



Government  
of South Australia

SafeWork SA

# Asbestos Management – Demolition or Refurbishment Proactive Compliance Campaign 2022 Closure Report

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## Executive Summary

Some 4,000 Australians currently die every year from asbestos-related disease, nearly four times greater than the annual road toll. The use of asbestos has been banned in Australia since 2003, however, due to the widespread use of asbestos in the past, there remains a large amount of asbestos containing materials (ACM) in older buildings.

South Australia is a signatory to the [National Strategic Plan for Asbestos Management and Awareness 2019-2023](#) (the NSP), the aim of which 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.

Prior to, or 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.

The *Work Health and Safety Regulations, 2012* (SA) (the Regulations) require the person with management or control of a workplace (PWMC) that was built prior to 31 December 2003, to ensure, before demolition or refurbishment is carried out at the workplace, that the asbestos register for the workplace is reviewed, and if the register is inadequate having regard to the proposed demolition or refurbishment, revised. The PWMC of the workplace must also give the person conducting a business or undertaking who carries out the demolition or refurbishment work a copy of the asbestos register before the demolition or refurbishment commences.

The PWMC of the workplace may include building owners, building management, principal contractors, and builders (noting that this list is not exhaustive).

Where there is no asbestos register for the structure or plant to be demolished or refurbished at the workplace, such as a residential premises, the person conducting a business or undertaking who carries out the demolition or refurbishment must not carry out the demolition or refurbishment until the structure or plant has been inspected by a competent person to determine whether asbestos or ACM is fixed to or installed in the structure or plant, and if identified, inform the PWMC.

The person with management or control of the workplace has a duty to ensure that all asbestos that is likely to be disturbed by the demolition or refurbishment is identified, and so far as is reasonably practicable, that the asbestos is removed before the demolition or refurbishment commences.

From 15 March to 17 June 2022, SafeWork SA undertook a compliance campaign (the campaign) consisting of site visits, compliance audits and the education of PWMCs in the management of asbestos prior to demolition or refurbishment at the workplace. The audits extended to checking that licensed asbestos removalists and asbestos assessors were meeting their obligations.

Prior to the campaign, SafeWork SA reviewed the state government's asbestos website [www.asbestos.sa.gov.au](http://www.asbestos.sa.gov.au) to ensure the information on the [Demolition and Refurbishment](#) page was up to date. The page contains information on:

- Asbestos registers
- Keeping people informed
- Demolition/refurbishment surveys
- Engaging asbestos licence holders
- Duty to inform others
- Safe Work Method Statements
- A [refurbishment/demolition survey safety checklist](#) is also available to help PCBU's step through an asbestos survey.

During the campaign, SafeWork SA Inspectors attended 61 licensed asbestos removal sites and performed a total of 112 compliance audits across multiple duty holders. These duty holders included 52 persons who commissioned the work, 27 licensed asbestos removalists and 33 licensed asbestos assessors.

The type and number of audits undertaken by an inspector during a site visit was determined by the stage of the project. At times, the job had been rescheduled, had not commenced, or was already completed.

A total of 47 Statutory Notices were issued, consisting of 11 Prohibition Notices and 36 Improvement Notices. The top six notices issued were:

- 11 independence of licensed asbestos assessor
- 6 workers wearing a tight-fitting respirator not being fit tested
- 6 no asbestos register or register not reviewed prior to demolition or refurbishment
- 5 health monitoring not provided to licensed asbestos removal workers
- 5 workers wearing a tight-fitting respirator with facial hair
- 4 VET training not provided or certificates not available at the asbestos removal area

SafeWork SA also issued letters of warning and reminder of legal obligations to 7 licensed asbestos removalists for failing to comply with their obligations.

During the campaign SafeWork SA:

- suspended a licensed asbestos removalist for 3 months for failing to remove asbestos safely and competently and commencing demolition without receiving a clearance inspection.
- proposed to suspend a licensed asbestos removalist for 3 months for failing to remove asbestos safely and competently; placing their workers at risk. The removalist was issued a letter of warning and reminder of legal obligations after SafeWork SA considered their submission.

- proposed to refuse to grant the renewal of an asbestos removal licence due to a history of failing to remove asbestos safely and competently. The removalist was issued a letter of warning and reminder of legal obligations after SafeWork SA considered their submission.
- a licenced asbestos removalist was fined \$2,220 for failing to give the person who commissioned the work a copy of the asbestos removal control plan prior to commencing the work.

This campaign supports the NSP priority 1 - Improve asbestos awareness to influence behavioural change and the following national targets:

- All regulators have in place and have implemented asbestos compliance programs.

The campaign identified that 62% of workplaces audited were managing asbestos in accordance with the Regulations.

