Australian Government
Asbestos Safety and Eradication Agency

Asbestos National Strategic Plan
Implementation 2019–23

Outcomes of Asbestos Awareness Training Consultation: Report

About this report

Table of contents

Purpose

The purpose of this document is to:

- report on consultation outcomes for asbestos safety training options for workers at risk of exposure to asbestos fibres, particularly new workers entering trades.
- summarise the key insights we identified drawing from responses to questions posed in the *Asbestos Safety Training for Workers Entering Trades* (the Discussion Paper), including options for reform.
- make recommendations to the Asbestos Safety and Eradication Council for next steps based on these consultation outcomes.

Scope

This consultation:

- was limited to workplace asbestos safety training, so did not include asbestos awareness for home renovators or the wider general public.
- focused on the adequacy of current asbestos training for new workers acquiring their qualifications.
- did 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 work health and safety (WHS) laws.

Context

Improving education and training for those at risk of exposure to asbestos fibres is a strategic action under the *National Strategic Plan for Asbestos Awareness and Management 2019–2023.*

What is the problem?

It is estimated that asbestos-related diseases cause approximately 4,000 deaths in Australia each year. Despite asbestos being banned in Australia nearly 20 years ago, asbestos-containing materials (ACMs) still exist in millions of homes and commercial buildings posing potential risk of exposure, particularly for the tradespeople who work on them. There is no safe level of exposure to asbestos fibres and it's not possible to tell if a material contains asbestos just by looking at it.

The Asbestos Safety and Eradication Agency undertook this consultation in response to ongoing concerns raised by our stakeholders about the adequacy of current asbestos safety training, particularly for workers new to trades. Many of these workers are young, including apprentices who are still in high school, and this increases their risk of developing potentially fatal diseases in later life.

Youth can also contribute to increased risk due to inexperience and a reluctance to voice concerns.

While WHS laws impose a duty on a person conducting a business or undertaking (PCBU) to ensure workers are trained, these laws are not prescriptive about what training needs to be undertaken or who can provide that training, except in the Australian Capital Territory (the ACT).

WHS Codes of Practice, including *How to Manage and Control Asbestos in the Workplace*, 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.

The plethora of available asbestos safety training options is potentially confusing for PCBUs trying to meet their WHS obligations.

Comparatively little training is mandatory and recent efforts to introduce more nationally recognised training has met with mixed success.

'Nationally recognised training' is training covered by the national vocational education and training (VET) system, meaning both the content of the training as well as the training providers must meet legislated minimum requirements overseen by regulators.

It includes training packages and accredited courses which lead to nationally recognised qualifications. Only Registered Training Organisations (RTOs) can deliver nationally recognised courses and issue nationally recognised VET qualifications.

This contrasts with ***'unaccredited training'*** where both content and training providers are unregulated and not subject to the same quality assurance measures e.g. educational programs run by not-for-profit organisations which are not RTOs, informal on-the-job training such as 'tool-box talks'.

The discussion paper

We published a discussion paper in October 2021 for an 8-week consultation period, to seek feedback about whether gaps in training exist and to explore options for possible reform.

We consulted with the Department of Education, Skills and Employment, Safe Work Australia, and our Non-Government Asbestos Advisory Committee members in developing this paper which outlined:

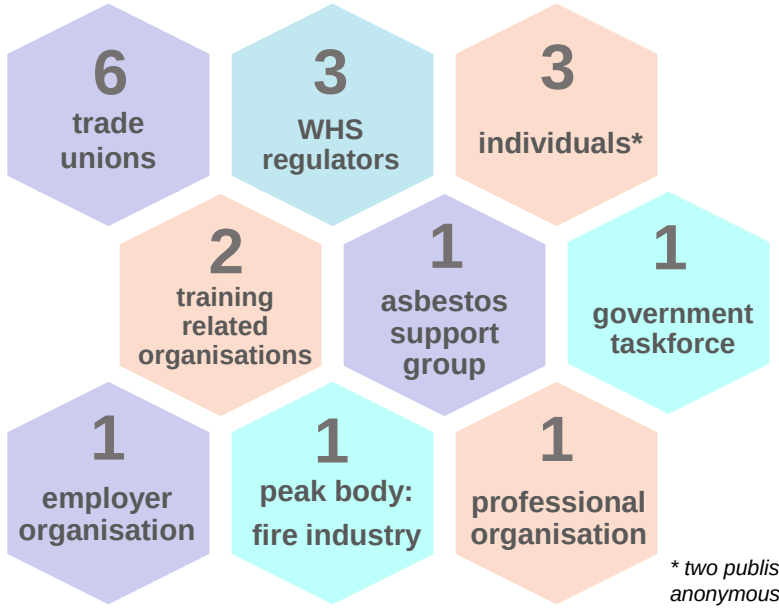
- current WHS legal requirements for training relevant to asbestos safety in all Australian jurisdictions
- a description of the main training options available to PCBUs, including a general explanation of the VET system and its regulatory framework
- recent efforts to introduce more nationally recognised 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.

