

THE AUSTRALIAN INDUSTRY GROUP SUBMISSION

**Response to:
Federal Government**

**Draft National Strategic Plan for Asbestos
Awareness and Management**

April 2013



INTRODUCTION

This submission is made on behalf of The Australian Industry Group in response to the draft *National Strategic Plan for Asbestos Awareness and Management*, released for public comment by the Federal Government in April 2013.

THE AUSTRALIAN INDUSTRY GROUP (Ai GROUP)

The Australian Industry Group (Ai Group) is a peak industry association in Australia which along with its affiliates represents the interests of more than 60,000 businesses in an expanding range of sectors including: manufacturing; engineering; construction; automotive; food; transport; information technology; telecommunications; call centres; labour hire; printing; defence; mining equipment and supplies; airlines; and other industries. The businesses that we represent employ more than 1 million employees.

It is an organisation committed to helping Australian industry with a focus on building competitive and sustainable industries through global integration, skills development, productive and flexible workplace relations, infrastructure development and innovation.

The organisation provides practical information, advice and assistance to help members run their businesses more effectively. It ensures through policy leadership that members have a voice at all levels of government, by representing and promoting their interests on current and emerging issues.

Ai Group members operate small, medium and large businesses across a range of industries.

We are represented in ongoing tripartite consultative forums, and other consultative processes, with governments, occupational health and safety and environmental regulators. We have been actively involved in reviews of occupational health and safety and environmental processes and regulation across Australia.

Ai Group is a member of Safe Work Australia, with representation on the Strategic Issues Group – Work Health and Safety (WHS) which oversaw the development of the Model WHS Laws.

Ai Group's information, advisory, consulting, legal and training services bring our staff into contact with a broad range of businesses across Australia who share with us the opportunities and challenges that arise when running a business in the current regulatory environment. Every day our specialist Health and Safety and Environmental staff interact with employers who need advice or assistance to meet their current safety and environmental obligations. This practical exposure to safety and environmental issues within businesses, combined with the expert knowledge of our experienced advisers, informs our considerations and ensures that the legal, technical and day to day practical implication of those laws in the workplace are all taken into account.

In developing our submission we have had discussions with a range of member organisations which have significant experience with the management of asbestos in their workplaces; these views are reflected in our submission.

COMMITMENT TO THE SAFE MANAGEMENT OF ASBESTOS

Ai Group, and our members, are committed to eliminating or minimising, so far as is reasonably practicable, the risks associated with asbestos. The views expressed in this paper reflect concerns about the practical feasibility, and overall safety implications, of a process which accelerates the removal of asbestos, referred to in the draft plan as a prioritised removal program (PRP), without also ensuring that we have the necessary skills, logistics and resources in place to manage removal, transportation, disposal and storage.

Ai Group engages with members on a range of OHS/WHS topics, particularly compliance issues, to highlight the importance of managing health and safety effectively and in line with current legislative requirements. Ai Group acknowledges that there may be some workplaces where asbestos is not being managed effectively, or in line with current legislative requirements. OHS/WHS regulators should be addressing this issue as part of broader enforcement activities.

A NATIONAL APPROACH TO THE MANAGEMENT OF ASBESTOS

Ai Group supports a national approach to the management of asbestos in workplaces and the community generally. However, we recognise the difficulties that arise when attempting to bring together a range of regulatory responses that are the responsibility of state and territory governments.

Harmonisation of occupational health and safety laws was supported by an Inter-Governmental Agreement (IGA), with funding dependant on state/territory governments adopting the laws. However, harmonisation of health and safety laws, whilst largely successful, has still encountered some difficulties, including two jurisdictions that have not yet adopted the laws, and a number who have adopted the laws with amendments.

Management of asbestos is even more complex. It involves state/territory and federal work health and safety regulators, environmental protection agencies, and local governments. It also involves the infrastructure for transport, storage and disposal, which relies on private and public sector organisations to establish and manage.

We note that legislation is currently before parliament to establish the Asbestos Safety and Eradication Agency (the Agency), which will have responsibility for implementing the finalised strategic plan.

Ai Group is concerned that the Agency will be undertaking roles that are more appropriately addressed through other national bodies/processes, such as those outlined below.

In relation to OHS/WHS there is already extensive cooperation across Australia through Safe Work Australia and HWSA (Heads of Workplace Safety Authorities).

In relation to issues associated with the management of asbestos waste, a National Waste Policy has been developed. In the foreword to the Implementation Report 2011, it stated that the policy is to provide the “basis for strong collaboration among stakeholders to deliver effective approaches to national waste issues. Implementing this policy will mean that all wastes, including hazardous wastes, will be managed in a way that is consistent with Australia’s international obligations and the protection of human health and the environment”.

