



**Government  
of South Australia**

SafeWork SA

# Licensed Asbestos Removalist and Assessor Campaign Report 2021

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## Executive summary

South Australia is a signatory to the [National Strategic Plan for Asbestos Management and Awareness 2019-2023](#) (the NSP). The aim of the NSP is to eliminate asbestos-related diseases in Australia by preventing exposure to asbestos fibres.

Work Health and Safety (WHS) laws prohibit work involving asbestos except in specific circumstances where you are required to follow strict safety rules.

During demolition or refurbishment work, there can be many duty holders that have specific obligations under the *Work Health and Safety Act 2012 (SA)* ('WHS Act'). Duties under the WHS Act are non-transferable.

From 10 May 2021 to 30 July 2021, SafeWork SA undertook a compliance campaign (the campaign) focused on licensed asbestos removal practices.

The objective of the campaign was to ensure that all duty holders associated with licensed asbestos removal work understood their obligations in managing the risks associated with asbestos.

SafeWork SA conducted 48 audits during the campaign, resulting in 28% of licensed asbestos removalists being audited and 33% of audits being associated with a building that required an asbestos register.

A total of 21 Statutory Notices were issued where breaches of the WHS legislation was identified, consisting of 7 Prohibition Notices and 14 Improvement Notices. The largest areas of non-compliance related to licensed asbestos removal workers:

- respiratory protection equipment (RPE) not having an effective facial seal to minimise exposure to airborne asbestos fibres (7)
- not being provided health monitoring (5)
- being allowed to carry out licensed asbestos removal work without undertaking the specified National Vocational Education and Training (VET) course for the type of removal being undertaken (3)

SafeWork SA also issued letters of warning and reminder of legal obligations to 5 licensed asbestos removalists and 1 licensed asbestos assessor for failing to comply with their obligations.

During the campaign SafeWork SA:

- suspended a licensed asbestos assessor for failing to undertake a proper and effective inspection of the asbestos removal area to verify that the area was safe for normal use after the asbestos removal was complete
- immediately suspended a class B licensed asbestos removalist for failing to remove asbestos safely and competently, and subsequently cancelled the licence and disqualified the licensee from reapplying for 12 months.

SafeWork SA will:

- continue to support the NSP target that 'all regulators have in place and have implemented asbestos compliance programs'
- communicate the outcome of the campaign to internal and external stakeholders
- undertake unannounced follow-up audits throughout 2022 with respect to those workplaces requiring an asbestos register to be in place to ensure compliance with asbestos legislation is maintained.

- develop guidance material on fit-testing requirements for negative pressure (tight-fitting) respirators and publish the information on the SafeWork SA and Asbestos websites .
- conducts a review of SafeWork SA's 2021 data to identify asbestos trends associated with the removal or management of asbestos and publish the information on the SafeWork SA website.

## Background

In Australia, 4,000 people die every year from asbestos-related disease.

The use of asbestos has been banned in Australia since 2003, however due to the historical widespread use of asbestos in Australia, there remains a large amount of asbestos containing materials (ACM) in older buildings.

Asbestos is a known human carcinogen, and there exists sufficient evidence that asbestos causes mesothelioma and other lung diseases. Due to the inherently dangerous nature of asbestos, it is vital that asbestos licence holders comply with all their statutory obligations and conditions of the licence.

Workers who are continually exposed to asbestos are at higher risk of suffering serious illness (such as asbestosis, lung cancer and mesothelioma) or even death. As such, it is vital that employers implement effective strategies to prevent exposure.

Unfortunately, many workers underestimate the risk/s of working with asbestos:

- many people in the workplace do not appreciate the long delay between exposure and the occurrence of asbestos-related disease
- the lack of immediate risk can lead to people becoming indifferent to the risk
- because the airborne fibres of asbestos are not easily visible, this can lead to a presumption that there is no risk.

In 2020, SafeWork SA undertook 3 compliance campaigns:

- routine visits of targeted licensed asbestos removalists and licensed asbestos assessors during the COVID-19 restrictions between April and June
- licensed asbestos conditions desktop audits were undertaken between April and September
- licensed asbestos removalists and assessors were audited between September and October.