Consultation:

We heard from:

20 **submissions** ***received*** ***(one confidential)***

Representing a range of stakeholders:



** two published anonymously*

We asked about:

We asked nine specific questions (see the list at the end of this report) **designed to assess views about**:

- the adequacy of current laws: whether they provide adequate protection and how they could be improved?
- the optimal timing for training to occur: should it be delivered before new workers are at any risk of exposure?
- the adequacy of current guidance provided to choose training: is there enough for WHS duty holders to choose the right training to protect their workers?
- the kind of training favoured: is nationally recognised training within the VET system preferable to training outside the VET system?

This included **five specific options** for reform for comment:

1. maintain the status quo: rely on existing legislative training requirements

2. work with industry to add a core unit of competency for asbestos awareness for inclusion in relevant VET system training packages

3. increased encouragement from WHS regulators to choose specific training: regulators providing more guidance on specific courses which would discharge a PCBU's WHS asbestos training duties (recommended non-mandatory courses)

4. WHS regulators to approve particular asbestos awareness courses and training providers to be used within their jurisdiction, and

5. adopt mandatory asbestos safety training requirements in line with the ACT model**.**

The ACT model refers to a mandatory asbestos awareness training scheme where:

- any worker a PCBU reasonably believes will work with asbestos or ACM, and
- any worker in specific declared occupations (these are all construction-related and include carpenters, builders, electricians, plasterers and plumbers – see full list at the end of this report - and note this would include but isn't limited to apprentices) must undertake the nationally accredited *Course in Asbestos Awareness* which is owned by the ACT and can only be delivered by RTOs who are granted a license by the ACT.

These RTOs must agree to annual audits and all trainers within the RTO must be approved and meet qualification requirements. This is in addition to the usual VET system requirements.

What emerged: Summary of key themes

1. The current system is not adequate – workers are being put at risk.
2. Workers need asbestos awareness training *before* they are put at risk
3. Workers in these occupations need training
4. PCBUs choosing training need more guidance
5. Workers should get nationally recognised training

1 The current system is not adequate – workers are being put at risk.

Overwhelmingly the submissions we received said the current system is leaving workers at risk of exposure to asbestos fibres.

> *….there is a need for improved asbestos awareness training of trades that may be at risk of exposure to asbestos fibres*
>
> ***Housing Industry Association***

> *The vast majority of exposure investigations undertaken...demonstrates issues with insufficient training and knowledge, with respect to ACM' and 'this has been found to be the major contributing factor resulting in ACM being disturbed and exposure…*
>
> ***WorkSafe WA***

> *…many of our members who are exposed to asbestos within their occupation were never advised of the presence of the asbestos...and in almost all cases have received no training…*
>
> ***Australian Manufacturing Workers' Union***

> *…we have seen multiple examples of situations where even though there is a likelihood of asbestos being present…no training is offered until asbestos is discovered usually resulting in exposure to workforce, then an occupational hygienist is wheeled out to conduct a toolbox meeting and this is passed off as "asbestos awareness training".*
>
> ***Plumbing and Pipe Trades Employees Union***

> *Even though this duty is in place it is very rarely adhered to ...and as a result very little training is provided to apprentices.*
>
> ***Asbestos Council of Victoria/GARDS Inc***

Only one submission we received argued that the current system is wholly adequate:

> *...the approach taken under the Model Laws is appropriate in that it imposes a duty on PCBUs to provide suitable information and training, having regard to the nature of the work and associated risk/levels of controls in place' and 'the existing model framework, on the whole, represents a reasonable balance between prescription and flexibility.*
>
> ***Confidential submission***

2 Workers need asbestos awareness training *before* they are put at risk.

This was what we heard from the vast majority of submitters. We did not receive any submissions arguing against asbestos awareness training occurring before workers are put at risk of asbestos exposure.

The training must be conducted prior to any worker being allowed on site. It only takes one exposure to potentially impact health. Lack of awareness is dangerous.

Anonymous submission

Apprentices are at aggravated risk of exposure to asbestos given their (typical, though not universal) inexperience. Via their lack of exposure to working in industry, apprentices are more likely to believe that the asbestos problem has been "solved" and be unaware of its continued prevalence…less likely to have a general knowledge of identifying asbestos' and 'usually unaware of the process for reporting and obtaining medical assessment in the event of exposure.

