

**MEDIA RELEASE - WorkSafe ACT****20 January 2017**

ACT Auditor-General, Dr Maxine Cooper, today presented a report on **WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses** to the Speaker for tabling in the ACT Legislative Assembly.

Dr Cooper says 'There has been a considerable amount of regulatory activity by WorkSafe ACT's Asbestos Team over the past 18 months. However, reporting on the effectiveness of this activity was not possible given the issues identified in the audit'.

'Demolitions under the ACT Government's *Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme* are at approximately the halfway mark and the audit's recommendations are designed to assist WorkSafe ACT in undertaking its regulatory activities for the remaining demolitions', said Dr Cooper.

Dr Cooper says 'WorkSafe ACT does not have a strategy and program to guide the Asbestos Team's regulatory activities. There is also no evidence that the Asbestos Team's planning activities have been risk-based. The risks associated with ACT Government-acquired properties compared to privately-owned properties are different, yet there is no evidence that this has been considered. The one major incident that resulted in a WorkSafe ACT investigation was at a private demolition'.

The audit focused on WorkSafe ACT which is one entity involved in the implementation of the ACT Government's *Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme*. Demolitions under this scheme are affected by the work of the Asbestos Response Taskforce, Procurement and Capital Works and a range of private sector entities such as principal contractors, licensed asbestos removalists, licensed asbestos assessors and other contractors whose activities affect the management of risks and safety results.

The Summary of **WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses** with the conclusion, key findings, recommendations and statement from the Head of Access Canberra and a further comment by the Auditor-General is attached to this media release.

Copies of **WorkSafe ACT's management of its regulatory responsibilities for the demolition of loose-fill asbestos contaminated houses: Report No. 1/2017** are available from the ACT Audit Office's website, [www.audit.act.gov.au](http://www.audit.act.gov.au). If you need assistance accessing the report please phone 6207 0833 or go to 11 Moore Street, Canberra City.

# SUMMARY CHAPTER EXTRACT

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## Overall conclusion

Regulatory experience for the large-scale demolition of loose-fill asbestos contaminated houses was limited when the *Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme* came into effect in October 2014. WorkSafe ACT needed to respond to this challenging situation and had regulated the demolition of 531 houses by 14 December 2016 (just over half the total number of houses to be demolished).

WorkSafe ACT does not have a strategy and program to guide the Asbestos Team's regulatory activities. There is also no evidence that the Asbestos Team's planning activities have been risk-based. The risks associated with ACT Government-acquired properties compared to privately-owned properties are different, yet there is no evidence that this has been considered. The one major incident that resulted in a WorkSafe ACT investigation was at a private demolition.

There has been considerable variability in how the Asbestos Team has undertaken its role, importantly in how and when site inspections have been undertaken. Only on the day of demolition have all sites received an inspection, although WorkSafe ACT documents indicate that more inspections were anticipated prior to the day of demolition. There is no documentation that explains why inspectors had limited their inspections at some sites yet increased their inspections at other sites. This compromises transparency and accountability.

WorkSafe ACT investigations related to the one major incident at the demolition of a privately owned property (Darke Street, Torrens) lacked clarity in purpose. While several reports were produced, none effectively fulfilled the purpose of an employer investigation, which was warranted given an Asbestos Team inspector was present when the incident occurred.

Having a strategy and program and guiding activities with an understanding of risk is fundamentally important in clarifying the regulatory activities of the Asbestos Team. These will also provide a basis for measuring the effectiveness of the Asbestos Team in undertaking its regulatory role. As these are lacking an audit opinion on effectiveness is not able to be provided for the Asbestos Team's work to-date.

## Key findings

### PLANNING FOR THE REGULATION OF THE DEMOLITION OF LOOSE-FILL ASBESTOS CONTAMINATED HOUSES

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A draft *Asbestos removal and demolition of houses affected by loose-fill asbestos insulation guide* (a 'how-to' guide) was developed collaboratively by the Asbestos Response Taskforce and WorkSafe ACT in December 2014 and provided to industry

2.10

representatives. The purpose of the guide was unclear and it was not finalised.