It is important that the work of the Agency complements these existing national activities, rather than duplicates them. It is also important that stakeholders have a clear understanding of the responsibilities and activities of all the organisations/processes that will contribute to achieving the safe management of in situ asbestos and asbestos waste. Without this clarity, there will be confusion and the potential for conflicting messages.

Our discussions have identified that insurance is also a key difficulty for those who undertake, or attempt to undertake work in this space, and for those who provide advice on the management of asbestos. Ai Group believes this is an important area of investigation for the Agency to undertake, in liaison with the Insurance Council of Australia. Identifying and implementing solutions to insurance difficulties will be essential for the future management of asbestos, particularly identification, removal, transportation, storage and disposal.

COSTS AND LOGISTICS

Ai Group is concerned about the costs and logistics associated with removing asbestos from all buildings and structures. Our comments regarding these issues are based on information from organisations that clearly understand their current legal obligations to manage in situ asbestos in a manner which eliminates or minimises the risks associated with asbestos.

In a workplace that has managed asbestos appropriately, there will be two types of asbestos:

- non-friable asbestos in good condition which is recorded on an asbestos register and regularly monitored; and
- *assumed* asbestos in locations which are not accessible and are unlikely to be accessed unless renovations or irregular work is carried out.

Included in the first category are walls and roofs which form large workplaces which operate at least 5 days a week, 48 weeks a year; many of them will operate 24/7, 365 days per year. A major removal process will be extremely disruptive with the need to either relocate plant and personnel or shut down operations for an extended period. It will also be extremely expensive.

An Ai Group member company, with three manufacturing sites, has provided us with an overview of the activities they have undertaken to manage asbestos, the costs incurred to date and the potential costs associated with removing asbestos which is currently in good condition. It should be noted that the costs estimated here do not include any interruption to production.

All sites have completed audits and registers and fully comply with all regulatory requirements in the safe encapsulating/sealing/handling/disposal/identification and reporting of this substance.

The vast majority of observed asbestos is non-friable and considered "low disturbance". (restricted access) This is managed by extensive audits/identification, training/awareness, signage, sealing, encapsulation and other methods to reduce contact.

Auditing also highlighted a fair degree of "assumed presence" due to being in areas that cannot be accessed except by major/complete demolition of sites or there is severe and restricted access for engineering/maintenance purposes only and these areas are well controlled.

The vast majority of the asbestos is in the form of A/C sheeting for roof and wall panelling. Many thousands of square metres of this material have already been removed from all of the sites over the previous 10 years whenever the condition of the material required it to be replaced or whenever constructions or modifications were required. This is estimated to have cost the company approximately \$2.5million by either direct outlays or additional costs to projects.

Estimates to completely remove exposed and easy-to-access asbestos is \$3.7m to \$4.5m across all sites. This figure could be substantially higher if asbestos needs to be removed from areas that are considered part of the structure of the buildings and those areas where (assumed) asbestos is completely hidden such as behind tiled walls, underneath flooring and/or machinery/equipment.

Another member, with extensive shedding has advised that they have undertaken widespread removal work at a cost of about \$2m per shed.

This has been a planned removal process over many years, and under current plans, will continue well into the future. A major cost in the asbestos removal process is the cleaning of structures that remain after the removal of asbestos sheeting. If there is a need to accelerate removal, the most cost effective, and least disruptive, option would probably be to completely demolish entire buildings and replace them.

If a total demolition approach is adopted by organisations, there is the potential that there will be significant asbestos contaminated waste that will need to be disposed of in appropriately licensed waste sites. Hence, any estimation of the required capacity of licensed asbestos disposal facilities to handle a PRP will need to factor in more than just the amount of asbestos that will require disposal.

Ai Group is also concerned about the manner in which the PRP would be funded. Accelerated removal work is likely to require significant expenditure. Many businesses will not have the resources necessary to allocate to such work, especially in the challenging business conditions which they confront. Consideration should be given to some form of support for industry if the PRP is adopted.

INFRASTRUCTURE

Ai Group is concerned that there are insufficient appropriately licensed sites to support an accelerated removal approach. In determining the feasibility of implementing a PRP, there needs to be a detailed analysis of the available infrastructure, focusing on both capacity and location of storage and disposal facilities.

