



Government
of South Australia

SafeWork SA

Asbestos Management 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 National Strategic Plan for Asbestos Awareness and Management (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.

The *Work Health and Safety Regulations, 2012* (SA) (the Regulations) require all persons with management or control of a workplace (PWMC) that was built prior to 31 December 2003, to ensure, that asbestos at the workplace is identified, the location of asbestos is labelled and recorded in an asbestos register, a written asbestos management plan is prepared, if asbestos has been identified and that the asbestos register is reviewed, and as necessary revised, prior to demolition or refurbishment work commencing.

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 PWMCs in the management of asbestos in the workplace.

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 Proactive Compliance Campaign 2022 Closure Report](#) and [Asbestos Management – Demolition or Refurbishment Proactive Compliance Campaign 2022 Closure Report](#)

During the campaign, SafeWork SA Inspectors audited 70 workplaces and issued 51 Statutory Notices in response to non-compliances identified.

The most common areas of non-compliance identified that resulted in a Statutory Notice being issued related to a failure to:

- have an asbestos register 34
- review an asbestos register 7
- review an asbestos management plan 5
- develop an asbestos management plan after identifying asbestos 2

These audits identified that 61% of workplaces audited were not managing asbestos in accordance with the Regulations compared to 58% during the first campaign in 2022.

The campaign has identified more non-compliances in the management of asbestos by the persons with management or control of the workplace compared to the 2022 compliance campaign. It is clear that awareness and education alone is not enough to improve compliance. The issuing of infringement notices where asbestos management non-compliance is identified would be the next step in driving down asbestos exposure risks at the workplace.

The campaign was also supported by SafeWork SA's concurrent agency-wide compliance campaign focussing on the management of asbestos prior to demolition and refurbishment commencing. For further information on this campaign, see the Asbestos Management – Demolition or Refurbishment 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'.
- Consider the issuing of infringement notices (expiation) to help reduce non-compliances in the management of asbestos.

Introduction

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.

The *Work health and Safety Act, 2012* (SA) requires all persons who conduct a business or undertaking to ensure, so far as is reasonably practicable, that workers and other persons are not put at risk from work carried out as part of the business or undertaking. The Regulations include specific obligations to manage and control asbestos and ACM at the workplace.

A person conducting a business or undertaking (PCBU) with management or control of a workplace, built prior to 31 December 2003:

- must ensure, so far as is reasonably practicable, that all asbestos or ACM at the workplace is identified by a competent person or assume its presence.
- may identify asbestos or ACM by arranging a sample of the material to be analysed.
- must ensure the presence and location of asbestos or ACM identified (or assumed to be identified) at the workplace is clearly indicated (by a label if reasonably practicable).

- must ensure an asbestos register is prepared, maintained, reviewed and kept at the workplace. It must be readily available to workers, their health and safety representatives and other persons.
- must ensure, when management or control of the workplace is relinquished, a copy of the asbestos register is given to the person assuming management or control.
- must, where asbestos has been identified at the workplace, ensure an asbestos management plan is prepared, maintained and reviewed. It must be accessible to workers, their health and safety representatives and other persons.

In some cases, there may be more than one person with management or control of a workplace. For example:

- a person with management of a workplace is a tenant.
- a person with control of a workplace has the power to make decisions and changes to the structure and use of the workplace. This person will usually be the owner of the workplace or a representative of the owner and may:
 - own the workplace and engage workers to carry out work there.
 - own the workplace but lease it to another person conducting a business or undertaking at the workplace have management or control over the workplace, for example a property management group or agent.

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.

The NSP has 4 priorities and 9 targets. SafeWork 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 for FY 22-23 found that 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 focused on asbestos management.

The objective of the campaign was to measure improvements in the management of asbestos by the persons with management or control of the workplace following the 2022 compliance campaign.

The campaign focused on ensuring:

- that a workplace built prior to 31 December 2003 has a maintained and up to date asbestos register, recording whether asbestos has been identified at the workplace or is likely to be present from time to time.
- the asbestos register records the date the asbestos was identified, the location, type and condition of asbestos.
- that the presence and location of asbestos or ACM identified at the workplace is clearly indicated, and if it is reasonably practicable to do so, indicate the presence and location of the asbestos or ACM by a label.
- where an asbestos register is kept, the register is reviewed and as necessary revised if:
 - the asbestos management plan is reviewed under regulation 430, or
 - further asbestos or ACM is identified at the workplace, or
 - asbestos is removed from, or disturbed, sealed or enclosed at the workplace.
- there is a written asbestos management plan if asbestos has been identified, or is likely to be present in the workplace, and is readily available.
- that the asbestos management plan includes identification of asbestos, decisions and reasons for decisions, about asbestos management, procedures detailing incidents or emergencies and information for workers carrying out work involving asbestos.
- where asbestos has not been identified or not likely to be present from time to time, the asbestos register states that no asbestos or ACM is identified at the workplace.

