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Acknowledgements

The management of asbestos in government buildings is an issue that presents real and ongoing challenges for State Government agencies in Western Australia. To support this work, the Asbestos Steering Committee (ASC) was endorsed by Cabinet in May 2007.

The ASC is chaired by Ms Tina Groves, Director of Maintenance Services in the Department of Treasury and Finance (DTF), who gratefully acknowledges the contributions made by the following committee members to accomplish the terms of reference of the ASC:

- Mr Jim Altham, Environmental Manager, Public Transport Authority
- Ms Joy Barrett, Occupational Safety and Health Organiser, Unions WA
- Ms Karen Branch, Manager Maintenance, Department of Housing
- Mr Alan Buckley, Executive Director Facilities Management, North Metropolitan Area Health Service, Department of Health
- Mr Chris Davis, Director Asset Management and Contracts, Department of the Attorney General
- Mr Greg Fraser, A/Manager Property Management, Main Roads WA
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- Mr Steven Longley, Executive Manager Facilities and Operations, Western Australian Police
- Mr Rob Morgan, Property Analyst, Department of Culture and the Arts
- Mr Gary Patrick, Principal Consultant Environmental Health, Department of Education
• Mr David Shaw, Capital Projects Manager, Department of Agriculture and Food WA

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Executive Summary

The Asbestos Steering Committee (ASC) was endorsed by Cabinet in May 2007. It was tasked with the development of a whole of government strategy for the management of asbestos in government buildings (including offices and residential housing) with the ultimate goal that all buildings be asbestos free, and ensuring that Western Australian (WA) government agencies develop asbestos registers and asbestos management plans (AMPs) in line with occupational safety and health (OSH) legislation.

Asbestos is a hazardous substance that causes illness when fibres are inhaled, however not all asbestos products present the same risk. Friable asbestos (asbestos that when dry may become crumbled, pulverized or reduced to powder by hand) presents a far greater risk than asbestos that is in good condition, well bonded and unlikely to release fibres. Both Australian and international evidence suggest that the removal of asbestos products should be undertaken either when health risks are present or the opportunity to remediate presents, such as during renovation or demolition. In other circumstances the management of asbestos products in situ is recommended over removal.

The ASC supports this position. Not only is a systematic removal program likely to increase risks to health, it also poses an untenable cost impost for government and may encounter logistical constraints that at present cannot be overcome. The ASC therefore recommends that agencies continue to manage asbestos containing materials (ACMs) in government buildings in line with WA’s OSH legislation, and remove ACMs based on the risk they present and / or in accordance with each agency’s Strategic Asset Management Plans and Maintenance Plans where required under the Strategic Asset Management Framework (SAMF). Strong asset management practices over time will eventually lead to asset portfolios that are asbestos-free.
In the interim, the management of asbestos in situ presents real and ongoing challenges for government agencies in WA. Despite two Ministerial directives in the last five years instructing agencies to develop asbestos registers and AMPs, approximately a third of the 130 agencies monitored by the ASC were not compliant with these directives by September 2008. Considerable legislative weight and a number of Codes of Practice support the safe management of asbestos in all WA workplaces, yet government agencies have been slow to recognise and progress asbestos management as a workplace safety and asset management issue. Under current OSH legislation and government asset management policy, primary responsibility for compliance rests with each agency and cannot be devolved to third parties.

This report presents the findings of the ASC and suggests that a whole of government strategy for the removal of asbestos in government buildings is not supported. The existing roles and responsibilities of those agencies that perform asset management and OSH roles across government, and the uptake of responsibility for ongoing monitoring and remediation of risk by individual agencies, are the central mechanisms for the management of asbestos in WA government buildings.

The ASC also identifies the following five areas as barriers to compliance with existing legislation and makes recommendations to address identified areas of need:

1. Improve and integrate OSH expertise at the agency level;

2. Develop an awareness of the Strategic Asset Management Framework at the agency level;

3. Increase the supply and skills of specialist and generalist contractors needed to inspect, work on / remove or manage asbestos;

4. Enhance safe work practices through improved procurement practices; and

5. Utilise existing compliance mechanisms.
The model that supports agencies to comply with asbestos legislation and policy is outlined. The report recommends that the new Building Management and Works business unit of the Department of Treasury and Finance assist agencies to improve asbestos management via enhanced asset management and maintenance practices and that the Department of Commerce continue to address OSH compliance through WorkSafe.

It is the view of the majority of ASC members that existing legislation and policy in WA represents the most achievable and cost-effective solution for safely managing asbestos in government buildings in the short-term, while progressively working towards the longer term objective that all government controlled buildings be asbestos-free.

This document is intended to be a general guide only.

Individuals and organisations should consult the relevant state legislation and codes of practice and, if necessary, seek further advice relating to their unique circumstances from appropriately qualified and accredited operators.
Introduction

The management of asbestos is an issue that presents real and ongoing challenges for government agencies in Western Australia (WA). To support this work, the Asbestos Steering Committee (ASC) was endorsed by Cabinet in May 2007.

The ASC was primarily tasked with:


- the development of a whole of government strategy for managing asbestos in WA government buildings, with the ultimate goal that all buildings be free of asbestos containing materials (ACMs); and

- ensuring that WA government agencies develop asbestos registers and asbestos management plans (AMPs) where required under legislation.

Asbestos is a highly regulated substance and the governance arrangements regarding its management are both prescriptive and largely vested at the agency level. The challenge for managing asbestos in government buildings is therefore to establish how asbestos can be managed across government, within existing statutory obligations that are enforced by a range of Departments, placing responsibilities with individual agencies. A whole of government strategy for the removal of asbestos from government buildings is not supported.

This report presents the findings of the ASC and makes recommendations for the management of asbestos in WA government workplaces. The recommendations advocate for strengthening and clearer delineation of roles and responsibilities of those agencies that
perform asset management and OSH roles across government, and the uptake of responsibility for ongoing monitoring and remediation of risk by individual agencies.

**About Asbestos: Health Effects, Uses and Community Attitudes**

**Health Effects**

Asbestos is classified as a hazardous substance. The most common types used in manufactured items are amosite (brown asbestos) and crocidolite (blue asbestos), which are both amphiboles, and chrysotile (white asbestos) which is a serpentine form of asbestos. Asbestos fibres are only dangerous if airborne, and when inhaled can cause lung cancer, mesothelioma and asbestosis, diseases which usually have a long latency period (often decades) between exposure and effect. Mesothelioma is difficult to detect prior to the onset of illness and was once rare, but its incidence is increasing internationally as a result of past exposure and Australia has the highest reported incidence rate in the world.

Asbestos occurs in our natural environment and most people will be exposed to it in very small quantities over a lifetime. The risk of contracting asbestos-related diseases however is generally considered to be proportional to the cumulative dose deposited within the lungs, putting some groups such as miners, industrial workers, trades people and DIY home renovators at greater risk than others. Despite this, there is no known safe exposure level to asbestos fibres.

Although asbestos is hazardous to health not all asbestos products present the same risk, with both the form and condition of the asbestos having a marked effect on the degree of risk it presents. For example, amphibole fibres (particularly crocidolite) are considered more hazardous to health than chrysotile fibres, and friable asbestos (asbestos that when dry may become crumbled, pulverised or reduced to powder by hand) presents a far greater risk than asbestos that is in good condition, well bonded and therefore unlikely to release fibres.
Asbestos Use in Western Australia

Well known for its strength, fire resistance and durability, the physical and chemical properties of asbestos led to its widespread application, particularly in thermal and acoustic insulation, filtration, and as a binder mixed with cement, rubber or vinyl to make building materials. Some of these materials included fireproofing, boiler lagging, vinyl flooring, gaskets, asbestos cement sheeting and moulded products.

