

Management of asbestos incidents

Guide to agency response and management of events involving asbestos containing material (asbestos incident).

The following scenarios can be used by regulatory agencies responding to different types of asbestos incidents as a guide to the appropriate responses.

DES – Department of Environment and Science

DoH – Health Protection Branch, Department of Health

DEPW – Department of Energy and Public Works

RSHQ – Resources Safety and Health Queensland

PHU – Public Health Unit, Queensland Health

QFES – Queensland Fire and Emergency Services

WHSQ – Workplace Health and Safety Queensland

Dept Housing – Department of Housing (formerly Communities, Housing and Digital Economy)

Ref no	Scenario context	Lead response agency ¹	Supporting agency	Further information
Homeowner activity				
1	Activity by an occupant, a homeowner, or owner builder at a domestic premises results in an asbestos incident where asbestos containing material (ACM) waste remains uncontained within the property boundary .	Local government authorised person to respond under the <i>Public Health Act 2005</i> .	Local government may request assistance from PHUs for specialist health risk advice and support for response. If further assistance is required, the PHU may request assistance from DoH. DoH may request assistance from WHSQ for any necessary technical advice.	Activities may include: <ul style="list-style-type: none">• asbestos removal (non-friable or friable)• storing, maintaining, cutting or drilling ACM• use of high pressure water, power tools or compressed air on ACM. Common example is the use of high pressure water spray on asbestos cement roof sheeting.



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2	<p>Activity by an occupant, a homeowner, or owner builder at domestic premises results in an asbestos incident where ACM waste remains uncontained extending beyond the property boundary.</p> <p>For example:</p> <ul style="list-style-type: none"> • onto neighbouring properties • onto public land (i.e. footpaths or nature strips) and waterways (i.e. drains). 	<p>Local government authorised person to respond under the <i>Public Health Act 2005</i>.</p>	<p>Local government may request, assistance from PHUs for specialist health risk advice and support for response.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from WHSQ for any necessary technical advice.</p> <p>If requested, DES to provide advice and assistance on likely effects on environmental values and consideration of clean up notices for a contamination incident (that has caused, or is likely to cause, serious or material environmental harm).</p>	<p>Activities may include:</p> <ul style="list-style-type: none"> • asbestos removal (non-friable or friable) • storing, maintaining, cutting or drilling ACM • use of high pressure water, power tools or compressed air on ACM. <p>Common example is the use of high pressure water spray on asbestos cement roof sheeting.</p>
3	<p>Activity by a tenant or an occupant of social housing domestic premises results in an asbestos incident where ACM waste remains uncontained.</p>	<p>Dept Housing - Housing Service Provider (Housing Service Centre or non-government organisation) will organise necessary work (e.g. clean up, repair, action against tenant).</p> <p>Regulators to notify Dept Housing - Housing Service Centre of incident.</p>		<p>Contact details for Dept Housing - Housing Service Centres are available at Contact a Housing Service Centre Homes and housing Queensland Government (www.qld.gov.au).</p> <p>For social housing managed by a non-government organisation (NGO), the Housing Service Centre will forward any notification to the responsible officer within that NGO for action.</p>

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Person in control of a business or undertaking (PCBU) activity at domestic premises <i>A place where a PCBU is doing an activity is considered a workplace. A domestic premises will be considered a workplace to the extent of the area in which the PCBU or worker for the PCBU is carrying out the work activity.</i>				
4	A work activity of PCBU, (with confirmation or evidence that a PCBU was responsible and within WHSQ jurisdiction) at a domestic premises results in an asbestos incident where ACM waste remains uncontained within the property boundary .	WHSQ under the <i>Work Health and Safety Act 2011</i> .		
5	Asbestos incident caused by the work activity of a PCBU at a domestic premises, where information is unclear as to who performed the activity (i.e. PCBU cannot be identified or contacted, or is not named by homeowner), but there is evidence to confirm a PCBU involvement and WHSQ jurisdiction.	WHSQ under the <i>Work Health and Safety Act 2011</i> .		WHSQ will investigate to see if they have jurisdiction, then if no evidence of a PCBU is found then WHSQ will refer matter to local government.
6	Asbestos incident alleged to be caused by the work activity of a PCBU, at, or impacting domestic premises, where there is no confirmation or sufficient evidence a PCBU was responsible and therefore not within WHSQ jurisdiction.	Local government to respond under the <i>Public Health Act 2005</i> .		
7	A work activity of a PCBU, or worker of a PCBU at domestic premises results in an asbestos incident where asbestos-contaminated dust or debris (ACD) remains uncontained: <ul style="list-style-type: none"> extending beyond the property boundary onto neighbouring properties 	WHSQ under the <i>Work Health and Safety Act 2011</i> .	<p>If requested, other agencies (local government, DoH and PHU) to provide collaborative assistance in managing community concern.</p> <p>If requested, DES to provide advice on likely effects on environmental values and consideration of clean up notices for a contamination incident</p>	Common example is the use of high pressure water spray on asbestos cement roof sheeting (prohibited activity).

