

# Asbestos Safety and Eradication Bill

## 2013

### Submission to Senate Education Employment and Workplace Relations Committee

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## Section 1 - Introduction

1. The Australian Council of Trade Unions (ACTU) is the peak body representing 47 unions and almost two million working Australians. It is workers, and their families, who have borne the brunt of exposure to asbestos and the terrible diseases and suffering that can arise from this exposure. Asbestos continues to be a presence in our workplaces, homes and the wider community. It is workers who, in their home time, whilst undertaking DIY projects on their domestic premises, experience further exposures and are emerging as the ‘third wave’ of victims.
2. The ACTU congratulates the government on the introduction of this Bill. The ACTU supports the establishment of the Asbestos Safety and Eradication Agency (ASEA). A separate statutory agency is key to Australia’s ability to deliver other elements recommended by the Asbestos Management Review.
3. An Agency is needed in order to implement, review, refine and further develop key aspects of an effective Management Plan, including in the areas of identification of dump sites and improved disposal, ‘Prioritised Removal’ of ACMs from government and public buildings, content certificates for domestic residences, a program of education and awareness and improved data sharing.
4. The ACTU believes that the Bill will benefit from some amendments, set out below.

## Section 2 – Proposed amendments

5. It is proposed that the Agency and the Council be able to amend the National Strategic Plan. Whilst the National Strategic Plan is referred to in the Bill, it is not clear how it is to be developed and if the Agency, once established, will have the ability to do anything further than implement a document it has not had a role in developing. (Sections 8 and 29)
6. Amend the issuance of written Guidelines to the Agency CEO by the Council so that provisions are consistent with those provided for vis the Safety Rehabilitation and Compensation Commission and the Comcare CEO (Safety Rehabilitation Act 1988 S. 73 A).
7. Enable the Council to establish and guide committees (Section 24 and Section 29).
8. Provide for the Council to have a role in determining the annual Operational Plan (Section 42).
9. Provide for appropriate representation on the Council, including that at least one or more of its members is/ are representative(s) appointed by the ACTU. This is consistent with other bodies, including Safe Work Australia and the SRCC. Wherein, for example, the Safe Work Australia Act 2008 provides at Section 10 (1) (d) *2 members who represent the interests of workers in Australia*; Section 15 of this Act provides for nomination by the ACTU.