also inform the transporter of a waste facility to which the waste may be transported, that is, a waste facility at which the waste can be legally accepted (as required by the Protection of the Environment Operations (Waste) Regulation 2005). If council suspects that there is a risk of illegal dumping of the rejected waste, council will inform council’s rangers or council’s compliance officers. Suitable disposal for loads that are refused entry will remain the responsibility of the transporter and at a later date the transporter will need to demonstrate to council that the waste has been appropriately disposed.

Where asbestos waste is illegally dumped at an unstaffed waste station, management options for council include to:

- undertake surveillance via video cameras to issue fines or deter dumping
- provide targeted education to neighbouring landholders to ensure that they do not allow access to the waste station.

16.4 Recycling facilities

Council should screen and inspect incoming loads at recycling facilities for the presence of asbestos or asbestos containing materials to minimise asbestos contamination risk.

To prevent contamination of recycled products and to manage situations where contamination has occurred, council should adhere to the guide: Management of asbestos in recycled construction and demolition waste.

Council to insert reference to any council procedures to avoid asbestos contamination in material intended for resource recovery or a note that council may develop such procedures.

16.5 Re-excavation of landfill sites

The re-excavation of a council landfill site where significant quantities of asbestos waste are deposited should only be considered with reference to any available records on the nature, distribution and quantities of asbestos waste required under the relevant legislation, and consultation with the Environment Protection Authority (as the appropriate regulatory authority under the Protection of the Environment Operations Act 1997).

17. Advice to tenants and prospective buyers of council owned property
Council may provide advisory notes to tenants and prospective buyers of council owned property that is likely to contain asbestos. Council may request that tenants in council property:

- advise council of any hazards relating to asbestos
- minimise damage to asbestos containing material
- co-operate with council in facilitating any risk management work arranged by council
- act on advice from council to minimise risks from asbestos.

18. Implementing council’s asbestos policy

18.1 Supporting documents

The implementation of this policy is supported by council's:

- conditions of consent
- guidelines for disposing of asbestos waste.

Council also has several internal documents that support this policy. Council may wish to insert titles for any relevant documents which are not publicly available, for example:

- asbestos management plan
- asbestos register
- complaints handling procedures
- council’s existing risk assessment matrices and a risk controls checklist for asbestos
- employee health monitoring plans
- incident report form
- maintenance and inspection schedules for council owned assets
- risk register (eg RiskeMAP)
- safe work method statements/ procedures for asbestos handling and removal for council employees
- site maps and GPS coordinates for asbestos in landfill
- site specific safety management plans
- training registers/ records (relevant to identifying, handling and removing of asbestos materials).

Council may also wish to note any documents which council intends to prepare to support this policy, for example:

- asbestos inquiries and complaints response flowchart and checklist
- asbestos management plan
- conditions of consent
- community education strategy.

Council may also wish to note the month or year by which time council aims to complete these documents.

18.2 Communicating the policy

This is a publicly available policy. The policy is to be made available via:
All employees shall receive information about the policy at induction from insert job title of position responsible for employee inductions.

Any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of this policy and relevant supporting documents. This includes any workers involved in commencing, arranging, undertaking, regulating, inspecting or supervising a potentially hazardous activity or activities. Managers are responsible for ensuring workers who report to them have access to the policy and appropriate information, documentation and training in asbestos awareness (as per the NSW Work Health and Safety Regulation 2011) prior to planning the activity or activities. Further information about training is noted in section 12.2.2 of this policy.

Council shall incorporate a statement regarding compliance with this policy in all relevant contracts and agreements with workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public).

In the case of any substantive revisions to the policy, the revisions will be approved by the General Manager and the General Manager will notify all persons who may have cause to undertake, arrange or supervise any activities listed in Appendix A under section 3 on behalf of, or for, council.

18.3 Non-compliance with the policy

Failure by workers to adhere to the policy and failure by managers to adequately inform relevant workers of this policy shall be considered non-compliance with this policy.

If council has adopted disciplinary procedures, council may wish to include a note here that in the event that employees fail to comply with the policy, council’s disciplinary procedures shall be followed. If council does not have procedures council may wish to include a note such as: The appropriate supervisor, manager, director, or the General Manager, shall take action in the case on non-compliance with the policy and this may include providing education and training, issuing a verbal or written warning, altering the worker’s duties, or in the case of serious breaches, terminating the worker’s services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

Workers should approach their supervisor or manager if they are experiencing difficulties in understanding or implementing the policy or if they are concerned that other workers are not complying with the policy.

19. Variations to this policy

Council reserves the right to review, vary or revoke this policy. The General Manager may allow variations to the policy for minor issues in individual cases.
Appendices

Appendix A – General information and guidance

1. What is asbestos?

Asbestos is the generic term for a number of naturally occurring, fibrous silicate materials. If asbestos is disturbed it can release dangerous fine particles of dust containing asbestos fibres. Breathing in dust containing elevated levels of asbestos fibres can cause asbestosis, lung cancer and mesothelioma.

There are two major groups of asbestos:

- the serpentine group contains chrysotile, commonly known as white asbestos
- the amphibole group contains amosite (brown asbestos) and crocidolite (blue asbestos) as well as some other less common types (such as tremolite, actinolite and anthophyllite).

Further information about the different types of asbestos can be found in enHealth, 2005, Management of asbestos in the non-occupational environment.

In Australia, in the past asbestos was mined and widely used in the manufacture of a variety of materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Asbestos legacy materials still exist in many homes, buildings and other assets. It is estimated that 1 in 3 Australian homes contains building materials with asbestos. Where the material containing asbestos is in a non-friable form (or bonded), undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing asbestos unsafely can create a health hazard.

It is often difficult to identify the presence of asbestos by sight. If you are in doubt, it is best to assume that you are dealing with asbestos and take every precaution. The most accurate way to find out whether a material contains asbestos is to obtain an asbestos inspection by a person competent in the identification and assessment of asbestos such as an occupational hygienist. It can be unsafe for an unqualified person to take a sample of asbestos. Licensed asbestos removalists can be found by using the telephone directory. Council encourages residents to ask the contractor for a copy of their licence prior to engaging them. Residents can then check with WorkCover NSW (phone 13 10 50) to confirm the contractor has the appropriate class of licence for the asbestos removal job.

2. Where is asbestos found?

Asbestos can be found where it occurs naturally and in a variety of materials (from prior to 2004) in residential, commercial and industrial premises and on public and private land.

2.1 Naturally occurring asbestos

Naturally occurring asbestos refers to the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

Asbestos is found as a naturally occurring mineral in many areas of NSW. Asbestos may occur in veins within rock formations. The map provided in Appendix L gives an indication of areas in NSW known to have naturally occurring asbestos. Note whether council is aware of areas of naturally occurring asbestos within the LGA and if so the general location and information on situation eg the asbestos is underground and does not present a high risk to public health. Naturally occurring asbestos may be known of from previous mining operations of from being uncovered during road construction and other civil works.
Work processes that have the potential to inadvertently release naturally occurring asbestos into the air include:

- agriculture
- forestry
- landscaping
- mining
- other excavation or construction activities
- pipe works and telecommunications works
- road construction and road works.

Further information can be found in this policy under section 5 and in the *Naturally-occurring asbestos fact sheet* (catalogue no. WC03728) published by WorkCover, which provides a photograph of naturally occurring asbestos.

### 2.2 Residential premises

As a general rule, a house built:

- **Before the mid 1980s** – is highly likely to contain asbestos containing products.
- **Between the mid 1980s and 1990** – is likely to contain asbestos containing products.
- **After 1990** – is unlikely to contain asbestos containing products. However, some houses built in the 1990s and early 2000s may have still used asbestos cement materials until the total ban on any activity involving asbestos products became effective from December 2003.

Pipelines installed prior to 1992, particularly black surface coated and grey surface pipes, may contain asbestos.

It is important to note, the most accurate way to find out whether a material contains asbestos is by engaging a licensed asbestos removalist or occupational hygienist to inspect and arrange testing where necessary.

Fibre cement sheeting, commonly known as ‘fibro’, ‘asbestos sheeting’ or ‘AC sheeting’ (asbestos containing sheeting) is the most commonly found legacy asbestos material in residential premises. Other asbestos containing materials were used in ‘fibro’ houses but also found in brick and timber housing stock from that period. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings are listed in Appendix J.

Common places where asbestos is likely to be found in and around homes include:

**Outside**
- backyard garden sheds, carports, garages and dog kennels
- electrical meter boards
- imitation brick cladding
- lining under eaves
- wall and roof materials (flat, patterned or corrugated asbestos sheeting).

**Inside**
- insulation materials in heaters and stoves
- interior walls and sheeting
- sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles including kitchen splashback.
Asbestos can also be found in:

- angle mouldings (internal and external)
- board around windows and fireplaces
- brake pads and clutch pads to vehicles
- burled and dumped waste materials
- carpet underlay
- ceilings (ceiling tiles or sprayed coatings or loose in the ceiling cavity)
- cement flooring
- external toilets
- fencing
- guttering, downpipes and vent pipes
- inside appliances eg irons, whitegoods
- gable ends
- outbuildings
- ridge capping
- swimming pools -- reinforcing marble swimming pools
- ventilators -- internal and external.

Other places asbestos can be found are listed in Appendix J.

2.3 Commercial and industrial premises

In commercial and industrial premises, asbestos may be found in the abovementioned places and also:

- asbestos rope or fabric in expansion joints (for example exhaust flues) and insulation
- bitumous waterproof membrane on flat roofs
- brake disc pads and brake linings
- cloth, tapes, ropes and gaskets for packing
- electrical switchboards and duct heater units
- fillers and filters
- fire doors
- lagging on pipes such as heater flues
- lift motor rooms
- pipes, casing for water and electrical/telecommunication services
- rubber, plastics, thermosetting resins, adhesives, paints, coatings, caulking compounds and sealants for thermal, electrical and insulation applications
- structural beams of buildings
- yarns and textiles eg fire blankets.

Other places asbestos can be found are listed in Appendix J.
2.4 Sites contaminated with asbestos

Contamination of soils from asbestos or asbestos containing materials can present a risk in urban and rural environments if the asbestos can give rise to elevated levels of airborne fibres that people can breathe. Whilst buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air. Activities such as those listed in section 3 of this Appendix have the potential to encounter and disturb asbestos waste or contamination, particularly where the contamination is not known to be present at the site or has not been appropriately considered.

2.4.1 Situations where asbestos contamination may occur

Situations where asbestos contamination may occur include:

- industrial land, eg, asbestos-cement manufacturing facilities, former power stations, and rail and ship yards, especially workshops and depots
- waste disposal or dumping sites, including sites of illegal dumping eg, building waste
- sites with infill or burial of asbestos waste from former asbestos mining or manufacture processes
- buildings or structures damaged by fire or storm (particularly likely for those with pre-1980s building materials but also possible for those with materials from prior to 2004)
- land with fill or foundation material of unknown composition
- sites where buildings or structures have been constructed from asbestos containing material or where asbestos may have been used as insulation material, eg, asbestos roofing, sheds, garages, reservoir roofs, water tanks, boilers and demolition waste has been buried onsite
- sites where buildings or structures have been improperly demolished or renovated, or where relevant documentation is lacking (particularly likely for those with pre-1980s building materials but also those with materials from prior to 2004)
- disused services with asbestos containing piping such as water pipes (including sewage systems, water services and irrigation systems), underground electrical and telephone wires and telecommunications trenches or pits (usually within 1 metre of the surface).

2.4.2 Significantly contaminated land

For sites that are significantly contaminated, the EPA and WorkCover are the lead regulatory authorities. The Contaminated Land Management Act 1997 applies to significantly contaminated land. In general, significant contamination is usually associated with former asbestos processing facilities or where large quantities of buried friable asbestos waste has been uncovered and is giving rise to measurable levels of asbestos fibres in air. Such sites require regulatory intervention to protect community health where the source of the contamination is not being addressed by the responsible person. The Environment Protection Authority has details of sites that have been nominated as significantly contaminated on its Public Register at: www.environment.nsw.gov.au/clm/publiclist.htm

If land is contaminated but not determined to be 'significant enough to warrant regulation' then the Contaminated Land Management Act 1997 does not apply. In such cases the provisions within the planning legislation and/or the Protection of the Environment Operations Act 1997 may be the appropriate mechanism for management of such contamination.

Guidance on assessing land can be found in the document: Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997.
3. Potentially hazardous activities

A number of activities could cause asbestos to be inadvertently disturbed and consequently create a health risk.

Before undertaking any of the activities listed below, it should be considered whether asbestos containing materials may be present. If asbestos is present, these activities may be illegal or certain precautions may be required, or an appropriately licensed person may be required to undertake the activity.

Members of the public could inadvertently disturb asbestos through activities including:

- renovations, refurbishments or repairs particularly those involving power tools, boring, breaking, cutting, drilling, grinding, sanding or smashing asbestos containing materials
- sealing, painting, brushing and cleaning asbestos cement products
- demolitions of homes or other structures (dismantling or destruction)
- relocating a house, building or structure
- using compressed air on asbestos containing materials
- water blasting asbestos containing materials
- cleaning gutters on asbestos cement roofs
- handling asbestos cement conduits or boxes
- maintenance work such as plumbing and electrical work on or adjacent to asbestos containing materials such as working on electrical mounting boards
- maintenance or servicing of materials from vehicles, plant or equipment.

