

Asbestos Awareness Training

What is the Law?

Section 19 (3) (f) of the *Work Health and Safety Act 2011* provides that a PCBU [a person conducting a business or undertaking, e.g. an employer] must ensure, so far as is reasonably practicable, that they provide any information, training, instruction or supervision that is necessary to protect all persons from risks to their health and safety arising from their work.

From 1 July 2014, Section 445 of the *Work Health and Safety Regulation 2011* provides that a PCBU [a person conducting a business or undertaking, e.g. an employer] must ensure that all of their workers who they reasonably believe will work with asbestos or asbestos containing materials are trained in the VET course Asbestos Awareness. This is the Course 10314 NAT. These workers include construction workers as well as a number of other workers in occupations declared by the Minister (attached)

PCBUs will have until 30 September 2014 to get their workers trained.

What about training done before 1 July 2014?

The following information sets out the exemptions that will be applied by WorkSafe ACT for workers who have already undertaken training in Asbestos Awareness in the ACT.

1. Any training undertaken **PRIOR** to **1 January 2008** is **NOT** accepted and the worker must be retrained by a Registered Training Organisation (RTO) accredited to deliver **10314NAT Course in Asbestos Awareness, current approved trainers are:**
 - Asbestos and You (South Australia Based)
 - Creative Safety Initiatives (ACT Based)
 - Housing Industry Association Ltd. (ACT Based)
 - MBA Group Training Ltd. (ACT Based)
2. ACT80803, Asbestos Awareness Training undertaken between **1 January 2008** and **30 December 2013** through an accredited RTO, listed below, is accepted and workers who have undertaken this training do **NOT** need to be retrained:
 - Capital Training Institute (ACT Based)
 - Creative Safety Initiatives (ACT Based)
 - Housing Industry Association Ltd. (ACT Based)
 - John Geoffrey Kirwan and Sandra Mary Kirwan trading as Kirwan & Associates (Tasmania Based)
 - MBA Group Training Ltd. (ACT Based)
 - Robson Environmental (ACT Based)
3. Asbestos Awareness Training undertaken in the ACT between **1 January 2014** to **30 June 2014** through an approved RTO, listed below, is accepted and workers who have undertaken this training do **NOT** need to be retrained:
 - Capital Training Institute (ACT Based)
 - Creative Safety Initiatives (ACT Based)
 - Housing Industry Association Ltd. (ACT Based)
 - MBA Group Training Ltd. (ACT Based)
 - Robson Environmental (ACT Based)

4. Any training conducted **after 30 June 2014** must be undertaken through an RTO that has scope to deliver **10314NAT Course in Asbestos Awareness**. The following RTOs that currently have a licence to deliver **this course** are:
- Asbestos and You (South Australia based)
 - [Capital Training Institute](#)
 - [Creative Safety Initiatives](#) (ACT Based)
 - Emergency Services Agency (ACT Based)
 - [Protector Alsafe](#) (NSW Based)
 - [Height Safety Engineers](#) (NSW base)
 - Housing Industry Association Ltd. (ACT Based)
 - MBA Group Training Ltd. (ACT Based)
 - [Robson Environmental](#) (ACT Based)

Who is required to do the training?

All workers who work in the occupations listed in the attachment, regardless of how long they have worked in the job, their level of seniority, their qualifications and regardless of whether they are licensed or an apprentice.

Also all workers who the PCBU [a person conducting a business or undertaking, e.g. an employer] reasonably believes will work with asbestos or asbestos containing materials.

There is no definition of what *reasonably believes* means, however it is commonly used in legislation. It is based on what is reasonable in the circumstances – when in doubt whether a worker may work with asbestos or be exposed to asbestos fibres, it is better to ensure the worker is trained in asbestos awareness.

There is no definition of what *work with asbestos or asbestos containing materials*, so how this is interpreted relies on the ordinary meaning of the words, WorkSafe ACT interprets this as anybody who might:

- penetrate or disturb asbestos in any way, for example, breaking, cutting, drilling or sanding internal and external walls, sheeting, ceilings
- penetrate or disturb asbestos by using power tools, high pressure water blasters etc
- work in the vicinity of friable asbestos material (including damaged or crumbling bonded asbestos)
- handle asbestos such as through professional laundering of clothes or soft furnishing that have been in contact with asbestos (e.g. builders clothes, furnishing contaminated during unsafe building work)
- work where loose-fill asbestos insulation may be present – i.e. in ceiling cavities or subfloors of homes constructed before 1980

This would include *all* building and construction workers.

It would also include workers who may not physically handle asbestos or work in construction, but could be in the vicinity of work that is being undertaken, where there is a risk of exposure. For example, this might include a designer or colour consultant who conducts in-home consultations during renovation work on pre-1990 homes.

It would also include facility and corporate managers who are responsible for ensuring their premises has an asbestos management plan in place.

However, this would not include workers who might:

- work on asbestos in a theoretical sense e.g. academics, researches, and who do not come into contact with asbestos
- work in a building that contains asbestos, such as office workers in pre 2004 buildings.

However, any worker who has responsibilities for ensuring workers in an office context are not exposed to asbestos, such as ensuring the premises built before 2004 are maintained in good condition, or through managing or arranging repairs, refurbishment and renovations must be trained in asbestos awareness.

Do workers need to have an Asbestos Awareness Training card?

No.

Section 445(3) of the *Work Health and Safety Regulation 2011* provides that a PCBU, rather than a worker, **must** ensure that a record is kept of this training being undertaken by the worker.

What will WorkSafe ACT's approach to this matter be when an inspector visits a worksite after 30 September 2014?

A WorkSafe ACT inspector may ask to see a PCBU's record that their workers have been trained in one of the approved Asbestos Awareness training courses listed above, as required under Section 445 of the WHS Regulations.

If a PCBU cannot provide such a record they will be allowed a reasonable period of time to produce the record.

Initially, in the event that a PCBU cannot produce such a record, the PCBU will be issued with an Improvement Notice requiring them to register their workers for the training required by a certain date. PCBUs will meet the requirements of such notices by producing evidence that their workers are registered for such training, even though the training may be scheduled for a later date, as long as the scheduled date for the training is reasonable given the availability of such training.

Failure to comply with the requirements of such an Improvement Notice without reasonable excuse may result in an Infringement Notice for \$3,600 being issued for breaching the requirements of an Improvement Notice. In that event a new Improvement Notice will then be issued.

Failure to comply with a second Improvement Notice could result in preparation of a brief to the DPP recommending that the PCBU be prosecuted. The maximum fine for a corporation not providing this training is \$30,000.

Feedback

All ideas, suggestions and contributions for improvements to the 10314 Nat course in Asbestos Awareness are appreciated and will be carefully considered by the governance committee.

Forward your feedback to the governance committee at kylie.edwards@act.gov.au

Further information

For more information on asbestos and training requirements please visit www.asbestos.act.gov.au. WorkSafe ACT can be contacted on 6207 3000 or by emailing worksafe@act.gov.au. The WorkSafe ACT website is at www.worksafe.act.gov.au.