



Race against time

Preventing asbestos related disease tomorrow through accelerating prioritised removal today.

ACTU Submission to Phase 3 Asbestos National Strategic Plan
2023

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Contents

About the ACTU	1
Introduction	2
Recommendations.....	4
Socio-economic evaluation	7
Our Key Challenges.....	8
Principles that will guide our actions	9
Priorities.....	10
Enablers.....	10
National Action Plan.....	11
Measuring Performance	18
Conclusion	19

About the ACTU

Since its formation in 1927, the ACTU has been the only peak trade union body in Australia. It has played the leading role in advocating for, and winning the improvement of working conditions, including on almost every Commonwealth legislative measure concerning employment conditions and trade union regulation.

The ACTU is Australia's sole peak body of trade unions, consisting of affiliated unions and state, regional trades and labour councils. There are currently 43 ACTU affiliates who together have over 1.7 million members who are engaged across a broad spectrum of industries and occupations in the public and private sector.

The ACTU has also appeared regularly before the Fair Work Commission and its statutory predecessors, in numerous high-profile test cases, as well as annual national minimum and award wage reviews. The ACTU is active on matters related to work health and safety as well as asbestos eradication and is a member of Safe Work Australia and the Asbestos Safety and Eradication Council (ASEC)

From the early 1970s, when unions took industrial action against the use of asbestos, through to its complete ban in 2003, the trade union movement has been at the forefront in the fight to eliminate asbestos related disease and win compensation for victims.

The ACTU was active in the establishment of the Asbestos Safety and Eradication Agency (ASEA), and the previous two phases of the National Strategic Plan (NSP) and welcomes the opportunity to make submissions into its critical phase 3 NSP.

The ACTU notes and supports the submission made by the CFMEU.

Introduction

On the 31st of December this year, as Australians cheer in a new year, we will also mark the 20th anniversary of the total ban of asbestos in this country. This was a critical milestone in our fight against asbestos related disease. It was more than 30 years in the making, and on the back of the efforts and struggles of millions of unionists, activists and campaigners to phase out and then ban the deadliest product that has ever entered the workplace.

Today, asbestos is responsible for the deaths of more than 250,000 workers every year. The World Bank says that by 2050 that number will rise to over half a million globally. It is without doubt the single biggest killer of workers in the world. In Australia more than 4,000 people lose their lives to asbestos related disease (ARD) every year, a number that continues to rise and is a tragic reminder that despite the achievement of a total ban the job is not done.

Asbestos leaves a long-lasting legacy. As a miner, manufacturer and user of asbestos products Australia has some of the highest per capita uses of asbestos in the world and with more than 6 million tonnes remaining in the built environment asbestos is now ubiquitous. It is in our homes, schools, factories and hospitals and requires careful and systematic identification and removal. Its presence in our soils highlights our failure to safely transfer and dispose of asbestos containing materials (ACMs) that now threaten future generations to exposure, disease and premature death.

A recipe for disaster

Today the ACMs we encounter are very old. With the phase out of asbestos in the 1980s and total ban in 2003 it is likely that the ACMs in our built environment are at least 50 years old. These products are well beyond their end of life and likely to either be in a friable or severely degraded condition or will be in the coming decade. This, combined with a changing climate and the associated increase in frequency of natural disasters means we are sitting on the precipice of a human and environmental catastrophe. Whether it be bushfire or flood, the risk of uncontrolled exposure due to natural disaster is increasing at unprecedented rates and must be addressed. There is no greater illustration of this reality than the March 2022 Wickham fire in Newcastle which saw two former wool store buildings burned down in a massive blaze that sent huge plumes of smoke billowing west over the suburbs of Wickham, Marysville, and Islington. The smoke was carrying fragments of the building's cement sheet roofing, which contains asbestos

and has caused a large scale contamination problem.¹ This mass exposure event is what awaits Australians if we do not move with urgency to remove all ACMs. It will require significant investment from governments, employers and the community if we are going to turn the tide on ARDs.

The modelling presented alongside this draft plan highlights this risk. It indicates that on the current, business as usual approach, we will likely have more than 1 million tonnes in the built environment by 2060 and have failed to eliminate all ACMs by the end of the century. This means that the great, great grandchildren of those brave women and men that pioneered this fight in the 1970s will be experiencing asbestos related disease. For a country as wealthy as Australia this is a shameful future that we are walking into.