Council could inadvertently disturb asbestos through activities such as:

- abovementioned activities
- asset and building maintenance
- certifying inspections of sites and premises
- transport and disposal of illegally dumped materials
- collection, transport and disposal of incorrectly disposed of materials.

Naturally occurring asbestos and contaminated sites could be inadvertently disturbed during:

- road building
- site and construction work
- other excavation activities
- vehicle movements.

Natural processes can create a risk of exposure to asbestos including:

- extensive fire or storm damage to asbestos cement roofs or building materials
- extensive weathering and etching of unsealed asbestos cement roofs.

In addition, work that intentionally disturbs asbestos, such as sampling or removal, should be conducted by a competent person and in accordance with the relevant codes of practice and legislation.
4. Health hazards

Asbestos fibres can pose a risk to health if airborne, as inhalation is the main way that asbestos enters the body. The World Health Organisation has stated that concentrations of asbestos in drinking water from asbestos cement pipes do not present a hazard to human health.

Breathing in asbestos fibres can cause asbestosis, lung cancer and mesothelioma. The risk of contracting these diseases increases with the number of fibres inhaled and the risk of lung cancer from inhaling asbestos fibres is greatly increased if you smoke. Small fibres are the most dangerous and they are invisible to the naked eye. People who are at most risk are those who have been exposed to high levels of asbestos for a long time. The symptoms of these diseases do not usually appear for some time (about 20 to 30 years) after the first exposure to asbestos.

Asbestosis is the irreversible scarring of lung tissue that can result from the inhalation of substantial amounts of asbestos over a period of years. It results in breathlessness that may lead to disability and, in some case, death.

Lung cancer can be caused by asbestos. Lung cancer is related to the amount of fibre that is breathed in and the risk of lung cancer is greatly increased in those who also smoke tobacco.

Mesothelioma is a cancer of the pleura (outer lung lining) or the peritoneum (the lining of the abdominal cavity). Mesothelioma rarely occurs less than 15 years from first exposure, and most cases occur over 30 years after first exposure. Accordingly, the rates of malignant mesothelioma (an incurable cancer) are expected to rise from the year 2012 to 2020 and are expected to peak in this time.

If asbestos fibres are in a stable material, for example bonded in asbestos-cement sheeting (such as fibro), and these materials are in good condition they pose little health risk. However, where fibro or other non-friable asbestos sheeting is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health.

Disturbing or removing asbestos containing materials unsafely can create a hazard.

The occupational standard for asbestos is 0.1 fibre/ml of air and the environmental standard is 0.01 fibre/ml in air.

When someone has potentially been exposed to asbestos, or receives or expects they may receive a diagnosis of an asbestos-related disease, they may experience psychological distress, including anxiety and may be in need of support. Their family and those around them may also be vulnerable to psychological distress.
Appendix B – Further information

Aboriginal communities


Asbestos contractors

*Choosing an asbestos consultant fact sheet (catalogue no. WC04547) (WorkCover NSW)*

For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages www.yellowpages.com.au or by contacting the Asbestos Removal Contractors Association NSW (ARCA) www.arca.asn.au Phone: (02) 8586 3521.

An asbestos removal contractor’s licence can be verified by contacting the WorkCover NSW’s Certification Unit on 13 10 50.

Demolition & Contractors Association (DCA) NSW
http://demolitioncontractorsassociation.com.au

Asbestos waste


*Management of asbestos in recycled construction and demolition waste, 2010 (WorkCover NSW)*

*Safely disposing of asbestos waste from your home, 2009 (EPA and WorkCover NSW)*

For information on illegal dumping and safely disposing of asbestos waste visit the EPA website:
www.environment.nsw.gov.au

Contaminated land

*Guidelines on the duty to report contamination under the Contaminated Land Management Act 1997, 2009 (EPA)*

*Managing land contamination: Planning guidelines SEPP 55 – Remediation of land, 1998 (Department of Planning and Infrastructure and EPA)*

Environmental risk assessment

*Environmental health risk assessment: Guidelines for assessing human health risks from environmental hazards, 2002 (Commonwealth of Australia)*

Health

*Asbestos and health risks fact sheet, 2007 (Ministry of Health)*

Further advice concerning the health risks of asbestos can be obtained from your local public health unit. Contact details for public health units may be found at: www.health.nsw.gov.au/publichealth/infectious/phu.asp
Renovation and development

Asbestos: A guide for householders and the general public, 2012 (Commonwealth of Australia)

Choosing and working with a principal certifying authority: A guide for anyone planning to build or subdivide, 2011
(Building Professionals Board)

Think asbestos website, 2011 (Asbestos Education Committee) (and Printable Website Handbook)
http://www.asbestosawareness.com.au

Working with asbestos guide, 2008 (WorkCover NSW)

Practical guidance

Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW

Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by WorkCover NSW

Tenants

Tenants rights Fact sheet 26 Asbestos and lead, 2010 (Tenants NSW)

Tenants – Housing NSW tenants

Asbestos fact sheet, 2010 (Housing NSW)
Appendix C – Definitions

The terms used in the policy are defined as below, consistent with the definitions in the:

- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW
- Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by WorkCover NSW
- Contaminated Land Management Act 1997
- Environmental Planning and Assessment Act 1979
- Emergency Pollution and Orphan Waste Clean-Up Program Guidelines 2008
- Protection of the Environment Operations Act 1997
- Waste classification guidelines part 1 classifying waste 2008
- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011

accredited certifier in relation to matters of a particular kind, means the holder of a certificate of accreditation as an accredited certifier under the Building Professionals Act 2005 in relation to those matters.

airborne asbestos means any fibres of asbestos small enough to be made airborne. For the purposes of monitoring airborne asbestos fibres, only respirable fibres are counted.

asbestos means the asbestiform varieties of mineral silicates belonging to the serpentine or amphibole groups of rock forming minerals including the following:

a. actinolite asbestos
b. grunerite (or amosite) asbestos (brown)
c. anthophyllite asbestos
d. chrysotile asbestos (white)
e. crocidolite asbestos (blue)
f. tremolite asbestos

g. a mixture that contains 1 or more of the minerals referred to in paragraphs (a) to (f).

asbestos containing material (ACM) means any material or thing that, as part of its design, contains asbestos.

asbestos-contaminated dust or debris (ACD) means dust or debris that has settled within a workplace and is, or is assumed to be, contaminated with asbestos.

asbestos-related work means work involving asbestos that is permitted under the Work Health and Safety Regulation 2011, other than asbestos removal work.

asbestos removal licence means a Class A asbestos removal licence or a Class B asbestos removal licence.

asbestos removal work means:

a. work involving the removal of asbestos or asbestos containing material, or

b. Class A asbestos removal work or Class B asbestos removal work.

asbestos removalist means a person conducting a business or undertaking who carries out asbestos removal work.

asbestos waste means any waste that contains asbestos. This includes asbestos or asbestos containing material removed and disposable items used during asbestos removal work including plastic sheeting and disposable tools.
certifying authority means a person who is authorised by or under section 85A of the Environmental Planning and Assessment Act 1979 to issue complying development certificates, or is authorised by or under section 109D of the Environmental Planning and Assessment Act 1979 to issue part 4A certificates.

Class A asbestos removal licence means a licence that authorises the carrying out of Class A asbestos removal work and Class B asbestos removal work by or on behalf of the licence holder.

Class A asbestos removal work means the removal of friable asbestos which must be licensed under clause 485 of the Work Health and Safety Regulation 2011. This does not include: the removal of non-friable asbestos, or ACD that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination.

Class B asbestos removal licence means a licence that authorises the carrying out of Class B asbestos removal work by or on behalf of the licence holder.

Class B asbestos removal work means the removal of more than 10 square metres of non-friable asbestos or asbestos containing material work that is required to be licensed under clause 487, but does not include Class A asbestos removal work.

competent person means: a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:

a. a certification in relation to the specified VET course for asbestos assessor work, or
b. a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

complying development is a fast track, 10 day approval process where a building meets all of the predetermined standards established in either a state or local council planning document. A complying development certificate can be issued by either a local council or an accredited certifier.

complying development certificate

contaminant means any substance that may be harmful to health or safety.

contamination of land means the presence in, on or under the land of a substance at a concentration above the concentration at which the substance is normally present in, on or under (respectively) land in the same locality, being a presence that presents a risk of harm to human health or any other aspect of the environment

control measure, in relation to a risk to health and safety, means a measure to eliminate or minimise the risk.

demolition work means work to demolish or dismantle a structure, or part of a structure that is loadbearing or otherwise related to the physical integrity of the structure, but does not include:

a. the dismantling of formwork, falsework, or other structures designed or used to provide support, access or containment during construction work, or
b. the removal of power, light or telecommunication poles.

development means:

a. the use of land
b. the subdivision of land
c. the erection of a building
d. the carrying out of a work
e. the demolition of a building or work
f. any other act, matter or thing referred to in section 26 of the Environmental Planning and Assessment Act 1979 that is controlled by an environmental planning instrument.
development application means an application for consent under part 4 of the Environmental Planning and Assessment Act 1979 to carry out development but does not include an application for a complying development certificate.

emergency service organisation includes any of the following:
   a. the Ambulance Service of NSW
   b. Fire and Rescue NSW
   c. the NSW Rural Fire Service
   d. the NSW Police Force
   e. the State Emergency Service
   f. the NSW Volunteer Rescue Association Inc
   g. the NSW Mines Rescue Brigade established under the Coal Industry Act 2001
   h. an accredited rescue unit within the meaning of the State Emergency and Rescue Management Act 1989.

exempt development means minor development that does not require any planning or construction approval because it is exempt from planning approval.

exposure standard for asbestos is a respirable fibre level of 0.1 fibres/ml of air measured in a person's breathing zone and expressed as a time weighted average fibre concentration calculated over an eight-hour working day and measured over a minimum period of four hours in accordance with the Membrane Filter Method or a method determined by the relevant regulator.

friable asbestos means material that:
   a. is in a powder form or that can be crumbled, pulverised or reduced to a powder by hand pressure when dry
   b. contains asbestos.

health means physical and psychological health.

health monitoring, of a person, means monitoring the person to identify changes in the person's health status because of exposure to certain substances.

independent, in relation to clearance inspections and air monitoring means:
   a. not involved in the removal of the asbestos
   b. not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

in situ asbestos means asbestos or asbestos containing material fixed or installed in a structure, equipment or plant, but does not include naturally occurring asbestos.

licence holder means: in the case of an asbestos assessor licence – the person who is licensed:
   a. to carry out air monitoring during Class A asbestos removal work
   b. to carry out clearance inspections of Class A asbestos removal work
   c. to issue clearance certificates in relation to Class A asbestos removal work, or
      • in the case of an asbestos removal licence – the person conducting the business or undertaking to whom the licence is granted, or
      • in the case of a major hazard facility licence – the operator of the major hazard facility to whom the licence is granted or transferred.

licensed asbestos assessor means a person who holds an asbestos assessor licence.
licensed asbestos removalist means a person conducting a business or undertaking who is licensed under the *Work Health and Safety Regulation 2011* to carry out Class A asbestos removal work or Class B asbestos removal work.

licensed asbestos removal work means asbestos removal work for which a Class A asbestos removal licence or Class B asbestos removal licence is required.

NATA means the National Association of Testing Authorities, Australia.

NATA-accredited laboratory means a testing laboratory accredited by NATA, or recognised by NATA either solely or with someone else.

naturally occurring asbestos means the natural geological occurrence of asbestos minerals found in association with geological deposits including rock, sediment or soil.

non-friable asbestos means material containing asbestos that is not friable asbestos, including material containing asbestos fibres reinforced with a bonding compound.