Asbestos (primarily crocidolite) was mined at Wittenoom from 1937 to 1966, and asbestos cement (AC) materials were manufactured in WA from 1921 to 1987. Prior to 1955, chrysotile and amosite were the main asbestos types used, however crocidolite was also used between 1955 and 1966. Most uses of amosite ceased in May 1984 and the use of chrysotile ceased around 2003.

The majority of asbestos products installed in WA were manufactured by James Hardie. Following bans on asbestos, the company phased out its use in building materials in stages between 1981 and 1987. Whilst manufacture of AC materials ceased, such products may have been installed from stockpiles or imported sources after these dates. In October 2001 the National Occupational Health and Safety Commission (NOHSC) prohibited the use of chrysotile asbestos beyond 31 December 2003 (subject to a small number of exemptions) and reaffirmed previous prohibitions on amosite and crocidolite. This ban does not impact in situ asbestos.

Government buildings constructed prior to 1990 are therefore most at risk of containing asbestos, however some buildings constructed up to and including December 2003 may have installed ACM in plant and / or equipment. Asbestos use in the private sector has also been widespread; in addition to buildings (including private housing); ACMs were
incorporated into fill for landscaping and used as base materials. Contamination of soil as a result of unsafe demolition activities is also an issue in the redevelopment of land.

As it is now unlawful to re-use asbestos products, any damaged or defunct ACM must be replaced with a non-asbestos alternative.

**Community Attitudes**

The WA community has particular sensitivities to the health risks associated with exposure to asbestos fibres. The high incidence of mesothelioma in Australia, significant media attention generated by compensation claims of former employees at Wittenoom and James Hardie, and critical incidents occurring during maintenance activities in government assets (including schools), have all served to reinforce a cautionary attitude towards ACM in the public sphere.

Although caution is warranted, evidence suggests that not all ACMs present a high risk to the community, and many asbestos products can be successfully and safely managed in situ until replacement occurs. A delicate balance must therefore be struck between reconciling the emotive nature of the asbestos issue and its demonstrated health risks, with cost-effective and achievable strategies for ensuring sound asbestos management and safe work practices while it remains in situ in government assets.

**Asbestos Management in Australia**

To inform its work, the ASC undertook research regarding the approaches employed by government agencies in other Australian jurisdictions to manage asbestos in government assets. Committee members contacted their counterparts around Australia and provided a summary of their findings to the ASC, which have been collated and attached at Appendix A.
The research indicates that although every State and Territory has adopted some form of asbestos management for government assets, this is customarily agency-specific, variable in terms of comprehensiveness, and limited to meeting the immediate needs of the agency. A few have, however, instigated a more systematic approach to the issue. Those in the latter group include Queensland, South Australia and the Australian Capital Territory, with the Northern Territory expecting to implement a more comprehensive process shortly.

**Scientific Research**

To complement research undertaken by ASC members, two papers released by the Australian Safety and Compensation Council (ASCC) in 2008 were reviewed. These papers, *A Literature review of Australian and Overseas Studies on the Release of Airborne Asbestos Fibres From Building Materials as a Result of Weathering and / or Corrosion and Asbestos Exposure, Management and Control: National and International Experiences*, were commissioned by the ASCC to improve information on asbestos exposure and mesothelioma. In combination, the papers concluded that:

- the release of asbestos fibres from non-friable asbestos as a result of weathering or corrosion is extremely small;
- asbestos-cement is considered a non-friable form of asbestos and can be expected to present less of a hazard when not disturbed or otherwise handled;
- the removal of ACM can potentially expose workers and others to higher levels of airborne asbestos fibres than leaving the materials in situ;
- while consensus exists for the asbestos-free goal, where ACM is in good condition and does not pose a health risk, management in situ is preferable to removal;
- advice in Australia and overseas suggests that asbestos should be removed opportunistically (such as during demolition or refurbishment) or when it poses a
significant risk to health, and removal should be in accordance with relevant safety guidelines; and

- there is a risk that some workers continue to be exposed to asbestos fibres due to a lack of awareness of the appropriate methods required to detect, manage, remove and dispose of asbestos and possible non-compliance with existing regulations.

The Regulation of Asbestos in Western Australia

A number of Acts, Regulations, Codes of Practice and Policy Frameworks prescribe specific responsibilities for the management of asbestos in the WA public sector. Those identified in this section fall broadly into four categories: 1) occupational safety and health, 2) public sector management, 3) health and the environment and 4) asset management. Although the list is not exhaustive, regulatory requirements most salient to the management of asbestos for government have been identified, and these are briefly described including relevant authoritative documents, responsibilities for their administration or enforcement and a summary of the coverage of each.

Occupational Safety and Health

Authoritative documents:

- Occupational Safety and Health Act 1984 (OSH Act)
- Occupational Safety and Health Regulations 1996 (OSH Regulations)
- Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018 (2005)] (the Code [2018])
Administration / Enforcement:

The Department of Commerce through WorkSafe.

Coverage:

The OSH Act and Regulations outline legislative requirements for OSH in all WA workplaces, both public and private sector. Each government agency therefore has a statutory obligation under the OSH Act and Regulations to provide a safe workplace for employees. Part 5 of the OSH Regulations addresses hazardous substances, and both of the national Codes (2018 and 2002) are called up in relation to asbestos (Part 5, Division 4, Subdivision 1).

The definition of ‘workplace’ under the OSH Act is broad, encompassing “a place, whether or not in an aircraft, ship, vehicle, building or other structure, where employees or self employed persons work or are likely to be in the course of their work.” The OSH Regulations (Part 3 Division 1 [3.1]) require agencies to identify any workplace hazards, assess risks and consider the means by which risks may be reduced. The risks relating to asbestos must be identified and assessed in accordance with the Code (2018).

The cornerstones of asbestos risk management outlined by the Code (2018) are asbestos registers and AMPs, with commensurate consultation, awareness training and information for employees and contractors. The Code (2002) outlines very specific safe work practices for the removal of asbestos and the OSH Regulations (1996) make provision for some of this work to be undertaken by licensed contractors.

Public Sector Management

Authoritative Documents

• Public Sector Management Act 1994 (PSMA)
• **Code of Practice for Occupational Safety and Health in the Western Australian Public Sector 2007 (Commission for Occupational Safety and Health WA)[the Code, 2007]**

**Administration / Enforcement:**

The Public Sector Commission for the *PSMA* and the Department of Commerce, through WorkSafe, for the *Code* (2007).

**Coverage**

The *PSMA* requires CEOs of government agencies to manage their department or organisation (section 29.1) and in particular, subject to the *OSH Act (1984)*, to implement any health and safety standards and programs adopted with respect to employment in the Public Sector (29.1.m). Section 8(1)e requires employees to be provided with safe and healthy working conditions in accordance with the *OSH Act (1984)* and Section 30(c) compels CEOs to comply with the principles of Section 8.


**Health and the Environment**

**Authoritative Documents:**

• Health (Asbestos) Regulations 1992 (*Health Regulations, 1992*)
• Environmental Protection (Controlled Waste) Regulations 2004 (*EP Regulations, 2004*)

**Administration / Enforcement:**

The Department of Health for the *Health Regulations (1992)* and the Environmental Protection Authority for the *EP Regulations (2004)*.

**Coverage:**

The *Health Regulations (1992)* control the sale, supply, use and some aspects of disposal of AC products, as well as the movement of AC dwellings. They also make provision for authorised persons to direct others to make right or manage an ACM in a particular fashion, and / or confer power to a local government authority to remedy problematic ACM and redeem costs for such action where necessary. The power to take samples and penalties for non-compliance are also covered in the legislation. This legislation deals more so with the residential environment than commercial buildings.

