



## Consultation on the requirements for competent persons in relation to asbestos-related tasks

### Cover sheet and consultation questions for submissions provided by email or post

When making your submission by:

- email to [occhygiene@swa.gov.au](mailto:occhygiene@swa.gov.au)
- or post to

Consultation – Competent Persons for Asbestos-related Tasks  
Safe Work Australia  
GPO Box 641  
Canberra ACT 2601

please complete the following form, answer the consultation questions, and include the form with your submission.

Submissions will be accepted until **11.59 pm (AEST) on Sunday 1<sup>st</sup> October 2023**.

#### 1. Your details

*(Please leave blank if you wish to remain anonymous)*

Title, First Name, Surname: [REDACTED]

Organisation name, if applicable: Victorian Asbestos Eradication Agency

Email: [REDACTED]

Contact number, including area code: [REDACTED]

#### 2. This submission is written on behalf of an:

☐ Individual      ☒ Organisation

#### 3. Which of the following categories best describes you? Choose more than one if applicable.

- ☐ Person conducting a business or undertaking/ employer
- ☐ Building trades
  - ☐ Demolition businesses

- ☐ Asbestos removalists
- ☐ Asbestos assessors
- ☐ Workers
  - ☐ Building trades
  - ☐ Workers
  - ☐ Asbestos remediation / removal
- ☐ Persons with management or control of workplaces where asbestos has been identified
- ☐ Health and safety representative
- ☐ Industry representative
- ☐ Occupational hygienist
- ☐ Community organisation or member of a local community
- ☐ Professional or peak body representative
- ☒ Government agency representative
- ☐ Trade union representative
- ☐ Other – please specify: [Click here to enter text.](#)

4. Which jurisdiction is your workplace in? Choose more than one if applicable.

- ☐ Commonwealth
- ☐ Australian Capital Territory
- ☐ New South Wales
- ☐ Northern Territory
- ☐ Queensland
- ☐ South Australia
- ☐ Tasmania
- ☒ Victoria
- ☐ Western Australia
- ☐ Outside of Australia

5. What industry do you operate in? Choose more than one if applicable.

- ☐ Agriculture, Forestry and Fishing
- ☐ Mining
- ☐ Manufacturing
- ☐ Electricity, Gas, Water and Waste Services
- ☐ Construction
- ☐ Wholesale trade
- ☐ Retail trade
- ☐ Accommodation and Food Services

- ☐ Transport, Postal and Warehousing
- ☐ Information Media and Telecommunications
- ☐ Financial and Insurance Services
- ☐ Rental, Hiring and Real Estate Services
- ☐ Professional, Scientific and Technical Services
- ☐ Administrative and Support Services
- ☒ Public Administration and Safety
- ☐ Education and Training
- ☐ Health Care and Social Assistance
- ☐ Arts and Recreation Services
- ☐ Other Services - please specify: [Click here to enter text.](#)

### Publication of submission

Select one:

- ☒ Publish my submission online  
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- ☒ I have read and understand the below Privacy Collection Notice and other terms listed below.

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information to help us perform one of Safe Work Australia's core functions in evaluating and, if necessary, revising the model WHS legislative framework and other WHS materials.

If you do not wish to disclose your personal information, you can choose not to include identifying information on the cover sheet and in your submission. However, if we are not able to collect your personal information, we will not be able to contact you for any further consultation if required. If you choose not to provide details about your occupation, this may limit our understanding of the implementation potential options across different workplaces and industries.

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## **Consultation questions**

These consultation questions are aimed at understanding the nature and extent of any issues with the term "competent person" as it relates to asbestos-related tasks. There is no requirement to answer all the questions; and stakeholders are welcome to provide other feedback relevant to the requirements for competent persons for asbestos-related tasks. Wherever possible, please include reference to the relevant regulation number in the model WHS Regulations in your response.

**Q.1** Do you have a clear understanding of the definitions of a competent person for asbestos-related tasks? How could any misunderstandings be addressed or clarified?

Click or tap here to enter text.

**Q.2** Do you see a benefit in aligning the training, qualification and experience requirements of competent persons, licensed asbestos assessors and asbestos removal supervisors for asbestos-related tasks? If so, what do you think the training, qualification and

experience requirements should be? Please provide information and reasons to support your response.

Click or tap here to enter text.

**Q.3** Are there any other issues regarding the definition and requirements of competent persons for asbestos-related tasks that should be considered? Please provide information and reasons to support your response.

Click or tap here to enter text.