Asbestos' privileges must end

However, it is not surprising that we find ourselves in this situation. Despite our efforts to phase out and then ban the use of asbestos in Australia our legislative framework provides a range of exceptions or privileges when it comes to managing asbestos. Asbestos, unlike any other hazard is encouraged by law, to be 'managed' rather than 'removed'. This inverted hierarchy of control is completely at odds with how any other hazard, let alone a class 1 carcinogen, would be dealt with in the workplace. It is critical that if we are to see an increase in ACM removal in workplaces and public buildings that this contradiction and privilege is removed and that the objective of eliminating the ACM hazard is restored. This will require a coordinated review of our work health and safety laws to ensure that the hierarchy of control is applied to ACMs like it is to any other hazard.

We acknowledge the efforts of the Agency in drafting this plan and for the opportunity to make this submission. Unions believe that whilst the broad structure and approach outlined is sound, there are a number of areas which should be strengthened and highlighted for further improvement. This submission will focus on the key areas of the plan that intersect with workplaces and where current barriers exist to increase the rate of removal. We would also like to acknowledge and support the submissions of our affiliates, in particular the AMWU.

¹ 10 March, 2022, Ben Millington and Carly Cook, ABC Newcastle <https://www.abc.net.au/news/2022-03-10/residents-clean-up-asbestos-after-warehouse-fire-newcastle/100896610#>

Recommendations

1. ASEA should confirm, and if necessary provide greater explanation, that actions such as actions for prioritised removal in government owned and controlled buildings are appropriately attributed to the right option (2A/B) and adjust the BCR accordingly.
2. The NSP should identify the following additional key challenges:
 - a. That significant complacency exists amongst governments, employers and the community when understanding the urgency of the need to remove ACMs from the built environment.
 - b. Recognise that asbestos is a multi-stakeholder and multi-sectoral issue. That asbestos management cuts across a number of areas of public policy (WHS, environment and public health)
 - c. That significant legislative barriers, including but not limited to WHS laws, impede or prevent stronger and safer action on asbestos management and removal
3. The NSP should include a 'best practice' principle. This principle should incorporate an approach of continuous improvement to eliminate asbestos risks.
4. Governments should be a model property manager and lead by example when it comes to prioritised removal. Consideration should be given to prohibition on government letting or occupying building that contain ACMs by a certain date.
5. The NSP priority #2 should be reframed to highlight systematic and prioritised removal. Equally, the term management in this priority should be avoided.
6. An Asbestos Removal Ministerial Council (ARMC) be established to monitor the implementation of the NSP. The council should meet at least annually and track progress against the NSP.

The following recommendations should be included, where appropriate, across the range of priority areas within the action plan:

7. Awareness raising actions should be extended, where appropriate, across the asbestos management system and priority areas.
8. Other key cohorts should be targeted for asbestos awareness campaigns including those related to schools (principals, teachers, students and parents).

9. The NSP should have an explicit objective of advancing reform to multi-lateral environment agreements and frameworks, including but not limited to the Rotterdam Convention. This should include providing support for unions and NGO campaigns as well as integrating with DCCEEW.
10. A one-day HSR asbestos course to be delivered alongside refresher training should be developed with unions for inclusion as recognised training in all jurisdictions.
11. Expansion of access to 'fee free' accredited asbestos awareness training. ASEA should play a role in the development of the course and accreditation of training providers.
12. ASEA, in conjunction with Safe Work Australia (SWA), undertake a review of the model laws, regulations and codes of practice, to ensure that our WHS regime supports the prioritised removal of ACMs from the workplace. This should include a requirement for PCBUs to have an asbestos management plan in place no later than 2030 and that this plan must include a prioritised removal plan for all ACMs to be removed no later than 2040.
13. Changes to compliance and enforcement provisions that clarify and confirm inspectors powers to issue improvement notices to remove ACMs. Similar provisions should be provided to unions to be able to prosecute PCBUs for a failure to provide a safe workplace.
14. Immediately reduce the WES to that introduced by the European Commission and conduct a review to determine if a lower standard would be more protective
15. The NSP should include plans to end the 10sqm rule to ensure future generations of workers are not exposed to asbestos through unsafe and unregulated removal practices.
16. Accounting standards should require corporations to disclose ACM liabilities and the costs associated for removal.
17. A requirement on property owners/managers to undertake asbestos assessments and disclose to buyers and tenants of their location and condition. This should include obligations on real estate agents to ensure compliance against these requirements.
18. The development of an online national database of asbestos registers for public, commercial and residential properties.
19. The NSP Action plan should include clear obligations on jurisdictions to share all relevant data and information that can assist with the implementation, monitoring and evaluation of the NSP.