¹ If another agency initially responds, that agency should continue to assist to manage community concerns until the lead response agency takes control to manage the response.

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	<ul style="list-style-type: none"> onto public land (i.e. footpaths or nature strips) and waterways (i.e. drains). 		<p>(that has caused, or is likely to cause, serious or material environmental harm).</p> <p>If requested by WHSQ, local government to provide support to close footpaths or roads where necessary.</p>	
8	<p>A PCBU supplies soil, mulch, recycled concrete aggregate or 'other' material to a domestic premises which contains asbestos or ACM.</p> <p>(i.e. the PCBU is a 'manufacturer' or 'supplier' of the material)</p>	WHSQ under the <i>Work Health and Safety Act 2011</i> .	<p>DES and/or local government.</p> <p>If upon investigation the scenario is outside of WHSQ jurisdiction to manage the asbestos risk at the domestic premises, local government to respond.</p>	<p>Compliance action may need to extend to the supplier as well as managing the risk on site.</p> <p>It may be necessary to provide advice to owner regarding minimising disturbance of asbestos contaminated material.</p>
PCBU activity as part of business or undertaking				
9	Asbestos related work or asbestos removal work by a PCBU, or workers of PCBU, results in an asbestos incident at the premises - work practices are considered unsafe or asbestos-contaminated dust or debris (ACD) remains uncontained.	WHSQ under the <i>Work Health and Safety Act 2011</i> .		
10	A PCBU illegally stores asbestos waste (contained or uncontained) at their workplace.	WHSQ under the <i>Work Health and Safety Act 2011</i> .	DES	
11	<p>A PCBU supplies a resource recovery product contaminated with asbestos, to a second party (i.e. workplace premises or domestic premises).</p> <p>Resource recovery products include recycled concrete aggregate from construction and demolition waste, and mulch from green waste.</p>	WHSQ under the <i>Work Health and Safety Act 2011</i> .	DES under the <i>Environmental Protection Act 1994 / Environmental Regulation 2019</i> .	
12	A site senior executive (SSE) provides a mining or quarrying product which contains naturally occurring asbestos, to a	WHSQ under the <i>Work Health and Safety Act 2011</i> .		

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	second party (i.e. workplace premises or domestic premises). <i>That is, the PCBU is a supplier of the product containing naturally occurring asbestos.</i>	RSHQ under the <i>Mining and Quarrying Safety and Health Act 1999</i> .		
13	Incident at a workplace causing significant chemical release to the environment and incidental disturbance of asbestos or ACM.	DES under <i>Environmental Protection Act 1994</i> . WHSQ under the <i>Work Health and Safety Act 2011</i> .	If requested, DoH for specialist health risk advice to primary agency.	If matter is a disaster or emergency, QFES lead and coordinate the emergency response activities before, during and after.
Fire damaged buildings				
14	Derelict or fire damaged house/structure known or suspected of containing asbestos or ACM at a domestic premises; or other premises where there is no person conducting a business or undertaking and/or it is not a workplace as defined by the <i>Work Health and Safety Act 2011</i> . Note: a premises is not a workplace unless work is being carried out for a business or undertaking.	On completion of relevant activities by QFES to contain the fire and make safe the premises, control of site resorts to the owner. Local government for assessment under the <i>Building Act 1975</i> , the <i>Public Health Act 2005</i> and any relevant local laws.	Local government may request, assistance from PHU for specialist health risk advice and support for response. If further assistance is required, the PHU may request assistance from DoH. DoH may request assistance from WHSQ for any necessary technical advice. If requested, DES for advice on likely effects on environmental values if contamination spreads beyond the property boundary.	The owner has a responsibility to make the fire damaged building/structure safe. Local government will work collaboratively with the owners to assist and oversee make-safe activities.
15	Derelict or fire damaged structure at business premises, where there is a PCBU and/or a workplace defined by the <i>Work Health and Safety Act 2011</i> known or suspected of containing asbestos or ACM. Note: a premises is not a workplace unless work is being carried out for a business or undertaking.	On completion of relevant activities by QFES to contain the fire and make safe the premises, control of site resorts to the person with management or control (PWMC) of the workplace. WHSQ under the <i>Work Health and Safety Act 2011</i> .	If requested, DES for advice on likely effects on environmental values if contamination spreads beyond the property boundary.	The PCBU, or the PWMC of the workplace has a responsibility to make the derelict or fire damaged building safe. WHSQ will work collaboratively with the PWMC or PCBU to assist and oversee make-safe activities.

