Asbestos Blueprint

A guide to roles and responsibilities for operational staff of state and local government

November 2011
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Executive summary

The NSW Ombudsman’s investigation and report into the management of asbestos in NSW highlighted the need for a more effective and coordinated approach between key government organisations and local councils responsible for the regulation of asbestos.

The Asbestos Blueprint maps out the roles and responsibilities of government organisations at each stage of the asbestos lifecycle.

The Asbestos Blueprint aims to assist operational staff in understanding the roles and responsibilities to improve coordination and service delivery for the safe management of asbestos.

Chapter 1 – Overview

What is the Asbestos Blueprint?

The Asbestos Co-regulators Working Group (ACWG) was initiated by WorkCover NSW in March 2010 to: clarify roles and responsibilities for the management of asbestos issues; identifying potential issues and unintended consequences arising from the legislative framework and to consider any policy or operational gaps.

The core memberships of the working group included WorkCover NSW (Chair), Environment and Protection Authority, Department of Planning and Infrastructure, Workers’ Compensation Dust Diseases Board and the Local Government and Shires Associations. Assistance was also obtained from various other organisations including Ministry of Health, Emergency Service Organisations and Department of Premier and Cabinet. The terms of reference and full list of members is provided at Appendix A.

The management of asbestos issues involves inter-government agency interactions at different phases of the asbestos lifecycle. The Asbestos Blueprint aims to map roles and responsibilities at each stage of the asbestos lifecycle, described in Diagram 1.1.

Diagram 1.1: Five phases of the asbestos lifecycle
The Asbestos Blueprint is arranged into chapters:

**Chapter 1**  Provides an overview of the Asbestos Blueprint and the legislative framework for asbestos in New South Wales.

**Chapters 2-7**  Address each phase of the asbestos lifecycle, by providing background information on the nature of the issue, aims and a scenario map of roles and responsibilities to improve coordination and/or to address policy or operational gaps.

**Chapter 8**  Summarises the roles and responsibilities of the government organisations.

**Legislative framework for asbestos in New South Wales**

The legislative framework for asbestos in New South Wales encompasses Commonwealth, State and Local Government. Asbestos legislation is found in the legislative frameworks for work health and safety, planning, environmental protection, consumer safety, import/export controls and compensation for asbestos-related diseases.

Diagram 1.2 maps out the complex legislative framework for asbestos.

**Diagram 1.2: Asbestos-related legislation**

<table>
<thead>
<tr>
<th>Work health and safety</th>
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<tbody>
<tr>
<td>• Occupational Health and Safety Act 2000</td>
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<td>• Occupational Health and Safety Regulation 2001</td>
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<tr>
<td>• Mine Health and Safety Act 2004</td>
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<tr>
<td>• Mine Health and Safety Regulation 2007</td>
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<td>• Coal Mine Health and Safety Act 2002</td>
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<td>• Coal Mine Health and Safety Regulation 2006</td>
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<tr>
<th>Environmental protection</th>
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<tr>
<td>• Protection of the Environment Operations Act 1997</td>
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<tr>
<td>• Protection of the Environment Operations (General) Regulation 2009</td>
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<tr>
<td>• Protection of the Environment Operations (Waste) Regulation 2005</td>
</tr>
<tr>
<td>• Contaminated Land Management Act 1997</td>
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<tr>
<td>• Environmental Trust Act 1998</td>
</tr>
<tr>
<td>• Dangerous Goods (Road and Rail Transport) Regulation 2009</td>
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<th>Planning</th>
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<tr>
<td>• Environmental Planning and Assessment Act 1979</td>
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<td>• Environmental Planning and Assessment Regulation 2000</td>
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<tr>
<td>• State Environmental Planning Policy (Exempt and Complying Development Codes) 2008</td>
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<tr>
<td>• State Environmental Planning Policy (Infrastructure) 2007</td>
</tr>
<tr>
<td>• State Environmental Planing Policy (Major Development) 2005</td>
</tr>
<tr>
<td>• State Environmental Planning Policy No 55 – Remediation of Land</td>
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<table>
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<th>Local Government</th>
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<tr>
<td>• Local Government Act 1993</td>
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<tr>
<td>Consumer safety</td>
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<tr>
<td>International trade</td>
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<tr>
<td>Emergency response</td>
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<td>Compensation</td>
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Chapter 2 – Asbestos in the workplace

Background

Historically, the workers most at risk from exposure to asbestos were those workers involved in asbestos mining operations, asbestos manufacturing processes and installers of asbestos materials. Asbestos was gradually phased out of building materials in the 1980s and the supply and installation of asbestos containing goods has been prohibited in Australia since 31 December 2003.

Many legacy materials remain in place and the workers now most at risk are those involved in asbestos removal or remediation work, or renovation and maintenance work that disturbs asbestos.

There are many occupations and trades that may come into contact or work near asbestos for example demolition, roofing and construction contractors, engineers, electricians, painters and decorators, plumbers and automotive repair workers.

Control framework

The control of asbestos in the workplace is regulated under the Occupational Health and Safety Act 2000 (OHS Act) and the Occupational Health and Safety Regulation 2001 (OHS Regulation). WorkCover NSW administers the legislation for all workplaces with the exception of mine sites which are administered by Department of Trade & Investment, Regional Infrastructure and Services.

Table 2.1 provides an outline of the asbestos controls under the OHS Regulation.

Table 2.1: Asbestos Controls at Workplaces

<table>
<thead>
<tr>
<th>Key obligations/concepts</th>
<th>Occupational Health and Safety Regulation 2001</th>
</tr>
</thead>
<tbody>
<tr>
<td>Prohibition on manufacture, supply, installation of asbestos materials</td>
<td>Yes – duty for employers.</td>
</tr>
<tr>
<td>Identification of asbestos</td>
<td>Yes – duty for employers, principal contractors and controllers of work premises.</td>
</tr>
<tr>
<td>Asbestos Register</td>
<td>Yes – duty for employers, principal contractors and controllers of work premises.</td>
</tr>
<tr>
<td>Asbestos Management Plan</td>
<td>Yes – employers have an obligation to carry out work in accordance with national Code of practice for the management of asbestos in the workplace. Principal contractors are required to develop a general OHS Management Plan.</td>
</tr>
<tr>
<td>Training</td>
<td>Yes – general duty for employees to be trained. Licensed removal workers required to have completed a course of training recognised by WorkCover NSW.</td>
</tr>
<tr>
<td>Risk Communication – notification, signage and barricades</td>
<td>Yes – the employer must notify employers and other persons contracted to carry out asbestos work, workplace owners and plant owners. The employer must ensure persons are warned by signs, labels or other similar measures.</td>
</tr>
<tr>
<td>Health Surveillance</td>
<td>Yes – employer must provide health surveillance for each worker exposed to asbestos. Employer is to keep a record of any employee who is exposed or likely to be exposed to asbestos and to provide a statement on the termination of the employee’s employment.</td>
</tr>
<tr>
<td>Removal before demolition or refurbishment work</td>
<td>Yes – employers and controllers of work premises have an obligation to carry out work in accordance with national Code of practice for the management of asbestos in the workplace.</td>
</tr>
<tr>
<td>Licensed Asbestos Removal Work</td>
<td>Yes – licences required for friable asbestos work and bonded asbestos. Limited to person carrying out business of licensed asbestos work. A permit is required for each licensed friable asbestos removal job and notification is required for each licensed bonded asbestos removal job.</td>
</tr>
<tr>
<td>Key obligations/concepts</td>
<td>Occupational Health and Safety Regulation 2001</td>
</tr>
<tr>
<td>----------------------------------</td>
<td>---------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Asbestos Removal Control Plan</td>
<td>Yes – asbestos removalist has an obligation under the <em>Code of practice for the safe removal of asbestos.</em></td>
</tr>
<tr>
<td>Disposal at Asbestos Waste</td>
<td>No – but the <em>Protection of the Environment Operations (Waste) Regulation 2005</em> requires that asbestos waste</td>
</tr>
<tr>
<td>Disposal Site</td>
<td>in any form to be disposed of only at a landfill site that may lawfully receive the waste.</td>
</tr>
<tr>
<td>Asbestos Laundries</td>
<td>No specific regulatory requirements – general duties of the OHS Act apply.</td>
</tr>
<tr>
<td>Licensed Asbestos Assessor</td>
<td>No specific regulatory requirement – general duties of OHS Act apply.</td>
</tr>
<tr>
<td>Air Monitoring</td>
<td>Yes – limited to employer if risk assessment determines monitoring is required. Monitoring to be carried</td>
</tr>
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<td>out by a competent person independent from the person responsible for the removal work.</td>
</tr>
<tr>
<td>Clearance Inspection</td>
<td>Yes – clearance inspection required under <em>Code of practice for the safe removal of asbestos.</em></td>
</tr>
<tr>
<td>Clearance Certificate</td>
<td>No – under the <em>Code of practice for the safe removal of asbestos</em> a clearance certificate is only required</td>
</tr>
<tr>
<td></td>
<td>at the request of the regulator.</td>
</tr>
<tr>
<td>Notification of asbestos</td>
<td>No requirement to notify the regulator.</td>
</tr>
<tr>
<td>incidents</td>
<td></td>
</tr>
<tr>
<td>Action/Controls Levels</td>
<td>Yes – employers and controllers of work premises have an obligation to carry out work in accordance with</td>
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<td></td>
<td>national <em>Code of practice for the safe removal of asbestos</em> which includes a requirement to take corrective</td>
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<td></td>
<td>action at 0.01 fibres/ml and stop work at 0.02 fibres/ml.</td>
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The Department of Trade & Investment, Regional Infrastructure and Services also administers the associated mine safety legislation under the *Mine Health and Safety Act 2004, Coal Mine Health and Safety Act 2002* and associated regulations.

