Australian Government
Asbestos Safety and Eradication Agency

ASBESTOS SAFETY TRAINING OPTIONS

FOR WORKERS ENTERING TRADES

DISCUSSION PAPER

OCTOBER 2021

Contents

Abbreviations and acronyms

ACM	asbestos containing material
ACTU	Australian Council of Trade Unions
AISC	Australian Industry and Skills Commission
AMR	Australian Mesothelioma Registry
ANTA	Australian National Training Authority
AQF	Australian Qualifications Framework
ASEA	Asbestos Safety and Eradication Agency
ASQA	Australian Skills Quality Authority
CFMEU	Construction, Forestry, Mining and Energy Union (the CFMMEU since 'Maritime' was added)
DESE	Department of Education, Skills and Employment
IRC	Industry Reference Committee
NOA	naturally occurring asbestos
NCVER	National Centre for Vocational Education Research
PCBU	person conducting a business or undertaking
PPE	personal protective equipment
RPE	respiratory protective equipment
RTO	Registered Training Organisation
SSO	Skills Service Organisation
TAC (WA)	Training Accreditation Council of Western Australia
TAFE	Technical and Further Education
VET	Vocational education and training
VRQA	Victorian Registration and Qualifications Authority
WHS	Work Health Safety

1. INTRODUCTION

The National Strategic Plan 2019–23 includes an action to improve education and training for those at risk of exposure to asbestos fibres or who make decisions about asbestos containing materials.

While work health and safety (WHS) laws in all Australian jurisdictions establish duties to ensure workers are trained, they are not prescriptive about what training needs to be undertaken or who can provide that training, except in the ACT. WHS codes of practice and compliance codes provide guidance on topics that may be covered in asbestos training, but do not provide any guidance or set a standard of how much information should be provided about each of those topics, the duration of the training, how it should be delivered and who should deliver it. As a result, persons conducting a business or and undertaking (PCBUs) may face uncertainty about what constitutes adequate training for workers who may be involved in asbestos-related work.

The plethora of available asbestos safety training options is potentially confusing for those trying to meet their WHS obligations. Comparatively little training within the scope of this paper is mandatory and recent efforts to introduce more nationally recognised training in this area have met with mixed success.

Purpose

The purpose of this paper is to consult on the issues raised to gain a clearer picture of the effectiveness of current training requirements and options for reform if improvements are necessary. It sets out:

- current WHS legal requirements for training relevant to asbestos safety in all Australian jurisdictions
- a description of the main training options available to PCBUs, including a general explanation of the national vocational education and training system (VET) and its regulatory framework
- recent efforts to introduce more nationally recognised asbestos safety awareness training in the context of current VET system reforms
- options to enhance current asbestos safety awareness training, particularly for new workers acquiring their qualifications.

Scope

This paper:

- is limited to workplace asbestos safety training (so it will not include asbestos awareness for do-it-yourself (DIY) or the general public)
- focuses on the adequacy of asbestos training for new workers acquiring their qualifications
- does not cover licensed asbestos assessors/removalists who are subject to specific regulatory requirements

- does not cover issues related to what constitutes a 'competent person' for asbestos-related work under model WHS laws[1].

How to make a submission

Consultation for this discussion paper commenced on 25 October 2021 and will close on **17 December 2021.**

Submissions can be provided via email to engage@asbestossafety.gov.au

Questions to consider are included throughout this discussion paper, and a template submission form can also be downloaded and used to develop your submission.

Please note that submissions may be published on the ASEA website – please advise if you would like your submission to be excluded from publishing, or if you would like it to be published anonymously. For more information about how we will use, store and secure your information, visit our privacy policy.

All submissions will be considered, and a report with recommendations will be provided to the Asbestos Safety and Eradication Council.

Updates on the progress and ongoing development of this project will be published on our Consultation Hub.

[1] As defined Regulation 5 of the model WHS Regulations. This was subject to a recommendation under the *Review of the model Work Health and Safety laws Final Report* ('the Boland Report') which is currently under consideration by Safe Work Australia

2. BACKGROUND

Asbestos is known to cause cancer. When asbestos is disturbed, its microscopic fibres can become airborne and be easily inhaled or ingested which can cause fatal diseases including asbestosis, lung cancer and mesothelioma. It is estimated that asbestos-related diseases contribute to approximately 4,000 deaths in Australia each year.[2] The World Health Organization considers there is no safe level of exposure that can protect a person from developing an asbestos-related disease and that 'all forms of asbestos should be considered as silent killers as health disorders may appear several decades after an exposure, even after only a short exposure time'.[3] This means it is important to prevent *every* exposure.

Asbestos was used in over 3,000 common products before being phased out by 1990 and banned in December 2003. It is still present in millions of homes and commercial buildings across Australia, posing a potential exposure risk including for tradespeople who undertake work on those buildings. The people at greatest risk of exposure are those who undertake repairs, maintenance, renovations and other work on older buildings and include builders, electricians, plumbers and painters. The model Code of Practice for Construction Work (2018) outlines examples of high-risk construction work being work involving, or likely to involve, the disturbance of asbestos such as:

- removing floor tiles containing asbestos as part of a renovation
- cutting or drilling into an asbestos cement sheet wall
- demolishing a house that contains asbestos
- working on asbestos cement pipework.

The Australian Mesothelioma Registry 2019 report *Mesothelioma in Australia 2019* noted the majority of patients (over 80%) diagnosed with mesothelioma between 1 July 2010 and 31 December 2012 who were probably exposed to asbestos through their work were predominantly tradespeople. These trades included building trades, electrical trades, plumbers, and metal fitter/turner/toolmaker jobs.[4]

To compound the risk for tradespeople, it is not possible to tell if a building material contains asbestos simply by looking at it, and at present there is no conclusive on-site test for the presence of asbestos. You cannot see asbestos fibres with the naked eye. A sample must be taken and sent to a laboratory for confirmation which will delay the commencement of work.

Age may also have an impact on risk as most apprentices are young workers[5] and may be unaware of asbestos exposure risks and the measures required to prevent them before embarking on their apprenticeship[6]. Further, as exposure to asbestos does not have immediate

[2] *Asbestos Safety and Eradication Agency (ASEA) Reports 2016: The economic burden of asbestos-related disease.* Original data from the GBD studies, 2016.
[3] World Health Organization, *Towards the elimination of asbestos-related diseases in the WHO European Region: Assessment of current policies in Member States, 2014,* page 1
[4] https://www.safeworkaustralia.gov.au/book/safe-work-australia-mesothelioma-registry
[5] 34% of students in training for an apprenticeship or traineeship were aged 15–19 and a further 34% aged 20–24 in 2018. Australian Institute of Health and Welfare 2019 – Apprenticeships and traineeships.
[6] Noting that employers engaging apprentices have WHS duties to provide any information, training, instruction and supervision that is necessary to protect them from health and safety risks.

health impacts, the latency of the potentially fatal consequences may seem too distant to take seriously in the present. Mesothelioma, for example, has a long latency period meaning symptoms typically appear decades after exposure. The Australian Mesothelioma Registry (AMR) reported that of the 659 cases of mesothelioma diagnosed in Australia in 2019, the median age at diagnosis was 75.[7]

Also, young workers may have an increased risk due to their inexperience. School-based apprentices may be as young as 15 and, as the Workcover Queensland website notes, young workers have a unique risk profile which means 'they may not perceive when something becomes unsafe' and 'it isn't effective to rely on them to ask questions or speak up with concerns'. The risk asbestos exposure poses to younger people may also be greater than for older workers as 'in terms of lifetime risk of developing mesothelioma, it is well recognised that the younger a person is when they are exposed, the greater the risk of developing mesothelioma, which reflects the latency of the disease as younger people are more likely to live long enough for the disease to manifest itself'.[8]

Given all the above, apprentices entering a workplace where they may encounter asbestos need to be trained in asbestos safety *before* they are in any danger of being exposed to it.

As apprentices undertake training in combination with work placements, PCBUs must ensure that untrained workers do not undertake work where they could unknowingly disturb asbestos (for example, a job involving drilling into an eave of a home built before the 1990s). Appropriate supervision is also vital. As noted later in this paper PCBUs have a duty of care to train workers.

Calls for more asbestos awareness training

Stakeholders have also raised concerns about whether effective and timely training is being provided for all workers at risk of exposure to asbestos fibres, particularly new and less experienced workers.

The 2012 Asbestos Management Review recommended that the National Strategic Plan 'provide for a program of education campaigns to improve knowledge for those working with asbestos, which will include...Mandatory asbestos education for new workers appropriate to their trade, including the development of industry-specific asbestos education modules for inclusion in trade training packages' and 'practical asbestos safety training for existing workers likely to come into contact with ACMs in the course of their ordinary duties' (rec 7(c) and (d)).

In February 2010 Safe Work Australia commissioned an asbestos exposure and compliance study of construction and maintenance workers, which showed that while most tradespersons were aware of the potential health risks of asbestos, this was 'not accompanied by the knowledge of how to recognise or control the risk of working with ACMs' and suggested that 'all future trade training incorporates asbestos training specific to the trade'.[9]

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[7] Australian Institute of Health and Welfare 2020, *Mesothelioma in Australia 2019*

[8] UK Committee on Carcinogenicity of Chemicals in Food, Consumer Products and the Environment *Statement on the Relative Vulnerability of Children to Asbestos Compared to Adults* (2012)

[9] Safe Work Australia: *Asbestos Exposure and Compliance Study of Construction and Maintenance Workers* (2010), pp vii and ix. There was also a follow up study in June 2010.

