

2022

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

TENTH ASSEMBLY

**Implementation of the Loose Fill Asbestos Insulation Eradication Scheme
(1 January – 30 June 2022)**

**Presented by
Rebecca Vassarotti MLA
Minister for Sustainable Building and Construction
August 2022**



ACT
Government

IMPLEMENTATION OF THE LOOSE FILL ASBESTOS INSULATION ERADICATION SCHEME

1 JANUARY – 30 JUNE 2022

PRESENTED BY
MS REBECCA VASSAROTTI MLA
MINISTER FOR SUSTAINABLE BUILDING AND CONSTRUCTION
1 AUGUST 2022

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OVERVIEW

The Asbestos Response Taskforce (Taskforce) was responsible for the delivery and management of the ACT Government's Loose Fill Asbestos Insulation Eradication Scheme (Scheme) from 25 June 2014 through to 30 June 2022. The ACT Government provides regular reports on the activities of the Taskforce in delivering the Scheme and this report covers the period from 1 January – 30 June 2022. The reports are tabled in the Legislative Assembly to assist interested parties in understanding and monitoring the work of the Taskforce to eradicate loose fill asbestos insulation from the Canberra residential community.

Key activities of the Taskforce during the 1 January – 30 June 2022 reporting period include:

- > the provision of case coordination, tailored engagement, and connection to support services where required for impacted and affected homeowners who require ongoing assistance due to the impacts of Mr Fluffy.
- > the acquisition of an additional two affected properties, including one under the tailored support arrangements of Transition Assistance (TA).
- > the administration of the ongoing Buyback Program for newly identified affected properties added to the Affected Residential Premises Register (Register) following closure of the original Buyback Program.
- > the safe demolition of nine properties (eight affected and one impacted), bringing the total number of demolitions under the Taskforce program to 1020 (1006 affected and 14 impacted) as at 30 June 2022.
- > the addressing of challenges associated with demolition and rebuild of affected and impacted properties within unit complexes, including the finalisation of design documentation for the rebuild of five units within a Hackett unit complex.

- > the removal of ten blocks from the Register, bringing the total number of deregistrations to 1006 as at 30 June 2022.
- > the Sales Program having:
 - two remediated block sales settle and a further two contracts be exchanged on remediated blocks; and
 - five First Right of Refusal (FROR) offers to homeowners providing an opportunity to purchase their block following recent demolition and remediation.
- > the continued engagement with, and provision of support to, the Community and Expert Reference Group to progress projects identified in the Government Response to the Mr Fluffy Legacy Project.
- > the delivery of an independent end of Scheme closure audit to evaluate the delivery of the Scheme in its entirety. The audit focused on governance, communications and overall strategic management and outcomes of the Scheme. The audit will also identify lessons learned and inform future ACT Government programs.
- > the implementation of the required ongoing community partnerships to support the needs and circumstances of remaining residents of affected properties beyond 30 June 2022.
- > the final delivery of free therapeutic support group services through CatholicCare for residents and homeowners of affected properties.
- > the finalisation of activities in the lead-up to the conclusion of the Taskforce on 30 June 2022.

Key statistics as at 30 June 2022, for the 1048 properties identified as affected (1029) and impacted (19) by loose fill asbestos insulation, are provided below:

- > 991 properties surrendered to the Territory (975 affected and 16 impacted).
- > 1020 properties demolished (1006 affected and 14 impacted):
 - 989 by the Taskforce (975 affected and 14 impacted);
 - One surrendered to the Territory demolished not yet deregistered;
 - 12 assisted private demolitions; and
 - 18 private demolitions.
- > 1006 remediated blocks deregistered.
- > 657 First Right of Refusal (FROR) offers had been made.
- > 895 remediated blocks had been offered to the open market for public sale.
- > contracts for sale exchanged on 969 remediated blocks:
 - 876 Public Sale;
 - 50 FROR; and
 - 43 to an ACT Government Agency.
- > sales settled on 967 blocks:
 - 876 Public sales;
 - 48 FROR; and
 - 43 to an ACT Government Agency.

