

ASBESTOS REPORTS

a subsidiary of Building Insurance Valuations Pty Limited ABN 75 124 043 027

ASBESTOS REGISTER AND ASBESTOS MANAGEMENT PLAN

COMMON PROPERTY - LEVEL 1 INSPECTION

14 DECEMBER 2012



37-43 PAUL STREET, BONDI JUNCTION :: SP13385



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Part 1 - Asbestos Register

ASBESTOS REGISTER

This Asbestos Register should be read in conjunction with the full Asbestos Report

Workplace address: 37-43 Paul Street, Bondi Junction :: SP13385

Name of Competent Person: Steve Hambly - Asbestos Inspector

Code of Practice items				Risk Assessment				Photo (see Annex A for additional photos)
	Date of Identi- fication	Item Description (type of asbestos product) Specific Location	Friable or Non-Friable? Condition of Asbestos	Visual identification only		Area m2 Approx	Is this an inaccessible area? Recommended Control Measure(s) Remove/isolate	
				Is it Asbestos? 1. highly likely: 2. likely: 3.unlikely: 4. highly unlikely	Contamination risk 1. very high (friable) 2. high: 3. mod: 4. low			
1	14 Dec 2012	Pipe penetrations	Non-friable Good	3. unlikely	4. low	5	No Leave in place do not disturb Keep painted/sealed Clean without creating dust Periodically review and monitor	
2	14 Dec 2012	Ceilings	Non-friable Good	4. highly unlikely	3. mod	400	No Leave in place do not disturb Keep painted/sealed Clean without creating dust Periodically review and monitor	

Inaccessible Areas: The following areas were not accessible or inspected and in accordance with Clause 422 of the Work Health and Safety Regulation 2011 the areas are assumed to contain asbestos or ACM.

Inaccessible area or areas not inspected	Reasons
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Part 2 - Asbestos Management Plan

ASBESTOS MANAGEMENT PLAN

This Asbestos Management Plan should be read
in conjunction with the full Asbestos Report

Treatment of asbestos at Workplace address: 37-43 Paul Street, Bondi Junction :: SP13385

Date: 14 December 2012

Item	Item Description and Location(s)	Approx Amount m2	Recommended Control Measure(s) Remove/isolate	Who's responsible and work to be done	Date to commence	Expected time to complete	Work complete signed off by	Signed off date
1	Pipe penetrations	5	Leave in place do not disturb Keep painted/sealed Clean without creating dust Periodically review and monitor					
2	Ceilings	400	Leave in place do not disturb Keep painted/sealed Clean without creating dust Periodically review and monitor					

Procedures for detailing accidents, incidents or emergencies of asbestos in the workplace - any work with asbestos or ACM is to comply with the 'How to manage and control asbestos in the workplace - Code of Practice' (ISBN 978-0-642-33315-5); **Safe work procedures** refer to Appendix F of the above Code of Practice; **Control measures** refer to page 36 of the above Code of Practice; **Training workers** refer to page 34 of the above Code of Practice; **Emergency procedures** refer the matter to the person in the management or control of the workplace in accordance with the above Code of Practice.

In the case of accidents, incidents or emergencies relating to asbestos Contact:.....Phone:.....

Part 3: Explanation

The Risk Management Process

There are varying methods of Risk Management and we have considered AS4360:2004 Risk Management, AS4801:2001 Occupational Health and Safety Management Systems - Specification with guidance for use; WorkCover NSW Hazpak and Risk Management at Work - Guide 2001, the ISO 31000 Risk Management family, amongst other documents.

This Asbestos Report outlines the following:

1. **Identifies likely asbestos hazards** excluding inaccessible areas
2. **Assesses risk** associated with those hazards
3. Provides an **overall risk rating** under Contamination Risk
4. Provides a recommended **Control Measure** for the rectification of those identified risk items
5. Provides an **Asbestos Register** and an **Asbestos Management Plan**

Risk Assessment

We have adopted two factors to assess overall risk. These are the propensity for **contamination** and the **likelihood** of an item being asbestos or an asbestos containing material (ACM) as we do not carry out testing of samples for a Level 1 Inspection (visual inspection only). There are four levels for each factor. They are:

<u>Contamination</u>	<u>The non-rectification of this risk item could result in</u>
1. Very high	Potentially contaminated site in the short term (for example, ACM is friable)
2. High	Potentially contaminated site in the medium term
3. Moderate	Potentially contaminated site in the longer term
4. Low	Limited degree of potential contamination

<u>Likelihood</u>	<u>Would the item contain asbestos?</u>
1. Highly likely	Very likely
2. Likely	Likely
3. Unlikely	Unlikely
4. Highly unlikely	Very unlikely

An example of likeliness may relate to the comparison of two building products, one which was known to contain asbestos in all of the product range (Highly Likely - James Hardie Super 6 Corrugated Roofing) and the other being a building product that at times, used asbestos in its production, but not at all times (Likely). The combination of the above considerations (contamination and likelihood) gives an overall risk rating.