The 2018 national benchmark survey of awareness and attitudes to asbestos commissioned by the Asbestos Safety and Eradication Agency (ASEA) found that more than one in five tradespeople indicated a desire for more training on asbestos and its related dangers.

Some unions have called for mandatory training, for example, the Australian Council of Trade Unions (ACTU) in its submission to the Review of the Asbestos Safety and Eradication Agency in February 2019 said:

> the priority area of improving education and information about asbestos should include the development of mandatory asbestos awareness training as a component in all tertiary and other vocational training courses relating to the building and construction industry and allied industries and a compulsory asbestos identification training course for all workers who stand a likelihood of being exposed to asbestos due to the nature of their work, to complete this training prior to engaging in such work.

Similarly, in September 2017, Mr Dave Noonan in his role as the Construction, Forestry, Mining and Energy Union (CFMEU) national construction secretary said:

> it's time for State and Federal Governments and the sector to tackle the lack of regulation in the building industry which is putting lives at risk – from the spread of highly flammable cladding in Australian buildings, and the deadly risk of asbestos exposure. We need national, mandatory training for all apprentices to make them aware of the dangers and safe handling of asbestos.[10]

Safe Work NSW provided comments to Artibus for the CPC Construction and Plumbing Services Industry Skills Forecast 2020[11] giving full support to the development of a construction hazard awareness unit in asbestos:

> in relation to asbestos awareness training, the course should cover asbestos identification, safe handling of asbestos and suitable control measures to manage asbestos.
>
> Training should be specific for all workers who may be required as part of their job description to come across potential asbestos containing materials, with training to be conducted at school and/or post school in an apprenticeship/traineeship and re-training/assessment on a regular basis.

Asbestos disease support groups have also called for mandatory training for those entering the construction industry.

However, there are contrary views. For example, the Queensland government (Deputy Director-General, Office of Industrial Relations) comments in the CPC Construction and Plumbing Services Industry Skills Forecast 2020[12] prepared by Artibus state that it is not a lack of courses that is the issue, rather it is a lack of take up of asbestos-specific training, and also questioned whether this should be separate:

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[10] Lives at risk: call for national mandatory asbestos training for apprentices and tradies | CFMEU Victoria & Tasmania

[11] At pp 80–81

[12] At pp 82–83

It is our preference that health and safety competencies are embedded in the CPC training package in all relevant units of competency to reinforce the message that health and safety is integral to good work practices rather than an add on.

As you have identified, there are several existing courses and units of competency on asbestos. We suggest that further research be undertaken to determine what gaps, if any, there are in the existing material before a decision is made on developing additional units.

Questions

1. Do you agree that asbestos awareness training is required *before* apprentices are at any risk of asbestos exposure? If so, what training do apprentices need?

3. WORK HEALTH AND SAFETY LEGAL REQUIREMENTS FOR TRAINING

WHS laws[13] across Australia impose a general duty on a person conducting a business or undertaking (PCBU) to provide, as far as is reasonably practicable, such information, training, instruction or supervision to workers as is necessary to protect them from risks to their health and safety.

The concept of a PCBU includes standard employment arrangements but also covers a wide range of other working arrangements including labour hire; principal contractors engaging sub-contractors; partnerships; and people who are self-employed.

3.1 Training requirements under model laws

Model WHS laws have been implemented in all jurisdictions except Victoria and Western Australia. Western Australia has indicated it will be moving to model law coverage – a WHS Act was passed by the Western Australian Parliament in November 2020 and will commence when the necessary supporting regulations are finalised. The ACT has specific training requirements that are covered below.

The model WHS Act imposes a duty on a PCBU to ensure as far as is reasonably practicable 'the provision of any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from work carried out as part of the conduct of the business or undertaking' (s. 19 (3)(f)).

The model WHS regulations require a PBCU to ensure that the information, training and instruction provided to a worker under their general duty is 'suitable and adequate' having regard to the nature of the work, the risks associated with that work and the control measures implemented (r. 39). There are also specific requirements in the model regulations for:

- Training in the identification and safe handling of, and suitable control measures for, asbestos and asbestos containing materials to be provided to workers whom the PCBU reasonably believes may be involved in asbestos removal work, or in the carrying out of asbestos-related work (r. 445)
- Training in the hazards and risks associated with naturally occurring asbestos (NOA) for workers who carry out work where NOA is likely to be found (r. 434).

The PCBU must also ensure, so far as is reasonably practicable, that the information, training, and instruction are provided in a way that is readily understandable to the person it is provided to (r. 39).

[13] The term work health and safety laws, or WHS laws, is used throughout this document to refer to workplace safety laws however they are described in a jurisdiction. This includes the *Occupational Health and Safety Act 2004* in Victoria, and the *Occupational Safety and Health ACT 1984* in Western Australia, as well as the model WHS Act adopted in Queensland, New South Wales, the Australian Capital Territory, Tasmania, South Australia, the Northern Territory and the Commonwealth.

The model code of practice, *How to Manage and Control Asbestos in the Workplace*, provides guidance on topics that might be included in training as follows:

- purpose of the training
- health risks of asbestos
- types, uses and likely presence of asbestos in the workplace
- the PCBU's and the worker's roles and responsibilities under the asbestos management plan
- where the asbestos register is located, how it can be accessed and how to understand the information contained in it
- processes and safe work procedures to be followed to prevent exposure, including exposure from any accidental release of airborne asbestos
- where applicable, the correct use of personal protective equipment (PPE) including respiratory protective equipment (RPE)
- implementing control measures and safe work methods to eliminate or minimise the risks associated with asbestos to limit the exposure to workers and other persons, for example the use of safe work practices for minor work
- exposure standard and control levels for asbestos
- purpose of any exposure monitoring or health monitoring that may occur.

Guidance is also provided in the model code of practice *How to Safely Remove Asbestos*, which includes guidance for asbestos removal work not requiring a licence, that is, if the asbestos being removed is 10 m^2 or less of non-friable asbestos or ACM[14]. This code contains the same guidance criteria listed above but also adds:

> You must ensure workers carrying out asbestos removal work are trained in the identification and safe handling of asbestos prior to carrying out asbestos removal work where a licence is not required. An asbestos awareness course or the non-friable removal unit of competency would be considered appropriate training.

The Code does not provide further guidance for PCBUs in relation to which asbestos awareness courses might be optimal.

PCBUs must keep records of all training while the worker is carrying out the work and for five years after the worker stops working (r. 445(3)). These records must also be available for inspection by the WHS regulator in the particular jurisdiction (r. 445(4)).

3.2 Additional mandated training requirements in the ACT

Although the ACT is covered by the model WHS laws, it has some additional requirements in relation to asbestos training.[15]

A PCBU in the ACT must ensure that the following workers undertake a nationally accredited training course, the *10675NAT Course in Asbestos Awareness,* which is owned by the ACT Government:

[14] Note the ACT does not permit this without a license as discussed below.
[15] See Regulations 445 and 445A of the *Work Health and Safety Regulation 2011* (ACT)

- any worker who the PCBU reasonably believes will work with asbestos or ACM
- any worker in the list of occupations declared by the Minister under the *Work Health and Safety Regulation 2011* (these are all construction-related and include, carpenters, builders, electricians, plasterers, plumbers and architects – see Appendix 1).

The ACT approach also involves additional oversight of who can deliver this mandatory training. Registered Training Organisations (RTOs) who wish to deliver the 10675NAT course must apply to the ACT government for approval. They are required to hold minimum qualifications relating to training provision, work health and safety and to have undertaken a specified asbestos related unit of competency. RTOs must also agree to be subject to an annual audit of the course delivery.

The ACT's WHS Regulations provide a strict liability offence for PCBUs who have not ensured a worker they have engaged is trained in asbestos awareness as prescribed with a maximum penalty of $6,000 for an individual or $30,000 for a body corporate.

In addition, the ACT regulation requires that a PCBU must ensure that a worker engaged in a specific occupation declared by the Minister[16] undertakes the *10852NAT Course in Working Safely with Asbestos Containing Materials.* At the time this regulation was made, it was justified on the basis that a gap had been identified in training for workers who were not licenced asbestos removalists but may be required to disturb asbestos as part of 'minor or routine maintenance work'.[17] Examples of 'minor work' include small tasks of short duration such as cutting a small hole or hand-drilling up to a few holes in an asbestos cement sheet. The occupations covered in the declaration include electricians, plumbers, gasfitters and occupations relating to air-conditioning and telecommunications. RTOs wishing to deliver this course need to apply for a license from the course owner, E-Oz Energy Skills Australia.

In the ACT *all* asbestos removal work must be carried out by a licensed asbestos removalist (removing the exception in the model regulations permitting non-licenced removal of 10m^2 or less of non-friable ACM). Also, only a licensed assessor can undertake asbestos identification, risk assessment, air monitoring, clearance inspections and issue clearance certificates (this is different in scope from other states).