In July 2008, the Council of Australian Governments committed to the harmonisation of work health and safety laws by signing the *Intergovernmental Agreement for Regulatory and Operational Reform in OHS (IGA).* Under the IGA each State and Territory and the Commonwealth are required to enact laws that reflect the model work health and safety laws by the end of 2011.

NSW has not yet introduced the model legislation but it is intended that this chapter of the Blueprint will be amended to reflect the new WHS Regulations once they become law in NSW. The proposed national work health and safety legislation if adopted in its current form will broaden the scope of WorkCover’s role to persons concerned in undertakings whether or not for profit or gain. This would include volunteer work, owner builders and possibly other construction and demolition work carried out by a home owner, for example work requiring planning approvals.

WorkCover and Department of Trade & Investment, Regional Infrastructure and Services inspectors have enforcement powers to issue improvement notices, prohibition notices, penalty notices (on-the-spot fines) or to take prosecution action. The maximum penalties under the OHS Act are $550,000 and $825,000 for a previous offender.

The control framework for asbestos in the workplace is administered principally by WorkCover NSW. The roles of all parties are mapped in Scenario Map 1.
Scenario Map 1 – Asbestos in the workplace

Issue: Asbestos identified and/or safety issue raised at the workplace
Outcome: Asbestos safely managed in accordance with regulatory requirements

### Compliance Actions

**Scenario 1**

- Verify asbestos material at NATA\(^1\) accredited laboratory and determine safe removal strategy under OHS Legislation.
- Notify ACBPS to consider any compliance action under Customs Regulation for imported goods only. Liaise with Australian Competition and Consumer Commission regarding need for product safety alert/recall.

**Regulators**
1. WorkCover NSW
2. ACBPS\(^2\) (Imported Goods)
3. ACCC\(^3\)

**Scenario 2**
A risk to workers’ health from asbestos.

- Verify asbestos management plans/controls are in place under OHS Legislation.

**Regulators**
1. WorkCover NSW

**Scenario 3**
Asbestos going to be removed.

- Verify work is carried out in accordance with licensing requirements for Class A (friable) or Class B (bonded) asbestos work under OHS Legislation.

**Regulators**
1. WorkCover NSW

**Scenario 4**
Offsite risks to the public.

- Coordinate inter-agency response. Verify work is in accordance with planning, environmental or OHS legislation.

**Regulators**
1. WorkCover NSW (Workers)
2. Local Council (Residents)
3. Department of Planning and Infrastructure (Part 3A approvals\(^4\))
4. EPA\(^5\) (POEO licensed sites)

**Scenario 5**
Transport or waste disposal issues.

- Verify work is in accordance with environmental protection legislation and OHS Legislation.

**Regulators**
1. EPA
2. WorkCover NSW
3. Local Council

**Scenario 6**
Asbestos contaminated clothing going to a laundry.

- Verify work is in accordance with environmental protection legislation and OHS Legislation.

**Regulators**
1. WorkCover NSW
2. EPA
3. Local Council

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- NATA\(^1\) National Association of Testing Authorities, Australia
- ACBPS\(^2\) Australian Customs and Border Protection Service
- ACCC\(^3\) Australian Competition and Consumer Commission
- EPA\(^5\) Environment and Protection Authority
- Part 3A provisions are currently under review with no new applications being accepted
Outcomes

Based on an assessment of the existing control framework for asbestos in the workplace, the Asbestos Co-regulators Working Group has identified the following seven outcomes:

1. The legislative and policy framework should aim for and assist in securing the safe management of asbestos by providing clear and cohesive requirements that encourages good practice.

2. All businesses must identify all asbestos and have an asbestos register and asbestos management plan.

3. All persons working with asbestos must be adequately trained and persons involved in asbestos assessment, friable asbestos removal or bonded asbestos removal of over 10 square metres must be authorised by the regulator.

4. All asbestos material must be safely removed prior to renovation and demolition work.

5. All asbestos removal work must have an asbestos removal control plan which includes arrangements for an independent clearance inspection and documentation through a clearance certificate.

6. A person conducting a business or undertaking at a workplace must ensure that health surveillance is provided to a worker:
   - if the worker is carrying out licensed asbestos removal work at the workplace
   - is carrying out other asbestos removal work or is involved in carrying out maintenance work on asbestos and is determined to have been in an area of the workplace in which the exposure standard was likely to have been exceeded.

The person must ensure that the health surveillance of the worker starts before the worker carries out licensed asbestos removal work.

7. All potentially serious health and safety asbestos matters should be notified to the regulator, to ensure appropriate regulatory oversight.
Chapter 3 – Asbestos in residential settings

Background

Asbestos containing building materials were used extensively in residential buildings since the early 1900s until the mid 1980s when asbestos was no longer used in the manufacture of building materials. Safe Work Australia\(^6\) reported that:

*By 1954, Australia was number four in the Western world in gross consumption of asbestos cement products, after the USA, UK and France: and clearly first on a per capita basis. After World War II to 1954, 70,000 asbestos cement houses were built in the state of New South Wales alone (52 per cent of all houses built). In Australia, until the 1960s, 25 per cent of all new housing was clad in asbestos cement.*

Fibre cement sheeting, commonly known as ‘fibro’, ‘asbestos sheeting’ or ‘AC sheeting’ is the most commonly found asbestos material in residential premises. Asbestos materials were sold under a range of commercial names. Some asbestos containing materials found in New South Wales domestic settings include:

<table>
<thead>
<tr>
<th>Asbestos containing materials</th>
<th>Approximate supply dates</th>
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<tbody>
<tr>
<td>Cement sheets</td>
<td>Imported goods supplied from 1903 locally made ‘fribrolite’ from 1917</td>
</tr>
<tr>
<td>Cement roofing/lining slates</td>
<td>Imported goods supplied from 1903 locally made ‘fribrolite’ from 1917</td>
</tr>
<tr>
<td>Mouldings and cover strips</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Super-six (corrugated) roofing</td>
<td>Available by 1920s and 1930s – 1985</td>
</tr>
<tr>
<td>’Tilex’ decorative wall panels</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Pipes and conduit piping</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Motor vehicle brake linings</td>
<td>Available by 1920s and 1930s</td>
</tr>
<tr>
<td>Striated sheeting</td>
<td>Available from 1957</td>
</tr>
<tr>
<td>‘Asbestolux’ insulation boards</td>
<td>Available from 1957</td>
</tr>
<tr>
<td>’Shadowline’ asbestos sheeting for external walls, gable ends and fences</td>
<td>Available from 1958 – 1985</td>
</tr>
<tr>
<td>Vinyl floor tiles impregnated with asbestos</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>Asbestos containing paper backing for linoleum</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>’Durasbestos’ asbestos cement products</td>
<td>Available up until 1960s</td>
</tr>
<tr>
<td>’Tilex’ marbletone decorative wall panels</td>
<td>Available from 1960s – 1981</td>
</tr>
<tr>
<td>’Tilex’ weave pattern decorative wall panels</td>
<td>Available from 1960s – 1981</td>
</tr>
<tr>
<td>’Hardiflex’ sheeting</td>
<td>Available from 1960s – 1981</td>
</tr>
<tr>
<td>’Versilux’ building board</td>
<td>Available from 1960s – 1982</td>
</tr>
<tr>
<td>’Hardiplank’ and ‘Hardigrain’ woodgrain sheeting</td>
<td>Available from mid 1970s – 1981</td>
</tr>
<tr>
<td>Loose-fill, fluffy asbestos ceiling insulation</td>
<td>Supplied from 1968 – 1978 by a Canberra contractor and believed to be generally restricted to houses in the Australian Capital Territory with some materials supplied to the Queanbeyan area and some south coast towns</td>
</tr>
<tr>
<td>Asbestos rope gaskets for wood heaters. Heater and stove insulation</td>
<td>Dates of supply availability unknown but prior to 31 December 2003</td>
</tr>
<tr>
<td>Compressed fibro-cement sheets</td>
<td>Available from 1960s – 1984</td>
</tr>
</tbody>
</table>

Asbestos containing materials | Approximate supply dates
--- | ---
Villaboard | Available until 1981
Harditherm | Available until 1984
Highline | Available until 1985
Coverline | Available until 1985
Roofing accessories | Available until 1985
Pressure pipe | Available until 1987

Asbestos materials were used in ‘fibro’ houses but also found in brick and timber housing stock from that period. Common places where asbestos is likely to be found in homes are:

Outside
- Wall and roof materials (flat, patterned or corrugated asbestos sheeting)
- Lining under eaves
- Imitation brick cladding
- Electrical meter boards
- Backyard garden sheds, carports, garages and dog kennels

Inside
- Interior walls
- Sheet materials in wet areas (bathroom, toilet and laundry walls, ceilings and floors)
- Vinyl floor tiles, the backing to cushion vinyl flooring and underlay sheeting for ceramic tiles
- Insulation materials in heaters and stoves

Asbestos materials still exist in many homes. Where the material containing asbestos is in a bonded form, undisturbed, and painted or otherwise sealed, it may remain safely in place. However, where the asbestos containing material is broken, damaged or mishandled, fibres can become loose and airborne posing a risk to health. Disturbing or removing it unsafely can create a health hazard.