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Asbestos events on land				
16	Asbestos waste that has been illegally left on private land.	<p>Local government authorised person to respond under the <i>Public Health Act 2005</i>.</p> <p>Asbestos as 'waste'</p> <p>Asbestos waste that has been illegally left on private land may be captured under s.11 (1)(b)(v) of the <i>Public Health Act 2005</i> as 'waste' if:</p> <ul style="list-style-type: none"> the material has visibly been disturbed has the potential for being hazardous to health is not able to be captured under the <i>Environmental Protection Act 1994</i>. <p>Under s.11 (1)(b)(v) of the <i>Public Health Act 2005</i>, a Public Health Order may be issued to the landholder to require them to take action to remove, reduce, or prevent a public health risk from the asbestos material from recurring.</p>		
17	<p>Illegal dumping of asbestos, asbestos waste or ACM at a workplace defined by the <i>Work Health and Safety Act 2011</i>.</p> <p>Note: a premises is not a workplace unless work is being carried out for a business or undertaking.</p>	WHSQ under the <i>Work Health and Safety Act 2011</i> .	Local government and/or DES.	

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18	<p>Illegal dumping of asbestos, asbestos waste or ACM on public land (under the control of local government).</p> <p>For example public right of way areas such as footpaths, public parks and beaches.</p>	<p>Local government for managing the appropriate removal and disposal of dumped asbestos.</p>	<p>If requested, PHUs for specialist health risk advice to primary agency.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from WHSQ for any necessary technical advice.</p>	
19	<p>Illegal dumping of asbestos, asbestos waste or ACM on state land.</p> <p>For example schools, railway corridors, public highways, national parks and waterways.</p>	<p>DES or local government (where delegated) to investigate contraventions of <i>Waste Reduction and Recycling Act 2011</i>.</p> <p>DES has responsibility to contact and advise the state government agency in control of the land of the illegal dumping.</p> <p>State government agency in control of land is responsible for removing (containing and disposing of) illegally dumped asbestos, asbestos waste and ACM.</p>	<p>If requested, DEPW for advice and support to the relevant state government agency.</p>	<p>DES to direct the state government agency in control of the land to take action, in accordance with the letter written by then Dept Housing and Public Works to all Directors-General (dated 30 September 2014) that the state government agency in control of the land is to manage the asbestos issues.</p>

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20	Buried ACM emerging from the soil, near or on the surface of public land and asbestos is likely to be disturbed.	<p>Land owned by a PCBU, including a state government agency or local government - WHSQ under the <i>Work Health and Safety Act 2011</i>.</p> <p>If upon investigation, the incident is outside the jurisdiction of WHSQ, local government and/or DES to respond.</p> <p>Land owned by homeowner - local government authorised person may need to assess whether there is a public health risk under <i>Public Health Act 2005</i>.</p> <p>Landowner to contain and dispose of ACM or to sufficiently contain ACM or asbestos contaminated dust or debris (ACD) (i.e. by encapsulating).</p>	<p>Local government, landholders or a suitably qualified person to provide notification to DES if the quantity of ACM is suspected to be greater than five tonnes.</p> <p>DES to assess the land and identify appropriate response i.e. record details of site on environmental management register (EMR).</p>	State government agency (in control of land) is responsible for managing the buried ACM in accordance with the letter written by DEPW to all Directors-General (dated 30 September 2014) that the state government agency in control of the land is to manage the asbestos issues.
21	Buried asbestos material or naturally occurring asbestos is uncovered by a PCBU, for example, during road and building construction work (including domestic premises).	WHSQ under the <i>Work Health and Safety Act 2011</i> .	DES to assess the 'land' and identify appropriate response i.e. record details of site on EMR.	<p>Any ACM that remains buried below the ground surface at a workplace must be recorded by the PWMC in the workplace's:</p> <ul style="list-style-type: none"> • asbestos register • asbestos management plan (AMP).
22	Naturally occurring asbestos is identified or disturbed at domestic premises.	Local government authorised person to respond under the <i>Public Health Act 2005</i> .		

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23	Asbestos waste is unexpectedly released from a vehicle onto a public road.	<p><i>Note: QPS/QFES are responsible for initial response to the incident, as it will involve disruption to the use of the public road, and a potential traffic incident.</i></p> <p>DES to assess contravention of <i>Environmental Protection Act 1994</i>.</p> <p>Relevant owner of road to manage the released asbestos.</p> <p>The owner of the road is to refer the matter as follows:</p> <ul style="list-style-type: none"> • In the case of a homeowner transporting asbestos waste, refer to local government to assess under the <i>Public Health Act 2005</i>. • In the case of regulated waste transport (commercial or 250 kg or more), refer to DES to assess under Regulated Waste Transport Laws. 	Local government / DES may request assistance from WHSQ for any technical advice.	<p>QPS may maintain an interest if the person was in control of an unsafe vehicle (i.e. load) or other traffic offences.</p> <p>Polluter, if known, is to clean up the released asbestos.</p> <p>Otherwise, relevant owner of the road is responsible for the clean-up.</p>
24	Regulated waste being transported without a licence.	DES to assess contravention of <i>Environmental Protection Act 1994</i> .		