20. A national reporting framework should be developed alongside the NSP that enables effective reporting on, and monitoring of, the NSP. This reporting framework should inform national and jurisdictional evaluations.
21. A measuring performance framework should be developed in the first 12 months of the implementation of the NSP. This should be done in consultation with stakeholders, ASEC and jurisdictions and endorsed by the ARMC.

Socio-economic evaluation

1. The ACTU welcomes the socio-economic evaluation of options for inclusion in the development of this phase of the National Strategic Plan. This modelling clearly highlights the significant cost to the community from the continued in action and inertia when it comes to prioritised removal. It also highlights that there are significant benefits that will flow from modest improvements to the regulatory framework including the complete removal of all ACMs by 2068 when compared to the status quo. This represents a significant reduction in risk exposure and would likely result in a large number of Australians not contracting asbestos related disease.
2. Whilst we note the significant benefit-to-cost ratio from the actions specified in option 2A it is unclear what the distinction is between some of the actions that are taken in 2B. For example 2B includes “Australian, state and territory governments committing to develop and implement prioritised ACT removal program(s) for publicly owned and controlled properties.² It is our view that any improvements to the regulator framework that are outlined in 2A in particular to our WHS laws and regulations that require PCBUs to move from ‘management’ to removal, would apply equally to government owned and controlled properties. We believe that this, combined with government being a ‘model property manager’ should see these benefits shifted from 2B to 2A of the evaluation.
3. We therefore question some of the actions that are being attributed to 2B that might actually be included in 2A. We believe that this might further improve 2 BCR and may have a corresponding decrease in the BCR for 2B activities. This modelling may need further analysis.

Recommendation

1. ASEA should confirm, and if necessary provide greater explanation, that actions such as actions for prioritised removal in government owned and controlled buildings are appropriately attributed to the right option (2A/B) and adjust the BCR accordingly.

² Pg 7 consultation guide <https://www.asbestossafety.gov.au/sites/default/files/documents/2023-09/Asbestos%20National%20Strategic%20Plan%20-%202024-2030%20-%20Consultation%20Guide.pdf>

Our Key Challenges

4. As indicated previously Australia faces a complex set of challenges when it comes to the risks associated with exposure to asbestos and increasing the rate of removal. The challenges outlined in the draft NSP are supported but fail to capture a number of significant challenges that must be considered.
5. The first significant challenge is that of the complacency that has beset government, employers and the community. 20 years on from the ban many believe that asbestos is no longer a risk. This not only hampers governments from investing scarce resources, it slows progress in removing ACMs from workplaces and is evident in the lack of community awareness of asbestos risk. This is despite the risks associated with ageing ACMs mean that today workers and the community are at far greater risk of exposure to asbestos than they were 20 years ago. The NSP must highlight this issue and raise the alarm on asbestos management.
6. Complementary to this challenge is the changing dimension of asbestos risk in Australia. Today asbestos is as much a community and environmental risk as it is a workplace hazard. This means that the NSP must reach across sectors and speak to multiple stakeholders. This presents significant challenges to overcome both inside and outside of government where multiple departments and stakeholders need to align activities to ensure maximum benefit. The NSP should highlight this challenge to ensure that all governments and stakeholders take the necessary steps to integrate and mainstream asbestos eradication activities into all areas.
7. In addition to this we have to also recognise that there are significant legislative barriers that impede or prevent stronger and safer action. This includes barriers in our WHS laws and regulations that encourage lower order controls, such as in situ management, versus removal. This challenge must be understood in order to be overcome if we are going to increase the rate of removal in the coming decades.

