

# ASEA Review

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Submission to the Department of Jobs and Small Business  
January 17th, 2018

## Introduction

The Australian Chamber of Commerce and Industry (Australian Chamber) welcomes this opportunity to contribute to the review of the Asbestos Safety and Eradication Agency's (ASEA) ongoing role and functions.

We are responding to the following questions posed in the discussion paper:

- **Do ASEA's functions, or the way those functions are performed by ASEA, duplicate effort or include activities that would be more appropriately performed by other organisations? If so, which organisations?**
- **Are ASEA's activities well targeted to achieve its objectives?**
- **What are the Agency's strengths and key achievements? What are its weaknesses?**
- **What should the Agency's role and functions be in relation to the NSP?**
- **Is the purpose and focus of the NSP clearly defined in the Act?**
- **Should the Act continue to prescribe the NSP 'priority areas'? Should there be more flexibility for new priority areas?**
- **Should the Agency's functions be more specific in relation to, for example: information sharing, awareness raising, data collection, stakeholder engagement and coordination, international leadership?**
- **Does the title of the Agency clearly reflect its role? If not, what alternative title should be considered?**
- **What are the future challenges facing asbestos management and awareness in Australia?**
- **What should the Agency's role and functions be in relation to these future challenges?**

## Current Role

*Taking into account the national framework for policy and management of asbestos related issues, and the roles and functions of Commonwealth, state and territory agencies:*

*Do ASEA's functions, or the way those functions are performed by ASEA, duplicate effort or include activities that would be more appropriately performed by other organisations? If so, which organisations?*

ASEA's activities do have some cross-over with other agencies, most particularly in relation to asbestos safety and trade (imports):

- WHS Regulators and Safe Work Australia produce guidance on asbestos safety and the safe management and removal of asbestos from the workplace (i.e. two Codes of Practice on managing asbestos in the workplace and safe removal).
- Both ASEA and Border Force monitor illegal imports and provide advice to the Minister.

Recently we have also seen State/Territory governments establish agencies with duplicating functions such as the Victorian Asbestos Eradication Agency, although we note this is not widespread or harmonised.

ASEA is seen predominantly by the Australian Chamber as a coordinating and facilitating body bringing together various departments, stakeholders and projects. Members understand that ASEA's scope is broader than the workplace, covering the community and people's homes, environment, trade and international advocacy. Given the scope, ASEA is recognised as the most appropriate agency to coordinate these activities so long as any duplications are recognised and appropriately managed.

### *Are ASEA's activities well targeted to achieve its objectives?*

One of the objectives of ASEA is to liaise with Commonwealth, State, Territory, local and other governments, agencies or bodies about the implementation, review or amendment of the NSP; or asbestos safety. It is our view that this does not appear to be occurring to the extent that the implementation of the NSP by the jurisdictions is effective.

One of the deliverables for the Agency as stated in the discussion paper is to "estimate the capacity and rate for the safe removal of asbestos". This also does not appear to have been done. Industry perceives the focus of the Agency as one that promotes the removal at any cost rather than identifying the impacts or indirect consequences of doing so.

The Australian Chamber is not a member of the ASEA Council however does participate on the BCDS sub-committee along with a number of our members. Given the level at which we are directly involved there can be some confusion over activities, priority of activities and timelines.

Our members believe it would be beneficial to ASEA and industry if there were better targeting of ASEA's education, information and support activities. Visibility could be increased through greater engagement with industry stakeholders to assist promotion of ASEA publications/activities and to generally raise awareness of asbestos safety issues.

Furthermore, to date there has been little measurement and reporting on activities back to the BCDS committee or more broadly which further complicates the ability of stakeholders to identify what objectives have been met by what activities. It is our understanding that limitations generally with measurement and evaluation have been raised with and by the agency and are to be addressed in the new NSP. Greater over-arching governance systems and regular communications would be of use.

## *What are the Agency's strengths and key achievements? What are its weaknesses?*

ASEA performs numerous functions that are seen as beneficial to industry. In particular, we see the strengths of the agency as:

- **National consistent messaging and approaches** (e.g. the Agency coordinates and guides stakeholders including the States and Territories (i.e. illegal dumping, disaster management response protocol, importing).
- **Guidance and support from one central Agency.** Stakeholders have a national central agency they can direct queries to and seek support from. The agency can then facilitate additional engagement from other portfolios.
- **Advocates internationally** (e.g. Rotterdam Convention (Chrysotile ban))
- **Advocates across departments** to drive initiatives (e.g. drove the work Border Force did on non-conforming products and a new process for disposal). A key strength is the agency's ability to coordinate a wide range of stakeholders across portfolios.
- **Evidence base decision making - research** to support direction and decisions e.g. trades awareness and initiatives/tools. Ideally these can be shared with industry and across states and territories.

