



HIA Submission Asbestos Framework Review

Safe Work Australia

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Executive Summary

The Housing Industry Association (HIA) takes this opportunity to respond to the Asbestos Framework Review Discussion Paper – February 2026 (Discussion Paper).

HIA remains committed to working with government and regulators to improve industry understanding of the risks associated with working with and around asbestos, as well as supporting duty holders to better manage those risks. Undertaking further awareness initiatives and implementing meaningful and practical regulatory and non-regulatory approaches to improve work practices to safeguard workers is considered a priority.

As set out in detail in HIA's submission on the [Best Practice Review of the model Work Health and Safety Laws](#), the agenda towards a safety-at-all-costs or complete elimination of risk is not an effective or practical approach to improving health and safety in the workplace. We refer to and strongly reiterate the conditions and concerns raised in this submission with respect to the Asbestos Framework Review, including the following core principles.

Since our Best Practice Review submission, conditions for industry have only worsened. Builders, trades, manufacturers and suppliers now face further pressure as a result of severe supply chain disruption and escalating costs arising from the Middle East conflict, further eroding industry resilience and its capacity to deal with current regulatory requirements, let alone any future amendments.

With these challenges front of mind, this submission includes a number of further recommendations which relate specifically to the asbestos framework.

Core principles

1. Any proposed changes must be **data-driven and evidence-based**, first arising from a genuine issue.
2. Any amendments must be able to be both **practicably implemented** and deliver a **measurable improvement in safety**.
3. This must be demonstrated with a comprehensive, unbiased **regulatory impact assessment** (RIA) including a **positive cost-benefit analysis**, and with a central consideration of **industry productivity and housing affordability** as government imperatives.
4. **A proportionate, industry-specific approach** must be taken, with a view to supporting compliance by duty holders, particularly **small-to-medium sized businesses** who do not have sufficient resourcing to respond to the significant volume and rapid pace of regulatory change.
5. To this end, **red tape, complexity and duplication in regulation must be minimised** with the view to supporting compliance.
6. **Reasonable commencement dates** and appropriate transitional arrangements allow duty holders to understand and implement any new or amended requirements.
7. **Education, information and training** should be led by regulators and supported by industry organisations with appropriate government funding.

Key positions and recommendations

Model WHS framework

8. Asbestos-related risk within existing regulatory WHS frameworks is currently proportionate to likely harm, and is performing as intended. Care must be taken not to unnecessarily disrupt established systems that are otherwise functioning well.
9. Low rates of compliance with existing requirements must be distinguished from a genuine need for change, and these circumstances will inform the appropriate approach to improving safety.
10. The development of a comprehensive strategy for prioritised asbestos removal must be led by government, including sufficient funding allocated to both public and private work.
11. Low risk in-situ asbestos should be treated as such, and its identification and removal should be weighed up against the risk to workers.
12. Review the Codes of practice to ensure they are clear, practicable and support compliance by all duty holders.
13. Review guidance materials and other resources across jurisdictions, identify gaps and leverage opportunities to share resources between government departments.
14. A comprehensive holistic review of all laws and associated systems governing the management of risks associated with asbestos is necessary to identify opportunities for simplification, clarification and improvement of consistency, and to facilitate improved compliance.

Identification and risk assessment

15. Additional flexibility may be appropriate for risk registers and management plans dependent on the level of risk and circumstances.
16. Adoption of reliable and cost-effective emerging technologies for detection and testing should be supported by regulation and guidance.

Workplace exposure standard

17. The Workplace Exposure Standard (WES) and other action levels must remain reasonably practicable to allow compliance, otherwise unachievable standards and measurability will lead to compromised safety outcomes and significant cost implications.

Training and licensing

18. Review training, including VET offerings, to ensure all workers with a risk of exposure to asbestos in the workplace are well equipped to manage the risks to themselves and others at an early stage in their career.
19. Changes to licensing arrangements must be approached with caution, taking into account the root cause of issues linked to licensing.
20. Assess and develop strategies to build the capacity and capability of industry as a result of chronic skills shortages and the lack of specialised contractors qualified to identify and remove asbestos.

Compliance and enforcement

21. Investigate options to address non-compliant unlicensed asbestos removal work and improper treatment of waste, including proactive enforcement projects and enhanced penalties, alongside an awareness campaign and subsidised disposal.



