



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
- 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 1st October 2023.**

1. Your details

(Please leave blank if you wish to remain anonymous)

Title, First Name, Surname: [REDACTED]

Organisation name, if applicable: Faculty of Asbestos Management of Australia & New Zealand Limited

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.](#)

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Select one:

- ☒ Publish my submission online
(your organisation or individual name will be identified along with your submission)
- ☐ Do not publish my submission online
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- may change or convert a submission to conform with [accessibility requirements](#).

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

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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?

As per Section 5 of the Regulation, "Competent person means:

- (f) for a clearance inspection under regulation 473 — a person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds:
- (i) a certification in relation to the specified VET course for asbestos assessor

work; or

(ii) a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health; and
(g) for any other case — a person who has acquired through training, qualification or experience the knowledge and skills to carry out the task”.

(f) (i) refers to the ‘Conduct asbestos assessment associated with removal’ course; However, there is no consistent industry training provided under (ii) where all that’s required is a tertiary qualification and training or experience. No tertiary qualification would provide a consultant with the skills to conduct a clearance inspection, and the training of consultants across industry is inconsistent.

The British Occupational Hygiene Society (BOHS) has an International Proficiency Course IP404 “Air Monitoring, Clearance Inspection and re-occupation following the Removal of Asbestos”. This course is presented over three days – [16 hours] and includes:

- Good practice in asbestos removal and remediation
- Asbestos removal control plan
- Air sampling for asbestos
- Enclosures, clearance air monitoring and reporting
- Practical work

There are on-line theory and practical examinations. FAMANZ is currently aligning this course to meet the Australian requirements and it will be offered as an Australian / New Zealand course through the BOHS.

The United Kingdom Accreditation Service (UKAS) has provided an accreditation service to the UK asbestos sector for many years. Initially this only included sampling and testing but, at the request of the Health & Safety Executive (HSE), the service was further developed to include surveying then the full four-stage clearance process.

FAMANZ is currently developing a Certification Scheme for Asbestos Assessors. This scheme considers the BOHS IP402 “Surveying & Sampling Strategies for asbestos in buildings” – which has been re-written to meet the requirements of the Safework Australia Model Code, the draft ASEA assessors guide and demonstration of experience.

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.

Whilst it sounds like a good idea to align the training qualification and experience requirements for competent persons, LAAs and asbestos removal supervisors, each of these workers play a different role. An asbestos

supervisor has a different skill set to an LAA although noted these skills often overlap.

The training for a competent person (re asbestos work) and LAA need to be improved nationally. There is inconsistency in the rigour surveys and clearances are conducted.

As noted above, FAMANZ has approval from the BOHS to modify their suite of asbestos related courses for use in Australian / New Zealand. This includes examinations and practical work based on local requirements and products used. IP404 "Air Monitoring, Clearance Inspection and re-occupation following the Removal of Asbestos" includes specific training for people conducting friable asbestos clearance inspections given the elevated risk consequence if the inspection is not conducted appropriately. It also covers the requirements for smoke testing and the use of the negative pressure containment unit.

There is a different role between a competent person and LAA but these roles need to be better defined and training levels increased.

It should be noted that there are many consultants who won't come across significant friable work as much of the friable asbestos has been removed in renovation and demolition projects that have already been completed. As these consultants may not have experience with these materials, improved training will ensure that when friable asbestos is encountered, the correct procedures are established for risk minimisation. This is essential for LAA's who are required to oversee friable asbestos removal projects.

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.

Clause 473 (2) (a) and (b) requires an independent LAA or competent person to carry out clearance inspections.

Clause 475 (1) and (2) requires an independent LAA or competent person to carry out air monitoring.

As per Section 5 definitions: independent, in relation to clearance inspections and air monitoring under Chapter 8, means: (a) not involved in the removal of the asbestos; and (b) not involved in a business or undertaking involved in the removal of the asbestos, in relation to which the inspection or monitoring is conducted.

It's worth considering updating the independent definition. It is common for asbestos removal contractors to engage LAAs directly. It is not uncommon for FAMANZ members to have experienced failing a clearance which an LAA passed the day before. Following enquiries, it was a contractor who always uses the same LAA. Its' not considered independent if the person paying your invoice is the one you need to do the clearance inspection for. The rigour of training provided by Laboratories who provide monitoring equipment for "Third party asbestos monitoring" also needs to be considered.

Clause 419 (5) (a) (ii) states Subregulation (1) does not apply to the following: if friable asbestos is visible—does not contain more than trace levels.

The term 'trace' in AS 4964:2004 has a different meaning to what the intent of the Regulation is. Trace asbestos in accordance with AS 4964:2004 indicates respirable asbestos fibres are present in the soil (or non-homogeneous sample). This type of sample has a higher risk level because those fibres are already in the respirable size range with the ability to become airborne with minimal disturbance (without any controls).