

1 September 2026

Ms Marie Boland
Chief Executive Officer
Safe Work Australia
GPO BOX 641
Canberra ACT 2601

via email: occhygiene@swa.gov.au

Dear Ms Boland,

Consultation on protecting workers from exposure to lead

The Australian Small Business and Family Enterprise Ombudsman (ASBFEO) welcomes the opportunity to make a submission to the Safe Work Australia (SWA) consultation on protecting workers from exposure to lead.

Safe Work Australia's 2026 Australian Worker Exposure Survey (AWES) indicates that lead exposure risks appear to be declining, with a reported 3.8% of workers having probable occupational exposure to lead, down from 6.1% reported in the 2011-12 AWES. Also, SWA's beta workers compensation data indicates that claims relating to exposure to 'chemicals and other substances', the category under which lead falls, are among the lowest sources of workers' compensation claims.¹

These findings suggest that the management of lead risk to workers has significantly improved over time, so it is important that regulatory responses remain proportionate to the level of risk and are targeted towards industries and activities where exposure remains likely.

The 2026 AWES found that the construction industry has the highest rate of probable occupational lead exposure, with one in five workers, or 19.9%, probably exposed. Approximately 98% of businesses in the construction sector are small businesses² who often lack access to specialist workplace health and safety (WHS) expertise and face challenges implementing complex regulatory requirements.³

The ASBFEO supports WHS measures that protect workers from harm, and advocates for clear, practical, and implementable guidance that assists small business to understand and comply with obligations. In previous submissions to SWA, we have highlighted low levels of awareness and understanding of WHS obligations among small business owners. SWA's own research similarly found that some persons conducting a business or undertaking (PCBU) who encounter lead in the course of their work have limited understanding of lead-related WHS obligations and how to assess and manage lead exposure risks.

While WHS measures should improve worker protection and ensure regulations reflect current scientific and medical evidence, regulation should be risk-based, proportionate and practical to

¹ Safe Work Australia (SWA), Insights from the Beta Occupational Hazards Dataset, SWA, 2023, p 21, accessed 31 August 2026.

² Committee for Economic Development of Australia (CEDA), *Size matters: why construction productivity is so weak*, CEDA, 2025, accessed 26 August 2026.

³ T Egbelakin, B Ginigaddara, J Marcus, T Newaz, RY Sunindijo, and LM Tang, 'Identifying barriers & enablers to improve WHS outcomes in Australian small construction businesses', *CIB Conferences*, vol. 1, chapter 1, 19 May 2025, accessed 11 August 2026.

implement. In many cases improving small business awareness, capability and access to practical guidance on existing requirements can achieve better outcomes than introducing new obligations that add to regulatory complexity. Accordingly, the ASBFEO has assessed SWA's proposals against the principles of worker protection, risk-based proportionality, and practical implementation.

Understanding the constraints of small businesses

Small businesses generally seek to comply with their WHS obligations, but often lack the dedicated WHS, legal and compliance resources available to larger organisations. Small business owners commonly manage WHS obligations alongside their core operational, administrative, financial, and staffing responsibilities, which can make it difficult to interpret, monitor and implement regulatory changes.

Having the technical knowledge to identify, assess and manage lead exposure risks may be beyond the capability of many small businesses without external support. Therefore, a regulatory approach that relies heavily on technical interpretation will typically be less effective than one that is supported by practical guidance, templates, education and industry-specific resources. For this reason, the ASBFEO supports WHS measures that are clear, risk-based and proportionate, and which are accompanied by practical tools that help small businesses understand and meet their obligations.

Proportionate, risk-based regulation

The ASBFEO advocates for an approach to managing lead risk that small businesses can understand and implement. In the context of the Lead Regulations, this means reducing regulatory ambiguity, developing practical resources and guidance for small business operators, and targeting businesses in high-risk sectors—such as construction—with specific measures that lift their knowledge, understanding and capability.