BUILDING ON PREVIOUS KNOWLEDGE AND EXPERIENCE

It is important to recognise that Australia has been legislating for the management of asbestos for decades. Many organisations have effectively managed in situ asbestos in line with legislation; whilst others have undertaken major removal work. The National Strategic Plan needs to build on the good work to date and move forward without creating panic.

COMMENT ON THE DRAFT STRATEGIC PLAN

INTRODUCTION

Ai Group notes that the draft Strategic Plan is based largely on the recommendations of the Report of the National Asbestos Management Review (June 2012).

However, some of the recommendations of the review have not been incorporated into the draft plan. Ai Group believes that some stakeholders will argue that these activities should be included; for this reason, we commence our feedback with comments on some significant recommendations that have not been included.

Comments on recommendations in the National Asbestos Management Review that have not been included in the draft Strategic Plan

Recommendation not reflected in draft Strategic Plan	Ai Group comment
<p><i>Recommendation 3</i> (a) The establishment of centrally operated processes and systems to identify the location, and assess the condition of asbestos-containing materials (ACMs) in government and commercial property constructed prior to 31 December 2013. (c) The asbestos identification measures above should be administered by the relevant local council (or its equivalent) with each municipality being responsible for maintaining a database for their local area.</p> <p><i>Recommendation 8</i> (a) Better utilisation of knowledge regarding the locations of asbestos in Australia to obtain an accurate identification of ACM density via a national database and thus assist with civic planning and development of asbestos abatement policies and management of responses to natural and other disasters.</p>	<p>OHS/WHS laws already require <i>persons conducting a business or undertaking</i> to identify the location and condition of ACMs in workplaces, to determine how in situ asbestos can be effectively managed, and maintain associated records.</p> <p>Ai Group does not believe that a centrally operated process (recommendation 3a) or a national database (recommendation 8a) would add any value to the safe management of asbestos.</p> <p>Further, the involvement of local councils (as outlined in 3c) would result in an overlap of responsibilities between the OHS/WHS regulator and local councils in workplaces. This would create confusion for businesses and limit the OHS/WHS regulators' ability to enforce the legislative requirements.</p> <p><i>Ai Group supports the exclusion of these recommendations from the draft Strategic Plan</i></p>

Recommendation not reflected in draft Strategic Plan	Ai Group comment
<p><i>Recommendation 4</i> (c)(i) Standards that mandate that only licensed operators undertake handling, removal, storage, transport and disposal of asbestos – with exemptions for specified occupations.</p>	<p>OHS/WHS laws already have tight controls around the removal of asbestos in workplaces. These laws do not require any changes.</p> <p>In relation to residential properties, it is Ai Group’s view that placing a requirement on home owners to engage either a licensed removalist or a specified occupation to undertake removal work would be impractical.</p> <p>It is our view that such an approach would inevitably result in home owners doing illegal asbestos removal work. This would occur at the same time as advice to home owners on how to safely deal with asbestos was withdrawn (as advice cannot be provided on how to do something that is illegal).</p> <p>This has the potential to lead to an increase in unsafe DIY practices.</p> <p>It may also lead to illegal dumping practices, as home owners would not be able to dispose of asbestos waste in licensed facilities if it was illegal for them to remove it.</p> <p>A far better approach is to continue to provide enhanced information to householders to enable them to make informed decisions and undertake removal and disposal activities safely, and legally.</p> <p><i>Ai Group supports the exclusion of this recommendation from the draft Strategic Plan</i></p>
<p><i>Recommendation 12</i> Where ACMs were introduced into previously privately owned land during a period of compulsory government acquisition, and such land has reverted to its original ownership and remains so, the relevant government agency should remediate the property</p>	<p>If the government accepts the adoption of a PRP that requires all asbestos to be removed from all government and commercial buildings by 2030, it is appropriate that the relevant government agency is responsible for the properties described in this recommendation.</p> <p><i>Ai Group does not support the exclusion of this recommendation from the draft Strategic Plan.</i></p>

COMMENT ON THE DRAFT STRATEGIC PLAN

Our feedback on the draft Strategic Plan generally follows the flow of the plan. However, when considering the five strategies, we have commented on *Strategy Three* first. This is because our response to *Strategy Three* sets the scene for the remainder of our comments. To assist the reader, we have reproduced the content of the draft plan prior to commenting on each section.

TITLE OF THE STRATEGIC PLAN

Ai Group is comfortable with the title of the draft strategic plan. However, it appears to be inconsistent with the proposed title of the Agency that will be managing the plan; the legislation currently before parliament will establish the Asbestos Safety and Eradication Agency.