Electrical Trades Union of Australia

Yes, all apprentices … should be provided with the knowledge and skills through appropriate accredited training to identify asbestos containing materials…participants should be able to make an informed decision that asbestos containing material is present and also have the knowledge to report it to an appropriate person and/or authority.

ACT Regional Building and Construction Industry Training Council

…it is vital that young people considering a career as a plumber are given trade appropriate asbestos training as soon as practicable. As a minimum, awareness training immediately prior to or on commencement of the apprenticeship.

Plumbing and Pipe Trades Employees Union

It is also important that any mandatory awareness training is an entry requirement so that it is delivered prior to an apprentice commencing their qualification… it is not uncommon in some areas for apprentices to commence their apprenticeship but not attend a single day of off-the-job training (at an RTO) until months after commencement.

Bob Taylor, CEO Energy Skills Australia

Training at the earliest possible time is crucial.

Victorian Trades Hall Council

The Taskforce strongly agrees that apprentices should be made aware of any asbestos exposure risks before coming into contact with asbestos-containing materials.

Latrobe Valley Asbestos Taskforce

….training should be undertaken before apprentices commence working with asbestos.

SafeWork NSW

2 Cont.

Four submissions (largely from unions) also proposed further training for particular trades, including electrical and plumbing, around completion of the second year equivalent to a Class B asbestos removal licence.

This timing is suggested because:

> *…during the first two years of an apprenticeship, apprentices are required to be under constant supervision by a competent and appropriately licensed tradesperson……at the end of the second year of an apprenticeship, there is a reasonable expectation that apprentices are more competent and autonomous.*
>
> ***National Fire Industry Association of Australia***

Some submissions also suggested 'refresher' training for existing workers:

> *Online refresher training for all workers who may be exposed to asbestos whilst undertaking their work to be undertaken on a regular basis (ie every two years).*
>
> ***SafeWork NSW***

> *…refresher training or similar should be provided to personnel who have previously completed their training or apprenticeship and who are working in the industry.*
>
> ***Faculty of Asbestos Management Australia and New Zealand***

3 Workers in these occupations need training:

The ACT approach was the most widely supported option, including the declared list of occupations as well as 'any worker who the PCBU reasonably believes will work with asbestos or ACM'.

The ACT model is an exemplary model as ALL PCBUs have a clear understanding on what their responsibility is and what is the appropriate training.

ACT Regional Building and Construction Industry Training Council

The ACT regulation should be adopted as the model. The experience of the ETU's members in the ACT is that the training is practical, relevant, and life saving. The other jurisdictions should be encouraged to adopt this mode as a priority.

Electrical Trades Union of Australia

The CFMMEU notes that the WHS regulation for asbestos awareness training in the ACT has been in place since 2013 and has proven time and time again that it has aided in the protection of apprentices and other construction workers from exposure to asbestos.

Construction, Forestry, Maritime, Mining & Energy Union (Construction & General Division)

A small minority of submissions disagreed:

OIR supports the general nature of the duty in WHS laws for PCBUs to ensure they provide training that addresses the risk factors relevant to their workers, and not prescribing what training needs to be undertaken, as this could limit the ability of a PCBU to tailor content to their need.

Office of Industrial Relations, Queensland

We do not support a prescriptive and rigid approach to workplace training. A "one size fits all' approach shifts the focus from risk and hazard elimination to compliance and process at the expense of practical safety outcomes.

Confidential submission

3 Cont.

A significant number of submissions suggested consideration be given to additional specified occupations including the following:

- fitters and vehicle mechanics
- local government employees attending call-outs to reports of illegally dumped rubbish that may contain asbestos waste
- maintenance workers
- real estate industry workers
- solar installers
- landscape/gardening/groundskeeper
- bathroom and kitchen renovators
- pressure cleaning workers
- electrical lines worker;
- electrical cable jointer;
- electrical instrumentation technician;
- fire protection workers;
- house raisers,
- mould remediation workers,
- insurance assessors;
- public freight workers.

Some concerns were raised about the ACT's use of the Australian and New Zealand Standard Classification of Occupation (ANSZCO) codes:

> *'codes are outdated and in need of an update'…* but *'are a good start.'*
>
> ***Construction, Forestry, Maritime, Mining & Energy Union (Construction & General Division)***

> *Arguably, not all members of the occupations listed are likely to encounter asbestos.*
>
> ***WorkSafe WA***

There were very few submitters who said they do <u>not</u> support prescribing at least some occupations.