The ASBFEO is not advocating for any particular option outlined in the consultation paper, however, applying the above principles we provide the following comments regarding the specific regulatory proposals.

Definition of a “lead process”

WHS regulations should assist businesses to identify, assess and manage material workplace hazards and we support amendments to the Lead Regulations where they seek to reflect contemporary scientific standards and the use of modern technologies used in work activities.

However, the proposal to amend the Lead Regulations to introduce a broad, catch-all provision to provide flexibility where work activities have changed over time due to new technologies and new scientific evidence, risks creating regulatory uncertainty for small business operators.

A broad catch-all provision may make it more difficult for a small business to determine whether their work activities fall within the definition of a lead process and what actions are required to comply with the regulations. It could result in small businesses deciding not to undertake risk assessments because the requirements are unclear or difficult to apply, or they may feel they have to consider every possible circumstance in which a hazard may arise.

Rather than introducing a broad catch-all provision, we consider that providing businesses with targeted guidance would be a more effective means of addressing uncertainty with the current definition. This could include practical guidance materials, worked examples, risk assessment templates such as Safe Work Method Statements or job safety analysis forms that assist businesses to identify activities involving lead exposure and implement appropriate control measures.

The ASBFEO also supports SWA undertaking a national awareness and education initiative that helps small businesses understand when an activity involves lead exposure, particularly in sectors where the risk of lead exposure is higher and awareness is low. Such an initiative should be aimed at improving business understanding of workplace activities that may involve lead exposure, how to assess lead-related risks, and the practical measures available to eliminate or minimise worker exposure.

Definition of “lead risk work”

The ASBFEO supports amendments to the Lead Regulations that align blood lead level thresholds with contemporary scientific and medical standards and focuses regulatory obligation on workers who are at a genuine risk of harmful exposure. Ensuring regulatory thresholds reflect contemporary evidence will help protect workers and support effective risk management practices in workplaces where lead exposure may occur.

However, the ASBFEO has concerns about a requirement for PCBU to undertake health monitoring for *all* workers engaged in a lead process or work involving lead or lead compounds, regardless of the nature and extent of the exposure risk. In our view, health monitoring requirements should be risk-based and proportionate to the likelihood that a worker may be exposed to lead at levels capable of causing harm.

A blanket obligation on PCBUs risks creating uncertainty for businesses that results in health monitoring being undertaken in circumstances where the risk of exposure is negligible or adequately controlled. Instead, the focus should remain on identifying, assessing and managing lead exposure risks through appropriate control measures, with health monitoring required where there is a reasonable likelihood that exposure could result in a worker's blood lead level exceeding the prescribed thresholds.

The ASBFEO considers that SWA should support a more proportionate, risk-based approach by developing guidance and practical tools that assist PCBUs in assessing when health monitoring is required. This guidance should outline relevant risk factors, including:

- the nature of the lead-related activity being undertaken
- the frequency, duration and intensity of exposure
- the route of exposure (for example, inhalation, ingestion or skin contact)
- any previous or ongoing occupational exposure to lead
- the effectiveness of control measures, including engineering controls and personal protective equipment
- the proximity of workers to lead-generating activities.

Such guidance would assist businesses to make informed decisions about when health monitoring is required while ensuring workers at genuine risk receive appropriate protection.

The ASBFEO also supports SWA undertaking a national awareness and education campaign to improve business understanding of lead-related risks and the workplace activities that may result in lead exposure, the measures available to eliminate or minimise those risks, and guidance on when (and how regularly) health monitoring is required. Clear guidance, practical tools and targeted education are likely to be more effective in improving compliance than requirements that may be difficult for businesses to interpret and apply in practice.

Blood lead levels which trigger an action

The ASBFEO recognises that blood lead level monitoring thresholds should reflect current scientific and medical evidence. As SWA has identified that the existing regulations do not align with contemporary scientific and medical evidence, we support amending the regulations to ensure workers are protected from the harmful effects of lead exposure.

