

AUSTRALIAN CHAMBER OF COMMERCE AND INDUSTRY

# ACCI Submission to Senate Standing Committee on Education, Employment and Workplace Relations Asbestos Safety and Eradication Agency Bill 2013

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# About Australian Chamber of Commerce and Industry (ACCI)

## 1.1 Who We Are

The Australian Chamber of Commerce and Industry (ACCI) speaks on behalf of Australian business at a national and international level.

Australia's largest and most representative business advocate, ACCI develops and advocates policies that are in the best interests of Australian industry, the economy and the community.

We achieve this through the collaborative action of our strong and active national member network comprising:

- All state and territory chambers of commerce
- 27 national industry associations
- Bilateral and multilateral business organisations

<u>The ACCI network employs over 4 million people.</u> Details can be found in Appendix 1.

- With over 350,000 enterprises nationally, ACCI has wide coverage and representation of Australian business
- The network includes all key State and Territory based Chambers of Commerce and employer associations
- Geographical coverage includes all capital cities and major regional centres
  nationally
- All sectors of Australian commerce and industry
- Large, small and medium sized enterprises:
  - More than 280,000 enterprises employing fewer than 20 employees
  - More than 55,000 enterprises employing between 20 and 100 employees
  - The top 100 companies

Among many other things, ACCI plays a major role in developing and promoting national policy and strategies for Australian business in Work Health and Safety (WHS) and Workers' Compensation (WC).

ACCI thoroughly represents all areas of Australian business through its unique network of State and Territory Chambers of Commerce and national peak employer and industry associations. ACCI accesses this network to help it develop and implement initiatives that improve the performance of WHS management systems in Australian Industry.

## 1.2 What We Do

## Representation

ACCI takes a leading role in advocating the views of Australian business to public policy decision makers and influencers including:

- Federal Government Ministers & Shadow Ministers
- Federal Parliamentarians
- Policy Advisors
- Commonwealth Public Servants
- Regulatory Authorities
- Federal Government Agencies

Our objective is to ensure that the voices of Australian business are heard, whether they are one of the top 100 Australian companies or from a sole trader.

ACCI's national member network collaborates in a range of reference groups on particular topics, including worker's compensation. More information on ACCI and ACCI's WHS activities can be found at <u>acci.asn.au</u>

### Specific activities

These include:

- Representation and advocacy to Governments, parliaments, tribunals and policy makers both domestically and internationally
- Business representation on a range of statutory and business boards and committees
- Representing business in international and global forums including the International Labour Organisation, International Organisation of Employers, International Chamber of Commerce, Business and Industry Advisory Committee to the Organisation for Economic Co-operation and Development, Confederation of Asia-Pacific Chambers of Commerce and Industry and Confederation of Asia-Pacific Employers
- Research and policy development on issues concerning Australian business
- The conduct and publication of leading business surveys and other information products
- Provision of forums for collective discussion amongst businesses on matters of law and policy

# Asbestos Safety and Eradication Agency Bill 2013 – ACCI comments

ACCI supports the aims of reducing asbestos-related disease and of improving awareness and management of asbestos in Australia.

ACCI supports the establishment of an agency to coordinate the implementation of the National Strategic Plan for Asbestos Management and Awareness (the National Strategic Plan) provided that the respective roles of the Agency and other government bodies involved in asbestos management and awareness are clear and do not overlap. ACCI notes that the Australian Government has recently established the Office of Asbestos Safety. The respective roles and responsibilities of this Office, if it is to have an ongoing role, and that of the Asbestos Safety and Eradication Agency is unclear. ACCI considers that this needs to be clarified, including in the Asbestos Safety and Eradication Agency Bill 2013 (the Bill) if necessary.

While ACCI supports the establishment of an agency to coordinate the implementation of the National Strategic Plan, ACCI is concerned about the proposed name of the Agency, which is emotive and which places an undue emphasis on eradication of asbestos as the method to eliminate asbestos-related disease.

