




Secretary
Standing Committee on Public Accounts
Legislative Assembly
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	A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE
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**INQUIRY INTO PROPOSED APPROPRIATION (LOOSE-FILL
ASBESTOS INSULATION ERADICATION) BILL 2014-15**

I am writing in connection with the Committee's inquiry into the above legislation.

To declare our interest. We are homeowners affected by the Government's loose-fill asbestos eradication program. We are not satisfied that the Asbestos Response Taskforce has taken sufficient steps to fulfil its obligations to us and the community that our home poses a threat to us and the community's health and well being. Our experience will serve to provide the Committee with an understanding of the flaws in the administration of the asbestos eradication program to date.

The Terms of Reference of your Committee's inquiry include the terms of the proposed Explanatory Memorandum. That document refers to the proposed legislation applying to "affected homes". In material provided by the Asbestos Response Taskforce to us, "affected homes" are defined as those homes in which loose fill asbestos insulation was installed and removed.

We have been provided with a copy of the report relating to the Asbestos Assessment and Risk Management conducted at our residence at [redacted]. The assessment was commissioned by the Asbestos Response Taskforce.

Based on the findings of the assessment, no evidence of the presence of asbestos was detected in the habitable areas of our residence. Notwithstanding, the report recommends, in the long term, that our residence be demolished. This causes us the gravest of concern.

The short term and medium term recommendations based on extensive testing conducted on site and laboratory testing support the continued habitation of our residence in the face of the fact that, according to the relevant ACT Government agency, asbestos loose fill insulation was installed in the roof of our residence and subsequently removed.

During renovations undertaken in 1992-93 involving the removal of existing windows thereby exposing the wall cavities, the demolition of internal walls, installation of fibre glass insulation throughout the entire ceiling space, electrical and pipe work installations in the sub-floor, removal and replacement of cornices and some ceilings, no foreign material such as loose-fill asbestos was observed.

Again, in 2004, during a major reconstruction of our residence – doubling it in floor area and adding an additional level which involved removal of over 60% of the original roofing and ceilings— none of the construction personnel discovered any material such as asbestos.

Based on the findings of the assessment, it has not been established that there is a need for the demolition of our residence. Since being informed by the relevant department in 2004 or thereabouts that asbestos had been installed and removed from our residence we have been happy to continue to live in our residence confident in the knowledge that contamination was not of concern.

At this stage, any proposition that supports the view that the demolition of our residence is the only viable alternative should be based on further and more detailed examination of our residence to establish conclusively that asbestos is present and that it is not possible to safely contain or remove the material.

If there is alternative advice available to the government which is beyond the scope of the assessment and which leads the government to conclude that the demolition of our residence is in the public interest and in our interests, this needs to be brought to the attention of the public and to us and explained for our understanding.

We have asked the Asbestos Response Taskforce that a more detailed and thorough assessment be undertaken of our home which has as its objective, not demolition, but whether it is feasible to remove any trace of asbestos fibres if found, to enable us to continue to live in our residence without any adverse effect on the community, on our health and financial position as the property owners. Any proposal by government to remediate all residences installed with loose fibre asbestos insulation in the ACT should be based on a case by case examination of each residence rather than a blanket decision to demolish. Such a brutal approach is unjust in the absence of solid evidence and distressing to affected home owners.

The Asbestos Response Taskforce has stated that no further assessment of homes will be undertaken even though there is at least one reported case of a home being listed as an affected home even though the home owner is certain that loose fill asbestos insulation was not installed in her home.

We fall into the category of those homeowners who are extremely reluctant to give up our home of nearly 25 years. We are both retired from the workforce and have invested heavily in our home and land to make it suitable to our needs in retirement.

Whilst we are pleased that measures have been introduced to protect our investment in our home, the other arrangements being made seem to have little relevance to our circumstances. In other words, the scheme developed by the Government should take into account the particular circumstances of those who do not wish to give up their homes in the absence of reasonable justification by the Government without affecting those on the other end of the scale that are desperate to vacate their homes. In the same way, reluctant homeowners should not be caught up in the panic generated by the Government to satisfy those in the desperate category.

In essence, our concerns can be summarised as follows:

1. The Taskforce, in conducting its assessments and publishing its reports, has failed to establish that asbestos fibres are present in all affected homes but has recommended that all affected homes be demolished;
2. The Taskforce has failed to explain to affected homeowners why it is necessary to demolish their homes in the face of the assessment's findings; and
3. The Taskforce has failed to explain to affected homeowners that homes that had loose-fill asbestos fibre insulation installed and which had been subsequently removed and, even though evidence of remnants has not been found, are of such a danger to the community and home owners that they must be demolished.

The failure of the Taskforce to establish the presence of dangerous levels of asbestos fibres in affected homes to support its recommendation that the homes be demolished at public expense constitutes serious maladministration. It should be noted that whilst the Taskforce will not verify the existence or otherwise of dangerous levels of asbestos in homes prior to their demolition, it proposes to examine vacated sites to establish whether levels of asbestos are present. Surely this could be conducted at an early stage in order to determine whether alternatives to demolition are possible.

We also would like to see some mechanism introduced whereby concerns about fundamental decisions affecting homes can either be reviewed or, at the least, given some standing so that the relevant agencies and decision makers are required to give them appropriate consideration. The capacity for homeowners to have their concerns considered by the ACT Ombudsman may be sufficient.

O'Neill
26 November 2014