

Prosecution Summary of Conviction

COLLINS Justin John (ABN: 32 486 512 640)

LEGISLATION:		Work Health and Safety Act 2020				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	PE17699/2024	09/08/2024		43(1)	\$10,000	08/04/2022

BREACH(ES)

Being a person, or person on whose behalf work is carried out at a workplace, carried out work at a workplace but was not authorised according to regulations for that work or class of work.
Section 43(1) of the *Work Health and Safety Act 2020* (WA)

DETAILS

Background and Licence Information

Justin John Collins (**Collins**) is an individual sole trader. Collins trades under a number of business names including JC Asbestos and Demolition.

Collins previously held a restricted asbestos licence, number WR1607, granted under the *Occupational Safety and Health Regulations 1996* which have been repealed. That licence authorised him to perform asbestos removal work involving more than 10 square metres of non-friable asbestos-containing material. That licence was granted on 10 November 2014 and was cancelled on 10 December 2017 as the licence was not renewed.

In early 2023 Collins applied for a further restricted asbestos licence. He was notified on or about 7 April 2022 that his application would not be progressed because the class of licence that he had applied for no longer existed due to the enactment of the *Work Health and Safety (General) Regulations 2022* (**WHS Regs**).

Collins then applied for a Class B asbestos removal licence, which would allow him to remove more than 10 square meters of non-friable asbestos or asbestos containing material. The application was received by WorkSafe on 12 May 2022. That application was refused.

A Class B asbestos removal licence authorises a person to remove more than 10 square meters of non-friable asbestos or asbestos containing material and is required for such work pursuant to r 487(1) of the WHS Regs.

Offence

On 4 April 2022 a residential property owner contacted Collins via Gumtree and enquired about the removal of a dividing fence, noting it was asbestos. The dividing fence (the fence) ran approximately 41 metres along the length of two neighbouring properties and was over 1 metre high. The fence had sustained some damage, and panels towards the rear of the properties had blown over.

Collins confirmed his availability and provided a quote to the property owner for the removal and disposal of 41 metres of asbestos fencing. Communication continued by telephone between Collins and

the property owner. The property owner asked Collins via text message whether he was licenced to remove and dispose of asbestos as indicated on his website. Collins replied via text that he was licenced.

Collins removed the whole of the fence on 8 April 2022 and issued invoices to the two neighbours on the same day. The neighbours split the cost of the fence removal and paid the Accused via bank transfer.

On 16 May 2022 a fencing contractor was installing a Colorbond fence at the properties and discovered pieces of asbestos fencing in the ground. The fencing contractor ceased work.

On 18 May 2022 the property owner contacted Collins by email and text message concerning the remaining asbestos fencing. On the same date Collins responded via text that "as all your fence was broken we don't dig out broken fences as this is hazardous to us Thanks Justin".

On 23 May 2022 the property owner contacted the Accused by email. The Accused responded that "The fence was taken below ground there was concrete on one side which needs to be cut with a quick cut so like most contractors you break the fence below ground as nobody want to pay the extra too cut there driveway Nearly all fence contractors put the new fence over the top of the asbestos which is below ground and you never see this [sic]".

On 27 May 2022 the neighbouring property owner contacted the Accused by telephone and had a discussion with him about the remaining asbestos fencing in the ground. The Accused claimed he did not have to remove the remaining asbestos.

The matter was reported to WorkSafe by one of the property owners and an investigation was commenced.

On 31 May 2022, a WorkSafe Inspector attended the properties and observed fencing material in the ground. Samples of the fencing material were sent to an accredited laboratory for analysis, which confirmed that the material contained asbestos in the form of chrysotile and amosite.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$10,000
COSTS	\$4000.00
COURT	Magistrates Court of Western Australia – Perth