The campaign supported the concurrent SafeWork SA agency-wide compliance campaign focussing on asbestos identification, asbestos registers, and asbestos management plans. For further information on this campaign, see the [Asbestos Management – Proactive Compliance Campaign 2022 Closure Report](#)

It is recommended that SafeWork SA:

- Communicate the outcome of the campaign to internal and external stakeholders.
- Continue to support the NSP target that 'all regulators have in place and have implemented asbestos compliance programs'.
- Undertake unannounced follow-up audits in 2023 with respect to those workplaces requiring an asbestos register to be in place to ensure compliance with asbestos legislation is maintained prior to demolition or refurbishment commencing.



## Introduction

To support the SafeWork SA Asbestos Management Proactive Compliance Campaign 2022, SafeWork SA undertook audits on asbestos demolition or refurbishment work as a separate but concurrent campaign.

SafeWork SA regulates compliance with the *Work Health and Safety Act, 2012* (SA) (the Act) and can require a person conducting a business or undertaking (PCBU) to rectify safety breaches through the issuing of Statutory Notices or prosecution.

WHS laws prohibit work involving asbestos except in specific circumstances where you are required to follow strict safety rules. 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. A person may have more than one duty and more than one person can have the same duty. However, in that case, each person must discharge the duty to the extent the person has the capacity to influence and control the matter.

The person with management or control of the workplace must ensure that all asbestos that is likely to be disturbed by the demolition or refurbishment is identified, and so far as is reasonably practicable, that the asbestos is removed before the demolition or refurbishment commences. Duties are non-transferable.

The aim of reviewing and revising an asbestos register is to ensure that:

- foreseeable asbestos containing material is identified.
- asbestos removal work will be done by the right contractor, in compliance with the legislation.
- nobody will be harmed by airborne asbestos fibres during demolition or refurbishment work.
- the risk of cost variations to the project are minimised.
- in some cases, assumed asbestos within the asbestos register, after testing, can return a negative result, resulting in cost savings.

In 2021/2022, SafeWork SA and the South Australian Government conducted a series of activities and initiatives addressing asbestos safety and ensuring compliance with all relevant legislation. These included:

- SafeWork SA participating in Asbestos Awareness Week, a nationwide week-long campaign held from 22–28 November 2021, dedicated to raising awareness of the dangers of asbestos and providing advice on managing the health risks that come with it. SafeWork SA:
  - promoted information and resources on its website, through social media and in its eNews.
  - SafeWork SA and the Asbestos Coalition of South Australia presented a public interactive forum on asbestos management.



- The South Australian Government committing \$50,000 annually to the Asbestos Victims Association of SA and Asbestos Diseases Society of SA for advocacy and education programs on asbestos health risks.
- SafeWork SA committing to concurrent compliance campaigns in 2022 focussing on asbestos management and asbestos management prior to demolition or refurbishment.

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



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

## Background

Australia has one of the highest rates of asbestos-related diseases in the world, with approximately 4,000 deaths each year from exposure to asbestos, more than double the average number of annual Australian road deaths. Many public and commercial buildings, and infrastructure contain large amounts of ageing asbestos-containing materials, including one in three Australian homes.

In November 2019, the Australian Government Asbestos Safety and Eradication Agency released the NSP 2019–2023, of which South Australia is a signatory, to eliminate asbestos-related diseases in Australia, by preventing exposure to asbestos fibres. The NSP aims to ensure that there is a nationally consistent and coordinated approach to asbestos awareness, management and removal.

From 10 May 2021 to 30 July 2021, SafeWork SA undertook a compliance campaign focused on licensed asbestos removal practices ([Licensed Asbestos Removalist and Assessor Campaign 2021](#)). 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.

A review of SafeWork SA's database in 2021 found that 39% of Prohibition Notices and 17% of Improvement Notices were issued due to the poor management of asbestos.

The 2021 data was used to compile the [Asbestos activity 2021 Health and Safety Snapshot](#).

## Scope

From 15 March to 17 June 2022, SafeWork SA undertook a compliance campaign consisting of audits for the demolition or refurbishment of asbestos.

The asbestos management – demolition or refurbishment campaign focused on:

- Undertaking site visits and compliance audits at workplaces on asbestos management prior to demolition or refurbishment work commencing.
- Licensed asbestos removalist minimising risks to workers and the community associated with asbestos removal work.
- Licensed asbestos assessor's set-up of air monitors and ensuring the asbestos removal area is free of any asbestos contamination following removal.
- Addressing trends, risks and/or systemic issues related to asbestos management and removal.
- Providing information and educational resources to help PWMC understand their responsibilities, meet compliance obligations, and manage the health and wellbeing of their workers.



All workplaces where demolition or refurbishment of asbestos was commissioned by a PCBU fell within the campaigns scope, with Inspectors conducting audits of PWMC of the workplace and asbestos licence holders targeting compliance with asbestos legislation.

