

Senate Standing Committee on Education and Employment

QUESTIONS ON NOTICE Supplementary Budget Estimates 2016 - 2017

Agency - Asbestos Safety and Eradication Agency

Department of Employment Question No. EMSQ16-000997

Senator Marshall provided in writing.

Question

ASEA - Asbestos Importation

- Does the agency deal with asbestos importation – either specifically or works in consultation with other agencies such as the Department of Immigration?
- Can you just provide your understanding around some of the problems facing this country in relation to the importation of asbestos?
- Do you think we're adequately dealing with the problem?
- What do you think might be done better to stop the importation?
- Given the detection of 307,000 asbestos contaminated crayons by Border Force in its annual report what concerns does the agency have that other contaminated crayons may still be in circulation?

Answer

Does the agency deal with asbestos importation – either specifically or works in consultation with other agencies such as the Department of Immigration?

The Agency is not a regulator but works with Commonwealth, state and territory regulators to coordinate implementation of the *National Strategic Plan for Asbestos Management and Awareness 2014–18*, which includes:

'Outcome 3.6 Effective coordinated response when asbestos containing materials in imported products are identified', with the related deliverable

'Support the 2003 ban on the importation of asbestos containing materials with improved coordinated efforts to identify and respond to the importation of asbestos containing materials.'

In addition, to support these efforts the National Strategic Plan's goal for strategy six on international leadership is that 'Australia continues to play a leadership role in a global campaign for a worldwide ban on asbestos mining and manufacturing.'

The key mechanism for this coordinated response is through the Heads of Workplace Safety Authorities Imported Materials with Asbestos Working Group which the Asbestos Safety and Eradication Agency chairs and provides secretariat support to. Members of the working group include the Australian Border Force, the Department of Immigration and Border Protection, Australian Competition & Consumer Commission, Safe Work Australia, WorkSafe New Zealand, Ministry for the Environment New Zealand and all Australian state and territory jurisdictions. The working group coordinates the Rapid Response Protocol which has increased awareness among regulators and ensures a consistent response nationally when asbestos containing materials are identified.

The agency provides advice for Ministerial approval of permits to import asbestos into Australia for the purposes of analysis, research or display. Currently 27 companies have ongoing permissions to import asbestos samples into Australia.

Can you just provide your understanding around some of the problems facing this country in relation to the importation of asbestos?

The Asbestos Safety and Eradication Agency Annual Report 2015–16, www.asbestossafety.gov.au/sites/asbestos/files/2016/10/ASEA_Annual_Report_2015-16_final_web.pdf, page 56 includes:

'Importation of asbestos-containing materials into Australia

The 2015–16 year saw some significant detection events of asbestos-containing materials that had been imported into Australia in contravention of customs legislation and regulations, causing concern to the agency, the states and territories and Commonwealth agencies.

In September 2015, the Heads of Workplace Safety Authorities Imported Materials with Asbestos Working Group issued a consumer and retailer alert regarding the sale of children's crayons sold within Australia that were found to contain trace amounts of asbestos. Other examples of illegal importation were asbestos cement fibre sheeting and prefabricated expanded polystyrene panels that were sold and used in construction before being detected and removed from the market.

These instances highlighted the ease to which asbestos materials can be inadvertently imported into Australia, often with certifications of being asbestos-free, and the need for vigilance in what is imported into Australia. The agency highlighted this in submissions and evidence to the Senate Inquiry into Non-Conforming Building Products that was being conducted during 2015–16.

The agency has been working with stakeholders, notably the Department of Immigration and Border Protection and customs brokers, to promote sample testing prior to the full importation of materials to ensure these events are prevented. The agency provides advice to the Minister for Employment, who is responsible for granting permission to organisations that want to import asbestos-containing samples or goods into Australia.'

To date the Asbestos Safety and Eradication Agency has provided two submissions to the Senate inquiry into non-conforming building products at 10 and 10.1:

www.aph.gov.au/Parliamentary_Business/Committees/Senate/Economics/Non-conforming_products/Submissions

A third submission will be provided to the re-adopted inquiry in due course with a focus on the supply chain for imported products containing asbestos from pre-shipment to installation of product.

Do you think we're adequately dealing with the problem?

Refer above submissions to Senate inquiry on non-conforming building products.

What do you think might be done better to stop the importation?

As noted above, the agency has been working with stakeholders, notably the Department of Immigration and Border Protection and customs brokers, to promote sample testing prior to the full importation of materials to ensure these events are prevented. Furthermore the recently established Asbestos Interdepartmental Committee, which the agency is an observer on, aims to identify risk and gaps in asbestos management across the supply chain and coordinate proposals to resolve these. Membership includes the Departments of Employment, Immigration and Border Protection, Foreign Affairs and Trade, Industry,

Innovation and Science, Environment and Energy, Infrastructure and Regional Development, Treasury and Health.

The agency's 2016 Asbestos Awareness and Management International Conference in Adelaide from 13–15 November will again include a focus on importation and moving towards a worldwide ban on asbestos, including discussion of the Australian Government position to the 2017 Rotterdam Convention on chrysotile asbestos.

Given the detection of 307,000 asbestos contaminated crayons by Border Force in its annual report what concerns does the agency have that other contaminated crayons may still be in circulation?

The question is best directed to the Department of Immigration and Border Protection.