



Asbestos Management –
Demolition or Refurbishment
Proactive Compliance
Campaign
2023 Closure Report

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Executive Summary

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. This is more than double the number of annual Australian road deaths. 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.

The SA Asbestos Action Plan (SA AAP) strategic and working groups were established in June 2021 at the request of the Hon Rob Lucas MLC, Treasurer, to provide a whole-of-government approach to asbestos awareness and management in South Australia.

In October 2022, SafeWork SA published the [South Australian Asbestos Action Plan 2019-2023](#) (SA AAP) which details the strategic actions that the South Australian Government will undertake in order to implement the NSP.

The SA AAP and the NSP is committed to improving asbestos awareness to influence behavioural change by:

- ensuring all commercial buildings which are required by law to maintain asbestos registers, have up-to-date registers and management plans that are actively being implemented
- implementing asbestos compliance programs.

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) (the Act). Duties under the 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 (PCBU) 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 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 Asbestos Containing Material (ACM) is fixed to or installed in the structure or plant, and if identified, inform the PWMC.

The PWMC 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 1 May 2023 until 30 June 2023, SafeWork SA undertook a compliance campaign ('the campaign') consisting of site visits, compliance audits and the education of PWMC's 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.

The campaign was undertaken as a result of a recommendation in the Asbestos Management compliance campaign audit 2022 reports. The audit reports for the 2022 campaigns is available on the SafeWork SA website – [Asbestos Management – Demolition or Refurbishment Proactive Compliance Campaign 2022 Closure Report](#) and [Asbestos Management Proactive Compliance Campaign 2022 Closure Report](#)

During the campaign, SafeWork SA Inspectors attended 42 licensed asbestos removal sites and performed a total of 95 compliance audits across multiple duty holders. These duty holders included 39 persons who commissioned the work, 28 licensed asbestos removalists and 28 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 30 Statutory Notices were issued, consisting of 12 Prohibition Notices and 18 Improvement Notices. The top four notices issued were:

- Independence of licensed asbestos assessor - 6
- VET training not provided or certificates not available at the asbestos removal area - 4
- Decontamination process not controlled to prevent exposure or contamination (i.e. dry sweeping) - 3
- Workers wearing tight fitting respirator were not clean shaven - 3

SafeWork SA also issued letters of warning and reminder of legal obligations to 13 licensed asbestos removalists who had a history for failing to comply with their obligations.

As a result of the campaign, SafeWork SA:

- Immediately suspended, and subsequently cancelled an asbestos assessor for 5 years for failing to set up an adequate number of air monitoring and for failing to undertake an adequate and effective clearance inspection following licensed asbestos removal. The asbestos assessor had been suspended for 3 months in 2021 for similar breaches.
- Immediately suspended, and subsequently cancelled a licensed asbestos removalist for 1 year for a history of failing to remove asbestos safely and competently and commencing demolition without identifying and removing the asbestos.

- Immediately suspended, and subsequently cancelled a licensed asbestos removalist for 1 year for failing to remove asbestos safely and competently and having a history of failing to remove asbestos safely and competently; placing their workers at risk. The licensed asbestos removalist had been previously suspended for 3 months in 2022 for commencing demolition without identifying and removing the asbestos.
- Suspended a licensed asbestos removalist for 1 year for failing to remove asbestos safely and competently and having a history of failing to remove asbestos safely and competently; placing their workers at risk.
- Refused to grant the renewal of an asbestos removal licence due to a history of failing to remove asbestos safely and competently; placing their workers at risk.

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 2023 Closure Report](#)

It is recommended that SafeWork SA:

- Communicate the outcome of the campaign to internal and external stakeholders.
- Continue to support the SA AAP strategic action that ‘all regulators have in place and have implemented asbestos compliance programs’.



Introduction

To support the SafeWork SA Asbestos Management Proactive Compliance Campaign 2023, 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 (PWMC). 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 PWMC 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.

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.

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 National Strategic Plan for Asbestos Awareness and Management 2019–2023 (NSP), 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.

In October 2022, SafeWork SA published the [South Australian Asbestos Action Plan 2019-2023](#) (SA AAP) which details the strategic actions that the South Australian Government will undertake in order to implement the NSP.

The SA AAP is committed to improving asbestos awareness to influence behavioural change by:

- Ensuring all commercial buildings which are required by law to maintain asbestos registers, have up-to-date registers and management plans that are actively being implemented.
- Implementing asbestos compliance programs.

A review of SafeWork SA's database in FY 22-23 found that 20% of Prohibition Notices were issued for a failure to identify and remove asbestos prior to commencing demolition or refurbishment and 26% of Improvement Notices were issued due to the poor management of asbestos.