It is Ai Group's view that it is important the title of the plan is not changed to match that of the Agency. The removal of known asbestos from the built environment is not eradication; it is relocation. Even if Australia achieves the removal of asbestos from the built environment, we will continue to have asbestos storage and disposal facilities and illegally buried and dumped asbestos waste that will potentially be uncovered for many decades to come.

Draft: AIM OF THE NATIONAL STRATEGIC PLAN FOR ASBESTOS AWARENESS AND MANAGEMENT

The aim of the Plan is to minimise exposure to asbestos fibres, in order to eliminate asbestos-related disease in Australia

Ai Group comment on the aim:

Ai Group supports the aim as currently written in the draft plan, i.e. to minimise exposure to asbestos fibres.

Draft: PRINCIPLES

- risk management – a proactive and cautious approach to ensure minimisation of risk to the community is paramount in any activities implemented
- evidence-based decision making – all decision making based on sound evidence and analysis from national and international sources
- transparency – activities are conducted in an open and transparent manner and all stakeholders have access to the information available
- public participation – with asbestos safety a community issue, consideration is given to the interests of all Australians

Ai Group comment on the principles:

Ai Group supports the principles as currently drafted. In particular we encourage the adoption of an approach which is cautious in nature. It is imperative that the removal of asbestos from buildings and structures does not create unintended risks during removal, transport, storage and disposal. This requires appropriate skills, knowledge and infrastructure to minimise the risk throughout the life cycle of asbestos. As noted earlier, the plan as currently drafted involves a significant relocation of asbestos from in situ locations in buildings and structures, through a supply chain which will end with disposal and storage facilities which will require ongoing management. We need to be sure that we are not creating a greater risk during the movement through that supply chain.

Draft: Strategy three: IDENTIFICATION AND REMOVAL

Goal: Development and implementation of a prioritised removal program across Australia

OUTCOMES

- 1 Nationally consistent systems, processes, policies and procedures for identification and removal
- 2 Successful prioritised removal pilots conducted in several states/territories
- 3 All asbestos safely removed from all Government and commercial buildings by 2030

Ai Group believes that the best way to manage the risks of asbestos in Government and commercial buildings is to effectively engage with the owners and/or occupiers of these buildings/structures to achieve compliance with current OHS/WHS legislation. Attempts to remove all asbestos by 2030 (only 17 years away) are likely to have unintended consequences, that have the potential to increase exposure to asbestos fibres, both during the removal phase and subsequently.

Of particular concern is the period post-2030, where there will be a presumption that all asbestos has been removed. Asbestos registers will no longer be the norm. Organisations that have not achieved removal may be encouraged to “hide” the fact that they have asbestos in their buildings/structures, especially if it is in areas where it cannot be observed.

An example of where this could happen was provided by an Ai Group member during our consultation on this issue. The business has a large building which, until recently, included floor tiles that contained asbestos; over the years walls have been constructed in the building, sitting on the tiles. When the tiles were recently removed from the exposed floor the business implemented a sealing process which covered the entire floor and the lower part of the wall before laying replacement flooring. The remnants of the asbestos tiles remain under the wall. The presence of asbestos is noted on the asbestos register. The removal of the tiles that sit under the walls would be an extremely expensive activity, for no benefit.

Ai Group does not support the implementation of a PRP to remove all asbestos from government and commercial buildings by 2030, as we are not convinced that it is the best approach to the safe management of asbestos. Ai Group does support OHS/WHS regulators having active programs in place to ensure that current legislative requirements are being met by *persons conducting a business or undertaking*.

DELIVERABLES

Government and commercial buildings	
1	Examine the feasibility of the development of a rating or grading system for the condition of asbestos containing material (ACM)
<p><i>Ai Group comment on deliverable:</i></p> <p>Ai Group supports an investigation in to the feasibility of the development of a rating or grading system, in conjunction with the continued application of a risk management approach to the management of asbestos. However, if the 2030 removal plan is progressed, we do not believe that the time involved in undertaking and implementing such a system would be of benefit.</p>	
2	Develop a framework which will include policies and procedures to undertake a review of government buildings and structures to identify the location, quantity and condition of ACMs in government infrastructure
<p><i>Ai Group comment on deliverable:</i></p> <p>All governments (and businesses generally) have obligations under current (and previous) OHS/WHS laws to eliminate or minimise the risk of asbestos; this includes requirements to develop and maintain an asbestos register and/or asbestos management plan. If governments have been complying with these requirements there should not be any need to undertake a further review of government buildings and structures.</p>	
3	Undertake a review of all government buildings and structures to ascertain the location, quantity and condition of ACMs.
<p><i>Ai Group comment on deliverable:</i></p> <p>All governments (and businesses generally) have obligations under current (and previous) OHS/WHS laws to eliminate or minimise the risk of asbestos; this includes requirements to develop and maintain an asbestos register and/or asbestos management plan. If governments have been complying with these requirements there should not be any need to undertake a review of government buildings and structures.</p>	
4	Work with state, territory and local governments to develop procedures for the immediate stabilisation and containment of ACM's considered dangerous or in poor condition prior to removal
<p><i>Ai Group comment on deliverable:</i></p> <p>It is Ai Group's view that, in relation to Government and commercial buildings, this is a basic enforcement activity which clearly rests with the jurisdictional WHS/OHS Regulators who are supported by legislation that creates clear obligations on <i>persons conducting a business or undertaking</i> to eliminate or minimise the risks associated with asbestos in workplaces.</p>	

