

Monday 30 January 2017

Turnbull Government must stop terrifying asbestos exposure

The Australian Council of Trade Unions says the Turnbull Government must take immediate action to protect Australians from exposure to imported products containing life-threatening asbestos.

Although importation of products containing asbestos has been banned since 2004, significant amounts of this dangerous substance continue to be slip through border protections and more must be done to protect consumers.

Asbestos claims the life of more than 500 Australians every year and yet products containing asbestos are still being illegally imported. Earlier this year, 307,000 crayons contaminated with asbestos were stopped at Australia's border sparking serious concerns about what could have slipped through customs and come into contact with Australians.

The ACTU said it was deeply alarming that there was no way of knowing how many contaminated products made it into the hands of Australian children in childcare centres, schools and homes. It also represents a scary and potentially life-threatening failure of regulation.

In its submission to the *Senate Economics Committee Inquiry into Non-Conforming Building Products (illegal Importation of products containing asbestos)*, the ACTU makes 11 recommendations that address the ineffectiveness of existing importation bans on asbestos.

Quotes attributable to Michael Borowick, ACTU Assistant Secretary:

"The Federal Government is dangerously negligent when it comes to controlling asbestos importation in Australia. We must have stronger penalties and better border protections to make sure Australians consumers are not unwitting exposed to this lethal product.

"This Inquiry was established after a serious breakdown in the regulation and oversight of importation of products containing asbestos. Asbestos was found on a significant number of construction sites around the country, including the Perth Children's Hospital and the new Royal Hobart Hospital in Tasmania.

"It's frightening, and it demands immediate attention by the Turnbull Government. Asbestos claims the lives of more than 500 Australians each year. Australian Border Force must be specifically resourced to properly monitor all imports and better protect people from this dangerous material.

"Given a single exposure to asbestos can lead to decades of uncertainty and illness and in many cases death, it should be treated with the same seriousness as any prohibited drug or substance.

"It's terrifying to think that products like crayons, given to children could be contaminated with traces of asbestos. Asbestos kills – the Turnbull Government needs to do everything it can to address the current failings in regulation and enforcement of the import ban.

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ATTACHMENT: Summary of recommendations

ACTU Submission to Senate Inquiry into Non-Conforming Building Products (illegal importation of products containing asbestos)

Recommendation 1

To limit the exposure of members of the Australian community to ACMs, that the Australian product safety system administered by the Australian Consumer and Competition Commission make greater use of its powers to compulsory recall products which contain asbestos.

Recommendation 2

Following consultation with the Asbestos Safety and Eradication Council, Safe Work Australia, the Australian Border Force and other relevant government departments and agencies, the Australian Consumer and Competition Commission make all such necessary changes to the Australian product safety system as are necessary to provide the Australian community with greater protection against exposure to asbestos.

Recommendation 3

In circumstances where the Australian Consumer and Competition Commission becomes aware of a product containing asbestos and subsequently determines not to issue a compulsory recall of that product, the ACCC shall within thirty days of that decision publish a statement of reasons.

Recommendation 4

Given that the vast bulk of asbestos being illegally imported into Australia has its origins in the People's Republic of China (China), the ACTU respectfully requests that the inquiry recommend that the China-Australia Free Trade Agreement (ChAFTA) which came into force on 20 December 2016 be reviewed with the object of strengthening its provisions so as to prevent the importation into Australia of asbestos from China.

Recommendation 5

That the inquiry recommend that a new legal obligation should be created to require the removal and/or disposal of illegally imported asbestos (if it is safe to do so following consideration of the hazards likely to be faced by the workers undertaking the work) and to make importers responsible for the cost of such removal and/or disposal of asbestos.

Recommendation 6

That the inquiry recommend that entities and individuals that breach the ban on the importation of asbestos be prosecuted.

Recommendation 7

importation be substantially increased so that they act as an effective deterrent against breaches of customs law.

Recommendation 8

That the Customs Act 1901 (and other relevant laws) be reformed in a manner which facilitates a greater number of successful prosecutions of entities and individuals that illegally import ACMs.

Recommendation 9

That the Australian Government engage with the states and territories through the Council of Australian Governments, Safe Work Australia, and the Asbestos Safety and Eradication Council about strengthening the legislative and other duties of persons that import, supply, sell, demolish and dispose of asbestos and asbestos-containing products, materials and structures.

Recommendation 10

That the Australian Border Force (ABF) be given adequate resources to ensure its compliance activity is sufficient to effectively monitor and prevent the illegal importation of asbestos.

Recommendation 11

That the DIBP and ABF jointly establish a formal consultative mechanism to enable it to consult with a range of key stakeholders about issues relating to policy and practices relating to the importation of asbestos.