Information about

Identification and control of asbestos in workplaces

June 2017

Guidance for employers and persons with management or control of asbestos.

Background

The Occupational Health and Safety Regulations 2017 (OHS Regulations) require employers and persons with management or control of workplaces to identify and control risks associated with asbestos. This requirement is included in 'Part 4.4 - Asbestos', Division 5 of the OHS Regulations.

Who has management or control of a workplace?

A property owner has overall management or control of a building including:

- the building fabric (eg walls, floor, roof), and
- associated plant that forms part of the building or structure (eg lift, boiler, air-conditioner).

A property owner may lease or rent a building (or part of a building) used as a workplace to one or more employers. In such cases an employer who leases the building may have a level of management or control. Any lease arrangements should be referred to as part of determining the level of management or control.

An employer or person who has management or control of a workplace must, so far as is reasonably practicable, identify all asbestos present that is under their management or control. Where asbestos is identified, the person or employer must:

- prepare and maintain an asbestos register, and
- control any risk associated with the asbestos.

Who should identify asbestos?

The identification of asbestos should be carried out by a person with the requisite knowledge, skills and experience. The person should be familiar with building design and construction practices, be able to recognise material that may contain asbestos and determine its condition. For the purposes of identifying asbestos a building surveyor, occupational hygienist or architect who has experience with asbestos may be appropriate. Note that analysis of asbestos samples must be performed by a National Association of Testing Authorities (NATA) approved asbestos laboratory.

The OHS Regulations do not require owners of domestic premises (used solely for domestic purposes) to identify asbestos and prepare an asbestos register. If work involving asbestos is to take place at a domestic premise, the person to undertake the work must either identify asbestos that is present, or deem the suspect material to be asbestos, and control the risk accordingly.

What must a person with management or control do to comply?

To comply with their duties under Division 5, a person with management and control of a workplace where asbestos is present in a building, structure, ship or plant, or has been identified elsewhere at the workplace, must:

- Identify, so far as is reasonably practicable, all asbestos that the person has management or control of and determine:
  - where is it located
  - the source of any asbestos that is not fixed or installed
  - the type of asbestos containing material (ACM) (eg asbestos cement sheet, pipes, vinyl tiles, insulation, gaskets)
  - whether the ACM is friable or non-friable
  - the condition of the ACM
  - whether the ACM is likely to sustain damage or deteriorate
  - so far as is possible, any activities likely to be undertaken at the workplace that are likely to damage or disturb the asbestos.

- If there is uncertainty (based on reasonably grounds) as to whether asbestos is present, or there are inaccessible areas likely to contain asbestos.
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(eg wall cavities, roof cavities or under concrete), then the person with management or control must assume that asbestos is present or arrange for analysis of a sample by a NATA approved asbestos laboratory.

- Clearly indicate the presence and location of asbestos, using labelling if reasonably practicable. Direct labelling on or adjacent to asbestos is recommended.
- Prepare an asbestos register for the workplace. The asbestos register must:
  - record all asbestos identified (as detailed above)
  - include details of inaccessible areas that are likely to contain asbestos
  - include the date of each identification
  - be kept current and include any changes (eg condition, ACM removal, enclosure, sealing)
  - be reviewed and, if necessary, revised at least every five years
  - be accessible or provided to persons listed below.
- Ensure a copy of the asbestos register is provided to:
  - any employer or self-employed person whose business is located at the workplace or who proposes to occupy the workplace, and
  - any asbestos licence holder engaged to do asbestos removal work.
- Inform any person engaged to conduct work (that involves the risk of exposure to airborne asbestos fibres) of the asbestos register and provide access to the asbestos register.
- Ensure access to the asbestos register is provided to any other person engaged to do work by the occupier who requests access.

Note: If the person who manages or controls a workplace is intending to cease having ongoing management or control, that person must provide a copy of the asbestos register to the person, if any, who is assuming management or control of the workplace.