The *EP Regulations (2004)* address licensing, transportation and disposal issues relating to controlled waste products. Asbestos disposal is dealt with in Division 6 of the legislation, and mandates that asbestos be separated (where practicable), wrapped and labelled prior to transportation and disposal. A duty to notify the recipient that waste contains asbestos is also required of the person who takes material to a disposal site.

**Asset Management**

**Authoritative Documents:**

• *The Strategic Asset Management Framework (SAMF) 2005*

**Administration / Enforcement:**
The Department of Treasury and Finance.

Coverage:

The SAMF is a policy for improved asset management and capital investment across the WA public sector. It aims to increase efficiency by making the best possible use of existing assets, maximising value for money when making new investments, and better planning for future needs.

SAMF contains 11 policies and guidelines which cover general government agencies, public financial corporations and public non-financial corporations. Agencies are required to produce Strategic Asset Plans, Maintenance Plans, Asset Condition Assessments, Project Definition Plans, Asset Disposal Plans and related documents. The Maintenance Policy requires agencies to review their current asset portfolio and apply risk management principles to prioritise and produce a maintenance schedule for submission to DTF on an annual basis. Asbestos management can be addressed via a range of identified risk factors within the SAMF, including compliance with statutory requirements, safety and health, community perception and environmental impact.

Recent Developments and New Directions

A number of recent developments at National and State levels will have an impact on how WA government agencies manage asbestos in their assets into the future. These include:

- the National Occupational Health and Safety Strategy 2002-2012;
- Government Leading the Way: Safety, Health and Injury Management for the WA Public Sector;
- the introduction of national Occupational Health and Safety model legislation anticipated in 2011, and
• the draft *Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia 2008* developed by the Department of Health WA.

Each of these is briefly described here, with a discussion of their implications for WA public sector agencies.

**National Occupational Health and Safety Strategy 2002-2012**

The *National Occupational Health and Safety Strategy 2002-2012* was endorsed in May 2002 by all Australian governments, the Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU), and recognises that all levels of government have a role to play in leadership on OSH issues. The *Strategy* outlines five national priorities which ask governments to:

1) reduce high incidence / severity risks;
2) develop the capacity of business operators and workers to manage OSH effectively;
3) prevent occupational disease more effectively;
4) eliminate hazards at the design stage; and
5) strengthen the capacity of government to influence OSH outcomes.

**Government Leading the Way: Safety, Health and Injury Management for the WA Public Sector**

To address the fifth priority of the *National Occupational Health and Safety Strategy 2002-2012*, former Premier Geoff Gallop launched *Government Leading the Way: Safety, Health and Injury Management for the WA Public Sector*. The initiative is led by a Steering Committee comprising representatives from WorkSafe, RiskCover, WorkCover WA, the Department of Premier and Cabinet and Unions WA.
Under this initiative, the *Code of Practice for Occupational Safety and Health in the Western Australian Public Sector (2007)* was brought to the attention of all CEOs in May 2008, and reporting requirements for agencies were developed for 2008 and 2009.

**National Occupational Health and Safety Legislation**

In April 2008 the Federal Minister for Employment and Workplace Relations Julia Gillard MP announced a review to be conducted by an advisory panel into model Occupational Health and Safety laws for adoption in all Australian jurisdictions. The July 2008 Communiqué of the Council of Australian Governments (COAG) signalled under the rubric of a Seamless National Economy that agreement had been reached for the development and adoption of uniform OSH legislation across Australia, accompanied by consistent compliance and enforcement regimes.

Through intergovernmental agreement, all jurisdictions have agreed to adopt model OSH laws by 2011. The Australian Safety and Compensation Council (ASCC) which is currently responsible for the development of national Codes of Practice will be replaced by Safe Work Australia in the new national system.

Safe Work Australia has formed an advisory group to assist in developing national model asbestos regulations. A national asbestos removal licence scheme which includes the competencies and training required for asbestos removalists and competent persons carrying out asbestos surveys will form part of the new regulations. The model regulations will also cover responsibilities for managing in situ asbestos. These model regulations are expected to be adopted by each government and start 1 January 2012.
Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia 2008

In February 2008 the Environmental Health Directorate of WA’s Department of Health released draft Guidelines for the Assessment, Remediation and Management of Asbestos Contaminated Sites in Western Australia (the Guidelines, 2008). These guidelines were prepared to provide a consistent and comprehensive approach to the assessment, remediation and management of asbestos contaminated sites in WA for both public and private sectors.

The Guidelines (2008) are intended to be used in conjunction with the national enHealth Council guidelines on Management of Asbestos in the Non-Occupational Environment (2005), WA’s Contaminated Sites Act 2003 and the Contaminated Sites Management Series (CSMS) administered by the Department of Environment and Conservation WA. Where deviation exists from the CSMS, it is intended that the Guidelines (2008) take precedence given that asbestos is primarily a health issue.

Due to the extent of asbestos contamination in WA soils and the need for remediation and development of these sites, the Department of Health’s intent was to provide more operational guidance in WA than is currently provided by enHealth. As such the Guidelines (2008) cover preliminary and detailed site investigations; sampling and analytical methods; risk assessment, remediation and management; and reporting. Feedback during early consultation processes suggested that a workable complementarity between the enHealth general management principles and the specific operational strategies outlined in the Guidelines (2008) was yet to be reached, and questions were raised about the cost to government of testing and remediating sites under the draft standards.
Summary of the Governance Environment in Western Australia

Asbestos is regulated by a number of different agencies via a range of mechanisms in WA. Although primarily a health and safety issue (as evidenced by the consistent representation of WorkSafe as an administering agency), it also intersects with public sector management, asset management, the environment and health. A summary is provided in the following table, with those authoritative documents requiring action at the agency level marked with an asterisk (*).

Table 1: Summary of Asbestos Regulation in WA

<table>
<thead>
<tr>
<th>Broad Classification</th>
<th>Authoritative Documents</th>
<th>Administering Agencies</th>
</tr>
</thead>
</table>
| Occupational Safety and Health | *Occupational Safety and Health Act 1984  
*Occupational Safety and Health Regulations 1996  
*Code of Practice for the Management and Control of Asbestos in Workplaces [NOHSC:2018 (2005)]  
| Public Sector Management  | *Public Sector Management Act 1994  
*Code of Practice for Occupational Safety and Health in the Western Australian Public Sector 2007 | Public Sector Commission                                    |
| Environment and Health    | Health (Asbestos) Regulations 1992  
Environmental Protection (Controlled Waste) Regulations 2004 | The Department of Health                                    |
| Asset Management           | *Strategic Asset Management Framework 2005                      | The Department of Treasury and Finance                      |

This summary demonstrates that the majority of obligations relating to asbestos in the workplace rest with each public sector agency as individual employers. Although agencies can seek support to develop and implement asbestos registers and AMPs, ultimate responsibility for workplace safety cannot be delegated to third parties nor to a central agency; it is a mandatory obligation for employers under State legislation as part of duty of care provisions. The agency-specific approach for asbestos management is also supported by
the Public Sector Management Act (1994) and the SAMF, in that CEOs are ultimately responsible for workplace safety and agencies are required to manage their own assets. The SAMF in particular provides the facility to create a case for asbestos management and remediation under its Maintenance Policy.

**The ASC and Asbestos in Government Assets**

The ASC is the most recent group to address the issue of asbestos in WA government assets. Unlike its predecessor the Asbestos Review Taskforce, which was largely established in response to a specific incident and was wound up after its terms of reference were complete, it was intended that the ASC become a peak and enduring body for setting policy relating to asbestos management in government buildings. The ASC was ratified by Cabinet endorsement in May 2007.