A review of SafeWork SA's records for asbestos related interventions during 2020 identified that there were 359 concerns raised by workers and the public. This information and audit findings were used to compile the [Asbestos Activity 2020 Health and Safety Snapshot](#)



## Introduction

SafeWork SA regulates compliance with the WHS Act and can require Persons Conducting a Business or Undertaking (PCBU) to rectify safety breaches through the issuing of statutory notices, expiations, or prosecution.

SafeWork SA administers 3 types of licences associated with asbestos removal work:

- Class A – Friable Asbestos removal
- Class B – Non-Friable (Bonded) Asbestos removal
- Asbestos Assessor

Currently, there are 164 asbestos licence holders in South Australia:

- |   |             |
|---|-------------|
| ➤ Class A - Friable Asbestos              | 17 licenses |
| ➤ Class B - Non-Friable (Bonded) Asbestos | 73 licenses |
| ➤ Asbestos Assessor                       | 74 licenses |

In 2021, SafeWork SA made air monitoring for class B asbestos removal work a permanent regulation within the *Work Health and Safety Regulations (SA)* ('WHS Regulations'). Air monitoring is designed to assist in assessing the effectiveness of control measures implemented by a licensed asbestos removalist by using static or positional air monitors at fixed points to measure the level of airborne asbestos fibres in an area.

SafeWork SA expects asbestos licence holders to have a good understanding of the asbestos legislation and related codes of practice. Upon engagement of an asbestos licence holder, people are entitled to presume that there is compliance with asbestos related regulations. This is important because failure to comply with the requirements under the asbestos regulatory framework can result in workers and others suffering long term health effects.

## Scope

From 10 May 2021 to 30 July 2021, SafeWork SA undertook a compliance campaign focused on licensed asbestos removal practices.

The audits focused on:

- the review of asbestos registers prior to demolition/refurbishment
- the independent engagement of licensed asbestos assessors
- licensed asbestos removal practices
- duties towards asbestos removal workers
- air monitoring and clearance inspections

The campaign audit consisted of 4 parts:

1. **Person Who Commissioned the Work (PWCW):** Where the building is a workplace, the asbestos has been reviewed and if necessary revised prior to refurbishment or demolition commencing and a copy of that register has been given to the removalist. The PWCW also needs to engage the licensed asbestos assessor independently to the licensed asbestos removalist.

2. **Licensed Asbestos Removalist:** The removalist has obtained a copy of the revised asbestos register and prepared an asbestos removal control plan. At the removal area the authorised supervisor listed on the asbestos removal notification is available and workers VET certificates is readily accessible. The vacuum cleaner used by removalists to undertake decontamination is an industrial H class and in good condition.
3. **Licensed Asbestos Removalist Workers:** workers have completed the general construction induction training (white card) and have undertaken health monitoring and fit testing for the type of respirator being used.
4. **Licensed Asbestos Assessor:** An adequate number of air monitors have been set-up for the type of removal being undertaken and are operational. Following a clearance inspection, the licensed asbestos removal area is free of any visible asbestos residue prior to a clearance certificate being issued.

The objective of the campaign was to ensure that duty holders were complying with their obligations under WHS laws.

Under the Regulations, a licensed asbestos removalist must give notice via an on-line asbestos removal notification portal at least 5 days before the removalist commences licensed asbestos removal work. Notifications were selected randomly for audits.

When auditing a site, Inspectors used a checklist to ensure a consistent approach.

The Operational Guide: Licensed Asbestos Removalist and Assessor Campaign 2021 outlined the process and set the expectation for the compliance program and provided operational information to SafeWork SA employees. Inspectors were instructed to enforce requirements and to take immediate action to mitigate any safety risks identified while on site.

License holders who failed to comply with their obligations for asbestos removal practices were issued letters of warnings and reminder of legal obligations. This documentation remains on file, and should licence holders demonstrate a pattern of non-compliance, then these records may be taken into consideration by SafeWork SA when deciding whether to suspend or cancel a licence.

An inspection register was created for each audit to record findings and actions taken. A full breakdown of audit results can be found at Appendix A – Summary of Audit Findings.