# VAEA submission<sup>1</sup> to Safe Work Australia's consultation on the requirements for competent persons in relation to asbestos-related tasks

## The work of the VAEA relevant to this subject

The Victorian Asbestos Eradication Agency (VAEA) was established to develop a long-term plan for the risk-based, prioritised removal of asbestos from Victorian government-owned buildings. To support the development of this plan, the VAEA consolidated information on the location and condition of asbestos-containing materials (ACMs) in government-owned buildings, assessing the risk posed by those ACMs, and making risk-based recommendations for their prioritised removal.

The VAEA's scope covers 10 portfolio government departments, with more than 3,400 sub agencies within those departments. The role of the VAEA has since evolved to include:

- maintaining and updating the consolidated building and asbestos register (the AIRSystem<sup>2</sup>)
- managing the ongoing prioritised asbestos removal program
- providing advice on best practice for asbestos removal.

The limitations on the quality, accuracy and detail of information in asbestos registers are a widely recognised challenge<sup>3</sup>. The VAEA's analysis of workplace asbestos registers for almost 13,000 buildings confirms that the quality, consistency and accuracy of information in asbestos registers varies and can be improved.

Registers vary in approaches to assessing and describing ACM friability, condition and disturbance potential: they may include assumptions about the presence of ACMs, may not be informed by representative or thorough sampling, and may contain no historical information from previous surveys or asbestos removals.

Almost 24% of ACMs in the AIRSystem are recorded in their workplace asbestos register as being assumed to be positive for asbestos. Almost 10% (9.95%) of ACMs are recorded as not being able to be accessed during an asbestos survey. The prevalence of assumptions of the presence of asbestos and lack of accessibility to ACMs during an asbestos survey are key areas where improved

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<sup>1</sup> The first two paragraphs of this submission are extracts from a journal article: Understanding and Ending the Lethal Asbestos Legacy; Sustainability 2023, 15(3), 2507; <https://doi.org/10.3390/su15032507>

<sup>2</sup> <https://www.vaea.vic.gov.au/airsystem>

<sup>3</sup> Australian Government—Safe Work Australia. Review of the Model Work Health and Safety Laws. 2018; <https://www.safeworkaustralia.gov.au/doc/review-model-whs-laws-final-report>

competency for persons undertaking asbestos-related tasks can improve the quality of asbestos registers.

In addition, the VAEA regularly reviews asbestos removal clearance certificates and asbestos survey reports; these documents also vary in terms of the quality of recorded information and consistency of terminology and support information such as photographs and floor plans. 92% of removed ACMs recorded in AIRSystem workplace asbestos registers do not have an attached or readily accessible clearance certificate that is able to be provided to the VAEA. These ACMs are recorded in the AIRSystem as being assumed to have been removed. In contrast, the VAEA's prioritised asbestos removal program requires clearance certificates identify each ACM removed, with before and after photos. Those records are attached to the digital record of each ACM removed in the workplace asbestos register.

The VAEA supports reform to the requirements for competent persons in relation to asbestos-related tasks. This submission outlines the VAEA's proposed approach to ensuring only appropriately credentialed persons undertake asbestos-related tasks. Reform to the requirements will improve workplace and community safety outcomes.

### Submission overview

Summary of recommended actions to formalise the training and accreditation requirement to conduct asbestos-related tasks:

- Formally recognised accreditation should be introduced to replace the 'competent person' for asbestos-related tasks. 'Competent person' is open to broad and ambiguous interpretation and does not guarantee a standard of theoretical knowledge or practical site experience.
- A course (or series of courses) similar in content and delivery to the British Occupational Hygiene Society (BOHS) courses should be introduced<sup>4</sup>. The course(s) should be nationally standardised and tailored specifically to the Australian context, including reporting templates and ACM naming conventions.
- The award of these courses would see graduates achieve something similar to a Licensed Asbestos Assessor (LAA) accreditation and be assigned an individual "licence" number to be quoted on survey reports, clearance

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<sup>4</sup> For example: <https://www.bohs.org/education/qualifications/detail/surveying-and-sampling-strategies-for-asbestos-in-buildings-p402/>;  
<https://www.bohs.org/education/qualifications/detail/air-sampling-fibre-counting-pcm-p403/>;  
<https://www.bohs.org/education/qualifications/detail/clearance-testing-and-requirements-of-certificate-for-reoccupation-p404/>



certificates and air monitoring reports, to certify the works have been conducted by a suitably trained and experienced person. For the purpose of this submission, they will be referred to as Licensed Hygienists (LHs).

