



## **SENATOR CHRIS EVANS**

Minister for Tertiary Education, Skills, Jobs and Workplace Relations

Friday, 29 October

### **MEDIA RELEASE**

#### **National Asbestos Management Review established**

The Minister for Workplace Relations, Senator Chris Evans, today announced the establishment of a national review into the management of asbestos and the Government's intention to ratify several International Labour Organisation treaties.

The Asbestos Management Review will assess current activities in the area of asbestos management and research and make recommendations for the development of a national strategic plan to improve asbestos awareness, management and removal.

"It's time that we took a long term, strategic approach to these important issues," Senator Evans said.

"Australia has one of the highest rates of asbestos related disease in the world. Due to the long period between exposure to asbestos and the onset of disease, asbestos related diseases are projected to increase.

"It is critical that we develop a comprehensive understanding of the scope of the problem and set clear targets as to how we address issues relating to awareness, management and removal of asbestos."

Mr Geoff Fary has been appointed as the Chair of the Asbestos Management Review. Mr Fary has a background in occupational health and safety and workers' compensation matters and is currently the ACTU's representative on Safe Work Australia, and previously the Australian Safety and Compensation Council.

Mr Fary will be assisted by an expert advisory group, including acclaimed researchers, employer and employee representatives, and members of the legal fraternity who have substantial experience in dealing with asbestos disease and mesothelioma claims. The expert group will be made up of the following members:

- Jim Barrett (Australian Constructors Association)
- Adjunct Prof of Workers Compensation and Workplace Law Rob Guthrie (Curtin University)
- Paul Bastian (AMWU)
- Silvia Kidziak (SL Engineering)
- Prof Nico Zandwijk (Asbestos Diseases Research Institute)
- Prof Bruce Robinson (National Centre for Asbestos Related Diseases)
- Tanya Segelov (Managing Partner, Turner and Freeman Lawyers, lawyer for Bernie Banton)
- Tim Hammond (Barrister, Francis Burt Chambers)

"Asbestos exacts a terrible human toll in Australia," Senator Evans said.

"The Australian Government is committed to doing what it can to ensure that asbestos management arrangements in Australia minimise the risk of avoidable exposure," Senator Evans said.

The Review will build on work already being undertaken at the Commonwealth, state and territory levels and will report by 30 June 2012. It will complement the development of harmonised workplace health and safety laws which include regulations and codes of practice relating to asbestos management and removal in the workplace as well as the Tasmanian Government's response to the 2010 report *Improving Asbestos Management in Tasmania*.

The Minister also announced the Australian Government's intention to pursue ratification of three International Labour Organisation (ILO) treaties: the *Asbestos Convention, 1986* (Convention 162); the optional Protocol to the *Occupational Health and Safety Convention, 1981* (Protocol 155); and the *Part-Time Work Convention, 1994* (Convention 175).

"Ratification of the Asbestos Convention and the Protocol to the 2002 Occupational Safety and Health Convention guarantee that Australian workers will continue to enjoy the protection of a world class OHS regime, reflecting best practice when it comes to protecting our community from the harmful effects of contact with asbestos," Senator Evans said.

The Part-Time Work Convention commits Australia to protecting the rights of part-time employees in a way which is consistent with internationally-recognised standards.

"I am very proud to be announcing our intention to ratify this instrument given the importance of part-time work to many Australians as a way of balancing their commitments to paid and unpaid work," Senator Evans said.

"This year marks an important milestone in Australia's commitment to respecting international rights at work.

"Not only is it the twentieth anniversary since the Hawke Government ratified the *ILO Workers with Family Convention*, but these are the first ILO instruments to be ratified by Australia since 2006."

The Review's Terms of Reference and Advisory Group Biographies are listed below.

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## TERMS OF REFERENCE

Asbestos management in Australia is regulated in a range of different ways by various government agencies at the local, state, territory and Commonwealth level. These management approaches cover asbestos management in workplace, environmental and public health contexts. The Australian Government is working together with states and territories to develop harmonised workplace health and safety laws which include regulations and codes of practice relating to asbestos management and removal.

The Australian Government has tasked Mr Geoff Fary to make recommendations for the development of a national strategic plan to improve asbestos awareness and management. Mr Fary will report on the following matters related to asbestos awareness and management:

- the enhancement of education and public awareness;
- the efficacy of asbestos import and export controls;
- asbestos removal, handling, storage and disposal;
- mandatory reporting and disclosure where asbestos is detected; and
- mandatory collection of data and reporting on associated health issues.

In undertaking the review, Mr Fary should consider:

- current policy and legislation relating to asbestos containing materials in occupational, environmental and public health contexts;
- local and international asbestos management research and methods of best practice;
- the levels and condition of asbestos containing materials in public and private buildings, facilities or equipment to inform a prioritised approach to the removal process;
- anticipated trends in the incidence of asbestos related diseases over the coming decade; and
- any other relevant associated matters that may be requested by the Government.

The Review will complement existing work already underway at the Commonwealth and state and territory levels such as the Tasmanian Government's response to the 2010 report *Improving Asbestos Management in Tasmania*.

The Government has asked Mr Fary to provide his report by 30 June 2012.