Recommendation

2. **The NSP should identify the following additional key challenges:**
 - b. **That significant complacency exists amongst governments, employers and the community when understanding the urgency of the need to remove ACMs from the built environment.**

- c. **Recognise that asbestos is a multi-stakeholder and multi-sectoral issue. That asbestos management cuts across a number of areas of public policy (WHS, environment and public health)**
- d. **That significant legislative barriers, including but not limited to WHS laws, impede or prevent stronger and safer action on asbestos management and removal**

Principles that will guide our actions

- 8. Embedding principles in the NSP will help guide better, more consistent approaches to asbestos in the coming decade. The principles outlined in the draft NSP are all supportive but fail to capture the overarching purpose of the NSP and could be strengthened in a number of important ways.
- 9. The first improvement is to state clearly and upfront that the NSP should drive the actions that are the most protective of human health and the environment. This is critical when governments and other key decision makers, such as employers and PCBUS, are faced with complex and costly decisions. By placing up front the principle to ‘protect human health’ we make it clear what our objective is.
- 10. Further to this it is important to ensure that this plan drives best practice. Asbestos management is not a place where second best is an option. In a world where even the smallest exposure can have life altering consequences we must ensure that we are constantly striving for best practice. The inclusion of a ‘best practice’ principle will make it clear to all stakeholders that we must embrace a continuous improvement approach, identifying and deploying best practice and constantly innovating to eliminate exposure.
- 11. Finally, government should be a model property manager. Whether they be schools, hospitals, libraries or office spaces ACMs are commonly found in public buildings. If we are going to super charge our efforts to remove asbestos then government should lead by example. The principles in the NSP should be expanded to include a specific reference to government being a model property manager and consider measures that would increase the rate of removal from public buildings. Consideration should also be given to actions that would prevent government from letting or occupying buildings after a certain date that contained ACMs. This could be a significant driver of ACM removal in both public building and private commercial properties.

Recommendations

3. The NSP should include a ‘best practice’ principle. This principle should incorporate an approach of continuous improvement to eliminate asbestos risks.
4. Governments should be a model property manager and lead by example when it comes to prioritised removal. Consideration should be given to prohibition on government letting or occupying building that contain ACMs by a certain date.

Priorities

5. The priorities outlined in the NSP are strong and focussed but can be improved. Language is important when communicating asbestos risk and we acknowledge in this submission, and in the NSP, that we are seeking a fundamental step change in how we approach in situ management.
6. The use of ‘proactive management’ in priority 2 is problematic and risks elevating ‘management’ as an effective intervention. As stated previously the risk of exposure increase exponentially with the age of ACMs. The time has passed for in situ management and we must see a greater emphasis on removal. Accordingly, we would propose that this priority be strengthened by further highlighting the need for ‘removal’ as an action in the priority.

Recommendation

5. The NSP priority #2 should be reframed to highlight systematic and prioritised removal. Equally, the term management in this priority should be avoided.

Enablers

12. Effective enablers are critical to being able to implement and monitor progress of the NSP. As highlighted previously asbestos management and removal is more than just a workplace issue and needs to reach out into areas of public health, environment and other areas. Furthermore, the NSP is multi-sectoral and requires actions across government and from a variety of stakeholders in order to achieve its objectives. Consequently, this means that we must ensure the highest level of political engagement across all governments to ensure the activities are sufficiently funded and mainstreamed across all relevant portfolio areas.

13. Accordingly, the NSP will be substantially improved in recognising the importance of Ministers in leading, investing and monitoring progress on the NSP. This will also be critical in combatting the complacency challenge as Ministers will be able to drive action across government and continue to raise the alarm on asbestos inaction and push for a greater emphasis on prioritised removal. As such unions believe that a Ministerial Council should be established to monitor the implementation of the NSP. This should include key focal point Ministers from each jurisdiction and meet annually to monitor progress of the NSP and renew their commitments and investments in prioritised removal and other activities outlined in the NSP.

Recommendations

6. **An Asbestos Removal Ministerial Council (ARMC) be established to monitor the implementation of the NSP. The council should meet at least annually and track progress against the NSP.**

National Action Plan

Raise awareness

7. Given the ubiquitous nature of asbestos in Australia awareness amongst key groups and the community more broadly is critical to the effective identification and removal of asbestos. Whilst much of the focus in recent years has been in relation to key trades and DIYers there are a number of other groups that are high risk and should be considered for specific awareness raising.

8. We support the inclusion of the awareness raising actions in the action plan, in particular DIY and trades, Indigenous Australians and property managers, however it is not clear why those awareness raising activities should be limited to priority #1 (accurate identification and consistent assessment) and not extended to other areas as appropriate. It is clear that many of these cohorts have responsibilities that extend across the asbestos management system and they should be made aware of their obligations and risks across these priority areas. For example property owners/managers should be aware of identification issues and DIYers should be aware of prioritised and systematic removal matters.

