

## H26. DURING A TENANCY - DANGEROUS MATERIALS

Content:	Illawarra Aboriginal Corporation Policies and Procedures
Version:	2.0
Section:	Housing
Applies To:	Board, Management and Staff of all IAC Services
Date:	October 2015 (Review October 2018)

### Background and Purpose

The IAC's Housing policies articulate our aims, goals and philosophies in providing housing services for Aboriginal tenants and their families. They explain how the Illawarra Aboriginal Corporation works with its staff and other agencies to ensure that our tenants are afforded the best and most appropriate services and that we meet all of the requirements of the Aboriginal Housing Office and the Office of Community Housing.

### Dangerous Materials

The IAC takes all reasonable steps to ensure that any new properties added to our housing stock do not contain dangerous materials such as asbestos or lead paint.

### Asbestos

Asbestos is a naturally occurring mineral fibre that has been used extensively in construction materials, due to its strength, flexibility, and chemical-resistant qualities. Many Australian homes built or repaired between 1940 and the early 1980s used asbestos-cement materials ('asbestos-cement' is also known as 'fibro' or 'AC'). Products containing asbestos were banned nationally in the early 1980s.

The IAC aims to protect the health and safety of its tenants, staff and others by minimising their risk of exposure to respirable asbestos fibres in its properties. IAC staff and contractors have a responsibility to report and take appropriate steps to resolve potential asbestos hazards in properties, when they become aware of them.

The IAC considers that any disturbance to asbestos-cement or other materials containing asbestos in its properties may be a potential health risk. The IAC will manage its own actions in working with asbestos-cement; investigate reports of damage to these materials; and take reasonable, timely and practical actions to protect the health of tenants, staff, contractors and neighbours.

### Dangerous Materials (cont)

#### Asbestos (cont)

*The IAC does this by:*

- asking tenants to report any damaged asbestos-cement or materials containing asbestos that they find in their properties
- investigating reports of damaged asbestos-cement or other materials in IAC properties
- investigating complaints of unsafe work practices by contractors handling asbestos cement sheeting
- ensuring any maintenance or demolition work in properties that may have asbestos containing materials is done safely and appropriately
- determining which properties may contain asbestos-cement materials
- expecting IAC staff and its agents to report and take appropriate steps to resolve potential asbestos risks in properties when they become aware of them
- requiring contractors to be licensed if handling 10 square metres of asbestos cement sheeting or greater
- requiring contractors to use safe work methods and appropriate supervision of work to ensure that occupational health and safety legislation is fully complied with

*Tenants can expect us to:*

- maintain their home to a reasonable standard
- respond to information about the presence of damaged asbestos-cement in properties
- meet Occupational Health and Safety requirements when carrying out maintenance or demolition work that may disturb asbestos-cement materials

Any broken or damaged asbestos-cement found in any IAC property should be reported to us immediately.

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### Dangerous Materials (cont)

#### Asbestos (cont)

The IAC will take the following steps when it receives notification of incidents or reports of damage to asbestos-cement or other materials likely to contain asbestos:

- the IAC representative will ask questions about the type of incident or damage, and arrange for qualified contractors to attend the property, assess the situation and take action to address the situation
- the IAC will record the report and tell the tenant or informant what will happen next
- reports assessed and needing an immediate inspection, will be actioned for an urgent response

In a situation where the IAC, its agent or contractors needs to arrange to visit the property to inspect the incident or damage, it asks tenants or informants to:

- be contactable during the visit timeframe
- allow access to the property
- co-operate with any reasonable request that will help the IAC to protect their health and safety, and the health and safety of others.

#### MAINTENANCE WORK

*The IAC will tell a tenant before doing maintenance work on their property if:*

- we presume that the property may contain asbestos-cement or other related products
- the property needs maintenance that may disturb or damage these materials

The IAC will give tenants in this situation information about the type of work to be carried out, how the tenant should prepare, and any precautions that they may need to take. The IAC will arrange to advise adjoining neighbours before carrying out any demolition of properties presumed to contain asbestos-cement or other products containing asbestos. Adjoining neighbours will be provided with written advice for minimising any risk to themselves.