GOVERNANCE ARRANGEMENTS

SCHEME IMPLEMENTATION

The Taskforce remained part of the Development and Implementation Division of the Environment, Planning and Sustainable Development Directorate (EPSDD) where it continued its work in implementing a compassionate, safe, efficient and innovative program to realise the Government's objective of eradicating loose fill asbestos insulation from Canberra's streets and suburbs.

Under the Taskforce's governance framework, the Scheme is divided into four phases:

- > Assistance
- > Buyback
- > Demolition
- > Sales

Progress during the first half of 2022 is reported against each of these phases. The financial impact of delivery of the Scheme is also reported, as well as activities undertaken in relation to community information and engagement.

Ms Rebecca Vassarotti MLA, Minister for Sustainable Building and Construction, has ministerial responsibility for the Scheme.

SCHEME GOVERNANCE

The Eradication Scheme Steering Committee (ESSC) provides high level oversight of the Taskforce's activities with a particular focus on good governance through to the conclusion of the Scheme. ESSC continues to monitor the Scheme's key milestone progress and performance and provides a platform to monitor the effectiveness of risk controls.

The ESSC met four times during the reporting period and received two out of session reports for every other month. An ESSC report for June 2022 will be tabled at a final ESSC meeting in July 2022 after the closure of the Taskforce on 30 June 2022.

The Taskforce internal audit and assurance activities are also monitored by the EPSDD Audit and Risk Committee.

END OF SCHEME DELIVERY AUDIT

In December 2021 the Taskforce commissioned McGrathNicol to undertake an independent audit of the Scheme. This audit followed on from previous evaluation audits completed between 2019 and 2021 that examined the delivery of the four phases of the Scheme. The purpose of the audit was to examine the delivery of the Scheme in its entirety with a focus on aspects of the Scheme that could not be fully evaluated through phase level audits, including governance, communications, and overall strategic management, to understand the value of methods used to achieve strategic objectives, and identify lessons learned for future Taskforces and programs of a similar nature.

The auditors undertook a comprehensive literature review of Taskforce records and conducted over twenty stakeholder interviews with individuals and small groups consisting of current and former Taskforce staff and stakeholders.

A summary of the audit recommendations, and actions taken in response to the audit will be incorporated into a broader Taskforce Closure Report, which will be tabled in the ACT Legislative Assembly by the end of 2022.

ASSISTANCE

HOMEOWNER SUPPORT

PERSONAL SUPPORT TEAM

The Assistance phase work, undertaken primarily by the Taskforce's Personal Support Team (PST), continued with a particular focus on:

- > providing information and support to homeowners who remain in their homes
- > tailored Transition Assistance support for households navigating complex family and financial circumstances in the completion of the surrender of their affected properties
- > contacting homeowners, tenants and landlords who have progressed through all phases of the Scheme to:
 - confirm their support and information needs are met
 - if required, further assist households with connection to appropriate community or individual supports

- > ensure appropriate support remained accessible in the community for members of affected households that may require tailored support options
- > provide information and, where required, support for clients and impacted community members in relation to demolition planning and works relating to Territory-owned remaining affected properties within the complex properties project
- > undertake intensive tailored engagement with Owners Corporations and Strata Managers for unit titled properties within the complex properties project – this work has resulted in achieving authorisations to support demolitions, development applications and amendments required for the rebuild of units on remediated blocks

Additionally, during the reporting period PST continued:

- > its tailored engagement and support to the homeowners of a newly identified property that progressed surrender of their affected property under the ongoing Buyback Program
- > to follow up with any clients who had relocated and not lodged an application for financial assistance. These clients were contacted prior to the closure of the Taskforce and provided advice on the process as well as timeframe they needed to apply by
- > its tailored engagement work with remaining affected and impacted household members to assist them explore the best option for their individual circumstances, understand their options, and remind them of their ongoing responsibilities while they choose to remain in an affected property
- > its information provision and where required support for three eligible impacted property (EIP) homeowners who are not participating in the EIP Buyback Program, in relation to the complexities of demolition and rebuild work
- > engagement with one homeowner who accessed Waste Disposal Fee Relief to progress the private demolition and remediation of their affected property
- > engagement with two privately remaining homeowners who are approved to access Waste Disposal Fee Relief to progress their planned private demolition and remediation works