9. In addition to the above in recent years we have witnessed some appalling and tragic examples of asbestos exposure in schools and other public buildings. As such we believe there should be a wider approach to asbestos awareness and include key groups in the school community including, but not limited to, principals, teachers, students and parents.
10. As one of the highest historical per capita users of asbestos Australia has an important legacy and moral duty to warn the world of the risks of continued use of asbestos and to strengthen our multi-lateral environment agreements (MEAs) to ensure that asbestos risks understood and managed effectively.
11. Disturbingly, despite what is known about the risks associated with the use of asbestos there is still nearly 1 million tonnes of asbestos (mainly chrysotile) traded globally, with much of it imported to countries in our region including Vietnam, Cambodia, Laos and Indonesia. This presents significant risk not only to workers and consumers in these countries, but as significant trading partners with Australia it continues to present risks to Australians when it is used in products imported to Australia.
12. ASEA, via its partners APHEDA, have done amazing work in advancing national bans through working with local unions and NGOs to influence government policy. These efforts have resulted in bans being announced in a number of regions and countries, including more recently in Cambodia.
13. For nearly 20 years some parties have sought to list chrysotile asbestos on the Rotterdam Convention only to be blocked by exporting countries such as Russia, India and Kazakhstan. These blocking tactics prevent countries from being notified of asbestos imports and from being able to take the necessary action to prevent exposure. In recent years the global asbestos industry has been using this non-listing as a sign that asbestos use presents no risks and that regulation or prohibition is not necessary. These actions have directly undermined the work that APHEDA have been undertaking to advance national bans and their international work must be expanded to address these issues.
14. Unions and NGOs have led campaigns to reform the Convention and have won the support of an overwhelming majority of parties. These reforms offer promise in terms of the listing of hazardous chemicals including asbestos which can accelerate steps toward bans. The NSP must ensure an expanded approach to ASEA's international work and

include active involvement in Australia's efforts to reform the Rotterdam Convention (and other multi-lateral agreements and frameworks).³

Recommendations:

The following recommendations should be included, where appropriate, across the range of priority areas:

7. Awareness raising actions should be extended, where appropriate, across the asbestos management system and priority areas.
8. Other key cohorts should be targeted for asbestos awareness campaigns including those related to schools (principals, teachers, students and parents).
9. The NSP should have an explicit objective of advancing reform to multi-lateral environment agreements and frameworks, including but not limited to the Rotterdam Convention. This should include providing support for unions and NGO campaigns as well as ASEA integrating its work with DCCEEW and taking a leading role on Rotterdam reform.

Improve knowledge, skills and workforce capacity

15. Improved knowledge, skills and workforce capacity will be critical to ensuring that we are able to deliver on the NSP. This includes both a deep understanding amongst key trades and occupations involved in asbestos management and removal as well as a broad understanding across the wider workforce and community of asbestos related issues.
16. There are a number of additional opportunities that should be considered as part of the NSP for improving knowledge, skills and workforce capacity. Key amongst these is ensuring that health and safety representatives (HSRs) are skilled and equipped to identify ACMs in workplaces and understand how to advocate for their removal. Unions believe that a stand-alone 1 day course that can be taken alongside their yearly refreshers should be developed. This would significantly enhance the capacity of workplaces to tackle systematic management and prioritised removal.

³ This should include using Issues of Concern (IOC) within the Global Chemicals Framework and UNEA.

17. In addition to HSR specific training, increasing the access to recognised and accredited asbestos awareness training should be considered. This should include the provision of 'fee free' accredited training to all workers who wish to gain this qualification. ASEA should play a role in ensuring that the content is best practice and is delivered by appropriately qualified RTOs.

Recommendations:

The following recommendations should be included, where appropriate, across the range of priority areas:

10. A one-day HSR asbestos course to be delivered alongside refresher training should be developed with unions for inclusion as recognised training in all jurisdictions.
11. Expansion of access to 'fee free' accredited asbestos awareness training. ASEA should play a role in the development of the course and accreditation of training providers.

