

Asbestos Operational Procedure (For CHPs on a Long Term Lease)

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING PROVIDERS



1. Purpose

1.1 Asset Management Framework (AMF)

This procedure relates to section 4.7.1 of the AMF, which should be read prior to initiating these procedures. This procedure is applicable to Community Housing Providers (CHPs) under a Long Term Lease, being a lease of fifteen (15) years or more commencing on or after 1 January 2018, or any lease forming part of the Social Housing Management Transfer Program (the Long Term Lease).

1.2 The Management of Materials Containing Asbestos

The NSW Land and Housing Corporation (LAHC) considers that any disturbance to asbestos-cement, or other materials containing asbestos, in residential properties is a potential health risk.

1.3 Intent

In its management of asbestos, LAHC requires that CHPs ensure all reasonably practicable steps are taken to eliminate or minimise the risk of exposure to asbestos and its fibers.

CHPs must assume that all properties built in or before 1987 contain Asbestos Containing Materials (ACM).

1.4 Key Outcomes

To minimise asbestos related risks to health and safety, CHPs should adopt containment (or known as encapsulation) as a control measure where possible and appropriate when managing properties that contain asbestos.

Subject to a CHP complying in all respects with section 4.7.1 of the AMF and the terms of the Lease which relate to asbestos (including clause 11B of the Social Housing Management Transfer Lease issued prior to 2021, where applicable), LAHC will reimburse or pay for asbestos removal and/or containment works to be carried out to or at a property, provided that LAHC agrees such asbestos is identified as Latent Asbestos (as defined in sub-section 4.7.1 of the AMF).

2. Procedure

2.1 CHP Process Requirements and Implementation

As part of the asset maintenance planning and management process in accordance with the AMF, CHPs must:

- comply with the relevant current Acts, Regulations and Codes of practice related to asbestos management and safety
- develop its own Asbestos Management Plan that complies with Work, Health and Safety (WHS) Regulations (See section 4.1)
- investigate, prepare, and act on reports of any property damage which may contain ACM
- manage actions related to working with ACM and take reasonable, timely and practical actions to protect the health of all parties involved

Asbestos Operational Procedure (For CHPs on a Long Term Lease)

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING PROVIDERS



- ensure any maintenance or demolition work in properties that may have ACM is undertaken by appropriately qualified and licensed contractors, and that the work is compliant with all relevant legislative obligations.

If the CHP becomes aware of the presence of asbestos in or on a property:

- organise an asbestos consultant/NSW Asbestos Assessor to confirm the presence of asbestos and advise on appropriate risk management and control strategies, and
- provide LAHC with the further information required under the Insurable Events Procedure.

For CHPs under the Social Housing Management Transfer Lease issued prior to 2021, unless the Maintenance Engagement Deed (MED) is in operation (see below), and for other CHPs under the Long Term Lease, where the asbestos is *not* Latent Asbestos, the CHP arranges for asbestos related works to be undertaken at its own cost and advises LAHC in writing that the works have been completed with appropriate clearances provided.

Where the CHP under the Social Housing Management Transfer Lease issued prior to 2021 unless the MED is in operation (see below), and for other CHPs under the Long Term Lease, identifies probable Latent Asbestos at or on a property and have followed the process set out above, the CHPs must:

- ensure Latent Asbestos is reported and recorded in the CHPs' system/s
- notify LAHC in writing as soon as possible of the probable identification of Latent Asbestos
- comply with LAHC's Insurable Events Procedure
- provide LAHC with at least two quotes for proposed asbestos-related works
- obtain LAHC's written consent prior to commencing any such works
- engage a Licensed Asbestos Removal Contractor to undertake asbestos clean-up works
- ensure removal works adhere to all relevant legislation
- arrange for Air Monitoring if required by an asbestos consultant
- arrange for a Clearance Certificate and record in CHPs' internal system/s
- advise LAHC in writing that the relevant works have been completed and provide a copy of the Clearance Certificate
- provide LAHC with written evidence (including invoices) of the cost of works.

CHPs under the Social Housing Management Transfer Lease issued prior to 2021, unless the MED is in operation, and for other CHPs under the Long Term Lease, maintain the Asbestos Register for compliance with the WHS Regulations. The CHP must:

- ensure that the Asbestos Register is up to date
- make the Asbestos Register available to LAHC and any person carrying out works including, but not limited to asbestos-related works, at a property, and
- review the Asbestos Register from time to time and as required by the WHS Regulations.

Upon expiry of a Social Housing Management Transfer Lease issued prior to 2021, the CHP must provide LAHC with an updated Asbestos Register reflecting any and all amendments made during the period between expiry of the MED and expiry of the Social Housing Management Transfer Lease issued prior to 2021.