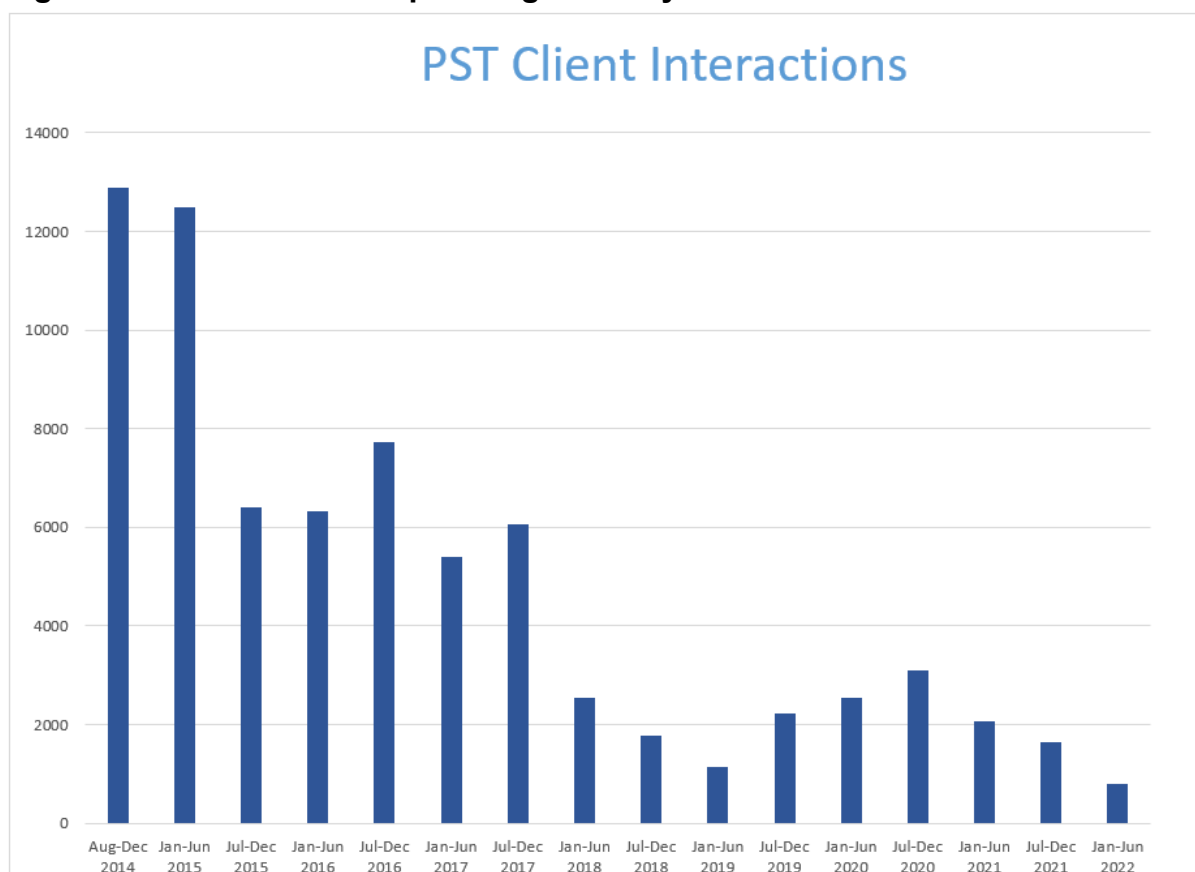
- > ongoing information and assistance for homeowners progressing under the First Right of Refusal Sales process
- > tailored contact with clients with existing or ongoing matters to advise of the closure of the Taskforce and notified them on how to contact the new Loose Fill Asbestos Coordination Team for any ongoing support needs from 1 July 2022

Table 1 and Figure 1 reports interactions from commencement of the Scheme. Fewer interactions recorded during this reporting period reflects the declining number of affected households that remain within the community. The number of community support requests have also reduced, due to most homeowners having relocated and affected properties within the community having been remediated.

