

Review of the Asbestos Safety and Eradication Agency's Role and Functions

April 2019

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Executive Summary

The Asbestos Safety and Eradication Agency (the Agency or ASEA) was established on 1 July 2013 to administer the National Strategic Plan (NSP), which aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia.

The Agency was established in response to the 2012 Asbestos Management Review which recommended the development of a national strategic plan and a new national agency to improve asbestos awareness and management in Australia. The Asbestos Management Review found that nationally coordinated action was needed to avoid the overlap, confusion and gaps caused by the fragmented management of asbestos.

This report provides the results of a review of the Agency's ongoing role and functions as required under section 47 of the *Asbestos Safety and Eradication Agency Act 2013* (the Act). The review examined the activities of the Agency and compared them against its statutory functions. It also considered stakeholder views about the Agency's role, its relationship with the NSP and the future challenges associated with the legacy of asbestos-containing material in the built environment.

The review considers that the Agency has been successful in providing a strong national and international focus on asbestos issues by bringing together stakeholders, sharing information, encouraging collaboration and building knowledge and capability.

However, eliminating asbestos-related disease in Australia is a long-term goal. Responsibility for the management and regulation of asbestos remains spread across three tiers of government and involves multiple policy areas. Although substantial progress has been made under the 2014-2018 NSP, more work is required to deal with the remaining asbestos legacy and the future challenges. The need for a national body to drive and coordinate activities under the NSP is as relevant today as when the Agency was first established in 2013.

The review was conducted between November 2018 and April 2019 and took into account the concurrent revision of the NSP undertaken separately by the Agency. Stakeholders consulted included representatives from industry, government, union bodies and asbestos disease support groups. Consultation took place via discussions and a formal submissions process. A total of 16 submissions were lodged with the review.

Overall, stakeholders are supportive of the Agency and the role it plays. There is unanimous agreement that assisting governments and the community to deliver coordinated, effective and nationally consistent responses to asbestos issues is the Agency's key role.

However, many submissions suggest that the Agency may have been able to achieve more with a wider legislative remit and increased resources. Stakeholders support the Agency having a clear mandate to conduct national awareness campaigns, collect data and share information on asbestos safety. The Agency's leadership role in international efforts to ban the production and trade of asbestos and prevent its illegal entry into Australia is also recognised as an important function.

Some stakeholders consider the Agency should be more influential and proactive in driving national action under the NSP. However, there appears to be significant confusion about whether the Agency

is directly responsible for implementing the NSP actions or only responsible for coordinating, monitoring and reporting on implementation in jurisdictions.

Stakeholders raised a number of additional matters not directly relevant to the terms of reference for this review, but which are nevertheless essential considerations in the effective operation of the Agency. This report includes recommendations related to the structure of the Agency, the membership of the Council, the title of the Agency and its resources.

The review found that much of the confusion around the role of the Agency in relation to implementation of the NSP may be addressed by amending the definition of the NSP in the Act to clarify that it represents the commitment of Commonwealth, state, territory and local governments to implement an agreed set of strategic actions and national targets to eliminate asbestos-related disease in Australia.

Similarly, the review considers that the Agency's role as set out under legislation should include a broader set of objectives beyond simply "administering" the NSP as is currently the case. The review recommends clarifying the Agency's key role so that it has responsibility for leading coordinated national action to eliminate asbestos-related disease in Australia by:

- fostering collaboration between all parties involved in the regulation and management of asbestos
- supporting and monitoring the implementation of the NSP by Commonwealth, state, territory and local governments
- promoting national consistency in relation to asbestos safety
- improving the state of knowledge and awareness of asbestos issues.

The review also recommends amending section 8 of the Act with additional functions to reflect the valuable work that the Agency already performs in relation to raising awareness, sharing information, promoting national consistency and international collaboration. A data collection and analysis function should also be included in the Act to allow the Agency to measure progress against the NSP targets.

Adding these specific functions will give the Agency authority to undertake activities that contribute to the outcomes of the NSP without being directly tied to the NSP deliverables. These recommended changes to the Act may also address the comments from unions and asbestos disease support groups that the Agency should do more than coordinate the NSP and should be able to carry out its own projects.

The review concludes that the Agency's role is not to take over the functions that rightly sit with state and territory governments, but to drive and coordinate strategic national effort. The Agency should support and add value to the activities carried out by governments and other bodies, making them more effective and efficient. This also recognises the significant expertise and resources which exist at the state and territory level, as well as federal division of powers and legislative responsibility.

An adequately resourced Agency with enhanced functions as recommended in this review will help demonstrate the Australian Government's continued commitment to the objective of ultimately eliminating asbestos-related disease in Australia.

Recommendations

Recommendation 1: The ongoing need for national coordination

This review recommends the Australian Government continues supporting and legislating for the operation of a national coordinating body to prevent asbestos-related disease in Australia.

Recommendation 2: Clarifying the Agency's relationship with the National Strategic Plan

To clarify the operation of the NSP and allow flexibility in its content, this review recommends amending the definition of the NSP in section 5A of the Act to mean the plan developed by the Agency that:

- a) aims to eliminate asbestos-related disease in Australia by preventing exposure to asbestos fibres, and
- b) represents the commitment of Commonwealth, state, territory and local governments to implement an agreed set of strategic actions and national targets focussing on:
 - o identifying asbestos and preventing exposure risks, including through prioritised safe removal and effective waste management
 - o improving awareness
 - o facilitating international collaboration, and
 - o any other relevant priorities.

Recommendation 3: Clarifying the Agency's role

This review recommends amending the objects clause in section 2A of the Act to clarify that the Agency is established to lead coordinated national action to eliminate asbestos-related disease in Australia by:

- a) fostering collaboration between all parties involved in the regulation and management of asbestos
- b) supporting and monitoring the implementation of the NSP by Commonwealth, state, territory and local governments
- c) promoting national consistency in relation to asbestos safety, and
- d) improving the state of knowledge and awareness of asbestos issues.

Recommendation 4: Enhancing the Agency's functions

This review recommends amending the Act to reflect that the Agency's functions are to:

- coordinate, monitor, evaluate and report on the implementation of the NSP
- review, amend, publish and promote the NSP
- conduct or commission, monitor and promote research on asbestos issues
- collect and analyse data for the purpose of measuring progress on preventing exposure to asbestos fibres and informing evidence-based policies and strategies
- develop and promote national strategies to raise awareness of asbestos safety
- promote consistent messages, policies and practices in relation to asbestos safety
- collaborate with governments and other national and international bodies and share asbestos safety information and expertise
- provide advice to the Minister on asbestos safety, and
- undertake such other functions as are conferred on the Agency by legislative instrument.

In performing its functions, the Agency should act in accordance with its annual operational plan.

Other recommendations

This review recommends that:

- the Agency continues operating as an independent statutory agency
- the Australian Government review the membership and role of the Council taking into account the stakeholder comments provided in this review
- the Agency continues to be named the Asbestos Safety and Eradication Agency, and
- the Agency be adequately funded to undertake its revised functions.

1. Introduction

The Asbestos Safety and Eradication Agency (the Agency or ASEA) was established on 1 July 2013 to administer the National Strategic Plan (NSP), which aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia.

Section 47 of the *Asbestos Safety and Eradication Agency Act 2013* (the Act) requires a review of the Agency's ongoing role and functions to be conducted five years after its establishment.

Section 47 also requires that the review be completed within six months and a written report be tabled in each House of Parliament within 15 sitting days after the completion of the report.

In October 2018 the Department of Jobs and Small Business engaged an independent reviewer, Ms Julia Collins, to conduct the review.

Review Terms of Reference

The review is to be an evidence-based assessment and will examine and report on:

1. The Agency's role and functions as specified in section 8 of the Act, and the extent to which they:
 - a. continue to meet the objectives of the Australian Government
 - b. will enable the Agency to meet future challenges.
2. Given the centrality of the NSP to the Agency's role and functions, the appropriateness of the priority areas of the NSP, as set out in section 5A of the Act, in continuing to achieve the Government's objectives and future challenges.
3. Whether any changes to the Act are required to ensure the Agency is enabled to meet the Australian Government's objectives and future challenges.

Scope of the Review

This review is limited in scope to the Agency's role and functions and is not a complete review of the Act. Hence it does not include the structure of the Agency. However, issues raised by stakeholders that fall outside the scope of this review have been included in this report at Chapter 9.

Conduct of the Review

The review commenced with a desktop analysis of the Agency's activities as reflected in published material. A discussion paper with consultation questions was prepared and published on the Department of Jobs and Small Business website on 26 November 2018.

The review was informed by consultations with stakeholders, both through written submissions and interviews. A list of persons and organisations consulted is at Appendix A.

This review also took into account the outcomes of the NSP evaluation conducted by the Agency and the development of the new NSP for 2019-2023.

2. The establishment of the Asbestos Safety and Eradication Agency

Australia has a long history of asbestos use and was one of the world's highest consumers of asbestos per capita. The material was mined for over a hundred years, with production only ceasing in 1983. Asbestos was also imported into the country and was widely used in the manufacturing and construction industries, including in structures built up to the late 1980s.

As a result of this history and wide-ranging use, Australia has one of the highest incidences of mesothelioma in the world. From 1982–2017, the number of new cases of mesothelioma diagnosed annually rose steadily—from 135 to 592 cases per year for males, and from 22 to 118 cases per year for females.¹ There is no safe level of exposure to asbestos.

On the 31 December 2003, an Australia-wide ban on the use, reuse, import, export and sale of all forms of asbestos took effect. The ban does not apply to asbestos material already in place, and as a result Australia still has a large amount of asbestos containing materials (ACMs) remaining in the built environment. The management of these ACMs is subject to strict work health and safety (WHS) regulations.

The management and regulation of asbestos in Australia involves multiple policy areas – public health, workplace safety, environmental protection, border protection, consumer safety and urban planning – as well as being spread across three tiers of government at the local, state/territory and the federal level. Consequently, there are numerous government agencies involved in asbestos management and regulation. For example, in Queensland alone there are four state government departments and 73 local councils administering laws related to asbestos.²

The Asbestos Management Review

In 2010, the Commonwealth Government initiated a review to make recommendations for the development of a national strategic plan to improve asbestos awareness and management in Australia.