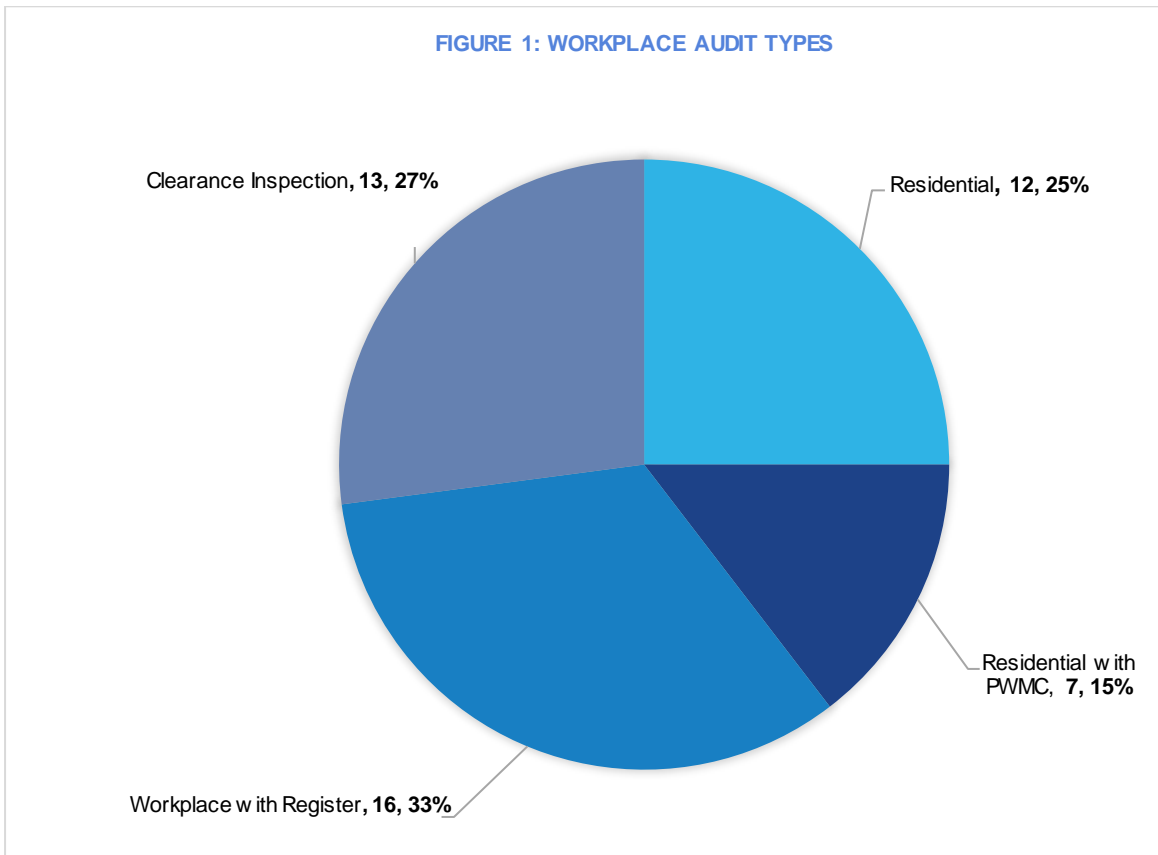
Chrysotile asbestos (white) is the most common type of asbestos used in Australia.

## Workplace Type Audits

SafeWork SA attended 72 notifications and completed 48 compliance audits. The audits consisted of:

