



8 February 2019

Australian Government – Department of Jobs and Small Business

Via email: whspolicy@jobs.gov.au

Attention: Ms Julia Collins

ASBESTOS SAFETY AND ERADICATION AGENCY - REVIEW

The Electrical Trades Union of Australia (ETU) is the Electrical, Energy and Services Division of the Communications, Electrical, Electronic, Energy, Information, Postal, Plumbing and Allied Services Union of Australia (CEPU). The ETU represents over 65,000 electrical industry workers around the country and the CEPU, as a whole, represents over 100,000 workers nationally, making us one of the largest trade unions in Australia.

The ETU welcomes the opportunity to make this short submission to the review into the Asbestos Safety and Eradication Agency Review.

The Asbestos Safety and Eradication Agency (ASEA) Act came about as a result of the Asbestos Management Review (AMR) conducted by Mr Geoff Fary. The AMR was a very comprehensive process which ensured input from all stakeholders concerned with the issues of safety and eradication of asbestos. All twelve recommendations were adopted by government, the most important one was to establish an 'independent' Agency, to deliver a National Strategic Plan (NSP) for Eradication and Safe Management of Asbestos as detailed in the Review and summarised in the Act.

The NSP is therefore critical, for an ASEA to move forward, as it still needs to be based on the aspirational goal of an "Asbestos free Australia by 2030". The current plan was amended by the current government and jurisdictions after the initial plan was introduced by Labor. It is essential therefore that the next phase of the plan is proactive and that ASEA's role is to assist in its practical implementation.

The ETU questions ASEA's role as determined by the Department of Jobs and Small Business and the Minister. It is apparent to the ETU that ASEA was directed to only gather information and evidence on Asbestos and "coordinate and report on what others (states) were doing", with respect to the NSP. This "direction" is deeply deficient to what the agency was created to do and counterproductive to achieving the goals of the NSP.

The Agency must be allowed to do more than limited remit imposed by the Department and ensure the appropriate funding and independence such that the agency can operate in line with AMR recommendations, overseen by a council who acts in accordance with those recommendations.

Anything less can only be described as willful negligence by the Government.

ETU Submission

The ETU is aware of the ACTU submission to this review and supports the matters and recommendations raised within that submission.

In addition, the ETU submits;

The critical issues for the Agency in the Act Review are:

1. Independence from Government Departments, including independent finances.
2. The Agency is a subject matter expert for policy and the lead agent for advice on all Asbestos issues within Government, including imports and international policy.
3. Assisted by a Council with 'real' Asbestos expertise, reflecting unions and asbestos advocate views.
4. Clarity in the Act that the Agency must lead on behalf of Government in implementing the NSP in a proactive way with States and Territories.
5. Inclusion in the Act of a legislated advisory committee consisting of appropriate community representatives and professionals to provide input and technical expertise to the Council.

Recommendation

Focusing on the Act itself the ETU recommends the following critical Amendments.

2A Objects of the Act.

"to administer (insert 'and assist in the implementation of') the National Strategic Plan "

8. Functions of the Agency.

1 (a) *"to encourage, (insert 'assist in the implementation of'), coordinate....."*

1 (d) delete the words *"if requested to do so by the Minister"*

31. Membership

(d) change to *'1 member nominated by the ACTU, representing the interests of workers in Australia';* and

Inclusion of a new – *'(g) 1 member representing organisations with a background in advocating for safe asbestos removal and/or support or advocacy for persons with asbestos related disease'*

32. Appointment of Council Members.

3. Amend to *'A person is eligible for appointment as a Council member only if the Minister is satisfied that the person has knowledge or experience in one or more of the following'*

4, 5 & 6. Delete these subsections as they are redundant with the above change at section 31.

Conclusion

The Government must reverse its current attitude towards ASEA and direct the Department to fully support the critical role of the Agency going forward.