In December 2014 WorkSafe ACT had also developed a '93 point checklist', the purpose of which was to identify legislative requirements, potential responsibilities for the 'person conducting a business or undertaking' relating to a demolition and tasks to be done by the regulator. In anticipation of the Government pilot demolitions and subsequent launch of the *Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme* voluntary buyback program, WorkSafe ACT used the initial '93 point checklist' to develop inspectors' workplace inspection forms and checklists. Records maintained by WorkSafe ACT in its record management system (Objective IDMS) for the two private owner-initiated demolitions in the first half of 2015 showed the use of these forms and checklists. 2.15

There is no evidence that WorkSafe ACT used existing Access Canberra and Office of Regulatory Services documented guidance to develop and inform the Asbestos Team's regulatory approach to the demolition of loose-fill asbestos contaminated houses. For example, there was no evidence that a prioritisation process was undertaken or that specific risks were matched to specific regulatory responses. 2.25

There is no evidence that WorkSafe ACT's planning for its Asbestos Team's regulatory activities included an assessment of the relative risks of ACT Government-initiated demolitions and private demolitions. While there are far fewer private demolitions (potentially between two and three per cent of all possible demolitions), the health and safety risks may be significantly higher, because of the lack of ACT Government oversight through procurement and contracting arrangements. Accordingly, scrutiny over private demolitions may need to be greater than that for ACT Government demolitions. 2.29

WorkSafe ACT has not developed a strategy or program of activities for the regulation of the demolition of loose-fill contaminated houses. A strategy would be expected to describe the overall aim of the regulatory activity and define regulatory outcomes. A program of activities would be expected to identify and describe actions to be undertaken for the purpose of achieving the regulatory strategy. 2.35

There is ambiguity associated with the inspections that must be undertaken by WorkSafe ACT officers for the demolition of loose-fill asbestos contaminated houses. It is unclear what inspections (site establishment, smoke testing, asbestos removal, pre-demolition, demolition, post demolition) are mandatory or discretionary. Furthermore, if inspections are discretionary, there is no guidance on how this discretion is to be exercised. Important statements (e.g. in briefings and budget submissions to Ministers) made by WorkSafe ACT appear to identify certain 2.45

mandatory workplace inspections that are to take place, but there is inconsistency between these statements and WorkSafe ACT's draft *Workflow processes* document (July 2015). This creates uncertainty as to what the Asbestos Team is accountable for implementing, and therefore there is no basis for determining if the Asbestos Team is satisfactorily implementing its regulatory activities.

WorkSafe ACT has not identified specific 'minimum' requirements for the delivery of regulatory activity for the demolition of loose-fill asbestos contaminated houses nor has it identified associated performance activity information. Such information is needed to guide resource analyses, but does not exist. Accordingly, a June 2016 business case presented to the Minister seeking additional resources did not include important performance activity information necessary to estimate resources. The business case also did not consider other tasks of the team or efficiencies that may be gained through the team and industry becoming more efficient due to increasing experience.

2.58

As a principle, a regulator needs to be independent, and be seen to be independent, of those it regulates. In order to undertake its regulation of the demolition of loose-fill asbestos contaminated houses WorkSafe ACT sought funding for additional resources through the Asbestos Response Taskforce. The in-principle agreement of the Eradication Scheme Steering Committee to the additional funding was received and a formal request was then made to the Chief Minister. While there is no evidence that the independence of WorkSafe ACT has been compromised, the provision of the additional resources for the Asbestos Team was not obviously independent.