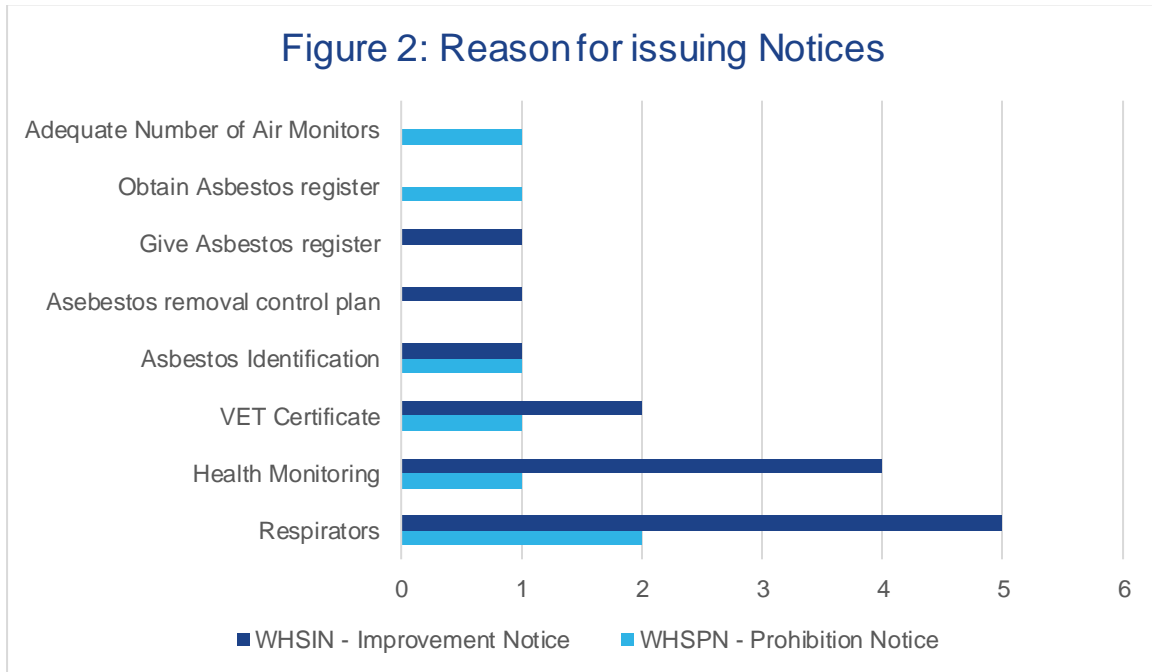
- Residential premises, 12 audits (25%).
- Residential premises under the management and control of a PCBU, 7 audits (15%).
- Workplaces with an asbestos register, 16 audits (33%).
- Clearance inspections only, 13 audits (27%) - (+5 following the asbestos removal on an earlier audit).

All workplace types audited are displayed below in Figure 1.



## Statutory notices

SafeWork SA issued 21 statutory notices, consisting of 7 Prohibition Notices and 14 Improvement Notices. A breakdown of notice reasons is below at figure 2.



Negative pressure (tight fitting) respirator



## Trends

### Person Who Commissioned the Work

Of the 48 audits completed, 23 licensed asbestos removal jobs were commissioned by a Person conducting a Business or Undertaking (PCBU). Of those 23 audits, 16 were buildings that required an asbestos register. A breakdown of the findings is below at figure 3.

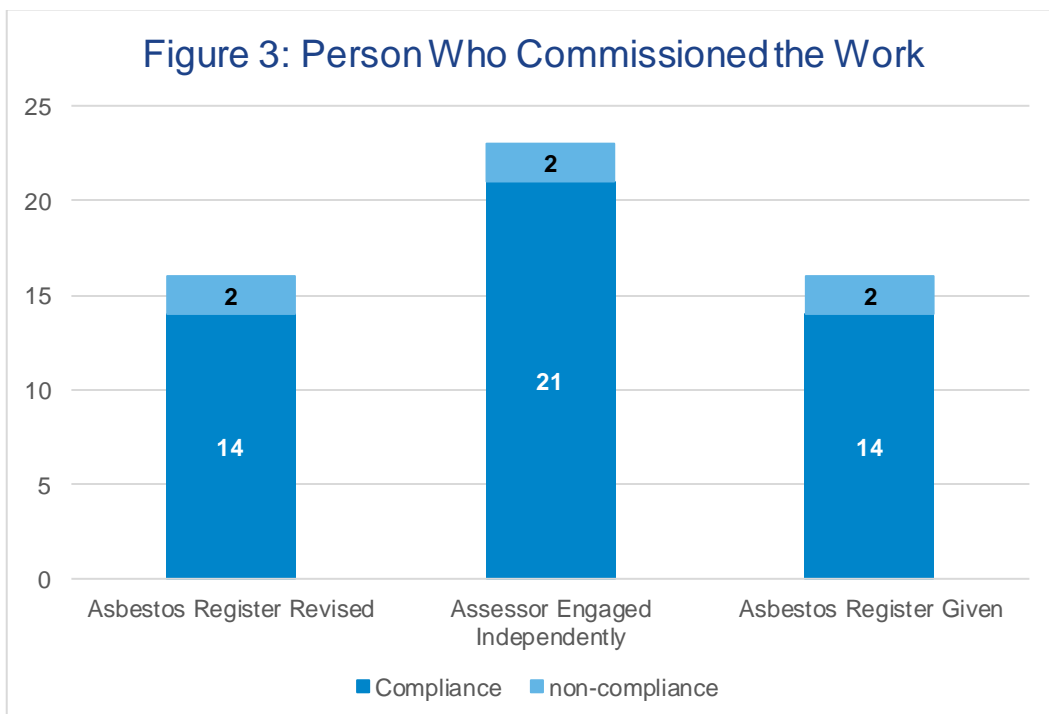
Under the WHS Regulations, residential premises used only for residential purposes do not require an asbestos register to be prepared. When the person who commissioned the work is a homeowner, the duty to identify asbestos and engage an independent licensed asbestos assessor is the responsibility of the PCBU who is carrying out the demolition or refurbishment work.

