



ASBESTOS REPORTING

NEW SOUTH WALES
(A Division Of N.R. Wallace Contracting Pty Ltd)

**COMPLIANT BUSINESS.
12 DEFINITE STREET
SAFEVILLE NSW 2541**

Attention: Manager

Dear Manager,

RE: WORK HEALTH AND SAFETY ACT 2011

Further to our recent conversation, we wish to bring to your attention Work Health and Safety Regulations 2011 which came into affect 1 January 2012 and specifically certain requirements regarding asbestos in the workplace.

The W H & S Act supersedes the O H & S Act 2001.

The Regulations are for Commercial Properties built prior to 31 December 2003 and the same should be considered for Residential Strata buildings as they are also defined as a 'work place'.

By law it is the responsibility of the controller of a property or workplace to organise an Asbestos Audit, identify any asbestos containing materials (ACM) and ensure the correct safety measures are in place. Controller can be defined as the Owner, Strata Managers, managing agents and tenant.

I recommend that you check the Work Health and Safety Regulations for further information and to familiarise yourself with penalties for non compliance.

The key Regulations that you should be familiar with, but not limited to, are the following:

Regulation 39 Provision for information and training

The person must ensure that information, training and instruction is provided to a worker having adequate regard to the nature of work carried out by the worker, the nature and risks associated with the work, and control measures implemented.

Regulation 422 Asbestos to be identified or assumed at the workplace:

A person with management or control of a workplace must ensure so far as is reasonably practical, that all asbestos or ACM at the workplace is identified by a competent person. If the materials cannot be identified but a competent person believes that there is a high possibility it is asbestos or ACM, assume that the material is asbestos.

Regulation 423 Analysis of sample:

A person with management or control of a workplace may identify asbestos or ACM by arranging for a sample to the materials at the workplace to be analysed for the presence of asbestos or ACM. The sample is to be analysed by a NATA accredited laboratory.

2.

Regulation 424 Presence and location of asbestos to be indicated:

A person with management or control of a workplace must ensure that the presence and location of asbestos or ACM identified at the workplace (under clause 422) is clearly indicated and labelled.

Regulation 425 Asbestos register:

A person with management or control of a workplace must ensure that a register (an asbestos register) is prepared and kept at the workplace. The register must indicate the date on which the asbestos was identified as well as the location, type and its condition.

Regulation 427 Access to asbestos register:

A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to workers.

Regulation 428 Asbestos management plan:

This applies if asbestos or ACM has been identified at the workplace. A person with management or control of a workplace must ensure that a written plan (an asbestos management plan) for the workplace is prepared and kept up to date.

Regulation 430 Review of asbestos management plan:

A person with management or control of a workplace must ensure that the management plan is reviewed every five years.

Regulation 445 Duty to train about asbestos:

A person with management or control of a workplace that has workers engaged for the removal of asbestos or asbestos related work need to ensure workers are trained in the safe handling of asbestos.

I am able to provide you with a service that includes compliance with Regulations 422-425, and 428 and I can assist with determining suitability of contractors under the requirements of Regulation 445.

We are fully insured for asbestos inspections, audits, registers, management plans, preparing samples for testing and for clearance after removal of asbestos. My reports comply with the requirements of the Code of Practice for the Safe Management and Removal of Asbestos.

We are also fully endorsed by the SafeWork NSW under Regulations 490 and 495 (Recognition of asbestos assessor, and asbestos assessor licence).

We recommend that if you wish to confirm the requirements for Commercial buildings, you contact SafeWork NSW.

You should always check that an asbestos assessor is fully insured to carry out asbestos related inspections, and also deemed competent by the SafeWork NSW.

3.

There is no requirement for owners of individual residential properties to comply with certain requirements of the Regulations however section 5 of the Code of Practice – How to Manage and Control Asbestos in the Workplace states, *‘If there is no asbestos register for the workplace, the person carrying out any work at the property must not commence the work until a competent person determines whether there is asbestos or ACM. If there is asbestos present or assumed to be present the person carrying out the work must inform the occupier and owner, or the person(s) with management and control of the building that asbestos is present.’*

Please feel free to contact us on 0419 285 443 if you require any further information and also check the following websites

www.buildinginspecta.com.au

www.asbestosreportingnsw.com.au

www.asbestosawareness.com.au

Yours faithfully,

Neil Wallace.

Asbestos Reporting NSW

1 July 2016.