3.3 Requirements in Victoria

Under the Victorian *Occupational Health and Safety Act 2004* employers must provide such information, instruction, training or supervision to employees of the employer (and any independent contractors and their employees) as is necessary to enable those persons to perform their work in a way that is safe and without risks to health (s 21).

The *Occupational Health and Safety Regulations 2017* include obligations for employers and self-employed people performing 'limited asbestos removal work'[18] to make and keep training records (rr. 251–252).

These regulations also provide that an employer must make a record of any training provided in relation to carrying out 'asbestos related activities'[19] and keep that record for so long as it is

[16] The Minister can make a declaration in accordance with r 445A of the ACT WHS Regulations.
[17] See *Work Health and Safety Amendment Regulation 2019 (No 1)* Regulatory Impact Statement
[18] This includes removing up to 10m^2 of non-friable asbestos containing material

applicable (r. 319). The Victorian Compliance Code: *Managing Asbestos in Workplaces* provides guidance about what information, instruction and training needs to be provided before employees commence an asbestos-related activity, particularly in relation to the:

- nature of the hazard
- risks and health effects associated with exposure to airborne asbestos fibres including
    - how asbestos can affect a person's health
    - the added dangers of smoking
- need for, and proper use of, measures to control the risks including
    - what methods and equipment will do the job properly
    - how to choose, use, maintain clean and store personal protective clothing and RPE
    - decontaminating the work area, tools and equipment, and personal decontamination
    - asbestos waste disposal
    - emergency procedures and maintenance of risk controls.

3.4 Requirements in Western Australia

The *Occupational Safety and Health Act 1984* (WA) imposes a duty on employers, as far as is practicable, to provide such information, instruction, and training to, and supervision of, their employees as is necessary to enable them to perform their work in a manner that they are not exposed to hazards (which include asbestos) (s. 19(1)(b)). 'Employment' in this context is deemed to include other arrangements such as contractor and labour hire arrangements.

Under regulation 5.21 of the *Occupational Safety and Health Regulations 1996* (WA) an employer, the main contractor or a self-employed person must ensure that any person who is likely to be exposed to a hazardous substance receives 'relevant and adequate information about and training' on the:

- potential health risk and any toxic effects associated with the hazardous substance
- control measures used to minimise the risk to safety and health
- correct use of methods used to minimise the risk to safety and health
- correct use of methods used to minimise adverse effects of exposure to the hazardous substance
- correct care and use of personal protective clothing and equipment and
- need for, and details of, health surveillance.

This requirement must be met *before* the person commences work. This regulation also requires the employer, main contractor or self-employed person to ensure that records are kept of all induction and training undertaken for these purposes. These records must be kept for at least five years from the completion, or last entry of the record (r. 5.26).

The applicable code of practice for the Management and Control of Asbestos in Workplaces provides guidance on the information and training to be provided to workers, contractors and

[19] A defined term that includes hand-drilling and cutting of asbestos-containing material and any other activity that is likely to produce airborne asbestos fibres more than one half of the asbestos exposure standard

others who may come into contact with ACM either directly or indirectly (Part 7.2). It provides that depending on the circumstances this asbestos awareness training may include:

- the purpose of the training
- the health risks of asbestos
- the types, uses and likely occurrence of ACM in buildings, plant and/or equipment in the workplace
- the trainees' roles and responsibilities under the workplace's asbestos management plan
- where the workplace's register of ACM is located and how it can be accessed
- the timetable for removal of ACM from the workplace
- the processes and procedures to be followed to prevent exposure, including exposure from any accidental release of asbestos dust into the workplace
- the correct use of maintenance and control measures, protective equipment and work methods to minimise the risks from asbestos, limit the exposure of workers and limit the spread of asbestos fibres outside any asbestos work area, where applicable
- the National Exposure Standard and control levels for asbestos
- the purpose of any air monitoring or health surveillance that may occur.

3.5 Enforcement of asbestos training work health and safety duties

While all the WHS laws described above impose duties on PCBUs to keep training records, these records may not reveal whether training has been 'suitable and adequate'. Evidence of inadequate training may only emerge when a worker has been exposed to asbestos as a result of unsafe work practices, thereby illustrating their lack of safety awareness.

3.6 General construction induction training

The model WHS laws also include general construction induction training requirements, more commonly known as 'white card' training (r. 316). 'General construction induction training' is defined in the model regulations as meaning 'training delivered in Australia by an RTO for the specified VET course for general construction induction training'. The duty applies broadly to anyone who is to carry out 'construction work' defined in the WHS model regulations as 'any work carried out in connection with the construction, alternation, conversion, fitting-out, commissioning, renovation, repair, maintenance, refurbishment, demolition, decommissioning or dismantling of a structure' (r. 289). A white card issued in one jurisdiction is recognised nationally. The training is delivered by nearly 1,000 RTOs across the country and generally takes about six hours to complete.

The national white card course is CPCCWHS1001 – Prepare to work safely in the construction industry and is included in 104 training package construction-related qualifications[20]. Asbestos is listed as one of the 15 construction hazards the course covers. Given the short duration of the course and the number of topics it covers, the asbestos component of the training would not be extensive enough to discharge the training duties of PCBUs to workers who are likely to

[20] It is a core unit in only one CPC Construction qualification: Certificate I in Construction.

be exposed to ACMs. This is reflected in the model laws themselves given they include both the construction induction training requirements *and* the specific asbestos training related duties.

The Safe Work Australia website notes that 'the Commonwealth, state and territory WHS Regulators set their own policies as to how Registered Training Organisations (RTOs) are engaged and are to deliver white card training in their own jurisdiction. Although the model WHS laws do not specify how training must be delivered, in practice, most WHS Regulators require white card training to be delivered 'face-to-face'.[21]

The white card course is a precedent for mandatory nationally recognised WHS training requirements applying across Australia.

Questions
2. While all WHS laws impose duties on PCBUs (or equivalents) to provide training, they are not prescriptive about what training needs to be undertaken or who can provide that training, apart from the ACT. Do these laws provide adequate protection to workers at risk of being exposed to asbestos? If not, how could they be improved?
3. In your state or territory do the current asbestos training provisions in WHS regulations and codes provide enough information to determine what 'suitable and adequate' training means for asbestos related jobs?
4. If further prescription about training is desirable, are there particular occupations which should be targeted (see for example the list at Appendix 1 setting out the occupations listed under the ACT legislative scheme).

[21] https://www.safeworkaustralia.gov.au/sites/default/files/2020-06/White-card-training-RTO_guidance%20-%20update.pdf

4. WHAT TRAINING OPTIONS ARE AVAILABLE FOR PCBUs?

Training options available to PCBUs broadly fall into two categories:

- **Nationally recognised training,** which is covered by the VET system, including training products leading to qualifications that are recognised under the Australian Qualifications Framework (e.g. a Diploma or Certificate I–IV) and other accredited training.
    - Only RTOs can deliver nationally recognised courses and issue nationally recognised VET qualifications. RTOs are required to meet legislated standards.
    - The VET system comprises:
        - Training packages containing units of competency, qualifications and skill sets which are publicly available and developed with public funds – RTOs can use the units of competency from training packages to design learning programs
        - Accredited courses, usually developed with private funds and privately owned – the owners of courses can impose fees/conditions on their use by RTOs and substantive content is not publicly available
- **Training outside the VET System** including unaccredited courses (either on-line or face-to-face), educational programs run by not-for-profit organisations, informal on-the-job training.

In 2019, the National Centre for Vocational Education Research (NCVER) found[22] that approximately 51% of employers used the VET system for training needs. The top two reasons given in 2019 for using nationally recognised training were:

- for legislative, regulatory or licensing requirements
- to provide the skills required for the job.

The construction industry is arguably particularly reliant on the VET system as the Skills Service Organisation supporting the Construction Industry Reference Committee, Artibus Innovation, points out 'unlike employers in general, VET is central to licensing requirements in the construction industry. This means that VET is an entry requirement for trades and employers who are likely to be familiar with VET training and skills outcomes'.[23]

Most jurisdictions have established trade training funds for the construction industry. [24] Levies are imposed to provide money which is made available to cover specified training costs for workers in the building and construction industry through industry training boards.

4.1 Overview of the national VET system

In 1992, the Commonwealth, state and territory governments agreed to create a nationally coordinated training system through co-operative federalism. This led to the establishment of the Australian National Training Authority (ANTA) to provide a national focus for vocational

[22] Employers' use and views of the VET system (ncver.edu.au) 2019
[23] Artibus Innovation Construction, Plumbing and Service Industry Skills Forecast 2020, p 10
[24] South Australia, Western Australia, Tasmania, Queensland and the ACT impose training levies as a portion of the cost of construction projects above specified amounts.

education and training which responded to industry, community and individual needs, and advised a ministerial council comprising ministers responsible for VET from all Australian jurisdictions. ANTA's reform initiatives included many features of today's VET system including:

- competency based training
- accreditation of training courses
- national recognition of qualifications
- national registration of training providers.[25]

Part of the rationale for creating a nationally consistent VET system was to allow portability of qualifications across all states and territories.

ANTA was abolished in 2005 and its functions were transferred to the federal Department of Education, Science and Training. Then in 2009, the Council of Australian Governments agreed to establish a new national regulator for the VET sector. Until the *National Vocation Education and Training Regulator Act 2011* commenced, regulatory arrangements for the VET sector had been dispersed between eight state and territory jurisdictions. Now all states, except Victoria and Western Australia, referred their VET regulation powers to the Commonwealth. Victoria and Western Australia mirrored the national regulatory approach to ensure consistency and retained their own VET regulators.