2.64

WorkSafe ACT's reporting of the Asbestos Team's activities against Safe Work Australia indicators and Access Canberra accountability indicators has been incomplete and inconsistent. Accordingly, WorkSafe ACT does not have an effective mechanism for monitoring and publically reporting the reduction in the risk of harm and improvements in compliance as a result of the activities of the Asbestos Team's regulation of loose-fill asbestos contaminated demolitions. WorkSafe ACT is therefore unable to demonstrate its effectiveness in relation to objects of the *Work Health and Safety Act 2011*.

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WorkSafe ACT has not identified an intended (target) performance level against which to compare actual performance for its regulation of the demolition of loose-fill asbestos contaminated houses, nor is there any internal reporting on the actual performance of the Asbestos Team on its regulatory activities. This means accountability and the Asbestos Team's ability to demonstrate continuous improvement is compromised.

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## IMPLEMENTATION OF WORKSAFE ACT REGULATORY RESPONSIBILITIES

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Changes to practice as described by inspectors, with one exception, have not been recorded effectively, have not been subject to a transparent approval process, and have not been influential in reshaping a documented team inspection program or the team's procedural documentation. Unlike other apparent changes to practice, a draft procedure was developed in February 2016 for the termination of services inspection, but this procedure was neither finalised or approved.

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The weekly average number of demolitions requiring Asbestos Team regulation has increased from one demolition a week in September 2015 to nine a week in June 2016. Around 1,180 inspections were undertaken by the Asbestos Team (of four inspectors) between July 2015 and July 2016. In relation to Asbestos Team activities, each demolition site received an average of 4.35 inspections. This is about one inspection (and associated report) per work day per inspector on average.

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The Audit Office's case file review identified all demolition sites received a workplace inspection from an Asbestos Team inspector, and nearly all sites received an inspection on demolition day. However, only 16 per cent of sites received all four inspections (at smoke-testing, removal of asbestos, pre-demolition and demolition) as specified in the draft *Workflow processes* document (July 2015). If the four inspections identified in that document are accepted as the basic requirements for WorkSafe ACT's regulation of the demolition of loose-fill asbestos contaminated houses, then inspection activity has fallen far short of meeting that requirement. As the rate of demolitions increased during 2015-16 there was a decline in the overall number of inspections per site and the quality of records management significantly declined.

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The Audit Office's case file review confirmed assertions of Asbestos Team officers that there had been a significant change in priorities for different inspections (i.e smoke testing and pre-demolition inspections declined, and post-demolition inspections increased). However, additional inspections to verify power had been terminated have only been undertaken for a few sites. There was no documented rationale for changes in priorities.

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The Audit Office's case file review identified variability in the conduct of the four inspections identified in the draft *Workflow processes* document (July 2015). These results cannot be attributed to the use of 'reasonable discretion' of Asbestos Team inspectors as decisions to not conduct particular inspections have not been made according to a documented program and procedures and have not been appropriately explained and recorded.

3.47

The *How to Safely Remove Asbestos Code of Practice 2014* states that if a level of 0.02 fibres / ml is recorded, then the 'person conducting a business or undertaking' must stop work and notify WorkSafe ACT. Asbestos Team officers advised that the team had not been notified of any breach of the 0.02 level in the period 1 July 2015 to 26 July 2016.

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In August 2016 there was an instance on one site (of an ACT-Government initiated demolition) where air quality monitoring detected a high reading (exceeding the 0.01 fibres / ml level, a reading of 0.04). Further testing identified that the high reading was primarily due to gypsum fibres (of 23 respirable fibres 16 were identified as gypsum and seven were identified as asbestos (amosite)). The air quality monitoring result was recalculated on the basis of the known respirable fibre count and returned a result of less than 0.01 fibres / ml. There is no indication that the contractor did not meet their obligations for reporting, but this incident exposed deficiencies in task allocation, planning, in team support and communications within the Asbestos Team, and the lack of a supporting case management system for readily retrieving information for a site.

3.71

Asbestos Team inspection reports have not identified why some sites have been the subject of post demolition workplace inspections and others have not. There is no procedural documentation for post demolition workplace inspections. It is not clear at what point WorkSafe ACT Asbestos Team's regulatory interest in a particular demolition site concludes, and how this is confirmed.

