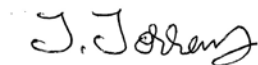


To: Ms Julia Collins
Department: Department of Jobs and Small Business
Re: Review of the Asbestos Safety and Eradication Agency
(ASEA) under s 47 of the *Asbestos Safety and Eradication
Agency Act 2013 (Cth)*
Email: whspolicy@jobs.gov.au

The Asbestos Disease Support Society is pleased to provide the attached submission in relation into the review of the roles and functions of the Asbestos Safety and Eradication Agency.

Additionally, the Society has had the opportunity to view the ACTU submission and fully supports its contents and recommendations.



Trevor Torrens
General Manager
07/02/19



Submission

Review of the Asbestos Safety and Eradication Agency

ADSS Background

ADSS was founded in 1992 and is a not-for-profit charitable organisation which provides support for people living with asbestos related diseases and information to the community on the dangers of exposure to asbestos. The Society operates in Queensland, the Northern Territory and Northern NSW.

The Society's mission is to:

- Support sufferers of an asbestos related disease, their family or carers;
- Prevent asbestos exposure in the workplace and community;
- Lobby for improvements on asbestos related matters;
- Work with the health community to aid in better understanding of asbestos related disease;

Our ethos is to assist sufferers to remain at home for as long as possible and as independent as possible even within the health care environment.

To support the Society's Mission, the following services are provided at no cost:

- Access to our full-time Social Worker to assist sufferers understand their entitlements and ensure that they are accessing appropriate medical and health services;
- Home occupational therapy assessment;
- Dietetics and Nutrition consultation;
- Telephone support from our volunteers;
- Morning teas for sufferers in their local community;
- Quarterly newsletter with up-to-date information on asbestos related disease and issues;
- Consultation with ADSS Lawyers;
- Welfare assistance in certain circumstances;
- Register of asbestos exposures from the community;
- Provision of up to date information to the medical profession on asbestos related disease;
- In-service education for nursing and other health Asbestos Safety and Eradication Agency Review – Issues and Consultation Questions

Review Terms of Reference

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, and
 - b. will enable the Agency to meet future challenges.
2. Given the centrality of the National Strategic Plan (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.

Review Responses

1. The Agency's current role and purpose

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 functions do not duplicate effort and activities by other agencies or entities. The progress made towards the national goals, and the rate of progress by some State and local governments, illustrates the need to maintain national oversight of these functions. Therefore, ASEA should have primary responsibility for implementation of the National Strategic Plan (NSP) and overall responsibility for national asbestos strategy.

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

- ASEA activities are well targeted. However, it should not overly focus on education and information. There is much information publicly available relating to asbestos already. What may be improved is mapping what is already available and identifying if there are in fact any shortfalls. Some research on what the information achieves in relation to progress towards other national goals may also be productive. ASEA should have a stronger focus on the residential sector and the removal of asbestos from the built environment.

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

- A key strength of the Agency is its sole purpose is on asbestos and the implementation of Australia's national asbestos eradication goals. A challenge for the Agency is its modest size and underfunding - to meet not only current challenges, but also future work that will need to be undertaken.
- Another important challenge for the Agency is its appropriate engagement, via, the ASE Council with key stakeholders and drivers for change and the eradication of asbestos and asbestos related disease and suffering from Australia and internationally. In partnership with the ACTU (and member unions), asbestos disease support and advocacy groups (including ADSS) successfully campaigned for the establishment of a central asbestos agency (ASEA) yet have no mandated membership. Currently, the Council does not have one single asbestos disease support and advocacy group member representing the interests of asbestos disease sufferers and their families – only observer status. ADSS supports asbestos disease support and advocacy groups having "guaranteed" membership of the Council.

Is the Agency doing work outside its functions under the Act? If so, is this work valuable and should it be continued and provided for under the Act, or should it be discontinued/performed by other organisations? If so, which organisations?