5	Consider the development of a renewable exemption certificate of ACMs in good condition except in certain circumstances such as renovations, major refurbishments, at the end of the lease etc.
<p><i>Ai Group comment on deliverable:</i></p> <p>The concept of an “exemption certificate” would be an important aspect of a 2030 removal program. However, Ai Group is concerned about the level of bureaucracy associated with such a system. We would also be concerned about the name of the certificate; we would prefer the title of “approval certificate” which indicates that the asbestos meets specific safety criteria.</p>	
6	Develop a two-staged prioritised removal program (PRP). Stage one government buildings and structures, stage two commercial buildings and structures.
<p><i>Ai Group comment on deliverable:</i></p> <p>As outlined above, Ai Group does not support an accelerated removal program. However, if it is to occur then it is essential that the government sector takes the lead. It would be totally inappropriate for the private sector to be required to remove asbestos that is in good condition if governments are not also doing the same thing. A government lead program would also allow governments to identify and remedy the range of logistical issues that will be faced if removal is accelerated.</p> <p>However, it is essential that any PRP developed and promoted by the Agency includes a very strong message that <i>persons conducting a business or undertaking</i> have clear obligations under OHS/WHS laws to eliminate or minimise the risks associated with in situ asbestos. It would be counterproductive to send an unintended message to these duty holders that they don’t have to worry about asbestos until 2030 (which sounds like a long time off to the general business operator who is dealing with the daily issues of running a business).</p>	
7	Conduct pilots in several states/territories under a PRP
<p><i>Ai Group comment on deliverable:</i></p> <p>It is not clear what is intended by this deliverable. It appears to be a subset of the preceding deliverable. Therefore, our comments are the same as above.</p>	
<p>Residential</p>	
8	Examine current ACT laws that require sellers and lessors of residential premises to provide an Asbestos Advice with a contract for sale/residential tenancy agreement for practicality of adopting these arrangements in other states/territories. The evaluation could consider a range of factors including the success or failure of the scheme, costs and benefits, impacts on residential market value.
<p><i>Ai Group comment on deliverable:</i></p> <p>As the ACT scheme may be used as a model for broader application to residential properties, it is essential that it is thoroughly examined in the manner described.</p>	

9 Consider the development of an Asbestos Content Report for residential properties from a licensed assessor prior to the sale or lease of the property or when the property is subject to substantial renovation that would require building approval.

Ai Group comment on deliverable:

It is Ai Group's view that it would be very difficult to ensure the accuracy of any Asbestos Content Reports (ACR) for residential properties.

We were provided with an example of a unit in the inner suburbs of Melbourne, built in the 1970s, which has recently been renovated. The easiest and cheapest approach, recommended by the floor installer, was to leave the current tiles in place, utilise a floor levelling solution over the existing tiles and then install the new flooring.

It is unknown whether the floor tiles contained asbestos. If this property (and any others which have undertaken a similar renovation) changes hands prior to the introduction of any scheme for residential properties, the current knowledge will be lost.

It may be presumed (incorrectly) that, as the unit was renovated in 2010 and new flooring installed, any asbestos in the kitchen has been removed; this may be reflected in an ACR.

However, it is more likely that the professional preparing the ACR will include a disclaimer that "it was not possible to determine whether the renovated kitchen contained asbestos under the current flooring or behind the current wall tiles or cabinets".

Neither scenario would add value to the ongoing identification and management of asbestos in residential properties; the first scenario would actually increase the risk by creating a false impression that the home was asbestos-free. Into the future we will need to continue to presume that all residential properties built within a certain time span continue to contain some levels of *hidden* asbestos, unless there is reliable evidence that all asbestos has been removed.

If an ACR system was to be introduced it would need to focus on the identification of any visible asbestos.