The campaign consisted of three audits utilised to confirm compliance of duty holders.

### **1. Person who commissioned the asbestos removal work (PWCW)**

- Ensuring the asbestos register has been reviewed and if necessary revised prior to being provided to the PCBU engaged to carry out the demolition or refurbishment work. The PWCW also needs to engage the licensed asbestos assessor independently to the licensed asbestos removal to undertake air monitoring, clearance inspection and provide a clearance certificate following the completion of licensed asbestos removal work.

### **2. Licensed Asbestos Removalists and their Workers**

- 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 nominated on the asbestos removal notification is available, workers VET certificates are readily accessible, and the vacuum cleaner used by removalists to undertake decontamination is industrial H class and in good condition.
- Workers have completed the general construction induction training (white card), have undertaken health monitoring within the last 2 years and have been fit tested for the type of respirator being used.

### **3. 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 associated with a workplace were selected randomly for audits.

When auditing a site, SafeWork SA Inspectors used a checklist to ensure a consistent approach across all sites.

The *Operational Guide: Asbestos Management – Demolition or Refurbishment Proactive Compliance Campaign 2022* 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.

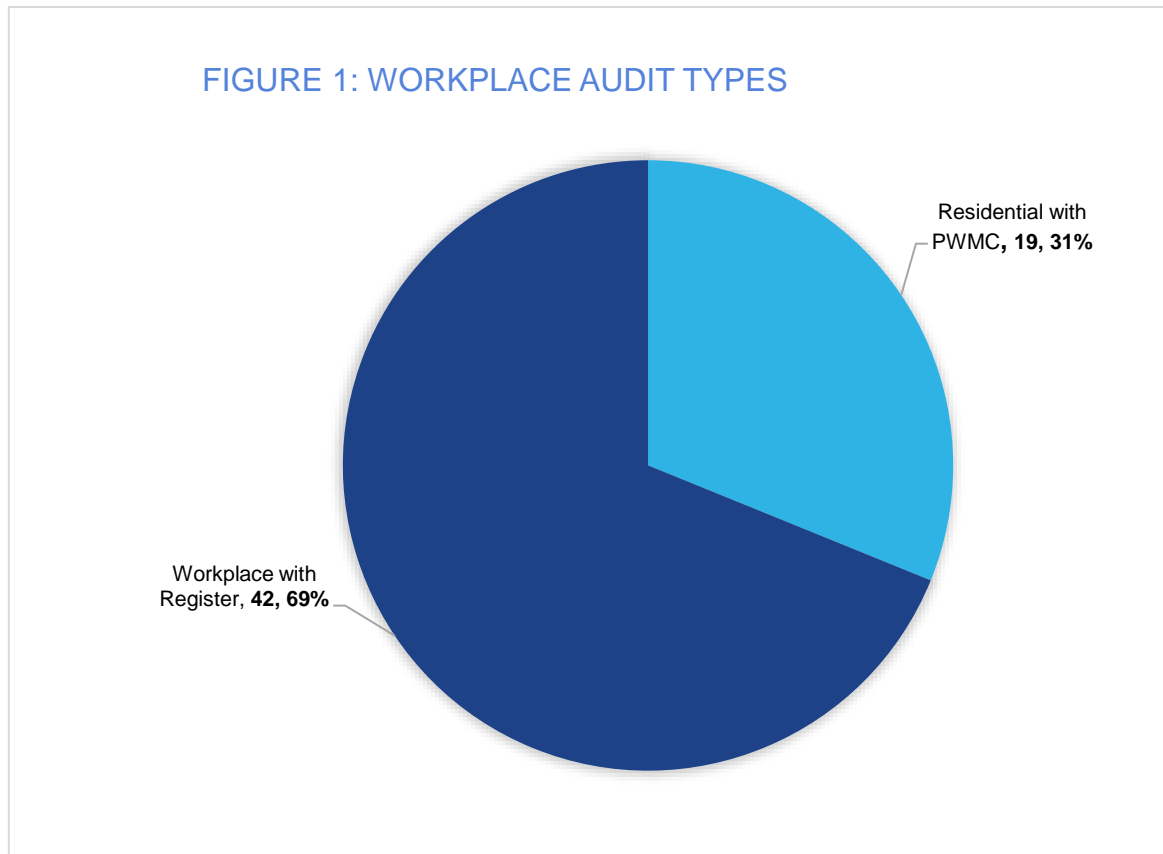
An inspection register was created for each audit to record findings and actions taken.

## Workplace Type Audits

SafeWork SA attended 61 asbestos removal notifications at a workplace that had a PCBU who commissioned the licensed asbestos removal work. The audits consisted of:

- Residential premises under the management and control of a PCBU, 19 audits (31%).
- Workplaces with an asbestos register, 42 audits (69%).