- ADSS notes the Victorian Government has established the *Asbestos Eradication Agency* which is taking positive, concrete and specific steps to eradicate asbestos from Victoria's public sites and facilities. ASEA should take a lead role to work with other state and territory governments to establish similar agencies. Similarly, ASEA should also work with identified key stakeholders such as Energy Queensland, unions and support groups to identify other similar state-owned entities that will take similar, achievable asbestos elimination activities to achieve asbestos free working and living environments by 2030. To the extent that this form of activity **may** be outside of the functions under the Act should be clarified to ensure valuable work of this nature can continue.

Is the Agency not doing work that it should be? Are there gaps in the national framework that ASEA should fill?

- Asbestos is found in publicly owned workplaces and homes, privately owned workplaces, private homes, asbestos dumps and naturally. One area that is currently lacking clear effective focus is privately owned homes. While information targeting home renovators is commendable and cannot be disregarded, information alone will not achieve eradication and the saving of thousands of lives, young and old, into the future. ASEA should undertake research to confirm work reported in the 2010 Asbestos Management Review. The proposal in that Review, that each property, at point of sale, include an Asbestos Content Certificate, identifying the location and condition of any asbestos containing material in the property being offered for sale.
- ASEA should advocate for the establishment of national fund to facilitate asbestos eradication and incentivise safe removal and disposal. The ACTU has advocated for a levy on all construction materials – ADSS supports this position.
- ASEA should be advocating for that all asbestos removal work should be tax deductible, including for residential properties, as is already available through current general tax deductibility mechanisms for commercial and investment arrangements.
- Education and awareness is a key activity to eliminate asbestos related diseases. ASEA 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 the nature of their work.
- Asbestos removal should only be undertaken by licensed operatives. ASEA should advocate for the removal of the "10m/2 rule" from model work, health and safety legislation and public health legislation, which allows workers or home owners to remove up to 10m/2 of bonded asbestos without being licensed and thereby contributing to potential "third wave" asbestos related disease. In this regard, precedence has been set by the ACT Government and ADSS supports this legislative model.

2. The Agency's relationship with the NSP

What should the Agency's role and functions be in relation to the NSP?

- ASEA's role and functions should be the development, implementation, monitoring and reporting on the NSP.

Is the purpose and focus of the NSP clearly defined in the Act? What amendments would be appropriate?

- The incorporation of any amendments is discussed in point 1 “The Agency’s current role and purpose”

Should the Act continue to prescribe the NSP ‘priority areas’? Should there be more flexibility for new priority areas?

- Priority areas should continue to be prescribed by the Act.
- There should be sufficient flexibility in the ACT to ensure important and valuable work identified specifically by ASEA or through its consultative mechanisms can continue.

3. Future challenges

Future challenges in relation to asbestos management and whether these may require changes to the Agency’s role and functions.

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

- Future challenges facing asbestos eradication and the eradication of asbestos exposure related disease, illness and suffering include:
 - Inadequate will to carry out the goals of our NSP;
 - Inadequate knowledge, commitment and passion to ensure this occurs;
 - Inadequate resourcing of necessary removal and awareness activity

4. Agency name

Does the title of the Agency clearly reflect its role?

- Yes.

5. Summary

ADSS Recommendations:

- Governments at all levels commit to specific, measurable and achievable targets to progress elimination of ACMs and ARDs;
- Any entity with an asbestos related function to include mandatory representation from asbestos disease support and advocacy groups;
- An asbestos eradication fund should be established drawn from a levy on all construction materials;
- All asbestos removal work should be tax deductible, including for residential properties, as is already available through current general tax deductibility mechanisms for commercial and investment arrangements premises;
- To minimise the risks of asbestos exposure in the residential sector an ‘Asbestos Content Certificate’ should be adopted;
- The implementation of publicly funded, mandatory asbestos awareness training;
- Asbestos removal should only be undertaken by licensed operatives
- The abolition of the 10/m2 rule from the model work, health and safety and public health legislation