10 Examine the feasibility of a future PRP for residential properties

Ai Group comment on deliverable:

Considering feasibility of a future PRP for residential purposes should not be commenced until there is a clear understanding of the size and cost of any PRP for government and commercial buildings. It is Ai Group's view that any future PRP for residential properties would need to focus on visible asbestos, not all asbestos.

Questions for Stakeholders, from the discussion draft:

The Office is interested in receiving views on:	Ai Group response:
<p>If you find the current legislative requirements for safe management of in situ asbestos are sufficient, and if not, what do you think needs to be addressed?</p>	<p>Current OHS/WHS legislation requires <i>persons conducting a business or undertaking</i> (employer/occupier in Victoria and WA) to eliminate or minimise risk so far as is reasonably practicable. This general duty is supported by very detailed regulations, codes and guidance for the management of asbestos in workplaces.</p> <p>In the jurisdictions where the obligation rests with an employer/occupier, there would be value in being able to more clearly identify the obligations of the owner of the building.</p> <p>Other than this small area of confusion that can arise in Victoria and WA, Ai Group believes the current requirements are sufficient for the safe management of in situ asbestos in workplaces.</p>
<p>Are the potential deliverable activities practical and implementable?</p>	<p>Ai Group believes that the overriding deliverable of removing all asbestos from all government and commercial buildings by 2030 is not practical or implementable. We do not believe it will assist in achieving improved safety outcomes.</p>

Strategy one: AWARENESS

Goal: To increase public awareness of the dangers posed by working with or being exposed to asbestos

OUTCOMES

- 1 Increased community awareness of the risks posed by asbestos
- 2 Improved accessibility of information for those who work with asbestos, who are likely to come in contact with asbestos and the community
- 3 Increased community understanding of where and when to source asbestos related information

DELIVERABLES

1	Conduct a review of the awareness programs and campaigns available across Australia to ascertain where there are gaps, and where these gaps occur, develop the necessary program or information in consultation with relevant stakeholders
2	In consultation with state, territory and local governments and relevant stakeholders conduct a review of the current asbestos awareness information with a view of developing a one-stop-shop of information
3	To assist in ensuring all Australians have access to information that will assist them in times of emergencies, the Agency will develop a range of national emergency/disaster kits targeted at individuals/community, tradespersons and first responders/emergency services personnel
4	The Agency will work with state, territory and local governments and relevant stakeholders on a campaign to be run during National Asbestos Week

Ai Group comment on deliverables:

Ai Group supports the deliverables outlined above.

It is our view that some very helpful information has been developed by a number of organisations. However, it is not always easy to access. A search for “asbestos” on www.gov.au uncovered the following results:

- 19 hits for www.gov.au
- 12,021 hits for Australian Government websites
- 28,609 hits for State, Territory and Local Government websites

A general search for asbestos on www.google.com.au resulted in 24,500,000 hits.

There is clearly no lack of information about asbestos; the difficulty arises in knowing where to look for the information and then determining what is the most useful information.

Clearly we have not undertaken a full review of the adequacy of the information provided. However, during a range of searches we did note (in the short descriptors that appear in search results) that one Victorian local council is advising that the management of asbestos in workplaces is covered by the 1992 OHS Regulations, when the current regulations were made in 2007.

In principle, we support the concept of a one-stop-shop which contains a small amount of clear and concise information for a range of interested parties. However, as mentioned elsewhere in our submission this is problematic when jurisdictions have varying requirements in both workplaces and domestic properties. It would also be necessary to have printed materials available through a range of outlets to increase visibility and awareness and to enable those who do not have easy access to computers or printing facilities.

It is important to note that many jurisdictions have already developed their own *whole of government* website for asbestos; many of them have some very valuable information about the management of asbestos and are relatively easy to navigate.

It would not be advisable to duplicate this work and/or inadvertently dismantle effective communication processes which have recently been developed.

It is essential that any awareness campaign includes information about the obligations of *persons conducting a business or undertaking* to manage asbestos, under current legislative requirements.