Current arrangements

Under current arrangements, every VET course and RTO is regulated against the Australian Qualifications Framework (AQF) by one of the following VET regulators:

- **ASQA**, the Australian Skills Quality Authority, the national regulator
- **VRQA**, the Victorian Registration and Qualifications Authority
- **TAC (WA)**, the Training Accreditation Council of Western Australia.

The national regulator, ASQA, regulates *all* RTOs in the ACT, NSW, Northern Territory, Queensland, South Australia and Tasmania (the referring states and territories) and *some* RTOS in Victoria and Western Australia (the non-referring states) e.g. RTOs in those states offering training to overseas students studying in Australia on student visas or offering courses to students in referring states online.

4.2 Registered training organisations

RTOs include TAFEs and commercial training providers as well as some schools, 'in-house' training sections of companies[26], non-profit organisations and government agencies. Only RTOs can deliver nationally recognised courses and issue nationally recognised VET qualifications, which comprise:

- units of competency in training packages
- accredited courses, course units and modules.

[25] Bowman, K & McKenna, S,2016, *The development of Australia's national training system: a dynamic tension between consistency and flexibility,* NCVER, Adelaide, p16
[26] These are known as 'Enterprise RTOs': https://www.ertoa.org.au

RTOs must be registered by ASQA or the state regulators for non-referring states. To have a registration application approved by ASQA, an RTO must comply with the VET Quality Framework, including:

- the *Standards for Registered Training Organisations (RTOs) 2015*, including fit and proper person requirements
- legislated data provision requirements[27]
- the AQF, an agreed policy of Commonwealth, state and territory governments that includes the learning outcomes for each AQF level and qualification type
- legislated financial viability risk assessment requirements.[28]

RTOs have a 'scope of registration', which comprises a list of training products that the RTO has approval to deliver training in and lists the jurisdictions where that training occurs. Also, under the *Standards for Registered Training Organisations (RTOs) 2015,* made under the *National Vocational Education and Training Regulator Act 2011,* RTOs must:

- hold required nationally recognised qualifications in training and assessment or a diploma or higher-level qualification in adult education (Standards 1.14 and 1.15, Schedule 1)
- hold vocational competencies at least to the level being delivered and assessed (Standard 1.13[a])
- have current industry skills directly relevant to the training and assessment being provided (Standard 1.13[b])
- have current knowledge and skills in vocational training and learning that informs their training and assessment (Standard 1.13[c])
- undertake relevant professional development (Standard 1.16).

There are instances where asbestos disease support groups are asked by RTOs to be 'guest speakers' as part of the delivery of nationally recognised training[29] but this does not necessarily mean the support groups themselves are RTOs.

4.3 Training Packages

Training packages are developed in line with the Training Package Organising Framework which consists of:

- **The Standards for Training Packages[30]** are the overarching standards as endorsed by Skills Ministers responsible for VET in 2013. The Standards establish the Training Package Organising Framework and define the components that comprise a training package.

[27] See the *National Vocational Education and Training Regulator (Data Provision Requirements) Instrument 2020*
[28] See the *National Vocational Education and Training Regulator (Financial Viability Risk Assessment Requirements Instrument 2021*
[29] For example, the Asbestos Council of Victoria conducts an asbestos and silica awareness session to 140 TAFE VET apprentices on 12 May 2021: https://gards.org/chisholm-tafe-vet-apprentices-asbestos-silica-awareness-sessions-may-2021
[30] https://www.dese.gov.au/skills-support-individuals/resources/training-package-products-policy

- **The Training Package Products Policy**[31] outlines the rules that training package developers are required to comply with when developing (or modifying) a training package product.
- **The Training Package Development and Endorsement Process Policy**[32] outlines the process to be followed for the development of a training package through to approval for implementation by the Australian Industry and Skills Committee (AISC) and endorsement by Skills Ministers.

Training packages are developed with public funds and are publicly available on the National Register of VET website[33]. They specify the skills and knowledge required to reflect nationally consistent qualifications to perform effectively in particular occupations. As at 3 August 2021, the National Register of VET website listed 56 current training packages across a wide variety of industries.

Training packages comprise:

- nationally endorsed components including
    - units of competency, which define the skills and knowledge needed and how to apply them in a workplace context
    - assessment guidelines, which cover the qualifications required by assessors, the design of assessment processes and guidelines for assessment management. Assessment guidelines explain the industry's preferred approach to assessment
    - a qualifications framework containing groups of units of competency used to develop learning outcomes ranging from Certificate 1 to Graduate Diploma level credit arrangements
- non-endorsed components, including support materials or quality assured implementation guidance for RTOs.

RTOs use training packages as the basis for implementing learning programs with the goal that students will gain the skills and knowledge specified in the units of competency. Training packages specify the skills and knowledge required to perform effectively in the workplace. They do not prescribe how an individual should be trained.

A recent review of the VET system identified that, on average, it takes a little over 12 months to update a training package from when the Industry Reference Committee (IRC) has been given approval to update the package. However, the report also stated that it had heard examples of the process taking much longer meaning the packages 'can be out of date before they even start to be taught'.[34] It also noted that 'industry groups, RTOs, employer organisations and governments all voiced concerns that training packages are very cumbersome and complex and

[31] Training Package Products Policy - Department of Education, Skills and Employment, Australian Government (dese.gov.au)

[32] https://www.dese.gov.au/aisc/resources/training-package-development-and-endorsement-process-policy

[33] https://training.gov.au/

[34] Strengthening Skills: Expert Review of Australia's VET System ('the Joyce Report' released 2019) p 57

too hard to change. As a result, qualifications quickly fall out of date, and in some cases have been out of date for a long time'.[35] Current reforms to the VET system are outlined in section 4.6 of this paper.

Qualifications within training packages

Training packages contain units of competency, which are the building blocks for qualifications.[36] The units of competency within the CPC Construction, Plumbing and Services Training Package, for example, can be used to contribute to over 30 qualifications ranging from Certificate I to Advanced Diplomas. An example of a qualification, Certificate III in Painting and Decorating, is at Appendix 2, demonstrating how qualifications are put together. This includes the packaging rules stating that to achieve this qualification, a student must demonstrate competency in 29 core units and three elective units. The three elective units can be selected from three of the elective units list in the 34 units of competency *or* two of those listed electives and one from any endorsed training package or accredited course, 'as long as it contributes to a valid industry supported vocational outcome and supports the AQF level of this qualification'.

Training package development and endorsement[37]

Under the *National Vocational and Education Training Regulator Act 2011*, training packages are endorsed by Commonwealth, state and territory Ministers with responsibility for VET (Skills Ministers).

The Australian Industry and Skills Committee (AISC) advises Skills Ministers.[38] The AISC appoints Industry Reference Committees (IRCs) to oversee the development and review of training packages. There are about 60 IRCs, each supported by a Skills Service Organisation (SSO). There are six SSOs funded by the Department of Education, Skills and Employment (DESE) which are independent from both industry and the training sector. SSOs are a key access point for stakeholders within the VET system.

For example, in the case of the CPC Construction, Plumbing and Services Training Package, Artibus Innovation is the SSO that supports the Construction Plumbing and Services IRC. This IRC advises AISC on matters relating to the CPC Construction, Plumbing and Services Training Package and the qualifications included in it.

The Australian Skills Quality Authority has no role in the development or endorsement of training packages beyond regulating the RTOs that deliver them.

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[35] Strengthening Skills: Expert Review of Australia's VET System ('the Joyce Report' released 2019) p 53

[36] Training package qualification development is outlined in Part 3.5 of the Training Package Products Policy

[37] These processes are currently being reformed. Skills Ministers have committed to the creation of new industry clusters with a broad range of responsibilities (not limited to training package review and development). New clusters will replace IRCs and Skills Service Organisation (SSO). Skills Ministers have also supported training package approval being undertaken by an independent body, though the timeframes for this are not yet confirmed.

[38] AISC membership comprises a Chair and 10 other members representing the Commonwealth, each state and territory and one rotating position for peak industry association representation (currently from the Australian Chamber of Commerce and Industry (ACCI))

Units of competency in Training Packages relating to asbestos safety

Table 1 below details the five asbestos-specific units of competency listed on the National Register of VET as at 4 August 2021.

Of these only one course is a mandatory requirement of the qualification, the rest are electives. CPCPD3036: Work safely to encapsulate non-friable asbestos in the painting industry was first released in November 2020 as a core unit of CPC30620-Certificate III in Painting and Decorating the nationally recognised qualification for painters. According to the National Painting and Decorating Institute, this Certificate III qualification is the required qualification for licensing in South Australia, NSW and Queensland and can be used for registration in Western Australia and Victoria.

This unit of competency was split from a previous core unit in the Certificate III qualification: CPCCPD3031A Implement safe lead paint and asbestos work practices in the painting industry because 'the existing unit is too broad and doesn't cover the specific safety requirements for …encapsulating asbestos' according to Artibus' 2019 Case for Endorsement. Artibus also found that skills gaps required inclusion of new units that cover encapsulation of non-friable asbestos by a painter and that this was 'driven by industry's needs'.

