

# Review of the Asbestos Safety & Eradication Agency

Submission to the review of the Asbestos Safety & Eradication Agency being conducted by Ms Julia Collins under s 47 of the *Asbestos Safety and Eradication Agency Act 2013* (Cth)

ACTU Submission, 8 February 2019  
ACTU D No. 3/2019

## Executive Summary

1. The Australian Council of Trade Unions (**ACTU**) makes the following submission to the review of the Asbestos Safety and Eradication Agency (**ASEA**) being conducted by Ms Julia Collins under s 47 of the *Asbestos Safety and Eradication Agency Act 2013* (Cth) (**Act**).
2. The ACTU is the peak body representing approximately 1.6 million working Australians. The ACTU and its affiliated unions have been at the forefront of asbestos reform for decades both domestically and internationally. Along with asbestos diseases support and advocacy groups, we have successfully campaigned for the right of workers to cease work when at risk of exposure, compensation for victims of asbestos-related diseases, and the ban on importation, production and use of asbestos, amongst other things. In 2012, the ACTU, its affiliates and asbestos diseases support and advocacy groups successfully lobbied the then government to establish the Office of Asbestos Safety as a first step to achieve an asbestos-free Australia by 2030.<sup>1</sup> This, in turn, led to the making of the Act, the establishment of the ASEA and the development of the national strategic plan (**NSP**).
3. Australia has one of the highest levels of asbestos-related disease globally, due to our extensive use of asbestos in the 1950s to the 1980s in commercial and residential construction. The incidence of asbestos-related disease continues to rise and to involve broader sections of the Australian population, while awareness of asbestos issues among DIY home renovators remains relatively static.<sup>2</sup> The burden of asbestos-related disease – in direct health costs, costs to the workforce and the broader economy, and the cost of suffering, to individuals, families and communities – makes it a critical issue for the Australian Government.<sup>3</sup>
4. The ACTU confirms its long-held position that asbestos in all its forms is a known hazard and persistent environmental carcinogen, that there is no safe level of exposure to asbestos and that to prevent further exposures and asbestos-related diseases, asbestos must be eliminated from the built environment.

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<sup>1</sup> ACTU Media release <https://www.actu.org.au/actu-media/archives/2012/new-agency-is-an-important-commitment-to-making-australia-asbestos-free-by-2030>

<sup>2</sup> The 2018 national benchmark survey of awareness and attitudes to asbestos found that 58% of DIY home renovators felt very informed or informed (up from 49% in 2016 but down slightly from 61% in 2014): <https://www.asbestossafety.gov.au/research-publications/national-benchmark-survey-awareness-and-attitudes-asbestos-2018>

<sup>3</sup> See, eg, The Centre for International Economics, *The Economic Burden of Asbestos-Related Disease: Final Report*, prepared for Asbestos Safety and Eradication Agency, 16 May 2018.

5. In summary, the ACTU recommends that:

*ASEA's role and functions*

- (a) The ASEA should be the central and primary agency responsible for the provision of specialist advice and expertise on asbestos management across all portfolios and jurisdictions;
- (b) The ASEA should be the central and primary agency responsible for the development and implementation of the NSP and asbestos strategy;
- (c) The ASEA should lead on behalf of the Australian Government to develop and promote best practice model asbestos regulation, policy and practice across all portfolios and jurisdictions; and
- (d) The ASEA's role and functions should expressly include the ASEA undertaking a leadership role in a global campaign aimed at securing a total worldwide ban in the production and trade of asbestos and asbestos-containing products.
- (e) The constitution of the Asbestos Safety and Eradication Council (**Council**) should be amended as follows:
  - (i) The member representing the interests of workers in Australia should be nominated by the ACTU (s 31(d), 32(4) and 32(6)).
  - (ii) 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).
  - (iii) 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).
  - (iv) Support to the Council by input and technical expertise from an appointed advisory committee consisting of appropriate community representatives and professionals should be expressly mandated in the Act.