The Asbestos Management Review Report was released in August 2012. The Report noted that asbestos management across multiple jurisdictions was fragmented and inconsistent. It made recommendations on the key elements of a national strategic plan and also recommended that a new national agency be established “to have responsibility for the implementation, review, refinement and further development of the plan” and that the Agency should:

- have the expertise and authority to coordinate activities across all tiers of government affecting multiple portfolios such as health, safety, environment, and education
- engage with the asbestos regulatory coordination frameworks established within state and territory jurisdictions
- be overseen by a governing board with high-level tripartite membership, including an independent chairperson, a medical expert, representation of all Australian governments including local government and national peak bodies

¹ Australian Institute of Health and Welfare, *Mesothelioma in Australia 2017*

² Queensland Government, *Statewide Strategic Plan for the Safe Management of Asbestos in Queensland 2014-2019*, p. 5

- be supported by input and technical expertise from an appointed advisory committee consisting of appropriate community representatives and professionals
- have appropriate staffing and resources to implement, monitor and review its activities under the direction of a chief executive officer.³

The Asbestos Management Review noted that establishing a national body to administer the NSP would avoid overlap, confusion and gaps caused by the fragmented management of asbestos. The Agency would be critical in ensuring that all stakeholders are engaged and the key elements of the NSP are effectively implemented.

The Asbestos Management Review did not favour allocating the administration of the NSP to an existing body or new committee at the national level. Although it considered this approach would capitalise on existing infrastructure, expertise and resources, the Asbestos Management Review concluded that:

- the entities may not have the necessary authority across the full scope of asbestos issues
- the nature of the challenges posed by asbestos required a specialist and dedicated agency where its focus will not be diverted by other activities or priorities.

The Asbestos Management Review did not support recommending the new body have regulatory functions in the first instance. It noted that jurisdictions would continue to have direct carriage of many of the activities under the NSP and, as states and territories have most of the responsibility for asbestos management, they have the greatest level of existing expertise and resources.

The Office of Asbestos Safety was initially set up in September 2012 within the then Department of Education, Employment and Workplace Relations to draft the first version of the NSP.

In 2013, the passage of the [Asbestos Safety and Eradication Agency Act 2013](#) (the Act) established an independent agency “to administer the National Strategic Plan, which aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia.”⁴

Through its Chief Executive Officer (CEO), the Agency is responsible to the Commonwealth Minister for Jobs and Industrial Relations. For financial purposes, the Agency operates under the [Public Governance, Performance and Accountability Act 2013 \(PGPA Act\)](#) and for staffing purposes, the [Public Service Act 1999](#).

The Agency’s statutory functions

Section 8 of the Act sets out the functions as follows:

- to encourage, coordinate, monitor and report on the implementation of the NSP
- to review and amend the NSP as required
- to publish and promote the NSP
- to provide advice to the Minister about asbestos safety, if requested to do so by the Minister
- to liaise with Commonwealth, State, Territory, local and other governments, agencies or bodies about:

³ Asbestos Management Review Report, June 2012, Chapter 9

⁴ Asbestos Safety and Eradication Agency Act 2013, s.2A

- the implementation, review or amendment of the NSP or
- asbestos safety
- to commission, monitor and promote research about asbestos safety
- such other functions as are conferred on the Agency by or under this Act, the rules or any other law of the Commonwealth
- to do anything incidental or conducive to the performance of any of the above functions.

The Act also states that:

- the Agency has the power to do all things that are necessary or convenient to be done for or in connection with the performance of its functions
- in performing its functions, the Agency must act in accordance with the NSP and any annual operational plan.

The Asbestos Safety and Eradication Council

Part 5 of the Act establishes the Asbestos Safety and Eradication Council (the Council), which is made up of a Chair and nine members selected for their experience and expertise with asbestos safety, public health, corporate governance or the representation of people with asbestos-related diseases and their families. One position is reserved for an Australian Government representative and four positions are reserved for state, territory and local government representatives.

Section 29 of the Act sets out the functions of the Council that include:

- providing advice and making recommendations to the CEO about the performance of the Agency's functions, on its own initiative or at the request of the CEO
- providing advice to the Minister about asbestos safety
- monitoring the implementation of the NSP by Commonwealth, state, territory and local governments, and
- providing advice and making recommendations about the NSP and annual operational plans.

The National Strategic Plan (NSP)

The NSP provides a framework for governments to work together on asbestos safety issues. The Asbestos Management Review concluded that:

“Dealing with Australia’s asbestos legacy requires urgent nationwide action undertaken in a systematic way. A national strategic plan would be an appropriate tool to better drive, focus and coordinate efforts to address asbestos-related issues across Australia’s diverse communities.”⁵

The NSP features prominently in the Act and the functions of the Agency.

Section 5A of the Act provides a detailed definition of the NSP to mean the plan that:

- a) is known as the *National Strategic Plan for Asbestos Management and Awareness*; and
- b) aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia; and
- c) addresses the following priority areas:
 - i. the systematic identification of material containing asbestos in the built environment and of asbestos dump sites;

⁵ Asbestos Management Review Report, June 2012, p.17

- ii. systems, timelines and processes for the prioritised safe removal of material containing asbestos from public and commercial buildings and the safe disposal of such material;
 - iii. measures to assist the residential sector to minimise the risks of asbestos, including raising awareness, education and mechanisms for identifying and classifying risks associated with asbestos;
 - iv. improving education and information about asbestos;
 - v. improving asbestos safety;
 - vi. improving the sharing of information about asbestos and asbestos safety; and
- d) deals with any other relevant matters.

An initial NSP was developed by the Commonwealth prior to the Agency's establishment in 2013. The newly formed Agency revised the NSP and on 28 August 2015 this revision, the [National Strategic Plan for Asbestos Management and Awareness 2014-18](#), was endorsed by all Commonwealth, state and territory ministers with responsibility for WHS. It contains the following six strategies:

- **Awareness:** Increase public awareness of the health risks posed by working with or being exposed to asbestos
- **Best practice:** Identify and share best practice in asbestos management, education, handling, storage and disposal
- **Identification:** Improve the identification and grading of asbestos and sharing of information regarding the location of asbestos-containing materials
- **Removal:** Identify priority areas where ACMs present a risk, the barriers to the safe removal of asbestos and review management and removal infrastructure to estimate the capacity and rate for the safe removal of asbestos
- **Research:** Commission, monitor and promote research into asbestos exposure pathways, prevention and asbestos-related disease to inform policy options, and
- **International leadership:** Australia to continue to play a leadership role in a global campaign for a worldwide asbestos ban.

At the time of conducting this review, the Agency has been developing the next five year phase of the NSP. The role of the Agency in relation to the NSP is discussed in Chapter 6 of this report.

The Agency's consultative processes

Given the wide range of parties with an interest and role to play in asbestos management and awareness, it is essential that the Agency conduct extensive stakeholder consultation.

The Act allows the CEO and the Council to establish Committees to assist in the performance of their functions. To support the coordination and operation of the NSP, the following four committees and working groups have been set up:

- Building, Construction and Demolition Sectors Committee
- Technical Research Advisory Committee
- Asbestos Waste Working Group
- Asbestos Communications Working Group.

Figure 1 below indicates the primary stakeholder groups that the Agency works with in carrying out its functions.

Figure 1: Stakeholder engagement and coordination map



Overview of the Agency's activities

In the five years since its establishment, the Agency's key activities have included:

- Commissioning a national asbestos awareness survey in 2014 that created baseline data on which the Agency could test community awareness levels and attitudes regarding asbestos risk at biennial intervals. The Agency repeated the survey in May 2016 and April 2018, which continues to highlight that more work needs to be done in raising levels of awareness in certain sectors like young DIY home renovators, young tradespeople and non-English-speaking communities
- Delivering an annual conference and presenting at seminars and events
- Revising the NSP and reporting on its implementation through Annual Progress Reports – the third report was released in November 2018
- Engaging internationally to assist other countries work towards asbestos bans and improve the management of asbestos risks
- Completing more than 30 research projects to build the body of knowledge regarding asbestos and asbestos related disease in Australia

- Working with the Imported Materials with Asbestos Working Group established by the Heads of Workplace Safety Authorities (HWSA) to develop a Rapid Response Protocol. The protocol facilitates information sharing between relevant government agencies, a nationally uniform enforcement response to incidents and allows quick communication to the community about the safe handling and disposal of imported goods that contain asbestos.
- Managing the National Asbestos Exposure Register (NAER) and analysing trends in potential asbestos exposure reported by members of the community. Since its inception in June 2013, there have been 7,482 registrations up until 30 June 2018
- Providing advice to the Minister on permits to import asbestos under the *Customs (Prohibited Imports) Regulations* – for example, during 2017–18, the Agency provided advice on 33 applications for permits to import asbestos into Australia for the purposes of research, analysis or display, 27 of which were approved and six refused. The number of approved permits increased from 23 in 2016–17.
- Providing secretariat and other assistance to the Asbestos Support Group Network
- Monitoring illegal imports and dumping events
- Supporting and promoting National Asbestos Awareness Week
- Establishing a hotline to assist callers in contacting the appropriate authority in their jurisdiction
- Maintaining a website that provides:
 - information about Australia's ban on importing asbestos, including a list of goods that are at risk of containing asbestos
 - advice on identification, testing, removal and disposal of asbestos, including locations of disposal facilities
 - information on who to contact for asbestos issues, including links to state and territory WHS and environmental regulators
 - consumer protection information including safety alerts and recall notices
 - asbestos safety information for DIY renovators, real estate agents, tradespeople and importers
 - reports on asbestos research and best practice case studies.

Appendix B lists the Agency's key activities against the functions in the Act and against the NSP deliverables.

3. Other asbestos management roles and responsibilities

Responsibility for the management of asbestos in Australia is shared between all levels of government. There are numerous regulatory regimes and educative programs to prevent exposure to risks from asbestos.

Responsibilities

Work health and safety

- WHS legislation protects the safety of workers and ensures that the conduct of businesses or undertakings does not risk the health and safety of other persons.
- WHS laws prohibit work involving asbestos except in limited circumstances.
- The Commonwealth and each state and territory government has responsibility for making and enforcing WHS laws as well as raising awareness of health and safety risks and promoting good practice.
- The Commonwealth jurisdiction covers Commonwealth employees and a limited number of non-Commonwealth licensees.
- To ensure consistency between their laws, all jurisdictions other than Western Australia and Victoria have adopted laws based on the [model WHS laws](#). Safe Work Australia develops and maintains the model WHS laws.
- The model WHS laws define a workplace as anywhere a worker carries out work. Therefore, residential premises are workplaces when a contractor has been engaged to undertake asbestos removal work.

Mining and quarrying

- Mining and quarrying legislation regulates the risks posed by naturally occurring asbestos that may be exposed during mining processes.
- In some states, the WHS regulator is also responsible for mine safety. There are separate regulators for mine safety in New South Wales, Queensland and Western Australia.

Environment and waste

- Environmental protection and waste legislation regulates the transportation of commercial and industrial waste, the licensing of disposal facilities (such as landfills), and notification and remediation of contaminated land.
- State and territory governments each have responsibility for making and enforcing environmental and waste disposal legislation in their jurisdiction.