Table 1: Client Relationship Management (CRM) System Interactions

	As at 31 December 2021	As at 30 June 2022	Interactions during the reporting period
CRM Interactions	74,312	75,115	803

Figure 1: Client relationship management system interactions



CASE CLOSURES

Case closures continued during the reporting period for households who no longer require ongoing Taskforce-initiated contact, confirming all aspects of the Scheme are finalised for each case closure. As at the end of the reporting period, 1280 cases had been concluded. This represents an increase of twenty-seven case closures since 30 December 2021.

THERAPEUTIC SUPPORT GROUP PROGRAM

The Therapeutic Support Group Program (the Program), run by CatholicCare since 2020, has been available, free of charge, and is a tailored support option facilitated by trained psychologists. The Program which provides a series of Therapeutic Support Group sessions, is available to all homeowners and residents of affected or impacted properties to connect, access support and information, and share experiences.

Due to COVID-19, the delivery of sessions were delayed, however the remaining three sessions were able to be held during the reporting period. The remaining sessions delivered focussed on the following topics:

- > 10 June 2022 – The Body and Stress: using meditation to calm the mind
- > 20 June 2022 – Music Therapy: providing a sense of connectiveness
- > 27 June 2022 – Wrap up and presentation

The delivery of Therapeutic Support Group program concluded on 30 June 2022.

FINANCIAL ASSISTANCE AND SUPPORT

GRANTS AND CONCESSIONS

A range of financial assistance allowances, including grants and concessions, are available to assist homeowners with relocation expenses.

Table 2 shows the progress on the number and value of relocation assistance grants and stamp duty concessions processed during the reporting period.

Table 2: Relocation Assistance Grants and Stamp Duty Concessions

As at 31 December 2021		As at 30 June 2022		Activity during the reporting period	
Number	Value	Number	Value	Number	Value

Relocation Assistance Grants¹	1,122	\$12.62m	1,125	12.67m	3	0.05m
Stamp Duty Concessions²	704	\$17.47m	704	17.47m	0	nil

Notes:

1. The number of relocation assistance grants relates to packages paid in full. The value relates to grants paid in full and/or part.
2. The number and value of stamp duty concessions includes both affected and impacted properties.

LAND RENT

The Government extended the Land Rent Scheme in February 2016 to allow former owners, who meet the Scheme criteria, to use this option to assist them to return to their former block and neighbourhood.

Table 3 shows the total number of Land Rent applications lodged, approved and issued as at 30 June 2022 with there being no activity during the reporting period.

Table 3: Land Rent applications and leases

	As at 31 December 2021	As at 30 June 2022	Activity during the reporting period
Land Rent Applications Lodged	5	5	0
Land Rent Applications Approved	5	5	0
Land Rent Leases Issued	3*	3*	0

Note: Two of the five Land Rent Lease applications lodged and approved did not proceed to settlement.

TRANSITION ASSISTANCE

Transition Assistance (TA) allows eligible homeowners with complex financial and health circumstances to access the equity in their home, prior to surrender, for payment of expenses associated with moving to new living arrangements. TA arrangements are available for a six-month period following the exchange of contract for the surrender of the affected property.

At the end of the six-month contractual period homeowners will need to have vacated the affected property and completed the surrender.

A Transition Plan is a key component of an approved TA application. The PST case coordinator works with homeowners to develop and action their Transition Plan which assists to track that the

homeowners' identified support needs are implemented, that milestones are met, actions are taken to better enable a smooth transition to safer living arrangements and the surrender of the affected property to the Territory.

During the reporting period one TA application completed on surrender of the affected property. This brings the total number of TA applications received and approved to the end of the reporting period to seven, with six of these transition arrangements assisting homeowners to complete the surrender of the affected property to the Territory.