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

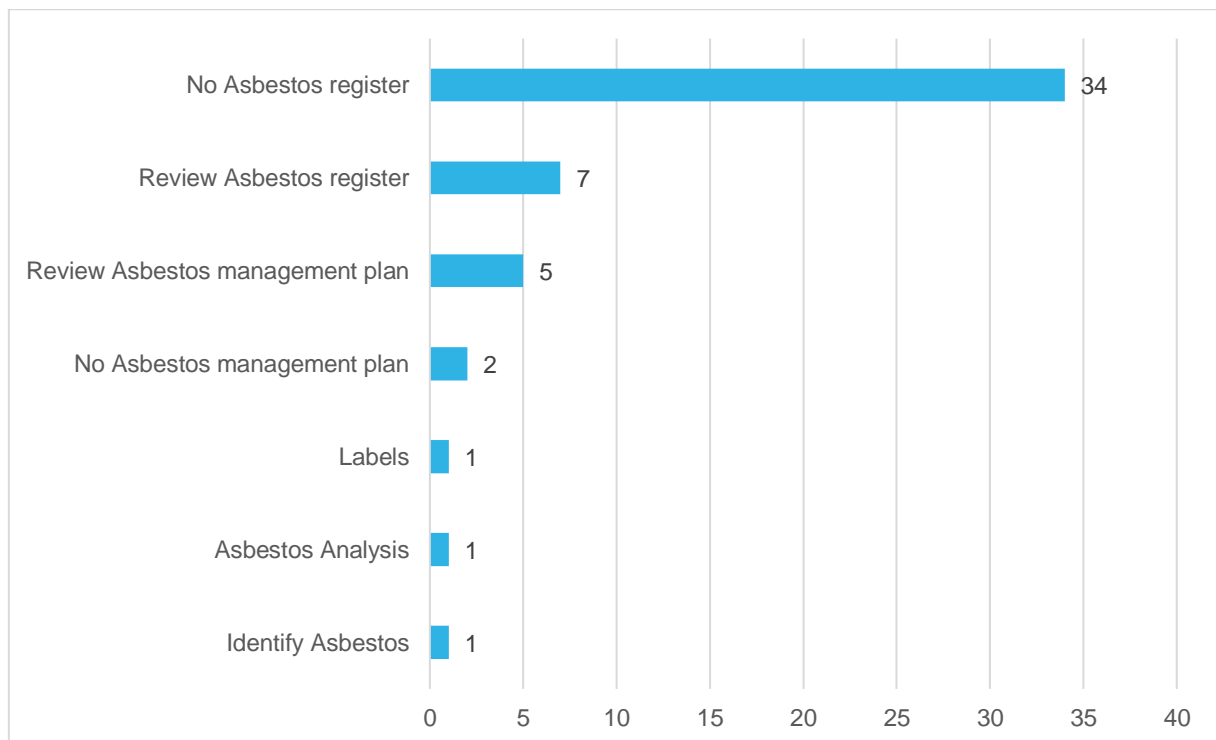
The *Operational Guide: Asbestos Management Proactive Compliance Campaign 2023* outlined the process and set the expectations for the compliance program and provided operational information to SafeWork SA Inspectors. Inspectors were instructed to enforce requirements and to take immediate action to mitigate any safety risks identified while on site.

Summary of Audit Findings

SafeWork SA conducted 70 audits of workplaces from a range of industries, providing a cross sectional snapshot of asbestos management in South Australia, resulting in 51 Improvement Notices being issued.

- 34 - no asbestos register prepared
- 7 - asbestos registers not reviewed and as necessary revised
- 5 - asbestos management plans not reviewed
- 2 - no asbestos management plan
- 1 - no labels indicating presence of asbestos
- 1 – no analysis to ascertain if it was asbestos containing material
- 1 – identify asbestos

REASON FOR ISSUING NOTICE



Recommendations

It is recommended that SafeWork SA:

- 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.
- Consider the issuing of infringement notices (expiation) to help reduce non-compliances in the management of asbestos.

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.

Appendix A – Asbestos Management 2023 Proactive Compliance Campaign Audit Tool

1. Asbestos register	Result	Comments/Notices
Is there an asbestos register that is kept at the workplace?	YES / NO	
Does the asbestos register state that no asbestos or asbestos containing material has been identified at the workplace or is likely to be present from time to time at the workplace?	YES / NO (If yes, then end of audit)	
Does the asbestos register have the date that the asbestos or asbestos containing material was identified?	YES / NO	
Does the asbestos register have the location, type, and condition of the asbestos?	YES / NO	
Has the asbestos register been maintained to ensure the information in the register is up to date?	YES / NO	
Has the presence and location of asbestos or asbestos containing material identified at the workplace been labelled?	YES / NO	
2. Asbestos Management Plan	Result	Comments/Notices
Has asbestos been identified at the workplace or is asbestos likely to be present at the workplace from time to time?	YES / NO (if no, then end of audit)	
Has a written asbestos management plan been prepared?	YES / NO	
Is the asbestos management plan readily accessible?	YES / NO	
Does the asbestos management plan include the identification of asbestos or asbestos containing material?	YES / NO	
Does the asbestos management plan include decisions, and reasons for decisions, about the management of asbestos at the workplace?	YES / NO	

Does the asbestos management plan include procedures detailing incidents or emergencies involving asbestos or asbestos containing material at the workplace?	YES / NO	
Does the asbestos management plan include information about workers carrying out work involving asbestos?	YES / NO	