One submission strongly argued for the same protections being considered for on-shore workers to be applied to off-shore workers, noting legacy asbestos in the maritime industry as well as exposure from undetected illegal imports in the maritime sphere:

> *In the performance of their job…our members are required to access/repair/maintain plant and installations that in many cases include asbestos-containing materials. Like Trades workers ashore, our members are, often unknowingly, exposed to inhalation of asbestos fibres.*
>
> ***Australian Institute of Marine and Power Engineers***

4 PCBUs choosing training need more guidance

Nearly all the submissions we received argued that the WHS regulations and Codes of Practice do not provide enough guidance on what is 'suitable and adequate' training:

The wide range of training available varies considerably with over 124 Asbestos Awareness Courses available over the internet.

PCBUs have no guidance on what is good and what is bad plus they do not know if it meets what Regulators require…

ACT Regional Building and Construction Industry Training Council

PCBUs do have difficulties training workers in asbestos awareness due to a lack of available training courses and varying methods of delivering asbestos awareness training.

SafeWork NSW

Due to time pressures and costs many businesses are attracted to the cheapest non-accredited courses, particularly those that can be completed on-line which minimises time away from the job. In many cases it is difficult for businesses to assess the benefits of each course and whether or not the curriculum addresses the requirements of the regulations and whether there is a strong assessment process, or one based on the "tick and flick" approach.

Asbestos Council of Victoria/GARDS

… even where people are seeking out asbestos awareness training, it is confusing and unclear as to what they need to satisfy the requirements.

Faculty of Asbestos Management Australia and New Zealand

Choosing appropriate asbestos safety training was seen as particularly problematic for small businesses:

…a small busines will choose the cheapest and least time-consuming program in every instance to tick a box. ***Anonymous submission***

SMEs major focus is on running their business. They may not have the HR team or staff who understand the difference between optimal or suboptimal training. Providing clearer and more specific guidance will help SMEs meet their WHS obligations, keep their employees and customers safe and they can get on with their core business.

Bob Taylor, CEO Energy Skills Australia

The lack of guidance, particularly for smaller operators, is a perennial source of concern. Again, it goes back to the importance of properly accredited raining to ensure a heightened minimum level of knowledge.

Electrical Trades Union of Australia

4 Cont.

Only one submission argued that this is not an issue at all:

> *We are not aware of there being any confusion or uncertainty experienced by employers when determining the type of WHS training that is appropriate for a particular workplace.*
>
> ***Confidential submission***

Another argued that it's difficult to prescribe particular training because what comprises 'suitable and adequate' training will vary between occupations and the scope of particular work saying:

> *The guidance in the How to Manage and Control Asbestos in the Workplace Code of Practice 2021 is sufficient to broadly identify training areas required for workers undertaking asbestos related work'* but noted that *'as there is no guidance on what specific content is required…this can result in inconsistent risk and hazard knowledge between workers.*
>
> ***Office of Industrial Relations, Queensland***

The point that different occupations have different risk profiles and the need for trade-specific training was made by some submissions including the Plumbing and Pipe Trades Employees Union, the Housing Industry Association Limited and the National Fire Protection Industry Association of Australia.

5 Workers should get nationally recognised training

We asked whether nationally recognised training (that is, training within the VET system) is generally preferable to non-accredited training for PCBUs to meet WHS duties in relation to asbestos safety training. The resounding answer was that nationally recognised training is preferred in this context and for a significant number of submitters this was the only option they'd support.

Reasons given for the overwhelming preference for nationally recognised training included that it:

- meets minimum legislated standards which also provides confidence in the system
- is portable, recognised nationally (important given the transitory nature of workers in trades)
- can only be delivered by RTOs who are regulated and subject to minimum standards including relevant qualifications for trainers
- is regulated by a government agency
- must demonstrably meet an established need in order to be approved (including industry consultation)
- requires competency-based outcomes and assessment.

Although there were no submissions arguing that training outside the VET system was generally preferable, a few submissions argued there is a place for unaccredited training, particularly its capacity to be tailored to specific situations:

> *For existing tradespeople, the training options should remain as either nationally recognised training or unaccredited asbestos-specific courses and in-house training that allow PCBUs to tailor their training to the specific needs of their work, and for that training to be more comprehensive than nationally recognised training.*
>
> ***Housing Industry Association***

> *Accredited training is generally preferable* although *quality non-accredited training can be more beneficial than accredited training when it is industry specific, tailored to individual trades and more in-dept and applicable to real-life applications.*
>
> ***Office of Industrial Relations, Queensland***

We suggested five reform options: which was preferred?