Model WHS asbestos framework

We understand the model WHS Act and Regulations, as well as the WHS (and OHS) laws in the various Australian jurisdictions, appropriately manage the risk of asbestos exposure and are performing as intended.

However, HIA is supportive of improvements to existing frameworks where they arise from a genuine need, can be practicably implemented in the workplace and result in measurable improvements to safety. Any changes must also be supported by a comprehensive RIA including a positive cost-benefit analysis and designed to minimise disruption to industry productivity and housing affordability.

Additionally, while a ‘third wave’ of asbestos disease may be evident in data, consideration must be given to all contributing factors, including:

- advancements in the identification of asbestosis and mesothelioma as distinct from other lung diseases, and the potential for an associated rise in case numbers;
- the incidence of non-compliance including issues identified throughout this submission such as unlicensed work, improper disposal and non-compliant products; and
- any perceived or identified shortcomings in the regulatory settings that arise as a part of the consultation process.

This should be better qualified prior to the advancement of any regulatory changes. Non-compliance in itself should be addressed with measures that support and improve compliance with existing requirements, before more stringent requirements are considered necessary.

Prioritised asbestos removal

In its 2026-27 Pre-Budget Submission, the Australian Chamber of Commerce and Industry (ACCI) sets out a pragmatic approach to the prioritised removal of in-situ asbestos, in line with the Asbestos National Strategic Plan 2024-2030.

Rather than an all-encompassing approach, prioritised removal should focus on aging buildings that are known to have unstable, unenclosed or otherwise high-risk in-situ asbestos. Additionally, those buildings located in high-risk areas such as flood zones, bushfire-prone areas and otherwise climate-impacted regions should be considered a priority.

Where asbestos is either stable, unlikely to be exposed and/or not part of a specific scope of works, such as a renovation, it should remain in place or otherwise classified as a low priority for removal. Consideration is necessary as to whether workers may be exposed to greater harm by actively seeking out and identifying otherwise sealed asbestos. While identification of asbestos is an important part of managing the associated risks, the full context and broad safety impacts must be taken into account.

Government must also play a leading role in the composition and execution of any plan for prioritised removal, in close consultation with industry. An assessment of industry’s capacity to remove and dispose of asbestos containing materials in a safe manner will be necessary, combined with a funding model that aligns with the procurement and work program, including contributions towards removal in private property.



Codes of practice

Codes of practice play a key role in providing guidance on how workplace safety and health can be managed. They set the minimum standard of what is reasonably practicable, that can be applied by duty holders in all industries. More specifically, Codes of practice should:

- set out practical guidance on how to comply with a WHS duty for the performance of work, including deemed-to-comply provisions;
- provide guidance on minimum acceptable practices for industry to follow;
- be based on evidence as to the extent of the risk and the need for the practice to be set out in the code;
- be written for use by, and in a manner accessible to, the persons doing the work; and
- be subject to regulatory impact assessment for any new codes or changes to current codes.

The Model Codes of practice on *How to manage and control asbestos in the workplace* and *How to safely remove asbestos* could benefit from a number of improvements to make them more easily understood and to ensure they make genuine inroads to increasing awareness, supporting compliance across all duty holders, and reducing the likelihood of human error which may otherwise lead to compromised safety outcomes.

We recommend a review of the Model Codes to improve readability, clarity, navigation and reduce length, including:

- remove or reduce repetition in content, and instead use cross-referencing to other sections, codes and materials instead of repeating examples and scenarios;
- use consistent, defined terminology located in a single glossary section, drawing from any referenced legislation, standards and industry practice;
- consolidate references to regulation in an appendix;
- include clear diagrams where possible to demonstrate key concepts;
- combine procedural steps such as identification, sampling, labelling into a unified work or process flow chart; and
- streamline safety notes into a dedicated 'Key Requirements' table for quick reference.

While the primary aim of the Code should be to improve adoption and compliance with safety requirements, enhanced clarity and ease of use also has benefits for productivity and reduces the compliance burdens for businesses.

Transitional arrangements

It is unclear at this stage what, if any, changes to existing legislation, regulation and codes are justified. However, if changes to regulatory settings are progressed, appropriate commencement dates and transitional arrangements must be made to ensure industry and regulators have time to properly understand and implement the changes.

The duration of these arrangements will depend on the change itself, current conditions and its potential impact on industry, and these matters must be considered as a part of a RIA.