Table 1. Asbestos-specific units of competency listed on the National Register of VET

Code and title	Training packages and qualifications that include this unit	Core/Elective
CPCCDE5001: Conduct air monitoring and clearance inspections for asbestos removal work	CPC-Construction, Plumbing and Services Training Package • CPC41020-Certificate IV in Demolition • CPC50220- Diploma of Building and Construction (Building)	all elective
CPCCDE3015: Remove friable asbestos	CPC-Construction, Plumbing and Services Training Package • CPC41020-Certificate IV in Demolition • CPC30420-Certificate III in Demolition	all elective
CPCCDE3014: Remove non-friable asbestos	NCP-National Water Training Package • NWP30219-Certificate III in Water Industry Operations • NWP-20119-Certificate II in Water Industry Operations CPC-Construction, Plumbing and Services Training Package • CPC41020-Certificate IV in Demolition • CPC30420-Certificate III in Demolition	all elective

CPCCDE4008: Supervise asbestos removal	NCP-National Water Training Package • NWP30219-Certificate III in Water Industry Operations CPC-Construction, Plumbing and Services Training Package • CPC41020-Certificate IV in Demolition	all elective
CPCCPD3036: Work Safely to encapsulate non-friable asbestos in the painting industry	CPC-Construction, Plumbing and Services Training Package • CPC30620-Certificate III in Painting and Decorating	core

4.4 Accredited courses

Accredited courses are nationally recognised courses accredited by VET regulators and developed to meet training needs not addressed by existing training packages. They can respond to changes in skill needs and the needs of emerging industries and industry sectors (e.g. they can be aligned to the membership requirements, or recognition requirements, of industry associations or peak bodies). They are not in themselves mandatory courses.[39]

Like training package products, accredited courses must be delivered by an RTO. Accredited courses are generally developed with private funds and are privately owned. Individuals or organisations retain copyright on a VET accredited course (meaning they can impose fees/conditions on its use by RTOs) and their contact details are published on the National Register. The unit code, title and course completion mapping for each unit of competency are also available online but more substantive course content is not publicly available.

The *Standards for VET Accredited Courses 2021* (a legislative instrument) provides that a course must be based on nationally endorsed units of competency where these are available and where these are not available the course is based on *either*: units of competency developed as part of the course *or*, in exceptional circumstances, modules.[40]

These standards also provide that an accredited course 'must not duplicate, by title or coverage, the outcomes of an endorsed training package qualification or skill set or accredited course'.[41] The requirement that one accredited course not duplicate another is a new requirement imposed by the latest iteration of the Standards.[42] ASQA has published an updated Users' Guide to the Standards for VET Accredited Courses to reflect the 2021 standards.

[39] That is, in the sense that National Training Package based qualifications contain some mandatory units. They may be mandatory under laws, such as under the ACT's mandatory asbestos training requirements or requirements for licensed asbestos removal under WHS laws.
[40] Modules only can be included where an applicant can identify a demonstrated need for the module and why it's not possible to develop a unit of competency see s10 of the Standards:
[41] See section 9
[42] https://www.asqa.gov.au/standards-vac;

For a course to be considered for national recognition the course accreditation application must:

- demonstrate the course outcomes will provide the learners with vocational outcomes that lead to employment in a recognised vocation
- include evidence of support from industry and peak bodies that nationally recognised training is required to address the identified training gap[43] (e.g. an identified vocational need that is not addressed by an existing training package).

Accreditation of a course is confirmation that the course meets both the *Standards for VET Accredited Courses 2021*, and the AQF. Accreditation means an RTO can either:

- issue a nationally recognised VET qualification (e.g. a Certificate II) or
- issue a 'Statement of Attainment' in cases where the course is not considered to have the breadth and depth to align to the AQF.

Accredited courses relating to asbestos safety

Table 2 below details the four accredited courses listed on the National Register of VET as at 4 August 2021.

Table 2. Accredited courses listed on the National Register of VET

Code and title	Description of course on National Registration website (training.gov.au)
10675NAT: Course in Asbestos Awareness	This course is designed to provide the knowledge and skill for individuals to be able to identify a range of asbestos products and be able to report the material to the relevant person. This course will allow participants to meet WorkSafe ACT requirements specified in section 19 (3) (f) of the ACT *Work Health and Safety Act 2011* in addition to meeting the WorkSafe ACT Guidance note for 'Workers who may encounter asbestos in their work must be trained'. In the ACT, the Work Health and Safety Regulation 2011 mandates asbestos awareness training for all construction occupations as well as workers and employers that reasonably believe they will work with asbestos or asbestos containing material while at work. Additionally, it will also allow graduates to meet a range of state and territory requirements including Acts and codes of practice in the state or territory of their employment.
10852NAT: Course in Working Safely with Asbestos Containing Materials	This course has been designed to provide the knowledge and skills to meet the requirements of the unit of competency *Working safely with asbestos containing materials.* A person competent in this unit will be able to identify asbestos containing materials and implement the necessary controls measures before performing work that may potentially release asbestos fibres from their

[43] taken from https://www.asqa.gov.au/standards-vac/about

	bonding material. The reference for this unit is the SWA model code of practice on How to Manage and Control Asbestos in the Workplace. The reference provides two of the six Recommended Safe Work Practices, namely: • Safe work practice 1 – Drilling for asbestos-containing material • Safe work practice 5 – Working on electrical mounting boards (switchboards) containing asbestos This course is mandated in the ACT for specific occupations.
10279NAT:Course in Identification and Awareness of Asbestos Containing Materials	The purpose of this course is to provide all workers employed in the construction industry with the knowledge and skills to identify existing and new asbestos containing products and materials and follow correct safety and reporting procedures.
10954NAT: Course in Safe Access to Asbestos Affected Areas	This course is intended to provide workers in the construction industry with the skills and knowledge needed to carry out their work safely as scaffolders, electricians, plumbers, plant operators involved in sorting and/or relocation of contaminated soil or maintenance workers in an area contaminated by asbestos. It also provides skills and knowledge to workers who may be involved in clean ups such as after a bush fire as well as personnel involved in building risk assessments and inspections.

In addition, there are five current accredited course units/modules listed on the National Register of VET as at 7 September 2021, as detailed in Table 3 below. These are components of current accredited courses, including one module (ASBWA201: Asbestos awareness in the construction industry) accredited by the Western Australian VET regulator, WA TAC. The other units each form part of one of the accredited courses listed in Table 2.

Table 3. Accredited course units/modules listed on the National Register of VET

Code and title	Accredited courses that include this unit
ASBWA201: Practice asbestos awareness in the Construction Industry (WA)	52824WA: Certificate II in Building and Construction (Pathway – Trades) [44] 52887WA: Certificate II in Plumbing[45]

[44] This is an entry-level course designed to provide learner with the opportunity to complete common core units that appear across ten construction trade pathways. Learners are then able to select electives from one of 10 construction trade-specific pathway groups

[45] This is a pre-entry course for students seeking to gain an apprenticeship in the plumbing sector

NAT10954001: Carry out work in an asbestos affected area	10954NAT: Course in Safe Access to Asbestos Affected Areas
ASBIRA001: Identify and report asbestos containing materials	10675NAT: Course in Asbestos Awareness
ASBIAM001: Identify asbestos containing materials and follow safety and reporting procedures	10279: NAT Course in Identification and Awareness of Asbestos Containing Materials
NAT10852001: Working safely with asbestos containing materials	10852NAT: Course in Working Safely with Asbestos Containing Materials

4.5 VET delivered to secondary school students

VET delivered to secondary students is the same as VET offered in any other context. The same VET quality standards apply, including trainer qualifications. Students acquire workplace skills through nationally recognised training within a training package or accredited course and achieve a VET qualification. This needs to be distinguished from vocational learning more generally, which is about career exploration. For example, it can include 'tastes' of work experience or one-off events such as awareness raising relating to possible future work.

Secondary school VET was established to allow students to study VET alongside acquiring their higher school certificate (or other state and territory equivalent to the HSC). Students who undertake VET subjects and courses as part of their school curriculum may complete or partially complete a nationally recognised qualification while they are at school. Students who partially complete a qualification at school can choose to complete it after finishing school. Since 1996 school-based apprenticeships have been offered for secondary school students undertaking VET, including part-time paid work undertaken as part of the apprenticeship.

Schools offering VET may:

- be RTOs themselves
- partner with other schools who are RTOs
- have an arrangement where teachers at the school deliver the training under the auspices of an external RTO, and that RTO issues the qualifications
- arrange for students to do their training and assessment at an external RTO which awards the qualification.[46]

There has been a general increase in school-based VET since its introduction. In 2019 there were:

[46] These options are outlined in Misko, J, Ackehurst, M, Polvere, RA, Erzinger, T & Korbel, P 2019, *VET for secondary students: acquiring an array of technical and non-technical skills,* NCVER, Adelaide, p 15

- 235,800 school students undertaking VET
- 17,100 school-based apprentices and trainees.[47]

4.6 Proposed reforms for the VET system

In 2020 the Commonwealth and all state and territory governments agreed to the *Heads of Agreement for Skills Reform* that includes:

- Immediate reforms to improve VET quality and relevance, including:
    - Simplifying, rationalising and streamlining national VET qualifications across industry occupation clusters and the AQF Framework, and introducing improved industry engagement arrangements.
    - Strengthening quality standards, building registered training organisations RTO capacity and capability for continuous improvement and developing a VET workforce quality strategy.