Derelict properties
An emerging issue in the current asbestos control framework relates to the abandonment of asbestos containing residential buildings in rural and remote areas and the frequency of fires in such premises for insurance related purposes.

The fire leaves a friable asbestos clean-up with associated licensed removal, occupational hygienist and disposal costs. Due to underinsurance and/or inadequate legal advice obtained by the insured party, insurance companies are able to successfully contests claims and avoid clean-up costs.

Small councils in rural and remote areas are left to fund and manage the clean-up which can exceed $50,000 per site. There is also a lack of licensed friable asbestos removal contractors and qualified hygienists in regional and remote NSW compounding the difficulties for councils.

Think Asbestos
Information and assistance on asbestos is available on the websites of WorkCover, Environment and Protection Authority and Local Councils. However the principal source of asbestos information for homeowners is on the Think Asbestos website.

This website is funded as part of the Agreement between James Hardie and the NSW Government in November 2006, to provide long-term funding for expected Australian asbestos related personal injury claims as a result of exposure to products made by certain former James Hardie subsidiaries.
The Think Asbestos website is part of an education campaign to help ensure Australian renovators are aware of the risks of asbestos.

The education campaign is being overseen by representatives of the NSW Government, the Australian Council of Trade Unions (ACTU) and James Hardie. James Hardie Industries N.V. has agreed to contribute $75,000 per annum for a period of ten years.

The education campaign aims to:
- alert renovators to the risks of asbestos
- inform householders about what products may contain asbestos and where those products may be found in the home
- advise them as to the steps that should be taken if they suspect there are asbestos products in their home and are planning home renovations

The Think Asbestos website is intended to make it easier for renovators to access the many existing sources of information about how to deal safely with the risks of asbestos products that may be found around the home.

Its aim is to provide links to other asbestos-related websites and support services to help home renovators understand the steps that ought to be taken locally when handling asbestos during planned home renovations.

Control framework

Asbestos is regulated in residential settings under overlapping legislative regimes as illustrated in Diagram 3.1.

Diagram 3.1: Control framework for management of asbestos in residential settings

EPA: Environment and Protection Authority
EP&A Act: Environmental Planning and Assessment Act 1979
LGA: Local Government Act 1993
Planning instruments: State Environmental Planning Policy (Exempt and Complying Development Codes) 2008
SEPP 55 – Remediation of Land
While the scope of each legislative framework may overlap, the asbestos management controls in residential premises are quite different depending whether the asbestos is being disturbed or removed by the resident or a worker and whether the work is subject to planning approvals or conditions under an asbestos removal licence.

A summary of risk controls for asbestos material in residential premises is provided in Table 3.1.

**Table 3.1: Asbestos Controls at Residential Premises**

<table>
<thead>
<tr>
<th>Type of work undertaken</th>
<th>Register of asbestos</th>
<th>Prohibited use/reuse of asbestos</th>
<th>Licensed removalist required for asbestos work</th>
<th>Risk communication</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asbestos material disturbed or removed by a worker.</td>
<td>Yes – requirement for the employer to identify the presence of asbestos installed in a place of work and if not reasonably practicable to eliminate the risk, control the risk (clauses 9-11, OHS Reg).</td>
<td>Yes – prohibition on use (clause 164 OHS Reg). An employer must ensure that no asbestos-containing material, including asbestos cement is reused in connection with the carrying out of alteration, renovation, repair, maintenance and demolition work (clause 259, OHS Reg).</td>
<td>Yes – most friable asbestos work and/or bonded asbestos work of 10 square metres or more (clause 318, OHS Reg).</td>
<td>Yes – an employer has a duty to ensure employees and workplace owners are informed when asbestos work is being carried out and persons are warned by the use of signs labels or other similar measures of the presence of asbestos materials in a place where alteration, renovation, repair, maintenance and demolition work is being carried out (clause 259, OHS Reg).</td>
</tr>
<tr>
<td>Asbestos material disturbed or removed by the resident.</td>
<td>No – an estimate of the amount of asbestos if required for Complying Development only. Development Applications generally require a waste management plan only, some councils have additional controls regarding use of licensed asbestos removalists. No requirement for Exempt Development (potentially up to 75m²).</td>
<td>Yes – a person must not cause or permit asbestos waste in any form to be reused or re-cycled (clause 42, POEO Act (Waste) Reg).</td>
<td>Partial – a requirement if work relates to a Complying Development approval or for over 10m² for a Development Application. No requirement for Exempt Development (potentially up to 75m²).</td>
<td>No. Must inform the landfill operator when booking in load (Clause 42 of POEO Act).</td>
</tr>
</tbody>
</table>
The current regulatory controls for asbestos in residential premises can create ambiguity in regard to compliance expectations and enforcement of controls. The domestic controls rely on information being provided and checked by the principal certifying authority who may be either the Local Council or a private certifier.

A private certifier has powers under the EP&A Act to issue construction certificates, compliance certificates, complying development certificates, occupation certificates and to carry out mandatory inspections.

When the council is not nominated as the principal certifying authority, it may not have any knowledge of the asbestos matter, so it will require coordination of compliance and/or enforcement actions between the local council and the private certifier. Exempt development which may include demolition of a carport, shed or fence or minor internal work is not covered at all at this point in time.

Some Local Councils have in the past relied on planning controls to regulate the safe management of asbestos. The Department of Planning and Infrastructure has responsibility for the planning framework. The key objectives of the *Environmental Planning and Assessment Act 1979* (EP&A Act) relate primarily to good planning outcomes, affordable housing and ecologically sustainable development.

With an environmental planning focus, rather than a public health and safety emphasis, asbestos controls have been added as conditions of development consent. However, changes to the planning consent process mean that Local Councils will not always be the principal certifying authority and therefore not always able to effectively monitor and enforce residential asbestos controls.

The roles of all parties are mapped in Scenario Map 2.
Scenario Map 2 – Asbestos in residential settings

Issue: Asbestos identified and/or safety issue raised at residential premises
Outcome: Asbestos safely managed in accordance with regulatory requirements

### Compliance Actions

#### Scenario 1
Safe Management of asbestos including:
- identification
- in situ management
- removal requirements
- disposal requirements

Determine whether exempt or complying development under EP&A Act.
Identify Principal Certifying Authority.
Consider enforcement action under the POEO Act, OHS Act or AS2601.

1. Local Council
2. Private Certifiers
3. WorkCover NSW
4. EPA

#### Scenario 2
Site contaminated due to past uses.

Interagency liaison and response. Check status of asbestos material. Verify to ensure material is being managed in accordance with planning, environmental and OHS legislation.

1. Local Council
2. WorkCover NSW
3. EPA

#### Scenario 3
Licensed removal work required.

Verify work is carried out in accordance with licensing requirements for bonded or friable asbestos work.

1. WorkCover NSW
2. Local Council
3. Private Certifiers

#### Scenario 4
Removal does not require a licensed removalist.

Identify Principal Certifying Authority.
Verify work is in accordance with planning, environmental and OHS legislation.

1. Local Council (POEO Act)
2. Private Certifiers
3. WorkCover NSW (Workers)

#### Scenario 5
Transport or waste disposal issues.

Verify work is in accordance with environmental protection legislation. See Chapter 4 for further advice on transport and disposal.

1. Local Council
2. EPA

#### Scenario 6
Derelict property with fibro debris.

Verify management is appropriate.

1. Multi-agency

---

Outcomes

Based on an assessment of the existing control framework for asbestos in residential settings, the Asbestos Co-regulators Working Group has identified the following six outcomes:

1. The legislative and policy framework should aim for and assist in securing the safe management of asbestos by providing clear and cohesive requirements that encourage good practice.
2. Residents, including owner occupiers and tenants, should be aware of the presence of asbestos materials in any residential buildings, structures or alterations.
3. Asbestos materials should be identified and safely contained or removed and disposed of before any renovation, maintenance or demolition work is carried out.
4. Removal of friable asbestos and bonded asbestos (10 square metres or greater) should be restricted to licensed asbestos removalists.
5. Prior to disturbing asbestos materials, residents should have access to information and advice on the risks of asbestos, the prohibition on the use/re-use of asbestos materials, the safe management of asbestos, and the safe removal and disposal of minor quantities of asbestos materials.
6. Local Councils to play a lead role to effectively administer the control framework for asbestos in residential premises.

Chapter 4 – Transport and disposal of asbestos

Background

The transport and disposal of asbestos waste is an important link in securing the safe management of asbestos throughout its life cycle. Transport of asbestos waste typically involves removing the asbestos waste from a demolition or construction site to a landfill site that can lawfully receive it.

Aside from demolition and construction activities, asbestos waste may be generated from other sources including asbestos brake linings from a motor vehicle repair workshop and laboratory or laundry waste.

There is a reasonable degree of variation in disposal charges which may be partly explained due to the amount of landfill space available in different local government areas. It is unclear whether disposal fee levels could positively encourage or discourage good disposal practices in the community. As many local councils manage local waste facilities there may be value in further exploring this potential.

Control framework


The Dangerous Goods (Road and Rail Transport) Regulation 2009, administered by Environment and Protection Authority and WorkCover NSW, adopts uniform national requirements for the transport of dangerous goods including the requirements of the Australian Dangerous Goods Code (‘the Code’). Asbestos is categorised by the Code as a Class 9 dangerous good and is subject to special provision 168 which states:

Asbestos which is immersed or fixed in a natural or artificial binder (such as cement, plastics, asphalt, resins or mineral ore) in such a way that no escape of hazardous quantities of respirable asbestos fibres can occur during transport is not subject to this Code. Manufactured articles containing asbestos and not meeting this provision are nevertheless not subject to this Code when packed so that no escape of hazardous quantities of respirable asbestos fibres can occur during transport.
The Dangerous Goods (Road and Rail Transport) Regulation 2009 requires placarding and licensing for the transport of asbestos where it falls outside of provision 168.

