

# Submission on Asbestos Safety and Eradication Agency (ASEA) Review

January 2019

# Table of contents

<b>Opening</b>	<b>3</b>
<b>Purpose</b>	<b>3</b>
<b>Background</b>	<b>3</b>
<b>Terms of Reference</b>	<b>3</b>
<b>Consultation</b>	<b>3</b>
<b>Response</b>	<b>4</b>
The Agency's Current Role and Purpose	4
The Agency's Relationship with the National Strategic Plan	4
Future Challenges	4
Agency Name	5
<b>Conclusion</b>	<b>5</b>

## Opening

Local Government NSW (LGNSW) is the peak body for local government in NSW, representing NSW general purpose councils and related entities. LGNSW facilitates the development of an effective community-based system of local government in the State. LGNSW welcomes the opportunity to provide a submission to the Asbestos Safety and Eradication Agency (ASEA) Review.

## Purpose

This submission is in response to the public consultation process for the Asbestos Safety and Eradication Agency (ASEA) Review, by the Department of Jobs and Small Business. Councils provide an integral role in the management and regulation of asbestos within their communities and have been recognised by ASEA as the first point of government contact by residents when making decisions about asbestos in their environment. It is therefore critical that local government perspectives on the past performance and future direction of the ASEA be considered as part of the review.

## Background

The Asbestos Safety and Eradication Agency (ASEA) is an independent statutory authority established by the *Asbestos Safety and Eradication Agency Act 2013* (the Act). The role of ASEA is to develop and administer the National Strategic Plan (the Plan) for Asbestos Management and Awareness in Australia. The objective of the plan is to prevent exposure to asbestos fibres to eliminate asbestos-related disease in Australia.

The Act makes ASEA responsible for advocating, coordinating, monitoring and reporting on the implementation of the Plan. The Plan sets the direction for asbestos management and awareness activities in each jurisdiction to ensure they are appropriate and align with Australia's priorities. Commonwealth, state and territory governments are responsible for implementing priorities identified in the Plan. In addition to developing and administering the Plan, the Act allows ASEA to commission, monitor and promote research about asbestos safety.

The Act requires the review of the ASEA every five years. This review is the first review of the ASEA, with the following terms of reference:

## Terms of Reference

- ASEA's role and functions as specified in section 8 of the Act, and the extent to which they:
  - continue to meet the objectives of the Australian Government, and
  - will enable ASEA to meet future challenges.
- Given the centrality of the Plan to ASEA's role and functions, the appropriateness of the priority areas of the Plan, as set out in section 5A of the Act, in continuing to achieve the Government's objectives and future challenges.
- Whether any changes to the Act are required to ensure ASEA is enabled to meet the Australian Government's objectives and future challenges.

## Consultation

The independent review of ASEA is being conducted by the Department of Jobs and Small Business. Stakeholder consultation for the review was conducted in December 2018, with submissions due by 19 January 2019. To assist councils in the consultation process LGNSW facilitated a teleconference between the independent reviewer and LGNSW as well as our fellow interstate local government associations. Participants in this teleconference were from Local Government NSW (LGNSW), Australian Local Government Association (ALGA), Western Australian Local Government Association (WALGA), and the Local Government Association of Tasmania (LGAT).

Over the past two years LGNSW has also sought feedback from NSW councils on their awareness of and understanding of the ASEA through LGNSW asbestos forums held at Forbes, Wagga Wagga, Armidale, Grafton, Port Macquarie, Lake Macquarie, Penrith and Warren Councils. Outputs of the teleconference and council forums have been used to develop the following recommendations on the past performance of the ASEA and recommendations for future directions.

## **Response**

### **The Agency's Current Role and Purpose**

NSW local government considers that the current role and purpose of the agency contributes to asbestos safety and eradication across Australia. The research and engagement conducted by ASEA has expanded the knowledge and quantification of asbestos related issues across Australia. However, ASEA seems to be very limited in its ability to act on the recommendations that arise from the research and engagement and appears to have limited support from Commonwealth agencies to act on those recommendations on ASEA's behalf.

ASEA has helped councils to identify opportunities to improve residential asbestos safety through building asbestos awareness in their communities and the provision of services to help with safe removal of asbestos. Councils when asked support the initiatives identified by ASEA however success of this will be dependent on councils receiving resourcing assistance from the state and federal governments. ASEA also remains largely unknown to most council staff which may be an area for improvement.

To improve the ability for councils and ASEA to work together it is suggested that a local government committee be established under either section 24 or 30A of the Act to advise the ASEA CEO and ASEA Council on matters concerning local government. It is recommended that nominees for this committee be sought from Local Government NSW (LGNSW), the Municipal Association of Victoria (MAV), Western Australian Local Government Association (WALGA), Local Government Association of Tasmania (LGAT), Local Government Association of South Australia (LGASA), Local Government Association Queensland (LGAQ), Local Government Association Northern Territory (LGANT), and a representative from the Australian Capital Territory.

### **The Agency's Relationship with the National Strategic Plan**

The National Strategic Plan (NSP) sets out the clear functions of the ASEA however there is no adequate funding or resourcing tied to implement the National Strategic Plan (NSP) which has limited its effectiveness. Asbestos management covers a range of complex policy areas including public health, work health & safety, environment, and planning and development. This is further complicated across three levels of government. This has resulted in a lack of engagement with and awareness of the NSP and ASEA by key stakeholders, particularly local government.

### **Future Challenges**

The key role of the ASEA is and will be to improve national coordination and consistency of messaging and action for asbestos safety and eradication. It is vital that ASEA remains independent of any one government agency, so they are able to provide an independent evaluation of Australia's asbestos safety and eradication performance. ASEA should be supported further in being able to influence the federal agencies to take a stronger leadership role in this area. ASEA should also be supported to identify and develop grant and other funding opportunities funded by the Commonwealth government to help deliver the NSP.

Emergency management will continue to be a future challenge given the legacy issue of asbestos in the built environment. Any disaster is likely to involve asbestos and careful planning, consideration and response is required to avoid asbestos exposure by residents and emergency services workers.

Infrastructure development is also a future challenge. Many planning strategies around the country are reliant on increasing density in urban areas, changes of land use and opening up new land for development. In all locations identified for future development asbestos has been identified as a waste management issue, but it is not specifically addressed in any of the major planning strategies across the country. Asbestos is in the built environment and all current and future city plans should include how this will be identified and removed safely.

To date delivery of a consistent approach to asbestos is also dependant on the regulatory approaches of the Commonwealth and state governments. To date there have been efforts to harmonise work health and safety laws which has improved consistency in the workplace, however a consistent approach is lacking across the other important areas of environment, public health, emergency management, planning and development.

Data sharing amongst agencies is also a future challenge and opportunity to ensure asbestos is identified, removed, transported and disposed of safely and legally. At present agencies across states are not required to share data on asbestos leading to situations where rogue operators are able to get away with improper or illegal removal and disposal. Better data sharing will enable agencies to draw the net around rogue operators and avoid future risks of exposure due to undocumented illegal disposal leading to future asbestos legacy sites.

Other future challenges also include a better national approach to training of workers exposed to asbestos. In particular there is a significant proportion of the population who work in asbestos related areas that do not currently have rigorous asbestos awareness training and education.

### **Agency Name**

The agency name accurately conveys the role and purpose of the agency and should be retained.

### **Conclusion**

National co-ordination and leadership in asbestos safety and eradication is essential to improve outcomes. The ASEA is an integral part of the solution and should be provided greater support both in terms of resourcing and authority in the future. LGNSW supports the work of the ASEA and looks forward to continuing to build the relationship between ASEA, State and Local Government.

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