*Priority areas of the NSP*

(a) Section 5A(c) should be recast as referring to 'strategic goals' or 'objectives' rather than 'priority areas';

(b) The existing priority areas in s 5A of the Act should be amended as follows:

(i) Section 5A(1)(c)(i) The systematic identification of material containing asbestos in the built environment and of asbestos dump sites should be in the form of a national audit and should prioritise government buildings and dump sites;

(ii) Section 5A(1)(c)(ii) The systems, timelines and processes for the prioritised safe removal of material containing asbestos from public and commercial buildings should commence with government buildings. The NSP should address a process whereby removal is only by licensed removalists and address appropriate incentives to property owners to enable and encourage safe asbestos removal and disposal and initiatives to encourage safe storage and disposal at licensed facilities;

(iii) Section 5A(1)(c)(iii) The measures to assist the residential sector to minimise the risks of asbestos should explicitly include the adoption of an 'Asbestos Content Certificate', identifying the location and condition of materials containing asbestos, obtainable by the owner of a private domestic residence at the point of lease, sale or renovation; and

(v) Section 5A(1)(c)(iv) The priority area of improving education and information about asbestos should include the development of mandatory asbestos awareness training as a component in all tertiary and other vocational training courses relating to the building and construction industry and allied industries and a compulsory asbestos identification training course for all workers who stand a likelihood of being exposed to asbestos due to the nature of their work, to complete this training prior to engaging in such work.

(c) The following additional priority areas should be incorporated into s 5A:

(i) Strategy 6 of the 2014-2018 NSP;

(ii) The development of nationally consistent asbestos management laws, policies, licensing regimes and procedures; and

(iii) Remote, rural and regional areas.

(d) The aim of the NSP should include the elimination of all asbestos-containing materials from the built environment by 2030 (s 5A(1)(b)).

*Required changes to the Act*

(a) Such changes to the Act are required as is necessary to achieve the recommendations listed above.

(b) The title of the ASEA clearly reflects its role and no alternative name should be considered.

6. The terms of reference for the review and consultation questions are discussed in turn below.

## 1. The ASEA's role and functions

*The ASEA's role and functions as specified in s 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 ASEA to meet future challenges.*

7. The ACTU congratulates the ASEA on its work to date and strongly supports the role and functions of ASEA as specified in s 8 of the Act. However, we are concerned that a narrow interpretation, and underfunding, of the role and functions of the ASEA have hamstrung its ability to meet the current – let alone future – challenges in asbestos management and eradication.
8. These problems have been compounded by systematic efforts to reduce the independence and expertise of the Council. Even the reference to the 'objectives of the Australian Government' in this review is troubling, particularly in the absence of detail about what those objectives are, given that the ASEA is an independent statutory agency whose establishment, role and functions have been determined by the legislature.
9. The ASEA was established on recommendation of the 2012 Asbestos Management Review (**2012 Review**). In the 2012 Review, stakeholders across all jurisdictions expressed concern about 'the fragmented nature of administering asbestos issues, and the resultant overlap, confusion and gaps this engenders'.<sup>4</sup> To address this concern, the 2012 Review recommended the establishment of a national agency to administer the NSP, with the 'expertise and authority to coordinate activities across all tiers of government affecting multiple portfolios such as health, safety, environment and education'.<sup>5</sup>
10. The 2012 Review considered this expertise and authority to be 'key to the success' of any agency charged with the administration of the NSP.<sup>6</sup> The 2012 Review also considered that 'to be effective and achieve the buy-in of all relevant stakeholders' the agency should have a high-level tripartite governing board.
11. Unfortunately, despite the important achievements of the ASEA within its current circumstances, the narrow interpretation of the ASEA's role and functions by the current

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<sup>4</sup> Australian Government, *Asbestos Management Review Report*, June 2012, 47.

<sup>5</sup> Australian Government, *Asbestos Management Review Report*, June 2012, 47, 50 (emphasis added).

<sup>6</sup> Australian Government, *Asbestos Management Review Report*, June 2012, 47.

Government, the underfunding of its role and functions, and the undermining of the Council, have meant that it has not had the requisite 'expertise and authority' to realise its potential.