All workplace types audited are displayed below in Figure 1.



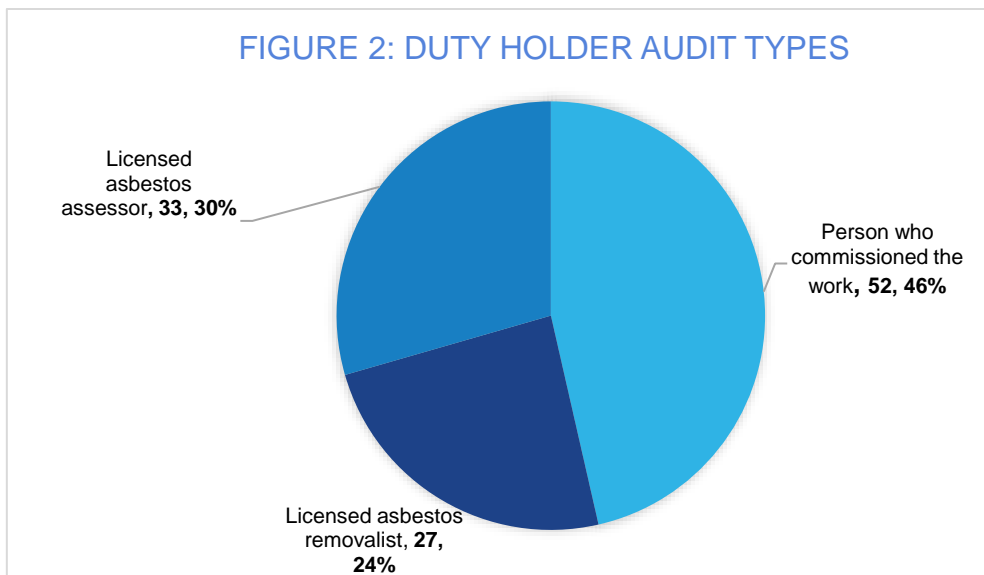
## Duty Holder Audits

The type and number of audits undertaken by an Inspector during a site visit was determined by the stage of the project. At times, the job had been rescheduled, had not commenced, or was already completed.

SafeWork SA attended 61 licensed asbestos removal sites, including residential sites, and performed a total of 112 compliance audits across multiple duty holders. These included:

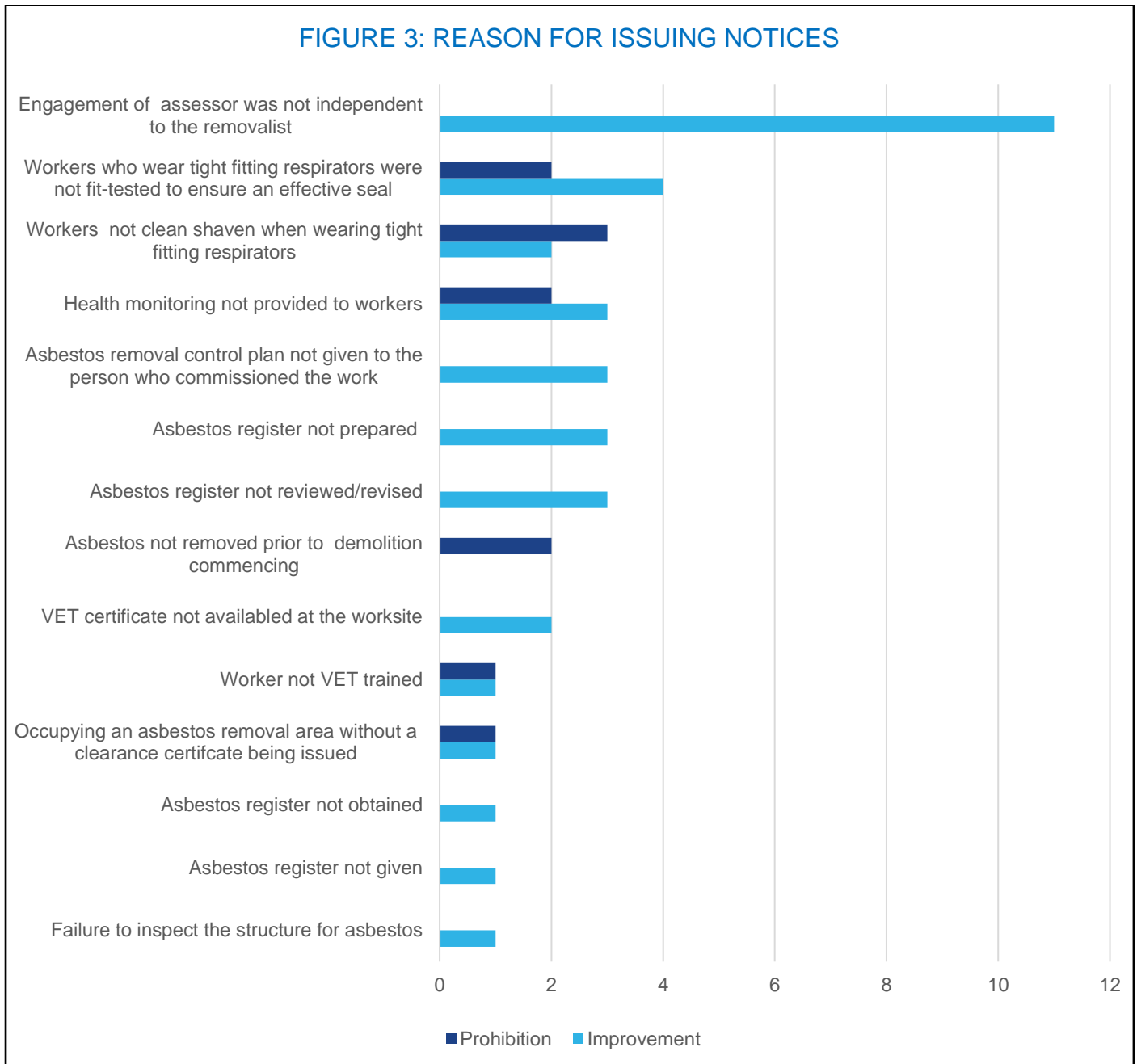
- 52 persons who commissioned the work
- 27 licensed asbestos removalists
- 33 licensed asbestos assessors.