3.78

WorkSafe ACT is inadequately monitoring the implementation of Asbestos Team activities for the purpose of achieving continuous improvement in the regulation of the demolition of loose-fill asbestos contaminated houses. There is no evidence of team (or program) management oversight and the Asbestos Team is not using its available management information systems effectively to generate useful managerial information on regulatory activities.

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Interactions such as team meetings and paired workplace inspections provide opportunities for practice sharing, quality assurance, personal development and learning amongst Asbestos Team inspectors. However, documentation and records

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associated with these interactions are inadequate to confirm the frequency of such activity, its purpose or its assurance value.

There is no independent assurance of the documented records of inspectors' activities, whether these are created as internal records, as workplace inspection reports for a 'person conducting a business or undertaking' or as statutory notices under sections 191 and 195 of the *Work Health and Safety Act 2011*. Records prepared by inspectors potentially provide enduring evidence of a large proportion of inspectors' regulatory activities. These need to be of a high quality. 3.93

There is limited evidence of management activity specifically relating to probity controls and the risk of regulator capture. For example, a basic control is supervisory involvement in allocating inspectors to regulated entities. For the Asbestos Team this is an administrative support task, based on case loading, efficiency and continuity. Probity is not a consideration and there is no supervisory sign-off in assigning tasks to inspectors. A lack of application of probity controls accompanied by a lack of procedural documentation in general, decision rationale, risk management, quality assurance, outcome/output reporting and other oversight mechanisms means inspectors are currently at risk of accusations of preferential treatment or of imposing an excessive burden on the regulated entity. 3.97

Risk assessment procedures are established in procedural documentation of WorkSafe ACT. However there is no documentation of the conduct or results of any risk assessment for Asbestos Team activities. 3.102

The Asbestos Team's documentation and record keeping is poor. This is a concern, particularly as the Asbestos Team's actions and decisions may need to be evidence if subjected to an investigation or judicial examination. Furthermore, the Asbestos Team does not have in place a mechanism to confirm the completeness of its records of regulatory activity, such as records of workplace inspections on demolition day. 3.106

The Asbestos Team's inspection reports do not have content that meets Access Canberra's service documentation requirements of being 'clear and comprehensive ... and ... easy to understand', particularly reports in the latter part of 2015-16. WorkSafe ACT managers advised that reports are prepared by inspectors, but are not independently quality assured. Reports are not read by supervisors prior to sending to recipients, and have not been independently reviewed subsequently. Independent assurance would have prevented reports from being sent, on occasion, to contractors that were unintelligible or of limited value. 3.111

On some occasions inspectors have entered a house on the basis of an asbestos assessor's clearance certificate to indicate that it is safe to do so and challenged aspects of the assessor's assessment and therefore the basis for the certificate. The draft *Workflow processes* document (July 2015) and inspection checklists do not indicate that it is an inspector's role to enter a house and inspection reports do not provide a rationale for why it was necessary to do this in specific instances. Entering such an enclosure potentially presents a greater risk for the inspector's own health and safety.

3.118

Section 435 of the *Work Health and Safety Regulation 2011* requires that health monitoring should occur if there is a risk of exposure to asbestos when carrying out inspection work. For the inspectors who have entered a house (enclosure) and challenged the assessment underpinning the clearance certificate, there was no evidence that their health was being monitored by WorkSafe ACT prior to June 2016. WorkSafe ACT has since instructed its inspectors (December 2016) not to enter any house without a direction in writing from the Manager of the Asbestos Team.

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## ESCALATION AND RESPONSE TO INCIDENTS

Paragraph

WorkSafe ACT has not identified how its *Workplace Safety: Compliance Framework* (June 2016) is to apply to the regulation of the demolition of loose-fill asbestos contaminated houses. It is not clear how and when potential compliance issues associated with the demolition of loose-fill asbestos contaminated houses will be actioned.