LOOSE FILL ASBESTOS DISEASE SUPPORT SCHEME

The ACT and Australian Governments committed \$16 million (\$8 million each) to establish a Loose Fill [Asbestos Disease Support Scheme](#) (Support Scheme) to provide financial support to people who contract, or have contracted, an asbestos-related disease after living in a loose fill asbestos insulation ('Mr Fluffy') affected property in the ACT. The Support Scheme is intended to be simple and streamlined to ensure participants receive timely and comprehensive financial support to access the services they need.

The Support Scheme commenced on 25 March 2022, and is administered by Workplace Safety and Industrial Relations (WSIR) within Chief Minister Treasury and Economic Development Directorate of the ACT Government.

An [information guide](#) on the Support Scheme is available online.

BUYBACK

VOLUNTARY BUYBACK PROGRAM

The Taskforce remained operational until 30 June 2022 and continued to support homeowners participating in the original and the ongoing Buyback Programs, through all phases of the Scheme.

As at 30 June 2022:

- > One affected property remained in the Buyback phase of the Scheme through an approved TA arrangement with a surrender date yet to be confirmed.

Table 4 shows participation status comparison, for the 28 properties remaining (23 affected and five impacted) between the 1 January – 30 June 2022 reporting period.

Table 4: Remaining Affected and Impacted Properties

	As at 31 December 2021			As at 30 June 2022		
	Affected	Impacted	Total	Affected	Impacted	Total
Total Number of remaining properties	31	6	37	23	5	28
- Territory-owned	11	3	14	5	2	7
- Privately-owned	20	3	23	18	3	21
Participating in the Scheme	13	3	16	7	2	9
Not Participating in the Scheme	17	3¹	20	16²	3¹	19²
Participation to be confirmed	1	0	1	0	0	0

Notes:

1. Two of these were deemed eligible impacted properties due to their association with affected properties but are not required to complete the demolition of the associated affected properties. The Taskforce has engaged consultants to propose a tailored solution to the demolition and remediation of the affected properties and remediation of the third impacted property not participating in the Scheme.
2. This number is lower than the previous reporting period due to one property originally not participating in the Scheme deciding to participate within this reporting period.

Table 5 reports contract exchange and surrender settlement activity for remaining affected and impacted properties during the reporting period.

Table 5: Voluntary Buyback Program Contract Exchanges and Settlements for Remaining Affected and Impacted Properties

	As at 31 December 2021			As at 30 June 2022		
	Affected	Impacted	Total	Affected	Impacted	Total
Total Number of affected and impacted properties remaining	31	6¹	37	23	5¹	28
In contract	1	0	1	1	0	1

Surrender Settlements	6	0	6	2	0	2
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Notes:

1. Three of these were deemed eligible impacted properties due to their association with affected properties but two are not required to complete the demolition of the associated affected properties. The Taskforce has engaged consultants to propose a tailored solution to the demolition and remediation of the affected properties and remediation of the third impacted property not participating in the Scheme.

ONGOING BUYBACK PROGRAM

Between the commencement of the Scheme and the close of the Buyback Program on 17 August 2021, five additional residential properties were identified as containing loose fill asbestos insulation. With the expectation that further affected properties exist across Canberra suburbs, a new voluntary Buyback Program (ongoing Buyback Program) commenced on 18 August 2021.

Since commencement of the ongoing Buyback Program, an additional two residential properties were identified as affected by loose fill asbestos insulation and added to the Register: one in Reid, added on 18 August 2021; the other in Lyons added on 21 December 2021. This brings the total number of properties identified as containing (or having once contained) loose fill asbestos insulation, to 1029.

These two newly identified properties were managed as part of the ongoing Buyback Program and have surrendered to the Territory.

