



**safe work australia**

## **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: Robert Graham

Organisation name, if applicable: [REDACTED]

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



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- ☐ 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: Consultant/WHs Compliance Assessor

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



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- ☐ 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



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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**

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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?

Yes I do. What the issues are from my viewpoint especially with Reg 422 & 451 is that there is no training available to help assessors identify where asbestos is in workplaces or buildings. My background started as an industrial chemist who moved into safety consultancy, acquired an asbestos lab and surveying company and provided services for clients with large property portfolios from 1988-2004 in the UK and 2020 to the present in Australia. ( We now use a an independent lab in WA) I learned on the job and have passed that knowledge on to the trainees in our company, but without the extensive on the job training I wouldn't have been able to go into a factory, or a building and carry out an asbestos survey. Things could be improved if the trainee competent person had to complete 6 months



supervised on the job training by a competent person who had a degree/background in a related science/engineering./building surveying area or extensive experience in identifying asbestos. We found that tradies (Plumbers /Electricians made good trainee asbestos surveyors due to their knowledge of buildings/workplaces. It would also be useful to have some short training courses based on the two asbestos COP's, one aimed at surveyors, (identifiers) and the other at removalists/remedial works which is not class A/B as much of the repair, remedial work is done by non-licensed contractors as it doesn't involve removing more than 10m2.

**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.

People who have to identify asbestos and make recommendations to repair or remove need to have knowledge of workplace and building construction. Not many of these exist and you can only become familiar with this after the technical training, with on the job experience working with someone who can show you where to look etc. A short course that addresses the technical sides of this aspect along with the 6months supervised work would help. Class A/B contractors already have training and experience requirements, whereas Competent Persons have no formal qualification or 'extensive experience' defined. Training plus 6months supervision would help to have more confidence in a competent person. We already do our own in-house training along these lines, but of course the training is not recognised.

**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.

As a qualified Industrial Chemist with 40yrs experience in asbestos surveying, I feel qualified, experienced and confident to do clearance certificates for Class B removalists and can train others to do this. However I agree with the requirement that you need to become licensed assessor for class A projects due to the extra complexity's involved with this type of work.

One issues is that a trainee may not have a tertiary related qualification as well as experience. We can supply the experience, but there would need to be some formal course qualification to replace the need to have a tertiary qualification if a person was to be deemed a competent asbestos identifier/consult