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During the first 12 months of demolitions under the *Loose-fill Asbestos (Mr Fluffy) Insulation Eradication Scheme* (July 2015 to July 2016) five Improvement Notices and four Prohibition Notices were issued. As Asbestos Team-specific expectations in response to WorkSafe ACT's *Workplace Safety: Compliance Framework* (June 2016) have not been articulated, it is not possible to determine if nine is considered reasonable or not.

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A review of Asbestos Team-issued Improvement Notices and Prohibition Notices and accompanying workplace inspection reports found that records were inadequate and management involvement, although not mandatory but encouraged in guidance documents, was lacking.

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The Audit Office's review of the regulation of the demolition of 146 houses shows that inspectors highlighted potential non compliance matters in an estimated 34 per cent of sites (49 sites). For 24 of these sites, there was no evidence that the

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potential non compliance matter had been addressed by the inspector or the regulated entity. This is potentially a lost opportunity to have a significant impact on workers' health and safety, particularly in using workplace inspection reports as a tool to raise safety standards. However in the absence of a compliance strategy, no conclusions can be drawn about whether or not the number of non compliance matters is significant, or whether the frequency of follow up is acceptable.

The duty to report a notifiable incident ultimately falls on the relevant 'person conducting a business or undertaking' with management or control of the workplace. Duty holders with knowledge of the incident are encouraged to coordinate their efforts to notify WorkSafe ACT. When an ACT Government employee was either a witness (and potential informant) to a matter or an employee contacted by a duty holder, records of the interaction between ACT Government officers indicate hesitancy and a lack of knowledge of procedure. When in doubt, ACT Government officers should be encouraged by WorkSafe ACT to advise WorkSafe ACT of potential notifiable incidents, regardless of duty holders' reporting responsibilities. 4.48

One incident relating to the regulation of the demolition of loose-fill asbestos contaminated houses has been investigated by WorkSafe ACT's Major Investigations Team. The incident occurred on the day of a private owner-initiated demolition at a house in Darke Street Torrens. WorkSafe ACT inspectors were in attendance at the site at the time of the incident and shortly after. 4.51

For the incident at Darke Street, there was no evidence of a Notifiable Incident Report from the 'person conducting a business or undertaking' or the 'person in control of the premises' in WorkSafe ACT's information system (Objective IDMS). There is also no record of any interaction between WorkSafe ACT officers and the 'person conducting a business or undertaking' relating to the incident site on the day of the incident that confirms whether or how the duty of the 'person conducting a business or undertaking' to report was discharged. 4.65

The subject matter expert advised the Audit Office that given the immediate circumstances of the Darke Street incident, there are three types of investigative response that should have been anticipated, planned for and implemented: an employer investigation, a regulatory investigation and a performance review. In the case of the Darke Street incident, none of the five reviews or investigations subsequently undertaken adequately address the function of a performance review. There are a number of indicators of process errors that were capable of triggering a performance review of the investigative process (the third type of investigative response) during the course of the investigation, but this did not happen. 4.75

There was a lack of clarity as to the purpose of the reviews and investigations initiated into the Darke Street incident. Given the number of investigations that commenced, expressing clear terms of reference is a necessary initial step to ensure full coverage of the matters of interest, and also to avoid overlap, wasted effort and potential confusion. Without terms of reference there is also an increased risk that the conduct of one review may compromise another. Clear terms of reference for the various investigations were not provided.

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The *Internal Review of Darke Street* report (21 August 2015) in part addresses two of the three investigative response types identified by the Audit Office's subject matter expert: an employer investigation and a performance (process improvement) review. However it was prepared and concluded within 48 hours of the incident and so was limited in its coverage. The Audit Office found no evidence of a management response to the report.

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The purpose of the Procurement and Capital Works incident investigation leading to the *Incident investigation report* (26 November 2015) was not clearly established. Furthermore the incident investigation was not an effective employer or regulatory investigation, and as a performance review it did not trigger any follow up action. None of the investigations have effectively fulfilled the purpose of an employer investigation.

