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Senator Chris Ketter  
Chair  
Senate Standing Committee on Economics

E: [economics.sen@aph.gov.au](mailto:economics.sen@aph.gov.au)

Dear Senator Ketter

Re: Inquiry into non-conforming building products – asbestos

The Asbestos Disease Support Society (ADSS) submission limits itself to the issue of asbestos importation into Australia and thank the Senate Committee for extending their terms of reference to include these matters.

ADSS is a national body but reserves our coverage to Queensland, Northern New South Wales and more recently the Northern Territory.

We understand the current terms of reference to be:

*The illegal importation of products containing asbestos and its impact on the health and safety of the Australian community, with particular reference to:*

- 1. the prevalence and sources of illegally imported products containing asbestos;*
- 2. the effect of illegally imported products containing asbestos on:*
  - (i) industry supply chains, including importers, manufacturers and fabricators, and*
  - (ii) workplace and public safety and any associated risks;*
- 3. possible improvements to the current regulatory frameworks for ensuring products containing asbestos are not illegally imported to Australia, with particular reference to the effectiveness of:*
  - (iii) policing, enforcement, surveillance and screening of imported products, including restrictions and penalties imposed on importers and end users of products containing asbestos;*
  - (iv) preventing exposure and protecting the health and safety of workers and other people affected by the illegal importation of products containing asbestos,*
  - (v) establishing responsibility for remediation of sites where illegally imported products containing asbestos has been found;*
  - (vi) coordination between Commonwealth, state and territory governments and the role of the Australian Government in coordinating a strategic approach to preventing the importation of products containing asbestos;*

*(d) any other related matters.*

***The prevalence and sources of illegally imported products containing asbestos***

In Queensland immediate issues come to mind are:

1. Curtis Island switch rooms (2012) -
2. Electrical Switch Rooms (2015) – approximately 16 sites in Queensland and many more nationally
3. 1 William Street Building (2016)– unknown quantity but a significant amount
4. Portable camps (2016) – approximately 800 units

As we understand it, all of these matters were raised by workers on the ground as they were concerned that the products may contain asbestos – a banned substance in Australia. The materials and/or products were imported from China. The Curtis Island switch rooms came in from Indonesia.

Anecdotally we believe that this issue may be significantly more than we realise due to the substance not being identified in products. There is also a perception that some companies will take the risk of utilising a cheaper product as the likelihood of it being identified as asbestos containing material is low and the fines are not prohibitive.

***The effect of illegally imported products containing asbestos on:***

***(i) industry supply chains, including importers, manufacturers and fabricators, and***

Our understanding of the process is as follows:

- Builder will order product from overseas due to cost

Exporting country issues certificate in regards asbestos content this is usually in accordance with their laws eg China does not recognise chrysotile as asbestos and the USA accepts .... Percentage of asbestos in their products. We are advised by COHLABS that they have seen a number of Chinese lab reports stating products are asbestos free. Testing by Australian NATA labs have proven otherwise.

- Importers are supposed to get products independently tested in country of origin by a NATA accredited person
- Product imported – goes through customs - delivered to site
- Material queried by a worker
- workers stop work usually at the instruction of the PCBU even though a trade union may be involved in the issue
- identification clarified – product tested
- Work Health and Safety Regulator involved, Unions involved, Border Control and ASEA involved
- Meetings with company and government occur
- PCBU makes importer remove it / or product isolated eg portable camps now isolated at Wallumbilla in Qld.
- Importer has to clean up site or argues the impact of removing the asbestos
- Alternative product has to be sourced or long drawn out proceedings occur
- Workers complete asbestos exposure forms
- Ongoing health surveillance required and quite often counselling for those directly impacted

- Workers and family members undergo counselling
- Workers recommence work
- Future health surveillance, support for impacted workers continues – this can be for more than 50 years due to the latency period of an asbestos related disease and the fact that there is no cure.

***(ii) workplace and public safety and any associated risks;***

Up until the time that the issue is identified many workers and possibly community members are put at risk as they do not utilise appropriate isolation protocols and protective equipment. They are therefore breathing in the dust.