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Waterways				
25	Derelict or fire damaged houseboat or boat used as domestic premises, known or suspected of containing asbestos or ACM.	<p>On completion of relevant activities by QFES to contain the fire and make safe the premises, control of the property resorts to owner.</p> <p>Local government for assessment under the <i>Public Health Act 2005</i>, any relevant local laws and (where delegated) the <i>Environmental Protection Act 1994</i>.</p>	<p>Local government may request assistance from PHUs for specialist health risk advice and support for response.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from WHSQ for any necessary technical advice.</p> <p>If requested, DES for advice on likely effects on environmental values if the contamination spreads beyond the property boundary.</p>	The houseboat owner has a responsibility to make the fire damaged houseboat safe. Local government will work collaboratively with houseboat owner/s to assist and oversee make-safe activities.
26	Asbestos or ACM is illegally dumped into a waterway that is tidal, or the ACM is below the low water mark.	<p>DES or local government (where delegated) to investigate contraventions of <i>Waste Reduction and Recycling Act 2011</i>.</p> <p>Local government authorised person may need to assess under public health legislation.</p> <p>DES has responsibility to contact and advise the state or local government agency 'in control of the waterway' of the illegal dumping.</p> <p>The state or local government agency in control of land or waterway is responsible for managing the appropriate removal and disposal of illegally dumped asbestos.</p> <p>Local governments are responsible for watercourses within the boundary of their local government area,</p>	<p>If requested, PHU for specialist health risk advice to primary agency.</p> <p>If further assistance is required, the PHU may request assistance from DoH.</p> <p>DoH may request assistance from WHSQ for any necessary technical advice.</p>	DES to direct a state government agency if it is in control of the land, that under the <i>Queensland Government Asbestos Management Policy for its Assets</i> , departments are responsible for managing asbestos containing materials in their assets.

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		including the land below the high water mark.		
Mine sites				
27	Incident at a mine that results in damage to ACM or disturbance of naturally occurring asbestos at a mine.	RSHQ for enforcement action for any contravention of mining legislation.	Where ACM debris extends beyond the boundary of the mine, DES to be notified so that it can consider whether a breach of an <i>environmental authority</i> condition may have occurred.	
28	Abandoned mine with ACM (in situ) or ACM debris or disturbed naturally occurring asbestos.	RSHQ under the mining and quarrying legislation. Assessment for enforcement action against the operator or holder and direct any action to make the abandoned mine safe and secure.		
Declared disasters				
29	Declared disaster relevant to events, resulting in damage to houses and workplaces that will require removal and disposal of building materials likely to contain ACM.	<p>Lead response agency for asbestos management is to be determined by the Office of Industrial Relations in consultation with the Interagency Asbestos Group (IAG) as a matter of urgency.</p> <p>Note: The primary emergency response group or agency retains responsibility to lead and coordinate emergency response activities, before, during and after a disaster or emergency, for example the agencies assigned roles under the Queensland Disaster Management Arrangements.</p>	<p>Supporting roles:</p> <ul style="list-style-type: none"> • PHUs and DoH for: <ul style="list-style-type: none"> - specialist health risk advice - advice about application of the <i>Public Health Act 2005</i> • WHSQ for advice regarding: <ul style="list-style-type: none"> - workplace health and safety duties by PBCU and their workers during recovery phase - safe work practices to be adopted by all persons during recovery phase - appropriate ACM removal practices to be adopted by all persons - ACM removal practices by PCBU and their workers during rebuilding phase • DEPW for advice and support to state agencies that own (and manage) affected premises. 	<p>The lead response agency and the IAG will coordinate timely and appropriate Queensland government response programs.</p> <p>DES for advice on use of statutory tools under the <i>Environmental Protection Act 1994</i> to assist with recovery phase (i.e. disposal of large volumes of waste, use of temporary emissions licences to authorise landfills to stay open for extended hours to receive ACM).</p>

Process for scenarios where the lead agency is unclear and/or scenario is not covered by this document

30	<ol style="list-style-type: none">1. IAG members to alert relevant agencies if an incident is brought to their attention.2. IAG members to discuss and agree on which agency is likely to have jurisdiction or is most appropriate to lead the investigation. Local Government Association of Queensland and PHU to provide assistance, if necessary, where a local government needs to be involved.3. IAG members to collaborate (as appropriate) on providing timely responses to the interested parties/public.4. When the correct jurisdiction is identified, IAG members to discuss and agree on a handover if required, and advising interested parties/public.
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