### Dangerous Materials (cont)

#### Asbestos (cont)

##### MAINTENANCE WORK (CONT)

The IAC will require that all maintenance and demolition work that could disturb materials containing asbestos, to fully comply with the requirements of the NSW Occupational Health and Safety Act 2000 and the Occupational Health and Safety Regulation 2001. As the property may be considered to be a workplace when our staff and contractors are present, the IAC has a legal responsibility to protect the health and safety of its employees and contractors.

The IAC takes reports of inappropriate handling of asbestos-cement or other materials containing asbestos in properties seriously. Any breach of the requirements of the Act or Regulation by contractors should be reported to the IAC or WorkCover NSW. The IAC will investigate all feedback received.

##### TENANT ALTERATIONS TO PROPERTIES

When deciding whether to give permission for alterations, the IAC will consider the presence in the property of asbestos-cement or other materials that contain asbestos. When making any alterations to the property, tenants should avoid any activities that may result in asbestos fibres being released into the air, such as:

- breaking asbestos-cement
- dusting sweeping or vacuuming near broken asbestos-cement,
- using electric power tools,
- drilling, sanding or sawing

##### ILLEGAL ACTIVITIES

In addition, the following activities are illegal and should not be undertaken:

- disposing of asbestos-cement or related materials in domestic rubbish bins or skips
- using water-blasting equipment on asbestos-cement or other related materials

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### Dangerous Materials (cont)

#### Asbestos (cont)

##### DETERMINING PROPERTIES FOR THE PRESENCE OF ASBESTOS-CEMENT

The IAC has determined those properties that may contain asbestos-cement or materials containing asbestos based on presumption criteria. This follows the National Occupational Health & Safety Commission's Code of Practice for the Management and Control of Asbestos in Workplaces (NOHSC:2018 2005, Part 9).

##### WHERE IS ASBESTOS LIKELY TO BE FOUND?

Asbestos-cement was commonly used for external and internal wall and ceiling sheeting, wet area flooring, corrugated roofing, eaves and gable linings, gutters, downpipes and underground pipes in dwellings built before 1987. Other common uses of asbestos-cement included electric meter boards, garden sheds, garages, fencing, in and behind stoves and wood heaters. Other asbestos containing products available before 1987 include vinyl asbestos floor tiles and sheeting, and some spray-on ceiling finishes.

##### WHEN DOES ASBESTOS POSE A HEALTH RISK?

Expert advice received from WorkCover NSW and NSW Health tells us that living in a home built with asbestos-cement building products is not considered a health risk. Asbestos-cement can be a health risk if asbestos fibres become airborne and are inhaled. This can happen when asbestos-cement building products are broken, sanded, drilled or disturbed in any way that results in airborne asbestos fibres.

### Dangerous Materials (cont)

#### Lead and Lead Paint

Lead is highly toxic and affects virtually every system of the body. While adolescents and adults can also suffer from excessive lead exposures the people most at risk are children under the age of four.

As per Australian Safety & Compensation Council Codes of Practice and Australian Standards we will ensure that we take practical and reasonable steps to protect the health and safety of our clients, staff and contractors by minimising their lead paint exposure.

The IAC promotes lead paint safe practices of all its agents, employees and service providers. We will allow only qualified lead safe trades people to undertake work on our properties, such as painting, where lead may be present.

Where there is any significant lead paint risk, the IAC will not allocate properties to tenants (particularly to families with children under the age of four) until the hazards have been remediated.

In properties where children under the age of four years are part of the household, the IAC will act immediately it is aware of the presence of lead paint where it is in a form and context that can be directly ingested by children. The IAC will identify any properties that may be at a higher risk of contamination.