Community safety and public health

- Public health legislation applies to asbestos-related activities carried out at non-workplaces.
- The health departments of each state and territory have responsibility for public health legislation as well as programs for health promotion and disease prevention, health research, population environmental health, and population health protection.
- State and territory health departments have responsibility for the provision of services to treat asbestos-related disease.
- The Commonwealth Department of Health contributes to the development of policies and setting the strategic direction for asbestos management, including through its involvement

in the Environmental Health Standing Committee (enHealth) and the asbestos interdepartmental committee.

- The Commonwealth Department of Health also has responsibilities in the regulatory framework for asbestos and has undertaken risk assessments and made risk management recommendations in relation to these chemicals under the National Industrial Chemicals Notification and Assessment Scheme.

Consumer affairs

- Each state and territory has its own fair trading body responsible for enforcing the Australian Consumer law, public education about consumer rights and responsibilities, and the licensing and qualifications of certain trades.
- The Australian Competition and Consumer Commission (ACCC) is responsible for enforcing laws that promote competition, consumer protection and fair trading in Australia. One of its key roles is managing the consumer product safety provisions of consumer protection laws focusing on consumer goods. Where asbestos has been identified in consumer goods the ACCC contribute to monitoring, information sharing and facilitating a recall of the goods when necessary.

Building safety

- State, territory and local governments set safety rules for buildings in their jurisdictions including what materials buildings can be constructed from.
- Local governments also approve building applications and assess whether buildings meet these requirements.
- The Department of Industry, Innovation and Science (DIIS) develops policy on building and construction at the Commonwealth level and manages the Commonwealth's relationship with relevant standards and conformance organisations. DIIS represents the Commonwealth on the Australian Building Codes Board, which is responsible for the National Construction Code.

Emergency planning and response

- State and territory emergency service agencies have responsibility for emergency planning, preparedness and response. They work with communities to identify risks, prepare for natural disasters and build resilience well before an event is predicted.
- Asbestos can pose a risk during any natural disaster which damages buildings or infrastructure, for example fire, floods and storms. These agencies are responsible for minimising this risk as well as the emergency response if buildings or infrastructure that contains asbestos is damaged.

Border controls for asbestos

- Customs legislation prohibits the importation and exportation of asbestos into and out of Australia, which complements the domestic ban.
- The Department of Home Affairs (Home Affairs) administers the *Customs (Prohibited Imports) Regulations 1956* (the PI Regulations) and the *Customs (Prohibited Exports) Regulations 1958* (the PE Regulations).
- Home Affairs works closely with the Australian Border Force, which enforces the border control for asbestos in line with the PI/PE Regulations that prohibit unlawful movements of asbestos across the Australian border.

- The Department of Jobs and Small Business has policy responsibility for asbestos within the PI/PE regulations.
- The Commonwealth Department of Environment and Energy oversees compliance with the *Hazardous Waste (Regulation of Exports and Imports) Act 1989* and associated regulations to ensure that Australia meets its international obligations and national policy objectives for managing hazardous substances and wastes.

International engagement

- The Department of Foreign Affairs and Trade (DFAT) works with partner governments, aid donors and delivery partners to share knowledge and information on best practice associated with asbestos awareness, management and elimination across the Asia-Pacific region.
- DFAT has mandatory safeguards in place to ensure the Australian aid program assesses and manages potential adverse environmental and social impacts.
- DFAT also manages bilateral trade agreements.
- The Department of Environment and Energy administers Australia's obligations under the Rotterdam Convention, which specifies obligations on the import and export of certain hazardous chemicals.
- Australia has committed to international leadership on banning the use of asbestos worldwide and works with international stakeholders to promote the awareness and management of asbestos and associated risks. Commonwealth departments and agencies promote best practice in managing asbestos risks in their areas of responsibility in bilateral and multilateral discussions.

Planning and development laws

- Planning and development approvals are the responsibility of state and local government. These processes ensure communities have appropriate infrastructure and services. They also identify risks to the community and allow a process for managing these risks.
- Councils have an integral role in the regulation and day-to-day management of asbestos within their communities and are often the first point of government contact by residents when making decisions about asbestos in their environment. Local governments are primarily responsible for:
 - Building and development approvals
 - Local asbestos waste management and environmental protection
 - Managing asbestos in local public buildings
 - Work, health and safety of council workers, and
 - Educating the community about asbestos safety.

Cross portfolio coordination

A number of jurisdictions have established inter-agency working groups and developed specific plans to facilitate a coordinated approach for minimising the risks of asbestos exposure.

Examples include:

- Statewide Strategic Plan for the Safe Management of Asbestos in Queensland 2014-2019⁶
- New South Wales State-wide Asbestos Plan coordinated by the [Heads of Asbestos Coordination Authorities](#) (HACA)
- The Northern Territory Inter-Agency Asbestos Management Working Group was established to progress a collaborative, whole-of-government approach to improve asbestos awareness, management of Northern Territory Government assets and provide advice to the Northern Territory Government on asbestos issues
- The Asbestos Inter-Departmental Committee (Asbestos IDC) was established in 2016 to provide strategic direction and enable effective policy and regulatory coordination in managing asbestos issues across Commonwealth agencies.

There are also forums for coordination between governments to allow for collaboration and ensure consistent messages. For example:

- Australian Local Government Association
- Safe Work Australia
- Heads of Workplace Safety Authorities
- National Environmental Protection Council
- National Emergency Management Committee
- Building Ministers' Forum.

Non-government groups

Businesses, industry and other non-government groups also have an important role in preventing exposure to asbestos fibres in order to eliminate asbestos-related disease. They collaborate with each other and government organisations to share solutions and resources, raise awareness and influence the actions of workers, customers and the policies of governments. Key non-government groups are:

- Researchers and universities
- Asbestos disease advocacy and support groups
- Specialist advisors and training organisations
- Home owners and occupiers
- Unions and worker representatives
- Employer representatives
- Media
- Businesses, including peak and representative industry organisations.

⁶ <http://www.deir.qld.gov.au/asbestos/resources/pdfs/asbestos-statewideplan-safemanagement.pdf>

4. Current and future challenges

The objective of eliminating asbestos-related disease is a long-term challenge. There is a remaining legacy of asbestos-containing material in the built environment and as these materials continue to age, the likelihood of their deterioration and subsequent risk increases.

The Commonwealth Scientific and Industrial Research Organisation (CSIRO) identified the following megatrends that will impact on asbestos-related work over the next 10-20 years:⁷

- Globalisation and fragmented supply chains can make it difficult to determine if imported products contain asbestos
- More frequent and severe weather events increase the risk of destroying the built environment and releasing asbestos fibres
- The promotion of recycling, including demolition waste, increases the risk of asbestos exposure if products are not properly decontaminated
- The popularity of DIY renovation and a changing workforce may increase asbestos exposure because renovators and workers in the gig economy are generally untrained to assess and handle asbestos risk
- New technologies that detect hazardous materials can radically improve awareness of exposure risk, while automation can be used to reduce risk
- Urbanisation and the large scale redevelopment of older suburbs creates a higher demand for asbestos removal and disposal.

The stock of asbestos is ageing and the waste stream is growing. Greater awareness and demand for asbestos removal places more pressure on licensed asbestos removalists and facilities for waste disposal. The Victorian Asbestos Eradication Agency (VAEA) noted that “asbestos in existing houses is getting older and deteriorating, so while we had a period where removal wasn’t as much of a priority this could change. Public awareness is increasing so pressure to remove and have the right information is also going to increase.”⁸

The Australian Council of Trade Unions (ACTU) identified awareness and removal of asbestos in the residential sector as a key challenge, stating there is a need to provide incentives to property owners to enable and encourage safe removal and disposal of asbestos. The ACTU proposed removing asbestos waste levies and making all asbestos removal activities fully tax deductible, as is already available for commercial and investment properties.

Local Government NSW highlighted the following issues in their submission:

- Natural disasters, requiring effective emergency management to avoid residents and emergency services workers being exposed to asbestos
- Increasing urban density, changes in land use and releasing new land for development requires consideration of asbestos as a waste management issue. All current and future

⁷ Quezada G, Devaraj D, McLaughlin J and Hanson R. (2018) *Asbestos Safety Futures: Managing risks and embracing opportunities for Australia’s asbestos legacy in the digital age*. CSIRO, Canberra.

⁸ Discussion with Simone Stevenson, Victorian Asbestos Eradication Agency CEO, 6 December 2018

planning strategies should include how asbestos will be identified, removed and disposed of safely

- The need for data sharing amongst agencies to enable effective compliance and enforcement in relation to unsafe or illegal removal and disposal
- The need for a better national approach to training workers who may be exposed to asbestos.

Unions NT noted that asbestos exposure is a significant concern in the NT, where the condition of housing in many remote communities is poor and the awareness of asbestos risk is low, which is compounded by the fact that the Northern Territory Aboriginal population speaks over 100 different dialects.

The ACTU submission also highlighted particular asbestos challenges in remote, rural and regional areas and that this ought to be a priority area of the NSP.

WorkSafe Tasmania commented that “A big challenge is still the issue of people not taking asbestos seriously and ‘it’s not going to happen to me’ syndrome. Or it’s too expensive to deal with so just ignore it. We need to shift human behaviour and make the risk very real for people.”⁹

Key challenges identified by the Chair of the Council involve assessing the extent of asbestos still in the built environment and encouraging jurisdictions to be more proactive in managing asbestos risks.¹⁰

The ACCC submits that as more consumers turn to online shopping, it is likely that asbestos will continue to be found in consumer goods. The ACCC considers that ongoing advocacy to improve the consistency in the regulation and description of goods containing asbestos is needed.

This review notes that a number of future challenges include those that are present today: dealing with ageing buildings and infrastructure, the ongoing risk of illegal imports, general community awareness about the risks of exposure and the high cost of asbestos removal and disposal.

Measuring Australia’s success in achieving the stated goal of eliminating asbestos related disease is an additional challenge. This is reflected in the Agency’s 2016-17 Progress Report which acknowledges that “there is an increasing trend in work being delivered but it is difficult to demonstrate the impact.”¹¹ The Progress Report notes the importance of fostering greater collaboration and sharing information about asbestos risks and practical solutions to improve asbestos awareness, encourage safe behaviours and reduce high risk asbestos in the built environment.

A range of factors will help shape the future of asbestos-related work. As noted by the CSIRO, these include:

- the extent to which there are technologies to address asbestos exposure risk

⁹ Discussion with Robyn Pearce, WorkSafe Tasmania, 6 December 2018

¹⁰ Discussion with Dianne Smith-Gander, ASEA Council Chair, 7 December 2018

¹¹ National Strategic Plan for Asbestos Management and Awareness 2016-17 Progress Report, p.8

- the extent to which governments, industry and the general public are aware of the threat of asbestos exposure and proactively manage the risks.

The CSIRO report identified the following three action areas to help prepare the workforce and mitigate exposure risks:

- Develop data infrastructure to allow effective assessment and management of exposure risk
- Track asbestos-related technology innovation with proper vetting of, and training in, new and emerging hazmat technologies
- Monitor the labour market balance between supply of workers and demand for asbestos-related work.

