

Prosecution Summary of Conviction

COLLINS Justin John

LEGISLATION:		<i>Work Health and Safety Act 2020</i>				
Charge	Charge Number	Sentenced Date	Regulation	Section	Penalty	Offence Date
1	PE 53739/2025	21/11/2025		43(1)	\$15,000	10-12/11/2023
2	PE 53740/2025	21/11/2025		43(1)	Global fine (1-3)	13/11/2023
3	PE 53741/2025	21/11/2025		43(1)	Global Fine (1-3)	2-4/04/2024

BREACH(ES)

Offence 1: 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)

Offence 2: 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)

Offence 3: 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 (**Mr Collins**) is an individual sole trader. Mr Collins traded under a number of business names, including JC Asbestos and Demolition.

Mr 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asbestos licence, number WR1607, granted under the *Occupational Safety and Health Regulations 1996*, which have been repealed.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 meters 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 2022, Mr Collins applied for a further restricted asbestos licence. Mr Collins 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**).

Mr Collins 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. This application was received by WorkSafe on 12 May 2022. That application was refused on 18 January 2023.

A Class B asbestos removal licence is required 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 1 – Armadale

In November 2023, a registered builder (**Builder**) was supervising a new home construction in Armadale (**Property**). The Builder identified a fence suspected of containing non-friable asbestos dividing the Property and the adjacent land (**Fence**). The Fence had an approximate length of 12 meters and an approximate height of 1.8m. The Builder identified that the Fence's removal required a Class B asbestos removal licence as it was comprised of over 10 square meters of material.

In November 2023, the owner of the Property engaged Mr Collins to remove the Asbestos Fence. On behalf of the property owner, the Builder contacted Mr Collins to facilitate the removal works and Mr Collins provided an asbestos removal licence number of WR2335.

Mr Collins was not the holder of licence WR2335 and was not conducting the work on behalf of that licence holder. On 10 November 2023, Mr Collins removed a portion of the Fence from the Property without the requisite licence.

On the same day, City of Armadale Environmental Health Officers (**EHOs**) attended the Property after receiving a complaint from a member of the public regarding the method of removal of the Fence. The EHOs did not observe any barriers at the Property indicating that asbestos was being removed, nor did they observe water being utilised to wet the Fence.

The EHOs spoke with Mr Collins who identified himself and stated he was the licenced supervisor of the asbestos removal. Mr Collins stated he did not have his licence with him and couldn't remember the number. The EHOs directed Mr Collins to stop working until his licence could be verified. Prior to Mr Collins departing, the EHOs seized a fragment of the Fence which was later analysed and confirmed to be asbestos containing material.

On 12 November 2023, following text message exchanges with the Builder, Mr Collins returned to the Property to remove the remaining portion of the Fence without the requisite licence.

Offence 2 – Morley

In October 2023, two neighbours in Morley (**Owners**) engaged a fencing contractor to replace the fence dividing their respective properties (**Fence**).

The Owners suspected that the Fence contained a mixture of non-friable asbestos and non-asbestos 'Hardifence' panels. The Fence was approximately 35 meters in length and 1.8 meters in height. The Fence comprised of over 10 square meters of asbestos containing material and required a Class B asbestos removal licence to remove.

On behalf of the Owners, the fencing contractor contacted Mr Collins and engaged him to complete the removal of the Fence. On 9 November 2023, Mr Collins advised the fencing contractor that he was a licenced asbestos removalist, holding licence WR2335. Mr Collins is not the holder of WR2335 and was not operating on behalf of that licence holder.

On 13 November 2023, Mr Collins attended the properties and removed the Fence without having the requisite licence.

On the same day, an Environmental Health Technical Officer (**EHTO**) from the City of Bayswater attended the properties in response to a complaint from a member of the public regarding the method of removal of the fence. The EHTO observed that Mr Collins and another worker were only wearing a mask and no other personal protective equipment.

The fencing contractor arranged for an Independent Competent Person (**ICP**) to attend and certify that the asbestos had been adequately removed. The ICP attended later on 13 November 2023, but was unable to issue the clearance certificate as they identified asbestos containing material in the ground.

WorkSafe Inspectors attended the site shortly afterwards and seized a remaining fragment of the Fence. That fragment was later analysed and confirmed to be asbestos containing material. Later the same day, a worker linked to Mr Collins returned and removed the remaining fragments of the Fence.

Offence 3 – Ferndale

A construction company was engaged to demolish the residence and shed at an address in Ferndale (**Property**). During the quotation process, the director of the construction company (**Director**) attended the Property and identified that the shed and roof-cladding scheduled for demolition contained over 10 square meters of non-friable asbestos material (**Material**).

In March 2024, the Director located Mr Collins online and engaged him to remove the Material from the Property. The Director inquired about Mr Collins' asbestos licence status. Mr Collins provided a photograph of asbestos licence WR2335 and stated it was held by his business partner. Mr Collins did not have an asbestos removal licence and was not working on behalf of licence holder WR2335.

Between 2 April 2024 and 4 April 2024, Mr Collins attended the Property and removed over 10 square meters of the Material, despite not having the requisite licence.

On 5 April 2024, an Independent Competent Person (**ICP**) attended the Property to conduct a clearance inspection. The ICP estimated that approximately 80 square meters of the Material had been removed by Mr Collins. The ICP further identified that fragments of the Material remained on the Property.

On the same day, a WorkSafe Inspector attended the Property and obtained samples of the Material fragments remaining on the Property. The samples were later analysed and confirmed to contain asbestos.

OUTCOME	Pleaded guilty – convicted and fined
FINE	\$15,000 Global fine
COSTS	\$2661.00
COURT	Magistrates Court of Western Australia – Perth