



Ms. Marie Boland
CEO
Safe Work Australia
2 Phillip Law Street,
New Acton, Canberra, ACT 2601
By [online submission](#)

23 April 2026

Dear Ms Boland

Re: Asbestos Framework Review

Thank you for the opportunity to provide feedback on the Asbestos Framework Review to Safe Work Australia. The Waste Management and Resource Recovery Association of Australia (WMRR) is the national peak body representing Australia's \$21 billion waste and resource recovery (WARR) sector. With more than 2,300 members from over 400 entities nationwide, we represent the breadth and depth of the sector, including representation from business organisations, the three (3) tiers of government, universities, and Non-Government Organisations (NGOs), including research bodies. WMRR understands that in line with the [Asbestos National Strategic Plan \(ANSP\) 2024–2030](#), Safe Work Australia is undertaking a comprehensive review of the model Work Health and Safety (WHS) asbestos framework to strengthen risk controls and support the prioritised removal of asbestos-containing materials (ACMs).

This review has significant impacts for the WARR sector given the crucial nexus between asbestos frameworks and the safe and sustainable resource recovery of Construction and Demolition (C&D) waste. Although asbestos is banned from entering Australian supply chains, significant legacy material remains and must be managed safely by the WARR sector. Risk varies by type, with bonded asbestos (e.g. cement sheeting) posing lower risk, while friable asbestos presents the greatest hazard due to airborne fibres. Asbestos contamination can arise from multiple points in the supply chain, requiring operators to rely on upstream controls. WARR facilities undertake inspections, sampling and testing, and continue to invest in improved processes, however effective risk management depends on coordinated action across the entire supply chain to identify and remove asbestos early. Ongoing challenges, including limited awareness, insufficient skills, disposal cost avoidance, and poor tracking, contribute to illegal dumping, contamination of recoverable materials, and increased risks to human health and the environment.

Currently, there is a disconnect between the management of asbestos within WHS and waste regulations. WHS frameworks generally ground threshold levels in risk assumptions based on exposure pathways, whilst waste regulations vary between states, with for example, NSW (based on a zero tolerance to any asbestos) and WA using assumptions based on the primary exposure pathway—namely, the inhalation of airborne fibres—and aligning it with measurable and scientifically demonstratable criteria for asbestos presence in soil. This variation is highly problematic as the definition of 'asbestos waste' will vary significantly according to jurisdiction, leading to inconsistent tracking and reporting nationally. The concept of "zero asbestos" itself lacks clarity, as it is scientifically unrealistic given background environmental exposure and the limits of detection in testing methods. Due to these differences in thresholds, tracking and compliance systems – with significant differences between states in how asbestos waste and contaminated materials are monitored

WMRR NATIONAL OFFICE
57 ST JOHNS ROAD
GLEBE NSW 2037
(02) 8746 5000
INFO@WMRR.ASN.AU
WMRR.ASN.AU

– there are gaps in accountability. Guidance on testing and risk is inconsistent, with no, as yet, nationally aligned approach to sampling and analysis, detection limits, or defining what constitutes acceptable versus unacceptable risk.

It is WMRR's view that achieving the objectives of the [Asbestos National Strategic Plan](#) requires a comprehensive and coordinated reform approach that adopts a nationally harmonised, risk-based framework that achieves alignment between WHS and waste regulatory systems and establishes clear, practical, and scientifically grounded definitions and guidance, otherwise the framework will continue to undermine effective asbestos risk management and impede the safe and efficient removal of asbestos from the built environment given the ongoing confusion and uncertainty.

Asbestos and the WARR sector

Management of asbestos contamination is fundamental to the WARR industry attaining optimal recycling / recovery outcomes – particularly for building and demolition materials. [National Waste and Resource Recovery Data](#) for 2022–23 shows that:

- ~75.6 Mt of waste was generated in Australia with 29.2 Mt of C&D waste contributing to 39% of this total.
- ~25.7 Mt of waste was disposed, of which 17% was building and demolition waste and 14% was hazardous waste (mainly soils contaminated with hydrocarbons, heavy metals or asbestos).
- ~47.6 Mt of waste materials were recycled or reused including building and demolition materials (22.4 Mt) and organics (7.5 Mt).
- 50% of recycled materials were sourced from C&D.