5. Stakeholder views of the Agency's performance

Stakeholder comments and submissions indicate that the Agency is well regarded and there is unanimous agreement that the Agency has an important ongoing role in coordinating asbestos safety activities across Australia. For example, according to WorkSafe Victoria:

“Individual jurisdictions, agencies or departments whilst engaged on asbestos issues nationally, have limited capacity to drive coordinated national action on all aspects of asbestos management and awareness. ASEA has a unique role as a central agency to influence outcomes through the NSP on multiple asbestos issues including workplace health and safety, environment and public health and engage with the community at a national level. This function is not duplicated in the work of other organisations.”

A member of the Council, Carolyn Davis, believes that:

“ASEA represents an opportunity to show what can be achieved when working in a tripartite environment and where collaboration across agencies can lead to the best outcome. Australia is already seen as a successful model and international leader in this area.”

This view is shared by unions and asbestos disease support groups, including the Asbestosis and Mesothelioma Association of Australia (AMAA):

“The efforts of ASEA are to be applauded and acknowledged as forging a fundamental shift in the management of asbestos related issues in Australia and abroad. The ASEA is heralded domestically as a beacon of hope and a symbol of our national commitment to addressing the legacy of asbestos, while also being feted internationally as world's best practice and a role model for other governments to follow.”

Strengths and key achievements

Many stakeholders noted that the Agency's greatest strength lies in its singular, national focus on asbestos and its ability to bring together diverse stakeholder groups to work collaboratively on asbestos issues, as well as assist specific industries and jurisdictions develop their own solutions.

The Agency's work in developing a Rapid Response Protocol in consultation with the HWSA Imported Materials with Asbestos Working Group is cited in many submissions as a successful example of collaboration and coordination.

The VAEA stated that the Agency has been valuable in enabling collaboration, increasing awareness on what others are doing and facilitating connections with other jurisdictions.

WorkSafe Tasmania added that, as a small jurisdiction, Tasmania benefits from the information and resources the Agency provides.

Local Government NSW considers that:

“The research and engagement conducted by ASEA has expanded the knowledge and quantification of asbestos related issues across Australia. ASEA has helped councils to identify opportunities to improve residential asbestos safety through building asbestos awareness in their communities and the provision of services to help with safe removal of

asbestos. Councils support the initiatives identified by ASEA however success of this will be dependent on councils receiving resourcing assistance from the state and federal governments.”

Other key strengths and achievements identified in submissions include:

- A single central agency that persons can be directed to for guidance and support. The agency can then facilitate additional engagement from other areas.
- International leadership and advocacy (e.g. the Agency’s role in the global campaign to secure a worldwide ban in asbestos trade and production)
- Nationally consistent messaging and approaches
- Research in new and important areas to inform policy and practice, such as the economic burden of asbestos disease and the impact of the asbestos legacy on indigenous communities
- Ability to minimise duplication
- Improving the state of knowledge and awareness of asbestos issues
- Sharing information and best practice case studies
- Bringing together stakeholders at the Agency’s annual conference
- The asbestos awareness survey.

Weaknesses and areas for improvement

Many submissions suggest that the Agency may have been able to achieve more with a wider legislative remit and increased resources.

The Australian Industry Group submits that, as a micro-agency, any staff changes can result in potential loss of knowledge and expertise and periods of time when work cannot be pursued as easily.

A number of stakeholders believe the Agency needs to be more influential in driving national action. There was a view that the Agency should have a stronger advocacy role and be able to lobby governments on asbestos issues, for example on non-conforming building products.

Local Government NSW commented that the Agency “seems to be very limited in its ability to act on the recommendations that arise from the research and engagement.”

The ACT Government stated that the Agency’s role has been too passive, in that it simply asks jurisdictions what they are doing on asbestos and then collates a report on these activities. Instead, the Agency should be more proactive by saying “the data tells us you’ve got this type of problem, let us work with you to address it.”¹²

This review notes that in order to be more proactive, the Agency would need access to data. The Agency currently has no specific data collection function under the Act and the NSP 2014-2018 did not include measurable targets. Stakeholders identified the Agency’s limited authority to

¹² Discussion with Michael Young, ACT Government, 3 December 2018

collect the data needed for measuring progress against the NSP, and for mapping and scoping asbestos risk, as a significant weakness.

For example, the Australian Chamber of Commerce and Industry (Australian Chamber) states that the lack of measurement and reporting on activities makes it difficult to identify what objectives have been met by what activities.

A number of stakeholders note that the choice of research commissioned by the Agency has not always resulted in practical and useful outcomes. The Agency is aware of this concern and is refining its process for selecting research projects through a new Research Roadmap 2019-2023.

The ACTU submission advocates for “a maintained focus on the residential built environment, which currently falls through legislative gaps, and on setting and achieving timeframes for the removal of asbestos from the built environment.”

Other suggestions for improvement are that the Agency should:

- apply more innovative and modern ways of reaching stakeholders
- increase the engagement of local government in relation to educating homeowners and DIY renovators
- ensure efforts to achieve consensus on matters do not impede its critical work.

Lack of awareness of Agency's role

Many stakeholders identified a general lack of awareness regarding the Agency's role in the broader community. The Master Builders Association (MBA) commented that most of its members had no or very little awareness of the Agency.

The Australian Chamber believes the Agency needs to improve visibility of its activities through greater engagement with industry stakeholders. According to the Australian Chamber, industry perceives the focus of the Agency as one that promotes asbestos removal at any cost rather than identifying the impacts or indirect consequences of doing so.

Local Government NSW notes the Agency remains largely unknown to most council staff and considers this may be an area for improvement.

Unions NT stated that the Agency is an unfamiliar agency in the Northern Territory. They would like the Agency to have a physical presence in the Northern Territory.

The ACT Government commented that the Agency needs to build a profile within workplaces and the broader community if it is to be the place where people turn to regarding asbestos-related issues.

Although WorkSafe Tasmania agrees there is a lack of awareness regarding the Agency's role in the broader community, it argues this is not a significant issue because the local regulator is generally the first point of contact and if people want more information on the bigger picture, then the Agency has a role.

Duplication

A number of submissions note that due to the nature of the Agency's activities, some duplication of other agencies' work is inevitable but this was not necessarily detrimental as long as potential duplication is recognised by the Agency and appropriately managed.

For example, the Australian Chamber highlights that the Agency's activities do have some cross-over with other agencies, particularly in relation to workplace safety and imports:

- WHS Regulators and Safe Work Australia produce guidance on asbestos safety and the safe management and removal of asbestos from the workplace
- Both the Agency and the Australian Border Force monitor illegal imports and provide advice to the Minister.

On the other hand, the Victorian Asbestos Eradication Agency submits that the Agency supplements rather than duplicates what other agencies are doing.

Stakeholders generally agree that the Agency should ensure where possible it does not duplicate the activities or functions of others but play a coordination role. Where the Agency identifies a gap, then it should identify how to fill the gap.

Conclusions and recommendations

It is clear that in its first five years of operation, the Agency has been successful in providing a strong national and international focus on asbestos issues by bringing together stakeholders, sharing information, encouraging collaboration and building knowledge and capability.

Although the Agency and what it does may not be well-known in the wider community, this review considers that the Agency does not need to increase its public profile in order to carry out its role effectively. Jurisdictions will continue to be, in most cases, the first point of contact for asbestos issues.

Duplication of other agencies' work has been minimal. This review agrees with stakeholder comments that potential duplication is not necessarily detrimental as long as it is recognised by the Agency and appropriately managed.

While substantial progress has been made under the 2014-2018 NSP, there is still a long way to go to deal with the remaining asbestos legacy and future challenges. Asbestos responsibilities necessarily remain spread across jurisdictions and various portfolios.

The NSP therefore continues to be an essential tool to guide activities in the jurisdictions. The Agency's role in driving collective actions under the NSP and supporting inter-jurisdictional and inter-agency collaboration is as relevant today as it was when the Agency was first established. For these reasons, and given the strong stakeholder support for the Agency, this review confirms that there is an ongoing need for a national coordinating body.

Recommendation 1: That the Australian Government continues supporting and legislating for the operation of a national coordinating body to prevent asbestos-related disease in Australia.

6. Clarifying the Agency's relationship with the National Strategic Plan

Under section 8 of the Act, the Agency has the following responsibilities in relation to the NSP:

- to encourage, coordinate, monitor and report on the implementation of the NSP
- to review, amend, publish and promote the NSP.

The Act is unclear about who is to implement the NSP apart from section 29 (1)(c) which, in setting out the Council's functions, states that it is to "monitor the implementation of the NSP by Commonwealth, State, Territory and local governments."

Section 8(3) requires the Agency to "act in accordance with the NSP and any annual operational plan" in performing its functions, which indicates the Agency needs to also implement the NSP.

Although the NSP sets out deliverables for each strategy, it does not allocate specific responsibility for them. Most of the deliverables appear to be designed for the Agency.

The NSP is taken to be a corporate plan for the purposes of the PGPA Act. The Portfolio Budget Statements include deliverables for the Agency that are aligned with the NSP.

The Agency reports its activities against the NSP deliverables in the Annual Progress Reports (see Table 2 in Attachment B) and measures its performance against the following criteria set out in the PBS and Annual Operational Plan:

- Increase public awareness about asbestos safety
- Effectively coordinate national issues that relate to the NSP and asbestos safety issues
- Identify targeted and practical initiatives to reduce the risks of asbestos-related disease in Australia.

The Agency's role in relation to the NSP

The functions in the Act, the performance criteria and the various statements regarding the Agency's role regarding the NSP are not consistent and have created confusion about whether the Agency is directly responsible for implementing the NSP deliverables or only responsible for coordinating, monitoring and reporting on implementation in jurisdictions.

This confusion is illustrated in the Local Government NSW submission which acknowledges that Commonwealth, state and territory governments are responsible for implementing priorities identified in the NSP, but then also states that "the NSP sets out the clear functions of the Agency, however there is no adequate funding or resourcing tied to implement the NSP which has limited its effectiveness."

Stakeholders also have different views about what the Agency's role should be in relation to the NSP. The Australian Chamber states that the Agency should continue to be a coordinating, monitoring and reporting body for implementation of the NSP and that the Act should clarify how the Agency should liaise with governments and other bodies about the implementation, review or amendment of the NSP.

WorkSafe Victoria submits the Agency's role and functions in relation to the NSP should be to extensively consult with all relevant stakeholders, organisations and agencies in the development of the plan, support stakeholders in implementation of the plan, monitor progress, review and amend the plan to meet new priorities/challenges, as well as lead reporting requirements.