Guidance materials, education and information

Regardless of whether changes are made, HIA welcomes the review and production of guidance material and a diverse range of other resources including videos, social media content, advertisements, checklists, tool box talks, and images, to assist duty holders in managing the risks of asbestos exposure, as well as communicating those risks to others. Information and education in multiple forms and languages will ensure industry is best placed to respond to the risks and demands of work involving asbestos, particularly for high-risk sectors or industry and small businesses.

Materials to address any gaps identified as a part of the review of existing resources should be prioritised but may be addressed promptly with the use or adaptation of suitable materials from other jurisdictions.

Further, HIA is well-positioned and resourced to support government and regulators with communication, education and information on existing or amended asbestos awareness and compliance requirements.

Other regulatory frameworks

As is identified in the discussion paper, there are multiple legal frameworks that govern asbestos and the management of associated risks, and that overlap and intersect with the WHS laws. In particular, the challenges associated with disposal of asbestos are covered in further detail under the heading 'Unlicensed and non-compliant work', and this is an ongoing area of concern for the residential building industry. However, this is just one example where interaction with other regulatory frameworks is critical to minimise the risk of asbestos exposure.

It is likely there are many ways these laws and systems can be improved to enhance safety and productivity, for example:

- the use of consistent terminology, such as aligning with the National Environmental Protection (Assessment of Site Contamination) Measure 1999 for contaminated soils (NEPM) terms;
- alternatively, tables embedded into overlapping regulations or other supporting documents that explain where the requirements differ or align, such as Table 3 including in the Discussion Paper;
- removal of any unnecessary duplication in duties and responsibilities across legislative instruments;
- a requirement for interdepartmental collaboration to ensure that interaction between the various legislative instruments and their implementation is functioning as it should;
- a coordinated approach to education and information on the requirements, to ensure they are clear and accessible.

Ultimately, a comprehensive holistic review of all laws and associated systems governing the management of risks associated with asbestos is necessary to identify opportunities for simplification, clarification and improvement of consistency, and to facilitate improved compliance.

Non-conforming products

Another potential point of exposure for Australian workers is through non-conforming building products that contain asbestos.

The provisions in the WHS laws regarding asbestos function alongside the *Customs (Prohibited Imports) Regulations 1956* (the Regulations), which bans the importation of all types of asbestos and products containing asbestos, except under limited circumstances. However, the recent incidents and considerable risks associated with the importation of asbestos containing products, including building materials, highlights the need for all governments to work together to address this ongoing issue.



On the face of it, there is no 'higher' level of regulation that could be applied beyond a complete ban on asbestos. However, the reality is that Federal Customs has limited ability, resources and funding, to check and test products at the point of arrival into the country. Therefore, reliance is placed on manufacturer-supplied testing data to verify compliance, which is taken on face value. Illegal importation and deliberately misleading behaviours such as non-compliant or falsified test results, further complicate these efforts.

Australia's regulatory framework is only as strong as the enforcement processes put in place by the relevant regulatory authorities and unfortunately cannot provide a guarantee that non-conforming products will not enter the country, despite best efforts. The intention of the regulations must be to minimise the potential for this to occur, provide for appropriate deterrents to circumvention of the laws, and ensure the appropriate checks and balances are in place to address the products once identified. Several measures include:

- ensuring all building product manufacturers supplying products to Australia are informed of the requirements, including clear testing standards and required information;
- providing vital Border Force resourcing and testing infrastructure to prevent the infiltration of non-conforming products, including through illegal importation;
- addressing the differences in the terms and definitions between Australian and international frameworks;
- identifying those countries with differing approaches to the use of asbestos and prioritising resourcing to ensure robust oversight of imported products; and
- identifying specific product categories more likely to risk the inclusion of asbestos in their manufacture, such as gypsum-based products and mechanical components.

Identification and risk assessment

There are well-known challenges with the identification of in-situ asbestos, as well as in non-conforming products, including a lack of labelling and product information, as well as potentially undiscernible installation dates.

Risk registers

The use of risk registers forms an established part of the asbestos management framework; however they also contribute to the administrative burdens associated with the framework. We contend that attention must be given to optimising the benefits of the registers contributing to asbestos safety, and ensuring the cost and time associated with their upkeep is not unreasonable. For example, the timeframe for review must be reasonable, taking into account the likelihood that materials where properly maintained will continue to be low risk for many years.

