

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

Information paper

August 2023

Safe Work Australia is seeking stakeholder feedback to understand the nature and extent of the issues surrounding the term “competent person” for asbestos-related tasks, as described in the [model Work Health and Safety \(WHS\) Regulations](#).

Background

The manufacture, supply, use, and import of all forms of asbestos and asbestos-containing materials (ACM) has been prohibited in Australia since December 2003 to protect the health and safety of workers and the broader community from the harmful effects of asbestos.

Despite the prohibition, workplace exposure to asbestos continues to be a significant health and safety risk as many old buildings and infrastructure still contain asbestos and ACM.

Purpose of the consultation

In 2018, WHS ministers requested Safe Work Australia review the content and operation of the model WHS laws.

The 2018 [review of the model WHS laws](#) involved consultation with work health and safety regulators, businesses, workers, unions, industry organisations, health and safety representatives, health and safety and legal practitioners, academics and community organisations. Feedback on the model WHS laws relating to asbestos included that the definition of a competent person for asbestos-related tasks is too broad, making it unclear as to who should or must perform certain asbestos-related tasks, and exactly what type of training, qualification or experience a competent person should have.

On 20 May 2021, WHS ministers agreed Safe Work Australia should consult further with stakeholders to understand the issues surrounding competent persons for asbestos-related tasks.

Safe Work Australia is seeking feedback from all stakeholders with an interest in this topic, including persons conducting a business or undertaking (PCBUs). This includes asbestos removalists and construction/demolition businesses, workers involved with asbestos remediation, and persons with management or control of workplaces where asbestos has been identified.

Asbestos arrangements in the model WHS Regulations

Chapter 8 of the [model WHS Regulations](#) details the requirements for dealing with asbestos and ACM in the workplace and stipulates who must perform certain asbestos-related tasks. A summary of which asbestos-related tasks require a competent person or licensed asbestos assessor is provided in the table below.

Table: Summary of competency requirements for asbestos-related tasks as specified in the model WHS Regulations

Asbestos-related task	Person required to perform the task	Definition or specific requirements (including qualifications) of the person required to perform the task
<p>Soil assessment for the presence of friable asbestos (<i>Regulation 419</i>)</p> <p>Identifying all asbestos or ACM at the workplace (<i>Regulation 422</i>)</p> <p>Determining the presence of asbestos or ACM when demolition or refurbishment is to be carried out and there is no asbestos register (<i>Regulation 451</i>)</p> <p>Air monitoring when asbestos-related work is carried out and when there is uncertainty as to whether the exposure standard is likely to be exceeded (<i>Regulation 482</i>)</p>	Competent Person	A person who has acquired through training, qualification or experience the knowledge and skills to carry out the task.
<p>Removal of 10 square metres or less of non-friable asbestos or asbestos-contaminated dust or debris associated with the removal of that amount of non-friable asbestos, or removal of asbestos-contaminated dust or debris that is not associated with the removal of friable or non-friable asbestos and is only a minor contamination (<i>Regulation 458</i>)</p>	Competent Person	A person who has acquired through training, qualification or experience the knowledge and skills to carry out the task, and who has been trained in accordance with <i>Regulation 445</i>
<p>Clearance inspection performed (<i>Regulation 473</i>) and clearance certificate (<i>Regulation 474</i>) issued when asbestos removal work is NOT carried out by a Class A licensed asbestos removalist (e.g. removal of non-friable asbestos)</p>	Independent Competent Person	<p>A person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds either:</p> <ul style="list-style-type: none"> • a certification in relation to the specified VET course for asbestos assessor work; or • a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health.

Asbestos-related task	Person required to perform the task	Definition or specific requirements (including qualifications) of the person required to perform the task
<p>For supervision of removal of asbestos, as required by <i>Regulation 459</i>:</p> <p>(a) if the asbestos removal work requires a Class A asbestos removal licence – asbestos removal supervisor must be present at the asbestos removal area whenever the asbestos removal work is being carried out; and</p> <p>(b) if the asbestos removal work requires a Class B asbestos removal licence asbestos removal supervisor must be readily available to a worker carrying out asbestos removal work whenever the work is being carried out.</p>	<p>Asbestos Removal Supervisor</p>	<p>A person who:</p> <ul style="list-style-type: none"> • is at least 18 years of age; and • holds a certification for: <ul style="list-style-type: none"> (a) the specified VET course for the supervision of asbestos removal work; and (b) the specified VET course for the (Class A) or (Class B) asbestos removal work; and • for Class A asbestos removal work: has at least 3 years of relevant industry experience, or • for Class B asbestos removal work: has at least 1 year of relevant industry experience.
<p>Clearance inspection performed (<i>Regulation 473</i>) and clearance certificate (<i>Regulation 474</i>) issued when asbestos removal work is carried out by a Class A licensed asbestos removalist (i.e. friable asbestos)</p> <p>Air monitoring when asbestos removal work requires a Class A licensed asbestos removalist (<i>Regulation 475</i>)</p> <p>Air monitoring and clearance certificate issued when a Class A licensed asbestos removalist is removing friable asbestos (<i>Regulation 477</i>)</p>	<p>Independent Licensed Asbestos Assessor</p>	<p>A person who has acquired through training or experience the knowledge and skills of relevant asbestos removal industry practice and holds either:</p> <ul style="list-style-type: none"> • a certification in relation to the specified VET course for asbestos assessor work; or • a tertiary qualification in occupational health and safety, occupational hygiene, science, building, construction or environmental health. • Must also hold a valid asbestos assessor licence.

Submitting your response to the consultation

Submissions are sought by **11:59 pm (AEST) on Sunday 1st October 2023**.

Submissions can be made using Safe Work Australia's online [Engage](#) consultation platform.

Demographic data will be collected as part of this process through your registration with Engage and in the electronic submission form. The consultation questions in this paper are provided in a template available on the Engage platform to assist with drafting a response.

If you would like to submit your feedback by email, mail or uploaded as DOCX, please use the consultation and submission document template.

For further information on the publication of submissions on Engage, please refer to the [Safe Work Australia Privacy Policy](#) and the [Engagement HQ privacy policy](#).

If you are unable to lodge your submission using Engage or if you have any questions about the consultation, please email occhygiene@swa.gov.au.

If you need help

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