



OVERVIEW OF THE HEALTH AND SAFETY AT WORK (ASBESTOS) REGULATIONS (2016)

This document aims to provide a brief overview of the *Health and Safety at Work (Asbestos) Regulations (2016)* (the Asbestos Regulations) with emphasis on any legal requirements a Person Conducting Business or Undertaking (PCBU) in charge of a workplace must meet in regards to asbestos matters.

Please contact us or refer directly to the Asbestos Regulations and WorkSafe's *Management and Removal of Asbestos (Approved Code of Practice 2016)* for further information as this document is not exhaustive in listing all of the requirements to be met for workplace asbestos matters.

This document will not touch on the *Health and Safety at Work Act (2015)*.

WHO IS RESPONSIBLE FOR ASBESTOS MATTERS AT A WORKPLACE?

A workplace PCBU is the person in charge of a workplace. This document will mainly focus on the duties of the workplace PCBU.

There are other types of PCBUs that will be affected by the Asbestos Regulations. Where there are multiple PCBUs with duties in an asbestos matter, all PCBUs must coordinate with each other as far as is reasonably practicable.

DUTIES IN RELATION TO HIRING CONTRACTORS

Please see our document *Contractors & Work Involving Asbestos* for more information on legal obligations in relation to hiring contractors for asbestos removalist and asbestos-related work along with what to expect when engaging these contractors.

DUTY TO MANAGE RISK OF EXPOSURE TO AIRBORNE ASBESTOS

The workplace PCBU must ensure that the risk of exposure to airborne asbestos fibres is eliminated as far as reasonably practicable. Where the risk cannot be eliminated, the risk must be minimised.

The workplace PCBU must not carry out, or direct a worker to carry out, work involving asbestos.

A list of exempt activities for work involving asbestos is listed in the Asbestos Regulations.

The workplace PCBU must ensure that the asbestos airborne contamination standard of 0.1 fibres per millilitre of air is never exceeded.



DUTY TO IDENTIFY ASBESTOS IN THE WORKPLACE

A workplace PCBU must ensure that all asbestos and asbestos containing materials (ACMs) at a workplace are identified as far as reasonably practicable.

If it cannot be proven that a material does *not* contain asbestos, it must be presumed to be asbestos containing.

Samples can be taken of bulk materials in order to confirm the presence or absence of asbestos. If samples are taken, these samples must be analysed by an accredited laboratory.

All ACMs identified (including areas presumed to contain asbestos) must be clearly indicated in line with a safe work instrument. If no safe work instrument is available, there are a few alternative options, such as listing locations in an asbestos management plan or by placing warning stickers next to all ACMs.

DUTY TO PREPARE AN ASBESTOS MANAGEMENT PLAN

If asbestos is identified or presumed to be at a workplace, a written asbestos management plan must be created in line with what is specified in the Asbestos Regulations. The workplace PCBU must ensure that the asbestos management plan is kept up to date.

The workplace PCBU must ensure that the asbestos management plan is available to:

- a. a worker who has carried out, is carrying out or will carry out work at the workplace, or to their representative;
- b. a PCBU who has carried out, is carrying out or will carry out work at the workplace;
- c. a PCBU who has required, is requiring or intends to require work to be carried out at the workplace.

The asbestos management plan must be reviewed in accordance with the information listed in the Asbestos Regulations.

Please contact us for more information on preparing or reviewing an asbestos management plan.

DUTY TO REMOVE ASBESTOS PRIOR TO DEMOLITION OR REFURBISHMENT

If a workplace is to be demolished or refurbished, all asbestos or ACMs must be removed prior to works commencing. The workplace PCBU has a duty to ensure that all asbestos or ACMs in these areas are identified so they can be removed. If only part of a building is to be refurbished or demolished, only the asbestos or ACMs in that part of the building must be removed.



DUTY TO PROVIDE HEALTH MONITORING

PCBUs engaging workers to perform work involving asbestos must ensure that health monitoring is provided to them. The duty to provide health monitoring must be shared between relevant PCBUs as appropriate.

Health monitoring must begin within four weeks of the workers starting work involving asbestos. A physical examination of the worker must be conducted and there must be a specific focus on detecting any health effects possibly caused by exposure to asbestos.

PCBU(s) must inform the worker of their duty to provide health monitoring. The PCBU(s) must provide all information in regards to health monitoring to the worker, including information about why health monitoring is necessary, what health monitoring entails and who is eligible for a copy of the health monitoring report.

ACTS NOTIFIABLE TO WORKSAFE

The Asbestos Regulations indicates two circumstances that are considered Notifiable Incidents and must be reported to WorkSafe.

- 1) If a workplace building (including workplaces that are homes) or structure/plant at a workplace needs an emergency demolition and that workplace, structure or plant contains asbestos.
- 2) If air monitoring yields results at or above 0.2 fibres per millilitre of air.

An emergency demolition is defined as when a building, structure or plant is structurally unsound or if the building, structure or plant is about to collapse. WorkSafe must be notified as soon as possible prior to the demolition.

A procedure must be designed by the workplace PCBU prior to the emergency demolition that will reduce the risk of exposure to airborne asbestos fibres for workers and persons in the vicinity of the demolition.

If air monitoring results are 0.2 fibres per millilitre of air at any point, especially during asbestos removal work, all work must stop immediately and WorkSafe must be notified as soon as possible. Air monitoring results should be forwarded to WorkSafe.

Please refer to WorkSafe's website for more information on Notifiable Incidents.