The ASC was chaired by the Department of Treasury and Finance (DTF), with members from the following agencies:

- Unions WA
- WorkSafe
- Department of Housing
- Department of Agriculture and Food
- Department of Health
- Public Transport Authority
- Main Roads
- Department of Education
- Department of the Attorney General
- Department of Culture and the Arts
Western Australian Police

It was primarily tasked with:

- the development of a whole of government strategy for managing asbestos in Western Australian Government buildings, with the ultimate goal that all buildings be free of asbestos containing materials (ACMs); and
- ensuring that State government agencies develop asbestos registers and asbestos management plans (AMPs) where required under legislation.

In September 2007 the Auditor General released the *Fourth Public Sector Performance Report*, which evaluated the management of asbestos-related risks by government agencies. This assessment determined that even though agencies had been directed in 2004 by the then Minister for Housing and Works to establish asbestos registers and AMPs by December 2005, at the time of audit none of the eight targeted agencies had completed the work.

In response to the Auditor General's findings, the former Minister for Housing and Works, Michelle Roberts, directed the ASC in September 2007 to ensure that government agencies develop asbestos registers and AMPs by the end of September 2008. Throughout the year the ASC made efforts to monitor agencies and provide support to them to ensure that registers and plans were produced. This process included requesting asset information from 130 agencies and regularly monitoring those with registers and plans outstanding.
Concurrently (and also in response to the Auditor General’s findings), WorkSafe undertook audits of 35 agencies to establish their status.

The ASC recognises that approximately a third of the 130 agencies did not meet the September 2008 deadline; unfortunately, the ASC has no power to compel agencies to comply with the Minister’s directive. WorkSafe on the other hand issued 33 improvement notices as a result of their audits and many of the relevant agencies have indicated to the ASC that they are working diligently towards compliance with these, although some are unlikely to complete their work prior to the end of 2009 due to the large number of assets under their management.

Despite the fact that the September 2007 directive is yet to be achieved, the overall process has proved valuable in raising awareness amongst agencies about their obligations, and has provided important contextual information for the work of the ASC. In particular, it has assisted in the identification of:

- the great diversity that exists in government workplaces;
- the complex nature of existing occupancy arrangements, OSH and asset management practices; and
- barriers and challenges for government in compliance with current OSH legislation.

**Types of Government Workplaces**

Data collection relating to government assets has revealed that workplaces in WA are extremely diverse, ranging from office buildings to government owned housing and other types of commercial premises, as well unique structures, plant and equipment that are specific to the core business of the agency. For instance, the types of assets found in agencies that provide services such as power and water are markedly different from those
that deal with health, education and the arts; these in turn contrast significantly with those that have functions such as transport infrastructure, support to primary industry, environmental management or emergency services.

In some circumstances this diversity has created difficulties for agencies when identifying which assets constitute a ‘workplace’, and whether the agency is effectively a ‘person in control’ of that asset. Flexibility exists in the legislation to accommodate diversity and allow for interpretation, but in the absence of expert OSH advice about obligations relating to specific assets some agencies have found the flexibility difficult to reconcile. Three examples have been provided here to illustrate this point, based on actual scenarios reported to the ASC.

Example One

An agency with a moderately-sized asset portfolio regularly sends workers into privately owned commercial premises to inspect machines located there as a public service under the agency’s core business. The agency originally disclosed all such locations to the ASC and intended to establish the asbestos status of each, until clarification from an OSH source indicated that asbestos awareness training for staff would be sufficient, as the agency was not the ‘person in control’ of those workplaces.

Example Two

An agency with a very small but unusual asset portfolio was endeavouring to establish whether registers and plans were required for a number of

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1 In the case of the Department of Housing, advice from the State Solicitor’s Office in 2007 raises the issue of ‘control’ of the workplace, definition of the workplace and requirements to meet this obligation under the OSH Act (1984) and OSH Regulations (1996). The Auditor General’s report of 2007 also raised the requirement to meet the OSH Regulations and cited that the Department did not have asbestos registers in place for its 19,000 public housing stock (pre 1990 construction).
properties in very remote, ‘outback’ locations. In most cases the agency owned the land but not the buildings (which were occasionally owned by other government departments). More often than not the buildings were still under lease to a third (non-government) party but had been abandoned. The only person to visit the sites was the asset manager from the agency, and only then to establish the condition of buildings by visual inspection from a distance to determine whether any remedial action (fencing off the buildings) was required. After clarification from an OSH source, the agency determined that these assets were neither ‘workplaces’ nor was the agency a ‘person in control’ of them.

Example Three

An agency advised the ASC that the premise they occupied was leased from a private owner through the Commercial Leasing area of the (former) Department of Housing and Works (DHW). They believed that DHW and/or the building owner was therefore responsible for establishing the asbestos status of the property. The agency maintained the position that it is only responsible for establishing the asbestos status of assets that it owns.

From the ASC’s perspective a lack of understanding has led to both the over and under-reporting of assets by agencies making achievement of the Ministerial directive difficult to ensure. Furthermore although the term ‘buildings’ has been more prevalent than ‘assets’ or ‘workplaces’ in the mandate and work of the ASC, it is clear that there are some government workplaces that do not fit ‘building’ nomenclature well. Government workplaces can and do span the broad definition referred to in the OSH Act and the limitations of language may have impacted on the reach of the ASC.
Going forward and from a whole of government perspective, lack of integrated OSH expertise and / or support at the agency level may lead to unnecessary asbestos inspections being conducted for some assets (which is both costly and time-consuming), and the under-inspection of others (which may lead to poor OSH outcomes). The ASC’s Guide for Agencies has made inroads to ameliorating this problem, but it is clear that more remains to be done in order to ensure good outcomes for government, employees, and the wider community in this regard.

**Asset Management**

Not only are government workplaces diverse with respect to asset types, they also vary considerably in terms of the mechanisms and systems used for managing them. Some agencies have centralized asset management functions, others are localized; some have small portfolios requiring little asset management infrastructure at the agency level; others have large and / or geographically dispersed portfolios requiring sophisticated asset management systems.

Assets also range from the relatively simple and straightforward to very technical and complex. For example, specific types of plant used in one agency require highly specialised knowledge, hence the agency has opted to train its own personnel in asbestos inspections rather than hiring third parties to undertake the work. Another agency has sophisticated security systems and procedures that must be followed when accessing premises, and this significantly prolongs asbestos inspection times.

Agencies employ various approaches to asset management depending on their budgets, asset types and core business; some opt to repair rather than replace, while others utilise the Building Management and Works function of DTF for maintenance and others ‘go it alone’. Occasionally the nature of an agency’s core business means that entirely new
facilities must be built in order to effectively manage assets and maintain a public service. For example, there are no spare hospitals, prisons, or schools in which to relocate clients while certain types of major maintenance and remediation works are carried out, necessitating the development of new, replacement or temporary assets before the decommissioning or major renovation of old ones.

During ASC monitoring activities it has proved challenging to access information from agencies that do not have centralised asset management functions, or for which the asset portfolio is sizeable. The asset management cycle is not static and the ASC has made continuous amendments to monitoring data as agencies report the acquisition, remediation and disposal of assets. Awareness of the role of the SAMF in making such decisions about asset management appears to be inconsistent across agencies at this point in time.

Types of Occupancy

Agencies reporting to the ASC disclosed a wide variety of tenancy and occupancy types during the data collection process. These include assets that are:

- government owned & occupied;
- buildings on government land that are not owned by government;
- buildings owned by government on land that is not;
- government owned that constitute a workplace from time to time (e.g. for maintenance or repairs);
- owned by government and leased to government;
- owned by government and leased privately (e.g. houses and other buildings that are resumed for future development or leased commercially);
- leased from other parties to government, including commercial leases brokered by the former Department of Housing and Works;
• a single building tenanted by multiple government agencies; and
• government owned houses that are occupied by employees or privately leased.