12. As a result, many of the important recommendations of the 2012 Review have not been achieved, despite their having been accepted by the then Government, and despite their obvious continued urgency given trends in asbestos-related disease and awareness.<sup>7</sup> In particular, the 2012 recommended:

- (a) The establishment of centrally operated processes and systems to identify the location, and assess the condition, of asbestos-containing materials in government and commercial property constructed prior to 31 December 2003, and at disposal sites;<sup>8</sup>
- (b) A requirement that an asbestos content report be undertaken by a competent assessor to determine and disclose the existence of asbestos-containing materials in residential properties constructed prior to 1987 at the point of sale or lease, and prior to renovation, together with a property labelling system to alert workers and potential purchasers and tenants to the presence of asbestos;<sup>9</sup>
- (c) The development of systems and processes which would result in the staged removal of all asbestos-containing materials from government and commercial buildings and structures by a target date of 2030;<sup>10</sup>
- (d) The development of nationally consistent asbestos management laws, policies, licensing regimes and procedures, with:
  - (i) Standards that mandate that only licensed operators undertake handling, removal, storage, transport and disposal of asbestos – such standards to allow an exemption for specified occupations to undertake removal of ACM where these activities are incidental to their primary work and are undertaken in accordance with the relevant safety requirements;<sup>11</sup> and

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<sup>7</sup> And in fact the impetus for this work dates back to the National Industrial Chemicals Notification and Assessment Scheme 1999 report *Chrysotile Asbestos Priority Existing Chemical No. 9: Full Public Report*.

<sup>8</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 3(a)).

<sup>9</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 3(b)). See footnote 21.

<sup>10</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 4(a)).

<sup>11</sup> See paragraph 18(b) for the ACTU's position in relation to this issue.

- (ii) The provision of appropriate incentives to property owners to enable and encourage safe asbestos removal and disposal in compliance with the new requirements;<sup>12</sup>
  - (e) Initiatives to encourage safe storage and disposal at licensed facilities;<sup>13</sup> and
  - (f) A program of education campaigns to improve knowledge for those working with asbestos, including mandatory asbestos education for new workers appropriate to their trade, the development of industry-specific asbestos education modules for inclusion in trade training packages, and practical asbestos safety training for existing workers likely to come into contact with asbestos-containing materials in the course of their ordinary duties.<sup>14</sup>
13. For Australia to make real progress on delivering these outcomes, the ASEA should be the lead agency to develop and implement these and other regulatory and policy reforms and strategies on all asbestos issues across all portfolios, including health, treasury, home affairs (eg defence and customs), jobs and small business (eg work health and safety and building regulation), foreign affairs and trade and environment and energy. As part of this leadership role:
- (a) The ASEA should function as a 'one stop shop' for specialist expertise and advice on asbestos management and should be the central and primary agency responsible for the provision of advice on asbestos management across all portfolios and jurisdictions. For example, the ASEA should have been given a more prominent role in providing advice on asbestos-related issues in the recent review of the model work health and safety laws;
  - (b) Critically, the ASEA's functions should explicitly include the proactive *development* and *implementation* of, and *responsibility* for, the NSP and strategies to eliminate asbestos-containing materials from the built environment and to prevent exposure to asbestos fibres in order to eliminate asbestos-related disease in Australia. The ASEA should be the central and primary agency responsible for the development and implementation of asbestos strategy. We make this submission in recognition of the constitutional limits on the ASEA's role and functions in respect of other jurisdictions. Our point is that the ASEA should be able to carry out its own projects and programs under the NSP, not just coordinate and

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<sup>12</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 4(c)).

<sup>13</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 5(b)).

<sup>14</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 7.



monitor the work of other government agencies, and to pursue and assist in the implementation of the NSP across all jurisdictions.

(c) Specifically, the ASEA should lead on behalf of the Australian Government to develop and promote best practice model asbestos regulation, policy and practice across all portfolios and jurisdictions. As noted, the 2012 Review recommended that the NSP provide for ‘the development of nationally consistent asbestos management laws, policies, licensing regimes and procedures’.<sup>15</sup> Uniform legislation on asbestos removal and disposal is particularly urgent.