All duty holders audited are displayed below in Figure 2.



## Statutory Notices

SafeWork SA issued 47 Statutory Notices, consisting of 11 Prohibition Notices and 36 Improvement Notices. A breakdown of notice reasons is below at figure 3.



## Trends

### Person Who Commissioned the Work

Of the 61 worksites visited, 42 were buildings that required an asbestos register and 19 were residential dwellings. A breakdown of the findings is below at figure 4.

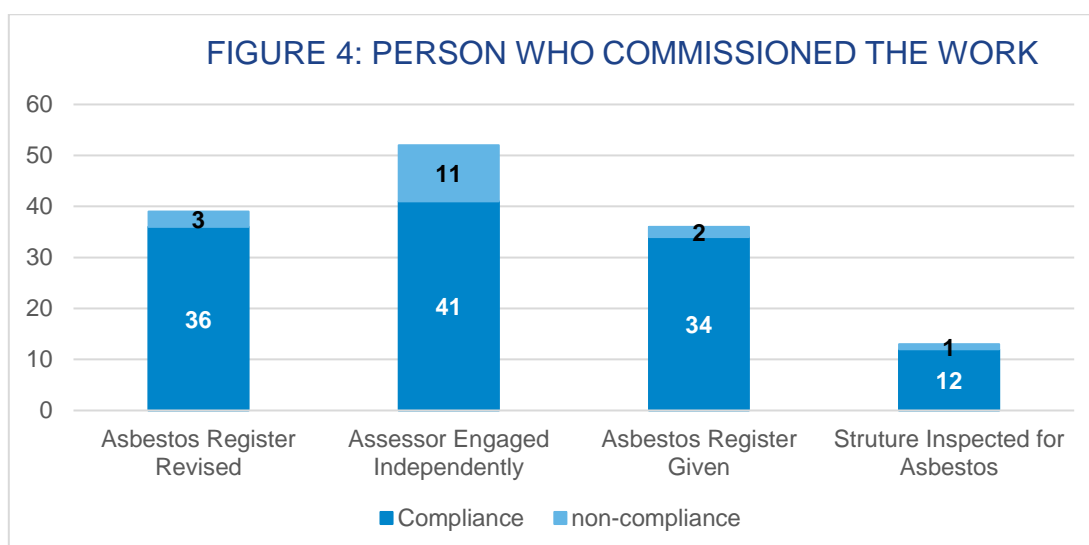
The duty to review and revise an asbestos register lies with the person, who has management or control of the workplace. Duty holders may include building owners, building management, principal contractors, and builders (noting that this list is not exhaustive). If it is found that the register is inadequate regarding the proposed demolition or refurbishment, then the register must be revised and amended accordingly. Three workplaces did not have an asbestos register and compliance was achieved on 36 of the 39 audits undertaken (92%).

The PWWC 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 34 of the 36 audits (94%).

Where there is no asbestos register for the structure or plant to be demolished or refurbished at the workplace, such as a residential premises, the PCBU who carries out the demolition or refurbishment must not carry out the demolition or refurbishment until the structure or plant has been inspected by a competent person to determine whether asbestos or ACM is fixed to or installed in the structure or plant, and if identified, inform the PWWC. 13 of the 22 workplaces without an asbestos register were audited, resulting in 12 meeting compliance (92%).