The following special requirements apply for the transport of asbestos waste, and non-compliance with these requirements is an offence:

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

Asbestos waste that is transported interstate must be tracked in accordance with the Waste Regulation, but not asbestos waste transported within New South Wales. The waste tracking system is administered by EPA. An environment protection licence is required to transport asbestos waste interstate where any load contains more than 200 kilograms of asbestos waste.

Australian Customs restricts the export of asbestos materials from Australia under the Hazardous Waste (Regulation of Exports and Imports) Act 1989. Some exemptions apply including naturally occurring traces of asbestos in raw materials and where exemptions are granted by the Federal Minister of Workplace Relations through the Workplace Relations Ministers’ Council.

The Environment and Protection Authority and local councils regulate the storage of asbestos waste. The Environment and Protection Authority regulates premises that have or require an Environment Protection Licence in accordance with the POEO Act. A licence is required where more than 5 tonnes of off-site asbestos waste is stored at any time. All other sites where asbestos waste is stored, typically those that are non-work sites, are regulated by local councils.

The storage of asbestos waste at worksites is regulated solely by WorkCover NSW under the current provisions of the Occupational Health and Safety Regulations 2001.

Under the POEO Act, clean-up notices can be issued by Environment and Protection Authority or local councils where they are the appropriate regulatory authority to address illegal storage or disposal of asbestos waste or in an emergency. Prevention Notices can also be issued by the appropriate regulatory authority where asbestos waste has been handled in an unsatisfactory manner.

The Waste Regulation stipulates the following prescriptive controls for off-site disposal of asbestos waste, and non-compliance with these requirements is an offence:

a. asbestos waste in any form must be disposed of only at a landfill site that may lawfully receive the waste
b. when asbestos waste is delivered to a landfill site, the occupier of the landfill site must be informed by the person delivering the waste that the waste contains asbestos
c. when unloading and disposing of asbestos waste at a landfill site, the waste must be unloaded and disposed of in such a manner as to prevent the generation of dust or the stirring up of dust
d. asbestos waste disposed of at a landfill site must be covered with virgin excavated natural material or other material as approved in the facility’s environment protection licence:
  e. initially (at the time of disposal), to a depth of at least 0.15 metre
  • at the end of each day’s operation, to a depth of at least 0.5 metre
  • finally, to a depth of at least 1 metre (in the case of bonded asbestos waste or asbestos-contaminated soils) or 3 metres (in the case of friable asbestos material) beneath the final land surface of the landfill site.

8 Clause 42 (3) Protection of the Environment Operations (Waste) Regulation 2005
9 Schedule 1 Part 2
10 Asbestos is classified as hazardous waste as it is listed in the United Nations Basel Convention on the Control of Transboundary Movements of Hazardous Wastes and their Disposal
11 Clause 42 (4) of the Protection of the Environment Operations (Waste) Regulation 2005
Offences attract strong penalties for pollution and illegal dumping of waste including:

- on-the-spot fines of up to $1500 for individuals and $5000 for corporations

- fines of up to $250,000 for individuals and $1 million for corporations in court for unlawful waste facility offences or illegal waste disposal (sections 143 and 144 of the POEO Act)

- fines of up to $1 million for individuals and/or seven years imprisonment, and $5 million for corporations, in relation to illegal waste disposal that causes environmental harm (section 115 of the POEO Act).

Landfill sites that can accept asbestos waste may be operated by the local council, the State Government or private enterprise. The fees charged by the facility operators for waste received are determined by the facility.

The Environment and Protection Authority issues licences to store and dispose of asbestos waste. These licences can be viewed online on the POEO Public Register at http://www.environment.nsw.gov.au/prpoeo/.

The control framework for the transport and disposal of asbestos waste is administered principally by the Environment and Protection Authority. The roles of all parties are mapped in Scenario Map 3.
Scenario Map 3 – Transport and disposal of asbestos

Issue: Asbestos waste requiring transport and/or disposal

Outcome: Asbestos transported or safely disposed of in accordance with regulatory requirements

### Compliance Actions

#### Scenario 1
Waste temporarily stored on-site.

Verify storage on-site is in accordance with environmental and OHS Legislation.

1. WorkCover NSW (worksites)
2. EPA and Local Council (non-worksites)

#### Scenario 2
Waste be transported by vehicle.

Verify transport is carried out according to waste transport requirements under POEO (Waste) Reg 2005 and Dangerous Goods (Road & Rail Transport) Reg 2009.

1. EPA
2. WorkCover NSW

#### Scenario 3
Waste disposed of on-site.

Advice for on-site disposal by EPA. Local Council to confirm if permitted under Planning Controls and require recording of on-site disposal on S149 property certificate.

1. EPA (advice)
2. Local Council (consent required to dispose onsite) (S149 property certificate and development assessment process)

#### Scenario 4
Waste going to landfill site.

EPA regulates compliance and provides list of licensed landfill sites. Local Councils and private businesses provide community access to landfill facilities and operate licensed landfill facilities.

1. EPA (advice)
2. Local Council (if managing licensed landfill)

#### Scenario 5
Waste to be transported interstate.

Verify waste is tracked according to POEO (Waste) Regulation 2005.

1. EPA (advice)

#### Scenario 6
Waste for export.

Customs to verify export controls in compliance with Commonwealth Hazardous Waste Legislation. Exemptions may be granted by the Federal Minister for Workplace Relations through Workplace Relations Minister’s Council. Customs, WorkCover & EPA to consult and ensure a coordinated approach to any export arrangements.

1. Australian Customs & Border Protection Service
2. WorkCover NSW
3. DEEWR

### Outcomes

Based on an assessment of the existing control framework for the transport and disposal of asbestos waste, the Asbestos Co-regulators Working Group has identified two outcomes:

1. Controls and guidance materials for the transport of asbestos material should promote and aim to secure the safe transport and disposal of asbestos material to lawful landfill sites, and minimise illegal dumping of asbestos waste.

2. Controls and guidance materials should encourage the most effective and efficient use of lawful landfill sites.

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12 Department of Education, Employment and Workplace Relations
Chapter 5 – Asbestos in the ground and site contamination

Background

Asbestos in the ground includes both naturally occurring asbestos and soils that have become contaminated with asbestos containing materials.

Chrysotile and tremolite asbestos naturally occur in a number of areas of regional New South Wales. A number of former mine sites extracted asbestos deposits at Baryulgil (chrysotile), Barraba/Woods Reef (chrysotile), Orange district (tremolite asbestos), Gundagai district (actinolite asbestos) and Broken Hill district (chrysotile) between 1880 and 1976\(^\text{13}\).

Some Local Councils have identified naturally occurring asbestos in their local government area for example naturally occurring chrysotile at the Narrambla Business Park in Orange\(^\text{14}\).

Some road construction and other civil works have also uncovered naturally occurring asbestos\(^\text{15}\). Road construction and other civil work sites may also encounter asbestos waste from illegal dumping in the past.

While naturally occurring asbestos is more likely to be encountered in rural settings, asbestos contamination of soils from asbestos containing materials is an issue for older sites in urban environments or where contaminated landfill and/or asbestos waste may have been disposed of in urban and rural environments\(^\text{16}\).

Former asbestos manufacturing processes have resulted in significant quantities of friable asbestos waste being buried onsite at those former industrial facilities. Whilst this buried material may not give rise to airborne asbestos fibres if securely contained, inappropriate disturbance of this waste could give rise to harmful levels of asbestos fibres in air.

Asbestos cement pipes were widely used for sewage systems, water services and irrigation systems. Asbestos conduit was also used for underground electrical and telephone wires\(^\text{17}\).

The extent of asbestos pipe usage is apparent from James Hardie Industries Limited records. Stockbrokers Davies and Dalziel, in their 1962 Investment Review of the company [James Hardie], estimated that they [pipes] contributed 50 per cent to the company’s profits, compared to 35 per cent from building products and 15 per cent from brake lining and other friction materials\(^\text{18}\).

Naturally occurring asbestos and buried asbestos waste from past disposal practices and the potential for future soil contamination if underground pipe work and conduit is not safely managed suggest that asbestos in soils will continue to increase as an important asbestos management issue.

Orphan waste refers to materials that have been disposed of illegally, by unidentified parties, including materials that have been dumped accidentally or intentionally, on private or public lands, and have the potential to pose a risk to the environment or public health.

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15 From exemption applications from asbestos licensing requirements under Occupational Health and Safety Regulation 2001
18 Ibid p 120
The degree of risk posed by orphan waste containing asbestos products is influenced by the likelihood that the asbestos containing material will give rise to elevated levels of airborne asbestos fibres. Waste materials containing friable, or unbonded asbestos represent a higher risk, so require greater controls. Air monitoring and sampling by an occupational hygienist can objectively determine if asbestos fibres are being liberated, and determine the degree of risk posed, and the suitability of existing control measures.

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

To avoid delays in taking emergency cleanup action where the responsible parties/owners cannot be located, the Environment and Protection Authority administer the Emergency Pollution and Orphan Waste Clean-Up Program under the Environmental Trust.