Note. Non-friable asbestos may become friable asbestos through deterioration (see definition of friable asbestos).

occupational hygienist means a person with relevant qualifications and experience in asbestos management who is a full member of the Australian Institute of Occupational Hygienists (AIOH).

occupier includes a tenant or other lawful occupant of premises, not being the owner.

officer means an officer as defined in the NSW *Work Health and Safety Act 2011*

orphan waste means materials that have been placed or disposed of on a premises unlawfully that may have the potential to pose a risk to the environment or public health.

person conducting a business or undertaking a ‘person’ is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.

personal protective equipment means anything used or worn by a person to minimise risk to the person’s health and safety, including air supplied respiratory equipment.

respirable asbestos fibre means an asbestos fibre that:
   a. is less than three micrometres wide
   b. more than five micrometres long
   c. has a length to width ratio of more than 3:1.

specified VET course means:
   a. in relation to Class A asbestos removal work – the following VET courses:
      • remove non-friable asbestos
      • remove friable asbestos, or
   b. in relation to Class B asbestos removal work – the VET course Remove non-friable asbestos, or
   c. in relation to the supervision of asbestos removal work – the VET course Supervise asbestos removal, or
   d. in relation to asbestos assessor work – the VET course Conduct asbestos assessment associated with removal.

structure means anything that is constructed, whether fixed or moveable, temporary or permanent, and includes:
   a. buildings, masts, towers, framework, pipelines, transport infrastructure and underground works (shafts or tunnels)
   b. any component of a structure
   c. part of a structure
   d. volunteer means a person who is acting on a voluntary basis (irrespective of whether the person receives out-of-pocket expenses).
waste includes:

- any substance (whether solid, liquid or gaseous) that is discharged, emitted or deposited in the environment in such volume, constituency or manner as to cause an alteration in the environment, or
- any discarded, rejected, unwanted, surplus or abandoned substance, or
- any otherwise discarded, rejected, unwanted, surplus or abandoned substance intended for sale or for recycling, processing, recovery or purification by a separate operation from that which produced the substance, or
- any process, recycled, re-used or recovered substance produced wholly or partly from waste that is applied to land, or used as fuel, but only in the circumstances prescribed by the regulations, or
- any substance prescribed by the regulations made under the Protection of the Environment Operations Act 1997 to be waste.

waste facility means any premises used for the storage, treatment, processing, sorting or disposal of waste (except as provided by the regulations).

worker a person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:

- an employee, or
- a contractor or subcontractor, or
- an employee of a contractor or subcontractor, or
- an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or
- an outworker, or
- an apprentice or trainee, or
- a student gaining work experience, or
- a volunteer, or
- a person of a prescribed class.

workplace a workplace is a place where work is carried out for a business or undertaking and includes any place where a worker goes, or is likely to be, while at work. Place includes: a vehicle, vessel, aircraft or other mobile structure, and any waters and any installation on land, on the bed of any waters or floating on any waters.
Appendix D – Acronyms

ACD  Asbestos Containing Dust (an acronym used in the legislation)
ACM  Asbestos Containing Material (an acronym used in the legislation)
ARA  Appropriate Regulatory Authority (an acronym used in the legislation)
DA   Development Application
EPA  Environment Protection Authority
JRPP Joint Regional Planning Panel
LGA  Local Government Area
NATA National Association of Testing Authorities
NSW  New South Wales
SEPP State Environmental Planning Policy
VET  Vocational Education and Training

Appendix E – Relevant contacts

Council to insert council contact details including an address that residents can visit to access information, phone number and website.

Council may wish to insert contact details for:
- Council’s contact details for advice on development assessment
- Local advocacy groups
- Local licensed removalists (particularly useful in the event of an emergency)
- Local public health unit
- Local support groups
- Union contact
- Waste facilities.
Asbestos-related disease organisations (non-exhaustive)

Asbestos Diseases Foundation Australia Inc
Phone: (02) 9637 8759
Helpline: 1800 006 196
Email: info@adfa.org.au
Website: www.adfa.org.au

Asbestos Diseases Research Institute
Phone: (02) 9767 9800
Email: info@adri.org.au
Website: www.adri.org.au

Australian Institute of Occupational Hygienists Inc.
Phone: (03) 9338 2290
Email: admin@aioh.org.au
Website: www.aioh.org.au

Dust Diseases Board
Phone: (02) 8223 6600
Toll Free: 1800 550 027
Email: enquiries@ddb.nsw.gov.au
Website: www.ddb.nsw.gov.au

Environment Protection Authority (EPA)
Phone: (02) 9995 5000
Environment line: 13 15 55
Email: info@environment.nsw.gov.au
Website: www.environment.nsw.gov.au/epa

Licensed Asbestos Contractors
For a listing of asbestos removal contractors in your area, refer to your local telephone directory or the Yellow Pages website: www.yellowpages.com.au or contact:

Asbestos Removal Contractors Association NSW (ARCA)
Phone: (02) 9842 0011
Email: info@arca.net.au
Website: www.arca.asn.au

Verification of an asbestos removal contractor's licence can be checked by contacting WorkCover NSW's Certification Unit Phone: 13 10 50

Civil Contractors Federation (CCF)
Phone: (02) 9009 4000
Email: mtearl@civilcontractors.com
Website: www.civilcontractors.com

Demolition & Contractors Association (DCA) NSW
Phone: (02) 8586 3555
Email: demolitionassn@bigpond.com
Website: www.demolitioncontractorsassociation.com.au
Local Government and Shires Associations of NSW (LGSA)
Phone: (02) 9242 4000
Email: lgsa@lgsa.org.au
Website: www.lgsa.org.au

NSW Ombudsman
Phone: (02) 9286 1000
Toll free (outside Sydney metro): 1800 451 524
Email: nswombo@ombo.nsw.gov.au
Website: www.ombo.nsw.gov.au

Training providers (non-exhaustive)

TAFE NSW
Phone: 1300 131 499
Website: www.tafensw.edu.au

Housing Industry Association (HIA)
Phone: (02) 9978 3333
Website: http://hia.com.au/

Local Government Training Institute
Phone: (02) 4922 2333
Website: www.lgti.com.au

Comet Training
Phone: (02) 9649 5000
Website: www.comet-training.com.au/site

Masters Builders Association (MBA)
Phone: (02) 8586 3521
Website: www.masterbuilders.com.au

Asbestos Removal Contractors Association NSW (ARCA)
Phone: (02) 9642 0011
Website: www.arca.asn.au

WorkCover NSW
WorkCover Information Centre Phone: 13 10 50
WorkCover NSW – Asbestos/Demolition Hotline Phone: (02) 8260 5885
Website: www.workcover.nsw.gov.au
Appendix F – Waste management facilities that accept asbestos wastes

Waste management facilities that can accept asbestos waste may be operated by council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility. Not all waste management centres accept asbestos waste from the public. Management of asbestos waste requires special precautions such as a separate disposal location away from other general waste and controls to prevent the liberation of asbestos fibres, such as the immediate covering of such waste.

Council to either:
- List the name, location and contact details for waste management facility/ facilities in the LGA that accept/s asbestos waste under the heading “Waste management facilities in the LGA that accept asbestos wastes”. Council may also like to outline requirements for delivering asbestos waste for disposal to the waste management facility/ facilities that accept/s asbestos waste (consistent with section 10), or
- Note if there are not any waste management facilities in the LGA that accept asbestos wastes and consider providing the name, location and contact details for the closest waste management facility/ facilities that accept/s asbestos waste.

Waste management facilities in other areas that accept asbestos wastes

A list of licensed landfills that may accept asbestos waste from the public is available on the EPA website at: http://www.environment.nsw.gov.au/waste/asbestos/index.htm

Some of the landfills may accept non-friable asbestos waste but not friable asbestos waste. Some landfills may not accept large quantities of asbestos waste.

Always contact the landfill before taking asbestos waste to a landfill to find out whether asbestos is accepted and any requirements for delivering asbestos to the landfill. EPA does not endorse any of the landfills listed on the website or guarantee that they will accept asbestos under all circumstances.
Appendix G – Asbestos-related legislation, policies and standards

- Australian Standard AS 2601 – 2001: The demolition of structures
- Contaminated Land Management Act 1997
- Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560) published by WorkCover NSW
- Code of practice on how to safely remove asbestos (catalogue no. WC03561) published by WorkCover NSW
- Environmental Planning and Assessment Act 1979
- Environmental Planning and Assessment Regulation 2000
- Local Government Act 1993
- Local Government (General) Regulation 2005
- Protection of the Environment Operations (General) Regulation 2009
- Protection of the Environment Operations (Waste) Regulation 2005
- Protection of the Environment Operations Act 1997
- State Environmental Planning Policy No. 55 – Remediation of Land
- State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
- NSW Work Health and Safety Act 2011
- NSW Work Health and Safety Regulation 2011
- Workers’ Compensation (Dust Diseases) Act 1942.
Appendix H – Agencies roles and responsibilities

NSW organisations

Department of Planning and Infrastructure (DP&I) and the Building Professionals Board (BPB)

DP&I’s primary role in the management of asbestos relates to administration of State Environmental Planning Policies, and the Environmental Planning and Assessment Act 1979 (and associated Regulation).

Whilst DP&I does not have an operational role in the management of asbestos, it has a regulatory function and provides policy support relating to asbestos and development. In assessing proposals for development under the Environmental Planning and Assessment Act 1979, consent authorities are required to consider the suitability of the subject land for the proposed development. This includes consideration of the presence of asbestos and its environmental impact.

Where asbestos represents contamination of the land (i.e., it is present in excess of naturally occurring levels), State Environmental Planning Policy No. 55 – Remediation of Land imposes obligations on developers and consent authorities in relation to remediation of the land and the assessment and monitoring of its effectiveness.

The State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 enables exempt and complying development across the state. While this includes demolition and the removal of asbestos, the Environmental Planning and Assessment Regulation 2000 specifies particular conditions that must be contained in a complying development certificate in relation to the handling and lawful disposal of both friable and non-friable asbestos material under the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008.

The Building Professionals Board (BPB) which reports to the Minister for Planning and Infrastructure, also has a role in the management of asbestos. The BPB’s role involves providing practice advice and educational programs to assist certifying authorities (private and council) in carrying out their role and this includes education in relation to managing asbestos. The BPB certifies and audits both private and council certifiers. Further information about the BPB may be found at: www.bpb.nsw.gov.au

Dust Diseases Board (DDB)

The DDB provides a system of no fault compensation to people who have developed a dust disease from occupational exposure to dust as a worker in New South Wales and to their dependants. The DDB’s statutory function is to administer the Workers’ Compensation (Dust Diseases) Act 1942. Services include:

- payment of compensation benefits to eligible workers and dependants
- co-ordination and payment of medical and related health care expenses of affected
- medical examination of workers exposed to dust in the workplace
- information and education.

Environment Protection Authority (EPA)


EPA is the appropriate regulatory authority for activities that require an environment protection licence or are carried out by public authorities such as local councils, the Roads and Traffic Authority and Sydney Water. Local councils are the appropriate regulatory authority for activities that are not regulated by the EPA, which typically include building demolition, construction sites, residential properties, commercial sites and small to medium sized industrial facilities.
EPA is responsible for assisting councils in fulfilling their regulatory responsibilities. EPA has developed resources to assist Local Government to regulate asbestos waste incidents and prevent illegal dumping. Website links to these resources are provided in Appendix B.

The EPA maintains the regulatory framework for the remediation of contaminated land (the Contaminated Land Management Act 1997) and actively regulates land that is declared to be 'significantly contaminated' under the Contaminated Land Management Act 1997.

**Heads of Asbestos Coordination Authorities (HACA)**

The HACA is chaired by the Chief Executive Officer of WorkCover NSW with senior officials from:

- Department of Planning and Infrastructure
- Department of Trade and Investment, Regional Infrastructure and Services
- Division of Local Government
- Dust Diseases Board
- Environment Protection Authority
- Local Government and Shires Association of NSW
- Ministry for Police and Emergency Services
- Ministry of Health.

The HACA group will improve the management, monitoring and response to asbestos issues in NSW by developing coordinated prevention programs. These programs include a comprehensive public awareness campaign to promote the safe handling of asbestos and help prevent the risk of exposure to asbestos-related diseases in the NSW community. Further information about the HACA can be found on the WorkCover website: www.workcover.nsw.gov.au.

**Local Government and Shires Associations of NSW (LGSA)**

The Local Government Association of NSW and the Shires Association of NSW represent 152 general purpose councils, 12 special purpose councils and the NSW Aboriginal Land Council.

The Associations represent the views of these councils by:

- presenting councils views to governments
- promoting Local Government to the community
- providing specialist advice and services.

The Associations hold annual conferences where members are able to vote on issues affecting Local Government. The Annual Conferences are the supreme policy making events.

In 2012, the Associations commenced a project funded by WorkCover NSW to assist councils to adopt and implement a model asbestos policy. The project is outlined at: www.lgsa.org.au/key-initiatives/asbestos

**NSW Ministry of Health**

The NSW Ministry of Health does not have express statutory responsibilities for managing asbestos-related risks and incidents in NSW. The Ministry provides an expert advisory service to other governmental agencies on public health issues. This service may include technical information or assistance to prepare public health information bulletins.
NSW Ombudsman

The NSW Ombudsman is an independent and impartial watchdog body. The NSW Ombudsman is responsible for ensuring that public and private sector agencies and employees within its jurisdiction fulfil their functions appropriately. The NSW Ombudsman assists those agencies and their employees to be aware of their responsibilities to the public, to act reasonably and to comply with the law and best administrative practice.

WorkCover NSW

WorkCover is responsible for the issuing and control of licences that are issued to all asbestos removal and demolition contractors. WorkCover works with the employers, workers and community of NSW to achieve safer and more productive workplaces, and effective recovery, return to work and security for injured workers.

WorkCover administers work health and safety, injury management, return to work and workers compensation laws, and manages the workers compensation system. WorkCover's activities include: health and safety, injuries and claims, licensing for some types of plant operators, registration of some types of plant and factories, training and assessment, medical and healthcare, law and policy.


National organisations

National Association of Testing Authorities (NATA)

This body has the role of providing accreditation to firms licensed to remove asbestos.

NSW (Head Office) and ACT
Phone: (02) 9736 8222
National Toll Free: 1800 621 666
Website: www.nata.asn.au

Environmental Health Committee (enHealth)

The Environmental Health Committee (enHealth) is a subcommittee of the Australian Health Protection Committee (AHPC). enHealth provides health policy advice, implementation of the National Environmental Health Strategy 2007-2012, consultation with key players, and the development and coordination of research, information and practical resources on environmental health matters at a national level.

Safe Work Australia

Safe Work Australia is an Australian Government statutory agency established in 2009, with the primary responsibility of improving work health and safety and workers' compensation arrangements across Australia.

Phone: (02) 6121 5317
Email: info@safeworkaustralia.gov.au
Website: www.safeworkaustralia.gov.au
Appendix I – Scenarios illustrating which agencies lead a response in NSW

The tables show which agencies are responsible for regulating the following scenarios in NSW:

- emergency management
- naturally occurring asbestos
- residential settings
- site contamination
- waste
- workplaces.