Questions for Stakeholders, from the discussion draft:

The Office is interested in receiving views on:	Ai Group response:
Whether the current asbestos awareness programs are effective?	<p>Ai Group believes that better awareness programs could be developed, with a particular focus on home owners and DIY renovators. Whilst there is a general understanding that many factories have/had asbestos walls and roofs, knowledge about the range of household products that contained asbestos is far more limited.</p> <p>However, any awareness programs must carefully balance the need for knowledge and understanding, with the risk of creating unnecessary panic in the community and workplaces. People need to be assured that asbestos that is in good condition does not pose a significant risk, and reminded that the removal and disposal can, in some cases, create more risks than non-removal. This will be difficult to achieve if a PRP is also adopted, which has the potential to send a message that all asbestos materials will do harm.</p> <p>We also believe there would be benefits from increasing the knowledge of OHS/WHS obligations associated with asbestos, amongst <i>persons conducting a business or undertaking</i>. However, we believe this is a role for the jurisdictional OHS/WHS regulators.</p>

<p>Who should asbestos awareness programs be targeted at?</p>	<p>There are a range of target audiences, and their needs are different.</p> <p>Employers should be receiving information about their legal obligations and where they would expect to find asbestos in their buildings.</p> <p>Home owners, especially DIY renovators should be provided with information about: where they are likely to encounter asbestos; how they should handle it; and how to arrange safe disposal. They should also be provided with easy access to appropriate, disposable, personal protective equipment (PPE) for use during asbestos removal activities. However, an increasing focus on asbestos as an isolated issue for the DIY renovator does have the potential to take the focus away from other risks associated with home renovation. It may be more valuable to include asbestos in a home renovators' campaign which addresses a broader range of key risks.</p>
<p>What role the Agency should play in asbestos awareness?</p>	<p>The role of the Agency should be to facilitate the bringing together of a range of consistent information that can be used across Australia and, potentially in the international arena.</p>
<p>What measures/strategies the Agency should undertake?</p>	
<p>What positives/negatives would result from a national lead on asbestos awareness</p>	<p>The greatest positive that could be achieved through the Agency taking a national lead on asbestos awareness is providing Australians with access to a small suite of practical materials and promotional activities that can aid understanding and application of appropriate risk controls. We believe this would be particularly beneficial to the hundreds of councils that currently attempt to provide relevant information, with varying levels of usefulness and accuracy.</p> <p>However, this will not be possible whilst there are varying requirements, e.g. ACT homeowner and landlord obligations that do not exist elsewhere.</p> <p>In the area of OHS/WHS there is the risk that involvement by the Agency will create unnecessary confusion about the role of the jurisdictional regulators in providing information and enforcing the legal obligations. This is particularly the case given that there are already two national bodies, Safe Work Australia and HWSA (Heads of Workplace Safety Authorities), involved in this space. It may be that, in the OHS/WHS space, the Agency's role should be a <i>watching brief</i>.</p>

Strategy two: BETTER PRACTICE

Goal: Nationally consistent better practice in asbestos handling and management

OUTCOMES

- 1 Better practice identified in each area
- 2 Nationally consistent training for all workers who work with asbestos
- 3 Nationally consistent education for those likely to come into contact with asbestos
- 4 Adequate number of qualified assessors and removalists
- 5 Effective and safe management of asbestos in transport, storage and disposal

DELIVERABLES

- 1 Encourage sharing of information between state, territory and local governments on better practice licensing, education and training and implementation of nationally consistent practices, including
 - identification and education needs for licensed operators as well as workers in high-risk occupations
 - encouragement and support for training of adequate numbers of qualified assessors and removalists
 - asbestos education for new workers appropriate for their work, including the development of asbestos education modules for inclusion in trade training packages
 - practical asbestos safety information for workers likely to come into contact with ACMs

Ai Group comment on deliverable:

Much of this work is currently being undertaken under the auspices of Safe Work Australia and HWSA, particularly in relation to licensed operators. We do not believe that the Agency needs to be involved in this process. Where there are gaps identified, these issues should be addressed through one or both of these bodies. The involvement of the Agency in this space would add unnecessary confusion and complexity.

Reference to “assessors” in this deliverable is concerning. The ACT has broad requirements for the engagement of *licensed asbestos assessors*, including the development of asbestos registers. However, the WHS Act only requires qualified *assessors* to be engaged in relation Class A removal work - to undertake clearance inspections and provide clearance certificates.

Hence any focus on increasing the skills in this area should be focused on competent persons, not qualified assessors.