## **Asbestos Management Review Advisory Group Members**

### **Mr Jim Barrett**

Mr Barrett is the Executive Director of the Australian Constructors Association (ACA), an organisation formed in 1994 to represent the views of major contractors to Federal and State/Territory Governments and other major industry organisations. Mr Barrett is also the Director, Construction and Infrastructure with the Australian Industry Group, where he joined 1995. Mr Barrett holds many Director's positions relating to the Construction Industry and he was the Director Development with the Federal Government's Construction Industry Development Agency from 1991-1995.

### **Mr Paul Bastian**

Mr Bastian is the National President of the AMWU and is a campaigner against the asbestos industry and an advocate for asbestos victims. Mr Bastian was a co convenor of the National Asbestos Summit in June 2010 along with the ACTU and the Cancer Council of Australia. In 2008, Mr Bastian represented the AMWU and International Metalworkers Federation at an International Conference on asbestos, convened by the Vietnam Institute for Labour Protection. Mr Bastian has a long history of involvement with community and union campaigns and was appointed to the Board of the Asbestos Diseases Research Institute in November 2007. Mr Bastian has attended a number of international conferences on asbestos and its eradication.

### **Adjunct Professor Rob Guthrie**

Robert Guthrie is Adjunct Professor of Workers' Compensation and Workplace Laws at Curtin University in WA. He is a lawyer and an academic, with an interest in workers' compensation, occupational health and safety and industrial relations matters. He is currently employed as a Criminal Injuries Assessor in the Department of Attorney General WA – having the status of a Magistrate under a 5 year term of office. He was sworn in in May 2010.

Professor Guthrie has held a number of prominent positions including being the Chairman of the Western Australian Commercial Tribunal, Chair of an Enquiry into Workers' Compensation Dispute Resolution 1991 which resulted in changes being made to the workers' compensation legislation in Western Australia and was a member of the Pearson Committee in 1999 which also reviewed the WA compensation legislation. In 2001 he conducted a review of the WA workers' compensation legislation which resulted in a report to the WA government leading to significant changes to the *Workers' Compensation and Injury Management Act 1981* (WA) in 2004-5. He has published over 70 academic papers in national and international journals. He holds a B Juris, LLB, LL.M, MCom and PhD. Professor Guthrie was also the founding author of the Butterworths/LexisNexis Workers' Compensation Western Australia.

### **Mr Tim Hammond**

Tim Hammond is a barrister practising at Francis Burt Chambers, located in Perth. Since 2002 Tim has specialised in asbestos litigation, prosecuting cases on behalf of victims suffering from terminal asbestos disease. In 2004 he was appointed a salaried partner of Slater & Gordon and in 2007 he became a shareholder of the firm. During his time at Slater & Gordon Tim represented victims of asbestos disease in most jurisdictions in Australia. Tim left Slater & Gordon in 2010 and now practises as a barrister. He is also currently lecturing in law at the Murdoch University Law School.

## **Ms Sylvia Kidziak AM**

Ms Kidziak is the Managing Director of SL Engineering and has previously held the position of Principal Consultant, Occupational Health, Safety and Environment Policy at Australian Business Ltd for 24 years. Ms Kidziak has received several awards for her work which includes extensive advice on policy and technical issues relating to workplace health, safety and specifically asbestos. Ms Kidziak is Chair of the Radiation Health and Safety Advisory Council, a Board member of the NSW Workers Compensation (Dust Diseases) Board and The Asbestos Diseases Research Foundation and also a member of the NSW Workers' Compensation and Workplace Occupational Health and Safety Advisory Council.

## **Professor Bruce Robinson**

Professor Robinson is the Director of the National Centre for Asbestos Related Diseases. He is a respiratory physician at Perth's Sir Charles Gairdner Hospital and conducts teaching and research within the University of Western Australia's School of Medicine and Pharmacology.

Internationally recognised for his work in the field of asbestos-induced cancer, Professor Robinson published the world's first blood test for diagnosis, monitoring and early detection of mesothelioma. He has initiated many other world-first therapies and made major discoveries about how the body's immune system fights cancer.

Professor Robinson has received numerous awards including the Wagner Medal, the WA Premier's Science Award, and the Eric G Saint Award, for his research work into mesothelioma and asbestos-related diseases, and his significant achievements and leadership in science. In 2010 the Australian Medical Association (WA) honoured Prof Robinson for his outstanding contribution to medicine and humanity.

## **Ms Tanya Segelov**

Ms Segelov is the Managing Partner of the Adelaide office, with Turner Freeman Lawyers and is one of the leading specialists in Australia for asbestos disease and mesothelioma claims, having represented the late Bernie Banton and Judge Robert Bellear. Ms Segelov has also been involved extensively in legislative reform, relating to dust disease legislation, in both New South Wales and South Australia and is an Honorary Lawyer for the Asbestos Victims Association of South Australia and a member of the Asbestos Disease Foundation of Australia.

## **Professor Nico van Zandwijk**

Professor van Zandwijk is currently the Director of the Asbestos Diseases Research Institute and a Board Director of the International Association for the Study of Lung Cancer. Professor van Zandwijk has held numerous prominent positions including serving as Secretary and Chair of the European Organisation for Research and Treatment of Cancer Lung Cancer Group, chaired a state Council on asbestos and lung cancer and the Scientific Board of the clinical section of the Netherlands Cancer Institute. He has also authored and co-authored more than 200 peer-reviewed international papers and chapters.

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