Funds granted under the Program are intended as limited assistance for those who have obligations to participate in the management of emergency pollution and orphan waste situations (eg emergency service organisations, local councils and government agencies) when the responsible party is unknown or is unlikely to pay for clean-up within the timeframe required. Prior approval from the Environment and Protection Authority, within statutory delegations, is required before these funds can be accessed.

Control framework

The NSW Government has implemented measures to provide a comprehensive, consistent and whole-of-government approach to the management and remediation of contaminated land. The Contaminated Land Management Act 1997 (CLM Act) and State Environmental Planning Policy (SEPP) No. 55 – Remediation of Land represent complementary parts of that package.

As an integral component of the reform package, the Managing Land Contamination: Planning Guidelines (the Planning Guidelines), jointly prepared by the Department of Planning and Infrastructure and the Environment Protection Authority (now the Environment and Protection Authority), are designed to assist planning and consent authorities to undertake their responsibilities under the Environmental Planning and Assessment Act 1979 (EP&A Act).

The purpose of the Guidelines is to establish ‘best practice’ for managing land contamination through the planning and development control process.

The Guidelines explain what needs to be done to show that planning functions have been carried out in good faith.

Though written primarily for planning authorities, in particular local councils, the guidelines are also relevant to developers, lenders, property insurers, property owners, consultants such as site auditors, valuers and remediators as well as interested members of the community.

If land is contaminated but not determined to be ‘significantly contaminated land’ ie the contamination is not ‘significant enough to warrant regulation’ then the CLM Act does not apply. However, general requirements of SEPP55 and the Guidelines still apply. Contamination with asbestos-containing materials should be considered by planning authorities in the same way as other forms of contamination.

The Environment and Protection Authority has used the CLM Act to regulate the cleanup of former asbestos manufacturing facilities where large quantities of friable asbestos waste were buried onsite. Intervention under the CLM Act as ‘significantly contaminated land’ would only be generally required where the scale and nature of the contamination was giving rise to elevated levels of asbestos fibres in air, and the responsible party was not addressing the source of the risk.

Diagram 5.1 provides an explanation of the relationship between the planning system and the CLM Act.
Note: RAP = Remedial Action Plan
EPA = Environment and Protection Authority
DoP = Department of Planning
Part 3A provisions are currently under review with no new applications being accepted

Under section 149 of the EP&A Act a person may request from council a planning certificate containing advice on matters about land that are prescribed in the Regulation. One such prescribed matter is the existence of a council policy to restrict the use of land. This is taken to include restrictions on land use due to risks from contamination. Certificates are issued under section 149(2).

Additionally, section 59 of the CLM Act requires that a 149 Certificate specify matters such as significantly contaminated land, or if the land is subject to a management order, ongoing maintenance order, or approved voluntary management proposal.

Local councils should maintain efficient property information systems on which factual information regarding contamination is recorded. They must ensure their records are accurate, up-to-date and that stakeholders are aware of the status of the subject land and the planning policy requirements relating to contamination.

Factual information relating to past land use and other matters relevant to contamination may also be provided, even when land use is not restricted. Provision of information under section 149(5) is a useful means of recording details of land history, assessment, testing and remediation.
When council receives a request for a certificate under section 149(2), it would be good practice to inform applicants of any further information available under section 149(5).

WorkCover NSW regulates asbestos ground contamination issues at a place of work under the general duties of the *Occupational Health and Safety Act 2000* and through the asbestos removal licensing requirements of the *Occupational Health and Safety Regulation 2001*. Guidance is also provided in the WorkCover publication *Working with Asbestos Guide 2008*. Department of Trade & Investment, Regional Infrastructure and Services also have a role through the management of the remediation of abandoned mine sites.

The control framework for asbestos in soils is administered principally by Environment and Protection Authority, Local Councils, WorkCover NSW and Department of Trade & Investment, Regional Infrastructure and Services as mapped in Scenario Map 4. The control framework for the management of site contamination including orphan waste is mapped in Scenario Map 5.

Department of Trade & Investment, Regional Infrastructure and Services have a map of known sites of naturally occurring asbestos in New South Wales. Refer to Appendix B.
### Scenario Map 4 – Asbestos in the ground

**Issue**: Asbestos identified in the ground  
**Outcome**: Asbestos safely managed in accordance with regulatory requirements

| Scenario | Description | Compliance Actions | Regulators  
|----------|-------------|--------------------|-------------|
| **Scenario 1** | Naturally occurring but will be disturbed due to a work process including remediation work. | Verify compliance under EP&A, POEO and OHS Legislation. Some civil construction sites may require consideration of Asbestos Removal Licence exemption but with conditions requiring equivalent safety controls. WorkCover, EPA, & Local Council to coordinate enforcement of remediation plans. | 1. WorkCover NSW  
2. Local Council  
3. EPA (POEO Scheduled Activities Public Authorities) |
| **Scenario 2** | Naturally occurring asbestos part of a mineral extraction process. | Verify compliance under OHS Legislation and POEO Act. Some civil construction sites may require consideration of licence exemption but with conditions requiring equivalent safety controls. I&I to liaise with WorkCover on asbestos controls. | 1. Department of Trade & Investment, Regional Infrastructure and Services  
2. WorkCover NSW  
3. EPA (POEO Scheduled Activities Public Authorities) |
| **Scenario 3** | Naturally occurring but will remain undisturbed by any work practice. | Local Council to verify compliance with EP&A Legislation. Local Council, EPA & WorkCover to coordinate enforcement of asbestos management plans. | 1. Local Council  
2. EPA (POEO Scheduled Activities Public Authorities)  
3. WorkCover NSW (workers) |
| **Scenario 4** | Soil contaminated with asbestos waste and going to be disturbed by a work practice. | Verify compliance under OHS Act and POEO Act. | 1. WorkCover NSW  
2. EPA (POEO Scheduled Activities Public Authorities) declared contaminated land sites |
| **Scenario 5** | Soil contaminated with asbestos waste but will remain undisturbed by any work practice. | Local Council to verify compliance with EP&A Legislation. Local Council, EPA & WorkCover to coordinate enforcement of asbestos controls. | 1. Local Council  
2. EPA (POEO Scheduled Activities Public Authorities, declared contaminated land sites)  
3. WorkCover NSW (workers on site) |
| **Scenario 6** | Potential for exposure on public land ie nature reserves, parks and school playing fields? | Local Council or EPA to verify compliance with EP&A Legislation. Local Council, EPA & WorkCover to coordinate enforcement of asbestos controls. | 1. EPA (POEO Scheduled Activities Public Authorities)  
2. Local Council  
3. WorkCover NSW (workers on site) |
| **Scenario 7** | Soil contaminated with asbestos waste but at a mine site. | Verify compliance under EP&A, POEO, SEPP55 for redevelopment or rezoning only and OHS Legislation. I&I, EPA and Local Council to consult on compliance approach. | 1. Department of Trade & Investment, Regional Infrastructure and Services  
2. EPA (POEO Scheduled Activities Public Authorities)  
3. Local Council |
Scenario Map 5 – Site contamination

Issue: Asbestos contamination identified at a site

Outcome: Asbestos safely managed in accordance with regulatory requirements

### Compliance Actions

#### Scenario 1
Asbestos illegally dumped.

- Follow enforcement procedure for illegal dumping under POEO Act – see Figure 11, p24 Crackdown on Illegal Dumping – Handbook for Local Government.
- Investigate to identify polluter.
- Require clean up by polluter – consider enforcement actions.
- If no party identified (orphan waste) arrange safe removal by licensed removalist.

#### Scenario 2
Site contain legacy asbestos waste from a previous era.

- Coordinate inter-agency response. Check status of legacy waste. Verify to ensure waste is being managed in accordance with planning, environmental and OHS legislation.

#### Scenario 3
Site contamination at commercial premises.

- Go to Scenario Map 1.

#### Scenario 4
Site contamination at residential premises.

- Go to Scenario Map 2.

### Regulators

**Bold = Lead Organisation**

1. Local Council
2. EPA
3. WorkCover NSW

### Outcomes

Based on an assessment of the existing control framework for asbestos in the ground and site contamination, the Asbestos Co-regulators Working Group has identified three outcomes:

1. Controls and guidance materials for the management of naturally occurring asbestos should aim to secure the identification and development of management plans to prevent exposure to workers and the public.

2. Controls and guidance materials for the management of soils contaminated with asbestos materials should aim to secure the effective management of those soils to prevent exposure to workers and the public.

3. Controls and guidance materials for the management of underground asbestos pipe work and conduit should aim to secure the effective management of these materials to prevent soil contamination due to damage, poor removal, and repair or replacement practices.
Chapter 6 – Emergency management

Background

An emergency such as fire, flood, storm, explosion or accident can cause damage to buildings or land that contains asbestos, creating site contamination issues and potential exposure to emergency service workers and the general public.

Control framework

The State Emergency and Rescue Management Act 1989 provides the legislative basis for co-ordination of emergency prevention, response and recovery operations.

The Act provides for:

- the establishment of the State Disasters Council to advise the Government on all matters relating to the prevention and preparation for, response to and recovery from emergencies
- the establishment of Emergency Management Committee at State, District and Local Government levels
- the preparation of a State Disaster Plan (Displan), subordinate and supporting plans to ensure a co-ordinated response and recovery from emergency management operations
- arrangements for controlling emergency operations including specific provisions relating to emergency powers and liability of emergency services personnel.

Fire and Rescue NSW (FRNSW) is the State Government agency responsible for the provision of fire, rescue and hazmat services in cities and towns across New South Wales in accordance with the Fire Brigades Act (1989). FRNSW is one of the agencies involved in the response phase of most emergency events throughout NSW.

