



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: Office of Industrial Relations

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
(your organisation or individual name will be identified along with your submission)
- ☐ Do not publish my submission online
- ☐ Publish my submission online anonymously.

Note: by selecting "publish my submission online" or "publish my submission online anonymously", you accept Safe Work Australia:

- has the right to decline to publish a submission online if does not meet Australian Government accessibility requirements, and
- may change or convert a submission to conform with [accessibility requirements](#).

Terms and conditions

- ☒ I have read and understand the Engage [terms and conditions](https://engage.swa.gov.au/terms) (<https://engage.swa.gov.au/terms>) for making this submission.
- ☒ I have read and understand the below Privacy Collection Notice and other terms listed below.

Privacy Collection Notice

Safe Work Australia collects, uses and discloses your personal information when you respond to our consultation on the requirements for competent persons in relation to asbestos-related tasks, in accordance with the *Privacy Act 1988* (Cth). We collect this 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.

For more detailed information about how Safe Work Australia collects, uses and discloses your personal information in relation to your consultation response, please refer to our [Privacy Collection Notice](#).

Confidential material

Where a submission includes both confidential and non-confidential material, the confidential material should be provided under a separate cover sheet and clearly marked 'IN CONFIDENCE'. Material marked 'in confidence' will not be placed on the website.

Disclosure of submissions

Any submission, regardless of whether it is published, must be released if requested under the *Freedom of Information Act* 1982 (Cth), unless an exemption applies. Your personal information may also be disclosed to third parties in accordance with our Privacy Policy, including where disclosure is authorised or required by law.

Copyright

Copyright resides with the author(s), not with Safe Work Australia. Neither the Commonwealth of Australia nor Safe Work Australia takes responsibility for any breach of the copyright, or libellous or defamatory comments in submissions published by Safe Work Australia.

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?

The Office of Industrial Relations (OIR) notes that section 5 of the Model Work Health and Safety Regulations (Model Regulations) defines 'competent person' as 'a person who has acquired through training, qualification or experience the knowledge and skills

to carry out the task.'

OIR has received feedback from Queensland duty holders that the definition of 'competent person' for asbestos-related tasks requires greater clarity. Because the Model Regulations require different levels of competency for asbestos-related work, duty holders often incorrectly assume that a person who is competent to identify asbestos (s. 422) is also competent to remove asbestos (s. 458) or to conduct clearance inspections (s. 473), for example.

An option to address this common misunderstanding would be to develop guidance to clarify the requirements relative to individual sections in the Model Regulations. This guidance could include illustrative examples that explain how a duty holder could demonstrate competency for different types of asbestos-related work, such as:

- soil assessments (s. 419)
- determining the presence of asbestos before demolition or refurbishment (s. 451)
- air monitoring (s. 482), and
- clearance inspection and certificate (ss. 473 and 474).

OIR suggests that any guidance developed should also explain that not all licensed asbestos assessors have the sufficient level of competency to conduct asbestos surveys, which has a consequential effect on the quality of asbestos registers and asbestos management plans.

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.

NA

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.

NA