



Australian Government

Comcare

NOTIFICATION OF RESPIRABLE ASBESTOS FIBRE LEVELS AT MORE THAN 0.02 FIBRES/ML

WORK HEALTH AND SAFETY REGULATIONS 2011—REGULATION 476(1)(B)(II)

This notification form is provided by Comcare for the purposes of Regulation 476(1) of the Work Health and Safety Regulations 2011 (Cth) (WHS Regulations). Its purpose is to assist licensed asbestos removalists to meet their obligation to provide immediate notice to Comcare if respirable asbestos fibre levels are recorded at the asbestos removal area at more than 0.02 fibres/ml, when carrying out Class A (friable) asbestos removal work.

WHO SHOULD USE THIS FORM?

Any licensed asbestos removalist undertaking asbestos removal work requiring a Class A asbestos removal licence. These parties are subject to the duty to notify Comcare of certain matters set out in regulation 476 of the WHS Regulations.

see Guidance 1

INSTRUCTIONS

Guidance for the completion of this form is provided at the end of this form. For further guidance, refer to relevant sections of the *Work Health and Safety Act 2011* (Cth) and *Work Health and Safety Regulations 2011* (Cth).

Subregulation 476(1)(b) requires the licensed asbestos removalist to notify Comcare immediately.

The asbestos removalist may notify Comcare by telephone on 1300 336 979.

Immediate written notifications can be given to Comcare by completing this form and submitting it by:

- > fax on 1300 305 916
- > email to notify@comcare.gov.au

see Guidance 2—What does immediately mean?

1. CLIENT OR PERSON FOR WHOM THE LICENSED ASBESTOS REMOVAL WORK IS BEING CARRIED OUT

Client/Person's name

Federal Government Department or Agency

Or registered business or company name of non-Commonwealth licensee¹

Or Personal name (if applicable)

Mr Mrs Miss Ms

First name

Surname

see Guidance 3

2. ADDRESS WHERE THE ASBESTOS IS BEING REMOVED

Person with management or control of the workplace

Registered business or company name

see Guidance 4

Address where the asbestos is being removed

Street no.

Street name

Suburb

State

Postcode

Specific location within the site (i.e. if the site is a large workplace)

3. PREVIOUS NOTIFICATION OF LICENSED ASBESTOS REMOVAL WORK

Has a written *Notification of licensed asbestos removal work* previously been submitted to Comcare regarding this licensed asbestos removal work?

Yes Date of previous notification

Notification reference number (if known)

No You must complete and submit *Notification of licensed asbestos removal work*, in addition to this form.

¹ For list of current non-Commonwealth licensees see http://www.srcc.gov.au/self_insurance/current_licensees.

4. LICENSED ASBESTOS REMOVALIST

Name that appears on the asbestos removalist licence

Registered business

(trading) name of the licence holder Australian Business Number (ABN)

*Licence trading number State, territory or Commonwealth that issued the licence

Licence expiry date / / Licence class A Class (friable asbestos)
 B Class (non-friable asbestos)

Business contact details

Telephone (work) Fax

Email

5. AIR MONITORING RESULTS

Date the air monitoring was conducted / /

Respirable asbestos fibre level recorded fibres/ml

I have attached a copy of the air monitoring results

If you are currently unable to attach a copy of the air monitoring results, they should be submitted as soon as possible.

6. ACTIONS TAKEN FOLLOWING AIR MONITORING RESULTS

Date and time you ordered the asbestos removal work to stop

/ /

What are the results of your investigation, or any preliminary investigation, into the cause of the respirable asbestos fibre level?

Describe the controls implemented to prevent further exposure to asbestos

Describe actions taken to prevent further release of respirable asbestos fibre

see Guidance 5

7. PERSON COMPLETING THIS FORM

Your details

Mr Mrs Miss Ms

First name Surname

Telephone (work) Mobile

Email

Position or role within business or undertaking

8. DECLARATION

I hereby declare:

- > I have authority from the body corporate to complete and submit this notification (body corporate notifiers)
- > the information in this notification is true and correct to the best of my knowledge
- > I consent to Comcare making inquiries and exchanging information with other work health and safety regulators in the Commonwealth, states and territories regarding any matter relevant to this notification.