The duty to review and revise an asbestos register lies with the person, who has management or control of the workplace. Duty holders may include building owners, building management, principal contractors, and builders (noting that this list is not exhaustive). If it is found that the register is inadequate regarding the proposed demolition or refurbishment, then the register must be revised and amended accordingly. Compliance was achieved on 14 of the 16 audits (87%).

The person with management or control of the workplace must ensure that the PCBU who carries out the demolition or refurbishment is given a copy of the asbestos register before the demolition or refurbishment commences. Compliance was achieved on 14 of the 16 audits (87%).

For a licensable quantity of asbestos removal, the person who commissions the work must engage an independent licensed asbestos assessor to undertake air monitoring during the removal and clearance inspections when the licensed asbestos removal work is completed.

The requirement for independence assures the person who commissions the work receives results to confirm that all the asbestos has been removed and that it is safe for re-occupancy. It also gives integrity to the asbestos removal industry and provides a greater level of workplace and public safety. Compliance was achieved on 21 of the 23 audits (93%).



## Asbestos Removalist

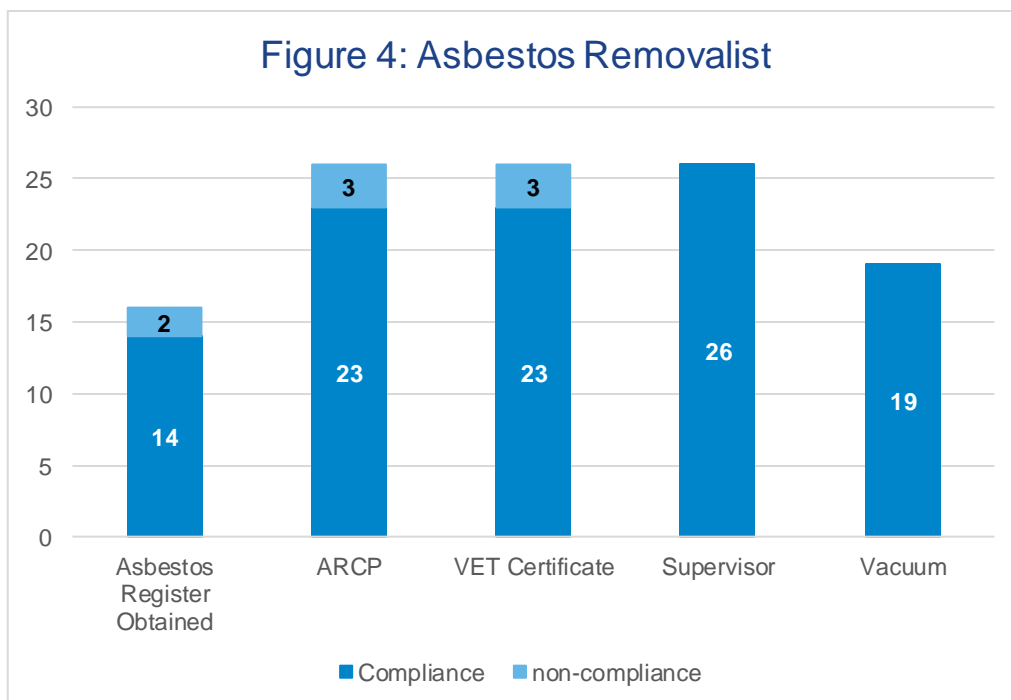
Of the 48 audits completed, 26 audits were undertaken prior to, or during, licensed asbestos removal work. 16 asbestos removal sites were associated with a building that required an asbestos register. A breakdown of findings is below at figure 4.