Further details are provided in the Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government, 2011 (NSW Government).

**Emergency management**

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Emergency response</td>
<td>Emergency services</td>
<td>Fire and Rescue (Hazmat)</td>
</tr>
<tr>
<td>Handover to Local council, owner of property</td>
<td>Local council</td>
<td>WorkCover NSW</td>
</tr>
<tr>
<td>or NSW Police – crime scene following a minor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>incident</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Handover to State Emergency Recovery Controller</td>
<td>State Emergency Recovery Controller</td>
<td>Recovery Committee</td>
</tr>
<tr>
<td>Handover to Recovery Committee following a significant incident</td>
<td>Recovery Committee (formed by State Emergency Recovery Controller)</td>
<td>Local council</td>
</tr>
<tr>
<td>Remediation not requiring a licensed removalist</td>
<td>Local council</td>
<td>EPA</td>
</tr>
<tr>
<td>Remediation requiring licensed removal work</td>
<td>WorkCover NSW</td>
<td>WorkCover NSW (workers)</td>
</tr>
<tr>
<td>Clearance Certificate issued by an Asbestos Assessor</td>
<td>WorkCover NSW</td>
<td></td>
</tr>
</tbody>
</table>


<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Naturally occurring but will be disturbed due to a work process including remediation work</td>
<td>WorkCover NSW</td>
<td>Local council</td>
</tr>
<tr>
<td>Naturally occurring asbestos part of a mineral extraction process</td>
<td>Department of Trade and Investment, Regional Infrastructure and Services WorkCover NSW</td>
<td>EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)</td>
</tr>
<tr>
<td>Naturally occurring but will remain undisturbed by any work practice</td>
<td>Local council</td>
<td>EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)</td>
</tr>
<tr>
<td>Soil contaminated with asbestos waste and going to be disturbed by a work practice</td>
<td>WorkCover NSW</td>
<td>EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities, declared contaminated land sites)</td>
</tr>
<tr>
<td>Soil contaminated with asbestos waste but will remain undisturbed by any work practice</td>
<td>Local council</td>
<td>EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities, declared contaminated land sites) WorkCover NSW (workers on site)</td>
</tr>
<tr>
<td>Soil contaminated with asbestos waste but at a mine site</td>
<td>Department of Trade and Investment, Regional Infrastructure and Services EPA (Protection of the Environment Operations Act 1997 Scheduled Activities Public Authorities)</td>
<td>Local council</td>
</tr>
</tbody>
</table>
### Residential settings

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Safe Management of asbestos including:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• identification</td>
<td>Local council</td>
<td>WorkCover NSW</td>
</tr>
<tr>
<td>• in situ management</td>
<td>Private Certifiers</td>
<td>EPA</td>
</tr>
<tr>
<td>• removal requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>• disposal requirements</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site contaminated due to past uses</td>
<td>Local council</td>
<td>WorkCover NSW</td>
</tr>
<tr>
<td>Licensed removal work required</td>
<td>WorkCover NSW</td>
<td>Local council</td>
</tr>
<tr>
<td>Removal does not require a licensed removalalist</td>
<td>Local council</td>
<td>WorkCover NSW (workers)</td>
</tr>
<tr>
<td>Transport or waste disposal issues</td>
<td>Local council</td>
<td>EPA</td>
</tr>
<tr>
<td>Derelict property with fibro debris</td>
<td>Local council or Multi-agency</td>
<td>Multi-agency</td>
</tr>
</tbody>
</table>

### Site contamination

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos illegally dumped</td>
<td>Local council</td>
<td>EPA</td>
</tr>
<tr>
<td>Site contamination at commercial premises</td>
<td>See Workplaces</td>
<td></td>
</tr>
<tr>
<td>Site contamination at residential premises</td>
<td>See Residential settings</td>
<td></td>
</tr>
</tbody>
</table>

### Waste

<table>
<thead>
<tr>
<th>Scenario</th>
<th>Lead organisation</th>
<th>Other regulators</th>
</tr>
</thead>
<tbody>
<tr>
<td>Waste temporarily stored on-site</td>
<td>WorkCover (worksites)</td>
<td>WorkCover</td>
</tr>
<tr>
<td>Waste transported by vehicle</td>
<td>EPA</td>
<td></td>
</tr>
<tr>
<td>Waste disposed of onsite</td>
<td>Council or EPA as illegal dumping or pollution of land if no valid council development consent</td>
<td>WorkCover</td>
</tr>
<tr>
<td>Waste going to landfill site</td>
<td>EPA (advice)</td>
<td>Local council (if managing licensed landfill)</td>
</tr>
<tr>
<td>Waste to be transported interstate</td>
<td>EPA</td>
<td></td>
</tr>
<tr>
<td>Waste for export</td>
<td>Australian Customs and Border Protection Service</td>
<td>WorkCover NSW, Department of Education, Employment and Workplace Relations</td>
</tr>
<tr>
<td>Scenario</td>
<td>Lead organisation</td>
<td>Other regulators</td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
<td>----------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Asbestos installed/supplied after 2003 (illegally)</td>
<td>WorkCover NSW</td>
<td>Australian Customs and Border Protection Service</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Australian Competition and Consumer Commission (Imported Goods)</td>
</tr>
<tr>
<td>Risks to the health of workers</td>
<td>WorkCover NSW</td>
<td></td>
</tr>
<tr>
<td>Asbestos management and asbestos going to be removed</td>
<td>WorkCover NSW, Department of Trade and Investment, Regional infrastructure and Services (mine sites)</td>
<td></td>
</tr>
<tr>
<td>Risks to the health of the public from worksites</td>
<td>WorkCover NSW (Risks to workers), Local council (Risks to the wider public), Department of Planning and Infrastructure (part 3A approvals), EPA (Protection of the Environment Operations Act 1997 licensed sites)</td>
<td></td>
</tr>
<tr>
<td>Waste stored temporarily on-site at worksites</td>
<td>WorkCover NSW</td>
<td></td>
</tr>
<tr>
<td>Transport or waste disposal issues</td>
<td>EPA</td>
<td>WorkCover NSW, Local council</td>
</tr>
<tr>
<td>Asbestos contaminated clothing going to a laundry</td>
<td>WorkCover NSW</td>
<td>EPA, Local council</td>
</tr>
<tr>
<td>Contaminated land not declared under the Contaminated Land Management Act 1997</td>
<td>Local council</td>
<td>EPA</td>
</tr>
<tr>
<td>‘Significantly contaminated’ land declared under the Contaminated Land Management Act 1997</td>
<td>EPA</td>
<td>Local council</td>
</tr>
</tbody>
</table>
# Appendix J - Asbestos containing materials

Some asbestos containing materials found in New South Wales domestic settings (non-exhaustive list)

<table>
<thead>
<tr>
<th>Asbestos containing materials</th>
<th>Approximate supply dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cement sheets</td>
<td>Imported goods supplied from 1903 locally made 'fribrolite' from 1917</td>
</tr>
<tr>
<td>Cement roofing / lining slates</td>
<td>Imported goods supplied from 1903 locally made 'fribrolite' from 1917</td>
</tr>
<tr>
<td>Mouldings and cover strips</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Super-six (corrugated) roofing</td>
<td>Available by 1920s and 1930s – 1985</td>
</tr>
<tr>
<td>‘Tilex’ decorative wall panels</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Pipes and conduit piping</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Motor vehicle brake linings</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Striated sheeting</td>
<td>Available from 1957</td>
</tr>
<tr>
<td>‘Asbestolux’ insulation boards</td>
<td>Available from 1957</td>
</tr>
<tr>
<td>‘Shadowline’ asbestos sheeting for external walls, gable ends and fences</td>
<td>Available from 1958 – 1985</td>
</tr>
<tr>
<td>Vinyl floor tiles impregnated with asbestos</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>Asbestos containing paper backing for linoleum</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>‘Durasbestos’ asbestos cement products</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>‘Tilex’ marbletone decorative wall panels</td>
<td>Available from early 1960s</td>
</tr>
<tr>
<td>‘Tilex’ weave pattern decorative wall panels</td>
<td>Available from early 1960s</td>
</tr>
<tr>
<td>‘Hardiflex’ sheeting</td>
<td>Available from 1960s – 1981</td>
</tr>
<tr>
<td>‘Versilux’ building board</td>
<td>Available from 1960s – 1982</td>
</tr>
<tr>
<td>Loose-fill, fluffy asbestos ceiling insulation</td>
<td>Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns</td>
</tr>
<tr>
<td>Asbestos rope gaskets for wood heaters. Heater and stove insulation</td>
<td>Dates of supply availability unknown but prior to 31 December 2003</td>
</tr>
<tr>
<td>Compressed fibro-cement sheets</td>
<td>Available from 1960s – 1984</td>
</tr>
<tr>
<td>Villaboard</td>
<td>Available until 1981</td>
</tr>
<tr>
<td>Harditherm</td>
<td>Available until 1984</td>
</tr>
<tr>
<td>Highline</td>
<td>Available until 1985</td>
</tr>
<tr>
<td>Coverline</td>
<td>Available until 1985</td>
</tr>
<tr>
<td>Roofing accessories</td>
<td>Available until 1985</td>
</tr>
<tr>
<td>Pressure pipe</td>
<td>Available until 1987</td>
</tr>
</tbody>
</table>

Asbestos containing materials that may be found in various settings (non-exhaustive list)

- Air conditioning duct, in the exterior or interior acoustic and thermal insulation
- Arc shields in lift motor rooms or large electrical cabinets
- Asbestos-based plastics products as electrical insulates and acid resistant compositions or aircraft seats
- Asbestos ceiling tiles
- Asbestos cement conduit
- Asbestos cement electrical fuse boards
- Asbestos cement external roofs and walls
- Asbestos cement in the use of form work for pouring concrete
- Asbestos cement internal flues and downpipes
- Asbestos cement moulded products such as gutters, ridge capping, gas meter covers, cable troughs and covers
- Asbestos cement pieces for packing spaces between floor joists and pliers
- Asbestos cement (underground) pit as used for traffic control wiring, telecommunications cabling etc
- Asbestos cement render, plaster, mortar and coursework
- Asbestos cement sheet
- Asbestos cement sheet behind ceramic tiles
- Asbestos cement sheet over exhaust canopies such as ovens and fume cupboards
- Asbestos cement sheet internal walls and ceilings
- Asbestos cement sheet underlay for vinyl
- Asbestos cement storm drain pipes
- Asbestos cement water pipes (usually underground)
- Asbestos containing laminates, (such as Formica) used where heat resistance is required
- Asbestos containing pegboard
- Asbestos felts
- Asbestos marine board, eg marinate
- Asbestos mattresses used for covering hot equipment in power stations
- Asbestos paper used variously for insulation, filtering and production of fire resistant laminates
- Asbestos roof tiles
- Asbestos textiles
- Asbestos textile gussets in air conditioning ducting systems
- Asbestos yarn
- Autoclave/steriliser insulation
B

Bitumen-based water proofing such as malthoid (roofs and floors, also in brickwork)
Bituminous adhesives and sealants
Boiler gaskets
Boiler insulation, slabs and wet mix
Brake disc pads
Brake linings

C

Cable penetration insulation bags (typically Telecom)
Calorifier insulation
Car body filters (uncommon)
Caulking compounds, sealant and adhesives
Cement render
Chrysotile wicks in kerosene heaters
Clutch faces
Compressed asbestos cement panels for flooring, typically verandas, bathrooms and steps for demountable buildings
Compressed asbestos fibres (CAF) used in brakes and gaskets for plant and automobiles

D

Door seals on ovens

E

Electric heat banks – block insulation
Electric hot water services (normally no asbestos, but some millboard could be present)
Electric light fittings, high wattage, insulation around fitting (and bituminised)
Electrical switchboards see Pitch-based
Exhausts on vehicles

F

Filler in acetylene gas cylinders
Filters: beverage wine filtration
Fire blankets
Fire curtains
Fire door insulation
Fire-rated wall rendering containing asbestos with mortar
Fire-resistant plaster board, typically on ships
Fire-retardant material on steel work supporting reactors on columns in refineries in the chemical industry
Flexible hoses
Floor vinyl sheets
Floor vinyl tiles
Fuse blankets and ceramic fuses in switchboards

G
Galbestos™ roofing materials (decorative coating on metal roof for sound proofing)
Gaskets: chemicals, refineries
Gaskets: general
Gauze mats in laboratories/chemical refineries
Gloves: asbestos

H
Hairdryers: insulation around heating elements
Header (manifold) insulation

I
Insulation blocks
Insulation in electric reheat units for air conditioner systems

L
Laboratory bench tops
Laboratory fume cupboard panels
Laboratory ovens: wall insulation
Lagged exhaust pipes on emergency power generators
Lagging in penetrations in fireproof walls
Lift shafts: asbestos cement panels lining the shaft at the opening of each floor and asbestos packing around penetrations
Limpet asbestos spray insulation
Locomotives: steam, lagging on boilers, steam lines, steam dome and gaskets

M
Mastik
Millboard between heating unit and wall
Millboard lining of switchboxes
Mortar