- Ensure any risk associated with the presence of asbestos is controlled. The hierarchy for controlling risk associated with asbestos is:
  - eliminate any risk associated with asbestos so far as is reasonably practicable, by removing the asbestos, if a risk still remains
  - enclose the asbestos to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos, if a risk still remains
  - seal the asbestos to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos.
  - Where a risk control measure other than removal is implemented, ensure that it is properly installed, used and maintained.

What must an employer do to comply?

To comply with their duties under Division 5, an employer in a workplace where asbestos is present in a building, structure, ship or plant, or has been identified elsewhere at the workplace, must:
- Obtain a copy of the asbestos register if another person manages or controls the workplace.
- Identify, so far as is reasonably practicable, all asbestos that the employer has management or control of and determine:
  - where is it located
  - the source of any asbestos that is not fixed or installed
  - the type of ACM (eg a insulation, gaskets)
  - whether the ACM is friable or non-friable
  - the condition of the ACM
  - whether the ACM is likely to sustain damage or deteriorate
  - so far as is possible, any activities likely to be undertaken at the workplace that are likely to damage or disturb the asbestos.
- If there is uncertainty (based on reasonable grounds) as to whether asbestos is present, or there are inaccessible areas likely to contain asbestos (such as insulation within a piece of plant that the employer has management or control over), then the employer must assume that asbestos is present or arrange for analysis of a sample by a NATA approved asbestos laboratory.
- Clearly indicate the presence and location of asbestos, using labelling if reasonably practicable. Direct labelling on or adjacent to asbestos is recommended.
- Notify the person who manages or controls the workplace if a risk associated with the presence of asbestos exists, due to the activities conducted by the employer.
- Prepare an employer’s asbestos register for the site. The asbestos register must:
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- record asbestos identified (as detailed above)
- include details of inaccessible areas that are likely to contain asbestos
- include the date of each identification
- a copy of the asbestos register obtained if another person manages or controls the workplace
- be kept current and include any changes (eg condition, ACM removal, enclosure, sealing)
- be reviewed and, if necessary, revised if the health and safety representative of an affected designated work group so requests and at least every five years
- be accessible or provided to persons listed below.

- Ensure a copy of the employer’s asbestos register is readily accessible to any employee.

- Ensure a copy of the employer’s asbestos register is provided to:
  - any health and safety representatives (HSR) of an affected designated work group, and
  - any asbestos licence holder engaged to do asbestos removal work.

- Inform any person engaged to do work (that involves the risk of exposure to airborne asbestos fibres) of the employer’s asbestos register and provide access.

- If requested, provide access to the employer’s asbestos register to any other person engaged to do work by the employer.

- Ensure any risk associated with the presence of asbestos is controlled. The hierarchy for controlling risk associated with asbestos is:
  - eliminate any risk associated with asbestos so far as is reasonably practicable, by removing the asbestos, if a risk still remains
  - enclose the asbestos to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos, if a risk still remains
  - seal the asbestos to reduce, so far as is reasonably practicable, any risk associated with the presence of asbestos.
  - Where a risk control measure other than removal is implemented, ensure that it is properly installed, used and maintained.

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Further information

Contact WorkSafe Victoria Advisory Service on 1800 136 089 or go to worksafe.vic.gov.au.

- Occupational Health and Safety Act 2004
- Occupational Health and Safety Regulations 2017
- legislation.vic.gov.au

WorkSafe Victoria publications

Managing asbestos in workplaces - Compliance Code
A handbook for workplaces – asbestos
Information about labelling asbestos in workplaces

This guidance material has been prepared using the best information available to WorkSafe, and should be used for general use only. Any information about legislative obligations or responsibilities included in this material is only applicable to the circumstances described in the material. You should always check the legislation referred to in this material and make your own judgement about what action you may need to take to ensure you have complied with the law. Accordingly, WorkSafe cannot be held responsible and extends no warranties as to the suitability of the information for your specific circumstances; or actions taken by third parties as a result of information contained in the guidance material.

This guidance has been reviewed and updated for the sole purpose of amending year and regulation references relating to the Occupational Health and Safety Regulations, in line with amendments which came into effect on 18 June 2017.