A PCBU who carries out demolition or refurbishment at a workplace must obtain a copy of the asbestos register from the person with management or control of the workplace. Compliance was achieved on 14 of the 16 audits (87%).

A licensed asbestos removalist must:

- prepare an asbestos removal control plan (ARCP) and give a copy of the ARCP to the person who commissioned the licensed asbestos removal work. This requirement minimises any misunderstandings between the parties in relation to the work being carried out. Compliance was achieved on 23 of the 26 audits (88%). 2 of those audits found that asbestos was not identified and listed in the ARCP.
- not direct or allow a worker to carry out licensed asbestos removal work unless the worker holds a VET certification relevant to the class of licensed asbestos removal work. Compliance was achieved on 23 of the 26 audits (88%).
- ensure that the nominated asbestos removal supervisor for asbestos removal work is present during Class A asbestos removal work and readily available to a worker when carrying out class B asbestos removal work. Compliance was achieved on all 26 audits.
- ensure that facilities are available for decontaminate. It is common for licensed asbestos removalist to use a class H asbestos vacuum cleaner (AS/NZS 60335.2.69:2003) for this purpose. 19 vacuums were inspected and were class H and in good condition.

As a result of the 2021 campaign, one asbestos removalist had their licence immediately suspended for failing to undertake asbestos removal safely and competently. The licence was subsequently cancelled, and the removalist was disqualified from reapplying for a licence for 12 months.



## Asbestos Removalist Workers

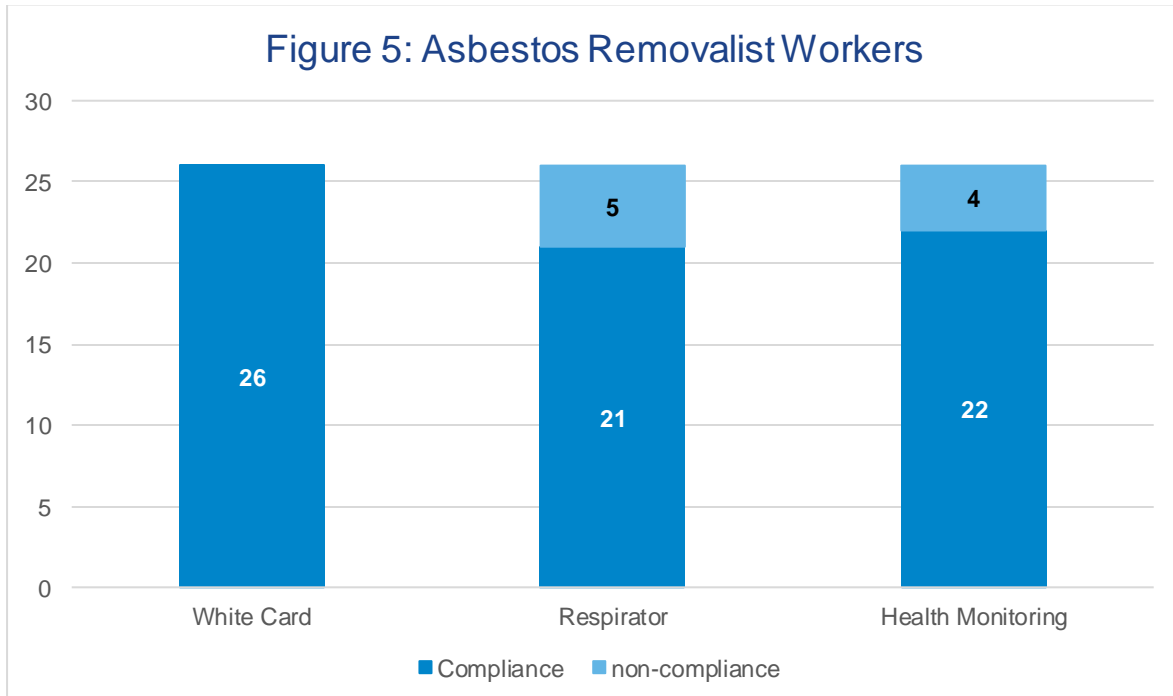
Of the 48 audits completed, 26 audits were undertaken prior to, or during licensed asbestos removal work. A breakdown of findings is below at figure 5.

