

Dissenting Report by Coalition Senators

1.1 Coalition Senators are of the view that the majority interim report for this inquiry regarding asbestos was significantly overreaching in its recommendations.

1.2 Coalition Senators note that the Department of Immigration and Border Protection (DIBP) and Australian Border Force (ABF) already engage with a range of industry stakeholders to educate and raise awareness of the asbestos import/export prohibition, and that extensive materials are available online through the DIBP's website regarding this, and the ways in which importers can provide assurances to ABF that their goods do not contain asbestos.

1.3 Furthermore, Coalition Senators note evidence from ABF that they have significantly increased their operational efforts towards addressing the risk of asbestos since the ABF was stood up on 1 July 2015, with a substantial increase in the targeting and testing of high-risk goods, and that despite the significant increase in activity at the border, ABF has not seen a commensurate increase in the rate of detections.

1.4 Regarding recommendation 2, Coalition Senators note the funding increases that have recently been provided to the Asbestos Safety and Eradication Agency (ASEA) to better undertake its role.

1.5 In the 2016–17 Budget, the Government agreed to provide ASEA with additional funding of \$3.4 million over 2016–17 and 2017–18 in recognition of its significant underspend during its first two years of operation. Without the additional funding provided by the Government in the 2016-17 Budget, ASEA's funding for 2017-18 would be \$1.4 million less.

1.6 The additional funding provided by the Australian Government in the 2016–17 Budget was provided with the expectation that the additional funds would be used for the implementation of the National Strategic Plan for Asbestos Management and Awareness (NSP) and research to guide future work. This work is expected to be completed by June 2018.

1.7 Coalition Senators feel that recommendation 6 is not consistent with either Australia's track record on free trade agreement negotiations or its commitment to the regulation of dangerous goods.

1.8 Australia's Free Trade Agreements and World Trade Organization (WTO) commitments preserve Australia's ability to regulate dangerous goods. Nothing in these agreements requires Australia to lower safety standards and regulations.

1.9 All FTAs contain a Technical Barriers to Trade Chapter (TBT chapter), which recognise Australia's right to impose product standards and technical regulations to protect human health or safety. TBT chapter provisions ensure that trading partners apply technical regulations and standards equally to products originating domestically or from overseas. Thus ensuring that technical regulations are used for legitimate policy purposes, and not to restrict trade. TBT chapters also encourage regulatory convergence among trading partners, for example through the adoption of international standards. In addition to the TBT chapter, FTAs include general

exceptions which enable Australia to make measures to protect human health or safety, and animal or plant life.

1.10 Australia imposes restrictions on hundreds of products. These vary from import bans, for dangerous goods such as asbestos, to more narrow targeted measures such as import licensing measures that apply to dual use goods (where one use is safe but another is dangerous, the measure ensures the good is only used for the safe purpose), or certification procedures to ensure electrical equipment conforms to regulations to prevent fire or shock.

1.11 With regard to recommendation 21, Coalition Senators believe that the role of the Federal Safety Commissioner (FSC) in relation to asbestos containing materials in building products is already sufficiently clear, given the defined role of the FSC as an accreditor for certain building industry participants.

1.12 The Federal Safety Commissioner's WHS Accreditation Scheme criteria already represent the most stringent requirements in Australia for managing asbestos hazards on building sites. Companies accredited by the FSC are also required to comply with the National Construction Code as a condition of accreditation and undertake appropriate due diligence to avoid prohibited imports such as asbestos from coming on to building sites they control.

Senator Jane Hume

Deputy Chair

Senator the Hon Ian Macdonald

Senator for Queensland