The FY 22-23 data was used to compile the [Asbestos activity FY 22-23 Health and Safety Snapshot](#).

Scope

From 1 May until 30 June 2023, 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. Licenced 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 2023* 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.

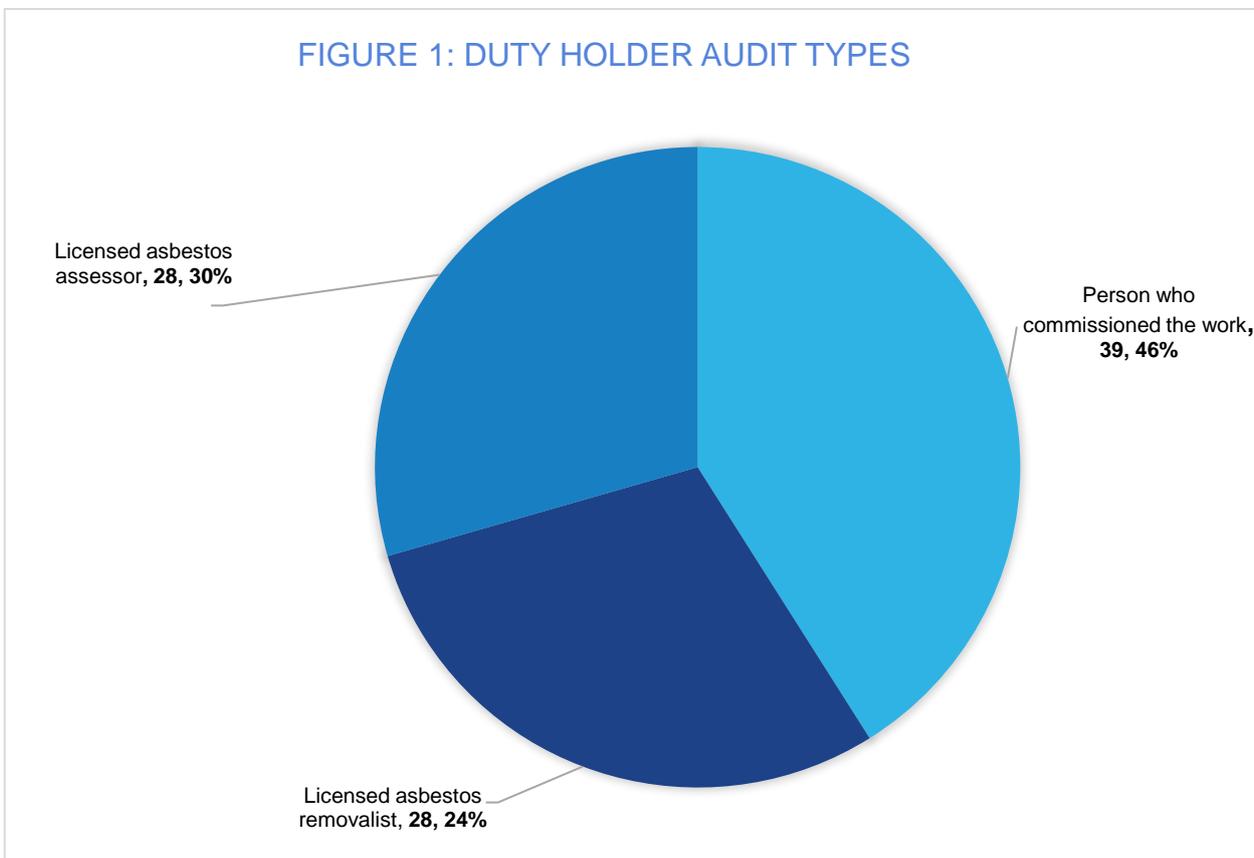
Duty Holder Audits

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 42 licensed asbestos removal sites, including residential sites, and performed a total of 95 compliance audits across multiple duty holders. These included:

- 39 persons who commissioned the work.
- 28 licensed asbestos removalists.
- 28 licensed asbestos assessors.

All duty holders audited are displayed below in Figure 1.



Person Who Commissioned the 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.

The PWMC 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.

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 Asbestos Containing Material (ACM) is fixed to or installed in the structure or plant, and if identified, inform the PWMC.

For a licensable quantity of asbestos removal, the PWCW 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 PWCW 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.

Asbestos Removalist

A PCBU who carries out demolition or refurbishment at a workplace must obtain a copy of the asbestos register from the PWMC of the workplace.

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.

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).
- 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.
- 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.
- 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.

- 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.