Long-term reforms have also been included in the heads of agreement, including promoting apprenticeships, strengthening VET pathways for secondary school students and increasing real investment in VET.

4.7 Training that is not nationally recognised

In addition to nationally recognised training there are other asbestos awareness training options available for workers and employers, including unaccredited asbestos-specific courses and in-house training (including training 'on the job'). In 2019, 48.8% of employers used unaccredited training for their training needs. Of these, 87.8% were satisfied with this training as a way of meeting their skills needs.[48]

There are also are various sources of information about asbestos safety including support group awareness raising and information on government, peak body and trade association and union websites. As there is no clear line of delineation between the continuum of 'training', 'information' and 'awareness raising', all three are discussed below.

Training outside the VET system is not nationally recognised and is not required to meet the nationally consistent standards of VET system. It can be delivered by trainers who are not regulated (and therefore not required to have recognised training and industry-related qualifications). It does not result in a VET qualification and although usually some kind of certificate of completion is offered, this will have no nationally recognised status. Unaccredited courses can sometimes be shorter and cheaper and may therefore seem more attractive to employers.

This is not to say that all unaccredited training is inadequate. It is acknowledged that some training outside the VET system is niche training, tailored to a particular workplace. It may be just as or more comprehensive than nationally recognised training and the training delivery may be of high quality.

[47] Source: *NCVER Statistical Report Vet in Schools 2019*
[48] *NCVER: Employers' use and views of the VET system: Additional data tables 2019*

An internet search provided a (non-exhaustive) range of examples of on-line unaccredited[49] asbestos awareness courses including:

- a 50-minute course costing $49 which contains the unverified statement that it is 'delivered in line with the model code of practice developed by Safe Work Australia'[50]
- a one to two hour course costing $55 which includes an 'Asbestos Awareness ecard' being sent to the students' phones upon completion and states that it 'meets the requirements of the various SafeWork departments in all States (except the ACT)' for workers who may be exposed to asbestos contaminated materials (ACMs)[51]
- a $45 'self-paced' course which is designed for 'trades, maintenance, property managers or anyone at risk of encountering asbestos or may need to work with small amounts of asbestos' and states it provides a $5 donation from every course enrolment to a state based asbestos support group[52]
- a 90 minute course around $70 for electricians likely to encounter ACMs in the course of their work noting 'the law requires that anyone working on asbestos products (drilling, cutting, cleaning, etc.) must be trained and must have evidence of the training' and that 'the programs enables electricians to meet the requirements of the WHS Regulation 445 and equivalent requirements in States that have not adopted the WHS legislation' and that it aligns with the Safe Work Australia code of practice[53]
- a full day unaccredited face-to-face course offered by Master Builders Victoria designed for principal contractor representatives (e.g. building and construction project managers and on site managers) who may oversee the removal or disturbance (e.g. cutting drilling, painting) of ACMs as part of refurbishment or demolition work. Their website notes that 'this course can be tailored to meet the needs of clients including training on any in-house policies and procedures related to works involving asbestos'.[54]

In addition, some asbestos support groups provide awareness sessions, including:

- The Asbestos Council of Victoria's (ACV) website[55] indicates that an important role of ACV/Gippsland Asbestos Related Diseases Support Inc is providing education and awareness sessions to a variety of students, community organisations and workplaces and notes an asbestos and silica awareness session they conducted for 140 Frankston Chisholm TAFE VET apprentices in May 2021.
- The Asbestos Diseases Society of South Australian website[56] indicates that it conducts free hour long asbestos awareness courses across South Australia and has provided one-off training sessions (usually no more than two hours' duration) for South

[49] Each of the websites clearly stated the course was unaccredited
[50] accessed 10/8/21 https://www.tcptraining.com/online-courses/asbestos-awareness-training-online
[51] accessed 10/8/21Asbestos Awareness (inscope.edu.au)
[52] accessed 10/8/21https://www.greencap.com.au/training/online-asbestos-awareness-course-au (the donation goes to Reflections WA).
[53]accessed 10/8/21 https://necaeducation.com.au/course/asbestos/ (the differential price depends on National Electrical Contractors Association membership status).
[54] Accessed 17/10/21 https://www.mbavtraining.com.au/courses/occupational-health-and-safety/non-friable-asbestos-awareness-plan-and-oversee-removal/
[55] https://gards.org/asbestos-awareness-education
[56] https://www.adssa.org.au/asbestos-awareness-training/

Australian high school students considering employment in the building and construction industry. Courses have also been conducted within government departments, to local government heads and employees, to hundreds of industries, SES volunteers, hardware store chains and the general public.

- The Asbestos Victims Association South Australian website[57] indicates that this group provides asbestos awareness workshops free of charge.
- The Asbestos Free Tasmania Foundation website notes its development of a free awareness education program to construction businesses with sponsorship from Tasbuild stating that 'around 500 workers were trained'. The foundation initiated an education program 'Silent Killer' to target apprentices and other pre-employment trainees. After funding to run the program ended, the foundation provided the package to TasTAFE which trained 'more than 1,000 apprentices state wide across 12 affected trades including: carpentry and joinery, carpentry, concreting, plastering, painting, flooring, tiling, glazing, bricklaying, electrical, plumbing and metals'. The foundation has shared its materials, including providing the Western Australian Construction Training Fund with a set of asbestos awareness training resources, which was tailored to meet Western Australian needs and offered them to RTOs who deliver construction qualifications to school students, pre-apprentices and apprentices.[58]

WHS Regulators' and asbestos-specific government websites[59] also have comprehensive asbestos safety material including interactive tools to identify asbestos and practical guidance on how to manage/remove it with advice tailored to tradespeople and contractors. ASEA also provides asbestos safety information for trades and construction workers, plumbers, electricians, and those in the automotive and fire safety installation industries.[60]

The myriad of training options outlined above may make it difficult for some PCBUs to determine what will provide 'suitable and adequate training' for asbestos-related jobs. In particular, small businesses are less likely to have in-house expertise to train workers themselves and may not have sufficient knowledge and time to investigate optimal courses. This is particularly relevant in construction work where, as the AISC notes, 'most businesses in this industry are either sole traders or very small, employing less than 20 people'.[61]

Questions

5. Is nationally recognised training generally preferable to non-accredited courses to meet PCBU duties for workers entering trades who may be exposed to asbestos? Why?

6. Do some PCBUs find choosing asbestos training difficult given the range of choice and the need to ensure training meets duties under WHS laws? Why? Do small businesses face any particular challenges in this regard?

[57] https://www.avasa.asn.au/about-us/services
[58] Asbestos Awareness for our Tradies | ReflectionsReflections
[59] For example: https://www.asbestos.qld.gov.au/, https://www.asbestos.sa.gov.au/in-your-workplace/find-and-identify-workplace
[60] https://www.asbestossafety.gov.au/find-out-about-asbestos/asbestos-workplace
[61] https://nationalindustryinsights.aisc.net.au/industries/construction

5. EFFORTS TO INTRODUCE NATIONALLY RECOGNISED ASBESTOS SAFETY TRAINING

5.1 Proposal for a new elective unit of competency in a national training package

The Construction, Plumbing and Services Industry Reference Committee (IRC) supported by Artibus Innovation proposed that a new unit of competency in asbestos awareness be developed for inclusion in the CPC Construction, Plumbing and Services Training Package as part of its 2020 Industry Skills Forecast. The submission proposed that the new unit 'would likely be housed in the Certificate II in Construction qualification' and 'within the elective bank'.[62]

In its submission, Artibus Innovation indicated it had received direct requests to develop national training products, including asbestos awareness and identification.[63] Letters of support were included for the development of the course. The submission also noted that there were currently five asbestos units in National Training Packages[64] and that outside the National Package there are also four accredited asbestos courses.[65]

While this proposal did not progress, it would be open to industry to further consider the need for, and the appropriate design of, a new unit of competency within the national VET system.

5.2 Western Australian mandatory asbestos course

A new asbestos awareness course, 'Practice Asbestos Awareness in the Construction Industry', was accredited by the Western Australian Training Accreditation Council (TAC) with a currency period start of 12 August 2021 listed on the National Training Register. This course is a core unit in the qualifications: Certificate II in Building and Construction which is an entry-level pathways program, and Certificate II in Plumbing,[66] which is a pre-entry course for students seeking to gain an apprenticeship in the plumbing sector.

Reflections, a Western Australian asbestos support group, advocated for this training to be included for the construction industry. It was developed in partnership with the Construction Training Fund of Western Australia, which is a statutory authority that administers a training levy on Western Australian building and construction work, and assists stakeholders in areas including available training initiatives, pre-apprenticeship options and career pathways. Reflections continues to advocate for mandatory asbestos awareness training at the national level.