A licensed asbestos removalist must:

- not direct or allow a worker to carry out construction work unless the worker has successfully completed white card training. Compliance was achieved on all 26 audits.
- ensure that workers provided with a negative pressure respirator (tight-fitting) undertake fit-testing before the worker carries out licensed asbestos removal and at least once per year and does not have facial hair that is likely to prevent the seal of the respirator to the face. Compliance was achieved on 21 of the 26 audits (81%).
- ensure that health monitoring is provided to a worker before the worker carries out licensed asbestos removal work at a workplace and then continue periodic monitoring at least 2 yearly intervals. Health monitoring is used to detect changes in a worker's health and is not a substitute for using effective control measures to eliminate or minimise risks to health. Compliance was achieved on 22 of the 26 audits (95%).

SafeWork SA issued letters of warning and reminder to 5 licensed asbestos removalists. The licence holders who failed to meet their obligations, particularly with respirator fit-testing, placed their workers at serious risk. The negative health impacts associated with inhaling airborne asbestos fibres are well known and continued non-compliance towards their removal workers may lead to licence suspensions or cancellations.

The results are disappointing as licensed asbestos removalists should have a reasonable understanding of the asbestos legislation and related codes of practice.



## Asbestos Assessors

Of the 48 audits completed, 24 audits surveyed whether an adequate number of operational air monitors had been set-up for the type of asbestos removal being undertaken. 18 audits were undertaken post asbestos removal to ensure the licensed asbestos assessor had undertaken a proper and effective clearance inspection. A breakdown of findings is below at figure 6.

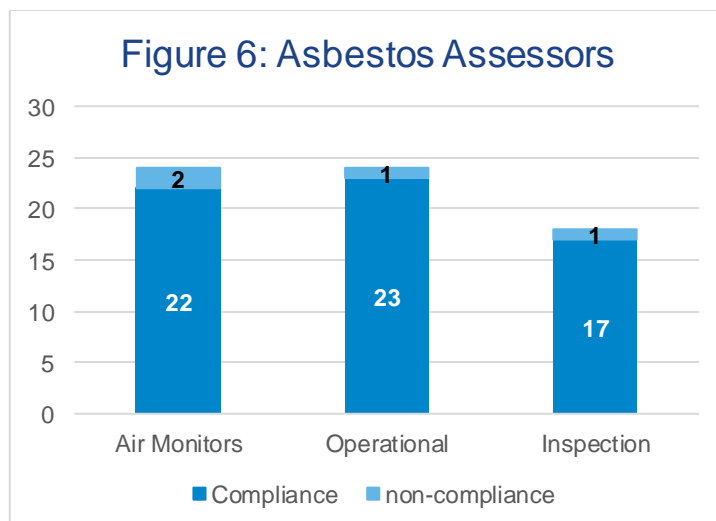
A licensed asbestos assessor must:

- ensure the number of air monitors used during asbestos removal operations are representative of the particular and specific situation being monitored. Compliance was achieved on 22 of the 24 audits (92%).
- ensure air monitors are operational to protect against airborne fibre levels being unsafe for persons to reoccupy the space. Compliance was achieved on 23 of the 24 audits (96%).
- undertake a visual inspection following the completion of licensed asbestos removal works to verify that the area is safe for normal use.
- be satisfied that the asbestos removal area, and the area immediately surrounding it, are free from visible asbestos contamination and that air monitoring shows asbestos below 0.01 fibres/ml before issuing a clearance certificate. Compliance was achieved on 17 of the 18 audits (94%).

