

12 April, 2013

Committee Secretary
Senate Education, Employment and Workplace Relations Committees
PO Box 6100
Parliament House
Canberra ACT 2600
Australia



By email: eewr.sen@aph.gov.au

To whom it may concern,

RE: Asbestos Safety and Eradication Agency Bill 2013

Please find attached the joint submission of the Australian Manufacturing Workers' Union (AMWU) and Construction Forestry Mining and Energy Union (CFMEU) in response to the Senate Education, Employment and Workplace Relations Legislation Committee Inquiry into Asbestos Safety and Eradication Bill 2013.

The AMWU wishes to continue to engage in the consultation process as the review proceeds.

Yours sincerely,

ANDREW DETTMER
NATIONAL PRESIDENT

cc: Paul Bastian, National Secretary, AMWU
Lindsay Fraser, Assistant Secretary, Construction & General Division, CFMEU

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Construction Forestry Mining and Energy Union



Submission to Senate Education, Employment and Workplace Relations Legislation Committee Inquiry into

Asbestos Safety and Eradication Bill 2013

April 2013

Enquiries:

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AMWU National OHS Coordinator

Introduction

The “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union”, known as the Australian Manufacturing Workers’ Union (AMWU) represents around 100,000 members working across major sectors of the Australian economy, including in the manufacturing sectors of vehicle building and parts supply, engineering, printing and paper products and food manufacture. The AMWU has members at all skill levels and classifications from entry level to degree.

The Construction, Forestry, Mining and Energy Union (CFMEU) is Australia's main trade union with over 140,000 members in construction, forestry and forest products, mining and energy production. Workers involved in the asbestos removal industry are members of the CFMEU Construction and General Division.

Unfortunately the AMWU and CFMEU represent workers in those industries which have had high exposures to asbestos. This is reflected in the number of recorded mesothelioma cases due to exposures in our industries. The NOHSC mesothelioma Report for cases between 1999 and 2001 about 50% of the cases were uncodeable for industry and occupation, but of the persons with work-related mesothelioma:

- 32% worked in the Construction industry,
- 31% worked in the Manufacturing industry,
- 49% had a Tradespersons/Related workers occupation,
- 16% had a Labourers/Related workers occupation, and
- 15% had an Intermediate Production/Transport workers occupation.¹

And the Australian Mesothelioma Report² notes, our members are remain in the high risk groups:

The job type with the highest exposure likelihood was construction and building trades, followed by electrical and related trades. The most common circumstance of non-occupational exposure was home renovation-related activities followed by car maintenance.³

ASEA Bill Comment

The AMWU and CFMEU wish to congratulate the government on this world first initiative. The AMWU and CFMEU welcome the Federal government’s leadership and willingness to tackle the legacy of asbestos use.

The AMWU and CFMEU call for a bipartisan approach to the establishment of this agency and we encourage all political parties to support the establishment of the Asbestos Safety and Eradication Agency.

¹ NOHSC, Australian Mesothelioma Register Report 2004, Incidence of Mesothelioma in Australia 1999 -2001. November 2004.

² Safework Australia, Australian Mesothelioma Registry, November 2012

³ Ibid, page 5

The risk of asbestos exposure lies in thousands of older buildings in almost every suburb in Australia. Approximately one-third of Australian homes built between 1945 and 1987 contain asbestos, as well as a range of industrial products. As many residential properties are being renovated the risk of inadvertent exposures to asbestos is a very real danger. This danger is currently being recognised in the European Union, where reliance on asbestos as a building material was perhaps less than in Australia.

The AMWU & CFMEU note that the removal of asbestos containing products from our built environment requires significant coordination and cooperation across and within all tiers of government, as well as with many organisations and individuals in civil society.

To this end the AMWU & CFMEU note that the Agency to be established by this Bill is required to liaise with governments in the implementation, review or amendment of the National Strategic Plan.

The Bill refers to a National Strategic Plan. The AMWU & CFMEU seeks certainty that the National Strategic Plan reflects the recommendations of the Asbestos Management Review and contains the following:

- provide education and public awareness on how to deal with asbestos
- enact a national set of laws around asbestos waste disposal sites to remove impediments for safe disposal
- require asbestos safety certificates for residential buildings to alert home renovators to the presence of asbestos containing materials
- prioritise removal of asbestos from government and public buildings
- audit and plan removal from commercial premises.

The AMWU & CFMEU seek information on the funding of the agency's activities which commits all levels of government to take action and cooperate with the ASEA.

The Functions of the Agency as are listed at Clause 8 would be improved by a reordering so that the clear focus of the Agency will be the content of Clause 8.e. i.e the liaison with governments and agencies about the National Strategic Plan.

The criteria for eligibility for the appointment as a Council member [clause 32.3] would benefit from a closer alignment with all the aspects of "asbestos safety" in Clause 3. As read by the AMWU & CFMEU the current drafting could allow for the appointment of 4 persons all with financial and corporate governance expertise. A wording change is required to ensure that the spectrum of expertise is represented on the Council.

The AMWU & CFMEU believe that the Council must include representation from the ACTU. This is essential as without the driving force of Australian unions, the issue of eradication of asbestos from the built environment would still be locked in individual government reports.

The AMWU & CFMEU are concerned that the CEO does not have to refer to the advice of the Council when establishing committees. The broad functions of the Council [clause 29] and the broad outline of working with the Council under the CEO functions [clause 12] would allow the Council to make recommendations regarding the establishment or functioning of committees but there is no specific mention of committees. So as to avoid doubt, the AMWU & CFMEU suggest that Committees are explicitly referenced in clause 29.

The AMWU & CFMEU believe that the functions of the Agency must refer to the National Strategic Plan, as currently worded the Council would have no role in commenting on the content or methods contained in the Strategic Plan. Therefore the AMWU & CFMEU believe that the function of the Council should include the ability to comment on the National Strategic Plan.