P
Packing materials for gauges, valves, etc can be square packing, rope or loose fibre
Packing material on window anchorage points in high-rise buildings
Paint, typically industrial epoxy paints
Penetrations through concrete slabs in high rise buildings
Pipe insulation including moulded sections, water-mix type, rope braid and sheet
Plaster and plaster cornice adhesives
Pipe insulation: moulded sections, water-mix type, rope braid and sheet
Pitch-based (zelemite, asbestos, lebah) electrical switchboard

R
Refractory linings
Refractory tiles
Rubber articles: extent of usage unknown

S
Sealant between floor slab and wall, usually in boiler rooms, risers or lift shafts
Sealant or mastik on windows
Sealants and mastik in air conditioning ducting joints
Spackle or plasterboard wall jointing compounds
Sprayed insulation: acoustic wall and ceiling
Sprayed insulation: beams and ceiling slabs
Sprayed insulation: fire retardant sprayed on nut internally, for bolts holding external building wall panels
Stoves: old domestic type, wall insulation

T
Tapes and rope: lagging and jointing
Tapered ends of pipe lagging, where lagging is not necessarily asbestos
Tilux sheeting in place of ceramic tiles in bathrooms
Trailing cable under lift cabins
Trains: country – guards vans – millboard between heater and wall
Trains – Harris cars – sprayed asbestos between steel shell and laminex

V
Valve and pump insulation

W
Welding rods
Woven asbestos cable sheath

## Appendix K – Asbestos licences

<table>
<thead>
<tr>
<th>Type of licence</th>
<th>What asbestos can be removed?</th>
</tr>
</thead>
</table>
| **Class A**     | Can remove any amount or quantity of asbestos or asbestos containing material, including:  
|                 | • any amount of friable asbestos or asbestos containing material  
|                 | • any amount of asbestos containing dust  
|                 | • any amount of non-friable asbestos or asbestos containing material.  |
| **Class B**     | Can remove:  
|                 | • any amount of non-friable asbestos or asbestos containing material  
|                 | Note: A Class B licence is required for removal of more than 10 m$^2$ of non-friable asbestos or asbestos containing material but the licence holder can also remove up to 10 m$^2$ of non-friable asbestos or asbestos containing material.  
|                 | • asbestos containing dust associated with the removal of non-friable asbestos or asbestos containing material.  
|                 | Note: A Class B licence is required for removal of asbestos containing dust associated with the removal of more than 10 m$^2$ of non-friable asbestos or asbestos containing material but the licence holder can also remove asbestos containing dust associated with removal of up to 10 m$^2$ of non-friable asbestos or asbestos containing material.  |
| **No licence required** | Can remove:  
|                 | • up to 10 m$^2$ of non-friable asbestos or asbestos containing material  
|                 | • asbestos containing dust that is:  
|                 | o associated with the removal of less than 10 m$^2$ of non-friable asbestos or asbestos containing material  
|                 | o not associated with the removal of friable or non-friable asbestos and is only a minor contamination.  |

An asbestos removal contractor’s licence can be verified by contacting WorkCover NSW’s Certification Unit on 13 10 50.
Appendix L – Known areas of naturally occurring asbestos

Legend

Asbestos occurrences classified by size
- SMALL
- MEDIUM
- LARGE

Geological unit classified by presence for asbestos-type minerals
- Low
- High
- Very high

Notes:
- A green label indicates no asbestos presence.
- A yellow label indicates a mineral identified in asbestos.
- An orange label indicates a mineral not identified in asbestos.

A map of known asbestos deposits in NSW, Australia, with various designations indicating the extent and severity of asbestos presence. The map shows a legend for the classification of asbestos occurrences by size and geological units by presence of asbestos-type minerals. The map also includes a table with specific data on asbestos occurrences, including latitude and longitude coordinates, asbestos types, and other relevant information.
MODEL ASBESTOS POLICY FOR NSW COUNCILS

Purpose
To release the Model Asbestos Policy for NSW Councils.

Issue
- The Model Asbestos Policy, with a supporting Guide, has been developed by the Heads of Asbestos Coordination Authorities (HACA), as part of the NSW Government’s response to the NSW Ombudsman Report, Responding to the asbestos problem: The need for significant reform in NSW. The Model Asbestos Policy for NSW Councils and the accompanying Guide, Developing Your Council’s Asbestos Policy: A Guide to the Model Asbestos Policy for NSW Councils has been prepared by the Local Government and Shires Associations of NSW (LGSA).

- The Model Asbestos Policy and the supporting Guide are available on the Division’s website at www.dlg.nsw.gov.au. They are also available on the LGSA and HACA websites.

- The LGSA have been funded to assist councils develop local asbestos policies using the Model Policy. Further information is available on the LGSA website or by contacting Ms Amy Lovesey, Project Manager – Asbestos Policy, Local Government and Shires Associations of NSW, Telephone: (02) 9242 4128 or Email: amy.lovesey@lgsa.org.au.

Action
- Councils are expected to formally adopt an asbestos policy to enable them to fulfil their legislative obligations relating to asbestos management. In developing this policy councils should consider the Model Asbestos Policy and Guide.

- Councils that already have an asbestos policy are strongly encouraged to review the policy and amend it as necessary to ensure the policy is consistent with the Model Policy, in particular, that it is up to date and comprehensive.

Ross Woodward
Chief Executive, Local Government
A Division of the Department of Premier and Cabinet
Developing your council’s asbestos policy

A guide to the Model Asbestos Policy for NSW councils

November 2012
Disclaimer

This publication may contain work health and safety and workers compensation information. It may include some of your obligations under the various legislations that WorkCover NSW administers. To ensure you comply with your legal obligations you must refer to the appropriate legislation.

Information on the latest laws can be checked by visiting the NSW legislation website (www.legislation.nsw.gov.au).

This publication does not represent a comprehensive statement of the law as it applies to particular problems or to individuals or as a substitute for legal advice. You should seek independent legal advice if you need assistance on the application of the law to your situation.

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Preface to the guide
This guide has been prepared by the Local Government and Shires Associations of NSW (LGSA) on behalf of the Heads of Asbestos Coordination Authorities (HACA) to assist NSW councils to develop an asbestos policy based on the Model Asbestos Policy for NSW Councils (catalogue no. WC03899) (Model Asbestos Policy). Guidance is provided as to how councils may tailor relevant sections of the Model Asbestos Policy to create an asbestos policy. In some instances, background information or advice for councils is also included.
Councils may use this guide as a checklist for items that should be completed for inclusion in an asbestos policy.

Text in the Model Asbestos Policy
In the Model Asbestos Policy, sections where text is shown in red are for councils to insert relevant information. In some instances, options are provided or text is suggested for use or modification by councils, and this text may be deleted if it is not applicable to council or the Local Government Area (LGA). The text in black is suitable for all councils, and councils are strongly encouraged to adopt this text as it generally reflects the intent and definitions of legislation, follows established best practice or promotes consistency in communications messages.

In the Model Asbestos Policy, the words ‘will’, ‘must’ or ‘require’ indicate legal requirements. The word ‘should’ and ‘shall’ are used to indicate a recommended course of action, while ‘may’ refers to an optional course of action. The Model Asbestos Policy includes references to provisions of the NSW Work Health and Safety Act 2011 (WHS Act), NSW Work Health and Safety Regulation 2011 (WHS Regulation) and other legislation to outline certain legal requirements. These references are not exhaustive and councils should refer to the legislation.

Foreword
This foreword was written for councils as an introduction to the Model Asbestos Policy. It should not be included in Council’s asbestos policy.

Title page
Council may wish to apply its own formatting or corporate style to the title page.

Administrative information
Council should insert information about the asbestos policy and keep this information up to date as changes occur. If council has a similar template it uses for all council policies, then that template may be used instead. However, council should ensure any information not entered here should be noted elsewhere in the asbestos policy. This will ensure the document is adequately controlled, communicated and revised.

Council disclaimer
A disclaimer may assist to protect council from legal challenges. For a disclaimer, council may wish to include:
- council’s standard policy disclaimer
- a specific disclaimer prepared by council for this asbestos policy
- the disclaimer provided in the Model Asbestos Policy.

Contents page
Council should ensure the contents page provided is updated to suit council’s asbestos policy.
1. Introduction
The introduction provides important background information for people who may have little prior knowledge about asbestos.

Council should tailor this section by inserting specific information about the LGA such as:
- number of homes in the LGA estimated to contain asbestos (if a reliable estimate can be sourced)
- noteworthy asbestos related landmarks or historical land uses in the LGA, such as mine sites, factories, significant areas of naturally occurring asbestos, or asbestos disease research centres.

Council's environment, environmental health, planning, assets, geographic information systems (GIS) or long serving staff members may be able to provide information about the LGA to insert.

Alternatively, a generic sentence could be inserted such as: several homes, sheds and buildings throughout the LGA may contain asbestos.

The introduction also clarifies:
- council's role and legislative functions for minimising the risks from asbestos in various scenarios
- the purpose of the asbestos policy
- the scope of the asbestos policy
- where practical guidance on how to manage risks associated with asbestos and asbestos containing material can be found.

Insert the name of council.

2. Definitions
This section refers to the Appendices where the definitions of key terms can be found. These definitions are based on the relevant legislation.

Council does not need to alter this section.

3. Roles and responsibilities of council
This section outlines the roles and responsibilities of council as this has been an area of confusion for local government in the past, given the myriad of organisations involved in the safe management of asbestos and the various scenarios which may involve asbestos hazards. This is an important section of the asbestos policy for both council workers and the wider community.

Local government is responsible for meeting local needs through governance, advocacy, community leadership, service delivery, planning and regulatory roles. Council's key roles and responsibilities in maintaining a safe environment and minimising the risks of exposure to asbestos are outlined. In delivering these responsibilities, council works together with relevant State Government agencies, as acknowledged in section 4.

3.1 Educating residents
Providing education for the community on the identification and safe removal of asbestos is the joint responsibility of councils and State Government agencies. Council is often the first point of contact for residents who believe they have identified asbestos in their homes or have a concern or complaint regarding a public health hazard. Council also has a role in proactively offering useful information to the community to minimise avoidable incidents that present asbestos health hazards.

Council does not need to alter this section. However, council may wish to refer to any education or communications plans relating to asbestos that council has adopted, or any key initiatives council has completed or sectors of the community council intends to target in education campaigns.

Consider inserting council or LGA specific information.
3.2 Managing land
Council does not need to alter this section.

3.3 Managing waste
Council should tailor the text provided in red by altering or deleting the text regarding whether council operates a licensed landfill facility/facilities that accept(s) asbestos waste or contracts a private business that operates a landfill facility/facilities accepting asbestos waste. Council should also list facilities in and/or near the LGA that accept asbestos waste in Appendix F, so that the wider public can be informed to where asbestos waste may be transported for disposal.

☐ Tailor the text regarding the operation of licensed landfill facility/facilities that accept(s) asbestos waste.
☐ List facilities in and/or near the LGA that accept asbestos waste in Appendix F.
☐ If council has changed the lettering of the appendices, change the letter of the appendix referred to in this section if required.

3.4 Regulatory responsibilities
This section outlines council’s regulatory responsibilities and lists key legislation, policies and standards.
Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to in the table as needed.

3.5 Responsibilities to workers
This section articulates council’s commitment to providing a safe and healthy workplace for its workers.
Council has responsibilities to its workers in relation to asbestos under the work health and safety legislation administered by WorkCover (notably the WHS Act and WHS Regulation). Under the legislation, council is referred to as a ‘person conducting a business or undertaking’. A ‘person’ is defined in laws dealing with interpretation of legislation to include a body corporate (company), unincorporated body or association and a partnership.
This section refers to part 2 of the policy which has further details on council’s responsibilities to its workers.
Council does not need to alter this section.

4. Other stakeholders involved in managing asbestos
This section notes that council is committed to working collaboratively with other government agencies and, where appropriate, other stakeholders as needed to respond to asbestos issues.

For example, council may work together with:
- asbestos related disease organisations
- Department of Planning and Infrastructure
- Department of Trade and Investment, Regional Infrastructure and Services
- Environment Protection Authority
- emergency response agencies
- private certifiers
- research organisations
- support and advocacy groups
- WorkCover.
Appendix H notes the lead agencies, and other agencies involved in managing asbestos and various asbestos scenarios are outlined in Appendix I. Further guidance on the roles of the agencies involved in managing asbestos hazards may be found in the Asbestos Blueprint: A guide to roles and responsibilities for operational staff of state and local government 2011 (NSW Government), available at lgos.org.au.

Council does not need to alter this section unless the lettering of the appendices in the document has been changed by council.

☐ If council has changed the lettering of the appendices, change the letters of the appendices referred to in this section if required.

Part 1 – Asbestos in the Local Government Area: Information for the community

5. Naturally occurring asbestos

The text aims to provide reassurance that naturally occurring asbestos only poses a health risk when elevated levels of fibres are released into the air and these fibres are breathed in by people. It refers to further information provided in Appendix A under section 2.1. This information is indicative, and not a complete picture of, all naturally occurring asbestos in NSW.

Council should provide information here about naturally occurring asbestos known in the LGA. Council should not state unequivocally that naturally occurring asbestos does not exist in the LGA, since it may exist but not be known. The recommended text in this situation is "Council is not aware of any naturally occurring asbestos in the LGA."