Of these, commercially leased properties have presented the greatest challenge for agencies. In situations where a workplace is leased from the private sector, obtaining information on the asbestos status of the premise from the leasing agent or owner has proved challenging. This information is often tightly held and not easy to access in a timely way.

Recommendations have been made to amend the wording of the Standard Lease Agreement used by the DTF’s Government Office Accommodation Directorate to ameliorate this problem at the point of the initial lease negotiation for DTF clients, however agencies that undertake their own lease arrangements will need to advocate for this independently. Lack of coordination between agencies in the same building has also led to multiple requests being received by building owners and managers relating to a single premise.

Although it is difficult to address these issues in existing lease agreements, agencies have achieved an outcome by undertaking to inspect properties at their own cost or persisting until registers and plans have been made available.

**Enhancing Expertise and Inter-Agency Coordination**

It is recognised that asset management and OSH functions are generally adjunct to an agency’s core business. The same can be said of the observed lack of coordination between agencies; cooperative arrangements tend to occur on an ad-hoc, opportunistic basis and there is generally little or no dedicated resource to support this work within individual agencies. The challenge for a management strategy is to find the best mechanisms, both
existing and new, for supporting agencies efficiently and effectively to avoid duplication, reduce costs and achieve positive OSH outcomes with respect to asbestos management.

**Ongoing Issues & Challenges**

The availability of training and in particular, skilled contractors for asbestos identification and removal, the capacity of existing disposal sites and certain aspects of the OSH legislation present enduring issues for government that have been subject to consideration by the ASC. Information gathered and approaches adopted to date are discussed in this section.

**Nationally Recognised Training**

In WA at present there is no requirement for training in asbestos identification or removal to be recognised under the Australian Qualifications Framework, and such training is in short supply. In the Vocational Education and Training (VET) sector only two units of competence could be located that specifically target asbestos, and these are found in the BGC03 General Construction training package:

- BCGBC4023A Plan and undertake the site inspection and assessment of asbestos products and materials; and

- BCGDE3002B Encapsulate and remove asbestos.

The first is an elective unit for the Certificate IV in Building and Construction specialisations which including building, estimating, site management, specialist trades and trade contracting. The second is an elective unit for the Certificate III in Demolition (General Construction). Asbestos is briefly mentioned in two other units within BGC03:

- BCGCA 2001B Handle carpentry materials, which specifies ‘asbestos characteristics and removal’ as a specific knowledge requirement; and
• BCGCA3001B Carry out general demolition to minor building structures, which mentions bonded asbestos as a non-mandatory component in the range statement and asbestos as a hazardous substance in specific knowledge.

The BGC03 contains numerous units that specify knowledge requirements relating to OSH issues, but unless asbestos is explicitly mentioned there is no compulsion on the part of training providers to address asbestos as a hazard.

As an OSH specialisation, the BSB07 Business Services Training Package has carriage of relevant qualifications and although hazardous substances feature in many of these, only one unit in the suite of qualifications specifically mentions asbestos. The unit is from the Advanced Diploma of Occupational Health and Safety (BSB60607) and is entitled Develop OHS Information and Data Analysis and Reporting and Recording Procedures (BSB OSH602B). Reference is made in the range statement to a non-mandatory requirement to explore information and data that may include ‘workers individual histories of exposure to specific substances such as lead, asbestos, benzene and vinyl chloride’.

A scan of training providers based in WA revealed only three that offer BCGDE3002B Encapsulate and Remove Asbestos. These are Registered Training Organisations (RTO), two located in Perth and the other in Broome. Of the four training providers (two TAFE colleges and two private RTOs) that have BCGB4023A Plan and Undertake the Site Inspection and Assessment of Asbestos Products and Materials on their training scope, only the two private providers currently offer it. One has indicated that due to low demand the course is delivered on request, while the other does not deliver it but issues statements of attainment via a partnership arrangement with the former DHW (explained in more detail in the sections that follow). Central TAFE indicated that if demand were sufficient it would be able to offer the unit given a six-month lead time to develop training materials.
Asbestos Awareness for General Trades

Training providers offered the opinion that unless government adopts a leadership role in mandating asbestos-related training, it is unlikely that asbestos management skills in the trades will improve. It was also suggested that all trades stood to benefit from awareness of asbestos identification and safe work practices, particularly apprentices and trainees, who were identified as a high risk group. These findings are consistent with those of the ACT Asbestos Taskforce.

To address the need for safe work practices by contractors procured through the former DHW, Safe Work Fact Sheets were made available through the DHW website and outlined the correct work practices when dealing with asbestos prescribed by the Code (2018). Concurrent with the move of Works functions from DHW to DTF, these were converted into a hard copy booklet for DTF contractors and made available online through the DTF website.

Neither the fact sheets nor the booklet cover asbestos identification and health risks, only safe work practices when dealing with ACM. The booklet therefore relies on asbestos identification via an asbestos register, which not all agencies have achieved to date. Although primarily produced for DTF contractors, those agencies that procure services independently have access to the booklet online, although many are still unaware of its availability. Wording is currently being developed for inclusion in DTF contracts that covers safe work practice requirements when handling ACM, and this can be promulgated via the Guide for Agencies once available.

Supply of Skilled Contractors for Asbestos Identification Work

The ASC was required to identify, develop and deliver training for ‘competent persons’ undertaking asbestos identification and the production of asbestos registers, with the ultimate goal that this training be delivered by suitable training providers. The definition of
‘competent person’ in the NOHSC:2018 Code of Practice recognises “adequate qualifications, such as suitable training and sufficient knowledge, experience and skill, for the safe performance of the specific work”. Although many agencies use existing private sector competent persons to undertake ACM inspections, ensuring a sufficient pool of competent asbestos inspectors has been a particularly pressing issue for the Committee given the Ministerial directive that all 130 agencies develop registers and plans within a twelve month timeframe.

The initial development of asbestos inspection training materials was undertaken by the former Department of Education and Training (DET) to address a perceived deficiency in the Code (2018), and in response to a specific issue faced by DET at that time. There was concern that the definition in the Code was so broad as to encompass a very large range of people who could lay claim to having the necessary pre-requisites to be able to carry out asbestos identification and risk assessment. The training was developed to address the particular needs of the DET at the time as it was believed there could be a public perception that people with an inadequate level of “qualifications” in the form of training, knowledge and experience, would or could conduct asbestos identification and risk assessments at public schools. In 2008 the DET training materials were adapted by the former DHW and aligned with BCGBC4023A Plan and Undertake the Site Inspection and Assessment of Asbestos Products and Materials. The advantage of aligning the training materials to the unit of competence is that all units of competence in the VET sector are endorsed by both industry and government as the national standard for competence in a specific task (in this case asbestos identification). DHW adopted this approach to ensure that contractors engaged via the agency would meet the national competency benchmark and comply with the Code (2018).
A partnership approach was then adopted that allowed DHW to deliver the training with a formal statement of attainment issued via a RTO. Those trainees who had already undertaken the DET training program were also able to do a short bridging course and undertake additional assessment in order to achieve a nationally recognised statement of attainment.

The DET training has been offered to a number of agencies and continues to be delivered on demand by the (now) Department of Education (DoE). Attendant personnel are from government agencies wishing to establish their own supply of competent persons to conduct asbestos identification inspections to meet immediate need. Although it was not intended that this training be extended to any other agencies it is acknowledged that it has proved valuable for other agencies in their efforts to identify all ACM within their assets and assess any associated risks.

The approaches adopted by DET and DHW represented interim solutions, and alternate avenues were pursued to locate a suitable TAFE college or RTO to which training could be devolved, however this proved difficult.