There can also be adverse consequences for building owners where asbestos is identified or assumed present in a building, with some buildings and workplaces potentially deemed hazardous where no risk to occupants exists. This has flow-on consequences including:

- listing on the contaminated sites registry
- increased costs or unattainable insurances for both buildings and workers
- limitations on attendance or on-site efforts by emergency responders

Although it is unclear how this can be avoided, particularly where it is necessary to assume the presence of asbestos and safe access or testing is limited, in the event asbestos is removed, there should be the ability to amend a register listing immediately.



New technologies

HIA is aware that recent advancements in technology, for example, hand-held detection devices, are currently under consideration. The adoption of a broader range of options in the acceptable methods for the detection and testing of asbestos, which will provide a faster and more cost-effective approach compared to NATA accredited laboratory testing.

However, any additional acceptable methods must be proven to be accurate and dependable, ensuring the incidence of both false positives and negatives are minimised, and a suitable balance is struck between risk mitigation and the burden of compliance.

Additionally, any amendments to regulatory settings and the enforcement approach should not result in an expectation by regulators and the inspectorate that this method of detection is used in every case by virtue of its accessibility. The determination of the appropriate type of detection should be at the discretion of the duty holder. As is the case with air-monitoring requirements for respirable crystalline silica, there should not be a disconnect between what is required by regulation and what is reasonably practicable, including the equipment availability and resourcing capacity of those with necessary expertise.

There must also be clear information and guidance material to support any changes to the detection framework, to ensure duty holders are aware of the strengths and (at this stage many) limitations of the equipment they may be using. This is particularly crucial for small-to-medium sized businesses which need greater support in adopting emerging technologies, as well as in complying with compounding regulatory requirements.

Finally, these changes should not be coupled with or used as a lever to progress changes to other regulatory settings, for example setting unattainable exposure levels or requiring absolute clearance. Any changes of this nature must be based on evidence and supported by a comprehensive regulatory impact assessment including a positive cost-benefit analysis.

Management and control measures

We consider the Model Regulations and Codes appropriately detail the requirements for the proper management and control of asbestos-related risk, including the determination of the removal or in-situ management of asbestos. At this time, we are not aware of a reason for fundamental changes to the current approach. Regardless we recommend a review of the Model Codes to identify any minor improvements that can be made, such as the incorporation of diagrams, plain language and consolidation of terminology, to ensure they provide optimal support for compliance.

Similar to the considerations in relation to asbestos risk registers, it may be appropriate for the timeframe for the review and update of an asbestos management plan to be based on the level of risk and specific circumstances. If a shorter timeframe is under consideration, thought must also be given to whether a longer timeframe is suitable for very low risk instances.

Workplace Exposure Standard

HIA recognises asbestos represents a significant health risk to workers in the building and construction industry, not only due to its serious health impacts, but also due to its covert and prolific presence within the built environment. Although there is no safe level of exposure to airborne asbestos, it is also impossible to completely eliminate, for example, when considering soil remediation, with levels of asbestos present as a part of the environment. While setting an infinitesimally low WES may reflect the critical and absolute risk



of asbestos exposure, if compliance and practical measurability is impossible, the WES will have little relevance and will be ineffective except for prosecution purposes.

Regulations must set attainable, measurable levels for workplace exposure and practicable measures to allow optimal management of the remaining risks. If not, regulatory requirements simply become unachievable, and this may drive an erosion of safety standards rather than making improvements. For example, where businesses are unable to comply with onerous compliance standards, they are left with no middle ground or support to make safer, albeit non-compliant, choices.

To this end, the WES for asbestos must be reasonably practicable for all businesses to determine and respond to. There must be readily available tools for detection, testing, measurement and monitoring at a reasonable cost and the outcomes of exceeding the WES or other action levels must be proportionate. The availability and cost associated with engaging expert consultants, lab capacity, training, licensing and administrative procedures, must also be considered.

Training and licensing

Training

We would support further training for workers likely to encounter asbestos, embedded into VET trade qualifications, tertiary qualifications and other training frameworks, such as accredited training for licence holders. This will allow the risks to be canvassed early and set up new entrants to industry with the necessary awareness in order to minimise risk from the very beginning of their career.