As a result of the campaign, SafeWork SA:

- Immediately suspended, and subsequently cancelled a licensed asbestos removalist for 1 year for a history of failing to remove asbestos safely and competently and commencing demolition without identifying and removing the asbestos.
- Immediately suspended, and subsequently cancelled a licensed asbestos removalist for 1 year for failing to remove asbestos safely and competently and having a history of failing to remove asbestos safely and competently; placing their workers at risk. The licensed asbestos removalist had been previously suspended for 3 months in 2022 for commencing demolition without identifying and removing the asbestos.
- Suspended a licensed asbestos removalist for 1 year for failing to remove asbestos safely and competently and having a history of failing to remove asbestos safely and competently; placing their workers at risk.
- Refused to grant the renewal of an asbestos removal licence due to a history of failing to remove asbestos safely and competently; placing their workers at risk.
- SafeWork SA issued letters of warning and reminder to 13 licensed asbestos removalists during the campaign.

The licence holders who failed to meet their obligations, particularly with workers having facial hair while wearing a tight-fitting respirator, 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, cancellations or a refusal to grant their licence at renewal.

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



Asbestos Assessors

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.
- 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%).

As a result of the campaign, SafeWork SA:

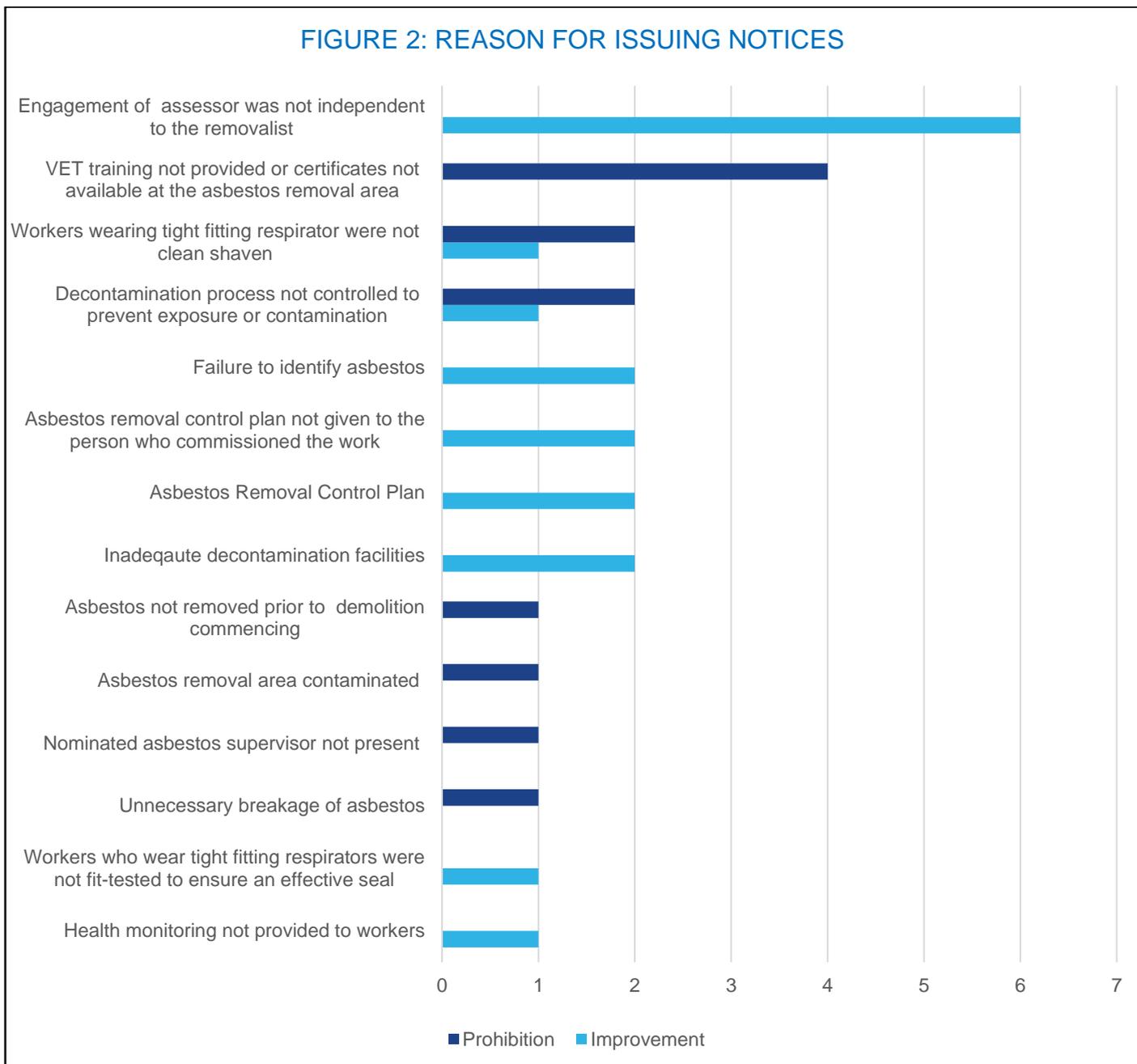
- Immediately suspended, and subsequently cancelled an asbestos assessor for 5 years for failing to set up an adequate number of air monitoring and for failing to undertake an adequate and effective clearance inspection following licensed asbestos removal. The asbestos assessor had been suspended for 3 months in 2021 for similar breaches.

