

Senate Inquiry into Non-conforming Building Products (and Asbestos)
Public Hearing, Friday 14 July 2017, Melbourne

Questions taken on notice by Mr Robert Kelly, WorkSafe Victoria	Response
1. Does Border Force share information with you about its enforcement activities in relation to entities that illegally import?	<p>Border Force shares information with WorkSafe if it detects asbestos-containing material arriving in Victoria or becomes aware that it has been transported to Victoria. This information sharing does not extend to enforcement activities; no formal provision of or request for information relating to prosecutions, infringement Notices, or enforcement activities has occurred between Border Force and WorkSafe.</p> <p>WorkSafe contacts Border Force if we detect illegally imported asbestos so that it can commence its own investigation.</p>
2. Does Border Force share with your organisation information about prosecutions or infringement notices?	See above.
3. Has Border Force ever requested information from WorkSafe Victoria to assist them in an enforcement activity?	See above.
4. WorkSafe has undertaken 29 investigations, 17 prosecutions and seven undertakings related to asbestos over the past four years. What about since 2004?	<p>WorkSafe publishes its prosecution and other enforcement outcomes on its website and in its Annual Report. For prosecution results summaries from 2012 to 2017, visit: https://www.worksafe.vic.gov.au/pages/laws-and-regulations/enforcement/prosecution-result-summaries-and-enforceable-undertakings</p> <p>Asbestos matters can be identified by filtering the results by category (select 'asbestos').</p> <p>For prosecution results prior to 2012, visit: http://www1.worksafe.vic.gov.au/vwa/vwa097-002.nsf/content/search</p>

	<p>Note that due to less prescriptive categorisation of prosecutions data and technical/maintenance difficulties in this earlier database (pre-2012), WorkSafe is unable to guarantee the accuracy or completeness of its content. Complete lists of all prosecutions undertaken by WorkSafe are also available in WorkSafe's Annual Reports.</p> <p>WorkSafe makes inquiries into and investigates matters that relate to asbestos installed prior to the 2003 ban, and also in relation to asbestos containing materials have been illegally imported post 2003. From 1 Jan 2004 to 24 July 2017 WorkSafe undertook 102 investigations and 33 prosecutions that relate to asbestos. The majority of these relate to asbestos installed prior to the 2003 ban. Note that accuracy and completeness of the number of investigations and prosecutions prior to 2012 cannot be guaranteed, for the reasons mentioned above.</p> <p>WorkSafe has had two instances since 2003 where we became aware of illegally imported asbestos-containing <u>building materials</u>:</p> <ul style="list-style-type: none"> • the Yuanda case, where upon investigation by WorkSafe no asbestos was found to be present at the 11 Victorian sites; and • the switch room floors imported by a South Australian engineering company, where upon investigation by WorkSafe the duty holders agreed to remove the asbestos.
<p>5. Queensland is preparing template legislation in terms of chains of responsibility. Given WorkSafe's role, is that something you support? Have you seen the Queensland legislation?</p>	<p>WorkSafe Victoria is aware of the Bill before the Queensland Parliament that will place duties on building supply chain participants to ensure building products are safe and fit for purpose. WorkSafe supports any proposals that would improve the safety of the community and reduce risks posed by non-conforming building products.</p> <p>WorkSafe notes that compliance and enforcement of these matters are the responsibility of different regulatory agencies, such as building regulators.</p>