It is noted that compliance with air monitoring and clearance inspections was high, which is important as failure to undertake a proper and effective clearance inspection can lead to the disturbance of asbestos debris during the refurbishment or demolition process creating an imminent risk to workers and possibly other person's health and safety in the surrounding areas.

As a result of the 2021 campaign:

- one licensed asbestos assessor was issued a letter of warning and reminder of legal obligations for failing to set-up an adequate number of air monitors for the type of asbestos removal being undertaken.
- one licensed asbestos assessor had his licence suspended for not undertaking a proper and effective clearance inspection and was required to successfully complete the VET course 'Conduct asbestos assessment associated with removal' prior to the return of their licence.



## Recommendations

SafeWork SA will:

- continue to support the NSP target that *'all regulators have in place and have implemented asbestos compliance programs'*.
- communicate the outcome of the campaign to internal and external stakeholders.
- undertake unannounced follow-up audits throughout 2022 with respect to those workplaces requiring an asbestos register to be in place to ensure compliance with asbestos legislation is maintained.
- develop guidance material on fit-testing requirements for negative pressure (tight-fitting) respirators and publish the information on the SafeWork SA and Asbestos websites.
- conducts a review of SafeWork SA's 2021 data to identify asbestos trends associated with the removal or management of asbestos and publish the information on the SafeWork SA website.

## Further information

For further information on asbestos, visit [www.asbestos.sa.gov.au](http://www.asbestos.sa.gov.au)

For further information and advice on complying with legislative requirements visit the SafeWork SA website at [www.safework.sa.gov.au](http://www.safework.sa.gov.au) or call SafeWork SA on 1300 365 255.

You can request a visit from our [advisory service](#) who can provide practical advice based on your workplace's industry, size, risk and complexity. Our advisors can visit your workplace to help you understand your work health and safety responsibilities as well as provide practical support to improve your systems, practices and general approach to safety.



## Appendix A – Summary of Audit Findings

Person who commissioned the work (PWCW)	Audits	Compliant	Non-compliant	Prohibition notice	Improvement notice
Asbestos register available and has been reviewed and if necessary, revised (not required for residential premises)	16	14	2	0	0
PWCW has engaged an independent licensed asbestos assessor (duty of the removalist at a residential premises)	23	21	2	0	0
Person with management or control of the workplace has given a copy of the reviewed/revised asbestos register to the person undertaking the demolition/refurbishment work (not required for residential premises)	16	14	2	1	0
<b>Total number of statutory notices issued</b>				<b>1</b>	<b>0</b>
Asbestos Removalist	Audits	compliant	Non-compliant	Prohibition notice	Improvement notice
Licensed asbestos removalist has obtained a copy of the reviewed/revised asbestos register (not required for residential premises)	16	14	2	1	0
Asbestos removal control plan prepared and available	26	23	3	1	2
VET Training certificates available on site for inspection	26	23	3	1	2
Authorised supervisor listed on the notification, available	26	26	0	0	0
The vacuum cleaner is an industrial H class and in good condition	19	19	0	0	0
<b>Total number of statutory notices issued</b>				<b>3</b>	<b>4</b>

<b>Asbestos Removalist Workers</b>	<b>Audits</b>	<b>Compliant</b>	<b>Non-compliant</b>	<b>Prohibition notice</b>	<b>Improvement notice</b>
Removal worker has a white card	26	26	0	0	0
Removal worker has been fit tested for the type of respirator being using	26	21	5	2	5
Removal worker has undertaken health monitoring	26	22	4	1	4
<b>Total number of statutory notices issued</b>				<b>3</b>	<b>9</b>
<b>Asbestos Assessor</b>	<b>Audits</b>	<b>compliant</b>	<b>Non-compliant</b>	<b>Prohibition notice</b>	<b>Improvement notice</b>
Adequate number of air monitors in place for the type of removal being undertaken	24	22	2	0	1
Air monitors are operational	24	23	1	0	0
The licensed asbestos removal area is free of any visible asbestos residue on completion of the work and prior to a clearance certificate being issued	18	17	1	0	0
<b>Total number of statutory notices issued</b>				<b>0</b>	<b>1</b>