- The accreditation must be awarded in conjunction with sufficient industry experience formally documented and assessed by the training institute, e.g. a probation period involving mentorship and site assessment from a current LAA, LH, or equivalent suitably qualified person.
- To maintain objectivity, the LH must act independently in all asbestos-related tasks.
- The proposed LH accreditation would be required to:
  - identify asbestos in the workplace – Model Workplace Health and Safety Regulation (MWSH Reg.) 422
  - identify asbestos prior to demolition – MWSH Regs. 448, 452 and 456
  - assess smoke and integrity of friable removal enclosures – MWSH Reg. 477
  - monitor airborne asbestos fibre of any kind – MWSH Reg. 475
  - conduct clearance inspection and certification – MWSH Regs. 473 and 474.
- Combined or mixed discipline accreditation should be aligned to the knowledge and training between Licensed Asbestos Removal Supervisors (LARSs) and LHs.

## Survey questions

### Q.1 Do you have a clear understanding of the definitions of a competent person for asbestos related tasks? How could any misunderstandings be addressed or clarified?

The term ‘competent person’ is defined clearly enough in the Model WHS Regulations. However, the definition leaves some ambiguity, i.e. it is difficult to ascertain whether someone “has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice”.

The VAEA proposes to minimise ambiguity through the introduction of a formal training and accreditation requirement for all asbestos-related tasks.

The training, qualification and experience requirements should align with the following:





- A course (or series of courses) similar in content and delivery to the British Occupational Hygiene Society (BOHS). For example:
  - Asbestos surveying and sampling  
<https://www.bohs.org/education/qualifications/detail/surveying-and-sampling-strategies-for-asbestos-in-buildings-p402/>
  - Air sampling and fibre counting  
<https://www.bohs.org/education/qualifications/detail/air-sampling-fibre-counting-pcm-p403/>
  - Clearance testing and reoccupation  
<https://www.bohs.org/education/qualifications/detail/clearance-testing-and-requirements-of-certificate-for-reoccupation-p404/>

It should be noted that the Faculty of Asbestos Management of Australia and New Zealand (FAMANZ) is consulting with the BOHS to develop an Australia-New Zealand version of its P402 course.

The completion of these courses would see graduates achieve something similar to an LAA accreditation and the individual would be assigned a 'license' number (LH number) to be quoted on survey reports, clearances and air monitoring reports, to certify that the works have been conducted by a LH

The accreditation must be awarded in conjunction with sufficient industry experience formally documented and assessed by the training institute, e.g. a probation period involving mentorship and site assessment from a current LAA, LH or equivalent suitably qualified person.

The VAEA recommends competency training is designed around a set of standardised tools and processes for identifying and reporting on asbestos-related tasks in Australia, including ACM naming conventions, a numerical risk assessment model, and reporting templates for asbestos surveys (asbestos registers) and Clearance Certificates.

Q.2 Do you see a benefit in aligning the training, qualification and experience requirements of competent persons, licensed asbestos assessors and asbestos removal supervisors for asbestos-related tasks? If so, what do you think the training, qualification and experience requirements should be? Please provide information and reasons to support your response.

The VAEA recommends aligning training and qualification requirements for LHs and LARS for asbestos-related tasks where the work of both disciplines overlaps, most critically:

- the containment of airborne asbestos fibres
- asbestos clearance inspections.



The standardisation of training, qualification and experience between the disciplines of LHs and LARSs would lead to a common understanding of the standard to which asbestos-related tasks need to comply, resulting in a more considered and collaborative approach to ensuring asbestos-related tasks are performed correctly. With the introduction of formal training and accreditation to be deemed competent persons, there would be no distinction between competent persons and LHs.

**Q.3 Are there any other issues regarding the definition and requirements of competent persons for asbestos-related tasks that should be considered?  
Please provide information and reasons to support your response.**

The requirements of competent persons for asbestos-related tasks as described in the model WHS regulations allow someone with a tertiary qualification (various disciplines) to undergo informal company-based training and be deemed a competent person. This informal training differs between hygiene firms, and leads to inconsistency in knowledge and approach to asbestos-related tasks. A formal training course and accreditation would ensure that all competent persons have received the same training, reducing the variation in work quality in the industry.

Recognition of prior knowledge and experience would have to be considered when rolling out any training and accreditation requirements.

Presently, in the asbestos consulting and hygiene industry, verifying the competency and training of employees transferring between employers is problematic.

A licensing system and a more robust assessment of competency:

- will provide a baseline to assist employers assess new employees
- will assist organisations procuring asbestos hygiene surveys and clearance inspections to assess the suitability of suppliers
- could also assist regulators or training organisations to govern the supply of asbestos-related services, and improve accountability.