For the purpose of this report we have utilised a simple 4 x 4 Hazpak Priority Table to produce our Asbestos WH&S Reports Risk Assessment Matrix which considers the degree of contamination, and the degree of likelihood of exposure to an asbestos hazard. Set out below is an example of our Asbestos WH&S Reports Risk Assessment Matrix.

EXAMPLE

OVERALL RISK RATING		<u>Likelihood</u>			
		Highly likely	Likely	Unlikely	Highly unlikely
<u>Contamination</u>	1. Very high	1	1	2	3
	2. High	1	2	3	4
	3. Moderate	2	3	4	5
	4. Low	3	4	5	6

Priority of Risk

The table above illustrates an Overall Risk Rating of 3. An Overall Risk Rating of 1 (Top Priority) would require immediate attention and 'it is extremely important to do something about this hazard as soon as possible'. An Overall Risk Rating of 6 (Low Priority) requires action but 'may not need your immediate attention' and do something about this hazard when possible. This allows varying hazards to be compared in relation to their risk rating which may assist in the assessment of the priority of rectification of those hazards.

Control measures

There are a number of ways to deal with a hazard. Here are basically five typical controls:

Elimination	removing the hazard or cause of the hazard - this is the best way to deal with a hazard
Isolation	quarantine the exposure to asbestos containing material by a physical barrier
Engineering	structurally change the environment or access to any likely asbestos containing material ie barriers, guards, enclosures to reduce the risk
PPE	personal protective equipment ie masks, safety goggles, gloves and protective clothing to reduce the risk
Administrative	documentation of the correct procedures or instructions for carrying out a task safely, or limiting the exposure to a hazard

All work to rectify a hazard should be carried out in a workman-like manner by a suitably qualified person. Likely control measures listed in this report are generally one of many potential solutions. A contractor or the Owners Corporation should choose their own safe work method of rectifying any hazard in accordance with good industry practice. The 'how to manage and control asbestos in the workplace' Code of Practice provides good advice on safe work practices.

Time to rectify

Sometimes we provide a recommended time frame for the elimination, rectification or minimisation of a hazard as simply (1) Short term; (2) Medium term; or (3) Long term. The actual time within the recommended time frames would vary depending on the hazard and the risk element. Generally, Short Term would require an effective control measure to be in place within a few days or weeks depending on the hazard; Medium Term would be in a few weeks to a few months; and Long Term may be a time frame of up to a year or more.

The context of that risk is important. In high traffic areas, the timeframe for repair would be expected to be sooner rather than later, when compared to a low traffic area. Note that if the problem is obvious and the risk of injury or damage to ACM is high, then acting to control and minimise the risk immediately, even if the act is an interim measure only, is more prudent than leaving the risk uncontrolled and waiting for the perfect control measure that ultimately eliminates the risk.

For example, a broken ACM stormwater pipe at the rear of the property where people generally do not walk may attract a recommendation of 'medium term' being an expected repair within six months, where an equivalent broken ACM stormwater pipe at an accessway at the front of the property that is used more often may attract a 'short term' repair within a few weeks and a control measure put in place within a few days.

Asbestos Management Plan

We provide a recommended Asbestos Management Plan (AMP) in Part 2 of this report which the Owners Corporation can add to or modify. This AMP provides a suggested timeline and priority of work to be completed. It also includes headings for who is responsible for the work, the expected timeframe and when the work has been completed. It is entirely up to the Owners Corporation to determine their own priority level as they are more intimately aware of their property, and whether it is 'reasonably practicable' to carry out rectification works. Note that just because an item is low priority does not mean that it should be completed a long time down the track if it can be fixed easily and quickly now.

Owners Corporation and the new Work Health and Safety legislation

As you may be aware, there is a National Model dealing with a concerted effort to harmonise the Occupational Health and Safety legislation around Australia. In January 2012, the new Work Health and Safety legislation was adopted by NSW, Queensland, ACT, Northern Territory and the Commonwealth. In NSW for example, the Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001 were repealed and from 1 January 2012, the Work Health Safety Act 2011 (WHS Act) and the Work Health Safety Regulation 2011 (WHS Reg) came into effect. So in the near future, you will hear OHS intermingled and eventually replaced with WHS. You will also hear the term 'Person Conducting a Business or Undertaking' (PCBU) which captures a much wider range of person being responsible under the WHS legislation, and the definition of 'worker' includes contractors, sub-contractors, employees, volunteers, amongst other persons.