Council needs to be aware of any naturally occurring asbestos that occurs within their LGA. Council can verify locations by contacting the Department of Trade and Investment (Mines) for the most recent geological survey of the LGA. If naturally occurring asbestos is detected in the LGA, then council is required to develop and maintain an asbestos management plan for the naturally occurring asbestos and any works that may disturb the naturally occurring asbestos.

☐ If council has changed the lettering and numbering of the appendices, change the letter and section number of the appendix referred to in this section if required.

☐ Note whether or not council is aware of any naturally occurring asbestos in the LGA.

☐ If council is aware of naturally occurring asbestos in the LGA, insert details including locations.

5.1 Responsibilities for naturally occurring asbestos

Council does not need to alter this section.

5.2 Managing naturally occurring asbestos

Council does not need to alter this section.

5.2.1 Management of naturally occurring asbestos by council

This section notes how council will manage any known or discovered naturally occurring asbestos in the LGA through an asbestos management plan for the naturally occurring asbestos. Council should select one option from the text provided in red and delete the remaining two options. If council needs to develop an asbestos management plan for naturally occurring asbestos, council may liaise with WorkCover to develop the asbestos management plan.

☐ Include the appropriate text from the options provided and delete the remaining two options.
6. Contamination of land with asbestos

This section refers to contamination of land (as defined by the Contaminated Land Management Act 1997 and noted in Appendix C). It notes that information about contamination of land can be found in Appendix A under sections 2 and 3.

Further guidance can be found in Chapter 3 of Management of asbestos in the non-occupational environment published by enHealth, 2005.

Council does not need to alter this section unless council has changed the lettering and numbering of the appendices.

☐ If council has changed the lettering and numbering of the appendices, change the letter and section number of the appendix referred to in this section if required.

6.1 Responsibilities for contaminated land

This section outlines responsibilities for contaminated land for the benefit of council staff members and the wider community.

This section refers to the Managing Land Contamination: Planning Guidelines SEPP 55 – Remediation of Land (the guidelines). The guidelines establish ‘best practice’ for managing land contamination through the planning and development control process. Though written primarily for planning authorities, in particular local councils, the guidelines are also relevant to interested members of the community.

Council does not need to alter this section unless council has changed the lettering and numbering of the appendices or the numbering of the sections.

☐ If council has changed the lettering and numbering of the appendices, change the letter and section number of the appendix referred to in this section if required.

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

6.2 Finding out if land is contaminated

Council does not need to alter this section.

6.3 Duty to report contaminated land

This section notes that the Environmental Protection Authority (EPA) will inform council of contaminated land matters relating to the LGA as required under section 59 of the Contaminated Land Management Act 1997.

Specifically, council will be informed by the EPA after the occurrence of any of the following:

• The land being declared to be significantly contaminated land or ceasing to be significantly contaminated land.
• A management order or maintenance order in relation to the land being served on a person or being revoked.
• The EPA giving its approval or withdrawing its approval for a voluntary management proposal in relation to the land.

Council does not need to alter this section.

6.4 Derelict buildings

Council does not need to alter this section.
7. Responding to emergencies and incidents

The text clarifies the types of incidents this section may apply to if required.
Council does not need to alter this section.

7.1 Responsibilities in the clean up after an emergency or incident

This section explains the role of council in responding to emergencies and incidents.
Councils may receive a formal hand over for responsibility of a site from an emergency services organisation or combat agency and may consider the need to require the clean up of asbestos under the relevant legislation.

This section outlines the actions council may take under the Protection of the Environment Operations Act 1997 and also refers to the Environmental Planning and Assessment Act 1979. Council should refer to the legislation for further details and in determining appropriate responses to different situations.

The following information is additional advice to councils:
- Council may work together with other agencies including emergency services organisations, the EPA, the Ministry of Health, NSW Public Works and WorkCover.
- Council can contact WorkCover for advice on risk controls and personal protection if required.
- Council may request that the Ministry of Health provide advice on public health issues, or assistance to prepare public health information bulletins when there is the potential for public exposure to asbestos. WorkCover also provides information on the health risks and exposure to asbestos.
- If council commissions licensed asbestos removal work at a council workplace, council must ensure that, when the licensed asbestos removal work is completed, a clearance inspection is carried out and a clearance certificate is issued before the asbestos removal area at the workplace is re-occupied.
- In extraordinary circumstances, where damage and debris from a disaster event threatens public health and safety, assistance may be provided by the NSW Government for asbestos clean up or removal to be undertaken by designated local councils or a government agency for uninsured private residential properties.

Council does not need to alter this section unless desired or unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to as needed.

☐ Consider removing the information on an appropriate response and placing it in an alternative document such as a plan, procedures document or safe work method statement for responding to emergencies and incidents.

7.2 Advice to the public regarding clean up after an emergency or incident

The introductory sentence of this section is designed to provide reassurance to the community.

This section provides proactive advice to the community on what may be recommended during and after clean up activities conducted following an emergency or incident.
Council does not need to alter this section.
8. Council’s process for changing land use
Council does not need to alter this section.

9. Council’s process for assessing development
Council does not need to alter this section unless desired or unless the numbering of the sections in the document has been changed by council.

9.1 Responsibilities for approving development
Council does not need to alter this section unless desired or unless the numbering of the sections in the document has been changed by council.

9.2 Providing advice to home owners, renovators and developers
Council may consider providing information on safely managing asbestos and the requirements for demolition approval to dwellings that council identifies as likely to be demolished in the near future.

9.3 Identifying asbestos
Council does not need to alter this section unless council has changed the lettering and numbering of the appendices or the numbering of the sections.

9.4 Removing asbestos, refurbishments and demolitions
9.4.1 Removing asbestos at domestic premises
Council does not need to alter this section unless council has changed the lettering and numbering of the appendices or the numbering of the sections.

9.4.2 Removing asbestos at workplaces
Council does not need to alter this section.
9.4.3 Obtaining approval for demolition
Council does not need to alter this section unless desired or unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to as needed.

9.5 Exempt or complying development
9.5.1 Exempt development
Council does not need to alter this section.

9.5.2 Complying development
Council does not need to alter this section unless desired or unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to as needed.

9.6 Development applications
Council does not need to alter this section.

9.6.1 Pre-Development application advice regarding asbestos
Council does not need to alter this section.

9.6.2 Conditions of consent
This section is for council to refer to council's conditions of consent relating to work that may involve asbestos.

Some councils have applied conditions to buildings built before 1987, as asbestos was phased out of building materials in the 1980s and the State Environmental Planning Policy (Exempt and Complying Development Codes) 2008 refers to buildings constructed before 1987. However, given the supply and installation of asbestos containing goods was prohibited in Australia on 31 December 2003, it would be prudent to apply conditions to buildings built or modified prior to 2004. Councils conditions could apply to buildings that are ‘known or suspected to contain asbestos’ or ‘all buildings built or modified prior to 2004’.

Council could require conditions to be satisfied before providing development approval or before issuing an occupation certificate. Council could also attach information on the safe removal of asbestos to demolition licences/permits.

Examples of conditions of consent which councils could apply include requiring:
- a clearance certificate to be prepared by a competent person such as a qualified occupational hygienist and provided to council at the completion of works
- an asbestos survey and management plan be prepared by a competent person such as a qualified occupational hygienist and submitted to council with the DA
- any proposals to use imported fill be provided to council with the DA and note from which location the fill would be taken in order to ascertain the likelihood of asbestos being present in the fill
- notification of asbestos removal work to council and neighbours in the vicinity of the asbestos removal site
- provision of landfill/ weigh bridge receipts to council as evidence of proper disposal of asbestos within 14 days of completing demolition works
- provision to council (prior to any work commencing on site) of a receipt or licence number as evidence of engaging a licensed demolition contractor and asbestos removal contractor
- signage and fencing for the site where asbestos removal work will be undertaken
- waste management plans for dealing with asbestos waste to be provided to council with the DA.

DEVELOPING COUNCIL'S ASBESTOS POLICY - A GUIDE TO THE MODEL ASBESTOS POLICY FOR NSW COUNCILS

0179
Where development applications contain activities (such as excavation) that may disturb identified areas of naturally occurring asbestos, any consent or approval should contain conditions requiring the development of an asbestos management plan.

Examples of conditions of consent that have been adopted by councils include those in the following policies which were publicly available in 2012:

- Burwood Council’s Asbestos Policy, available at burwood.nsw.gov.au
- Coolamon Shire Council’s Asbestos Policy and Procedures, available at coolamon.nsw.gov.au
- Holroyd City Council’s Asbestos Cement Policy, available at holroyd.nsw.gov.au
- Randwick City Council’s Asbestos Policy, available at randwick.nsw.gov.au
- Waverley Council’s Asbestos Policy, available at waverly.nsw.gov.au

Insert or outline council’s conditions of consent relating to work that may involve asbestos or a reference to the conditions.

9.7 Compliance and enforcement

9.7.1 Responsibilities for compliance and enforcement
Council does not need to alter this section.

9.7.2 Compliance strategies
This section outlines ways in which council may respond to illegal works to ensure development is appropriate in relation to the safe management of asbestos.

Consider noting any strategies for monitoring and enforcing compliance or reference to any council compliance manual or breach policy.

10. Managing asbestos as a waste

Due to its hazardous nature, asbestos waste is a ‘special waste’ which is a class of waste that has unique regulatory requirements. Refer to Waste Classification Guidelines Part 1 – Classifying Waste 2008 available at environment.nsw.gov.au.

This section outlines the requirement for dealing with asbestos waste.
Council does not need to alter this section.

10.1 Responsibilities for asbestos waste management
This section refers to an earlier section in the asbestos policy. Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

10.2 Handling asbestos waste for disposal
Council does not need to alter this section.

10.3 Transporting asbestos waste
Council does not need to alter this section.
10.4 Disposing of asbestos waste at waste facilities

This section is for council to provide information for the community on where and how asbestos waste should be disposed.

If there are waste facilities in the LGA that will accept asbestos waste, council should insert any information about these facilities (whether or not they are operated by council) in order to assist persons planning to dispose of asbestos waste.

☐ Provide the name(s) of waste facility/facilities in the LGA that will accept asbestos waste.

☐ Note the hours of operation of the waste facility/facilities.

☐ Include the contact details of the waste facility/facilities.

☐ Note any fees for disposing of asbestos waste.

☐ Explain any restrictions or additional conditions on receiving asbestos waste. For example, council may require that a person provide details of where (property and building) any asbestos originated. Council could also require that a WorkCover licence to remove asbestos from the premises of origin be shown to council prior to council receiving the asbestos. Council may also insert requirements regarding the need to book prior to delivering a load of asbestos waste for disposal, including how to book (phone/online/in person) and the notice required based on the amount and type of asbestos (eg 48 hours notice required. By requiring a booking, councils can ensure they have sufficient trained staff to coordinate safe acceptance of the asbestos waste, appropriate equipment, an adequately separated area at the landfill face for asbestos disposal, sufficient time for designated staff to cover the asbestos waste in accordance with regulatory requirements and safe conditions on site.

☐ Include a reference to where the above information can be found on council’s website.

☐ Refer to any further details council has provided in the appendices to the policy.

If applicable, council should also:

☐ Note any waste facility/facilities in the LGA that will not accept asbestos waste.

☐ Include instructions that relate to any conditions of consent regarding waste management (eg if council’s conditions of consent require the provision to council of receipts of proper disposal of asbestos waste, council could include an instruction here that where these conditions apply, the waste depositor should request a receipt at the time of booking/disposal).

10.4.1 Situations in which asbestos waste may be rejected from waste facilities

Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

10.5 Illegal dumping of asbestos waste

Council does not need to alter this section.

10.6 Asbestos remaining on-site

Council does not need to alter this section.

11. Complaints and investigations

☐ If council has procedures on handling asbestos related complaints and inquiries, refer to the procedures here. Alternatively, if council intends to develop such procedures, include a note to that effect.
Part 2 - Management of asbestos risks within council

This part is for outlining council’s responsibilities and processes. Council may wish to refer to supporting documents and outline council’s procedures in this asbestos policy. Council may consider whether this part will be made publicly available or an internal document.

12. Rights and responsibilities of workers at the council workplace

12.1 Duties of council workers at the council workplace

12.1.1 The General Manager

Council does not need to alter this section.

12.1.2 Workers

Council does not need to alter this section unless council has changed the lettering of the appendices.

- If council has changed the lettering of the appendices, change the letter and section number of the appendix referred to in this section if required.

12.1.3 Prohibited work activities

This section notes restrictions on work activities and equipment under the WHS Regulation.

Council may wish to note any activities council employees will not be permitted to undertake (eg some councils may wish to note that council employees will not remove asbestos, rather contractors will be used, whereas other councils may wish to indicate that appropriately trained council employees may remove asbestos in accordance with legislation).

- Note that council employees will not be permitted to remove asbestos, or note that only appropriately trained council employees will remove asbestos.

- If applicable, note any activities council employees will not be permitted to undertake (eg some councils may wish to note that council employees will not remove asbestos, rather contractors will be used, whereas other councils may wish to indicate that appropriately trained council employees may remove asbestos in accordance with legislation).

12.2 Responsibilities of council to council workers

12.2.1 Council’s general responsibilities

Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

- If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

12.2.2 Education, training and information for workers

This section outlines how council will ensure that workers are provided with adequate education, information and training for their roles.