Although ASEA is tripartite giving industry a voice, there is only one industry representative. The Australian Chamber does not have a representative on the Council. We are members of the BCDS Committee and the Communications Reference Group (and have nominated industry members on BCDS for sector advice and engagement). Further improvements to industry engagement are sought, particularly in relation to involvement in project development phases and greater consultation with industry members.

In addition, though we are supportive of the research program, the choices of research commissioned by ASEA do not always deliver outcomes that assist in it fulfilling its function under the Act. We would like to see a review and refinement of the process by which research projects are selected.

## *ASEA's role and functions in relation to the NSP*

### *What should the Agency's role and functions be in relation to the NSP? Is the purpose and focus of the NSP clearly defined in the Act?*

The Agency should continue to be a coordinating, monitoring and reporting body for implementation of the NSP.

### *Should the Act continue to prescribe the NSP 'priority areas'? Should there be more flexibility for new priority areas?*

We note that there is some flexibility already allowed via section 5A(d) of the Act that allows the NSP to deal with any other relevant matters.

A possible amendment would be to provide more detail on how ASEA should liaise with Commonwealth, State, Territory, local and other governments, agencies or bodies about the implementation, review or amendment of the NSP

*Should the Agency's functions be more specific in relation to, for example: information sharing, awareness raising, data collection, stakeholder engagement and coordination, international leadership?*

Articulated below are area's we believe the Agency can further focus their activities or improve effectiveness.

*Information sharing*

- Better utilisation of existing stakeholder networks to promote research findings and best practice/new technologies.

*Awareness raising*

- Look to different information dissemination models. For instance Safe Work Australia's virtual seminar series has been very successful.
- Additionally, a review of methods to communicate risks to high-risk cohorts identified through the research.

*Data collection*

- International research and activities has been questioned. In particular, a review of international engagement activities and research projects so that these activities are more relevant to Australian businesses and will improve asbestos awareness in Australia.

*Stakeholder engagement and coordination,*

- Turning theory into practice. Establishing programs or partnerships to trial new policies or approaches based on evidence and feedback.

*International leadership*

*Chrysotile asbestos listing on Annex III*

ASEA worked with the Global Alliance Against Asbestos (GAAA) to highlight the continued production of asbestos-containing materials, particularly in poor and developing countries in the lead up to the Conference of the Parties (COP) meeting as part of the Rotterdam Convention for the Prior Informed Consent Procedure for Certain Hazardous Chemicals and Pesticides in International Trade (Rotterdam Convention).

The Rotterdam Convention was ratified to promote shared responsibility and cooperative efforts of parties in restricting international trade of certain hazardous chemicals in order to protect human health and the environment from potential harm. Annex III to the Rotterdam Convention lists chemicals subject to the prior informed consent procedure.

There has been efforts by the international community over the previous 6 COPs (2007, 2009, 2011, 2013, 2015 and 2017) to have chrysotile asbestos listed on Annex III, but as the COP is a decision making process by consensus, counter efforts by the pro-asbestos lobby have resulted in the motion to list not being successful. The proposal to list chrysotile asbestos on Annex III was put up again at the most recent COP, which occurred in Geneva, Switzerland in 2017 and again failed to be endorsed.

Industry wants to see a ban on chrysotile asbestos.

We strongly support and would like to see the agency continue to work with the GAAA 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 COP meeting in 2019.

## Agency Name

*Does the title of the Agency clearly reflect its role? If not, what alternative title should be considered?*

The term 'eradication' used in the Agency title has been queried by stakeholders. This review is an opportunity to review the Agency name and re-launch the agency, the new plan and its activities.

Any alternative title should be associated with the broad functions of the agency i.e. work covers both community risk of asbestos exposure and workplace.

The suggested title from the review report 'Australian Asbestos Awareness and Management Agency' is preferred over the existing name as it is context neutral and more clearly articulates the functions of the Agency. Another alternative is the 'Asbestos Safety Information Agency'.

## Future Challenges

*What are the future challenges facing asbestos management and awareness in Australia?*

The biggest challenge facing industry is the increasing and high cost of identification, removal and disposal of asbestos.

*What should the Agency's role and functions be in relation to these future challenges?*

The Agency should investigate options for reducing the costs of identification, removal and disposal. This work would also enhance some of the NSP deliverables and should be a priority for ASEA.



### About the Australian Chamber

The Australian Chamber of Commerce and Industry speaks on behalf of Australian Businesses at home and abroad.

We represent more than 300,000 businesses of all sizes, across all industries and all parts of the country, making us Australia's most representative business organisation.

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