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.



Statutory Notices

SafeWork SA issued 30 Statutory Notices, consisting of 12 Prohibition Notices and 18 Improvement Notices. A breakdown of notice reasons is below at figure 2.



Recommendations

It is recommended that SafeWork SA:

- Communicate the outcome of the campaign to internal and external stakeholders.
- Continue to support the SA AAP strategic action that all regulators have in place and have implemented asbestos compliance programs.

Further information

For further information on asbestos, visit 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 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

Appendix A – Asbestos Management – Demolition or Refurbishment 2023 Proactive Compliance Campaign Audit Tool

Person who commissioned the work (PWCW)

Person who commissioned the work (PWCW)		
1	Is there an asbestos register for the workplace?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> (if NO or NA , go to Q4)
2	Has the asbestos register been reviewed & as necessary revised?	Y <input type="checkbox"/> N <input type="checkbox"/> (if NO go to Q5)
3	Has the asbestos register been provided to the PCBU engaged to carry out the demolition or refurbishment prior to the commencement of work?	Y <input type="checkbox"/> N <input type="checkbox"/> (go to Q5)
4	Has a competent person identified or assumed asbestos or ACM at the workplace?	Y <input type="checkbox"/> N <input type="checkbox"/>
5	Has the PWCW engaged an independent licenced asbestos assessor to undertake air monitoring and provide a clearance certificate on their behalf?	Y <input type="checkbox"/> N <input type="checkbox"/>
6	Has the PWCW obtained a copy of the Asbestos Removal Control Plan from the licenced asbestos removalist prior to ACM removal commencing? (Question Only)	Y <input type="checkbox"/> N <input type="checkbox"/>

Licensed Asbestos Removalists

Licensed Asbestos Removalists		
1	Is the licensed asbestos removalist the PCBU undertaking the demolition or refurbishment work? (Question only)	Y <input type="checkbox"/> N <input type="checkbox"/> (if NO, go to Q4)
2	Has a copy of the reviewed/revised asbestos register been obtained from the PWMC?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/> (if YES, go to Q5)
3	Has 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?	Y <input type="checkbox"/> N <input type="checkbox"/> (go to Q5)
4	Has the licensed asbestos removalist obtained a copy of the asbestos register for the workplace?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>
5	Asbestos removal control plan (ARCP) available?	Y <input type="checkbox"/> N <input type="checkbox"/>
6	Does the ARCP detail the asbestos to be removed, including the location, type and condition of the asbestos?	Y <input type="checkbox"/> N <input type="checkbox"/>
7	Does the ARCP detail how the asbestos removal will be carried out, including the method to be used and the tools, equipment and personal protective equipment to be used?	Y <input type="checkbox"/> N <input type="checkbox"/>
8	VET Training certificates available on site for inspection?	Y <input type="checkbox"/> N <input type="checkbox"/>
9	The vacuum cleaner is an industrial H class and in good condition?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>

Licensed Asbestos Removal Workers

Licensed Asbestos Removal Workers		
1	Have the workers been provided general construction induction training (white card)?	Y <input type="checkbox"/> N <input type="checkbox"/>
2	The work is supervised by a supervisor named in the notification?	Y <input type="checkbox"/> N <input type="checkbox"/>
3	Supervisor present (Class A) or available to the workers (Class B)?	Y <input type="checkbox"/> N <input type="checkbox"/>
4	Have the workers been fit tested for the type of respirator they are using?	Y <input type="checkbox"/> N <input type="checkbox"/>
5	Respiratory Protective Equipment (RPE) users are clean shaven?	Y <input type="checkbox"/> N <input type="checkbox"/>
6	Have the workers undertaken health monitoring?	Y <input type="checkbox"/> N <input type="checkbox"/>
7	Has Health monitoring been undertaken within the last 2 years?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>

Licensed Asbestos Assessor

Licensed Asbestos Assessor		
1	Adequate number of Air Monitors in Place?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>
2	Air Monitors operational?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>
3	The licenced asbestos removal area is free of any visible asbestos contamination on completion of the work?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>
4	A Clearance Certificate has been issued before the asbestos removal area at the workplace is re-occupied?	Y <input type="checkbox"/> N <input type="checkbox"/> NA <input type="checkbox"/>



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