[62] Artibus Innovation Construction, Plumbing and Service Industry Skills Forecast 2020, p 43
[63] Artibus Innovation Construction, Plumbing and Service Industry Skills Forecast 2020, p 39
[64] As noted in Table 1 of this paper
[65] As noted in Table 2 of this paper
[66] As at 7 September 2021, the National Training Register listed two RTOS (both WA TAFEs) as delivering the WA Certificate II in Plumbing.[66] There is no National Training Package Certificate II qualification equivalent

As noted earlier, Western Australia is a 'non-referring state' in terms of the VET national system and so has its own training accreditation council, which regulates training for domestic students in Western Australia only, or in both Western Australia and Victoria (the other non-referring state). While this training is only for a Western Australian qualification, it is still nationally recognised under the VET national system as an accredited course. Only RTOs who have the course within their approved scope of registration can deliver it. RTOs must apply to the Western Australia TAC for this approval.

According to the National Training Register, the Western Australian Certificate II in Building and Construction is currently delivered by three Western Australian RTOs: two TAFEs and one private provider, the Apprentice and Traineeship Company.[67] Only limited information could be found about this course online. The private provider's website describes the course as a pre-apprenticeship course providing 'pathways to the primary trades in the construction industry with the exception of plumbing'. This company runs the course over eight weeks, full time, five days a week, including 63 hours of work placement and supervised skills practice.[68] A Western Australian government website[69] notes that this qualification 'provides pathways to the primary trades in the construction industry' and that 'the core and elective units form part of many Certificate III qualifications'. The website of the North Regional TAFE, one of the two TAFEs offering 52824WA says that 'this course is only available to students still attending school under the VET delivered to secondary students program.'[70]

The equivalent qualification under the relevant National Training Package[71] is CPC20220 – Certificate II in Construction Pathways, which provides a pathway to the primary trades in the construction industry except plumbing. This qualification also allows for the inclusion of skills suited to a range of construction related occupations such as joinery, carpentry, bricklaying and other occupations in general construction. It has core unit of competency requirements that are required in most Certificate III qualifications included in that training package. There were 110 RTOs approved to deliver this training as at 9 August 2021, including some based in Western Australia. This Certificate II does not include an asbestos specific unit, though it does include 'the white card course', CPCCWHS2001.[72]

This means that a student based in Western Australia has a choice of which Certificate II qualification they undertake, so not all Western Australian students will necessarily undertake the qualification with the mandatory asbestos safety unit.

5.3 The deregistered Asbestos Safety and Eradication Agency Utilities Course

ASEA developed a training course, the 1067NAT Course in Recognising and Responding to Asbestos Risk in the Utilities Sector, which was accredited by the ASQA in October 2017. This

[67] As at 7 September 2021 as listed on the National Training Register
[68] https://atcemployment.com.au/pre-apprenticeship-training/certificate-ii-in-building-and-construction/
[69] https://www.jobsandskills.wa.gov.au/course-list?keyword=52824WA
[70] https://www.northregionaltafe.wa.edu.au/courses/certificate-ii-building-and-construction-pathway-trades
[71] From units of competency in the CPC Construction Plumbing and Services Training Package
[72] This information was sourced from the National Training Register

course's accreditation was cancelled at ASEA's request in January 2020 following receipt of legal advice that ASEA's functions did not include developing or managing the delivery of asbestos training. The support materials for the course were never finalised and it was never delivered. The decision to deregister the course was taken at the time to allow others the opportunity to use the content as the basis of a new accredited course and to roll it out.

6. OPTIONS FOR CONSIDERATION

These options are not intended to be exhaustive and comments on other alternatives are invited.

6.1 Maintain the status quo

For all jurisdictions (except in the ACT where specific asbestos training is required) this would entail relying on the current legislative training requirements imposed on PCBUs, which essentially is to provide such information, instruction, training or supervision as is necessary to enable workers to perform their work in a way that is safe and without risks to health.

This option allows PCBU's flexibility in choosing the kind of training that suits their enterprise best including nationally recognised training and training outside the VET system. It does not impose an increased WHS regulatory burden on employers, including potential costs for mandated courses and loss of productivity caused by workers' attendance at courses.

The main disadvantages of this approach are:

- a potential lack of consistency in the adequacy of training (e.g. in terms of duration, how much information is provided and the quality both of the training and training providers)
- the difficulty that PCBU's and regulators have in assessing whether the training is suitable and adequate
- it may not always ensure that young workers entering trades are protected before any risk of ACM exposure as discussed in Part 2 of this paper.

6.2 Work with industry to add a core unit of competency for asbestos safety awareness

There is currently only one asbestos-specific unit of competency in a national training package which is a core unit and it is included in a single qualification.[73] While in Western Australia there is now some nationally recognised mandatory asbestos safety training, this is limited to a Western Australian qualification and seems unlikely to be taken by all relevant Western Australian students.

The advantage of this kind of core unit of competency would be that all workers completing a relevant qualification under the particular training package would have to undertake the same nationally recognised training. Also, that training could only be delivered by RTOs who had the requisite adult education qualifications and directly relevant current industry skills and had met the other regulatory requirements.

Disadvantages of this option include the potential delay in the availability of training given the time required to design, consult, and draft a unit of competency. There is also a minimum 12-month transition period to provide time for RTOs to update their learning and assessment materials. As the VET system in Australia is industry led, government does not typically dictate

[73] CPCCPD3036: Work safely to encapsulate non-friable asbestos in the painting industry which is included in the certificate III in Painting and Decorating qualification

the content of qualifications, including whether new units are developed or whether units should be a core unit or not. Any changes to training products would need to be progressed by the Construction, Plumbing and Services Industry Reference Committee in accordance with agreed processes for the development and update of training products, and based on evidence of strong industry consultation and support. Further, it is not the usual practice to set minimum, mandatory training standards through nationally recognised training: this is usually achieved through regulatory action, such as licensing or accreditation requirements, which are later reflected in the VET system.

6.3 Increased encouragement from WHS regulators to choose specific training

Under this option, WHS regulators could provide guidance on particular training courses for the purpose of PCBUs discharging their asbestos training duties under WHS laws. Codes of practice could provide more guidance on nationally accredited training options that are available for various asbestos related tasks.

The advantages of this is it provides PCBUs with some certainty about the type of training that would be deemed 'adequate and suitable' without limiting their flexibility on choosing a training option to meet their needs and circumstances. It may also be possible to persuade relevant trade associations and unions to support the recommended courses and encourage their members to use them. The possibility of whether courses could be subsidised could also be explored.

The disadvantages of this option include that:

- it would not guarantee a new worker gets high quality comprehensive training from day one in the workplace to protect their safety
- it would require regulators to monitor or oversight the recommended courses as well as any new courses that are developed to ensure the appropriate training standard is maintained
- there may also be a perception of a statutory agency promoting particular commercial products, which could raise potential conflict of interest which would need to be managed appropriately.

6.4 WHS regulators to approve asbestos awareness courses and training providers

This option would involve empowering WHS regulators to have greater oversight of providers of asbestos awareness training by allowing the WHS regulator to approve the training and training provider. This approach reflects the current requirement in the model WHS laws that training for health and safety representatives be approved by the WHS regulator.[74]

The benefit of this option is that it provides PCBUs with certainty and does not involve jurisdictions having to reach agreement about specific courses or course content. The disadvantage is that it requires legislative amendment enabling approval, with regulators

[74] See model WHS Act, s 72(1)(a) and model WHS Regulations, r. 21

having to implement an approval and oversight process. It is unlikely to result in a nationally consistent asbestos training standard. Unless the training undertaken in one jurisdiction is recognised by all others, workers may need to undertake additional training if they work in more than one jurisdiction. It may also add to the regulatory burden imposed on PCBUs, particularly if they have workers engaged in multiple jurisdictions.

6.5 Adoption of mandatory asbestos safety training requirements (the ACT model)

This option involves encouraging all jurisdictions to adopt the approach taken in the ACT.[75] That is, to advocate for legislative amendment in all jurisdictions to enable WHS ministers to approve specific awareness courses that must be completed by workers for a PCBU to comply with their WHS training duties. Like the ACT, this could apply to any worker whom the PCBU reasonably believes will work with asbestos or ACM as well as prescribed occupations.

Ideally workers gaining qualifications in their various trades could have completion of this course count toward their qualification. Many qualifications' frameworks in the CPC – Construction Plumbing and Services Training Package include an option for an accredited course to be included as an elective. Consideration could also be given to how recognition of prior learning arrangements or a credit transfer might apply.

If a jurisdiction chose to nominate the ACT's asbestos awareness course, as the owner of the course, the ACT would continue to have control over which RTOs would be licenced to deliver the course. There may be scope for other jurisdictions to enter into a memorandum of understanding to have input into which RTOs should be licensed in their jurisdictions.

Alternatively, jurisdictions may wish to develop their own accredited courses, giving them control over licensing arrangements, though care would need to be taken to avoid duplication as discussed in Part 4.4. Consideration would need to be given to mutual recognition arrangements for workers moving between jurisdictions.

The advantages of this option is that it would create a level playing field nationally and would ensure that every worker entering a trade who may be exposed to asbestos will have the training necessary to keep them safe, overseen by WHS regulators. It provides certainty to PCBUs about how to discharge their asbestos training duties. It ensures that the obligation to provide training occurs from the time a worker commences work.