The Department of Jobs and Small Business states:

“ASEA is responsible for developing the Plan and overseeing its implementation. Fundamentally, its role is one of strategic leadership. ASEA works across jurisdictions, coordinating and maintaining stakeholder momentum so that Australia's long-term goal of eliminating asbestos related disease in Australia is realised. All jurisdictions are responsible for implementing the actions set out under the Plan. ASEA's role is to drive and coordinate this implementation. ASEA should seek to influence, enable or facilitate the required action by the relevant jurisdiction.”

However, the Australian Manufacturing Workers' Union (AMWU) believes there is an urgent need to do more than coordination and liaison. Unions submit that the Agency should be the primary agency responsible for the development and implementation of the NSP. Unions want to see the Agency carry out its own projects and programs under the NSP, not just coordinate and monitor the work of other government agencies, and to pursue and assist in the implementation of the NSP across all jurisdictions. This view is supported by asbestos disease support groups.

The Asbestos Council of Victoria (ACV/GARDS) goes further to state that, given the Agency is now well-established, it should take over responsibility for asbestos issues that are currently dealt with by other agencies. ACV/GARDS suggests the Agency should:

- have a proactive role in developing asbestos management policy
- implement asbestos management policy
- have responsibility for prosecuting businesses or individuals who illegally import asbestos, and
- carry out its own research and programmes.

The Department of Jobs and Small Business contends that, while there are a range of areas where the Agency could direct its effort, a wider role may distract the Agency from performing its essential national leadership function.

Defining the NSP in the Act

Although section 5A(d) of the Act allows the NSP to deal with “any other relevant matters”, clause (c) prescribes in detail six priority areas that the NSP must address.

The majority of stakeholders agree that while some prescription is useful to guide development of the NSP, the legislation needs to provide sufficient flexibility to address emerging issues and new priorities.

The ACTU submits that section 5A(c) should refer to ‘strategic goals’ or ‘objectives’ rather than ‘priority areas’ and recommends detailed changes to the existing priority areas in section 5A of the Act, including the development of mandatory asbestos awareness training and the adoption of an ‘Asbestos Content Certificate’ for the residential sector.

Given that stakeholders will have different views about the specific issues that the NSP should address and that 'priority areas' may change over time, this review proposes that the legislation include only high level strategies to guide a national coordinated approach.

Specific issues such as those raised by the ACTU can then be considered and negotiated through the Agency's consultative process when the NSP is reviewed and updated.

Conclusions and recommendations

The significant task of eliminating asbestos-related disease cannot be undertaken by one agency alone. Successful implementation of the NSP requires ownership, commitment, clear accountability and resourcing by all governments.

This was clearly the intent of the Asbestos Management Review when it concluded that:

"cooperation between various players involved in asbestos management will be crucial to ensuring the success of the plan. Many parties will be involved in carrying out the activities that support the plan and utilising their skills and knowledge effectively will be an important aspect of its implementation."¹³

The NSP should be a plan for Australia, not the Agency. Each jurisdiction should develop their own plans aligned with the NSP actions and targets.

However, the Agency should be able to undertake activities that contribute to the outcomes of the NSP without doing things that are the responsibility of others. This can be achieved by amending the Act to include:

- broader objectives as recommended in Chapter 7 of this report
- additional stand-alone functions that are not directly linked to the NSP as recommended in Chapter 8 of this report. These enhanced functions will address the comments from unions and asbestos disease support groups that the Agency should be able to carry out its own projects under the NSP.

While the definition of the NSP should clearly describe what the NSP aims to do, it is important for the NSP to be treated as a 'living' document that remains relevant and achievable, where priorities and actions can be changed as needed without being restricted by the Act.

Taking into account future challenges, it is evident that the broad strategies to eliminate asbestos-related disease will continue to require:

- Identifying asbestos and preventing exposure risks, including through prioritised safe removal and effective waste management
- Improving awareness
- International collaboration and leadership.

¹³ Asbestos Management Review Report, June 2012, p.20

Recommendation 2: To clarify the operation of the NSP and allow flexibility in its content, the definition of the NSP in section 5A of the Act should be amended to mean the plan developed by the Agency that:

- a) aims to eliminate asbestos-related disease in Australia by preventing exposure to asbestos fibres
- b) represents the commitment of Commonwealth, state, territory and local governments to implement an agreed set of strategic actions and national targets focussing on:
 - identifying asbestos and preventing exposure risks, including through prioritised safe removal and effective waste management
 - improving awareness
 - facilitating international collaboration, and
 - any other relevant priorities.

7. Clarifying the Agency's role

How is the strategic role or purpose of the Agency currently defined?

Acts often include 'Objects' provisions which give readers a general understanding of the purpose of legislation or set out general aims or principles that help readers to interpret the detailed provisions of legislation.¹⁴ Section 2A of the Act states:

"The object of this Act is to establish the Asbestos Safety and Eradication Agency to administer the National Strategic Plan, which aims to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia."

In the Portfolio Budget Statements (PBS), the purpose of the Agency is to "facilitate the prevention of exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia. This is achieved through the National Strategic Plan for Asbestos Management and Awareness."¹⁵

Other documents also describe the Agency's role in various ways:

- Administers the NSP by coordinating the activities, research and consultation that is undertaken in line with the plan and asbestos issues nationally across public health, environment and work health and safety (2016-17 Annual Report, 2016-17 Progress Report)
- Supports the operation of the NSP by providing a national focus on asbestos issues that go beyond workplace safety to encompass environmental and public health issues (Operational Plan)
- Ensures asbestos issues receive the attention and focus needed to drive change across all levels of government (Agency website)
- Brings together key stakeholders through increased coordination, collaboration, consistency and consultation (Operational Plan)
- Works with all levels of government to assist in responding to the strategic risks of asbestos (Operational Plan)
- Works with all levels of government to implement the goals of the NSP (Pamphlet: *Towards an asbestos-free Australia*)
- Oversees coordination of the plan (NSP)
- Works with all levels of government and stakeholders to create a nationally consistent approach to asbestos management and awareness to reduce the risks of asbestos-related disease (PBS).

National coordination and consistency

All stakeholders agree that assisting governments and the community to deliver coordinated, effective and nationally consistent responses to asbestos issues is the Agency's key role.

The Australian Competition and Consumer Commission (ACCC) submits that, through fostering coordination between agencies, the timely transfer of information and giving access to expertise, the current system has been of significant assistance to the ACCC in dealing with consumer products containing asbestos.

¹⁴ Office of Parliamentary Counsel, *OPC's drafting services: A guide for clients*, Sixth edition, July 2016, p.32

¹⁵ ASEA Budget Statements 2018-18 and 2018-19

Local Government NSW notes:

“National co-ordination and leadership in asbestos safety and eradication is essential to improve outcomes. The Agency is an integral part of the solution and should be provided greater support both in terms of resourcing and authority in the future.”

In relation to national consistency, the Asbestos Management Review concluded that:¹⁶

“Current policies and procedures for the handling, removal, transport, storage and disposal of asbestos vary considerably between and within jurisdictions. In order to deal with the nation’s asbestos legacy with the urgency and best available approaches that it deserves, there is a pressing need for the establishment of a nationally consistent regime for the safe management of asbestos.”

Submissions to this review agree that advancing a nationally consistent approach to dealing with asbestos risks is an important role for the Agency. Local Government NSW notes:

“To date there have been efforts to harmonise work health and safety laws which has improved consistency in the workplace, however a consistent approach is lacking across the other important areas of environment, public health, emergency management, planning and development.”

Conclusions and recommendations

The Agency’s role is not to take over the functions that rightly sit with state and territory governments, but to drive and coordinate strategic national effort. The Agency should support and add value to these functions, making them more effective and efficient. This also recognises the significant expertise and resources which exist at the state and territory level, as well as federal division of powers and legislative responsibility.

This review identified inconsistencies in how the overarching role of the Agency is described. There is benefit in amending the ‘Objects’ provision in the Act to clarify and strengthen the Agency’s purpose and to provide guidance on how it is to perform its functions.

Recommendation 3: That the objects clause in section 2A of the Act be amended to clarify that the Agency is established to lead coordinated national action to eliminate asbestos-related disease in Australia by:

- a) fostering collaboration between all parties involved in the regulation and management of asbestos
- b) supporting and monitoring the implementation of the NSP by Commonwealth, state, territory and local governments
- c) promoting national consistency in relation to asbestos safety
- d) improving the state of knowledge and awareness of asbestos issues.

¹⁶ Asbestos Management Review Report, June 2012, p.20

8. Enhancing the Agency's functions

Legislation establishing a statutory Commonwealth entity needs to specify the powers and functions of the body, its level of independence and its accountability to the Parliament. Without clear legislative functions there is a risk that the entity:

- could act beyond its remit and undertake activities unlawfully or
- becomes constrained and cannot undertake the activities that it is expected to do.

As described in Chapter 7 of this report, national coordination of asbestos activities is a primary role of the Agency. For this to occur effectively and proactively, the Agency must be able to:

- Engage with stakeholders and bring them together so that they work collectively to achieve a common goal
- Monitor and evaluate activities to identify gaps, duplication or inconsistencies
- Provide the evidence base to support the actions under the NSP
- Develop key messages which can be adopted by jurisdictions, helping to reduce duplication and improve national consistency
- Facilitate sharing of information and expertise, including promoting best practice.

In turn, national coordination requires stakeholder cooperation with the Agency to achieve the common goals.

The Agency has been instrumental in establishing coordination mechanisms such as committees and working groups. However, the Department of Jobs and Small Business notes that while the Agency performs a valuable role in bringing together key parties to initiate coordinated action, it would be easy for coordination functions, such as a secretariat role, to subsume the resources of the Agency. It considers that, where possible, the Agency should seek to support the establishment of appropriate coordination mechanisms, rather than taking on an ongoing coordination role. This will help to ensure that the Agency has capacity to maintain a strategic focus on priority and emerging issues.

Functions relating to the National Strategic Plan

As discussed in Chapter 6 of this report, all jurisdictions are responsible for implementing the NSP. The Agency's role is to influence and facilitate the required actions by jurisdictions.

The Agency currently monitors and reports on the implementation of the NSP through annual Progress Reports. They outline work that has been reported by state, territory and Australian Government agencies against the six strategies of the NSP. Given the lack of performance metrics in the NSP 2014-2018, the Agency's progress assessment is based on counting the number of activities.

Under the draft NSP 2019-2023, the Agency proposes to help guide jurisdictional implementation by developing supporting national action plans outlining what needs to be done, who needs to do it and when it needs to be done.

The draft NSP 2019-2023 also includes a set of national targets to measure progress over the next five years. These are positive improvements to the NSP which will strengthen accountability and help the Agency evaluate performance more effectively, as opposed to merely collating information

provided by jurisdictions. Where gaps are identified, the Agency should recommend solutions to address them.

Evaluation of the NSP's outcomes is a key way in which the Agency can identify gaps and drive effective action. Evaluation of the impact of activities across jurisdictions will also help to identify best practice and support the most appropriate and efficient programs and policies.