Table 6.1 below provides an explanation of the different emergency plans and controllers of emergency operations who may be deployed during an emergency response.

Table 6.1: Response phase controls for emergency incidents

<table>
<thead>
<tr>
<th>Term</th>
<th>Explanation</th>
</tr>
</thead>
</table>
| State Disaster Plan                                  | - Identifies the combat agency primarily responsible for responding to the emergency and specifies the tasks to be performed by agencies in the event of an emergency.  
- Provides for the co-ordination of the activities of other agencies in support of the combat agencies.  
- Specifies the responsibilities of the Minister and the State, District, or Local Emergency Operations Controller. |
| Local and District Disaster Plans                     | District and Local Displans recognise:  
- The Combat Agencies designated in the State Disaster Plan  
- The Functional Areas designated in the State Disaster Plan  
- The roles and responsibilities of both participating and supporting organisations detailed in the State Disaster Plan  
- The response and recovery arrangements. |
<p>| Hazardous Materials/Chemical, Biological, Radiological (Hazmat/CBR) Sub Plan | The aim of this plan is to detail the specific emergency management arrangements to deal with an actual or imminent, deliberate or accidental, hazardous material/chemical, biological and radiological (CBR) emergency in NSW. |</p>
<table>
<thead>
<tr>
<th>Term</th>
<th>Explanation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Combat Agency</td>
<td>The agency identified in the Displan as the agency primarily responsible for controlling the response to a particular emergency.</td>
</tr>
<tr>
<td>State Emergency Operations Controller (SEOCON)</td>
<td>The responsibilities of the SEOCON are varied and a detailed explanation can be found within Section 19 of the State Emergency and Rescue Management Act 1989.</td>
</tr>
<tr>
<td>State Emergency Recovery Controller (SERCON)</td>
<td>The responsibilities of the SERCON are varied and a detailed explanation can be found within Section 20b of the State Emergency and Rescue Management Act 1989.</td>
</tr>
<tr>
<td>District Emergency Operations Controller (DEOCON)</td>
<td>The responsibilities of the DEOCON are varied and a detailed explanation can be found within Section 25 of the State Emergency and Rescue Management Act 1989.</td>
</tr>
<tr>
<td>Local Emergency Operations Controller (LEOCON)</td>
<td>The responsibilities of the LEOCON are varied and a detailed explanation can be found within Section 31 of the State Emergency and Rescue Management Act 1989.</td>
</tr>
</tbody>
</table>

Regulatory Authorities such as WorkCover and Environment and Protection Authority provide a secondary role in providing information and guidance to assist the Emergency Services in controlling the emergency and rendering the site safe. This is particularly relevant in the case of combat agencies who are routinely working in areas which are prone to asbestos contamination throughout initial response operations.

**Recovery phase arrangements**

After the response phase the site may be handed over by the combat agency to another party to manage the recovery phase. Before handing over, the combat agency of the response phase should:

- Ensure the asbestos contaminated zone is clearly secured, marked and communicated to persons at the site
- Where practical give the owner/occupier the Handover of Site Response Form
- Depending on the premises type advise the owner/occupier to contact WorkCover NSW, Environment and Protection Authority and/or the Local Council for advice on removing the asbestos contaminated waste

The handover may be to the SERCON, Local Council, property owner or an emergency service organisation – for example a handover to the NSW Police Force who may be investigating a crime scene.

**Role of Local Council in the clean up after an emergency**

The Protection of Environment Operations Act 1997 (POEO Act) provides the legislative basis for environmental protection in areas such as pollution pertaining to air, noise, water and waste.

The POEO Act provides Council authorised officers with regulatory powers and tools to issue clean up, prevention and infringement notices, which are applied to the management of environmental issues and pollution events.

Any reasonable costs incurred in monitoring or enforcing clean-up and prevention notices can be recovered through a compliance cost notice. Councils should keep accurate records of tasks undertaken, the staff hours to undertake those tasks and any ‘out of pocket’ expenses incurred.
Responsible Party for Cleanup and Site Management after an emergency

The responsibility for cleaning up asbestos containing materials lies with the person or company that caused the pollution or otherwise the owner of the land. In many situations insurance may cover the cleanup costs, and the relevant insurer should be contacted to engage appropriate parties to manage the cleanup.

To avoid delays in taking emergency cleanup action where the responsible parties/owners cannot be located, the Environment and Protection Authority administer the Emergency Pollution and Orphan Waste Clean-Up Program. The Emergency Pollution and Orphan Waste Clean-up Program is provided for in section 16 of the Environmental Trust Act 1998.

The maximum amount that the Trust can expend on all claims under the Program in any one financial year is $0.5 million. It therefore may not be possible to fund every instance of emergency pollution or orphan waste. Only those instances that meet the Program eligibility criteria can be funded, and where prior approval is obtained.

Funds granted under the Program are intended as assistance for those individuals/organisations who have obligations to participate in the management of emergency pollution and orphan waste situations (eg emergency service organisations, local councils and government agencies) when the responsible party is unknown or is unlikely to pay for clean-up within the timeframe required.

Funding for a large scale asbestos clean-up would be outside the scope of the Emergency Pollution and Orphan Waste Clean-Up Program and specific Treasury support would need to be obtained under the recovery provisions of the State Emergency and Rescue Management Act and related plans.

NSW Disaster Assistance Guidelines (Natural Disaster Relief and Recovery Arrangements)

In extraordinary circumstances, where damage and debris from the disaster event threatens public health and safety, assistance may be provided to clean up or remove asbestos from uninsured private residential properties, or uninsured private residential properties where the insured structures have not been damaged.

Assistance of this kind is only available following specific authorisation by the NSW Government. In these circumstances, asbestos clean-up or removal is provided by designated local councils or a government agency or authority.

Control framework

The control framework for emergency response is administered principally by the Emergency Services Combat Agency or the State, District or Local Emergency Operations Controller with secondary assistance from Environment and Protection Authority, WorkCover NSW and Local Councils as mapped in Scenario Map 6.
Scenario Map 6 – Emergency management

Issue: Emergency incident or natural disaster which potentially releases asbestos fibres
Outcome: Asbestos safely managed in accordance with regulatory requirements

### Compliance Actions

#### Scenario 1
Emergency response – no designated Combat Agency

- Emergency Services Organisation (ESO)/Emergency Operations Controller assume control and determine the possible presence of asbestos at the incident site. ESO to communicate possible presence of asbestos areas to all other agencies attending the site. ESO Incident Controller to establish Asbestos Contamination Zone and enforce PPE specific to the risk. WorkCover to provide advice on risk controls and personal protection if required.

#### Scenario 2
Emergency response Combat Agency managed

- Combat Agency assumes control and determines extent of Asbestos Contamination Zone. ESO to communicate asbestos contamination zone area to all other agencies attending the site and appropriate PPE requirements. WorkCover to provide advice on risk controls and personal protection if required.

#### Scenario 3
Handover to: Local Council, owner of property or NSW Police – crime scene following a minor incident

- ESO/Combat agency to inform Local Council of Asbestos Contamination Zone. Local Council to monitor clean up and consider need for issue of clean-up notice or cost compliance notice under POEO Act. WorkCover to provide advice on risk controls and personal protection if required.

#### Scenario 4
Handover to: SERCON

- The responsibility for the overall coordination of recovery operations at State level rests with the SERCON, or as otherwise prescribed in hazard specific plans.

#### Scenario 5
Handover to Recovery Committee following a significant incident

- Recovery Committee formed by SERCon in consultation with SEOCon. Recovery Committee determines overall recovery objective and strategies and exit criteria, including asbestos remediation arrangements.

#### Scenario 6
Remediation not requiring a licensed removalist

- Identify Principal Certifying Authority. Verify work is in accordance with planning, environmental and OHS legislation.

#### Scenario 7
Remediation requiring licensed removal work

- Verify work is carried out in accordance with licensing requirements for bonded or friable asbestos work

#### Scenario 8
Clearance Certificate issued by an Asbestos Assessor

- Verify work is in accordance with OHS legislation

### Regulators

<table>
<thead>
<tr>
<th>Regulators</th>
<th>Bold = Lead Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Emergency Services</td>
<td></td>
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<tr>
<td>2. Fire and Rescue NSW (Hazmat)</td>
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<tr>
<td>3. WorkCover NSW</td>
<td></td>
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<tr>
<td>1. Emergency Services</td>
<td></td>
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<tr>
<td>2. Fire and Rescue NSW (Hazmat)</td>
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<tr>
<td>3. WorkCover NSW</td>
<td></td>
</tr>
<tr>
<td>1. Local Council</td>
<td></td>
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<tr>
<td>1. SERCON</td>
<td></td>
</tr>
<tr>
<td>2. Recovery Committee</td>
<td></td>
</tr>
<tr>
<td>3. Local Council</td>
<td></td>
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<tr>
<td>4. EPA</td>
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<tr>
<td>5. WorkCover NSW</td>
<td></td>
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<tr>
<td>1. Recovery Committee</td>
<td></td>
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<tr>
<td>2. Local Council</td>
<td></td>
</tr>
<tr>
<td>3. EPA</td>
<td></td>
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<tr>
<td>4. WorkCover NSW</td>
<td></td>
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<tr>
<td>1. Local Council</td>
<td></td>
</tr>
<tr>
<td>2. Principal Certifying Authority</td>
<td></td>
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<tr>
<td>3. WorkCover NSW (workers)</td>
<td></td>
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<tr>
<td>1. WorkCover NSW</td>
<td></td>
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<tr>
<td>2. Local Council</td>
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<tr>
<td>3. Principal Certifying Authority</td>
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<tr>
<td>1. WorkCover NSW</td>
<td></td>
</tr>
<tr>
<td>2. Principal Certifying Authority</td>
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</tr>
</tbody>
</table>

19 The area of actual or impending asbestos contamination as defined by the Combat Agency
20 State Emergency Recovery Controller (SERCon)
Outcomes
Based on an assessment of the existing control framework for emergency response, the Asbestos Co-regulators Working Group has identified two outcomes:

1. Controls for the management of asbestos contamination in emergency incidents or natural disasters should aim to prevent the liberation of airborne asbestos fibres and exposure to workers and the public by ensuring asbestos risks are managed within emergency management plans.