It has been our experience that in many instances workers have used power tools on the asbestos containing material (ACM). Utilising power tools makes the dust become airborne and therefore is inhaled by the worker or others within close vicinity.

Furthermore, they wear their clothes home exposing their family to the dust, or to food outlets to buy their lunch and possibly travel by public transport home thereby once again exposing people in the community.

It is our experience that workers who have undertaken asbestos awareness training identify potential asbestos containing materials at an early stage as they seek to have the product tested, which in most areas can be done in less than an hour, which either allows the work to continue if there is not an issue or stops work on a hazardous substance in a timelier way.

**The risk therefore is very high.**

Leaving the ACM in place with marking identifying the product as containing asbestos is not an acceptable response. Workers in the construction industry work on the 1990 rule ie if a building was built before 1990 it is highly likely that it contains asbestos and safety measures need to be taken.

Workers would not consider a building built in 2016 would contain asbestos and therefore would not be looking for ACM in a workplace or building.

Work Health and Safety laws are written for workplaces built before 1990 with asbestos in place rather than ACM coming in to the country. It is our understanding that the current legislative framework makes it difficult for a prosecution under Work Health and Safety legislation to proceed.

***Possible improvements to the current regulatory frameworks for ensuring products containing asbestos are not illegally imported to Australia, with particular reference to the effectiveness of:***

- (i) policing, enforcement, surveillance and screening of imported products, including restrictions and penalties imposed on importers and end users of products containing asbestos;***

- (ii) *preventing exposure and protecting the health and safety of workers and other people affected by the illegal importation of products containing asbestos,***
- (iii) *establishing responsibility for remediation of sites where illegally imported products containing asbestos has been found;***
- (iv) *coordination between Commonwealth, state and territory governments and the role of the Australian Government in coordinating a strategic approach to preventing the importation of products containing asbestos;***

Recommendations:

1. That the Australian government maintain and reiterate the ban on all asbestos and asbestos containing materials.
2. That Australia send a clear message through various avenues such as Trade Delegations that we will not accept products containing asbestos and that there is clear evidence that it can cause serious health effects.
3. That the Australian Border Protection be given sufficient resources to identify, monitor and prevent the importation of asbestos containing materials into Australia.
4. Products must be tested by an Australian NATA accredited laboratory.
5. That the Work Health and Safety Laws be reviewed to allow for prosecutions around imported products following the ban of asbestos.
6. That laws be put in place, that should an asbestos containing product have entered Australia that the product must be removed and disposed of.
7. That the penalties for illegally importing asbestos be reviewed and increased in order to be seen as a deterrent against bringing asbestos into this country.
8. That the dialogue between relevant agencies such as the Asbestos Safety and Eradication Agency and other relevant government departments continue in order to keep on top of this issue.
9. That these recommendations apply to all imported asbestos containing materials eg crayons, machinery, and packaging.
10. On this basis that all products imported containing asbestos be recalled.



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*(d) any other related matters.*

Recommendations:

11. Australia continues to lobby for chrysotile to be recognised as asbestos at the Rotterdam Convention.
12. That training for workers in the construction industry on asbestos awareness be made mandatory.
13. Australia needs to work with our near neighbours to assist knowledge of alternative safer products. This is needed to counteract the propaganda coming from the pro asbestos lobby and the of the Chrysotile Information Centre. It is our belief that this will decrease the products being made and therefore decrease the risk of asbestos imports into Australia.
14. Furthermore, Australia has an excellent health system which could assist other countries with treatment knowledge for asbestos related diseases. It is our experience from working with countries in South East Asia that there is a significant lack of knowledge of asbestos related diseases and therefore their treatment.
15. Australia to actively lobby for the cessation of asbestos mining worldwide due to the health effects on the various communities and consequential imports into Australia.

Thank you for this opportunity to make a submission on this very important issue. ADSS has visited Canberra twice on this issue over the past 18 months due to the significant impact that this issue has on the community.

Kind Regards

Amanda Richards  
CEO