The clear message was that **change is needed** for asbestos safety training:

there was **no support for maintaining the status quo.**

Of the four remaining options:

Adopting the **ACT model of mandatory training** was overwhelmingly the preferred option. It was supported by 16 of the 19 submissions that provided comment on preferred options (about 85%).

For five of 19 submitters this was the ***only*** option they supported.

The ACT model would require all workers in a declared list of occupations, as well as '*any worker who the PCBU reasonably believes will work with asbestos or ACM*' to receive specified asbestos awareness training.

It was supported because it would:

- ensure high quality training is provided before workers are at risk
- provide certainty/clear guidance to PCBUs
- ensure every worker receives training, not just apprentices
- include rigorous additional oversight and screening of training providers, including requirements to deliver specific course content.

The main disadvantage of the option is increased regulatory burden.

As implementation of this option will require amendment to the model WHS laws, it can only be progressed through Safe Work Australia with the required agreement of its members.

The **second most preferred option** was to work with industry to add a core unit of competency for asbestos safety awareness withing the national training package system.

Four of the 19 submissions that provided comment on preferred options identified this as their most, or their equally most, preferred option. Another submitter included this option in the four options they supported in principle. Others provided partial support but it was not their preferred option.

The advantages of this option which were raised included:

- the unit of competency could be tailored within particular training packages and so be trade specific
- units of competency are funded by public money so there is no potential commercial conflict of interest
- it would not impose an increased regulatory burden because it would be part of qualification training.

The disadvantages included:

- delay in implementation particularly given the current reform process in the VET system
- only covering apprentices not all workers
- might be an elective unit only, unless the unit was ultimately accorded core status across all relevant qualifications (which would only occur when there was a review of each individual qualification)
- risk to quality of delivery because there is less regulation of RTOs in the general VET system than under the ACT model
- it would need to be replicated across training packages for different occupational groups and may not capture all occupations where asbestos exposure is a risk.

There was some limited but not substantial support for the remaining two options which were:

- increased encouragement from WHS regulators to choose specific training by providing guidance to PCBUs about particular courses to discharge their duties under WHS laws
- each WHS regulator approving particular asbestos awareness courses and training providers for their jurisdiction.

Summary: what we heard

The main messages from our consultations are:

Current asbestos training legal requirements (outside the ACT) are generally **not considered adequate**, and workers are **being put at risk**.

Workers need training ***before*** they are exposed to any risk.

Training is needed for all workers (not just apprentices) in **a wide range of occupations** where asbestos exposure is a risk. The current ACT list where training is mandatory is a ‘good start’, along with the general obligation to provide training for any other worker a PCBU reasonably believes will work with asbestos or ACM.

Nationally recognised training is clearly preferred over unaccredited training.

The current ACT approach is the preferred model for reform.

What we will do now

We received a clear indication that the ACT model of mandatory asbestos awareness training is the preferred option.

However, it is not within the Asbestos Safety and Eradication Agency's remit to implement this model across jurisdictions. Adoption of this scheme will require amendment to the model WHS laws and therefore can only be progressed through Safe Work Australia with the required agreement of its members. The Chair of the Asbestos Safety and Eradication Council (ASEC) has written to the Chair of Safe Work Australia to this effect.

In terms of issues raised about off-shore workers, the Chair of ASEC has written to the Chairs of both the Seacare Authority and the National Offshore Petroleum Safety and Environment Management Authority Advisory Board, drawing their attention to the outcomes of this consultation and noting that similar issues appear relevant in the maritime context.

Attachments to this report:

- List of published submissions
- List of nine specific discussion paper questions
- Occupations declared in the ACT as subject to mandatory asbestos awareness training

Asbestos Safety and Eradication Agency

Level 12, 280 Elizabeth Street
Sydney NSW 2000

enquiries@asbestossafety.gov.au

1300 326 148

List of published submissions

- ACT Regional Building and CITC
- Anonymous (1)
- Anonymous (2)
- Asbestos Council of Victoria/GARDS Inc
- Australian Institute of Marine and Power Engineers (AIMPE)
- Australian Manufacturing Workers' Union (AMWU)
- CFMMEU (Construction and General Division)
- Mr David Connors
- Electrical Trades Union (ETU)
- E-Oz Energy Skills Australia
- Faculty of Asbestos Management ANZ
- Housing Industry Association (HIA)
- Latrobe Valley Asbestos Taskforce
- National Fire Industry Association of Australia (NFIA)
- Plumbing and Pipe Trades Employees Union
- Qld Office of Industrial Relations
- SafeWork NSW
- Victoria Trades Hall Council
- WorkSafe Western Australia

The nine specific discussion paper 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?
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).
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?
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?
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?

Occupations declared in the ACT as subject to mandatory asbestos awareness training

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)