The new legislation has also significantly increased the requirements in dealing with asbestos and ACM, and in essence requires all buildings built before 31 December 2003 to obtain an Asbestos Register in order to comply (see Annex B for a summary of the penalties that applies to asbestos non-compliance).

Relevant extracts from the legislation

There is a limited exemption for some residential strata schemes that meet a stringent test. This is set out in clause 7 of the WHS Reg.

*7 (1) For the purposes of section 5(6) of the Act, a strata title body corporate that is responsible for any common areas **used only for residential purposes** may be taken **not** to be a Person Conducting a Business or Undertaking in relation to those premises. (2) Subclause (1) does not apply if the strata title body corporate engages any worker as an employee.*

Note that the definition of 'worker' is very wide and includes volunteers, employees, contractors and sub-contractors, amongst others (see s7 WHS Act). Many town planning instruments allow home business type uses within residential buildings, and a home business or occupation which may cause a loss of the residential exemption under the WHS Reg.

Division 3 Further duties of persons conducting businesses or undertakings

20 Duty of persons conducting businesses or undertakings involving management or control of workplaces

20(1) In this section, person with management or control of a workplace means a person conducting a business or undertaking to the extent that the business or undertaking involves the management or control, in whole or in part, of the workplace ...

20(2) The person with management or control of a workplace must ensure, so far as is reasonably practicable, that the workplace, the means of entering and exiting the workplace and anything arising from the workplace are without risks to the health and safety of any person.

Section 18 of the WHS Act is very important in defining 'reasonably practicable' and is set out below.

*18 In this Act, **reasonably practicable**, in relation to a duty to ensure health and safety, means that which is, or was at a particular time, reasonably able to be done in relation to ensuring health and safety, taking into account and weighing up all relevant matters including:*

- (a) the likelihood of the hazard or the risk concerned occurring, and*
- (b) the degree of harm that might result from the hazard or the risk, and*
- (c) what the person concerned knows, or ought reasonably to know, about:*
 - (i) the hazard or the risk, and*
 - (ii) ways of eliminating or minimising the risk, and*
- (d) the availability and suitability of ways to eliminate or minimise the risk, and*
- (e) after assessing the extent of the risk and the available ways of eliminating or minimising the risk, the cost associated with available ways of eliminating or minimising the risk, including whether the cost is grossly disproportionate to the risk.*

Clause 427 of the Work Health and Safety Regulation 2011 states

427 Access to asbestos register

(1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to:

- (a) a worker who has carried out, carries out or intends to carry out, work at the workplace, and*
- (b) a health and safety representative who represents a worker referred to in paragraph (a), and*
- (c) a person conducting a business or undertaking who has carried out, carries out or intends to carry out, work at the workplace, and*
- (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.*

Maximum penalty: (a) in the case of an individual - \$3,600, or (b) in the case of a body corporate - \$18,000.

(2) If a person conducting a business or undertaking carries out, or intends to carry out, work at a workplace that involves a risk of exposure to airborne asbestos, the person with management or control of the workplace must ensure that the person is given a copy of the asbestos register.

Maximum penalty: (a) in the case of an individual - \$3,600, or (b) in the case of a body corporate - \$18,000.

General

The purpose of this Asbestos Report is to provide you with an Asbestos Register and Asbestos Management Plan. In addition, we carry out a Level 1 Inspection (visual inspection only) of the easily accessible common property areas. The Asbestos Register and Asbestos Management Plan are 'live' documents that should be added to or reviewed by an Owners Corporation or manager or controller of a workplace whenever asbestos or ACM is identified or assumed to be at the workplace or premises. For example, if a tradesman is working in the roof cavity and sees pipe lagging that may contain asbestos or other ACM, then he is obligated to inform the manager or controller or his instructing party that there is likely asbestos in that location so that the Asbestos Register and Asbestos Management Plan can be updated.

This Asbestos Report generally deals with your obligations under the Work Health and Safety Act 2011 and the Work Health and Safety Regulation 2011. This report does not ensure compliance with every possible aspect of the Act or Regulations or any Code of Practice, particularly when access to all parts of the building are not easily available. In addition to legislative requirements, the Owners Corporation may have 'duty of care' requirements under common law.