(d) Further, the ASEA’s role and functions should expressly include the ASEA undertaking a leadership role in a global campaign aimed at securing a total worldwide ban in the production and trade of asbestos and asbestos-containing products. This role was recommended in the 2012 Review as necessary to more effectively control the entry of asbestos-containing materials into this country.<sup>16</sup> We refer the review to the submission of APHEDA to this review for further information.

14. The ASEA must be adequately funded to successfully perform this leadership role and associated functions. We note that the Senate Economic References Committee interim report into non-conforming building products also recently recommended increased funding (and additional functions) for the ASEA.<sup>17</sup> Significant research has established the economic case for eliminating asbestos-related disease in Australia.<sup>18</sup> Now is the time to implement the outcomes of those research projects.

15. 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. We note that several government reports have recommended significant action and funding, yet no government is prioritising the removal of asbestos from the built environment due to funding shortfalls and a lack of incentives for safe removal and

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<sup>15</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 4(c).

<sup>16</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 11.

<sup>17</sup> Senate Economics References Committee, *Non-Conforming Building Products Interim Report: Protecting Australians from the Threat of Asbestos*, recommendation 2.50.

<sup>18</sup> See, eg, The Centre for International Economics, *The Economic Burden of Asbestos-Related Disease: Final Report*, prepared for Asbestos Safety and Eradication Agency, 16 May 2018.

disposal.<sup>19</sup> Of course, as noted by the 2012 Review, ‘Prioritised removal and risk management are not mutually exclusive’.<sup>20</sup>

16. The Council must be independent. To ensure independence from Government, the member representing the interests of workers in Australia should be nominated by the ACTU (s 31(d), 32(4) and 32(6)). To ensure the Council has the necessary expertise, 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). In addition to the existing criteria in s 32(3), 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). As recommended by the 2012 Review, the Council should be ‘supported by input and technical expertise from an appointed advisory committee consisting of appropriate community representatives and professionals’ and this arrangement should be mandated in the Act.<sup>21</sup>

### Consultation questions

*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?*

No. The ASEA is uniquely placed to perform its functions, with its singular focus on asbestos, depth of specialist expertise, and breadth of stakeholder engagement across all portfolios and jurisdictions.

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

Within the legislative and funding constraints discussed above, the ASEA has generally targeted its activities well. There needs to be 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.

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<sup>19</sup> With the exception of the Victorian Government in respect of public buildings only and the Commonwealth/ACT Governments in respect of the ‘Mr Fluffy’ Asbestos Response Taskforce.

<sup>20</sup> Australian Government, *Asbestos Management Review Report*, June 2012, p 27.

<sup>21</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 9(b).

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

The ASEA's strengths lies in its singular focus on asbestos, its depth of specialist expertise and its breadth of stakeholder engagement. The ASEA has developed significant relationships across a broad range of stakeholders, domestically and internationally, and has undertaken a significant research program. The ASEA has played a critical role in progressing the global campaign aimed at securing a total worldwide ban in the production and trade of asbestos and asbestos-containing products, particularly in South East Asia.

The ASEA's weakness is its lack of mandate and funding in the execution of the NSP, as discussed above.

*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?*

We support a broad interpretation of the ASEA's functions. To the extent that any of the ASEA's work is outside of its functions under the Act – which we do not accept that it is – the work should be continued and expressly provided for under the Act. For example, the Act does not expressly refer to the ASEA's leadership role in the global campaign for a total worldwide ban on asbestos. To the extent that this work is outside the ASEA's functions under the Act, it is valuable and should be continued and provided for under the Act. We refer the review to the submission of APHEDA to this review for further information.

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

Yes, the ASEA's role and functions should be expanded (or clarified) as discussed above, including to ensure that the ASEA is the lead agency responsible for the development and implementation of the NSP. A key gap in the national framework pertains to identification and removal of asbestos-containing materials from domestic buildings – discussed further below.

## **2. The priority areas of the NSP**

*Given the centrality of the NSP to the ASEA's role and functions, the appropriateness of the priority areas of the NSP, as set out in s 5A of the Act, in continuing to achieve the Government's objectives and future challenges.*

17. The ACTU generally supports the priority areas of the NSP, with some amendments. The crucial issue is ensuring that the ASEA's role and functions, and funding, enable it to properly

implement the NSP, as discussed above. Section 5A(c) should be recast as referring to 'strategic goals' or 'objectives' rather than 'priority areas', to make it clear that these are specific objectives that the NSP seeks to achieve.