Asbestos Operational Procedure (For CHPs on a Long Term Lease)

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING PROVIDERS



During the term of the AMS Contract and the operation of the MED for CHPs on a Social Housing Management Transfer Lease issued prior to 2021:

- LAHC will ensure the Asbestos Register is updated, and will provide the updated Asbestos Register to the CHP
- Where asbestos is identified that LAHC agrees is Latent Asbestos:
 - LAHC will obtain a quote for the asbestos related works from the AMS Contractor, where this is required
 - LAHC will advise the CHP that Latent Asbestos works are being carried out at the property so tenants may be notified where necessary
 - the AMS Contractor will engage the Licensed Asbestos Removal Contractor
 - LAHC will advise the CHP in writing that works have been completed.

For CHPs under Social Housing Management Transfer Lease issued prior to 2021, where asbestos is identified that is not 'Latent Asbestos':

- the AMS Contractor will carry out the asbestos-related works in accordance with the AMS Contract and LAHC will advise the CHP that works have been completed
- the cost of such works will be invoiced to the CHP in accordance with the terms of the MED.

3. Responsibilities

3.1 Overview of LAHC's actions as Principal

LAHC will:

- ask tenants, managing agents, and contractors to report any damaged ACM in their properties
- investigate reports of damaged ACM in LAHC and Aboriginal Housing Office (AHO) properties
- investigate complaints of unsafe work practices by contractors handling ACM
- require any maintenance or demolition work in properties that may have ACM be done safely in compliance with legislation
- require all parties to report potential asbestos risks in properties so that LAHC can take steps to resolve them
- require contractors to be appropriately licensed if handling ACM
- require contractors to use safe work methods and appropriate supervision of work in compliance with legislation.

3.2 Organisational Process Responsibilities

LAHC will take steps in its operational maintenance program to ensure that future works carried out on CHP-managed properties does not result in asbestos related risks through its Asbestos Management Plan (AMP) by:

- maintaining the Schedule of Asbestos Registers and ensuring that properties containing asbestos materials are regularly re-assessed to comply with the *NSW Work Health and Safety Regulation 2011* and the *Code of Practice: How to Manage and Control Asbestos in the*

Asbestos Operational Procedure (For CHPs on a Long Term Lease)

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING PROVIDERS



Workplace (SafeWork NSW, September 2016) during the term of the AMS Contract and operation of the MED under the Social Housing Management Transfer Lease issued prior to 2021

- maintaining the functionality of the hyperlinks navigating to reference documents and external websites to ensure the AMP is referencing valid and up to date material sources
- maintaining the AMP and ensuring it is reviewed at least every 5 years
- ensuring that the maintenance contractor management system is implemented for any works where ACM may be disturbed or impacted
- ensuring that asbestos related records are maintained and documentation is archived for an indefinite period and be accessible to any SafeWork NSW representatives if requested. Materials include:
 - asbestos materials removal specifications, contractor Safe Work Method Statements (SWMS), air monitoring and clearance inspection certificates and asbestos materials waste disposal documents
- in accordance with clause 428 of the *NSW Work Health and Safety Regulation 2011*, ensuring that a copy of the Schedule of Asbestos Registers and AMP is transferred to successive persons whose role is to maintain management or control of the AMP.

4. Resources

4.1 Policy Alignment

The 'Manage Asbestos Policy' is available at <http://www.housing.nsw.gov.au>.

The management of ACM is aligned and dealt with in accordance with the following legislation and compliance, as amended from time to time:

- *NSW Housing Act 2001*
- *NSW Residential Tenancies Act 2010*
- *NSW Work Health and Safety Act 2011*
- *NSW Work Health and Safety Regulation 2011*
- SafeWork NSW – How to Manage and Control Asbestos in the Workplace – Code of Practice.

5. Enquiries

Until June 2021, during the operation of the MED, CHPs under a Social Housing Management Transfer Lease issued prior to 2021, are welcome to direct any enquiries regarding the management of, or information related to asbestos, to LAHC at LAHC-CHPEnquires@fac.nsw.gov.au LAHC Assets Division will liaise directly with the CHP.

Where there are immediate concerns or risks identified, LAHC encourages members of the public to report asbestos related concerns regarding a property to the maintenance line on Freecall 1800 422 322, available 24 hours a day, 7 days a week and they will be placed in direct contact with the maintenance contractor for their area.

Asbestos Operational Procedure (For CHPs on a Long Term Lease)

FOR LAHC-OWNED PROPERTIES MANAGED BY COMMUNITY HOUSING PROVIDERS

