

ASBESTOS REMOVAL — COMPLAINTS TO WORKSAFE

4255. Hon Alison Xamon to the Minister for Commerce

I refer to complaints about the handling of crysotile asbestos removal from 8a Carbon Court in Osborne Park by Len Fode Roofing and Action Asbestos and ask —

- (1) When did Worksafe first become aware of complaints about the manner in which asbestos was being removed from this site by these contractors?
- (2) Please detail Worksafe's response to this initial complaint?
- (3) Please specify the dates at which each further complaint about this matter was made and detail Worksafe's response to each complaint?
- (4) Complaints were made about the contractors' adherence to the National Occupational Health and Safety Commission Code of Practice For the Safe Removal of Asbestos 2nd Edition [NOHSC:2002 (2005)], and I ask —
  - (a) were any of these allegations investigated by Worksafe;
  - (b) were any of these allegations found to be substantiated;
  - (c) if yes to (b), please specify the breaches of the code found by Worksafe inspectors; and
  - (d) please specify what actions Worksafe undertook in relation to each of these breaches?
- (5) If no to (4)(a), why not?
- (6) Complaints were made about the contractor's adherence to the Health (Asbestos) Regulations 2002, and I ask —
  - (a) were any of these allegations investigated by Worksafe;
  - (b) were any of these allegations found to be substantiated;
  - (c) if yes to (b), please specify the breaches of the regulations found by Worksafe inspectors?
  - (d) please specify what actions Worksafe undertook in relation to each of these breaches?
- (7) If no to (6)(a), why not?
- (8) Under whose license was this work undertaken?

Hon SIMON O'BRIEN replied:

- (1) 11 March 2011
- (2) WorkSafe commenced an investigation on 11 March 2011 to ensure compliance with the Occupational Safety and Health Act 1984 and the Occupational Safety and Health Regulations 1996, with part of the investigation still ongoing.
- (3) Further concerns were raised on 29 April 2011, 31 May 2011 and 1 July 2011. As mentioned, there is an investigation into the asbestos removalists' restricted asbestos removal licences.
- (4)
  - (a) Yes.
  - (b)–(d) Yes. However, in relation to the investigation into the complaints, as outlined under (2), the inspector formed the opinion that the relevant regulation in relation to this matter was regulation 5.43 of the Occupational Safety and Health Regulations 1996. This regulation requires that the presence and location of asbestos is identified and the assessment of the risks arising from hazards in relation to asbestos are conducted in accordance with the regulation that references the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018 (2005)] not the regulations referencing the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC: 2002 (2005)] ;
- (5) Not applicable.
- (6)–(7) WorkSafe is not the government agency which enforces the Health (Asbestos) Regulations 2002.
- (7) Fode Roofing Pty Ltd and Mr David Michael Scofield Trading As Action Asbestos Removal.