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### Dangerous Materials (cont)

#### Lead Paint

##### LEAD HAZARD

Lead Hazard is defined as any condition that causes exposure to lead that would result in adverse human health effects. Hazards associated with lead affectation can be considered to arise from:

- deteriorating lead contaminated paint or lead paint present on accessible friction or impact surfaces
- lead contaminated paint (lead paint) is any paint, stain, varnish, or other applied coating that has 1mg/cm<sup>2</sup> (or 1% by dry weight) or more of lead. These two units of measurement are not interchangeable.
- lead contaminated dust where lead loading exceeds:
  - ◊ 1mg/m<sup>2</sup> (as lead) for interior floors
  - ◊ 5mg/m<sup>2</sup> (as lead) for interior window seals
  - ◊ 8mg/m<sup>2</sup> (as lead) for exterior surfaces
- bare, lead contaminated soil, where lead content exceeds:
  - ◊ 300mg/kg (as lead) for residential properties with gardens, including villas and townhouses
  - ◊ 1200mg/kg (as lead) for high rise apartments and units

Intact lead paint is not considered a hazard, although the paint should be maintained and its condition monitored to ensure that it does not deteriorate and become a hazard.

### Dangerous Materials (cont)

#### Lead Paint

##### PROPERTIES WITH POTENTIAL LEAD HAZARDS

The IAC will assume, until confirmed otherwise, that all dwellings constructed prior to 1970 are potentially affected by lead paint contamination. Properties in this category that have undergone a previous condition assessment survey and the paint finish has been recorded as poor, will be considered to contain a potential lead paint hazard.

Actual lead paint hazards, for example, deterioration of paint finishes, will be identified by inspecting the condition of the property. All property inspections will take into account the risk associated with failing pre-1970 paintwork.

##### VACANT DWELLINGS

The condition of paint surfaces in vacant dwellings constructed prior to 1970 should be assessed. Repainting should be undertaken where there is a potential lead paint hazard.

##### LEAD PAINT ASSESSMENTS

Lead paint assessment involves identification of the severity of hazards and development of options for managing those hazards. The actual assessment may be undertaken by:

- a qualified tradesperson, ie trained at Master Painter's Association Lead Management Courses or equivalent
- a qualified environmental consultant in cases where lead poisoning is suspected or, where high-risk groups occupy the property

Priority in conducting lead paint assessments will be given to properties where there are children under the age of 4 years old or pregnant women. Risks to children up to the age of 16 years are also higher than for adults.

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#### Lead Paint (cont)

##### LEAD SAFE PAINTING PRACTICES

Lead paint assessment, preparation of surfaces, paint removal or repainting, clean up and clearance testing upon completion of work will be undertaken in accordance with Australian Standards (AS4361.2). Contractors who undertake work where there are potential lead paint hazards must be appropriately trained in accordance with lead safe practices.

##### LEAD HAZARD REMEDIATION

Remediation usually involves over painting with lead free paint. This is the most economical short to medium term solution, and it avoids the substantial hazard associated with lead paint removal if undertaken incorrectly. Where lead paint assessment identifies high lead levels in soil resulting from deteriorated paint, remediation may extend to soil removal and replacement. Where high lead levels in dust are confirmed, remediation may involve removal of dust from ceilings or other similar spaces.

### Dangerous Materials (cont)

#### Lead Paint (cont)

##### PROGRAMMING FOR LEAD HAZARD REMEDIATION

Where potential lead paint hazards are identified, properties will be programmed for repainting. Where potential lead paint hazards are identified and properties are occupied by young children, or other high-risk groups, properties will be programmed for repainting and/or risk assessment and remediation. Where lead paint hazards have been identified and the painted surface is poor, properties must be programmed for re-painting. The degree of paint failure, nature of occupancy and hence, the risk, will inform the timing.

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### COMPLIANCE

*This policy complies with:*

- NSW Housing Act 2001
- NSW Residential Tenancies Act 2010

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### REFERENCES

*This policy should be read with:*

- **Housing NSW** "During a Tenancy Policy"
- **National Regulatory Code** - 1. Tenant and housing services and 2. Housing Assets