Currently, Australia's approach to asbestos management across WARR operations is highly fragmented, with significant inconsistencies across jurisdictions in both tracking requirements and regulatory definitions. While states such as NSW, Victoria, Queensland and South Australia (SA) require tracking of asbestos-containing materials (ACM) across the waste chain—from generator to transporter to receiving facility—this consistency breaks down in practice. For example, Victoria and SA mandate tracking for any quantity of commercially transported asbestos waste but do not require tracking for domestic self-haul, regardless of volume, and SA does not record the ultimate fate of the waste beyond the receiving facility.

In contrast, the ACT, Northern Territory (NT), Tasmania and Western Australia (WA) do not track asbestos transport at all, whether commercial or domestic. The disparity is even more pronounced for asbestos-contaminated wastes such as soils and construction and demolition materials: only Victoria and SA track these streams, while NSW, ACT, NT, Tasmania and WA do not, and Queensland applies a separate permitting system rather than integrating it into hazardous waste tracking. Compounding this inconsistency, only some jurisdictions—such as Victoria and WA—define acceptable asbestos contamination thresholds, whilst the others lack clear measurable standards. The WA guidance also allows for the removal of visible ACM by 'emu-picking' (hand picking) prior to transporting, which provides a workable approach to dealing with low-risk asbestos in these materials. Victoria and WA provide a definition of an acceptable level of asbestos, as measurable fibres, in waste that is consistent with risk-based guidance in the National Environment Protection - Assessment of Site Contamination (ASC NEPM). Collectively, these variations highlight a lack of national consistency, creating regulatory gaps, compliance challenges, and potential risks to human health and environmental safety.

The [Best estimate of asbestos waste volumes](#) from the Asbestos and Silica Safety and Eradication Agency (ASSEA) - as extracted below - highlights the striking disconnect between the other jurisdictions and NSW, where 'asbestos waste' under the *Protection of the Operations of the Environment Act 1997* (POEO Act) captures any waste that contains asbestos i.e. regardless of concentration with a 2019 a court case (*Environment Protection Authority v Grafil Pty Ltd*) determining

that 1 fibre of asbestos in a stockpile makes the stockpile asbestos waste. NSW reported 248,794 of the total 625,917 tonnes nationally, in addition to 547,848 tonnes of soil contaminated with asbestos.

Figure 1 – Extract from [2023–24 Asbestos waste in Australia: DATA](#) (ASSEA)

Table 1: Summary of all asbestos waste by reported type and jurisdiction in 2023-24 (tonnes)

ASBESTOS WASTE TYPE	ACT	NSW	NT	Qld	SA	Tas	Vic	WA
Wrapped ACM only	6,752	248,794			20,564	11,663	71,072	23,963
Wrapped ACM + waste contaminated with friable asbestos				204,328				
Wrapped ACM + waste contaminated with <i>only</i> asbestos							26,500	
Wrapped ACM + waste contaminated with asbestos			12,281					
Soil contaminated with asbestos		547,848					22,200	

Note: The assumed density of any asbestos figures received in cubic metres is 0.8 t/m³

Table 2: Best estimate of asbestos waste volumes (i.e. data that includes wrapped ACM: tonnes)

Year	ACT	NSW	NT	Qld	SA	Tas	Vic	WA	Australia
2023-24	6,752	248,794	12,281	204,328	20,564	11,663	97,572	23,963	625,917

WMRR understands that NSW's position is currently being reviewed given an independent review in 2024/25 by the NSW Office of the Chief Scientist and Engineer's (OSCE) and the report on the [management of asbestos in recovered fines and recovered materials for beneficial reuse in NSW](#), which emphasised the need for a through chain risk-based approach, noting that "...a focus on reducing and eliminating asbestos at all stages, including through source separation, will likely provide better outcomes for managing asbestos in recovered fines and materials". The report also quantifies an acceptable risk, duly noted on page 8 that:

'Experimental estimates of fibre release from soil found that 'activities involving soil with friable asbestos concentrations of 100mg/kg of soil were unlikely to result in airborne fibre levels above 'Negligible Risk' level of 1000 fibre equivalents/m³ (0.001 f/mL).'