REQUEST FOR ACQUISITION FOR DECEASED ESTATES

A Request for Acquisition (RFA) for deceased estates is an option available for executors and beneficiaries of any eligible homeowner of an affected property not surrendered under the Buyback Program. The executor of a deceased estate or the new registered owner, resulting from an inheritance, may apply to the ACT Government to acquire an affected property, once the eligible homeowner who chose to see out their final years in their home, has passed away.

This offering applies from 18 August 2021 for properties listed on the Register prior to 17 August 2021, or for properties listed on the Register after that date, 12 months after it is added to the Register. The RFA allows the ACT Government, upon request, to acquire an affected property by agreement.

No RFAs were received during the reporting period.

DEMOLITION

With the bulk of demolitions now completed, work in the first half of 2022 focussed on progressing the demolition of complex properties and continuing to complete any single dwelling properties that had been surrendered under the Buyback Program of the Scheme.

The Taskforce continued to work closely with relevant stakeholders and regulators to support the safe, effective, and efficient implementation of the demolition and remediation program of the Scheme.

A contract was awarded for the safe removal of asbestos and demolition of twelve properties, comprising of seven single standalone dwellings and five complex properties, of which eight properties have been demolished.

A total of nine demolitions were undertaken during the reporting period, including one private demolition.

Table 6 shows the total number of demolitions and deregistration's undertaken as at 30 June 2022. Ninety-eight per cent of affected properties have now been removed from the Register.

Table 6: Demolition and Deregistration Activity

	As at 31 December 2021			As at 30 June 2022			Activity during the reporting period		
	Affected	Impacted	Total	Affected	Impacted	Total	Affected	Impacted	Total
Demolished	998	13	1011	1006	14	1020	8	1	9
>Taskforce	968	13	981	975	14	989	7	1	8
>Assisted Private	12	*	12	12	*	12	0	*	0
>Self-funded	17	*	17	18	*	18	1	*	1
>Surrendered following demolition	1	*	1	1	*	1	0	*	0
Deregistered	996	*	996	1006	*	1006	10	*	10
>Taskforce	966	*	966	975	*	975	9	*	9
>Assisted Private	12	*	12	12	*	12	0	*	0
>Self-funded	17	*	17	18	*	18	1	*	1
>Surrendered following demolition	1	*	1	1	*	1	0	*	0

Note: * indicates not relevant for impacted properties.

COMPLEX PROPERTIES

During the reporting period, there were two complex properties demolished (one affected and one impacted) within the same multi-unit site.

The Taskforce continued to work with a range of stakeholders to develop a tailored solution and process for remaining complex properties. This included intensive consultation, engagement and investigation work to progress design, authorisation and approvals required for demolition and subsequent rebuild.

At the end of this reporting period, there were eight complex properties remaining across three sites:

- > two (one affected and one impacted) are part of a Dual Occupancy Unit Titled (DOUT) property:
 - the affected property is owned by the Territory
 - the impacted property is not participating in the Scheme and although deemed an eligible impacted property to support the efficient demolition of the associated affected property, is not required to complete the works
- > three (one affected and two impacted) form a String of properties and are all owned by the Territory. Discussions have commenced with the adjoining owners as the Taskforce works to determine the best approach for managing the demolition of the affected and impacted properties.
- > three (two affected and one impacted) are properties within Unit Complexes:
 - three in one complex:
 - two (both affected) are owned by the Territory
 - one impacted remains privately owned¹

Table 7 shows the progress of demolitions undertaken on complex properties during the reporting period.

¹The homeowner of the impacted property at the Macquarie unit complex is not participating in the Scheme. The Coordination team has engaged consultants to propose a tailored solution to the demolition and remediation of the affected properties and remediation of the impacted property.