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Procurement and Capital Works advised the Audit Office on 12 December 2016 that the *Incident investigation report* (26 November 2015) did not fit any of the three categories described by the subject matter expert (paragraph 4.67) but that the aim was 'to demonstrate, using a work related issue, the method of Root Cause Analysis, giving WorkSafe another technique which could assist them'.

4.96

Records identify that officers engaged in the first investigative responses to the Darke Street incident (August to November 2015) raised concerns about their independence and the need to be impartial. The close working proximity of investigators and inspectors shortly after the incident, and the probable overlap in the scope of each task created managerial challenges. Officers encountered difficulties in ensuring sensitive information was secure. The second regulatory investigation (that commenced in February 2016 and that led to the *Briefing Note Summary to the submission for consideration of investigation into the demolition of 9 Darke Street, Torrens* (3 June 2016) was conducted by a newly appointed WorkSafe ACT investigator who had no prior knowledge of the people involved or the incident itself. This was a more effective response to managing the risk to independence and impartiality in the conduct of the investigation.

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## Recommendations

### RECOMMENDATION 1 REGULATORY STRATEGY AND PROGRAM

Develop and formally adopt a regulatory strategy and program of activities to guide the Asbestos Team's regulation of loose-fill asbestos demolition work.

### RECOMMENDATION 2 REGULATORY PROGRAM

The program of activities to guide the Asbestos Team's regulation of the demolition of loose-fill asbestos contaminated houses should:

- a) reflect existing documented guidance from Access Canberra (and the previous Office of Regulatory Services) in the program's development;
- b) specify which Asbestos Team workplace inspections are mandatory or discretionary. For discretionary inspections guidance should be provided on how this is to be determined; and
- c) be regularly reviewed and changes made in response to performance, emerging risks and lessons learnt. Reasons for changes should be formally documented.

### RECOMMENDATION 3 RESOURCING ANALYSIS

WorkSafe ACT should bring forward the resourcing review originally noted by the Eradication Scheme Steering Committee for mid 2017 to early 2017 and should take into account the regulatory strategy and program of activities for the Asbestos Team.

### RECOMMENDATION 4 PERFORMANCE MEASURES

Performance measures for the Asbestos Team's regulation of the demolition of loose-fill asbestos contaminated houses should be established. These should include:

- a) internal performance measures that allow WorkSafe ACT to review individual and team performance in relation to program goals and targets; and
- b) measures that focus on the monitoring of compliance and improvements in safety standards.

### RECOMMENDATION 5 ASBESTOS TEAM REGULATORY ACTIVITIES

The implementation of the program of activities to guide the Asbestos Team's regulation of loose-fill asbestos demolition work should be:

- a) appropriately documented, stating the purpose of the activity, and how any permitted discretion has been applied;
- b) subject to quality assurance. This should include a review of documented records, particularly inspection reports, and records should be maintained of quality assurance activities such as meetings and supervisory discussion with inspectors;

- c) supported by documented probity procedures in order to protect Asbestos Team inspectors and regulated entities;
- d) informed by risk assessments. These need to be documented and reviewed, and be used as part of the prioritisation process in relation to programmed inspection planning, site and entity-based inspection activity, inspectors' personal safety and ACT Government versus private owner-initiated demolitions; and
- e) supported by procedures for documentation including specifying when documents are to be created and how they are to be managed. A managerial review of documentation should occur to check for completeness and accuracy of records.

#### RECOMMENDATION 6 ASBESTOS TEAM COMPLIANCE ACTIVITIES

Compliance activities of the Asbestos Team should be:

- a) clearly defined and articulated in accordance with WorkSafe ACT's *Workplace Safety: Compliance Framework* (June 2016);
- b) supported by a procedure to guide the validation, issuing and follow up of Improvement Notices and Prohibition Notices and escalation of matters that warrant more than routine supervision by management; and
- c) monitored and reviewed in relation to the Asbestos Team-specific response to the *WorkSafe ACT compliance framework*.