Crucially, OCSE's recommendations – which are consistent with [WMRR's consultation feedback](#) - support alignment with the WA approach and include:

- implementing a threshold for asbestos in recovered fines and materials for beneficial reuse based on the current criteria of 0.001% w/w (asbestos in any form) as described in the *Western Australia "Guideline: Managing asbestos at construction and demolition waste recycling facilities"* with no visible ACM, below 10 mg/kg weight of total asbestos/weight of product (i.e. 0.001 % w/w) and asbestos not detected using AS5370:2024 *Sampling and qualitative identification of asbestos in bulk materials* (AS5370).
- NSW EPA updating the *Standards for managing construction waste in NSW* to include a through-chain risk-based approach by adopting WA Waste Guideline: *Managing asbestos at construction and demolition waste recycling facilities*.
- engaging with other jurisdictions to work towards a consistent approach and outcomes (including legislation) in managing asbestos in recovered fines and materials for beneficial reuse.

- stronger support for better source separation at demolition sites, including residential premises, through the identification of industry best practice with clear and consistent guidance, training and competency around robust asbestos identification and handling for all workers handling asbestos prior to disposal.

WMRR is hopeful that the NSW EPA will adopt these recommendations, which highlight the broader issues impacting the national asbestos framework as it relates to the WARR sector, namely that:

- There is a lack of alignment between WHS regulations and state-based waste legislation, resulting in conflicting obligations across the supply chain for how asbestos is addressed.
- There is significant inconsistency across jurisdictions in how asbestos waste is defined, classified and managed, particularly regarding threshold limits. With the exception of WA, jurisdictions do not reflect international practice, which allows separation of asbestos from recoverable material where safe. In contrast, the *EU Waste Framework Directive (2008/98/EC)* applies a consistent 0.1% hazardous waste threshold, with all European countries adopting this approach. Under this framework, soils containing visible asbestos fragments are classified as hazardous, and—consistent with the waste hierarchy—hazardous volumes should be reduced by physically removing identifiable asbestos where feasible.
- The continued application of an absolute “zero asbestos” standard for recovered materials is inconsistent with scientific evidence and measurement capability. SafeWork’s health monitoring guidance for asbestos explains that “The typical environmental background level of asbestos in outdoor air is 0.0005 fibres/mL and 0.0002 fibres/mL in indoor air. The daily inhalation volume for an average adult is 22 m³ or 22,000 litres. This means 5500 fibres are inhaled/day by the average person (proportion of time spent indoors = 20 hours/day). Despite this the general population does not contract asbestos-related disease in significant numbers”. [NSW Health advice on asbestos](#) clarifies that “Most people who are around small amounts of asbestos do not develop asbestos-related health problems”.
- There is limited national guidance on sampling, testing, and detection limits, contributing to uncertainty and inconsistent regulatory interpretation. WMRR notes that AS5370 includes detailed sampling protocols including minimum sample mass of 5g, introduces updated guidelines that expand testing methodologies, including the use of Polarised Light Microscopy (PLM), Transmission Electron Microscopy (TEM), and Scanning Electron Microscopy (SEM) as optional methods to confirm ambiguous results. It also covers testing asbestos in soils and naturally occurring asbestos species, making it relevant for industries involved in site remediation and resource extraction. It incorporates residual analysis and has a defined performance limit of 0.1g/kg (0.01% w/w) for non-homogenous samples. However, WA Guidance is the only jurisdiction that clearly aligns with AS5370.

Key recommendations

Reform of the framework should aim to provide a clear and enforceable regulatory baseline. To do this, WMRR calls for a nationally consistent, risk-based regulatory framework for asbestos in waste materials that aligns with existing WHO and Health principles, focusing on fibre exposure risk rather than absolute presence. This includes:

- redefining “zero asbestos” through a measurable “non-detect” threshold (e.g. 0.001% w/w) aligned with detection limits and real-world exposure;
- harmonising definitions, thresholds and obligations across waste generators, transporters and WARR facilities;
- standardised national protocols for sampling, testing and reporting—aligned with AS 5370—are needed to ensure consistency, alongside practical risk management measures such as allowing removal of visible ACM prior to transport and managing unexpected finds at facilities, and

- embedding upstream responsibilities, such as mandatory pre-demolition asbestos testing and sampling, as well as surveys and removal, distinguish clearly between friable and bonded asbestos risks, and provide practical, scenario-based guidance for managing asbestos within mixed waste streams.

WMRR supports the development and implementation of a more effective and nationally consistent asbestos regulatory framework. Reform should support safe material recovery where risks can be effectively managed, aligning with circular economy objectives. Adopting a risk-based, science-led approach that avoids unnecessary compliance burdens and regulatory ambiguity while protecting public health and supporting sustainable resource recovery.