Table 7: Complex Properties Progress

	Number of Properties			Demolished as at 31 December 2022			Demolished as at 30 June 2022			Activity during the reporting period		
	Affected	Impacted	Total	Affected	Impacted	Total	Affected	Impacted	Total	Affected	Impacted	Total
Duplex	7	2	9	6	1	7	7	2	9	1	1	0
Dual Occupancy Not Unit Titled	8	0	8	8	0	8	8	0	8	0	0	0
Shared Garages	3	0	3	3	0	3	3	0	3	0	0	0
DOUT	9	2	11	8	1	9	8	1	9	0	0	0
Strings	7	8	15	6	6	12	6	6	12	0	0	0
Unit Complexes	5	7	12	3	5	8	3	5	8	0	0	0
TOTAL	39	19	58	34	13	47	35	14	49	1	1	2

REBUILD OF REMEDIATED AFFECTED AND IMPACTED SITES IN UNIT COMPLEXES

Hackett Multi-unit site

Progress has been made during the reporting period as the Taskforce worked through the various issues associated with the rebuild within a Hackett unit complex. The development application for the rebuild has been approved.

The tender for the rebuild at the Hackett unit complex was released to the market, and the contract award, at the end of the reporting period, was imminent. The site work at the Hackett unit complex is anticipated to commence in the first quarter of the 2022/23 financial year.

Macquarie Multi-unit site

Planning and due diligence for the demolition within a Macquarie unit complex is underway. This site presented more challenges than the other complex property sites. Redevelopment options for these properties will continue to be explored in the next reporting period.

SALES

The Taskforce continued to deliver the Sales Program which supports the renewal of affected communities and assists in minimising the overall cost of the Scheme to the Canberra community and the ACT Government.

As at the end of the reporting period, 969 contracts for sale had been exchanged and 967 settlements completed, including 48 First Right of Refusal (FROR) sales and 43 sales to Housing ACT via asset transfer.

There were no direct sales to Government Agencies during the 1 January – 30 June 2022 reporting period.

As at 30 June 2022:

- > 657 offers had been made to homeowners holding a FROR, with five of these having been made during the reporting period. The FROR continues to provide an opportunity for former owners to repurchase their block in an off-market transaction for them to return to their former community
- > 895² blocks had been taken to market for public sale
- > two blocks were available for sale over the counter

The Sales Program will continue, on a smaller scale basis and will be delivered by the Loose Fill Asbestos Coordination team, as surrendered blocks become available. At the end of the reporting period, the Taskforce had four remediated blocks in its sales inventory:

- > two for sale over the counter
- > two under exchanged contracts for sale pending future settlement

Table 8 shows the progress of sales activity during the reporting period for the FROR, Public Sale and Sale to Agency phases.

² This includes the three units in a unit complex in Higgins rebuilt on remediated blocks, which were sold via auction during the reporting period.

Table 8: First Right of Refusal and Public Sales

	As at 31 December 2021	As at 30 June 2022	Activity during the reporting period
Sales - FROR			
> Offers sent	652	657	5
> Offers accepted	98	0	0
> Acceptances withdrawn	48 ¹	0	0
> Offers declined	265	0	0
> Offers forfeited	289	0	0
> Sold (exchanged)	50	0	0
> Sold (settled)	48	0	0
Sales – Public Sale			
> Offered for Sale	891	895	4
> Sold (exchanged)	874	876	2
> Sold (settled)	874	876	2
Sales – Government			
> Contracts exchanged	43	43	0
> Contracts settled	43	43	0

Notes:

1. This includes 12 properties where the homeowner defaulted on their FROR Sale Contract after accepting their FROR offer.

FINANCIAL IMPACT

The approximate net cash cost of the Scheme as at the end of June 2022 is \$276 million. This cost will continue to be revised through the program based on progress of buyback, demolition, and sale of properties.

Table 9: Buyback Program Expenditure (based on settlement for affected and eligible impacted properties)

	As at 31 December 2021			As at 30 June 2022		
	No	Total Cost	Average	No	Total Cost	Average
Properties Settled	989	\$712,085,701	\$720,006	991	714,240,701	720,727

Table 10: Demolition Expenditure (based on demolitions contracted, including contract variations)

	As at 31 December 2021			As at 30 June 2022		
	No	Total Cost	Average	No	Total Cost	Average
Properties demolished or under contract for demolition	981	\$88,236,890	\$89,946	990	89,214,503	\$90,116

Notes:

- Demolition expenditure includes Asbestos Removal and Demolition costs only. These figures exclude the costs incurred by government in disposing of affected properties, undertaking pre-demolition asbestos assessments and post demolition soil validations.
- The cost of individual demolitions is influenced by several variables including the property's location, construction type, size (including the size of footings), number of additional structures, block access, slope of the block, and amount and spread of asbestos present. Individual demolition costs can vary significantly from the average.