2. Procedural guidance material for the management of asbestos contamination in emergency incidents or natural disasters should aim to secure the effective containment of asbestos contamination to prevent the liberation of airborne asbestos fibres and exposure to workers and the public.

Chapter 7 – Asbestos prohibitions on manufacture and supply

Background
An Australia-wide ban on the importation, manufacture and use of all forms of asbestos and asbestos-containing products took effect from 31 December 2003. While there is no longer any manufacture of asbestos materials in Australia, many countries still produce and export asbestos containing materials. Product labelling controls in those countries may mean that some products are not identified as containing asbestos materials.

Australian Customs and Border Protection Service Customs Notice (No. 2004/4) identified the following imported goods, identified by their Harmonised Tariff System (HS) reference with the potential to contain asbestos. Some classifications and types of goods may have changed since this list was published.

<table>
<thead>
<tr>
<th>Commodity Description</th>
<th>HS Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Cement corrugated sheets</td>
<td>6811.10</td>
</tr>
<tr>
<td>2. Cement flat sheet or panels</td>
<td>6811.20</td>
</tr>
<tr>
<td>3. Cement shingles or tiles</td>
<td>6811.20</td>
</tr>
<tr>
<td>4. Cement pipes, tubes or fittings</td>
<td>6811.30</td>
</tr>
<tr>
<td>5. Brake linings or blocks</td>
<td>6813.10</td>
</tr>
<tr>
<td>6. Clutch linings or blocks</td>
<td>6813.90</td>
</tr>
<tr>
<td>7. Gaskets or seals</td>
<td>6812.90</td>
</tr>
<tr>
<td>8. Sheeting</td>
<td>6812.70</td>
</tr>
<tr>
<td>9. Electrical panel partitioning</td>
<td>6812.20</td>
</tr>
<tr>
<td>10. Fire blankets</td>
<td>6812.90</td>
</tr>
<tr>
<td>11. Fire curtains</td>
<td>6812.90</td>
</tr>
<tr>
<td>12. Gloves</td>
<td>6812.50</td>
</tr>
<tr>
<td>13. Asbestos tape</td>
<td>6812</td>
</tr>
<tr>
<td>14. Asbestos rope</td>
<td>6812.90</td>
</tr>
<tr>
<td>15. Electrical cloth and tapes</td>
<td>6812</td>
</tr>
<tr>
<td>16. Yarn and thread, cords &amp; string</td>
<td>6812.90</td>
</tr>
<tr>
<td>17. Lagging and jointed materials</td>
<td>6812.70</td>
</tr>
<tr>
<td>18. Tiles</td>
<td>6811.20</td>
</tr>
<tr>
<td>19. Sheet vinyl backing</td>
<td>6812</td>
</tr>
<tr>
<td>20. Textured paints and coatings</td>
<td>Chapter 32</td>
</tr>
</tbody>
</table>
An emerging issue has been the detection of asbestos components in mining plant and equipment imported by the resources industry. Asbestos has recently been detected in some imported goods, including gaskets, jointing materials in flues, furnaces, ducts, pipe spools, heating equipment and pressurised hoses. It has also been detected in packaging for these goods.

There are significant costs for industry when imported materials and equipment are identified as containing asbestos. Costs incurred include identification, testing, disposal, remediation, recalls and/or additional shipping costs if the product is denied entry into Australia when detected at the port.

In May 2010 the Deputy Chief Executive Officer, Australian Customs and Border Protection Service, wrote to companies within the resource industries about the identification of asbestos in some industrial, mining and construction equipment and stipulated, that ‘…any certification issued by overseas suppliers is not, of itself, a guarantee that the goods comply to Australian standards or laws’.

The provision of inaccurate asbestos certification from overseas manufacturers and suppliers not meeting asbestos-free clauses in contracts has led to some Australian companies taking greater ownership of the issue by undertaking their own testing prior to goods being shipped to Australia. On occasion this has included Australian companies arranging through an exemption for an occupational hygienist to take samples off-shore for testing at a NATA accredited laboratories in Australia.

Exemptions for the import of samples for testing purposes are granted by the Commonwealth Minister for Employment and Workplace Relations under an exemption to import asbestos for research, analysis or display (chrysotile only), or to import amphibole asbestos. In December 2010 Customs and Border Protection wrote to NATA accredited hygienists reminding them of their obligations when importing samples for asbestos testing.

On 26 August 2010 the Department of Education, Employment and Workplace Relations convened an interagency teleconference to discuss asbestos importation issues. Commonwealth and State regulators have agreed to work cooperatively to address importation issues.

Given the difficulty in inspecting and detecting all asbestos imports, existing inspection regimes should preferably be complemented with an awareness campaign among importers and suppliers to ensure strategies are in place to so that goods are verified as asbestos-free prior to being imported into Australia.

Control framework

The import of asbestos (chrysotile and amphibole) and goods containing asbestos is controlled under Regulation 4 and Schedule 3B of the *Customs (Prohibited Imports) Regulations 1956*. Permission can only be granted to import such products in limited circumstances. The importation of a prohibited import is an offence under the *Customs Act 1901*. Importers bear responsibility to ensure that imported goods comply with Commonwealth, State and Territory legislative requirements.
Asbestos, or goods containing asbestos, is prohibited unless:

1. The asbestos or goods are hazardous waste as defined in Section 4 of the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* (HW Act). Goods of this type must be imported in accordance with the provisions of the HW Act.

2. The goods are raw materials containing naturally occurring traces of asbestos.

3. Permission has been granted by the Minister for Employment and Workplace Relations to import asbestos for research, analysis or display (chrysotile only), or to import amphibole asbestos.

4. The asbestos or goods are imported from the Australian Antarctic Territory (chrysotile only).

5. An exemption has been granted by a relevant authority under Commonwealth, State or Territory law to import the asbestos or goods for a specific use and by the date mentioned in Schedule 3B of the *Customs (Prohibited Imports) Regulations 1956* for that use (chrysotile only). It should be noted that all allowable exemptions under these regulations have expired.

There is no regulatory definition of naturally occurring traces of asbestos. However, it is apparent, that the Commonwealth regulation did not seek to prohibit the import or export of ore because they contained trace amounts of naturally occurring asbestos.

In NSW under the OHS Regulation 2001 a material containing more than 0.1 per cent (wt/wt) of a known carcinogen would be classified as a carcinogenic substance. As asbestos is a known carcinogen, material with a content of more than the threshold limit would be prohibited from import and supply in NSW.

Where there has been an on-shore detection of imported asbestos and/or goods containing asbestos, the Australian Customs and Border Protection Service use a mix of appropriately qualified specialists for detection and testing and works proactively with state, territory and federal agencies.

Work health and safety organisations will generally become aware of new asbestos materials when it is detected by employers and others at a place of work. The work health and safety organisation will notify the Australian Customs and Border Protection Service so that further imports can be detected and removed from the supply chain.

Australian Customs Notice No 2009/30 provides an exemption for the import of vessels which are at least 150 gross tonnages, which have asbestos containing materials on board and manufactured before 1st January 2005, subject to compliance with an approved asbestos management plan.

**Resource recovery**

The resource recovery sector recovers materials such as aggregates from building and demolition waste. These local industries can pose contemporary risks of exposure of workers to asbestos as well as risks of including asbestos in the products they on-sell, due to the elevated risks of asbestos contamination (such as fibro) in the waste feedstocks that they receive.

There are stringent controls within the POEO Act and POEO Waste Regulation to ensure the risks of contamination of resource recovered materials is minimised. WorkCover published the *Guide: Management of asbestos in recycled construction and demolition waste* which contains a range of information and advice in regard to this issue.

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21 Approved criteria for classifying Hazardous Substances (NOHSC:100B)
Scenario Map 7 – Prohibition control arrangements

Issue: Asbestos identified in Imported Goods

Outcome: Asbestos removed from supply chain or safely managed in accordance with exemption conditions

Compliance Actions

<table>
<thead>
<tr>
<th>Regulators</th>
<th>Bold = Lead Organisation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Australian Customs &amp; Border Protection Services (ACBPS)</td>
<td></td>
</tr>
<tr>
<td>2. WorkCover NSW</td>
<td></td>
</tr>
</tbody>
</table>

Scenario 1
Asbestos Goods detected at the border intended for supply into NSW

Verify asbestos material at NATA accredited laboratory and determine under Customs Regulation whether asbestos goods should be prohibited from entry into Australia or whether the asbestos component can be safety removed and disposed of. Notify WorkCover NSW to consider any compliance actions under OHS legislation. Liaise with Australian Competition and Consumer Commission regarding need for product safety alert/recall.