The instruction for this report has been for a Level 1 Inspection (visual inspection only - non-invasive) and without the benefit of sample testing. Asbestos has been used in a variety of construction materials and at differing timeframes. There is no definitive list of items used in construction that may or may not contain asbestos. We do not carry out an invasive inspection. This Asbestos Report is not a Level 2 or Level 3 Audit. That is, we do not dig, gouge, dismantle, move or remove any items located in the common property. We do not climb onto the roof or in the ceiling spaces or into the underfloor areas. In particular, we have NOT taken samples of likely ACM nor had any tests carried out in a National Association of Testing Authorities (NATA) approved laboratory. More asbestos may be found by using a Level 2 Inspection which would entail the taking of building material samples and having those samples tested in a NATA approved laboratory at further cost to the building owner.

Certain assumptions have been made as to what constitutes common property where no plans have been made available. In this instance some items of common property may be excluded from this report. If any substantial changes to the common property are made we suggest this report be returned to us for updating. This report is current only on the day of inspection and relates to the condition of the common property of the strata plan only or the buildings in a non-strata property. We are not liable nor accept responsibility for differing opinions that other asbestos experts may have nor items that may be considered 'missed' or opinions of items that require a certain standard for compliance or rectification to our opinions.

The subject property may well have its own existing asbestos problems. After commissioning this report the property will still have those same problems. It is entirely up to the Owners Corporation or the building owner to determine the 'reasonably practicable' approach of which items require rectification and in which priority order.

Simply obtaining an asbestos report does not change the Owners Corporation's or building owner's risks or hazards associated with their property, i.e. there is no change to the risk to an Owners Corporation before or after obtaining an Asbestos Report, nor does it exclude, take away or minimise the obligations and responsibilities under the Work Health and Safety Act 2011 as a person conducting a business or undertaking or as a person in the management or control of a workplace. The commissioning of an Asbestos Report is not an insurance policy to the benefit of the Owners Corporation or building owner as we do not cover you for liability of the risks or hazards of your property. That is, there is no transfer of risk from the Owners Corporation or building owner to us. We do not accept liability for injury to persons or damage to property. The recommendations in the Asbestos Report need to be acted upon and the priority of items needing rectification is to be determined by the Owners Corporation or building owner.

This report is for the use of the party to whom it is addressed and for no other purpose. No responsibility is accepted to any third party who may use or rely on the whole or any part of the content of this report. Neither the whole nor any part of this report or any reference thereto may be included in any published document, circular or statement or published in any way without our written approval of the form and context in which it may appear. This Asbestos Report has been prepared on the basis of instruction being for an Asbestos Report only and for no other purpose. A comprehensive report (ie a Level 2 - take samples and test, or a Level 3 - highly invasive inspection - usually carried out before the demolition of a building) should be commissioned if a party requires a more detailed report or for use in litigation matters. We reserve the right to

review or withdraw our report at any time. This report does not cover the structural condition of the property or other environmental contamination, nor is a quantitative survey. This report does not cover council or other government authority compliance in any respect (ie. building, etc) nor should it be construed as such.

Inaccessible areas

Plant rooms, utility rooms, meter rooms and plant machinery may not have been accessible during our inspection. We do not ordinarily make comment on the asbestos safety aspects of plant and machinery items and suggest an inspection be undertaken by a machinery and plant specialist. Other areas such as roof cavities and ceiling spaces, underfloor areas and locked common property rooms may not have been inspected and we therefore cannot make comment on these areas.

Relevant Extracts from the Asbestos Code of Practise

Safe work procedures

Appendix F of the Code of Practice sets out some recommended safe work methods that demonstrate how control measures can be used when asbestos is present at the workplace:

Safe work practice 1 – drilling of ACM

Safe work practice 2 – sealing, painting, coating and cleaning of asbestos-cement products

Safe work practice 3 – cleaning leaf litter from gutters of asbestos cement roofs

Safe work practice 4 – replace cabling in asbestos cement conduits or boxes

Safe work practice 5 – working on electrical mounting boards containing asbestos

Safe work practice 6 – inspection of asbestos friction materials

Control Measures

R.420 A person conducting a business or undertaking must ensure, so far as is reasonably practicable, exposure of a person at the workplace to airborne asbestos is eliminated. If this is not reasonably practicable, the exposure must be minimised so far as is reasonably practicable. The exposure standard for asbestos must not be exceeded at the workplace.