**Asbestos Removal and Disposal**

WorkSafe enforces a licensing regime which covers the removal or encapsulation of thermal or acoustic insulation containing asbestos, and demolition of premises which contain asbestos. In line with national trends, as of 1 June 2010 operators removing more than ten square meters of bonded asbestos at a workplace will need to hold an asbestos licence issued by WorkSafe Western Australia. This will supplement the licensing requirement already in place for work involving the removal of friable asbestos. WorkSafe also intends to amend other aspects of its licensing regime. Although fluctuations occur relative to demand, WorkSafe has issued approximately nine licenses for the removal of thermal and acoustic
insulation, and just over 100 licenses for demolition. Any significant increase in demand for asbestos removal is likely to create a shortage of supply in licensed contractors, at least in the short-to-medium term.

In the Perth metropolitan area, 11 waste sites are licensed to take ACM and approximately 500 tonnes per month in total are disposed of across these sites. If government chose to adopt a systematic removal scheme, capacity is not considered a limiting factor, however a dedicated site may be required for very large scale removal.

**Labelling of Asbestos Products and Review of Registers**

The *Code of Practice for the Management and Control of Asbestos in Workplaces (NOHSC:2018[2005])* indicates (at section 9.5.2) that all identified or presumed ACM should be labelled, and existing legislation suggest that asbestos registers should be reviewed every 12 months or earlier. The ASC determined a 12 month interval for review of registers is problematic both on a cost and practicality basis for many agencies. To provide consistent guidance, WorkSafe now provides the following advice on their website.

Asbestos management is based on appropriate management of risk; and some ACM products are known to have a very long and stable effective life. A competent person may reasonably consider that ACM in very good condition and with low risk of disturbance requires less frequent review and assessment than the 12 months stated in the code of practice. Reduction in review and assessment frequency must be supported by:

- the written recommendation of a competent person based on risk; and
- adequate systems at the workplace to report any damage, disturbance or work involving the ACM that occurs during the interval until the next risk assessment and register review.
In any event, the register of ACM and associated risk assessments must be reviewed at least every three years.

**Models for Management**

**How is it managed now?**

While agencies can and do access expertise and services from outside sources to meet their asbestos-related obligations, responsibilities for OSH and asset management ultimately rest with each agency. This devolved model which is driven by legislation and policy means the current approach to asbestos management is somewhat ad hoc, dependent largely on the priority assigned to it by each agency and the level of funding available to address maintenance and asset management issues.

For those agencies that choose to access DTF Building Management and Works (BMW) services, assistance is provided for asbestos-related maintenance, asbestos inspections and the development of asbestos registers. BMW does not provide a service for agencies that wish to develop AMPs; this must be accessed via private providers if expertise is not available within the agency itself. The ASC has developed an AMP template supported by detailed instructions to assist agencies with this task however reference is made to accessing expert advice where buildings are complex and / or an agency’s internal expertise is insufficient, a necessary caveat given the highly specialised nature of the task.

As many agencies choose to engage asbestos-related and other services independently of DTF, a strategy that relies heavily on DTF to ensure asbestos-related OSH compliance across government is unlikely to have sufficient reach. This notwithstanding, DTF is a key instrument for achieving positive asbestos-related outcomes for those agencies utilising its services, and is in a strong position to influence asset management practices given its carriage of the **SAMF**. The **SAMF** makes provision for agencies to meet their statutory
obligations, to conduct risk assessments and to establish their asset management priorities based on genuine need and relative risk, harmonising well with both the requirement for and content of asbestos registers and AMPs.

With respect to accountability, agencies have a range of reporting requirements and existing infrastructure in place for managing these. It is the view of the ASC that existing checklists and mechanisms should be used to accommodate asbestos management rather than imposing new regimes.

**How extensive is the problem?**

Of the 130 agencies monitored by the ASC, only 16 were identified as having entirely asbestos-free workplaces; nine of the 16 occupy only one premise, with no one agency in this group occupying more than 13 premises. The remaining agencies have asbestos in at least one premise, or are yet to determine the status of assets. Some of these agencies have very large portfolios of owned and leased buildings, occasionally running into the thousands. If housing stock across all agencies is factored in, this figure would run into tens of thousands.

Asbestos registers are the mechanism by which the quantum of asbestos is established, and these are not complete for all agencies nor are they disclosed to the ASC. As a result it is impossible to quantify exactly how much asbestos exists in government owned buildings.

**Costs to Manage and Remove ACM**

As the quantum of ACM in government assets is unknown, a case study approach was adopted to establish the potential costs associated with managing and removing ACM, and to provide tangible examples of the types of ACM that exist in government buildings.

**Case Study One: Government Schools**
During the 1990’s and early 2000’s, 400 000 square metres of asbestos cement roofing was removed from government schools. The cost at that time for removal was approximately $60 per square metre, totalling approximately $24 million. At today’s prices it is expected that figure would more than double, with removal at $120 per square metre with a resultant total of around $48 million. No other large scale remediation projects have been undertaken in schools.

**Case Study Two: Health**

The Department of Health has undertaken a number of small scale asbestos replacement activities. For example, the replacement of a 330 sqm roof cost $27,000 which included monitoring, testing, reporting and updating of the asbestos register. In July 2007, fifty metres of pipe lagging in an easily accessible roof space was removed. The cost for removal was $9372, and $6292 for monitoring, testing, reporting and updating of the asbestos register. The cost to remove, dispose of and replace asbestos-containing fire doors (2400 x 870 x 50mm) was $1270 per door.

**Case Study Three: Department of Corrective Services**

In 2006 the Department of Corrective Services (DCS) undertook ACM surveys across 18 sites, many with multiple buildings. The surveys identified 28 985 sqm, 458 linear metres and 329 specific items containing asbestos, as well as other ACM that could not be quantified, such as buried water pipes. ACM was located in wall, ceiling and flooring materials, fences, cable pits, window infill panels, hot water systems, eaves, heater flues, splashbacks, and pipe lagging. The cost to remove and replace all materials in 2007 was calculated at approximately $7 084 600. Applying the building cost index of 12% for 2007-2008 would increase the cost to $7 934 752.

**Case Study Four: Western Australian Police**
In 2006 the WA Police conducted ACM surveys of all facilities across the State. The surveys identified 44 000 sqm, 3500 linear metres and 70 specific items containing asbestos. ACM was located in roofs, roof eaves, insulation, louvered sun shades, electric switchboard mounting boards, fire doors, ceiling materials, floor finishes and external walls as well as other building materials and equipment. The cost to remove and replace all materials at 2008 prices was approximately $9 400 000.

Case Study Five: Department of the Attorney General

The Department of the Attorney General (DoTAG) undertook ACM inspections in 2006, identifying 6844.15 sqm of ACM across 21 sites in both metropolitan and regional locations. The ACM quantified in sqm included vinyl flooring, wall lining, roof and eave lining, pipe lagging, ceiling sheets and moulded fascias, however an additional 45 items including sound dampening sink drainers, communication pits, cable pits and sewer pipe connection spigots were also identified. The gross cost to remove ACM across all sites in May 2007 was calculated at $2 129 300. Application of the 12% building cost index for 2007-2008 increases the amount to $2 384 816.

Based on available information, the cost to implement a full scale asbestos removal program for all government owned assets is likely to be in the order of hundreds of millions of dollars. Over time, the costs associated with activities such as asbestos removal, renovation and demolition will increase, and while ACM remains in situ there are ongoing costs associated with its management. ACM inspections undertaken through BMW range from approximately $320 for a simple asset in the metropolitan area to $2400 for a complex asset in a regional location. Across an agency’s portfolio this can amount to hundreds of thousands of dollars per inspection round.
Strategy for Managing ACM in Government Buildings

Existing regulatory and governance arrangements clearly delineate lines of responsibility, most vested at the agency level, for the management of asbestos in government buildings. Given current policy and legislative requirements, combined with the prohibitive costs of undertaking large scale asbestos removal works and evidence that supports asbestos management and removal on the basis of risk, the ASC is of the view that a whole of government strategy for the removal of asbestos in government assets is not supported. Agencies may, however, still undertake planned removal programs for asbestos that is friable.

