

Introduction

1. The Australian Manufacturing Workers' Union (AMWU) represents over 70,000 workers who create, make and maintain across Australia. Safety is union business and the AMWU have a long and proud history of fighting for safer workplaces for all Australian workers.
2. AMWU represents a significant number of those people who have contracted and died as a result of their exposures at work – for example in ship yards, power stations, railway workshops, vehicle service and repair and general maintenance across many industries.
3. The AMWU and its officials have been at the forefront of campaigns for just compensation for sufferers of asbestos related disease [ARD] such as Make James Hardie Pay, the banning of asbestos imports, the establishment of the ASEA and maintenance of the Mesothelioma Registry.
4. The AMWU is therefore well placed to comment on this Review. Our comments are limited, as our key concerns and recommendations are addressed in the Australian Council of Trade Unions' submission.
5. The AMWU urges the Review to carefully consider the ACTU submission. The Recommendations are the result of extensive consultation with many stakeholders - not limited to the union movement - and provide clear directions for improvement of the Asbestos Safety and Eradication Agency Act 2013(Cth).

General observations regarding the Review

The AMWU recognises that there is a legislative imperative for the five yearly review the of ASEA Act 2013 [the Act], however the approach taken by this review has a number of shortcomings.

6. The inclusion of "government objectives" in the terms of reference is an odd way to conduct a five-yearly review of an Act. Government objectives are not defined or discussed in the Review paper, neither are they included in Section 8 of the Act (which specifies the role and functions of the Act). What are the "government objectives" is open to conjecture. The AMWU therefore cannot address Terms of Reference 1.a. or Terms of Reference 2 and 3 where the government objectives are referenced.
7. The next National Strategic Plan [NSP2] is currently under discussion and is not finalised. If the NSP changes this will significantly impact on any 'judgement or assessment' we may have of the Agency's activities. How can stakeholders comment on the importance and role of the NSP2 when it is not finalised? The Review or the consultation on the NSP should have been delayed so that both reviews could be conducted independently.
8. The AMWU is perplexed as to why Section 4 in the Issues and Consultation Questions paper [Issues paper] has been included. The name of the Agency reflects the object of the Act i.e. "to prevent exposure to asbestos fibres in order to eliminate asbestos related diseases...". Eradication is a similar term to elimination and is a term that is often used in a health setting – e.g. eradication of disease x – thus the name of the Agency reflects its aim and should not be a matter for any further reflection.

Imperative of a National Agency to deal with legacy asbestos in built environment

The AMWU wishes to stress that

9. A national agency such as ASEA is essential if we are to deal with the legacy issue of asbestos containing materials in our built environment.
10. According to estimates from the Global Burden of Disease and recent research work by Prof Takahshi and Dr Soeberg, the burden of asbestos related diseases [ARD] in Australia is higher than previously recognised. These estimates are sobering and highlight the under recognition of ARD. It cannot be understated our national failure to appreciate the community impact of ARD. Many other diseases are better recognised and resourced by the health community. For example, in 2014 there were 14 cases per 100,000 of leukemia in Australia – in the same year there were 2.5 cases per 100,000 of mesothelioma. If the GBD is a reasonable estimate, there are 4000 cases annually of ARD. That is a similar order of magnitude to the 3,704 cases of leukemia in 2014. Given that ARDs are largely preventable, the small investment in an Agency tasked with the coordination of prevention efforts makes good economic and health policy sense.
11. ASEA commissioned research which highlights the major economic burden of these legacy issues. With the further deterioration of ACMs in the built environment it is important that action is taken to curtail exposures to asbestos. Prior to the establishment of a national body, ASEA, no such modelling had been undertaken and the Australian community had no assessment of the true economic costs of ARD.
12. ASEA commissioned the development of a tool to enable businesses to estimate the Return on Investment when removing asbestos containing materials. Such a tool was never considered prior to establishment of ASEA. It aids businesses across the nation.
13. The AMWU draws the Reviews attention to the persistent legacy issue of asbestos waste for many First Nations and remote communities. Recent media reports¹ on the failure of successive governments and industry to clean up the Wittenoom site is just another example of why we need a well-resourced, proactive national body to tackle asbestos legacy issues.
14. ASEA was established as the result of coordinated efforts of civil society – the groups represented were organised labour, asbestos disease support groups and cancer prevention². These groups need to be formally represented on the ASEA Council. Legislative reform, as per the ACTU submission is supported.

¹ <https://www.abc.net.au/news/2019-02-08/elders-demand-clean-up-asbestos-waste-wittenoom-gorge/10781322>

² Attached National Declaration 2010

The urgent need for more than coordination and liaison

The AMWU notes that currently ASEA operates as a nationwide advisory and liaison body without any regulatory functions.