WMRR's responses to specific consultation questions can be found at [Annexure A](#). Please contact the undersigned if you wish to further discuss WMRR's submission.

Yours sincerely



Gayle Sloan

Chief Executive Officer

Waste Management and Resource Recovery Association of Australia

Consultation questions:

Question	WMRR Comments
Topic 3.1 – Model WHS asbestos framework	
6. How well does the current WHS framework interact with environmental protection laws, waste management, dangerous goods, importation, exportation, consumer protection and public health laws?	WMRR's submits that this is currently not working well at all, due to the existing inconsistencies between the WHS and waste frameworks as well as between jurisdictions, and the resulting issues on the management of asbestos by the WARR sector.
Topic 3.2 – Identification and risk assessment of asbestos and asbestos-containing materials (ACMs)	
16. Are there any changes needed to the model WHS framework for identifying asbestos? What role could new and emerging technologies play in asbestos identification and management? What would be needed to support their safe and effective adoption?	WMRR supports a consistent approach with AS5370:2024 which is designed for industries as well as public health. Notably, the standard: • aligns with the proposed asbestos threshold for currently used in WA and Victoria of 0.001% w/w; • captures advances in Polarised Light Microscopy (PLM) and incorporating Transmission Electron Microscopy (TEM) and Scanning Electron Microscopy (SEM) as optional methods to help confirm ambiguous results, particularly in complex or fine-grained samples, and • specifies procedures for sample preparation, mounting, and microscopic examination.
Topic 3.5 – Asbestos management and control measures	
22. How could the model WHS Regulations be improved to ensure asbestos management plans are followed and high-risk ACMs are promptly removed? <i>Please share any suggestions or challenges from your experience.</i>	WMRR notes that Victoria is looking at this issue currently. The Occupational Health and Safety Amendment (Dangerous Goods) Bill 2026 (OHS Amendment Bill) has been introduced to Victoria Parliament on 31 March 2026. The OHS Amendment Bill will amend the <i>Occupational Health and Safety Act 2004</i> (OHS Act) to include regulation of the handling of dangerous goods including asbestos, bringing this into alignment with Victoria's broader health and safety framework. It requires duty holders to assess whether asbestos can be removed and, if so, to develop and implement an approved asbestos removal plan, which includes safe handling and disposal considerations. Where removal is not reasonably practicable, an asbestos management plan must be put in place to control and contain the material and prevent exposure. Additionally, the Bill allows for government orders to regulate the clean-up and removal of asbestos waste, particularly in emergency situations, ensuring that asbestos-

Question	WMRR Comments
	containing materials are handled, transported, and disposed of in a way that protects public health and the environment.
Topic 3.6 – Asbestos training and competency	
25. Should nationally accredited asbestos awareness training be mandatory within the model WHS framework for workers likely to encounter asbestos, and should it be embedded in VET trade qualifications? Why/Why not? 27. What additional training gaps or challenges do you think need attention?	Yes, WMRR supports this measure as it provides clarity and consistency, As highlighted in our submission, the current approach to managing asbestos waste varies greatly by jurisdiction and does not follow through the chain to the end use of recycled materials. Controls in asbestos management may include a requirement for safe handling and disposal of asbestos, tracking of asbestos waste, visual inspection of incoming waste and end-use control of recycled products. There is a lack of knowledge/awareness of asbestos presence, lack of practical skills to identify and handle ACMs, and avoidance of disposal costs. WMRR supports mandatory training for a through-chain risk-based approach focusing on source separation where possible for effective asbestos management.
Topic 3.7 – Removal of asbestos, training and licensing	
40. What are your views on the 10m² unlicensed removal exception, and how could it be managed or improved to ensure safe outcomes?	The removal and disposal of up to 10m² of non-friable ACM by individuals with no asbestos licence and without requirements for clearance inspections to occur or certificates to be issued poses the greatest risk to C&D recycling facilities as the proper removal and disposal of up to 10m² does not require reporting or verification. Hence, waste sent to C&D recycling facilities may include ACM from these removal sites beyond acceptable limits. There is also the question of whether the material will be safely disposed at an appropriate facility, noting that depending on the specifics of the facility and jurisdiction, hazardous waste charges will apply, which may encourage illegal dumping.