Strengthen and align relevant legal frameworks

18. Asbestos is highly regulated in Australia. Whether it be in areas of public health, the environment, building standards or work health and safety there are numerous regulatory frameworks that drive behaviours when it comes to asbestos management.
19. Unions have for a long time been frustrated with the way in which our work health and safety laws, regulations and codes of practices determine how asbestos is to be managed in the workplace.
20. As has previously been mentioned ACMs in the built environment are, in many cases, at least 50 years old. ASEA often quotes European estimates that approximately 0.01-0.02mm of asbestos sheet thickness is lost per year due to weathering. This significant degradation casts doubt over the very idea that there is such a thing as 'safe' bonded asbestos and indicates that all asbestos is 'hazardous'.
21. All jurisdictions, except Victoria, have adopted the Model WHS Laws (Model Laws). These laws provide high level duties on persons conducting businesses or undertakings (PCBUs) to ensure the health and safety of workers and others so far as is reasonably

practicable.⁴ In addition to these duties the Model Laws also include prescriptive regulations that clarify how these duties are met and set out standards for identifying, assessing and controlling risks. These regulations prescribe that duty holders must use a hierarchy of controls whereby they systematically work back from elimination to lower order mitigating controls.

22. Asbestos is unique amongst workplace hazards. Unlike every other hazard the Model Laws sets out a process for 'managing' the risk of asbestos as opposed to elimination. Furthermore, there are significant barriers on workers, HSRs and inspectors to enforcing the primary duties when it comes to asbestos risks. Given the age of ACMs it is critical that these matters are rectified and there should be a thorough review of both the Model Laws and the Victorian OHS Act to ensure that hazards associated with ACMs are identified, assessed and controlled in the same way as other hazards.
23. Compliance and enforcement is equally challenging when it comes to asbestos management. Similar to the issues outlined above, changes to our WHS laws are required to clarify the powers of inspectors to issue improvement notices that require the removal of ACMs introduced prior to 2003. Additionally, powers for unions to prosecute PCBUs for breaches of these duties should be included in our WHS laws to ensure greater compliance with these obligations.
24. Workplaces and public buildings are required to have an asbestos register. These registers are expected to clearly document the location and condition of ACMs on the premises. These registers should inform an asbestos management plan that should include the systematic management and prioritised removal. Consideration should be given to strengthening the legal frameworks that set out specific dates for ACMs to be removed. It should no longer be acceptable to manage in situ asbestos and our WHS laws should be updated to reflect the urgency required to eliminate ACMs from the workplace.

⁴ Whilst Victoria is not 'harmonised' its OHS Act is similar in structure, duties and regulations to the Model Laws.

25. Like with other hazardous substances asbestos is subject to binding workplace exposure standards/occupational exposure limits (WES/OEL). Globally there has been significant technological progress that enables the detection of asbestos at much lower levels with the European Commission recently reducing their OEL to 0.01 fibre per mm. Australia's current WES/OEL is 0.1 fibre per mm and is significantly higher than that of the EU. The NSP should consider actions aimed at working with Safe Work Australia (SWA) to review the WES with a view to aligning with the changes recently introduced by the European Commission.
26. The safe removal of ACMs is critical to minimising exposure. Australia has some of the highest standards of accreditation in the world when it comes to asbestos removal and licenced removalists are required to undertake extensive training and subjected to regular audits. However, with the exception of the ACT, no licence is required when removing less than 10sqm of asbestos, except in cases where the asbestos is friable. In these cases no training is required and no auditing undertaken. Unions regularly report building works where this practice is undertaken and abused. Often these practices involve removing on different days or times multiples of 10sqm and potentially exposing workers and the community. The NSP should include plans to close this loophole to ensure future generations of workers are not exposed to asbestos through unsafe and unregulated removal practices.
27. One way or another ACMs must be removed. They will either be removed in a planned, coordinated way where exposure is minimised and controlled or they will be removed following an unplanned and uncontrolled exposure. Accounting standards play a significant role in how corporations manage and express liabilities to shareholders and the community. These standards should require corporations to disclose ACM liabilities and the costs associated for removal. This would give visibility to shareholders and the community of ACM liabilities and risk and encourage and motivate greater action.
28. Beyond the workplace and public buildings there are significant opportunities to strengthen the legal frameworks in relation to residential property. With as many as 1 in 3 residential properties containing asbestos it is of significant concern that property owners are unaware of ACMs. These risks are compounded by the lack of awareness amongst the general public of the types of ACMs that exist in residential properties. Unions believe that at the point of sale or rent, property owners and managers should be required to have undertaken an asbestos assessment and disclose to buyers and

tenants the location of all ACMs including their condition. This would raise significant awareness of ACMs in the home and motivate and encourage prioritised removal.