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 41 of the 52 audits undertaken (79%).



## Asbestos Removalist

Of the 61 asbestos removal sites visited, 27 audits were undertaken prior to, or during, licensed asbestos removal work. Eighteen asbestos removal sites were associated with a building that required an asbestos register. A breakdown of findings is below at figure 5.

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. At 14 sites, the licensed asbestos removalist was the person carrying out demolition or refurbishment work at a workplace and compliance was achieved on 5 of the 6 audits (83%). 3 workplaces did not have an asbestos register.

Where there is no asbestos register, the PCBU undertaking the demolition or refurbishment work must ensure a competent person inspects the workplace to determine whether asbestos or ACM is fixed to or installed in the structure prior to the commencement of demolition or refurbishment. Compliance was achieved on 8 of the 9 audits (89%).

A licensed asbestos removalist must:

- obtain a copy of the asbestos register for the workplace prior to undertaking licensed asbestos removal work (when they are not the person carrying out demolition or refurbishment work). Compliance was achieved on 6 of the 9 audits (67%).
- 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 24 of the 27 audits (88%).
- 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 24 of the 26 audits (92%).
- 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 21 of the 22 audits (95%).
- 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. Eighteen vacuums were inspected and were class H and in good condition.

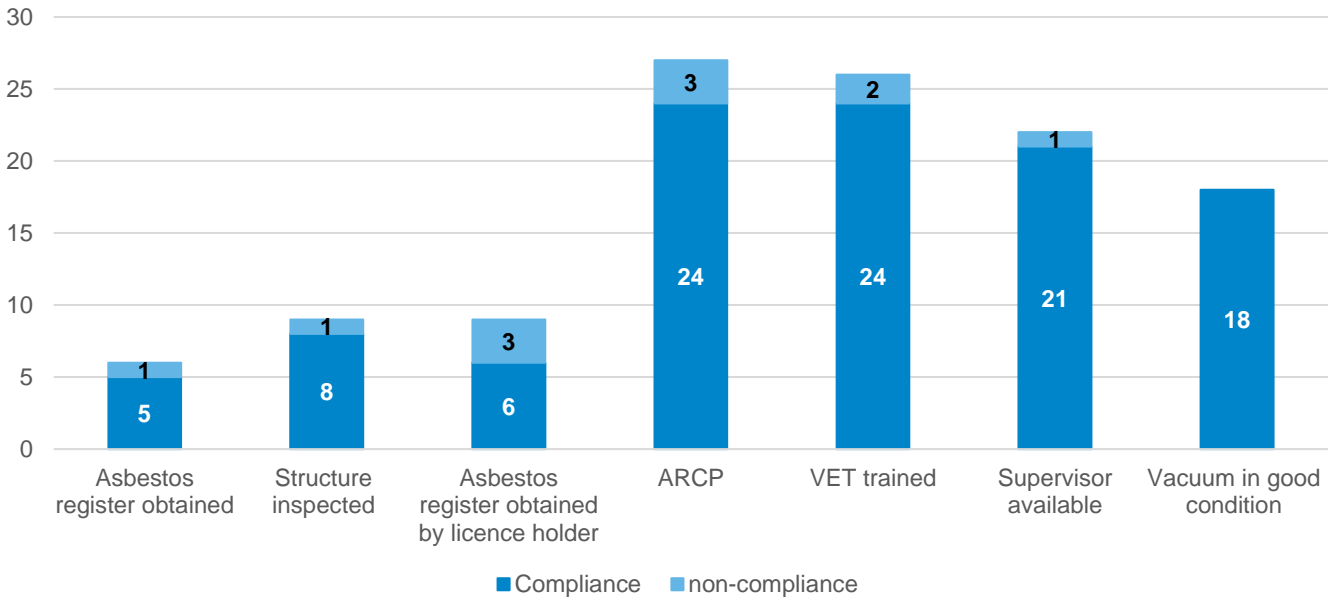
During the campaign SafeWork SA:

- suspended a licensed asbestos removalist for 3 months for failing to remove asbestos safely and competently and commencing demolition without receiving a clearance inspection.
- proposed to suspend a licensed asbestos removalist for 3 months for failing to remove asbestos safely and competently, placing their workers at risk. The removalist was issued a letter of warning and reminder of legal obligations after SafeWork SA considered their submission.



- proposed to refuse to grant the renewal of an asbestos removal licence due to a history of failing to remove asbestos safely and competently. The removalist was issued a letter of warning and reminder of legal obligations after SafeWork SA considered their submission.
- a licences asbestos removalist was fined \$2,220 for failing to give the person who commissioned the work a copy of the asbestos removal control plan prior to commencing the work.

