

ASBESTOS REMOVAL — COMPLAINTS TO WORKSAFE

4832. Hon Alison Xamon to the Minister for Commerce

I refer to the answer to question on notice No. 4255 asked on 21 June 2011 in relation to complaints about the handling of crysolite asbestos removal from 8a Carbon Court in Osborne Park by Len Fode Roofing and Action Asbestos, and ask —

- (1) What circumstances led the Worksafe Inspector to form the opinion that the regulations in the *Occupational Safety and Health Regulations 1996* referencing the *Code of Practice for the Safe Removal of Asbestos* 2nd edition [NOHSC: 2002 (2005)] were not applicable to this matter?
- (2) In particular, please explain why the following regulations were not considered applicable —
  - (a) regulation 5.45 — Asbestos removal work; and
  - (b) regulation 3.126 — Demolition work involving asbestos (which references regulation 5.45).
- (3) In relation to the Worksafe Inspector's findings regarding regulation 5.43 of the *Occupational Safety and Health Regulations 1996* —
  - (a) please specify the breaches of the *Code of Practice for the Management and Control of Asbestos in Workplaces* [NOHSC: 2018 (2005)] found by the Worksafe Inspector; and
  - (b) please specify what actions Worksafe undertook in relation to each of these breaches.

Hon SIMON O'BRIEN replied:

- (1) The inspector did not form such an opinion.
- (2)–(3) The inspector issued the improvement notice requiring compliance with regulation 5.43 because of the conflicting views about the presence of asbestos between the parties at the workplace.

Regulation 5.43 requires that the presence and location of asbestos is identified at the workplace and process for identification is conducted in accordance with the Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC: 2018(2005)].

If asbestos is detected and requires removal, regulation 5.45 requires the work to be done in accordance with the Code of Practice for the Safe Removal of Asbestos 2nd Edition [NOHSC:2002 (2005)].

Regulation 3.126 relates to workplaces where thermal or acoustic insulating material containing asbestos is apparent. The work at the workplace involved the removal of roof sheeting. There were no allegations that the workplace had thermal or acoustic insulating material containing asbestos.