Managing the risks associated with asbestos involves:

- identifying asbestos and ACM at the workplace and recording this in the asbestos register
- assessing the risk of exposure to airborne asbestos
- eliminating or minimising the risks by implementing control measures
- reviewing control measures to ensure they are effective.
- When choosing the most appropriate control measure, the following hierarchy of controls must be considered:
 - eliminating the risk (for example, removing the asbestos)
 - substituting the risk, isolating the risk or applying engineering controls (for example, enclosing, encapsulation, sealing or using certain tools)
 - using administrative controls (for example, safe work practices)
 - using PPE.

A combination of these controls may be required in order to adequately manage and control asbestos or ACM. Chapter 7 of the Code provides more information on the different control measures that can be used. General guidance on the risk management process is available in the Code of Practice: How to Manage Work Health and Safety Risks.

Asbestos Warning Labels

Annex C has some examples of Asbestos warning labels that you may choose to use from the Code of Practice.

Annex B - Brief summary of the Asbestos penalties that apply for non-compliance with the WHS Reg 2011.

WHS Reg Clause	Brief extract	Fine: Individual	Fine: Body Corporate
419	Work involving asbestos or ACM—prohibitions and exceptions A PCBU must not carry out, or direct or allow a worker to carry out, work involving (includes disturbing) asbestos.	\$6,000	\$30,000
420	Exposure to airborne asbestos at workplace A PCBU must ensure that the exposure standard for asbestos is not exceeded at the workplace.	\$6,000	\$30,000
Part 8.3 Management of asbestos and associated risks			
422	Asbestos to be identified or assumed at workplace (1) A person with management or control of a workplace must ensure, so far as is reasonably practicable, that all asbestos or ACM at the workplace is identified by a competent person (2) A person with management or control of a workplace must: (a) if material at the workplace cannot be identified but a competent person reasonably believes that the material is asbestos or ACM—assume that the material is asbestos, and (b) if part of the workplace is inaccessible to workers and likely to contain asbestos or ACM - assume that asbestos is present in the part of the workplace.	\$6,000	\$30,000
423	Analysis of sample A person with management or control of a workplace <u>may</u> identify asbestos or ACM by arranging for a sample of material at the workplace to be analysed for the presence of asbestos or ACM.	\$1,250	\$6,000
424	Presence and location of asbestos to be indicated A person with management or control of a workplace must ensure that: (a) the presence and location of asbestos or ACM identified at the workplace under cl. 422 is clearly indicated, <u>and</u> (b) if it is reasonably practicable to do so, indicate the presence and location of the asbestos or ACM by a label.	\$6,000	\$30,000
425	Asbestos register (1) A person with management or control of a workplace must ensure that a register (an asbestos register) is prepared and kept at the workplace.	\$3,600	\$18,000
	(2) The person must ensure that the asbestos register is maintained to ensure the information in the register is up to date.	\$3,600	\$18,000
	(6) This clause does not apply to a workplace if: (a) the workplace is a building that was constructed after 31 December 2003, <u>and</u> (b) no asbestos has been identified at the workplace, <u>and</u> (c) no asbestos is likely to be present at the workplace from time to time.		
426	Review of asbestos register A person with management or control of a workplace where an asbestos register is kept must ensure that the register is reviewed and as necessary revised	\$3,600	\$18,000
427	Access to asbestos register (1) A person with management or control of a workplace where an asbestos register is kept must ensure that the asbestos register is readily accessible to: (a) a worker who has carried out, carries out or intends to carry out, work at the workplace, and.... (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.	\$3,600	\$18,000
428	Transfer of asbestos register by person relinquishing management or control If a person with management or control of a workplace plans to relinquish management or control of the workplace, the person must ensure, so far as is reasonably practicable, that the asbestos register is given to the person, if any, assuming management or control of the workplace.	\$3,600	\$18,000
429	Asbestos management plan (2) A person with management or control of the workplace must ensure that a written plan (an <i>asbestos management plan</i>) for the workplace is prepared.	\$6,000	\$30,000
	(3) A person with management or control of the workplace must ensure that the asbestos management plan is maintained to ensure the information in the plan is up to date.	\$6,000	\$30,000
	(5) A person with management or control of a workplace must ensure that a copy of the asbestos management plan for the workplace is readily accessible to: (a) a worker who has carried out, carries out or intends to carry out, work at the workplace, and ... (d) a person conducting a business or undertaking who has required, requires, or intends to require work to be carried out at the workplace.	\$3,600	\$18,000
430	Review of asbestos management plan (1) A person with management or control of a workplace that has an asbestos management plan must ensure that the plan is reviewed and as necessary revised in certain circumstances.	\$3,600	\$18,000