15. ASEA activities have been broad and impressive particularly in the context of funding threats and the narrow interpretation of the role and function of ASEA.
16. Whereas there is effective regulation of the removal and disposal of asbestos in the workplace health and safety setting, outside of workplace regulation the perennial Australian problem of eight different state jurisdictions wreaks confusion and ineffective governance.
17. The continual decay of ACMs such as roofing and fencing means that the effect of extreme weather events will unnecessarily expose the general population and emergency workers asbestos fibres. These exposures will be very difficult to control.
18. The Asbestos Management Review in 2012 called for the introduction of "Asbestos Content Certificates" for the residential sector. Seven years on, no or little progress has been made on this recommendation.
19. The Asbestos Content Certificates are a proposal that would alert homeowners, renovators and tradespeople to the existence of ACMs. Similar mechanism, asbestos registers, exist in health and safety laws. There is little policy work required to implement this approach. As noted in the ACTU submission, the 2012 Review [page 20] was clear – *prioritised removal and risk management are not mutually exclusive*. What is lacking is political will.
20. The AMWU believes that the National Strategic Plan is critical for ASEA to effect change and that must be based upon the goal of an asbestos free Australia by 2030. This was endorsed by those civil society groups that called for the establishment of a National Agency in 2010. The situation has not changed and evidence from countries such as the Netherlands demonstrates that if political will exists policy mechanisms will be found to facilitate such a goal.
21. ASEA must be given the funds to develop national model regulations, that address legacy asbestos in the built environment. These Regulations which would "run alongside" workplace asbestos regulations.
22. The AMWU supports a nationwide regulation either in terms of model Commonwealth regulation which the states can copy after agreement at COAG or another legal mechanism. There must be the ability for the Federal government to take leadership and ensure that state and territory governments act.
23. The AMWU supports the legislative changes recommended in the ACTU submission.

National Declaration: Towards an Australian Safe Asbestos Free Environment (SAFE)

Our aim is to eliminate asbestos related disease and exposures to all forms of asbestos in Australia.

Australia has an unenviable record of one of the world's highest rate of asbestos related diseases and a legacy of asbestos containing materials (ACMs) in many workplaces and buildings- public and private, commercial, domestic and industrial.

The use of all forms of asbestos in Australia has been banned since 2003, including its import and export. But, because of the legacy of its use, we have not solved the problem of asbestos exposures – for either people at work or in the general community.

The current evidence is that

1. despite a general level of awareness about the dangers of asbestos, workers are unsure and unclear about specific safe work practices
2. householders are not aware of the extent and nature of ACMs in domestic dwellings
3. affected householders are unsure and unclear about specific safe work practices for home maintenance and improvement
4. the condition of asbestos containing building materials is deteriorating and
5. the safe disposal of ACMs, especially for householders, is difficult and very often not properly followed.

To eliminate deadly asbestos related disease in Australia we must decrease and eventually eliminate all exposures to asbestos.

To achieve that, governments and the community generally must adopt programs to safely and systematically remove Asbestos Containing Materials (ACMs) from the built environment.

Internationally, the Australia government must also take a leadership role through trade and other forums to work towards an international ban on the mining, use, and sale of asbestos.

This National Asbestos Summit calls for the establishment of a National Asbestos Authority (NAA) for a Safe asbestos Free Environment by 2030.

The Summit calls on all levels of government to work with organisations like those represented here, in the establishment of such an Authority so that we can extend and implement successful and safe asbestos awareness, control and eradication programs across the nation.



National Declaration: Towards an Australian Safe Asbestos Free Environment (SaFE)

National Strategies

In support of achieving the outcomes identified in the National Declaration for Safe *Asbestos Free Environment (SaFE) Australia* some useful strategies to pursue these objectives include

- increase the awareness on where ACMs are located, in environmental, industrial, commercial and domestic settings
- general public education must include advice to homeowners on the identification and safe handling of ACMs in existing domestic housing stock
- for local governments and environment protection agencies to train and license contractors for safe asbestos waste disposal and for the provision of adequate dedicated secure and permanent waste disposal sites
- a consistent national scheme of notifications of *known* asbestos exposure to contact a specific and appropriately resourced government entity which would have the responsibility to provide referral and education (eg akin to the existing notification system for infectious diseases.)
- ensure that national OHS regulations provide protection from industrial exposures to asbestos containing materials.
- Waste Disposal laws for ACMs must provide for dedicated asbestos waste areas, assist residents for safe removal and disposal and compliment other OHS, building and planning laws.
- Building and planning and waste disposal laws must complement national OHS based Asbestos Regulations, using such mechanisms as:
 - audit of public buildings particularly in the health and education sectors, with asbestos registers and a target of prioritised removal by 2030;
 - in the commercial and industrial sectors; asbestos registers that include the program of prioritised removal by 2030 and a requirement for vendors and landlords and/or their agents to notify buyers and tenants of the asbestos register i.e. asbestos safety certificates;
 - for domestic housing stock, a requirement for the disclosure of ACMs , at the point of sale, with the purpose of the eventual removal of asbestos from of housing stock;
 - landlords (including governments) and vendors and/or their agents in the residential dwelling sector being obliged to notify buyers and tenants of the presence of ACMs i.e. asbestos safety certificates.
- National system of accreditation for asbestos assessors and auditors
- Review performance of asbestos removalists

Additionally governments must make arrangements for the allocation of funds in a coordinated approach for medical research



National Declaration: Towards an Australian Safe Asbestos Free Environment (SAFE)

Proposal to establish a National Asbestos Authority

A National Asbestos Authority (NAA) should initially be established as an independent authority with the appropriate powers to coordinate and enforce all of the aspects contained in the range of tasks and matters listed in this Declaration.

The NAA would work best as an independent body, as a statutory Authority. Its coverage and agenda would not be limited to workplaces so that it could develop a total community approach.

The activities of the NAA could be overseen by a board of management consisting of a representation from key stakeholders from unions, the community, asbestos disease support groups, health groups and government.

Unanimously agreed June 29th 2010 Sydney NSW