This does not preclude jurisdictions undertaking their own monitoring and evaluation of their activities and reporting the outcomes to the Agency.

The functions of the Agency relating to the NSP should therefore continue to involve:

- Coordinating, monitoring, evaluating and reporting on the implementation of the NSP
- Reviewing, amending, publishing and promoting the NSP.

Research

Although the Agency has completed 31 research projects since 2013, many stakeholders voiced concerns about the ad hoc nature of the Agency's research agenda and the failure to translate findings into practical outcomes.

While the VAEA found some of the Agency's research valuable in relation to its large scale removal program, the MBA stated that more consultation with industry about research priorities is needed to ensure research is relevant and useful for the average person who may be exposed to asbestos.

Stakeholders suggested that the Agency's research function could be improved by:

- Facilitating collaborations between researchers
- Establishing and maintaining a register of asbestos-related research, including international research
- Improving communication of research outcomes

The Agency notes that the research completed between 2013 and 2018 has largely been exploratory in nature and laid the foundation for the NSP 2019-2023. It has determined the strategic direction for future research. The Agency is developing a new Research Roadmap in consultation with stakeholders to maximise its research investment in terms of its influence and impact on the Australian community.

This review concludes that the Agency's research function remains essential. Conducting research, as well as collecting and analysing data, is necessary for:

- supporting the implementation and evaluation of the NSP
- building the body of knowledge on asbestos
- evidence based policies and decision making.

The Agency should continue to conduct or commission and publish its own research, monitor asbestos-related research conducted by other bodies and promote research findings. The proposed Research Roadmap can be used to address stakeholders concerns about the Agency's research agenda.

Data collection and analysis

The Asbestos Management Review anticipated the Agency would have a data collection function when it proposed that the new national agency should collect data from jurisdictions to maintain a national database of asbestos locations.

The Agency currently maintains the National Asbestos Exposure Register. The Agency also collects and reports on asbestos removal notification data submitted by WHS regulators and asbestos waste disposal data provided by environmental protection authorities. The VAEA notes the Agency is well placed to analyse this information and provide a national picture of illegal disposal by comparing the volume of material being removed to what is legitimately disposed.

Some submissions suggested the Agency should have responsibility for the Australian Mesothelioma Register which is currently managed by the Australian Institute of Health and Welfare.

There is no single source of data that can accurately measure progress towards achieving the NSP's aim of eliminating asbestos-related disease in Australia. The draft NSP 2019-2023 includes a set of eight national targets to measure progress over the next five years. Therefore, the Agency needs a mandate to collect, analyse and report on performance under the NSP 2019-2023. A data collection function must be underpinned by a clear understanding of what data is collected, why it is needed and how it will be used once it is collected.

Raising Awareness

Although the Act does not include an awareness raising function, the Agency raises awareness by sharing research, best practice approaches and publishing guidance on preventing asbestos exposure on its website. The Agency is considering the potential development of a national asbestos awareness campaign.

Stakeholders support the Agency having the legislative power to develop national awareness strategies and materials. This would help deliver a coordinated and consistent message and minimise duplication.

Most stakeholders agree that national awareness campaigns must be strategically targeted at high risk groups identified through the research, with home renovators being a priority.

The Asbestos Disease Support Society commented that the Agency should take a lead role in advocating for publicly funded national asbestos awareness training for workers (including apprentices) who are likely to encounter asbestos due to the nature of their work.

All levels of government have responsibilities in relation to asbestos awareness. Raising public awareness of asbestos risks is essential for changing attitudes and behaviours. Stakeholders unanimously agree that the Agency also has an important role in contributing to this outcome. Therefore, this review recommends that a new function be included in the Act in relation to raising awareness of asbestos safety.

Information sharing

A number of stakeholders indicated that information on asbestos is found in many places, which can be confusing, and that the Agency should be the 'single source of truth'.

The *Senate Economics References Committee Interim Report: protecting Australians from the threat of asbestos* recommended that the Agency develop a one-stop-shop website to provide a single point for participants across the supply chain to access information regarding the illegal importation of asbestos.¹⁷

The ACTU agreed with the concept of a 'one-stop shop', and suggested the Agency be the primary agency responsible for the provision of specialist advice and expertise on asbestos management across all portfolios and jurisdictions.

An alternative view put forward in submissions was that the role of being the trusted and authoritative source of information better lies with jurisdictions rather than a national body. In this respect, the Agency supplements the jurisdictions by acting as a national point of referral for asbestos-related inquiries. This aligns with the Agency's current activities – in November 2018 it introduced a national asbestos safety hotline directing inquiries to the appropriate authority in each state and territory.

This review considers it unrealistic to expect the Agency to have the depth of expertise that would be required to provide specialist advice on asbestos across all portfolios and jurisdictions. Instead the Agency should act as an intermediary providing links and directing persons to the appropriate areas.

However, the sharing of knowledge and information on asbestos risks and how to deal with them is essential in building government and industry capacity. As a point of connection between the various jurisdictions and policy areas, the Agency should facilitate discussion and information sharing so that stakeholders can learn from each other, coordinate activities and adopt best practice approaches. The Agency's statutory functions should therefore include an ability to share information and expertise.

Improving national consistency

The Asbestos Management Review recommended that the NSP provide for the development of nationally consistent asbestos management laws, policies and procedures and that this would complement the work that has been done with asbestos regulations and codes for workplaces under the model WHS laws.¹⁸

The ACTU recommends the Agency develop and promote best practice model asbestos regulation, policy and practice across all portfolios and jurisdictions. This review notes that this would require significant additional resources and expertise.

The Asbestos Disease Support Society commented that they would like to see the Agency advocate for the removal of the 10 square metre rule from work health and safety laws which allows workers or home owners to remove up to 10 square metre of bonded asbestos without being licensed.

Promoting national consistency in messages, policies and practices has been a focus of the Agency's activities. For example, in 2018 the Agency identified a need for a nationally consistent approach to

¹⁷ https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Non-conforming45th/Interim_report_asbestos

¹⁸ Asbestos Management Review Report, June 2012, Chapter 4

managing asbestos cement water mains after examining six cases of rehabilitating water and sewerage pipes containing asbestos.¹⁹

Given that the Agency has an overview of all asbestos policy areas across all jurisdictions, it is in the unique position of being able to compare asbestos-related legal frameworks and identify inconsistencies. This work could be used to promote harmonisation where this will be of benefit.

This review supports including a new function in the Act to enable the Agency to promote national consistency.

Stakeholder engagement and support

To ensure effective coordination of asbestos activities and stakeholder support for the NSP, the Agency needs to establish strong consultative mechanisms and good working relationships with all parties involved in asbestos issues.

Asbestos disease support groups and local government indicated they would benefit from more resources and assistance to implement the NSP.

The AMAA advocated for the establishment of a grants program for the Agency to support the work of stakeholders in working with sufferers of asbestos related diseases and/or eradication and awareness programs.

This review recommends replacing the current function that only requires the Agency to “liaise” with Commonwealth, State, Territory, local and other governments, agencies or bodies with a broader function enabling deeper engagement and cooperation on projects. For example, the Agency could establish partnerships with government and non-government bodies to trial new approaches and support specific initiatives by allocating internal resources to them.

The function should therefore allow the Agency to “collaborate” rather than simply liaise with governments, as well as other national and international bodies.

International role

In recommending the establishment of the Agency, the Asbestos Management Review also recommended the Australian Government continue to play a leadership role in international efforts to ban the production and trade of asbestos and more effectively prevent its illegal entry into Australia.

Asbestos-containing products continue to find their way into Australia, as highlighted recently by battery-operated bee smokers imported from China that contain asbestos in the insulating board in the handle of the device.²⁰

A number of Australian Government agencies advocate internationally to pursue Australia’s interests in relation to asbestos:

- Home Affairs and the Australian Border Force engage on import issues

¹⁹ <https://www.asbestossafety.gov.au/news/media-release-national-consistent-approach-needed-managing-australias-legacy-asbestos-water>

²⁰ <http://www.deir.qld.gov.au/asbestos/publications/safety-alert/asbestos-in-battery-operated-bee-smokers.htm>

- the Department of Environment and Energy leads action in relation to dangerous chemicals under the Rotterdam and Basel Conventions, and the movement of hazardous waste
- the Department of Jobs and Small Business leads engagement on industrial relations and work health and safety, and also has a whole of government role in relation to the policy and regulatory framework for asbestos, and
- DFAT engages on trade related issues and international development.

Union Aid Abroad – APHEDA notes that, by promoting evidence based and best practice approaches, the Agency has significantly contributed to progressing asbestos bans in Asia, particularly Cambodia, Laos and Vietnam.

The Australian Chamber strongly supports the Agency continuing to work with the Global Alliance against Asbestos and other likeminded groups in Europe, Asia and the sub-continent to lobby delegate nations to support the listing of chrysotile asbestos on Annex III at the next Conference of Parties to the Rotterdam Convention meeting in 2019.

The ACTU also supports the Agency’s role and functions specifically including a leadership role in a global campaign to ban the production and trade of asbestos and asbestos containing products.

The Department of Jobs and Small Business notes that:

“It is important that Australian Government policy departments continue to lead international engagement on policy issues for which they have responsibility, with whole of government coordination driven by the Department of Foreign Affairs and Trade. As an independent statutory agency, it would not be appropriate for ASEA to lead international engagement on behalf of the Australian Government on policy related matters.”

Consistent with conclusions that the Agency should not undertake activities that are the responsibility of other government entities, this review agrees that it would not be appropriate for the Agency to represent the Australian Government on asbestos policy matters. Instead, the Agency should encourage international engagement by Commonwealth departments where it identifies gaps in implementing the NSP.

However, the Agency is well placed to share Australia’s experiences with asbestos internationally, as well as research findings and best practice information. The Agency should continue to:

- provide support, information, research and advice to South East Asian and Pacific nations to work towards asbestos bans and improve the management of asbestos risks
- support the Department of Environment and Energy on preparations for the 2019 Rotterdam Convention to list chrysotile in Annex III to the Convention
- collaborate with international bodies on asbestos research.

Advising Ministers

The Agency’s current functions include providing advice on asbestos safety to the Commonwealth Minister, if requested to do so by the Minister.

The Agency currently provides advice to the Commonwealth Minister on applications to import or export asbestos under the PI/PE Regulations. Importing or exporting goods containing asbestos into or out of Australia is prohibited except under very limited circumstances requiring Ministerial approval. Applications for permission are currently lodged with and assessed by the Agency. This

role should continue, as the Agency is well placed to process such applications within established government policies due to its asbestos expertise, public facing role, and strong cross-jurisdictional relationships.

Conclusions and recommendations

The Agency's functions need to empower it to undertake its national coordination role, support the implementation of the NSP and measure progress on preventing exposure to asbestos fibres.