In particular, apprentices should have units within their training packages which include content on a range of hazardous substances, such as dust from crystalline silica, asbestos and timber and this should be broadened to include trades such as plumbers, carpenters and electricians.

HIA would also support the improvement in language accessibility in training, to better accommodate culturally and linguistically diverse workers.

If the incorporation of a requirement to carry out asbestos awareness training in line with the ACT approach is under consideration, it should only be progressed if, in line with HIA's core principles, it arises from an evidenced need, the impacts are properly assessed, and any regulatory amendment is demonstrated to have a positive cost-benefit ratio. The training should also be able to be delivered by a range of appropriately accredited training providers under a user choice model and funded by government.

Psychosocial hazards

It is also acknowledged that working with and around asbestos may cause or contribute to psychosocial hazards for workers. These hazards not only impact the workers themselves but have flow-on effects for others in the workplace, as well as the PCBU. While we would oppose any moves towards further regulation, there is scope to better support workers and PCBUs in managing these risks, particularly where the PCBU is a small business.

Specific guidance materials for industry in addressing the psychological impacts of asbestos in the workplace would be useful, alongside embedding psychosocial content within existing or expanded training offerings. This should include programs for workers designed to highlight awareness of the risks, enhance emotional stability and resilience, promote adaptive thinking, sustain performance in high-stress environments and other mental health strategies.



Licensing

The asbestos licensing structure has been in place for a number of years and despite some instances of inadvertent or intentional non-compliance, we believe the requirements are generally well understood. It is unclear at this stage whether any changes to licensing requirements are warranted, and HIA would recommend a cautious approach. If not properly managed, changes to long-established licensing arrangements will introduce ambiguity which may lead to an increase in non-compliance and avoidable exposure of workers.

Instead, HIA supports an approach that addresses existing non-compliance and improved awareness of risks through guidance and training prior to any moves to amend the licensing framework. Our concerns regarding the contribution of unlicensed and non-compliant work to asbestos exposure are set out in further detail below.

Compliance and enforcement

Active, well-resourced and consistent enforcement is required to ensure any existing or revised frameworks are effective.

We maintain WHS laws and frameworks should focus on developing a culture of compliance and cooperation, including education and training of WHS duty holders, and boosting industry safety culture to drive sustainable improvements. This position is detailed in our submission on the Review of Sentencing for Occupational Health and Safety Offences in Victoria, as well as our recent submissions in South Australia.

Although the health impacts of asbestos exposure are not new and the risk of exposure has decreased after two decades of prohibition, the Discussion Paper highlights the need for ongoing education and asbestos awareness, and this formed Phase 2 of the Asbestos National Strategic Plan. While Phase 2 was scheduled to end in 2023, governments must continue awareness and education campaigns to ensure momentum is not lost, with the support of industry associations.

Unlicensed and non-compliant work

HIA contends a significant risk associated with asbestos in the building and construction industry arises from activities carried on outside of and in contravention to the regulatory framework. We often receive reports from members regarding performance of asbestos removal works requiring a licence by unlicensed operators, including homeowners and homeowner-engaged contractors.

The consequences include incomplete removal of asbestos containing materials, and inadequate testing, monitoring and clearance measures, as well as illegal dumping and improper disposal of asbestos-contaminated waste on building sites and in waste receptacles. These activities result in the unknowing exposure of a broad range of people to asbestos fibres, including the homeowner, their family and visitors, the homeowner's contractors, the builder and their trades, waste disposal workers, local council workers, neighbours and other members of the public.

Given the considerable risk associated with exposure to asbestos, we would support proactive enforcement programs by regulators regarding unlicensed and non-compliant asbestos removal work and improper disposal. Although we would largely be opposed to increased penalties for WHS offences without strong justification, there may also be scope for review of current penalties for unlicensed and non-compliant asbestos removal work and improper disposal, particularly where an offence is severe, or a pattern of



behaviour is established. However, we reiterate, that any changes to penalty regimes must be the subject of a RIA.

We recommend SWA, as well as WHS regulators, provide information and guidance as a part of a public education campaign to promote awareness, the safe removal and proper disposal of asbestos.

SWA, in conjunction with state and territory governments, should investigate options to implement free or subsidised waste disposal to encourage the safe and complaint disposal of asbestos containing materials to help reduce the incidence of illegal dumping and incorrect disposal.