The disadvantage of this approach is that consensus may not be reached to amend WHS laws. If consensus is reached, it is likely to be a lengthy process. There may be resistance to increasing the regulatory and financial burden on PCBUs. Cost would be part of this burden. Although, in the ACT, the financial burden is ameliorated as a partial rebate for the cost of the course and is available to eligible workers in the building and construction industry from the ACT Building and Construction Industry Training Fund Authority. These kinds of subsidies could be explored in the context of other jurisdictions. Another disadvantage is that it would mean PCBUs would have less flexibility to choose training tailored to their needs.

[75] 10675NAT: Course in Asbestos Awareness. Also see parts 3.2 and 4.4 of this paper and Appendix 1 for more detail

Questions
7. Which of the options above at 6.1 – 6.5, if any, do you support or not support and why? (You may wish to rank the options in order of preference).
8. Are there other levers which could be used to ensure all workers entering trades who may be exposed to asbestos receive adequate asbestos safety training?

7. CONCLUSION

This paper seeks to detail possible gaps in training, focusing on workers entering trades where they may be likely to encounter asbestos and to set out current relevant WHS duties, current available training options as well as possible options to address potential training gaps. The adequacy of asbestos safety training, particularly for apprentices, has been an issue which has been repeatedly raised with ASEA since its inception.

This paper is intended as a starting point for consultation with all relevant stakeholders to allow ASEA to assess whether this is a problem that needs to be addressed and, if so, how it should be addressed. Analysis of the comments received will form the basis of the agency's future work in this important area and we encourage all stakeholders to submit their views.

Questions

9. Are there any other issues you would like to comment on regarding the adequacy of asbestos safety training especially for workers entering trades where they may be exposed to asbestos?

8. APPENDIX

Appendix 1: The ACT's Work Health and Safety (Asbestos Awareness Training Course and Occupations) Declaration 2018

Occupations listed as having to undertake 10675NAT Course in Asbestos Awareness.

The titles in column 2 below are occupation titles under ANZSCO that correspond to the column 1 code.

Column 1 ANZSCO Occupation code number	**Column 2 ANZSCO occupation title**
334112	Air-conditioning and Mechanical Services Plumber
342111	Air-conditioning and Refrigeration Mechanic
232111	Architect
721212	Backhoe Operator
331111	Bricklayer
821111	Builder's Labourer
312112	Building Associate
312113	Building Inspector
821411	Building Insulation Installer
721213	Bulldozer Operator
342411	Cabler (Data and Telecommunication)
331212	Carpenter
331211	Carpenter and Joiner
233211	Civil Engineer
312212	Civil Engineering Technician
811211	Commercial Cleaner
821211	Concreter
133111	Construction Project Manager
821711	Construction Rigger
821112	Drainage, Sewerage and Stormwater Labourer
334113	Drainer
821113	Earthmoving Labourer
721211	Earthmoving Plant Operator (General)
233311	Electrical Engineer
312312	Electrical Engineering Technician
899914	Electrical or Telecommunications Trades Assistant
341111	Electrician (General)
341112	Electrician (Special Class)
233411	Electronics Engineer

133211	Engineering Manager
721214	Excavator Operator
821311	Fencer
333211	Fibrous Plasterer
332111	Floor Finisher
334114	Gasfitter
233212	Geotechnical Engineer
333111	Glazier
899311	Handyperson
821412	Home Improvement Installer
399912	Interior Decorator
331213	Joiner
821913	Lagger
232112	Landscape Architect
341113	Lift Mechanic
721216	Loader Operator
323313	Locksmith
312512	Mechanical Engineering Technician
332211	Painting Trades Worker
841913	Pest Controller
334111	Plumber (General)
821114	Plumber's Assistant
312115	Plumbing Inspector
133112	Project Builder
334115	Roof Plumber
333311	Roof Tiler
312611	Safety Inspector
821712	Scaffolder
899918	Sign Erector
333212	Solid Plasterer
821713	Steel Fixer
331112	Stonemason
233214	Structural Engineer
821714	Structural Steel Erector
342414	Telecommunications Technician
333411	Wall and Floor Tiler
322313	Welder (First Class)

Oversight of RTOs

The ACT Work Health and Safety Commissioner is listed as the copyright holder of 10675NAT – Course in Asbestos Awareness. As the owner of the accredited course, the ACT Government can choose which RTOs it will grant a license to deliver the course both in and outside the ACT. A licence for delivery only in the ACT costs $10,000 and for other jurisdictions $15,000. The ACT also has an application system for RTOs which means it can impose additional safeguards including RTOs agreeing to annual audits and requiring that all trainers within the RTO delivering the training must be approved. This approval process includes qualification requirements for trainers. These RTOs would also need to fulfil the usual obligations under the VET regulatory framework, including seeking approval to include this course in their scope (that is approval to deliver training for that particular course).

Appendix 2: CPC30620 Certificate III in Painting and Decorating[76]

Modification History

Release 3	This version first released with CPC Construction, Plumbing and Services Training Package Release 6.4. Correction to Training Package title in the Modification History from CPC Property Services to CPC Construction, Plumbing and Services Training Package Release 1.
Release 2	This version first released with CPC Construction, Plumbing and Services Training Package Release 5.1. Typographical error in unit code corrected for clarity.
Release 1	This version first released with CPC Property Services Training Package Release 5.0. Supersedes and is equivalent to CPC30611 Certificate III in Painting and Decorating. Minor changes to the packaging rules. Minor unit title changes. Updated to the Standards for Training Packages 2012.

Qualification Description

This qualification provides a trade outcome in painting and decorating for residential and commercial construction work.

Occupational titles may include:

- Painter and Decorator.

Licensing, legislative and regulatory or certification requirements for painting and decorating work differ between States and Territories. Please consult with the relevant regulatory authority.

This qualification is suitable for an Australian Apprenticeship pathway.

Completion of the general construction induction training program, specified in the Safe Work Australia model *Code of Practice: Construction Work*, is required by anyone carrying out construction

[76] Copied from the National Register of VET

work. Achievement of *CPCCWHS1001 Prepare to work safely in the construction industry* meets this requirement.

Entry Requirements

There are no entry requirements for this qualification.

Packaging Rules

To achieve this qualification, the candidate must demonstrate competency in:

- 29 units of competency:
- 26 core units
- 3 elective units.

Elective units of competency can be selected as follows:

- 3 from the listed electives

or

- 2 from listed electives and 1 from any endorsed Training Package or accredited course, as long as it contributes to a valid, industry supported vocational outcome and supports the AQF level of this qualification.

Prerequisite units of competency

An asterisk (*) against a unit code below indicates that there is a prerequisite requirement that must be met. Prerequisite unit/s must be assessed before assessment of any unit of competency with an asterisk. All prerequisite requirements are packaged in the qualification.

Core units	
CPCCCM2008*	Erect and dismantle restricted height scaffolding
CPCCCM2012*	Work safely at heights
CPCCCM3001	Operate elevated work platforms up to 11 metres
CPCCCM3005	Calculate costs of construction work
CPCCOM1012	Work effectively and sustainably in the construction industry
CPCCOM1013	Plan and organise work
CPCCOM1014	Conduct workplace communication
CPCCOM1015	Carry out measurements and calculations
CPCCOM2001*	Read and interpret plans and specifications
CPCCPB3026*	Erect and maintain trestle and plank systems
CPCCPD2011*	Handle and store painting and decorating materials
CPCCPD2012*	Use painting and decorating tools and equipment
CPCCPD2013*	Remove and replace doors and door and window components
CPCCPD3021*	Prepare existing coated surface for painting
CPCCPD3022*	Apply paint by brush and roller
CPCCPD3023*	Apply texture coat paint finishes by brush, roller and spray

CPCCPD3024*	Apply paint by spray
CPCCPD3025*	Match specific paint colours
CPCCPD3026*	Apply stains and clear timber finishes
CPCCPD3027*	Remove and apply wallpaper
CPCCPD3028*	Apply decorative paint finishes
CPCCPD3030*	Apply protective paint coating systems
CPCCPD3031*	Work safely with lead-painted surfaces in the painting industry
CPCCPD3035*	Prepare uncoated surfaces for painting
CPCCPD3036*	Work safely to encapsulate non-friable asbestos in the painting industry
CPCCWHS2001	Apply WHS requirements, policies and procedures in the construction industry

Elective units	
BSBESB301	Investigate micro business opportunities
BSBESB303	Organise finances for new business venture
CPCCPD3029*	Remove graffiti and apply anti-graffiti coatings
CPCCPD3032*	Apply advanced wall coverings
CPCCPD3033*	Apply intumescent coatings
CPCCPD3034*	Apply advanced decorative paint finishes
CPCCSP3003*	Apply trowelled texture coat finishes
MSFID4016	Design colour schemes for interior and exterior spaces

Qualification Mapping Information

CPC Construction, Plumbing and Services Training Package Release 5.0	CPC08 Construction, Plumbing and Services Training Package	Comments	E/ NE
CPC30620 Certificate III in Painting and Decorating	CPC30611 Certificate III in Painting and Decorating	Supersedes and is equivalent to CPC30611 Certificate III in Painting and Decorating. Minor changes to the packaging rules. Minor unit title changes. Updated to the Standards for Training Packages 2012.	E

Links

An Implementation Guide to this Training Package is available at - https://vetnet.gov.au/Pages/TrainingDocs.aspx?q=7e15fa6a-68b8-4097-b099-030a5569b1ad