18. The ACTU proposes the following amendments to the existing priority areas in s 5A of the Act:

- (a) Section 5A(1)(c)(i) The systematic identification of material containing asbestos in the built environment and of asbestos dump sites should be in the form of a national audit and should prioritise government buildings and dump sites.
- (b) Section 5A(1)(c)(ii) The systems, timelines and processes for the prioritised safe removal of material containing asbestos from public and commercial buildings should commence with government buildings. The NSP should address a process whereby removal is only by licensed removalists, as has recently been successfully enacted in the Australian Capital Territory. The NSP should address appropriate incentives to property owners to enable and encourage safe asbestos removal and disposal and initiatives to encourage safe storage and disposal at licensed facilities, as recommended by the 2012 Review.<sup>22</sup> The ACTU proposes that asbestos waste levies be removed to minimise incentives for dumping and that all asbestos eradication be given full tax deductibility status to encourage asbestos removal from residential properties, as is already available through current general tax deductibility mechanisms for commercial and investment remises.
- (c) Section 5A(1)(c)(iii) The measures to assist the residential sector to minimise the risks of asbestos should explicitly include the adoption of an 'Asbestos Content Certificate', identifying the location and condition of materials containing asbestos, obtainable by the owner of a private domestic residence at the point of lease, sale or renovation. The 2012 Review recommended that the NSP provide for such a process.<sup>23</sup>
- (d) Section 5A(1)(c)(iv) The priority area of improving education and information about asbestos should include the development of mandatory asbestos awareness training as a component in all tertiary and other vocational training courses relating to the building

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<sup>22</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 4(c) and 5(b)). For example, the NSP should address incentives such as subsidies and low-interest loans.

<sup>23</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 3(b)). The 2012 Review made this recommendation in relation to residential properties constructed prior to 1987, but due to the continued use of stockpiled materials after that date, a more cautious view would be to apply this requirement to residential properties constructed prior to 2003 when the total ban was introduced.

and construction industry and allied industries and a compulsory asbestos identification training course for all workers who stand a likelihood of being exposed to asbestos due to the nature of their work, to complete this training prior to engaging in such work. The 2012 Review recommended that the NSP provide for a program of education campaigns to improve knowledge for those working with asbestos, including mandatory asbestos education for new workers appropriate to their trade, the development of industry-specific asbestos education modules for inclusion in trade training packages, and practical asbestos safety training for existing workers likely to come into contact with asbestos-containing materials in the course of their ordinary duties.<sup>24</sup>

19. The ACTU proposes the following additional priority areas be incorporated into s 5A:

- (a) Strategy 6 of the 2014-2018 NSP ought to be incorporated into the priority areas of the NSP as set out in s 5A, to ensure that they are appropriate to achieve the Australian Government's objective of a total ban on all forms of asbestos and materials containing asbestos in Australia (by ensuring that objective is not undermined by the entry of asbestos-containing materials into this country). We refer the review to the submission of APHEDA to this review for further information.
- (b) The development of nationally consistent asbestos management laws, policies, licensing regimes and procedures should also be included as an additional priority area of the NSP in s 5A, as recommended by the 2012 Review.<sup>25</sup> Fragmentation of asbestos regulation continues to be the key problem hindering the achievement of the elimination of asbestos-related disease in Australia.
- (c) Finally, remote, rural and regional areas ought to be a priority area of the NSP. The particular challenges in accessing affordable infrastructure that are faced by regional, rural and remote communities were raised by a number of stakeholders in the 2012 Review.<sup>26</sup> The Northern Territory, for example, has significant issues with asbestos in urban centres and more so in remote communities. There is a lack of education and identification throughout the jurisdiction, attributable to a lack of public knowledge and regulatory presence, under resourcing, and the proximity of the Darwin Port to South East Asian countries where asbestos is widely used. Further research on community dynamics

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<sup>24</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 7.

<sup>25</sup> Australian Government, *Asbestos Management Review Report*, June 2012, recommendation 4(c)).