As discussed in Chapter 6 of this report, there is a need to address the confusion about the Agency's role in relation to implementing the NSP and to create separate Agency functions that are not tied to the national actions under the NSP.

This will allow the Agency to undertake activities that contribute to the outcomes of the NSP and may address the comments from unions and asbestos disease support groups that the Agency should be able to carry out its own projects under the NSP.

As well as retaining current functions relating to the NSP and research, this review recommends additional functions associated with data collection, awareness raising, national consistency, information sharing and collaboration.

Section 8(1)(g) of the Act provides for other functions to be conferred on the Agency by legislative instrument. Given that changed circumstances may require additional functions to be undertaken by the Agency, this provision should remain to allow this flexibility.

Section 8(3) of the Act states that the Agency must act in accordance with the NSP and any annual operational plan in performing its functions. Consistent with this review's recommendations to clarify that the Agency is not responsible for implementing the NSP, reference to the NSP should be removed from this section. The Agency should continue to act in accordance with its annual operational plan, noting section 42(3) requires that the annual operational plan not be inconsistent with the NSP.

Recommendation 4: That the Act be amended to reflect that the Agency's functions are to:

- coordinate, monitor, evaluate and report on the implementation of the NSP
- review, amend, publish and promote the NSP
- conduct or commission, monitor and promote research
- collect and analyse data required for measuring progress on preventing exposure to asbestos fibres and informing evidence-based policies and strategies
- develop and promote national strategies to raise awareness of asbestos safety
- promote consistent messages, policies and practices in relation to asbestos safety
- collaborate with governments and other national and international bodies; and share asbestos safety information and expertise
- provide advice to the Minister on asbestos safety
- undertake such other functions as are conferred on the Agency by legislative instrument.

In performing its functions, the Agency should act in accordance with its annual operational plan.

9. Other issues raised during the Review

Independence

Stakeholders provided views on whether the Agency should remain an independent statutory authority or whether the functions could be undertaken within a Commonwealth government department. The majority of stakeholders preferred statutory independence, providing a range of reasons:

- there is a benefit in being protected from political interference
- helps international representation as the Agency is not part of a particular government agenda
- helps maintain a specific focus on asbestos – if this work was undertaken within a large government department the focus may not be as strong
- helps the Agency provide an independent evaluation of Australia's asbestos safety performance
- the Agency can be more influential with governments.

Stakeholders who supported locating the Agency's functions within a department highlighted the disadvantages of micro-agencies in that corporate overheads can be comparatively large and if internal expertise is lost, then the work of the Agency can slow down.

An alternative model that was suggested is an independent commissioner such as the Federal Safety Commissioner. Another view was that cross-agency and department collaboration would be enhanced by locating the Agency in a central department such as Prime Minister and Cabinet.

The Council and stakeholder representation

The Council is an advisory body, not a decision-making body. A number of stakeholders, including the Chair of the Council, noted there may be benefit in providing more authority to the Council, for example in approving documents and providing strategic direction.

Submissions from unions, employer representatives, local government and asbestos disease support groups all raised concerns about the lack of respective representation on the current Council. The membership of the current Council is at Appendix C.

For example, the Australian Chamber notes the Council only has one industry representative. The Australian Chamber is not represented on the Council, although it is a member of the Building, Construction and Demolition Sectors Committee and the Communications Reference Group. The Australian Chamber seeks further improvement to industry engagement and consultation.

Local Government NSW suggests that, to improve the ability for councils and the Agency to work together, a local government committee should be established to advise the Agency and the Council on matters concerning local government.

Asbestos disease support and advocacy groups would like to see their organisations have membership status, rather than only being an observer.

The ACTU considers there are risks to the independence and expertise of the Council and argues for the following changes:

- the member representing the interests of workers in Australia should be nominated by the ACTU (s 31(d), 32(4) and 32(6))
- there should be legislative provision for guaranteed representation of asbestos disease support and advocacy groups on the Council, additional to the two ‘other members’ appointed under s 31(f)
- eligibility for appointment as a Council member under s 31(a) or (f) should require knowledge or expertise in at least one of s 32(3)(a) to (d)
- technical expertise and support to the Council from an appointed advisory committee consisting of appropriate community representatives and professionals should be mandated in the Act.

Some stakeholders have also suggested revising the membership of the Council, or alternatively establishing an advisory committee, to include representatives of each state and territory government and the Commonwealth, similar to the membership of Safe Work Australia. It is believed that this could make it easier for the Council to function and achieve a stronger commitment in the Agency’s work and the implementation of the NSP. Stakeholders agree that these representatives should have sufficient authority to make decisions and to report back to governments.

Agency name

Given the importance of an organisation’s name in defining its role, the Discussion Paper for this review sought feedback on the title of the Agency.

The Asbestos Management Review Report proposed that the new agency be called the *Australian Asbestos Awareness and Management Agency*. However, the Agency is named the Asbestos Safety and Eradication Agency.

The term ‘asbestos safety’ is defined in the Act as including matters related to asbestos awareness, education and information sharing, and the identification, management, removal, transportation, storage or disposal of asbestos in Australia or internationally. The term ‘eradication’ is not defined in the Act and not used in any other context other than the name of the Agency and Council.

The appropriateness of the name was also an issue of debate during the Senate Committee on Education, Employment and Workplace Relations Inquiry into the provisions of the *Asbestos Safety and Eradication Agency Bill 2013*. The Committee acknowledged the concerns of some submitters that the Agency’s name focuses too much on eradication but concluded that ultimately it is the content of the NSP, rather than the name of the Agency, that determines the emphasis placed on eradication.²¹

Concerns that the use of “eradication” in the Agency’s title is somewhat misleading and may create unrealistic expectations were raised again during this review. In reality, it is not possible to fully

²¹ Commonwealth Senate Standing Committee on Education, Employment and Workplace Relations, [Asbestos Safety and Eradication Agency Bill 2013 \[Provisions\]](#), May 2013, p.9

eradicate asbestos. Even if all asbestos was to be removed from the built environment, there will continue to be a need for Australia to manage the ongoing legacy of asbestos that remains in waste sites across the country.

There is an argument that the term relates to the ‘eradication’ of asbestos-related disease and not to the eradication of asbestos itself. However, the Act and Agency documents refer instead to the ‘elimination’ of asbestos-related disease.

There is some support for a more appropriate title such as that recommended by the Asbestos Management Review. Other names such as “National Asbestos Planning Agency” or “Asbestos Coordination Agency” were suggested.

However, there is concern that changing the name of the Agency may be seen as lowering the expectations placed on the Agency. The majority of submissions support retaining the name of the Agency, stating that:

- the current name accurately conveys the role and purpose of the agency
- the Agency has developed a public profile and a change to the name would mean the work done on developing this profile would be lost.
- the term “eradication” promotes the aspirational aim of removing all asbestos from the built environment.

Given these views, it may be more pragmatic to maintain the current name.

Agency resourcing

A number of submissions raised concerns that the Agency is inadequately resourced to properly undertake its functions.

The Government provided the Agency with additional ongoing funding of \$1.7 million per annum, commencing in 2018–19, in the 2017 Mid-Year Economic and Fiscal Outlook. This more than doubled the Agency’s base level of funding from \$1.6 million to \$3.3 million per annum.

Some stakeholders proposed strengthening the NSP so that signatories commit to measurable outcomes – using an agreement similar to an Inter-Governmental Agreement or Charter. The signatories could also provide joint funding to maintain the Agency’s role, like the arrangement in place for Safe Work Australia, thereby reinforcing commitment from each Commonwealth, and state and territory government.

The ACTU proposes the establishment of an asbestos eradication fund that is levied on all construction materials so that functions in respect of asbestos removal in particular are adequately resourced.

Conclusions and recommendations

This review considers that the additional matters raised by stakeholders, particularly in relation to the membership of the Council and the Agency’s funding, are essential considerations in the effective operation of the Agency.

Given the stakeholder comments on these issues, this review recommends that:

- the Agency continues operating as an independent statutory agency
- the Australian Government review the membership and role of the Council taking into account the stakeholder comments provided in this review
- the Agency continue to be named the Asbestos Safety and Eradication Agency
- the Agency be adequately funded to undertake its revised functions.

Appendix A: List of stakeholders consulted

Consultations

Stakeholder consultations took place primarily via teleconference in December 2018. These consultations were attended by:

- ACT Government
- Asbestos Disease Support Society
- Asbestos Safety and Eradication Agency CEO – Justine Ross
- Asbestos Safety and Eradication Council Chair - Diane Smith-Gander
- Asbestos Safety and Eradication Council Member - Carolyn Davis
- Local Government Association
- Master Builders Association
- Safe Work Australia
- Victorian Asbestos Eradication Agency
- Worksafe Tasmania

Submissions

Written submissions were received from:

- Asbestos Council of Victoria
- Asbestos Disease Support Society
- Asbestos and Mesothelioma Association of Australia
- Australian Chamber of Commerce and Industry
- Australian Competition and Consumer Commission
- Australian Council of Trade Unions
- Australian Industry Group
- Australian Manufacturing Workers Union
- Department of Jobs and Small Business
- Carolyn Davis
- Electrical Trades Union
- Local Government NSW
- Union Aid Abroad – APHEDA
- Unions NT
- Victoria Trades Hall Council
- Worksafe Victoria

Appendix B: The Agency's key activities

Table 1: Activities listed against statutory functions

Functions	Agency activities
To encourage, coordinate, monitor and report on the implementation of the National Strategic Plan	<ul style="list-style-type: none"> • National asbestos awareness survey • Monitors illegal imports, dumping events, asbestos waste disposal facilities database • Development and review of Rapid Response Protocol • National Asbestos Exposure Register – analyse trends in potential asbestos exposure • Quarterly reporting to the Minister and Asbestos Safety and Eradication Council • Annual Progress Reports.
To review and amend the National Strategic Plan as required by the National Strategic Plan or at the request of the Minister	Review completed and developing next phase of the NSP in 2018-2019
To publish and promote the National Strategic Plan	Annual Conference, events and website
To provide advice to the Minister about asbestos safety, if requested to do so by the Minister	Advice on permits to import asbestos as per the <i>Customs (Prohibited Imports) Regulations</i>
To liaise with Commonwealth, State, Territory, local and other governments, agencies or bodies about: <ul style="list-style-type: none"> • the implementation, review or amendment of the National Strategic Plan or • asbestos safety. 	<ul style="list-style-type: none"> • Secretariat and other assistance to the Asbestos Support Group Network • Secretariat for the HWSA Imported Materials with Asbestos Working Group • Annual Conference • International engagement and leadership in assisting other countries with their National Asbestos Profiles and roadmaps towards national bans • Consultation through the following committees: <ul style="list-style-type: none"> ○ Building, Construction and Demolition Sectors Committee ○ Technical Research Advisory Committee ○ Asbestos Waste Working Group ○ Asbestos Communications Working Group.
To commission, monitor and promote research about asbestos safety	<p>Research reports completed on:</p> <ul style="list-style-type: none"> • Priority areas where ACMs may present a risk in the Australian community • Role of local governments in improving residential asbestos safety • Effectiveness of asbestos awareness training for high school students considering employment in the building and construction industry. • Australia's first National Asbestos Profile • The economic burden of asbestos-related diseases • Review of asbestos management in disaster planning

Functions	Agency activities
	<ul style="list-style-type: none"> • Case studies of asbestos water pipe management practices • Barriers, motivations and options for increasing asbestos removal in residential and commercial buildings • Australian stocks and flows model for asbestos • Review of asbestos stabilisation and containment practices • Understanding asbestos support services • Asbestos in Remote Australian Communities • Case studies on significant asbestos removal, land contamination • A review of the practice and use of asbestos registers • Future projections of the burden of mesothelioma • Illegal asbestos dumping: review of issues and initiatives • Attitudes to residential asbestos assessments • Measurement of asbestos fibre release during DIY scenarios • Analysis of DIY behaviours relating to asbestos exposure • Asbestos waste in Australia • Best Practice case studies.