Existing mechanisms within government allow for the appropriate planning, monitoring and management of asbestos as discussed below.

Underpinning Principles

The ASC acknowledges that asbestos management in government buildings should accord with the following principles:

- The ultimate goal is for all government-owned buildings to be asbestos free. This is a long-term objective that will occur over time. Agencies should strategically manage their assets with a view to progressively attaining an asbestos free asset portfolio, with asbestos taken into consideration at every stage of the asset management lifecycle.

- Until all government buildings are asbestos-free, agencies must effectively manage asbestos in situ and remediate or remove based on opportunity and / or the risk it presents to health in accordance with relevant legislation and policy. Not all forms of ACM present the same level of risk. Friable asbestos should be removed.
• Agencies should proactively manage asbestos by removal instead of repair and replace it wherever possible during upgrades.

• Agencies should endeavour to obtain accommodation that is free of ACM when purchasing or leasing property.

• Strategies for managing and monitoring the status of asbestos must be cost effective, cognisant of the diverse needs of agencies and respectful of existing mechanisms and processes in place to manage OSH and assets.

The existing roles and responsibilities of those agencies that perform asset management and OSH roles across government, and the uptake of responsibility for ongoing monitoring and remediation of risk by individual agencies, are the central mechanisms for the management of asbestos in WA government buildings.

Responsibilities

The diagram below outlines the preferred model for the ongoing management of asbestos in government buildings. It recognises that all levels of government have a role to play in OSH issues, and focuses on the nationally agreed priority of strengthening the capacity of government to influence OSH outcomes. The model identifies relevant government stakeholders that have responsibilities for OSH and asset management issues.

Asbestos Management Model for Government Buildings
The ASC has completed its function of raising awareness of asbestos as an issue for management by government agencies. Further, the role of the ASC to monitor agency compliance with OSH legislation is not a function effectively performed by a committee with no authority to enforce relevant legislation. The Building Management and Works Business Unit of the Department of Treasury and Finance will continue to provide information developed by the ASC to government agencies via its website, including the *Guide for Agencies*, the AMP template and all related instructions.

The monitoring of agencies by the ASC to determine if registers and plans are in place for assets containing asbestos has ceased. Ensuring agency compliance via inspection will continue by WorkSafe as part of their core business. Expertise from other agencies with responsibilities for asbestos regulation such as the Department of Environment and Conservation and the Department of Health can be called upon by agencies when needed, as per current arrangements.

**Barriers to Compliance with Existing Legislation**

The ASC holds the view that a full scale asbestos removal program for government owned buildings cannot be justified. Such a program is contra-indicated on the basis that it would be prohibitively expensive, it can increase rather than reduce health risks, it is likely to encounter capacity and logistical constraints, and is out of step with both Australian and international practice. Given the highly regulated nature of asbestos and the many existing mechanisms in place to address risks, a whole of government strategy for removing ACM from government assets is not supported.

The ASC recognizes that agencies experience barriers to compliance with existing legislation and policy. Areas of identified need include:

1. Improving and integrating OSH expertise and knowledge at the agency level;
2. Developing an awareness of the SAMF at the agency level;

3. Increasing the supply and skills of specialist and generalist contractors required to inspect, work on / remove or manage asbestos;

4. Enhancing safe work practices through improved procurement practices; and

5. Utilising existing compliance mechanisms.

To support agencies in these areas of need the ASC makes the following recommendations:

**Improve and Integrate OSH Expertise and Knowledge**

Recommendation 1: That all materials produced by the ASC be managed and promulgated by Building Management and Works via the BMW website.

**Developing an Awareness of the Strategic Asset Management Framework (SAMF)**

Recommendation 2: That Building Management and Works assists agencies via the SAMF to plan for an asbestos-free asset portfolio as a long-term objective, and asbestos management and remediation as a short-to-medium term maintenance issue.

**Increasing the Supply and Skills of Specialist and Generalist Contractors**

Recommendation 3: That Building Management and Works establish relationships with key stakeholders and advocate for improved and more inclusive education and training regarding asbestos identification, removal and management for both specialist and generalist building and maintenance personnel.

**Enhancing Safe Work Practices through Improved Procurement Practices**

Recommendation 4: That Building Management and Works include specific clauses and information in relevant contracts and documents to ensure contractors understand safe work practices and obligations relating to asbestos.
Recommendation 5: That Building Management and Works include specific clauses and information in relevant documents to enable agencies to comply with asbestos-related policy and legislation at key points in the asset management lifecycle.

Recommendation 6: That Building Management and Works improve mechanisms for communicating the result of maintenance and other work involving asbestos to agencies, so that asbestos registers and related asset management documents can be appropriately maintained.

**Utilising Existing Compliance Mechanisms**

Recommendation 7: That WorkSafe continues to utilize existing mechanisms to ensure government agencies comply with asbestos-related OSH legislation.

**Further Recommendations**

The remit of the ASC does not cover asbestos in the private sector. Legislation and policy relating to asbestos that spans both public and private sectors outside of the workplace is enforced by the Department of Health and the Environmental Protection Authority. Given the widespread nature of asbestos usage in WA and the intersection between asbestos use in the public and private spheres, the ASC recommends that:

1. Consideration is given to the State Government adopting a leadership role in the management of asbestos in the community.

Given the experiences of the Australian Capital Territory in this regard (see Appendix A) and the likely costs involved, it is suggested that the State Government look to collaborative arrangements between the State and Federal Governments, or to supporting the development of a national framework and funding model for asbestos management in the private sector, with local implementation.
Asset management and maintenance in particular, are areas where many government agencies have adopted a reactive rather than proactive approach. Appropriate planning for and funding of these activities is an uncommon occurrence at present, however increased awareness of the SAMF is likely to improve asset management practices across the board. Although this may increase maintenance and renovation costs in the short-term, it is likely to present savings in terms of asset acquisition and disposal as a result of more strategic decisions being made about the best use and composition of assets. The ASC therefore recommends that:

2. The State Government give consideration to adequate funding for ongoing maintenance to ensure that agencies can comply with their statutory and other obligations, and make best use of existing assets. This includes obligations relating to ACM.
Appendix A: Asbestos Management Practices in Australian Jurisdictions

Queensland

The Department of Public Works (DPW) Queensland developed the Asbestos Management and Control Policy for Government Buildings in response to the release of the National Occupational Health and Safety Commission’s (NOHSC) Code of Practice for the Management and Control of Asbestos in Workplaces 2005. The DPW had previously undertaken the removal of friable asbestos for those agencies utilising their services, and wished to close the gap for those that did not.

The Asbestos Management policy administered by the DPW and covering both workplaces and government-administered residential premises, is the mechanism by which they hope to achieve this objective through directing departments on the management and control of ACM and ensuring consistency in practices across agencies. The DPW is funded from a whole of government program to undertake risk management and control activities on behalf of agencies, with registers recorded in an online database accessible via the internet. Agencies are responsible for funding the removal of ACM.

South Australia

South Australia’s Across-Government Committee on Asbestos Management in Government Assets prepared guidelines in 2004 to assist agency compliance with that State’s Occupational Health, Safety and Welfare Regulations and relevant national Codes of Practice concerning asbestos. The document, entitled Asbestos Management in Government Buildings, provides advice to agencies on roles and responsibilities, requirements relating to the risk assessment and management of asbestos, and the responsibility to report on risk reduction through asbestos removal programs.