<sup>26</sup> Australian Government, *Asbestos Management Review Report*, June 2012, 34.

in the Northern Territory is needed to assess the vulnerability of the people who live in these communities and reprioritise where needed.

20. Further, the aim of the NSP should include the elimination of all asbestos-containing materials from the built environment by 2030 (s 5A(1)(b)). The 2012 Review recommended a national approach for the staged, systematic removal of asbestos-containing materials government and commercial structures by no later than 2030, noting that, 'If a target date is not set, there will be a temptation to postpone asbestos removal indefinitely.'<sup>27</sup> This concern has been borne out. The NSP would benefit from a time-bound aim and, given the lack of progress made to date and the growing risk from exposure to legacy asbestos in residential structures,<sup>28</sup> the aim should be directed to all of the built environment.

### Consultation questions

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

As discussed above, the ASEA's role and functions in relation to the NSP should explicitly include the proactive development and implementation of, and responsibility for, the NSP.

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

As discussed above, the ACTU recommends several amendments to the purpose and focus of the NSP.

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

Yes, the Act should continue to prescribe the NSP priority areas. However, there should be flexibility for new priority areas by the inclusion of a new s 5A(1)(c)(vii) 'any other priority areas as determined by the Council from time-to-time'.

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<sup>27</sup> Australian Government, *Asbestos Management Review Report*, June 2012, 30 (recommendation 4(a)).

<sup>28</sup> See, eg, George Quezada, Dinesh Devaraj, John McLaughlin and Robert Hanson, *Asbestos Safety Futures: Managing risks and embracing opportunities for Australia's asbestos legacy in the digital age*, CSIRO, 2018; Newgate Research, *Review of Asbestos Management Practices in Disaster Planning*, Asbestos Safety and Eradication Agency Report – 12-2017, 4 December 2017.

*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?*

As discussed in paragraph [13] above, the ASEA's functions should be more specific in relation to: the provision of specialist advice and expertise on asbestos management across all portfolios and jurisdictions; the development and implementation of the NSP and asbestos strategy; the development and promotion of model asbestos regulation, policy and practice across all portfolios and jurisdictions; and the provision of international leadership.

### 3. Required changes to the Act

*Whether any changes to the Act are required to ensure the ASEA is enabled to meet the Australian Government's objectives and future challenges.*

21. Without changes to the Act to address the issues discussed in this submission, the ASEA is not able to meet the current or future interests and objectives of the Australian Government or the Australian people. Such changes are required as is necessary to achieve the reforms called for in this submission (as summarised in paragraph [5] above).

### 4. Other

#### Future challenges – Consultation questions

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

Awareness and removal of asbestos in the residential built environment is a key challenge facing asbestos management and awareness in Australia, due to legislative gaps in its management, the decay of asbestos in situ leading to increased risk of exposure and the growing trend in 'DIY' home renovation. How to incentivise residential property owners to engage in safe removal and disposal of asbestos-containing materials is a key challenge going forward.<sup>29</sup> The importation of non-conforming building products containing asbestos has also been a critical issue in recent

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<sup>29</sup> For example, an asbestos eradication fund that is levied on all construction materials so that functions in respect of asbestos removal are adequately resourced.

years. Longer term, globalisation and fragmented supply chains, climate change and natural disasters, and urbanisation and in-fill development will pose growing challenges.<sup>30</sup>

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

The ACTU's recommendations in respect of the ASEA's role and functions, and appropriate funding to enable the ASEA to perform those functions in a timely fashion, are discussed above. Without these reforms, the ASEA is not well placed to meet future challenges.

#### **Agency name – Consultation questions**

*Does the title of the Agency clearly reflect its role?*

Yes. The emphasis on 'eradication' should be maintained, in keeping with the objective of preventing exposure to asbestos fibres in order to *eliminate* asbestos-related disease in Australia. No alternative name should be considered.

ACTU, 8 February 2018

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<sup>30</sup> See, eg, George Quezada, Dinesh Devaraj, John McLaughlin and Robert Hanson, *Asbestos Safety Futures: Managing risks and embracing opportunities for Australia's asbestos legacy in the digital age*, CSIRO, 2018.



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