Recommendations:

The following recommendations should be included, where appropriate, across the range of priority areas:

12. ASEA, in conjunction with Safe Work Australia (SWA), undertake a review of the model laws, regulations and codes of practice, to ensure that our WHS regime supports the prioritised removal of ACMs from the workplace. This should include a requirement for PCBUs to have an asbestos management plan in place no later than 2030 and that this plan must include a prioritised removal plan for all ACMs to be removed no later than 2040.
13. Changes to compliance and enforcement provisions that clarify and confirm inspectors powers to issue improvement notices to remove ACMs. Similar provisions should be provided to unions to be able to prosecute PCBUs for a failure to provide a safe workplace.
14. Immediately reduce the WES to that introduced by the European Commission and conduct a review to determine if a lower standard would be more protective
15. The NSP should include plans to end the 10sqm rule to ensure future generations of workers are not exposed to asbestos through unsafe and unregulated removal practices.
16. Accounting standards should require corporations to disclose ACM liabilities and the costs associated for removal.
17. A requirement on property owners/managers to undertake asbestos assessments and disclose to buyers and tenants of their location and condition. This should include obligations on real estate agents to ensure compliance against these requirements.

Innovate, incentivise and inspire action

29. Innovation and technology offer powerful solutions to many of our problems when it comes to identifying, managing and eliminating ACMs. The recent experience of using AI to map the Australia residential sector is a power case study. Similar activities should be considered as part of the NSP that would enhance prioritised removal activities.
30. One such initiative would be the development of a national register of ACMs in public and private buildings. This would enable all registers to be uploaded to an accessible 'live' national database. QR codes could be placed in buildings that would enable users to scan to understand the asbestos risks.

Conduct research and data collection

31. Research and data collection are important elements of the NSP. The multi-sectoral, multi-stakeholder and cross jurisdictional nature of asbestos management means that ASEA is more responsible for coordinating than 'doing'. Data and reporting are critical drivers of best practice and national consistency and it is critical that each jurisdiction commit to reporting on progress on the NSP and providing the necessary and available data in a timely and coordinated fashion.
32. The NSP will be strengthened by explicitly requiring jurisdictions to share relevant data and information that will enable reporting and monitoring on progress against the NSP. This reporting framework should be updated regularly and aligned with key targets and indicators as they are developed.

Recommendations:

The following recommendations should be included, where appropriate, across the range of priority areas:

18. The development of an online national database of asbestos registers for public, commercial and residential properties.
19. The NSP Action plan should include clear obligations on jurisdictions to share all relevant data and information that can assist with the implementation, monitoring and evaluation of the NSP.
20. A national reporting framework should be developed alongside the NSP that enables effective reporting on, and monitoring of, the NSP. This reporting framework should inform national and jurisdictional evaluations.

Measuring Performance

33. Measuring performance is a critical element to any NSP. It should provide key, objective measures that clearly identify the objectives of the plan and these should be aligned to simple, measurable and realistic targets (SMART). These should be supplemented with milestones and indicators to ensure that we are regularly tracking progress.
34. Unions believe that a measuring plan should be developed once the broad objectives and structure of the NSP are settled and governments (national and jurisdictional) can begin to identify the measures and timeframes for implementation. Each jurisdiction is on a different trajectory when it comes to asbestos management and removal and this

framework should take into account these regional differences when developing realistic targets.

35. This measuring framework should be developed through a consultative framework, drawing from the broad experience of stakeholders and the Asbestos Safety and Eradication Council in the first 12 months of the NSP and should be endorsed by the Asbestos Removal Ministerial Council (ARMC).

Recommendation

- 21. A measuring performance framework should be developed in the first 12 months of the implementation of the NSP. This should be done in consultation with stakeholders, ASEC and jurisdictions and endorsed by the ARMC.**

Conclusion

36. Australia is at a cross-roads when it comes to asbestos management. The actions we take in the coming years will determine how many future generations will be burdened with asbestos related disease. We have the opportunity with this NSP to choose a higher road and faster removal path that will see Australia asbestos free sooner. This will save lives.
37. In order to achieve this it is critical that in the phase ahead we shift our mindset and policy footing away from in situ management toward prioritised removal. The draft Asbestos National Strategic Plan provides the structure to achieve this goal. We must break down the legislative barriers that support inertia on asbestos removal. We must elevate this plan across government and mainstream its action across the various sectors that intersect with asbestos management, from work health and safety, public health and the environment and across all levels of government, local, state and federal.
38. We again thank the Agency for their work on this plan and welcome the opportunity to further engage on this important initiative.

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