2	Conduct a review into infrastructure across Australia, with particular focus on capacity and potential environmental and community impacts.
<i>Ai Group comment on deliverable:</i>	
<p>It is extremely important that the issue of infrastructure is addressed prior to any commitment being made to a PRP. As a nation we must be sure that we have the necessary transport, storage and disposal infrastructure to facilitate any removal strategy that is to be pursued.</p> <p>The review could be achieved through gathering, analysing and reporting on the current information held by organisations such as councils, environmental regulators and waste disposal operators. Reference should also be made to the work undertaken in association with the National Waste Strategy to identify issues they have highlighted and to maximise synergies.</p> <p>Such a review also needs to be supplemented by an assessment of the current insurance environment, and potential litigation issues, which we understand are limiting the ability of councils and others to address the issues associated with establishing sufficient, cost effective, waste disposal.</p>	
3	Research and implement better practice storage and disposal, including: <ul style="list-style-type: none"> • initiatives to encourage safe storage and disposal at licensed facilities • support initiatives for the reporting of illegal disposal sites
<i>Ai Group comment on deliverable:</i>	
<p>Ai Group supports activities associated with ensuring the safe storage and disposal of asbestos waste.</p>	

Questions for Stakeholders, from the discussion draft:

The Office is interested in receiving views on:	Ai Group response:
<p>What role the Agency should undertake in relation to state and territory regulated responsibilities?</p> <p>If you find the current legislative requirements and practices for the above areas sufficient, and if not, what could a national Agency address?</p>	<p>The interaction between regulators on this topic, both intra and inter jurisdictional, is very complex. As previously mentioned, Safe Work Australia and HWSA already have a role in achieving consistency between OHS/WHS regulators, and work is well progressed with implementation of a National Waste Policy. It is not appropriate for the Agency to become another federal organisation operating in this space.</p> <p>It is important that the Agency identifies a key <i>value add</i> role which supports the work that has been undertaken to date, and facilitates further cooperation between all the key stakeholders.</p>
<p>What are examples of better practice in asbestos licensing, education and training?</p>	<p>Ai Group has no comment on this issue</p>

Strategy four: RESEARCH

Goal: Coordinated national research to minimise the risk of exposure to asbestos for the Australian community

OUTCOME

- 1 Identified practical and implementable approaches to minimising exposure to asbestos fibres, in order to eliminate asbestos-related disease in Australia.

DELIVERABLES

1 Commissioning and promoting of research that identifies practical and implementable ways to reduce asbestos exposure

2 Analysis and promotion of national and international innovations in asbestos research

Ai Group comment on deliverables:

Ai Group supports the commissioning, analysis and promoting of practical research which will enable organisations and individuals to reduce asbestos exposure in workplaces and homes.

Questions for Stakeholders, from the discussion draft:

The Office is interested in receiving views on:	Ai Group response:
Whether the research areas identified in the strategies are the right place to start?	The areas outlined in the discussion draft are very broad. For this reason, it is difficult to comment on whether they are the right strategies. Asbestos is an area that has been heavily researched and it is important that the Agency does not duplicate work already undertaken. Ai Group would encourage the Agency to undertake a detailed literature review prior to establishing a draft research strategy for further comment.
Areas other than those identified that could/should be targeted?	It is Ai Group's view that a major focus for research should be associated with the transport, disposal and storage of asbestos waste, rather than the management of in situ asbestos. This will be particularly important if the PRP is adopted with a targeted removal date from all government and commercial buildings by 2030. Research should also be undertaken into the current situation relating to insuring asbestos related activities, in particular any impact that this is having on Australia's ability to have the necessary skills and resources to effectively undertake the activities involved in: managing in situ asbestos; removing asbestos; and transportation, disposal and storage.
Research that could be undertaken to inform improvements to current management approaches?	

Strategy five: INTERNATIONAL COORDINATION

Goal: Australia continuing to play a leadership role in a global campaign for a worldwide asbestos ban

OUTCOMES

- 1 Effective coordination of all international issues
- 2 Australia recognised as an international voice in the global campaign to ban asbestos
- 3 Better practice processes on eradication, handling and awareness shared with Asia-Pacific region

DELIVERABLES

- 1 Pursue opportunities to actively lobby for improvements in international arrangements for asbestos eradication, awareness and management with the objective of achieving a worldwide ban in the production and trade of asbestos and asbestos-containing products
- 2 Be a coordination point of contact on asbestos matters for national and international organisations to enable information sharing and consistent responses
- 3 Better practice processes on eradication, handling and awareness shared with Asia-Pacific region

Ai Group comment on deliverables:

Ai Group recognises Australia’s role in this area of activity. However, it is important that this activity does not distract Australia from dealing with any of our own issues in this area.

Questions for Stakeholders, from the discussion draft:

The Office is interested in receiving views on:	Ai Group response:
What role the Agency could play in international coordination?	The Agency could play a role in leading Australia’s input into international debate and activity. However, we do not believe it is appropriate for the Agency to undertake an international coordination role.
Where Australia’s efforts in achieving improvements in international asbestos eradication, awareness and management should be concentrated?	Ai Group does not have a view on this issue.