FIGURE 5: ASBESTOS REMOVALIST



## Asbestos Removalist Workers

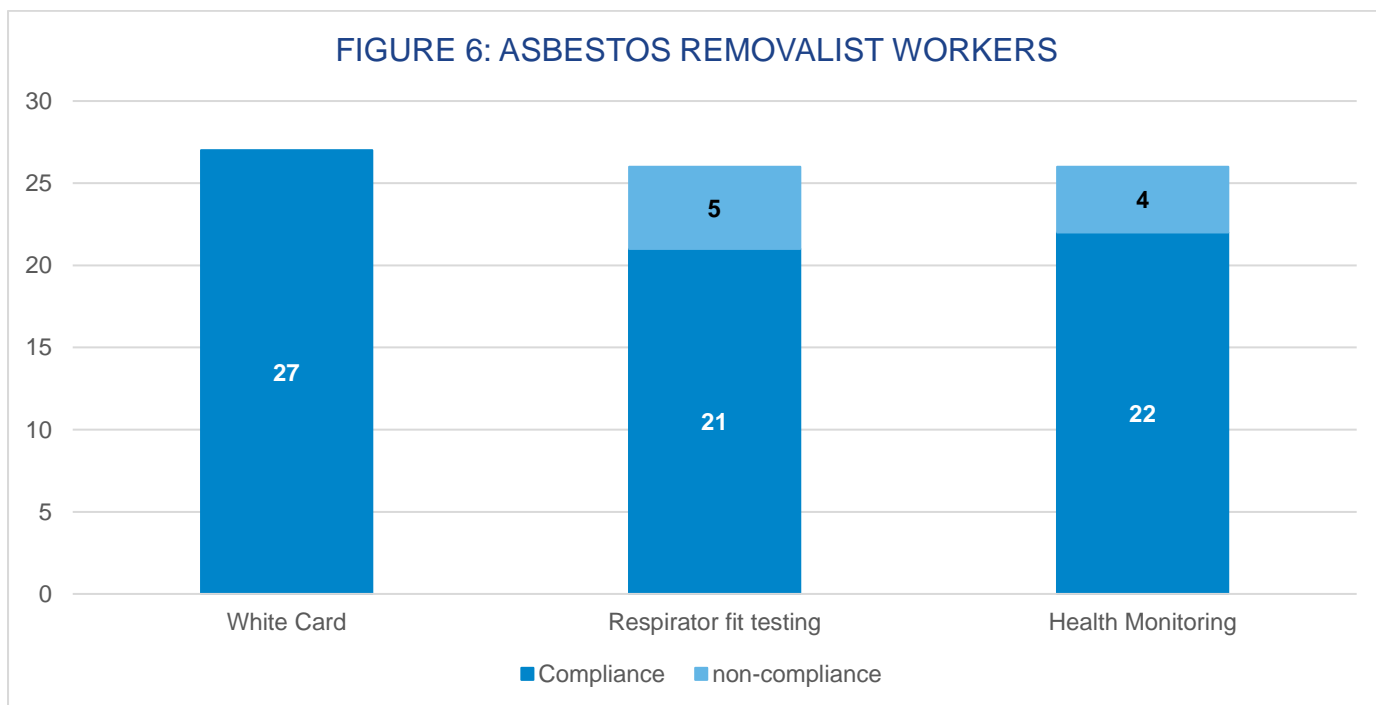
Of the 61 audits completed, 27 audits were undertaken prior to, or during, licensed asbestos removal work. 18 asbestos removal sites were associated with a building that required an asbestos register. A breakdown of findings is below at figure 6.

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 27 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 a minimum of 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 7 licensed asbestos removalists during the campaign. 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.