Table 2: Activities listed against NSP goals and deliverables as reported in Annual Progress Reports

NSP goals and deliverables	ASEA activities
<p>Increase public awareness of the health risks posed by working with or being exposed to asbestos.</p> <ul style="list-style-type: none"> • Review of awareness raising information, programs and campaigns in Australia and internationally to identify gaps and improve awareness in the Australian community of the risks of asbestos in the built environment. • Develop a “one-stop-shop” of information on asbestos-related issues, integrating information, and providing referral points for members of the public. • Develop practical, evidence-based asbestos safety awareness material for people likely to come into contact with ACMs in a residential setting. 	<ul style="list-style-type: none"> • Review of asbestos communication campaigns and resources • National website: national online resource portal that supports greater awareness across all portfolios and promotes state and territory asbestos portals • Asbestos Safety hotline • Developed FAQs on the safe removal of less than 10m² of non-friable asbestos • Dissemination of awareness campaign resources.

NSP goals and deliverables	ASEA activities
<p>Identify and share best practice in asbestos management, education, transport, storage and disposal.</p> <ul style="list-style-type: none"> • Identify opportunities to share best practice for initiatives related to the safe management of asbestos such as licensing, education, training and home renovations where ACMs may be present • Identify industry needs and gaps in awareness and training for workers who may come into contact with ACMs — such as tradespeople — and develop model training options for industry adoption • Review disaster planning practices and information regarding the risks of exposure to asbestos to assist in times of emergencies and natural disasters • Identify and promote best practice transport, storage and disposal practices, including support for: <ul style="list-style-type: none"> ○ initiatives to encourage safe storage and disposal at licensed facilities ○ initiatives for the reporting of illegal disposal sites. 	<ul style="list-style-type: none"> • Online videos: development and promotion of case studies that identify best practice opportunities in asbestos training, management and removal to targeted audiences • Guidance for key industries where asbestos containing material is common (plumbers, electricians, maintenance workers) • Developed model awareness training for utilities sector • Review disaster planning and practice to prevent exposure to asbestos fibres: Evidence based recommendations • Asbestos storage, transport and disposal best practice: comparative study of standards and practice across jurisdictions.
<p>Improve the identification and grading of asbestos and sharing of information regarding the location of ACMs.</p> <ul style="list-style-type: none"> • Review current practices with the aim of developing: <ul style="list-style-type: none"> ○ a model grading system for the condition of ACMs ○ a model framework for the stabilisation and containment of ACMs in poor condition ○ a model process to identify asbestos contaminated land. • Review building and infrastructure data to estimate likely presence of ACMs • Pilot residential ACM identification tools and strategies with local government partners 	<ul style="list-style-type: none"> • Researched options to develop guidelines for the visual identification and grading of in-situ asbestos • Review of stabilisation and containment practices for in-situ asbestos: to support safe and effective use of stabilisation and containment • Research to improve consistency for in-situ asbestos identification and grading to improve services consistency and quality • Asbestos contaminated land review: including approaches to identification, registration and guidance • Reviewed the use of asbestos content reports in various jurisdictions to identify consumer understanding in the residential sector • Identification and promotion of strategies to reduce the risk of imported material containing asbestos: Industry engagement and evaluation to raise awareness of import risks

NSP goals and deliverables	ASEA activities
<ul style="list-style-type: none"> Support the 2003 ban on the importation of ACMs with improved coordinated efforts to identify and respond to the importation of ACMs. 	<ul style="list-style-type: none"> Produced a waste data and stocks and flow report to inform estimates of current and future remaining ACM Asbestos registers: consultation to inform models for asbestos registers and asbestos assessment HWSA rapid response protocol
<p>Identify priority areas where ACMs present a risk, identify the barriers to the safe removal of asbestos, and review management and removal infrastructure to estimate the capacity and rate for the safe removal of asbestos.</p> <ul style="list-style-type: none"> Identify priority areas where ACMs may present a risk due to deterioration for action Develop and conduct projects in various locations and conditions where ACMs are in poor condition or likely to cause risks to ensure removal approaches are effective Conduct a review into asbestos removal infrastructure (transport, storage and disposal facilities) across Australia focusing on capacity and future risks Investigate the barriers to the safe removal of ACMs from government, commercial and residential properties, and develop policy options to support removal of asbestos in poor condition Review the potential risks and benefits of a prioritised removal programme to safely remove ACMs in government occupied and controlled buildings and commercial premises, including the requirement for exceptions, to reduce asbestos-related disease. 	<ul style="list-style-type: none"> Identifying priority types of asbestos containing material for removal: research to identify location and support safe removal of asbestos cement pipes and reduce exposure risk Case studies: case studies of significant removal projects to identify different approaches and demonstrate effective options for removing asbestos containing material Annual review of waste disposal facilities accepting waste in Australia: hours of operation, notification period, acceptance of residential asbestos, acceptance of commercial asbestos, quantity limits and disposal costs and updated the National Disposal Facilities database published on the ASEA website Behavioural research to identify the choices, barriers and motivations for industry and homeowners to safely manage asbestos risks Research on asbestos risk management practices in remote Indigenous communities Local government research: promoting effective community asbestos management, removal and disposal Research management, remediation and replacement options for asbestos in water pipes Age of remaining ACMs and its useful product life: literature review to inform policies, and business and homeowner removal decisions Analysis of business case for safe management and removal of asbestos by individuals, business and government
<p>Commission, monitor and promote research into the prevention of asbestos exposure and asbestos-related disease.</p> <ul style="list-style-type: none"> Identify key national and international research and reports to 	<ul style="list-style-type: none"> Developed national research framework and support dissemination of research to focus on third wave exposure risks Published research on the future burden of mesothelioma

NSP goals and deliverables	ASEA activities
<p>enable better sharing of information to inform policy and best practice</p> <ul style="list-style-type: none"> • Commission and promote research that reduces the risks of exposure to asbestos and minimises the impact of asbestos-related disease. 	<ul style="list-style-type: none"> • National Asbestos Profile: a point in time measure of the amount and impact of asbestos in Australia • Research to better understand the economic impact of asbestos-related diseases in Australia • Research on exposure risk in the Australian community (remote communities, illegal dumping, grey literature, and fibre release) • Evaluation of the effective approaches to raise asbestos awareness in trade training students • Reviewing sustainable approaches to community support for victims of asbestos-related disease • National Asbestos Exposure Register.
<p>Australia continues to play a leadership role in a global campaign for a worldwide ban on asbestos mining and manufacturing.</p> <ul style="list-style-type: none"> • Pursue opportunities for improvements in international arrangements for asbestos awareness, management, and a global ban on asbestos mining and manufacturing • Proactively share knowledge, tools and information on best practice with other countries and relevant international organisations. 	<ul style="list-style-type: none"> • Provision of support, information, research and advice to South East Asian and Pacific nations to work towards asbestos bans and improve management of asbestos risks. • Share knowledge and information internationally • Planning and delivering international conference.

Appendix C: Membership of the Asbestos Safety and Eradication Council

The work of the Agency is supported by the Asbestos Safety and Eradication Council. The Council is appointed for three years by the Minister for Employment, and is made up of a Chairperson and nine members who have been selected for their experience and expertise with asbestos safety, public health, corporate governance or the representation of people with asbestos-related diseases and their families. One position is reserved for a Commonwealth representative and four positions reserved for a state, territory or local government representative. The Council provides advice to the CEO and the Minister on the National Strategic Plan for Asbestos Management and Awareness and other asbestos safety matters.

As at April 2019, the Chair and council members comprised:

Chair	Diane Smith-Gander Non-executive director AGL Energy Limited, Wesfarmers Limited, Chair of Safe Work Australia, board member of Keystart Loans, Henry Davis York, CEDA
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Council Members

Commonwealth	Michelle Baxter CEO Safe Work Australia
Western Australia	Jim Dodds Director of Environmental Health at the Department of Health Western Australia in the Public Health Division.
Queensland	Julie Nielsen Executive Director of Compliance and Business Engagement in the Office of Industrial Relations, Queensland Treasury
Victoria	Marnie Williams Executive Director of Health and Safety at WorkSafe Victoria
South Australia	Tony Circelli Chief Executive of the Environment Protection Authority
Employee representative	Michael Borowick Assistant Secretary of the Australian Council of Trade Unions
Employer representative	Tracey Browne Manager of National Safety and Workers' Compensation Policy and Membership Services at the Australian Industry Group (Ai Group)
Other	Carolyn Davis Independent consultant
Other	Nancy Milne Director of ALC Property Group Limited, Securities Exchange Guarantee Corporation Limited (chair since 2012), Superannuation Administration Corporation, and the State Insurance Regulatory Authority

List of Acronyms

Acronym	Description
ACCC	Australian Competition and Consumer Commission
ACM	Asbestos Containing Materials
ACTU	Australian Council of Trade Unions
ACV/GARDS	Asbestos Council of Victoria
AMAA	Asbestosis and Mesothelioma Association of Australia
AMWU	Australian Manufacturing Workers' Union
ASEA	Asbestos Safety and Eradication Agency
CEO	Chief Executive Officer
CSIRO	Commonwealth Scientific and Industrial Research Organisation
DFAT	Department of Foreign Affairs and Trade
DIIS	Department of Industry, Innovation and Science
HACA	Heads of Asbestos Coordination Authorities
HWSA	Heads of Workplace Safety Authorities
NAER	National Asbestos Exposure Register
NSP	National Strategic Plan
PBS	Portfolio Budget Statement
PI/PE	Prohibited imports/prohibited exports (Regulations)
VAEA	Victorian Asbestos Eradication Agency
WHS	Work Health and Safety