Verbal: 1. ACBPS 2. EPA

Scenario 2
Asbestos products detected in the supply chain

Verify asbestos material at NATA accredited laboratory and determine safe removal strategy under OHS Legislation. Notify ACBPS to consider any compliance action under Customs Regulation. Liaise with Australian Competition and Consumer Commission regarding need for product safety alert/recall.

Verbal: 1. WorkCover NSW 2. ACBPS 3. ACCC

Scenario 3
Person seeking to import or export asbestos waste

Verify asbestos material meets definition of hazardous waste and requirements under Hazardous Waste Act.

Verbal: 1. ACBPS 2. EPA

Scenario 4
Person seeking to import or export raw materials with naturally occurring traces of asbestos

Verify asbestos material meets definition of naturally occurring traces of asbestos. Notify I&I and WorkCover NSW to consider any compliance actions under OHS legislation.

Verbal: 1. ACBPS 2. Trade Investment, Regional Infrastructure & Services 3. WorkCover NSW

Scenario 5
Importation or exportation of exempt asbestos material

Verify asbestos material at NATA accredited laboratory and determine any requirements under the Customs Regulation. Notify WorkCover NSW to confirm exemption status and consider any compliance actions under OHS legislation.

Verbal: 1. ACBPS 2. WorkCover NSW

Outcomes

Based on an assessment of the existing control framework for the manufacture and supply of asbestos-containing materials, the Asbestos Co-Regulators Working Group has identified four outcomes:

1. Securing the early detection and removal of illegal asbestos imports from the supply chain.
2. Ensuring a timely response to risk communication and product recalls when illegal asbestos products are found in the supply chain.
3. Ensuring that importers and suppliers are aware of testing and certification systems to verify the import of asbestos free materials.
4. Provide certainty in regard to the detection and measurement protocols for ‘naturally occurring traces’ in mineral imports and exports.
Chapter 8 – Summary of roles and responsibilities

The Asbestos Blueprint will provide greater clarity and improve the coordination of asbestos issues in New South Wales leading to better protection of the health and wellbeing of the community and workers in New South Wales.

The complex inter-governmental agency interaction has been mapped out for each stage of the asbestos lifecycle using scenario maps. The roles and responsibilities of government organisations can be further summarised according to the asbestos lifecycle in diagram 8.1.

### Diagram 8.1: Roles and responsibilities according to the asbestos lifecycle

<table>
<thead>
<tr>
<th>Asbestos in the ground</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Non-declared public/residential asbestos contaminated land</td>
</tr>
<tr>
<td>• Orphaned waste</td>
</tr>
<tr>
<td>• Asbestos remediation work</td>
</tr>
<tr>
<td>• Non-declared workplace contaminated land</td>
</tr>
<tr>
<td>• Declared asbestos contaminated land</td>
</tr>
<tr>
<td>• Mineral extraction and abandoned mines</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Supply</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Illegal import/export</td>
</tr>
<tr>
<td>• Illegal supply</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>In situ management buildings and vehicles</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Licensed asbestos assessors</td>
</tr>
<tr>
<td>• At workplaces</td>
</tr>
<tr>
<td>• At domestic premises and non-workplaces</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Removal</th>
</tr>
</thead>
<tbody>
<tr>
<td>• All Licensed removal work and asbestos assessors</td>
</tr>
<tr>
<td>• At workplace not requiring a licensed removal contractor</td>
</tr>
<tr>
<td>• At domestic premises by person concerned in business or undertaking</td>
</tr>
<tr>
<td>• At domestic premises – all other cases</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Emergency response</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Response to emergency incidents</td>
</tr>
<tr>
<td>• Major recovery operations</td>
</tr>
<tr>
<td>• Routine recovery operations</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Transport and disposal</th>
</tr>
</thead>
<tbody>
<tr>
<td>• Transport by vehicle</td>
</tr>
<tr>
<td>• Licensed waste storage or recycling facilities</td>
</tr>
<tr>
<td>• Landfill facilities</td>
</tr>
<tr>
<td>• Waste transport – interstate</td>
</tr>
<tr>
<td>• Waste export</td>
</tr>
<tr>
<td>• Temporary on-site waste storage – workplaces</td>
</tr>
<tr>
<td>• Laundering facilities</td>
</tr>
</tbody>
</table>
Roles and responsibilities by Government organisations

**WorkCover NSW**

1. Asbestos site remediation work (excluding mine sites).
2. Illegal supply of asbestos materials.
3. Liaison with Fair Trading NSW and Australian Consumer and Competition Authority (ACCC) regarding asbestos product recalls.
4. Liaison with Australian Customs and Border Protection Service on import and export of asbestos materials.
5. Asbestos laundering facilities.
6. Asbestos management by a person conducting a business or undertaking at a place of work whether for gain or profit (excluding mine sites) under Occupational Health and Safety (OHS) Act.
7. Asbestos removal by a person conducting a business at a place of work or at domestic premises whether for gain or profit under OHS Act.
9. Contaminated land at a workplace not declared under the CLM Act.

**Department of Trade & Investment, Regional Infrastructure and Services**

1. Asbestos management by a person conducting a business or undertaking at a mine site whether for gain or profit.
2. Asbestos site remediation work at a mine site or abandoned mine site.

**Emergency Services Organisations**

1. Responding to emergency incidents where asbestos may be present.
2. Determining the extent of asbestos contamination arising from the emergency in liaison with Fire and Rescue NSW (HAZMAT).
3. Communicating asbestos contamination information to other organisation attending the site.
4. Providing asbestos contamination information to organisation, recovery committee, local council or property owner at time of handover.
5. Where the combat agency has responded to an incident and identified asbestos they would advise local council

**Environment and Protection Authority**

2. Regulates transport of asbestos containing material and waste.
3. Regulates transport and tracking of asbestos waste going interstate.
4. Regulates permanent on-site storage where permitted by Planning Consent and temporary on-site storage at non-workplaces.
5. Regulates asbestos waste disposal facilities.
6. Regulates declared asbestos contaminated sites under the Contaminated Land Management (CLM) Act.
7. Maintain records of landfills and declared asbestos contamination sites.
Local Council

1. Management of asbestos in residential premises (excluding oversight of removal work).
2. Management of the removal from domestic premises of non-licensable quantities and work not involving a business or undertaking.
3. Recording of existing asbestos site contamination on section 149 certificates & local government asbestos register.
5. Recovery operations following an emergency situation if site is handed over to the Council or local resident by an emergency service organisation (excluding oversight of removal/remediation work).
6. Contaminated land not declared under the CLM Act (excluding oversight of removal/remediation work).

Asbestos links

Asbestos Diseases Research Institute
www.adri.org.au

Asbestos Diseases Foundation of Australia
www.adfa.org.au

DIY Safe-Ministry of Heath

Workers’ Compensation Dust Diseases Board of NSW
www.ddb.nsw.gov.au

NSW Government – Fibro and Asbestos – a Practical Guide

NSW Ombudsman’s Report

NSW State Disaster Plan

Managing Asbestos in Recycled Construction and Demolition Waste

Environment Protection Authority
www.environment.nsw.gov.au

Think Asbestos

WorkCover Authority of NSW
www.workcover.nsw.gov.au

Working with Asbestos Guide

Safe Work Australia
www.safeworkaustralia.gov.au
Appendix A – Terms of reference for Asbestos Co-regulators Working Group

The Asbestos Co-regulators Working Group is comprised of a core group of senior representatives from organisations with a role in the regulation of asbestos in New South Wales. Participation on the Reference Group provides an important opportunity to ensure the effective management and control of asbestos in New South Wales.

The purpose of the Working Group is to provide high-level input to:

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

Challenges

The key challenges for the Asbestos Co-regulators Working Group are to:

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

Membership

WorkCover NSW chairs the Asbestos Co-regulators Working Group with senior representatives from the following organisations:

- Environment Protection Authority (formerly Department of Environment, Climate Change and Water)
- Local Government and Shires Association of NSW
- Department of Planning and Infrastructure
- Workers’ Compensation Dust Diseases Board
- The following organisations were kept informed, and in many cases participated in the working group:
  - Department of Premier and Cabinet (Think Asbestos Website/Educational Campaigns)
  - Division of Local Government (Local Government)
  - Australian Customs and Border Protection Service (Prohibited Asbestos)
  - Department of Trade & Investment, Regional Infrastructure and Services (formerly Industry & Investment NSW – Asbestos Mine Sites)
  - Department of Justice and Attorney General (Civil Liabilities Legislation and Workers’ Compensation Dust Diseases Tribunal)
  - Emergency Management NSW (Emergency Response Arrangements)
  - Fire and Rescue NSW (Emergency Response Arrangements)
  - NSW Department of Health (Public Health)
  - NSW Fair Trading (Consumer Alerts/Recalls)
- NSW Police Force (Emergency Response Arrangements)
- NSW State Emergency Service (Emergency Response Arrangements)
- Rural Fire Service (Emergency Response Arrangements)

The NSW Ombudsman’s office attended each meeting and representatives from the Holroyd City Council (an exemplar Council for the management of asbestos issues) were invited to meetings relating to asbestos in residential premises.

Operating Arrangements

The Asbestos Co-regulators Working Group will meet on a monthly basis for a period of up to twelve months. The Agenda and papers are to be prepared by WorkCover and are to be distributed to members at least 5 working days prior to the meeting. A record of each meeting is to be prepared by WorkCover and distributed to members within five working days after the meeting.
Appendix B – Location map for naturally occurring asbestos in NSW