Asbestos Management Strategy for Western Australian Government Buildings  February 2010 46
In South Australia, each agency is required to prepare an Asbestos Risk Management Program for their asset portfolio as a component of their Strategic Asset Management Plan, and one of its objectives is for agencies to “include the programmed removal of all asbestos containing materials from buildings, structures and sites within a reasonable timeframe”. The level of risk presented by the ACM is the determining factor when developing a schedule for removal. The document further states that “no portfolio asbestos risk reduction program is complete until all sites are asbestos free”.

**Australian Capital Territory**

In August 2005 the ACT Asbestos Taskforce released *Asbestos Management in the ACT*, a comprehensive report on the impact of the new *Dangerous Substances (Asbestos) Amendment Act 2004* which requires all building owners (including those of residential properties), to disclose information on asbestos in premises during key points in the asset management cycle. The ACT is the first jurisdiction in Australia to introduce legislation for asbestos management in the private residential market. One of few locations to use loose fill asbestos as ceiling insulation in domestic properties, the Territory undertook a large scale remediation program between 1988 and 1993, inspecting over 65 000 houses and following best practice NOHSC guidelines for removal in more than 1000 of these, at a cost of approximately AUD$100 million over the five year period.

The Taskforce concluded that legislation alone was unlikely to result in a reduction in asbestos-related illness, which was the key impetus for making amendments to the legislation. Recommendations centred around directing resources towards providing better education and training for at risk groups such as trades people and DIY renovators, licensing regimes for surveyors and assessors, and a reduction in activities that resulted in unnecessary cost and practicality imposts, such as the review of registers on an annual basis. The Taskforce also argued that asbestos issues would be more effectively addressed if they
were undertaken within a consistent national framework using national resources, but delivered locally.

**Northern Territory**

The Northern Territory’s decision to amalgamate the Department of Justice and WorkSafe in September 2008 signalled intent to adopt a more comprehensive asbestos management strategy, spanning a range of public agencies in the jurisdiction. This process will include auditing of existing registers and plans, reviewing public information, assessing coordination arrangements across government and logging information into a Building Asset Management System.

**Summary Table: Research Undertaken by ASC Members**

<table>
<thead>
<tr>
<th>Victoria</th>
<th>Roads: Have undertaken Audits of about 80 of its 80 to 90 operational buildings. Asbestos identified as dangerous (friable) is removed. Stable asbestos is managed under an AMP. As and when other works are planned at buildings that contain stable asbestos, the works include the removal of the asbestos. Have not yet audited buildings that have been purchased for future road purposes.</th>
</tr>
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<tbody>
<tr>
<td>Health: Department of Human Services Environmental Health Notes 1. Roles &amp; responsibilities for government 2. Guidelines for Local Government. Health see it as an OSH issue and it is managed locally</td>
<td></td>
</tr>
<tr>
<td>Transport: Do not consider asbestos an issue. Victrack has full plan in place and surveys have been completed</td>
<td></td>
</tr>
<tr>
<td>Education: Full AMP in place since 2/2006. In compliance with Code Of Practice (NOHSC) and State regulations</td>
<td></td>
</tr>
<tr>
<td>WorkSafe: No specific program. Publishes &quot;Your health and safety guide to asbestos&quot;</td>
<td></td>
</tr>
<tr>
<td>Justice: No public works function in Victoria. Use private consultants for advice. WorkSafe sets ground rules. Management, minor projects and asbestos registers devolved to local managers</td>
<td></td>
</tr>
<tr>
<td>Community: Gippsland Trades &amp; Labour Council and Latrobe City provide an asbestos kit. Human Services Dept has &quot;Asbestos in the home&quot; publication</td>
<td></td>
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</tbody>
</table>

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<tr>
<th>New South Wales</th>
<th>Health: Fact sheet published - Asbestos and health risks</th>
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</thead>
<tbody>
<tr>
<td>Transport: Do not consider asbestos an issue</td>
<td></td>
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<tr>
<td>Housing: Communication strategy similar to WA, registers completed and revised every three years</td>
<td></td>
</tr>
<tr>
<td>WorkSafe: No specific program. Publishes guidelines and fact sheets for the general public</td>
<td></td>
</tr>
<tr>
<td>Justice: Do not proactively remove ACM but conduct audits including sampling. Asbestos registers kept on site, labelling in place, and trades people undertake site inductions.</td>
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</tr>
</tbody>
</table>
| **Queensland** | Roads: Main Roads QLD does manage its buildings. Asbestos audits have been undertaken on its buildings. Asbestos is managed in accordance with Queensland’s Asbestos Policy.  
Health: Approx 90% of owned buildings have registers, recorded on Public Works central data base. Leased premises have been followed up with owners. Costs are drawn from agencies normal funds but Public Works have a central fund  
Transport: Qld Rail uses least required principle  
Housing: Registers completed and reviewed every three years  
WorkSafe: no specific program  
Justice: Follow policies of Department of Public Works Qld. New policies with more comprehensive process being published. Undertake 3 yearly condition surveys. Use permit to work system and asbestos signage at building entrances. Have a work area access permit process and procedure for asbestos related work.  
Community: Qld Health has a home renovator’s guide. Dept of Industrial Relations publish a guide for all owners of workplaces |
| **South Australia** | Police: Uses DTEI Asbestos Management Unit for annual inspections. Registers retained on site. ACM removed if damaged. Leased sites managed via building owners.  
Transport: Currently looking at the issue  
Housing: Fact sheet for employee housing  
WorkSafe: No specific program  
Justice: Courts Administration Authority has HR policy called Asbestos Standard which includes maintenance and management responsibilities and a job safety analysis procedure and form (covers hazards generally). Usually defer to central works agency – the Department of Transport, Energy and Infrastructure. Also undertake annual audits, keep registers in all buildings, do not sample products, have a forward plan for removal.  
| **Tasmania** | Police: Identifying, replacing and labelling asbestos in accordance with the Code of Practice (NOHSC), and P1 and P2 risks funded by Govt. Register remains in meter box. Annual inspections are done  
Housing: Fact sheets for tenants and persons who have purchased houses  
WorkSafe: No specific program  
<table>
<thead>
<tr>
<th>Northern Territory</th>
<th>Police: No official policy, sheets are replaced when broken</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>WorkSafe: No specific program</td>
</tr>
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<td></td>
<td>Justice / Government Buildings: WorkSafe manages asbestos issues for Department Of Justice (DOJ). WorkSafe amalgamated with DOJ in early September 2008. They are conducting a review of government buildings to ensure that registers and plans are in place and are reviewing public information. They are reviewing the accuracy of all registers in schools, and establishing the currency of registers and that provision of information is accurate for other buildings including public housing. Also assessing coordination arrangements across government. Information is logged to Building Asset Management System.</td>
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<tr>
<td>Australian Capital Territory</td>
<td>WorkSafe: no specific program for public sector</td>
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<td></td>
<td>Justice: No asset management group. Asbestos handled by territory and municipal services, manage in situ, no proactive removal policy.</td>
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<td></td>
<td>Government Buildings / Whole of Community: Asbestos Taskforce created under Dangerous Substances (Asbestos) Amendment Act 2004 which requires all building owners (including of residential properties) to disclose information on what they know about asbestos at the premise</td>
</tr>
<tr>
<td>Western Australia</td>
<td>WorkSafe: Guidance notes and licensing info and forms available on web site</td>
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<td></td>
<td>Government Buildings: Information Guide to Agencies by Department of Treasury and Finance (formerly Department of Housing and Works) with AMP template and notes. Safe Work Fact sheets</td>
</tr>
<tr>
<td>National</td>
<td>Health: Department of Health &amp; Ageing publish “Management of asbestos in the non occupational environment”</td>
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<td>Commcare: publish a fact sheet for OSH purposes.</td>
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</tbody>
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