#### RECOMMENDATION 7 NOTIFIABLE INCIDENTS

Procedures for WorkSafe ACT's management of notifiable incidents should be developed, approved and implemented. They should include, amongst other things, guidance for receiving and responding to notifiable incidents and encouragement for ACT Government employees to notify incidents (i.e. 'when in doubt, notify').

#### RECOMMENDATION 8 CONDUCT OF INVESTIGATIONS

WorkSafe ACT's Standard Operating Procedure *Serious incident inspection, investigation and prosecution* (April 2011) and WorkSafe ACT's *Inspection and investigation manual* (February 2013) should be updated to include:

- a) requirements for an investigation plan to be developed and approved for all major investigations (including terms of reference covering aim, scope and approach);
- b) guidance on performance reviews relating to the conduct of investigations; and
- c) guidance on additional probity controls to be put in place when WorkSafe ACT is required to conduct a regulator's investigation of itself as a 'person conducting a business or undertaking'.

## Response

### Statement of the Head of Access Canberra

*I would like to thank the Auditor-General and her team for the time taken to consider the position of Access Canberra's executive team.*

*WorkSafe ACT (WSACT) welcomes the recommendations in the report and acknowledges the importance of having clearly documented governance and risk frameworks, policies and procedures about the regulation of loose-fill asbestos demolition activities. WSACT has commenced action to implement the changes put forward in the Audit Report.*

*While acknowledging the need to have well documented governance and risk frameworks, policies and procedures, WSACT emphasises that the regulation of the demolition of loose-fill asbestos contaminated houses operates within a clearly established and nationally harmonised best practice framework based on Work Health and Safety (WHS) legislation developed by Safe Work Australia. The ACT Government accelerated the adoption of Chapter 8 (Asbestos) of the framework with particular additions from 1 January 2015.*

*In addition to a number of improvements to the management of asbestos safety on work sites, the regulations provide improved controls for the safe demolition of asbestos affected domestic premises. Importantly, the regulations establish a new regime, overseen by WSACT that licenses and regulates the activities of asbestos assessors, asbestos removalists and asbestos demolition contractors. This includes the requirement to provide a copy of the asbestos removal control plan to WSACT. Licensed asbestos assessors and licensed asbestos removalists are also trained under the new harmonised competency- based training developed by Safe Work Australia. In addition, the stringent 'principal contractor' work health and safety obligations have been extended to the individual demolition site level. The primary duty of care for safety vests with the entities in control of the work site and brings a high level of safety regulation to these sites.*

*The Audit also notes that in relation to demolitions being undertaken by the Asbestos Response Taskforce, there is an additional layer of procurement-related controls contained in the active assurance model applied by Procurement and Capital Works.*

*The framework ensures that WSACT continues to meet its purpose under the Work Health and Safety Act 2011 to protect the safety of workers, workplaces and others. Since July 2015 WSACT has had regulation oversight of the demolition of 530 affected properties accounting for more than 200,000 hours of demolition activity. In that time there have been no notifiable injuries and there have been no unacceptable levels of asbestos detected in air monitoring. The Audit's recommendations to ensure well documented governance and risk frameworks, policies and procedures will strengthen the delivery, transparency and accountability of WSACT's regulatory role.*

### Further Audit Office comment

*It has been respected in the audit report that there have been advancements in Commonwealth and ACT asbestos health and safety regulation since 2014. WorkSafe ACT's implementation of an articulated governance framework that includes risk analyses, policies and procedures and having reliable and robust mechanisms to demonstrate the effectiveness of its regulatory activities will provide transparency regarding the contribution WorkSafe ACT makes for achieving the objectives of the Work Health and Safety Act (2011) and accompanying regulation for the removal of loose-fill asbestos.*