This section notes that workers who may be involved in asbestos removal work or the carrying out of asbestos-related work in the workplace will be trained in the identification, safe handling and suitable control measures for asbestos and asbestos-containing material as required by section 445 of the WHS Regulation. This may apply to, but is not limited to, the following council roles:

- asset management/maintenance staff
- building surveyors
- concreting staff
- engineers
• environmental health officers
• rangers
• waste facility/landfill staff
• water and sewer operators.

Workers carrying out work involving asbestos should be listed in council’s asbestos management plan.

This section suggests several actions which are not legislative requirements, but rather are suggested as good practice. These are noted as ‘consider’ and ‘may’ to indicate that they are optional sections for council.

☐ Consider noting that any workers (including employees, contractors, consultants and, where relevant, volunteers and members of the public) who are involved in any activity or activities listed in Appendix A under section 3 on behalf of, or for, council shall be provided with access to a copy of council’s asbestos policy and information and training suitable to their role and the activity.

☐ Consider noting that workers shall be required to either sign a statement to the effect that they acknowledge they have received, read and understood a copy of council’s asbestos policy and any relevant procedures, or alternatively note this in council’s electronic record keeping system.

☐ Consider noting that council may also provide information and training to council employees responsible for assessing development applications and complying development and compliance or ordinance officers. This would ensure council staff members can provide information about and adequately respond to asbestos issues related to renovations and developments as outlined in section 9.

☐ If council is aware of naturally occurring asbestos in the LGA, insert: Training will include 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. This is a requirement of section 434 of the WHS Regulation.

☐ Consider noting relevant asbestos courses available locally which council may arrange for workers to complete or place this information in the appendices and refer to the appendices.

☐ Consider noting education and training may include both initial induction and ongoing reinforcement on a regular basis and consider providing examples of how education and training will be delivered and reinforced such as through tool box meetings, general in-house training or on council’s Intranet.

☐ Consider noting who is responsible for keeping the records of asbestos training undertaken by each worker, or how or where the records shall be kept (as it is a legislative requirement to keep a record of the training a worker has undertaken until five years after the day the worker ceases to work for council).

☐ Consider noting where a list of workers who have received the appropriate training to respond to asbestos hazards can be accessed (eg council’s asbestos management plan, council’s Intranet, records management system). This list may include (if applicable) workers trained and nominated, as well as the nominated supervisors, for undertaking asbestos removal for council, which should be included in council’s asbestos management plan.

12.2.3 Health monitoring for workers

This section notes that council will ensure health monitoring is provided to workers as required by part 8.5 division 1 of the WHS Regulation and the section 165 of the Occupational Health and Safety Regulation 2001.

Council may access the services offered by the NSW Dust Diseases Board including the lung bus, a mobile screening service for the early detection of work related respiratory disease.

In August 2012, Safe Work Australia was developing a guide to health monitoring. Council may wish to access this guide (once developed).

☐ If applicable, consider referring to any plan/procedures/forms/record keeping systems that council may have for health monitoring for workers and the staff contact responsible for coordinating the health monitoring.

If council does not have any plans or procedures for health monitoring, consider including a commitment to develop a health monitoring plan/procedures based on the Code of practice for how to safely remove asbestos (catalogue no. WC03561) and part 8.5, division 1 of the WHS Regulation.
13. Identifying and recording asbestos hazards in the council workplace

This section relates to the identification of asbestos or asbestos containing materials in council workplaces including, but not limited to, buildings, depots, parks and reserves and other work sites.

- Further details on requirements for identifying and recording asbestos in the workplace can be found in Chapter 8 of the WHS Regulation.
- Further guidance can be found in the Code of practice on how to manage and control asbestos in the workplace (catalogue no. WC03560).

Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

13.1 Identifying asbestos

A 'competent person' is defined by the WHS Regulation (see the definitions in Appendix C).

There are a number of factors that may be taken into account to identify or assume that asbestos is present in a workplace. These include:

- age of the building
- year of additions or refurbishments
- type of material used to construct the building
- advice from designers, manufacturers or suppliers of plant, or design plans
- advice from workers who have worked at the workplace for a long time
- visual inspection of the workplace to identify asbestos, asbestos containing material (ACM) and inaccessible areas.

Further information is provided in section 2.2 of the Code of practice for how to manage and control asbestos in the workplace (catalogue no. WC03560).

Council does not need to alter this section.

13.1.1 Material sampling

Council does not need to alter this section unless council has changed the lettering of the appendices.

☐ If council has changed the lettering of the appendices, change the letter and section number of the appendix referred to in this section if required.

13.2 Indicating the presence and location of asbestos

A competent person should determine the number and positions of the labels required.

Council may consider to whom any labels should be clearly visible and the durability of the labels. It may not be practical or desirable to label every piece of asbestos in a property, therefore a label inside the electrical switch cupboard that indicates the building may contain asbestos and to review the register before commencing work will suffice.

Council does not need to alter this section.
13.3 Asbestos register

The asbestos register does not need to include naturally occurring asbestos.

If the workplace is a building constructed after 31 December 2003 and asbestos has not been identified and asbestos is not likely to be present, then council is not required to keep an asbestos register. However, most councils occupy buildings constructed prior to 31 December 2003 as workplaces. For example, a council may have a main administration building that has been constructed after 31 December 2003, but also several other buildings such as community centres, depots and libraries that were constructed prior to 31 December 2003.

☐ If council has an asbestos register, note where it can be found in soft copy and where it is kept at the workplace. If council does not have an asbestos register, note that council will prepare an asbestos register and keep it at the workplace.

13.4 Suspected asbestos

Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to if required.

14. Managing asbestos-related risks in the council workplace

This section is where council will outline how it will manage asbestos-related risks in the council workplace.

Guidance as to how council can implement these management options can be found in the Code of practice for how to manage and control asbestos in the workplace (catalogue no. WC03560) and requirements are further detailed in the WHS Act and WHS Regulation.

14.1 Asbestos management plan

If asbestos or ACM is identified or likely to be present at the workplace, council must prepare and maintain an up to date asbestos management plan.

☐ If council has an asbestos management plan, note where it can be found in soft copy and where it is kept at the workplace. Or, if council does not have an asbestos management plan, note that council will prepare an asbestos management plan.

14.2 Asbestos management plan for naturally occurring asbestos

This section refers to the requirement for council to develop an asbestos management plan for naturally occurring asbestos in the workplace, in accordance with part 8.4 (Management of naturally occurring asbestos) of the WHS Regulation. The Regulation specifies: what must be included in the plan; to whom the plan must be readily accessible; the need for review of the plan to keep it up to date; and the requirement to provide training. Council may liaise with WorkCover to develop an appropriate asbestos management plan for any areas within the LGA that are known to have naturally occurring asbestos.

☐ Select one of the three options provided in the Model Asbestos Policy.

14.3 Management options for asbestos-related risks in the council workplace

This section outlines management options based on the Code of practice for how to manage and control asbestos in the workplace (catalogue no. WC3560), available at workcover.nsw.gov.au.

☐ Refer to any council procedures for risk assessment or risk management (e.g. the preparation of Safe Work Method Statements, or the inclusion of risk ratings in council’s risk register).
14.4 Sites contaminated with asbestos that are council workplaces

Sites contaminated with asbestos become a workplace when work is carried out there.

In some instances, the risk management strategy may be to remediate the site and this may entail removal of asbestos and ACM from the site; in other cases this may not be practicable, and other management strategies should be used. Public perceptions and stakeholder expectations may need to be managed.

The Assessment of site contamination national environmental protection measure, available at ephv.gov.au, sets out the general principles for assessment and remediation of sites contaminated with a number of hazardous materials including asbestos.

Guidance on asbestos in soil or aggregate can be found in Asbestos in soil and aggregate: Position paper (catalogue no. WC2967).

Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

14.5 Demolition or refurbishment of council buildings and assets

Council does not need to alter this section.

14.6 Removal of asbestos in the council workplace

14.6.1 Removal by council employees

The following is provided as advice to councils in relation to this section:

- Council workers who are undertaking, or supervising, licensed asbestos removal work are required to achieve a certification by completing specific units of competency to show they have the relevant training to be able to remove asbestos. Asbestos removal supervisors will have additional units of competency to complete.
- Registered training organisations conduct training and education for the specific unit of competency for both friable (Class A) and non-friable (Class B) asbestos removal work as well as the asbestos removal supervisor certification. The non-friable (Class B) removal unit of competency must be completed before the friable (Class A) removal unit of competency.
- Council may wish to have a non-friable (Class B) asbestos removal licence to carry out non-friable asbestos removal work for council such as cleaning up illegally dumped asbestos waste, emergency asbestos removal and maintaining asbestos containing materials within council.
- Workers and supervisors who completed appropriate training before the new WHS Act and the WHS Regulation are deemed to have received training required under the WHS Act and the WHS Regulation and do not need to redo their asbestos training.
- If a worker is to carry out asbestos removal work that does not require a licence, they must be trained in the identification and safe handling of asbestos prior to carrying out asbestos removal work without a licence and must use safe working methods. The worker must comply with the relevant duties in the Code of practice for how to safely remove asbestos (catalogue no. WC03561).
- The use of personal protective equipment is outlined in the Code of practice for how to safely remove asbestos (catalogue no. WC03561).
- Details on the requirement to notify WorkCover of licensed asbestos work are in section 466 of the WHS Regulation.
- If council employees are not to remove asbestos, delete this section and include a note in the policy that council employees will not remove asbestos.
- Consider referring to any council processes or templates (eg for preparing Safe Work Method Statements).
14.6.2 Removal by contractors
Council workers who commission asbestos removal work should refer to the *Code of practice for how to manage and control asbestos in the workplace* (catalogue no. WC03560) to ensure they are aware of mandatory requirements. WorkCover's Certification Unit can provide licence checks on asbestos and demolition contractors. Council does not need to alter this section.

14.6.3 Clearance inspections and certificates
Clearance certificates must be independent (a requirement that has been in place from 1 July 2012). Often, council employees may qualify as a 'competent person' under the WHS Regulation and councils may wish for competent employees to issue clearance certificates. Accordingly, councils would need to apply to WorkCover to have a person who is competent but not independent to carry out the clearance inspection and issue a clearance certificate. This could be quite beneficial in regional areas where the services of an independent, competent person may be hard to find. Council does not need to alter this section.

15. Accidental disturbance of asbestos by workers
Accidental disturbance of asbestos could arise if asbestos is encountered during work, where there is not prior knowledge of asbestos being present in that location. Examples of such situations include during:
- emergencies and incidents
- excavation procedures
- responding to illegally dumped waste
- scheduled waste services
- site inspection
- maintenance work or other work in a location at the workplace where asbestos has not previously been identified.

The text provided (in red) lists potential actions that may be appropriate for councils in some situations. It is important to note that not all of these actions would be appropriate for all situations, hence the wording 'it may be appropriate'.

☐ Consider referring to any council procedures for workers to follow in the event that they accidentally disturb asbestos, or referring to the text provided.

16. Council's role in the disposal of asbestos waste
16.1 Responding to illegal dumping


To avoid delays in taking emergency clean-up action where the responsible parties/owners cannot be located, are unknown or are unlikely to pay for clean-up within the timeframe required, council may participate in the management of emergency pollution and orphan waste situations and seek funding from the Emergency Pollution and Orphan Waste Clean-Up Program under the Environmental Trust.

☐ If council permits properly trained, licensed and equipped employees to remove asbestos note that the removal of illegally dumped asbestos material or suspected asbestos material by council employees will be undertaken in accordance with section 14.6.1 or 14.6.2. If council does not permit council employees to remove asbestos: note that where council commissions the removal of illegally dumped asbestos material or suspected asbestos material, council will ensure this is undertaken in accordance with section 14.6.2.

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.
16.2 Transporting and disposing of asbestos waste

Council does not need to alter this section unless the numbering of the sections in the document has been changed by council.

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

16.3 Operating council’s waste facility/facilities licensed to accept asbestos waste

Disposal of asbestos waste at a landfill is not particularly complex, and should not necessarily incur any major additional costs to the landfill operator, or to the gate price charged for disposal. Charging an artificially high price for asbestos disposal may lead to increased illegal dumping incidents. Council’s charging policies should reflect the actual cost of managing the asbestos waste.

Council’s procedures should follow the *Management of asbestos in recycled construction and demolition waste (2010)* (catalogue no. WC02772) with reference to current legislation and policy.

☐ If council does not have waste facilities that are licensed to accept asbestos waste, delete this section. If council has a waste facility/waste facilities licensed to accept asbestos waste that council does not operate, note that the facility/facilities are not operated by council but include any relevant details. If council operates a waste facility/waste facilities licensed to accept asbestos waste, tailor and include the text provided including: the heading; a reference to any council charging policy; a reference to any council procedures for receiving construction, renovation and demolition waste; and information on any receipts council may issue for asbestos waste received and how receipts may relate to any conditions of consent.

16.3.1 Asbestos waste incorrectly presented to council’s waste facility/facilities

This section outlines options that council may undertake if identified as an appropriate response (at council’s discretion), as well as actions council will do in certain circumstances as required by law.

Council has powers to require information or records under part 7.3 of the *Protection of the Environment Operations Act 1997*.

There is a template for the Rejected Load Certificate and Rejected Load Register in the guide *Management of asbestos in recycled construction and demolition waste (2010)* (catalogue no. WC02772).

