



Many of you have sent enquiries about the e-bulletin sent out on Asbestos. Many asked about the Worksafe Victoria Code and NEW National Code. The reality is that they are very similar, below is an analysis of the codes and implementation strategy, the BIG question is.... are your buildings compliant?

Since September 2008, Victorian Asbestos Compliance obligations have been largely contained within *Worksafe Victoria's* Compliance Code titled *Managing Asbestos in Workplaces*. This Code is similar in many respects to the current accepted national standard; the *National Occupational Health and Safety Commission (NOHSC) January 2005 Code of Practice for the Management and Control of Asbestos in Workplaces*, available on the *Safe Work Australia* website.

As part of the National OHS Strategy, which has been underway since 2002, a new Model Compliance Code has been issued; *How to Manage and Control Asbestos in the Workplace*. All Workplace Ministers (Federal, State and Territory) have now been advised to implement the Model Codes of Practice by 1 January 2012 in accordance with the Intergovernmental Agreement made in July 2008.

So in summary, there are currently three Asbestos Management Codes in existence:

1. The Current NOHSC National Code;
2. The Current Worksafe Victoria Code; and
3. The proposed Safe Work Australia National Code, due for implementation in January.

This means potentially confusing and overlapping obligations for Victorian building owners. It is important to note that, whilst there are a number of key differences, the Model National Code represents evolution rather than revolution in the area of asbestos management. The new Code draws heavily on and expands elements of both the National 2005 Code and the Victorian 2008 Code, including for example the requirements and scope of Asbestos Management Plans and the availability of Asbestos Registers indicating the presence of Asbestos Containing Materials (ACM).

The key question to ask yourself is; Are we meeting our obligations under OHS Law?

It is important to note that National, industry-accepted Compliance Codes and Standards are often used as evidence in court during proceedings for workplace prosecutions, to indicate whether or not the relevant OHS duties have been met. Likewise, in proceedings for negligence, courts will turn to industry-accepted Standards where they exist in determining the existence and extent of duties of care.

In summary due to the fact that if there is an asbestos incident in a building the national code would be referred to in any court proceedings and the numerous efficiencies gained by following a single standard, a smart risk management strategy is to implement the new national code to

minimise any risk. If you choose instead to adopt the MINIMUM of the Victorian 2008 Code then you need to ensure all pre 2004 buildings have:-

1. An asbestos survey completed
2. The survey is kept onsite if asbestos or ACM is found - (To follow the new national code keep the survey onsite even if no asbestos is found. This is one of the only major differences.)
3. Also an Onsite Asbestos Register must be created and kept onsite; and
4. An Asbestos Management Plan

If you would like further information then simply respond by email to receive your FREE ASBETOS INFORMATION PACK

Kind Regards,
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