To support implementation, these changes should be accompanied by clear guidance, practical tools and education resources tailored to the needs of small businesses. While lowering blood lead monitoring thresholds may result in some additional monitoring costs, several of the proposed thresholds are not substantially different from current requirements. Earlier identification of elevated blood lead levels could support more timely intervention and improve the prevention of harmful exposure.

The proposal to introduce an additional, action-level trigger, requiring steps to be taken before harmful exposure occurs, may duplicate existing obligations under the WHS regulations. PCBU's are already required to identify lead exposure risks through workplace risk assessments and implement appropriate control measures to eliminate or minimise those risks. If those processes are working as intended, preventative action should occur before a worker's blood lead level reaches the threshold that triggers health monitoring obligations.

Where health monitoring identifies that a worker's blood lead level exceeds the prescribed threshold, the PCBU should be required to review the effectiveness of existing control measures and implement additional measures where necessary to prevent further exposure. Rather than create overlapping regulatory requirements, SWA should focus on supporting small businesses at the initial stage of hazard risk assessments. This can be achieved through practical guidance and resources that help businesses identify exposure risks, implement effective controls and respond appropriately when elevated blood lead levels are detected.

Any new requirements should only be considered where they complement and enhance existing risk assessment and risk management obligations rather than impose duplicative compliance processes. This would help ensure regulatory effort is focused on reducing worker exposure to lead, while minimising unnecessary administrative burden on businesses.

The ASBFEO also supports SWA's proposal to undertake a national education and awareness campaign aimed at helping small businesses understand the changes and what actions they need to take when blood level thresholds are reached. Without appropriate guidance, resources and education, the objective of reducing worker exposure to lead may not be fully realised.

Practical guidance

The ASBFEO considers that, to the extent there are deficiencies in Australia's regulatory framework for lead, these are best addressed by improving small business awareness, capability and understanding of existing WHS obligations. Throughout this submission, we have emphasised the importance of ensuring regulatory requirements are clear, proportionate, risk-based and practical to implement. Guidance and education will play a critical role in achieving these objectives.

Effective guidance should be practical, accessible and relevant

For guidance to be effective, it must be designed with the operational realities of small business in mind. Small business owners often have limited time and resources to interpret complex regulatory requirements and may not have access to specialist WHS expertise. Guidance should therefore be practical, easy to understand and directly relevant to the activities and the risks encountered in workplaces where lead exposure may occur.

Guidance should also recognise the diversity of the small business community, including varying levels of literacy, digital capability, and cultural and linguistic backgrounds. Resources should be developed with clarity, simplicity and accessibility in mind to maximise understanding and uptake.

Guidance should recognise broader WHS obligations and business constraints

Guidance should be informed by an understanding of how small businesses access and use regulatory information in practice, as well as the operational constraints they face. It should also be recognised that lead is often managed alongside other hazardous chemicals and workplace hazards.

The ASBFEO encourages SWA to highlight to businesses the broader benefits of effective WHS management. Small businesses are more likely to engage with safety initiatives when the benefits are clearly linked to business outcomes such as reduced absenteeism, improved business reputation, and the possibility of new commercial opportunities.

Guidance should be delivered through trusted channels

Guidance is most effective if it reaches small businesses through channels they know and trust. In the ASBFEO's experience, small businesses are more likely to engage with information delivered through trusted industry and professional networks than through regulatory publications alone.

To maximise awareness and uptake, SWA should partner with organisations that regularly engage with small businesses including:

- industry associations
- local chambers of commerce
- council-run business networks
- multicultural chambers of commerce
- trusted advisers such as accountants, business mentors and WHS consultants.

A coordinated education and awareness campaign delivered through these channels could help improve understanding of lead-related risks and support businesses to comply with their obligations.

If you require any further information, please do not hesitate to contact the Policy and Advocacy team at advocacy@asbfeo.gov.au.

Yours sincerely



Lynda McAlary-Smith

Australian Small Business and Family Enterprise Ombudsman