☐ If council does not have waste facilities that are licensed to accept asbestos waste, make a note of that in this section. If council has a waste facility/waste facilities licensed to accept asbestos waste that council does not operate, note that the facility/facilities are not operated by council but include any relevant details. If council operates a waste facility/waste facilities licensed to accept asbestos waste, tailor the heading

☐ If council has changed the numbering of the sections in the document, change the numbering of the section referred to if required.

16.4 Recycling facilities

☐ Refer to any procedures council has on avoiding asbestos contamination in material intended for resource recovery or that council may develop.

16.5 Re-excavation of landfill sites

Council does not need to alter this section.
17. Advice to tenants and prospective buyers of council owned property

This section has been included to ensure council is demonstrating best practice in safely managing asbestos.
Council does not need to alter this section.

18. Implementing council’s asbestos policy

18.1 Supporting documents

This section is to refer to documents that support the implementation of council’s asbestos policy. Some documents may be publicly available and others may be internal documents.

☐ Insert the titles of any relevant publicly available documents that support council’s asbestos policy.

☐ Consider referring to the titles of internal documents which are not publicly available.

☐ Consider referring to any documents which council intends to prepare to support council’s asbestos policy and the month or year by which time council aims to complete these documents.

18.2 Communicating the policy

This section notes how the policy can be accessed and how it will be communicated to those who may need to know about the policy, including employees, contractors, consultants, volunteers and members of the public.

☐ Note at which council building a copy of the asbestos policy can be obtained.

☐ Note the address of council’s website and consider including a link to the page from which the policy can be downloaded.

☐ Note the name of council’s electronic record keeping system or intranet site where employees may access the policy.

☐ Insert job title of position responsible for employee inductions (e.g., the Human Resources Manager or the Work Health and Safety Coordinator).

☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to if required.

☐ If council has changed the lettering of the appendices, change the letter and section number of the appendices referred to in this section if required.

18.3 Non-compliance with the policy

☐ If council has adopted disciplinary procedures, consider including a note here that in the event that employees fail to comply with the policy, council’s disciplinary procedures shall be followed. If council does not have procedures consider including a note such as: The appropriate supervisor, manager, Director, or the General Manager, shall take action in the case of non-compliance with the policy and this may include providing education and training; issuing a verbal or written warning; altering the worker’s duties; or in the case of serious breaches, terminating the worker’s services. Each case shall be assessed on its merits with the aim of achieving a satisfactory outcome for all parties.

19. Variations to this policy

Council does not need to alter this section.
Appendices

Appendix A – General information and guidance
☐ If council has changed the numbering of the sections in the document, change the numbering of the sections referred to if required.
☐ If council has changed the lettering of the appendices, change the letter and section number of the appendices referred to if required.

Appendix B – Further information
Council does not need to alter this section, however, council may add additional resources to this list.

Appendix C – Definitions
Council does not need to alter this section, however, council may add further definitions from the legislation, policies of codes of practice.

Appendix D – Acronyms
Council does not need to alter this section, however council may add or remove acronyms as required.

Appendix E – Relevant contacts
☐ Insert council contact details including an address that residents can visit to access information, phone number and website.
☐ Consider inserting contact details for:
  • local advocacy groups
  • local licensed removalists (particularly useful in the event of an emergency)
  • local public health unit
  • local support groups
  • union contact
  • waste facilities.

Appendix F – Waste management facilities that accept asbestos waste
☐ If there is a/are waste management facility/facilities in the LGA that accept(s) asbestos waste, list the name, location and contact details for the waste management facility/facilities under the heading ‘Waste management facilities in the LGA that accept asbestos waste’. Alternatively, if there are not any waste management facilities in the LGA that accept asbestos waste, note that there are not any waste management facilities in the LGA that accept asbestos waste and consider providing the name, location and contact details for the closest waste management facility/facilities that accept(s) asbestos waste.
☐ Consider outlining requirements for delivering asbestos waste for disposal to the waste management facility/facilities that accept(s) asbestos waste (consistent with section 10).
Appendix G – Asbestos related legislation, policies and standards
Council does not need to alter this section.

Appendix H – Agencies roles and responsibilities
Council does not need to alter this section.

Appendix I – Scenarios illustrating which agencies lead a response in NSW
Council does not need to alter this section.

Appendix J – Asbestos containing materials
Council does not need to alter this section.

Appendix K – Asbestos licences
Council does not need to alter this section.

Appendix L – Known areas of naturally occurring asbestos
Council does not need to alter this section.
Acronyms used in this guide
DA - Development Application
EPA - Environment Protection Authority
GIS - Geographic Information Systems
HACA - Heads of Asbestos Coordination Authorities
LGA - Local Government Area
LGSA - Local Government and Shires Associations of NSW
WHS - Work Health and Safety
Hi Steve,
Could you please have a look at the proposal and let me know what you think.

George Thompson | Program Leader, Buildings & Facilities | x5689

From: Nigel Johnson [mailto:nigel.johnson@noel-arnold.com.au]
Sent: Thursday, 13 December 2012 2:09 PM
To: George Thompson
Subject: RE: Quote for Asbestos Register

George

Please find attached Asbestos & Hazardous Materials Proposal for all Blue Mountain Assets.

Please have a look at the list of sites and if wish not to include some of these please let me know and I will revise the proposal.

Regards

Nigel Johnson
General Manager - Property Risk (NSW)

Noel Arnold and Associates

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Wollongong: (02) 4298 2600
Mobile: 0457 755 777
Email: nigel.johnson@greencap.com.au
www.noel-arnold.com.au

Please consider the environment before printing this email.
Hi Nigel,

Thanks for taking the time to explain your companies experience and systems with us the other day, it was very informative.

Could you please advise me as to how you are going with the asbestos register quote.

George Thompson | Program Leader Buildings & Facilities | t 02 4780 5689 | m 0414 195 689 | e gthompson@bmcc.nsw.gov.au

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Asbestos Materials Inspections & AMP Proposal

December 2012
Our Ref: C109993: J116378

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Asbestos Materials Inspections & AMP Proposal
Blue Mountains City Council

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AUTHORISED:
NOEL ARNOLD & ASSOCIATES PTY LTD

PAUL NEW
National Account Director
Regional Director – NSW/ACT
1. Introduction

Following our recent meeting, Noel Arnold & Associates Pty Ltd (NAA) thanks you for the opportunity to offer our services to conduct Asbestos Materials Inspections and develop Asbestos Management Plans (AMP’s) of 413 nominated Blue Mountains City Council properties/facilities. This proposal has been developed as requested by George Thompson (Program Leader Buildings & Facilities) of Blue Mountains City Council.

2. Executive Summary

This submission sets out Noel Arnold & Associates Pty Ltd (NAA) capability and methodology for conducting asbestos audits of the 413 nominated Blue Mountains City Council sites. The project will be conducted in accordance with the supplied Scope of Work and all relevant state based regulations and Codes of Practice.

The key strategic advantages that NAA provides to support Blue Mountains City Council in the completion of this program of work are as follows:

1. Significant pool of suitably qualified staff to enable the timeframes and expectations established by Blue Mountains City Council to be achieved;
2. The use of state of the art technology solutions that will reduce overall project costs and reduce the time and effort to complete the overall program of work;
3. The ability to leverage off our network of internal NATA certified laboratories to complete sample analysis and achieve overall response times required to be met to achieve Blue Mountains City Council’s expectations;
4. Extensive experience and expertise in managing and delivering similar programs of work for other companies of the scale of Blue Mountains City Council.

In recognition of the scale of this program of work and the associated timing of delivery, Noel Arnold and Associates has included a number of value-adding initiatives if we are awarded the entire program of work. These include:

- Labelling of asbestos containing materials - NAA staff can apply asbestos warning labels on known and suspected asbestos materials whilst undertaking the site inspections. NAA have undertaken labelling for many clients during site works, and this option has proved to be very cost effective, especially for large portfolios. Instead of a client (or a third party) having to apply asbestos warning labels to all identified materials, they would only have to remove labels from materials that were suspected of containing asbestos during the site works, however were subsequently verified as not containing asbestos due to the laboratory results of the samples (estimated value $5,000).

- High Risk Priority Management Plans - management plans completed for all P1/P2 items identified throughout the site to assist Blue Mountains City Council in quickly and effectively mitigating the risk associated with high risk hazardous materials (estimated value $5,000).

- Budget cost estimate reporting - NAA can provide budget cost estimates for removal of asbestos containing materials onsite. This report can be provided at a site level or portfolio level and can be filtered to include high risks (P1/P2) or all asbestos materials (value $5,000).

- Complimentary RM3/Asbestos Awareness Training for key facility management staff nationally. It is proposed that one (1), 2 hour session will be held outlining training in the RM3 system, as well as Asbestos Awareness Training - assisting Blue Mountains City Council to meet their legislative compliance obligations (value $3,000).
3. Scope of Works

It is our understanding that the scope of works is to:

- Undertake an Asbestos Materials inspection at each property (413 nominated properties);
- Asbestos samples of suspected asbestos containing materials to be collected and analysed in a NATA-accredited laboratory;
- Prepare an Asbestos Materials Register (if required) for each property and make comments for the ongoing management of asbestos materials. Registers should include (as a minimum):
  - Date, Location, Type, Condition of Asbestos Materials or assumed asbestos in the workplace;
- Provision of a Management Plan for the management of Asbestos Materials across the portfolio.

The scope of the survey will be limited to a visual examination of the construction materials in representative, accessible common areas and the collection and analysis of suspected asbestos materials. As it is understood that the site will be occupied at the time of inspection, only limited localised destructive sampling will be applied where deemed appropriate.

3.1 Scope of Works (OPTIONS)

It is our understanding that there are also a number of additional options which Blue Mountains City Council would consider whilst undertaking these assessments:

- The Register could be available through an online portal;
- Provide and update a secure web accessed database for Asbestos Materials documentation including reports, management plans and removal documentation; &
- Labelling of asbestos containing materials as per the code of practice.
- At the time of the Asbestos materials inspection, inclusion of other hazardous materials including:
  - Synthetic Mineral Fibre (SMF);
  - Polychlorinated biphenyls (PCB capacitors in light fittings); &
  - Lead containing paint & dust.
  - Incorporation of these into a hazardous materials register that conforms to the relevant legislation.

4. Methodology

4.1.1 Site Inspection

NAA shall review all available documentation, construction drawings and previous reports etc. for reference to asbestos materials used in the construction and/or subsequent refurbishment/removal works.

Samples of suspected asbestos containing materials will be collected and subsequently analysed in our NATA-accredited laboratory by polarised light microscopy. NATA-endorsed asbestos sample results will be presented in the report. All samples will be collected in accordance with the Code of Practice – How to Manage and Control Asbestos in the Workplace (WorkCover NSW, 2011).

A qualitative assessment of the risk posed by the asbestos materials identified in the building on the site will be conducted. The assessment is based upon an evaluation of factors such as the nature of the particular material, location and condition of the materials identified, whether the type of the work performed in the area is likely to disturb the materials the potential for liberation of the material, the potential for personal exposure and any other factors considered important or relevant.

4.1.2 Labelling during Site Works

NAA staff will apply asbestos warning labels on known and suspected asbestos materials whilst undertaking the site inspections.
Consultation will occur with Blue Mountains City Council about the labelling protocols to be adopted for this project. This will establish guidelines for placement of labels in public areas, size and the wording of labels (custom wording including contact phone numbers, etc can be supplied at an additional cost).

NAA have undertaken labelling for many clients during site works, and this option has proved to be very cost effective, especially for large portfolios. Instead of a client (or a third party) having to apply asbestos warning labels to all identified materials, they would only have to remove labels from materials that were suspected of containing asbestos during the site works, however were subsequently verified as not containing asbestos due to the laboratory results of the samples.

4.1.3 Reporting

The Asbestos Materials Inspection Reports will include the following information:

- An updated Asbestos Materials Register for each site, encompassing detailed survey findings in tabular format including the specific location, description of material, condition, extent, friability, risk status & control recommendations;
- NATA-endorsed results of any sample analysis in tabular form;
- A photographic supplement.

A Management Plan will be developed for the management of asbestos materials across the portfolio and will include the following information:

- Identification of hazardous materials present on site;
- Management of hazardous materials;
- Induction for contractors;
- Work permit systems;
- Emergency response procedures & remedial options;
- Training.

An electronic copy (printable PDF format) of the final reports will be provided. Additional hard copies can be supplied upon request.

It is proposed that reports will be uploaded to RM3 – NAA’s online Risk Management portal. The value and power of the on-line system is that because it is web-based, it allows the recording, analysis and reporting of compliance and risk data across a group of sites, region, state or nationally. Refer to Section 7 for further information regarding RM3.

4.1.4 Tablet PC Technology

NAA currently utilise tablet PC auditing technology which provides cost benefits to our clients by increasing both the speed and accuracy of data collection on site and reducing the overall reporting time and effort. The PC tablet technology also provides increased speed and efficiency and reduced costs for future auditing or reviews at the sites by maintaining an audit database and which can be easily updated.

5. Costs

Project fees detailed below have been calculated based on our professional consulting fee and our policy of on-charging reasonable disbursements (e.g. parking) at cost plus 15%. To complete Asbestos Materials Inspections for asbestos materials across the 413 nominated Blue Mountains City Council sites will require an investment of $78,902 ex GST. The completion of a management plan for management of asbestos containing materials across the portfolio will require an investment of $4,800 ex GST. The total price for Asbestos Inspections and Management Plan is $83,702 ex GST.