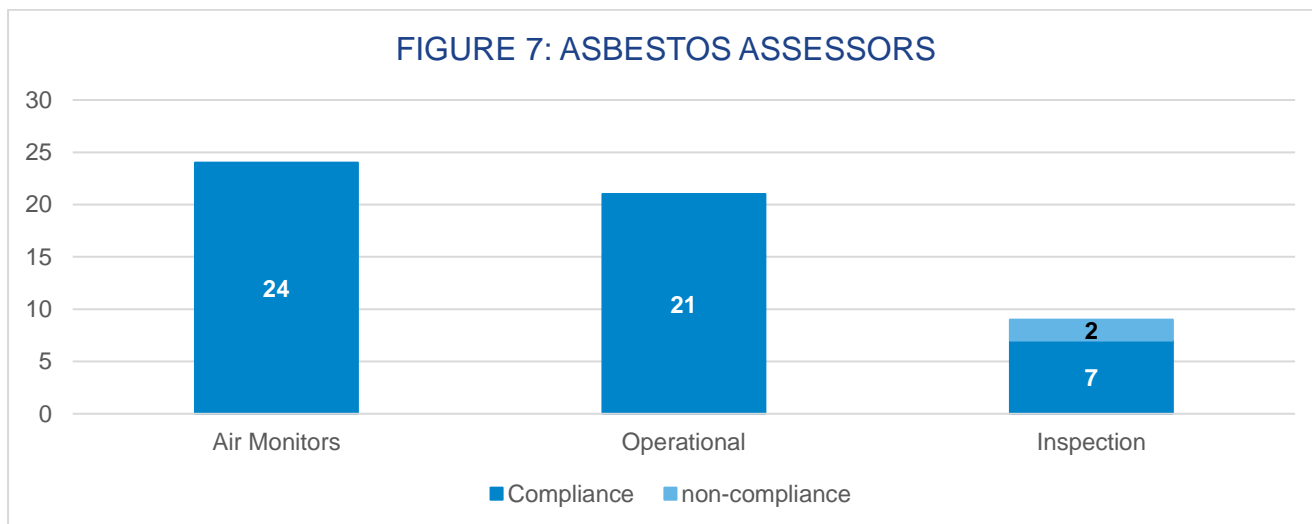
## Asbestos Assessors

Of the 61 audits completed, 33 audits surveyed whether an adequate number of operational air monitors had been set-up for the type of asbestos removal being undertaken. Nine 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 7.

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 all 24 audits (100%).
- ensure air monitors are operational to protect against airborne fibre levels being unsafe for persons to reoccupy the space. Compliance was achieved on all 21 audits (100%).
- 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 7 of the 9 audits (77%).

A 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 to airborne asbestos fibres.



## Recommendations

SafeWork SA will:

- Communicate the outcome of the campaign to internal and external stakeholders.
- Continue to support the NSP target that 'all regulators have in place and have implemented asbestos compliance programs'.
- Undertake unannounced follow-up audits in 2023 with respect to those workplaces requiring an asbestos register to be in place to ensure compliance with asbestos legislation is maintained prior to demolition or refurbishment commencing.

## 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.



Negative pressure (tight fitting) respirator

## Summary of Audit Findings

### Person who commissioned the work (PWCW)

Person who commissioned the work (PWCW)	Audits	Compliant	Non-compliant
Is there an asbestos register for the workplace?	42	39	3
Has the asbestos register been reviewed & as necessary revised	39	36	3
Has the asbestos register been provided to the PCBU engaged to carry out the demolition or refurbishment prior to the commencement of work?	36	34	2
Where there is no asbestos register, has the PWCW of the workplace been informed by the PCBU who is carrying out the demolition or refurbishment work that asbestos is present? (Question only)	13	<b>Yes</b>	<b>No</b>
		12	1
Has the PWCW engaged an independent licenced asbestos assessor to undertake air monitoring and provide a clearance certificate on their behalf?	52	41	11
Has the PWCW obtained a copy of the Asbestos Removal Control Plan from the licenced asbestos removalist prior to ACM removal commencing? (Question only)	51	<b>Yes</b>	<b>No</b>
		47	4

## Licensed Asbestos Removalists

Licensed Asbestos Removalists	Audits	Compliant	Non-compliant
Is the licensed asbestos removalist the PCBU undertaking the demolition or refurbishment work? (Question only)	27	<b>Yes</b>	<b>No</b>
		14	13
Has the PCBU undertaking the demolition or refurbishment work obtained a copy of the reviewed/revised asbestos register from the PWMC of a workplace?	6	5	1
Where there is no asbestos register, the PCBU undertaking the demolition or refurbishment work has ensured a competent person inspected the workplace to determine whether asbestos or ACM is fixed to or installed in the structure prior to the commencement of demolition or refurbishment?	9	8	1
Has the licensed asbestos removalist obtained a copy of the asbestos register for the workplace.	9	6	3
Asbestos removal control plan available and completed?	27	24	3
VET Training certificates available on site for inspection?	27	23	4
The vacuum cleaner is an industrial H class and in good condition?	18	18	0



## Licenced Asbestos Removal Workers

Licenced Asbestos Removal Workers	Audits	Compliant	Non-compliant
Do the workers have a white card?	27	27	0
If the supervisor is not on-site, are they available to the workers?	27	26	1
Have the workers been fit tested for the type of respirator they are using?	27	21	6
What type of fit-testing have the workers undertaken? (Question only)	27	<b>Qualitative</b>	<b>Quantitative</b>
		20	7
Have the workers undertaken health monitoring and is it within the last 2 years?	27	22	5

## Licenced Asbestos Assessor

Licenced Asbestos Assessor	Audits	Compliant	Non-compliant
Adequate number of Air Monitors in Place?	24	24	0
Air Monitors operational?	24	24	0
The licenced asbestos removal area is free of any visible asbestos contamination on completion of the work?	12	11	1
A Clearance Certificate has been issued before the asbestos removal area at the workplace is re-occupied?	10	8	2