ASBESTOS 2019 SAFETV



Australian Government

Asbestos Safety and Eradication Agency

11-13 NOV PERTH, WA



* Asbestos Safety and Eradication Agency

Welcome to Track 2: Identification and Effective Legacy Management



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Whole of government approach to identifying, managing and removing ACMs

Asbestos Identification and Rating System Simone Stevenson, VAEA Executive Director

The legacy



Victorian Asbestos Eradication Agency

The legacy



The myth

"The belief that asbestos is safe unless disturbed (provided it is in decent condition) was an attitude that very likely underpinned all barriers to removal as it suspended any urgency to take action to remove asbestos. While it is true that asbestos may be low-risk when left in place in some circumstances, this view does not consider the risks inherent in older or weathered asbestos."

ASEA Reports, (2018), Barriers, motivations and options for increasing asbestos removal in the residential and commercial sectors

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The Asbestos Identification and Rating System

Victorian Asbestos Eradication Agency

The consolidated register

Benefits of the consolidated register



- Improved OHS, reduced risk of ACM damage or disturbance particularly for workers at greatest risk of asbestos exposure
- Greater awareness of asbestos legacy for senior leaders, improved management of risk
- Maintaining building and ACM history
- Improved building and asset management
- Opportunities for information and data sharing across government

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Benefits of the consolidated

register

National targets

A suite of national stretch targets will help us remain focused and measure our progress over the next five years. Due to the long latency of ARDs, any data on the incidence of these diseases will reflect historical exposures and our failure to take action in the past. The national targets ensure that our focus is clearly on preventing exposure to asbestos fibres now and into the future. The NSP 2019–2023 targets reflect how effective our combined strategic actions under each of the four national priorities will be. Our 2023 targets are:



The Asbestos Identification and

Victorian Asbestos Eradication Agency Challenges developing the consolidated register



- Approach to data collection, data quality checking & quality control
- Variations across workplace asbestos registers and audit reports
- Supports improved information and learnings for conducting asbestos audits and preparing workplace asbestos register
- In partnership with occupational hygiene and OHS representatives and managers can improve consistency of asbestos audits

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The risk model

Risk factor weighting



Victorian Asbestos Eradication Agency

The risk model



The Asbestos Identification and Rating System

The Schedule

SCHEDULE FOR PRIORITISED ASBESTOS REMOVAL The Schedule for prioritised asbestos removal will ensure a long term plan for the removal of hazardous asbestos from Victorian government buildings and ensure the removal of asbestos in buildings of greatest concern are dealt with first.



By working toward the eradication of asbestos from all government buildings, we will reduce the risk of asbestos related diseases.

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Case study: ACT Loose Fill Asbestos Insulation Eradication: UPDATE

Lynette Marsh

Asbestos Taskforce, ACT Government



ACT Government Loose Fill Asbestos Insulation Eradication Scheme



Lynette Marsh

Senior Director, Asbestos Response Taskforce Environment, Planning and Sustainable Development Directorate ACT Government







- Loose fill asbestos used as insulation
- Predominately amosite
- Pumped into roof cavities 1968 1979
- 1000+ homes

Loose Fill Asbestos Insulation Eradication Scheme



- 1024 properties
- 975 demolished / blocks remediated
- 49 remaining
- 881 sold

Current Priorities

- Complex properties
- Asbestos Management Plans (AMPs)
- Remaining properties
- Newly-identified properties
- Beyond the buyback program



Things That Worked



- Strong Government commitment
- Qualified and experienced frontline
- Collaboration
- Regulation

The Smaller Things

- Public record of affected properties
- Notice on property title
- Government-paid waste disposal



The Challenges – Finding the Balance



- Rental properties
- Individual circumstances
- Community safety

Beyond...

- the Buyback Program
- the Asbestos Response Taskforce
- Mr Fluffy



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Legal Issues: Prosecutions and Compensation

Peter McGarry

Chief Safety Advisor – Asbestos Unit Workplace Health and Safety Queensland **Tanya Segelov** Principal, Segelov Taylor Lawyers





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Office of Industrial Relations Workplace Health and Safety Qld

Prosecutions vs Victims' Compensation

Presenter: Dr Peter McGarry

A/Director (Asbestos Unit) and Chief Safety Advisor (Asbestos) Workplace Health and Safety Queensland Queensland Government Office of Industrial Relations





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Office of Industrial Relations Workplace Health and Safety Qld

Asbestos Unit Team







Asbestos Safety and Eradication Agency



Office of Industrial Relations Workplace Health and Safety Qld

Compliance and enforcement pyramid SANCTIONS Court sanctions Criminal penalties Court orders including injunctions Regulator sanctions Suspension, cancellation, revocation of authorisations Infringement notices, enforceable undertakings DIRECTING COMPLIANCE Improvement notices Prohibition notices

ENCOURAGING and ASSISTING COMPLIANCE

Information, guidance, education & advice





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Office of Industrial Relations Workplace Health and Safety Qld







Asbestos Safety and Eradication Agency





range \$1000 to \$7,500

Court fines:

Infringements: average several thousand dollars in total per investigation

court





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<u>tions</u> Safety Qld 1 1 Demolition NFA Currently being Licence investigated suspended





In summary

- WHSQ intends to maintain the Inspector resources dedicated to asbestos prosecutions and licence sanctions
- WHSQ cannot prosecute everything and therefore focuses on high risk asbestos events to prosecute and to support licence system
- The monetary penalty amounts are set by the penalty units assigned to relevant sections of the WHS legislation and the discretion of the court
- A summary of the prosecutions, infringements and licence sanctions can be found at: https://www.asbestos.qld.gov.au/sanctions



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Tanya Segelov Principal Segelov Taylor Lawyers



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