In making comments to the National Asbestos Management Review panel, ACCI questioned the merits of pursuing a strategy which results in disturbing bonded and stable asbestos containing materials (ACMs) which do not represent a risk to the health and safety of workers and others unless they are disturbed. The management and awareness of asbestos must recognise that it is exposure to asbestos that results in the risk to health and safety not its presence. Workers and others in the community should not be unnecessarily exposed to the risks of inhalation of asbestos fibres. ACMs that are bonded (non-friable), not in need of removal and not presenting a risk to the health and safety of workers and others in the community should not be disturbed or removed.

ACCI's preferred approach is that asbestos be left in situ and wherever possible should not be disturbed. In accordance with the current risk management approach, asbestos should be removed if the asbestos has deteriorated or when buildings are demolished, substantially refurbished or maintained or renovated.

The National Asbestos Management Review Report recognised that wholesale systematic removal of asbestos is not a feasible option in the immediate future and that instead the Report proposed a prioritised and staged **risk management** approach. This approach is reflected in the draft National Strategic Plan, which proposes a proactive and cautious approach be taken to eliminating asbestosrelated disease to ensure minimisation of risk to the community in any activities to be implemented. The name of the Agency could be seen as being at odds with this approach adopted in the draft National Strategic Plan. ACCI recommends that the Asbestos Safety and Management Agency would be more appropriate and consistent with the priorities and staged risk management approach adopted in the draft National Strategic Plan. The National Asbestos Management Review recommended that the new national agency should:

- (a) Have the expertise and authority to coordinate activities across all tiers of government, affecting multiple portfolios such as health, safety, environment, and education;
- (b) Engage with the asbestos regulatory coordination frameworks established within state and territory jurisdictions;
- (c) Be overseen by a governing board with high-level tripartite membership, including an independent chairperson, a medical expert, representation of all Australian governments including local government and national peak bodies;
- (d) Be supported by input and technical expertise from an appointed advisory committee consisting of appropriate community representatives and professionals; and
- (e) Have appropriate staffing and resources to implement, monitor and review its activities under the direction of a chief executive officer.

The Bill differs from this recommendation in several key respects. Crucially, the Asbestos Safety and Eradication Council (the Council) does not provide for a role for national peak bodies, including those representing the interests of business. ACCI considers that a tri-partite structure is necessary to encourage a nationally consistent approach by regulators and other arms and levels of government when implementing the National Strategic Plan. It is also necessary to ensure that a broader industry perspective (as opposed to the important but differently focussed role of providing specialist industry expertise on asbestos safety and removal) is considered when deciding on how the National Strategic Plan is implemented.

ACCI also notes that there is no requirement for the Agency to liaise with industry or other non-government agencies or bodies as part of the functions listed in clause 8(1) of the Bill. One of the functions of the Agency is to amend the National Strategic Plan. The draft National Strategic Plan contains a number of elements of critical interest to industry, including the development of a priority removal program for commercial buildings and structures. ACCI therefore recommends that clause 8(1) be amended to include a requirement for the Agency to liaise and consult with stakeholders other than government agencies, including with industry. The primary purpose of this liaison and consultation would be to obtain an overall industry perspective rather than piecemeal input from specific experts, which the Bill provides can be done through specialist committees (clause 24 of the Bill).

The Asbestos Safety and Eradication Council to be established by clause 28 of the Bill to some extent combines the governance and technical advice roles, which the Review recommended as being separate. ACCI notes that the governance arrangements for the Agency/Council are somewhat unclear. For example, the Bill is silent as to how meetings of the Council are to operate and how the Council reaches agreement on the advice and recommendations to be made to the CEO about the performance of the Agency's functions.

## 1.3 Summary and conclusion

In summary, ACCI considers that the following changes need to be made to the Asbestos Safety and Eradication Agency Bill 2013:

- 1. Clarification of the respective roles of the Agency and other Australian government agencies with a role in asbestos safety and management, in particular the Office of Asbestos Safety.
- 2. A change to the name of the Agency to ensure that it is consistent with the National Strategic Plan.
- 3. Clarification of the governance arrangements for the Agency and Council.
- 4. A requirement for the Agency to liaise with industry as part of its functions to ensure that the Agency has an overall industry perspective rather than piecemeal input from specific experts.

ACCI appreciates the opportunity to make a submission on the Asbestos Safety and *Eradication Agency Bill 2013*. ACCI would welcome the opportunity to discuss this submission with the Committee.



Appendix 1

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