

Strategy:

Best practice

Outcome:

(O2.1) Evidence-based practice to minimise risks in targeted areas

Deliverable:

(D2.1) Identify opportunities to share best practice for initiatives related to the safe management of asbestos such as licensing, education, training and home renovations where ACMs may be present

Location:

Queensland

The issue

The Office of Industrial Relations (OIR) commenced the Licensed Asbestos Removalist program, as part of the Robust Asbestos Regulator Project, targeting the risk of exposure to asbestos in the community. This gives effect to a key initiative under the Statewide Strategic Plan for the Safe Management of Asbestos in Queensland 2014–2019: to strengthen the administration of asbestos licensing under the *Work Health and Safety Act 2011*, by implementing a process for suspending or cancelling an asbestos licence where a holder contravenes the legislation.

OIR ensures that the community can be confident in Queensland's asbestos removalist licensing regime by taking action to cancel or suspend an asbestos removal licence where there is evidence a removalist has not demonstrated safe and competent asbestos removal practices (see example shown in Figure 20).

Action taken

OIR inspectors record details of their findings on OIR's compliance history database when conducting routine audits, or responding to complaints of poor removal practices of licensed asbestos removalists. These details include interventions and any compliance action taken against the licence holder, plus improvement or prohibition notices that were issued.

Every year, OIR interrogates the compliance history database to identify those licence holders who have repeated non-compliance with the asbestos regulations. The number of notices issued to a licence holder, plus local inspector knowledge of their practices, is used to rank licence holders for a comprehensive audit by asbestos inspectors and advisors in OIR's Asbestos Unit.

The comprehensive audit of licence holders involves:

- a thorough review of their compliance history to date
- an on-site audit to validate the compliance history
- in most instances, a desktop audit of safety management systems
- further on-site audit of removal practices.

The assessment process is designed to gather evidence about competent and safe asbestos removal practices, which is an automatic condition of the asbestos removal licence.

If the investigation concludes that the licence holder does not demonstrate safe and competent work practices, the Asbestos Unit completes an assessment report and forwards it to the Asbestos Licence Review Panel to make recommendations. These recommendations may include issuing a warning letter or suspending, cancelling or imposing a condition on the licence.

The licence holder is then contacted and invited to 'show cause' as to why a specified sanction should not be imposed on their licence. Alternatively, if the licence holder is sent a written warning stating that their work practices need improvement to prevent suspension or cancellation of their licence, they will be subject to a follow up audit as soon as possible.

If a decision is made to sanction the licence, the licence holder has options under the *Work Health and Safety Act 2011* to seek a review of the decision.

When a licence sanction is finalised, the licence holder is informed of the decision and a notation of the sanction is made against the licence holder on the list of licensed asbestos removalists, which is published on the WorkSafe website.

If a licence is suspended or cancelled and the removalist is issued a new licence following the disqualification period, they may also be subject to more frequent audits by the Asbestos Unit.

Work Health and Safety Queensland is also taking a tougher stance on removalists undertaking asbestos removal work without the appropriate licence, and in instances where this is detected, it will be treated as a priority regulatory offence and subject to comprehensive investigation and possible prosecution.

Results

In the first half of 2018, the Asbestos Unit completed seven comprehensive assessments of licensed removalists, resulting in two finalised licence cancellations, one finalised licence suspension and one finalised warning letter. Renewal of another licence was refused based upon completion of an assessment

report that coincided with licence renewal application. Recommendations have been made to cancel two other licences and the show cause process is underway. All cancellations have a specified disqualification period, ranging from one to two years, while the suspended licence has an additional condition imposed.

Outcomes

By taking action to cancel or suspend an asbestos removal licence where there is evidence a removalist has not demonstrated safe and competent asbestos removal practices, OIR is ensuring that the community can be confident in Queensland's asbestos removalist licensing regime.

Next steps

This is an ongoing program. A similar program to audit licensed asbestos assessors and assess their competency to perform air monitoring and clearance inspections for friable asbestos removal is also being planned.

More information

<https://www.worksafe.qld.gov.au/forms-and-resources/newsletter/esafe-newsletters/esafe-editions/esafe/august-2018/licenced-asbestos-removalist-audit-continues>

Figure 20: Multiple pieces of suspected ACM sheets in skip bin – evidence of poor removal methods being targeted as part of the audit program