Signature Date / /

Tick box to confirm declaration if submitting by email (signature not required)

Privacy collection statement

Comcare collects, uses, discloses and stores information in accordance with the *Work Health and Safety Act 2011*, other legislation under which Comcare performs functions, and the *Privacy Act 1988*. This includes information collected by Comcare in this form. Note that privacy laws may allow the use and/or disclosure of personal information where certain exemptions apply. Those exemptions include instances where the use and/or disclosure of personal information is required or authorised by law.

Further information on how Comcare manages an individual's privacy is available at <https://www.comcare.gov.au/site-information/privacy>.

GUIDANCE

Disclaimer

These guidance notes provide a basic and general overview of their subject matter only. They are not a substitute for independent professional advice and cannot be relied on as a statement of the law relating to the *Work Health and Safety Act 2011* (Cth) or the *Work Health and Safety Regulations 2011* (Cth). Comcare recommends duty holders obtain appropriate independent professional advice relevant to their particular needs and circumstances.

1. Duty to notify

Regulation 476(1) of the WHS Regulations requires the licensed asbestos removalist to notify Comcare immediately if it:

- (i) is carrying out asbestos removal work requiring a Class A asbestos removal licence; and
- (ii) respirable asbestos fibre levels are recorded at the asbestos removal area at more than 0.02 fibres/ml.

Am I a licensed asbestos removalist for the purposes of the Commonwealth work health and safety laws?

You will be a licensed asbestos removalist if you are a person conducting a business or undertaking who is licensed under the WHS Regulations to carry out Class A or Class B asbestos removal work.

This includes asbestos removalists who have been granted an asbestos removal licence by a state or territory regulator under any of the laws set out in regulation 64 of the *Work Health and Safety Regulations 2011* (Cth), who will conduct licensed asbestos removal work at any workplace of the Commonwealth, a Commonwealth public authority or a non-Commonwealth licensee.

2. What does 'immediately' mean?

Immediately means there must be no delay between the licensed asbestos removalist becoming aware of the respirable asbestos fibre levels being recorded at more than 0.02 fibres/ml and the submission of a notification to Comcare.

The legislation does not state the manner in which immediate notice must be given. However, Comcare has made available the following methods for immediate notification:

- > telephone on 1300 336 979
- > fax (of this form) on 1300 305 916
- > email to notify@comcare.gov.au
- > online notification.

3. Client or person for whom the licensed asbestos removal work is being carried out

In the context of the Commonwealth legislation, this will often be the Commonwealth, a Commonwealth public authority or a non-Commonwealth licensee that has directly engaged the licensed asbestos removalist.

Alternatively, this may be another person or organisation that has been engaged by the Commonwealth, a Commonwealth public authority or a non-Commonwealth licensee, and who has subcontracted the licensed asbestos removalist to carry out the asbestos removal work.

4. Person with management or control of a workplace

This is the person or organisation conducting a business that has management or control of the workplace at which the asbestos removal work is being carried out.

In the context of the Commonwealth legislation, this will usually be the Commonwealth, a Commonwealth public authority or a non-Commonwealth licensee.

5. Actions taken following air monitoring results

Subregulation 476(1)(b) of the WHS Regulations requires a licensed asbestos removalist to undertake immediate remedial actions to minimise risks to health and safety in response to information that respirable asbestos fibre levels at the asbestos removal area are in excess of 0.02 fibres/ml. Specifically, the licensed asbestos removalist must immediately:

- > notify Comcare
- > order the asbestos removal work to stop
- > investigate the cause of the respirable asbestos fibre level
- > implement controls to prevent exposure of anyone to asbestos
- > prevent the further release of respirable asbestos fibre.

This form seeks information from the licensed asbestos removalist regarding the actions taken to satisfy these obligations. This information will assist Comcare when determining whether or not any regulatory action is required in response to the notification.

Please note, certain remedial actions are also required when respirable asbestos fibre levels are detected at the asbestos removal area between 0.01 fibres/ml—0.02 fibres/ml (see regulation 476(1)(a) of the WHS Regulations).