



ASU Submission

Senate Economics References Committee Inquiry into Non-conforming building products

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Date:	Friday 13 th January, 2017

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Introduction

1. The Australian Services Union (ASU) is one of Australia's largest Unions, representing approximately 135,000 members.
2. The ASU was created in 1993. It brought together three large unions – the Federated Clerks Union, the Municipal Officers Association and the Municipal Employees Union, as well as a number of smaller organisations representing social welfare workers, information technology workers and transport employees.
3. Current ASU members work in a wide variety of industries and occupations because the Union's rules traditionally and primarily cover workers in the following industries and occupations:
 - Local government
 - State government
 - Social and community services
 - Transport, including passenger air and rail transport, road, rail and air freight transport
 - Clerical and administrative employees in commerce and industry generally
 - Call centres
 - Electricity generation, transmission and distribution
 - Water industry
 - Higher education (Queensland and SA)
4. The ASU has members in every State and Territory of Australia, as well as in most regional centres.
5. The Australian Services Union welcomes the opportunity to make a submission to this Senate Inquiry. Whilst we will not be addressing all the terms of references (listed below) our submission will provide views on a number of issues relating to the use of imported products which contain asbestos as well as draw attention to various related issues which are often overlooked.
6. We will conclude with Recommendations which seek to address issues raised in relation to imported asbestos products.
7. The ASU has members and coverage of workers who are at risk in workplaces where asbestos may exist in imported building products notably in the electricity, water services and local government industries.

Additional terms of reference - asbestos

8. As a result of a number of cases where asbestos has been found in imported building products on 13 October 2016, as part of its broader inquiry, the committee resolved to inquire into the illegal importation of products containing asbestos. The committee adopted the following terms of reference for this part of the inquiry:
9. The illegal importation of products containing asbestos and its impact on the health and safety of the Australian community, with particular reference to:
 - (a) the prevalence and sources of illegally imported products containing asbestos;
 - (b) the effect of illegally imported products containing asbestos on:
 - (i) industry supply chains, including importers, manufacturers and fabricators, and
 - (ii) workplace and public safety and any associated risks;
 - (c) possible improvements to the current regulatory frameworks for ensuring products containing asbestos are not illegally imported to Australia, with particular reference to the effectiveness of:
 - (i) policing, enforcement, surveillance and screening of imported products, including restrictions and penalties imposed on importers and end users of products containing asbestos;
 - (ii) preventing exposure and protecting the health and safety of workers and other people affected by the illegal importation of products containing asbestos,
 - (iii) establishing responsibility for remediation of sites where illegally imported products containing asbestos has been found;
 - (iv) coordination between Commonwealth, state and territory governments and the role of the Australian Government in coordinating a strategic approach to preventing the importation of products containing asbestos;
 - (d) any other related matters.
10. The ASU is represented on and actively supports the South Australian Asbestos Coalition (SAAC) - a broadly based community organisation which shares the emerging consensus that a

more robust regulatory regime is essential to protect the Australian public from exposure to imported Asbestos Contaminated Products (ACP). ASU SA Branch official, Janet Giles, is a member of the SAAC and if the Senate Committee convenes in Adelaide she will be available to appear.

11. SAAC includes representatives from asbestos victims support groups, environmental and workplace health and safety regulators, unions, a leading household hardware chain, asbestos removalists, university researchers and industrial hygienists.
12. It has extensive, firsthand experience of the devastating personal and financial effects of asbestos related disease on sufferers and their families. They are also conscious of the broader economic burden asbestos related disease has on the nation and the public health system.
13. An asbestos disease free Australia is SAAC's ultimate aim which is strongly supported by the ASU.
14. The Commonwealth government's decision to prohibit the importation of all forms of asbestos in 2003 was an important step in achieving this goal.
15. International trade in asbestos products, however, continues to grow, and global production is reported as around two million tonnes a year. Against this background, the illegal import of ACP, mainly from China, is becoming a significant, new, problem that undermines the goal of an asbestos disease free Australia. This development is compounded by the availability of online purchasing and the marketing of many asbestos products as 'asbestos free'.
16. Building and construction materials have been by far the most common source of asbestos contaminated imports. In February 2016, Australia's asbestos watchdog reported there were at least 64 buildings nationwide where asbestos contaminated building products had been used.

Other illegal asbestos imports include:

- Large industrial plant (e.g. heat exchange tubes at Nyrstar's smelter in SA)
- Car brakes
- Gaskets
- Jointing materials in flues
- Heating equipment
- Pressurised hoses
- Asbestos 'healing' stones
- Children's crayons.

17. The Illegal import of asbestos products is a disturbing by-product of a global failure to regulate a toxic substance which, according to the World Health Organisation, results in 107,000 deaths a year from mesothelioma, lung cancer and asbestosis.
18. The lack of an international regulatory framework also compromises national asbestos regulatory standards in Australia. Asbestos Registers legally require employers to list all identified, or suspected, asbestos within a workplace. There are, however, exceptions to this rule, one of which is that there is no requirement to have Asbestos Registers for buildings built after 2003. Consequently, if illegally imported asbestos materials installed in new buildings later require maintenance, the workers or contractors who undertake the work may unknowingly be exposed to asbestos fibres.
19. Illegal asbestos products creates a very real potential for a new legacy of asbestos exposure and asbestos related disease. With members in local government the ASU is also concerned with a second wave of asbestos products being illegally dumped at local rubbish tips exposing Council workers to unknown and unidentified levels of asbestos.
20. An innovative, focused, and strategic approach is needed to address this challenge. It requires a coordinated response involving a whole of government approach from the Commonwealth in conjunction with input from state and territory governments and key community asbestos stakeholders.
21. The ASU urges you to give your close consideration to the following recommendations for reform of the Commonwealth's regulatory stance in relation to illegal asbestos imports.

Recommendations

The ASU Recommends that the Commonwealth:

- Substantially increase Australian Border Force custom inspections of suspected asbestos contaminated products (SACP).
- Enhance Australian Border Force targeting of SACPs particularly in relation to building and construction materials.
- Develop and implement a forensic approach to gathering intelligence on companies and products which export SACPs to Australia.
- Facilitate nationally based training for workers in asbestos identification.

- Implement education campaigns on SACP to assist importers, and other employers involved in import based supply chains, comply with their legal responsibilities.
- Initiate a nationwide media campaign to raise public awareness, and reporting, of imported asbestos product and the hidden dangers of asbestos.
- Introduce mandatory testing of SACP, paid for by exporters and conducted by National Asbestos Testing Authorities (NATA) approved laboratories, at the port city of entry in Australia.
- Hold importers legally liable where they forward SACP to end users unless certified asbestos free by NATA approved testing.
- Increase sanctions, including criminal prosecution provisions, and penalties as an effective deterrent for organisations which import, or use imported, ACP in breach of their duty of care obligations.
- Initiate a new round of negotiations to establish a robust international regime for the regulation of imported asbestos products.
- Strengthen the duties of persons that import, supply, sell, demolish and dispose of asbestos and asbestos-containing products and materials through the Council of Australian Governments, Safe Work Australia, and the Asbestos Safety and Eradication Council.