Table 11: Sales Program Revenue (based on exchanged contracts)

	As at 31 December 2021		As at 30 June 2022		Activity during the reporting period	
	Number	Value	Number	Value	Number	Value
FROR	50	\$40,823,700	50	\$40,823,700	0	\$0
Public Sale	874	\$580,761,251	876	\$583,386,251	2	\$2,625,000
> Auction	380	\$284,565,250	382	\$287,190,250	2	\$2,625,000
> By negotiation	43	\$25,232,300	43	\$25,232,300	0	\$0
> Over the counter	451	\$270,963,701	451	\$270,963,701	0	\$0
Sale to Government	43	\$29,024,700	43	\$29,024,700	0	\$0

COMMUNITY INFORMATION AND ENGAGEMENT

In addition to the tailored engagement work in the complex properties project, the Taskforce also continues to keep the community informed of planned works in their neighbourhood, with letters delivered to neighbours when a contract is awarded for demolition and when a property is deregistered.

Table 12 below shows the progress of activity during the reporting period, with 150 contract award letters and 144 deregistration letters being distributed during this time.

Table 12: Correspondence with neighbours

	As at 31 December 2021	As at 30 June 2022	Activity during the reporting period
Contract award letters	8,381	8,531	150
Deregistration letters	9,512	9,656	144

Notes:

1. Figures reflect Demolition Communications Process commenced in March 2016.
2. Contract Award and Deregistration Letters represent the two communications sent directly by the Taskforce. The full Communications Process with neighbours also includes a letter issued by ACT Property Group upon acquisition of the affected or impacted property, and demolition timing letters issued by the head contractor.

COMMUNITY AND EXPERT REFERENCE GROUP

The Community and Expert Reference Group (CERG) is an advisory group to the Taskforce, established in 2014 to provide an independent source of expertise, information, feedback and advice on community and stakeholder sentiment about policy, delivery, and emerging issues.

CERG met four times during this reporting period, continuing to provide valuable advice to the Taskforce, with the final meeting held in June 2022.

CERG throughout the reporting period has prioritised work to progress actions from the [Mr Fluffy Legacy Project: Consultation Outcomes and Recommendations Report](#) (the Legacy Report), prepared by CERG in 2019. The Mr Fluffy Legacy Project considers how the legacies of more than 50 years of Mr Fluffy in Canberra homes may be acknowledged and responds to community interest in recognising the impact of Mr Fluffy and its legacy for the Canberra community.

The ACT Government is progressing legacy projects that were agreed or agreed-in-principle as outlined in the [ACT Government Response](#) to the recommendations made in the Legacy Report, in consultation with CERG, so that the projects are delivered in manner that is sensitive to the broad

and diverse Canberra community experience with loose fill asbestos insulation. The legacy project activities being progressed in the reporting period include:

- > progression of a second ACT Asbestos Health Study (Study) to examine the health impacts of living in a house containing loose fill asbestos insulation. In 2015 the Australian National University undertook a study to establish a better understanding of the health risks of loose fill asbestos insulation, including a data linkage component on the rates of mesothelioma and other asbestos related diseases that occurred in residents who had lived in a property known to contain loose fill asbestos insulation. In June 2022, the Taskforce worked with ACT Health and the ANU to scope the second Study which will repeat the original data linkage study but incorporate cancer and death data from the period of 1983 to 2019, or later if available. It is expected that the second Study will take approximately 1.5-2 years to complete, with one year for ethics approvals and data linkage;
- > continued engagement with health professionals in the ACT region to support improved practice and connect families who have, or have had, loose fill asbestos insulation exposure risks with the appropriate services when they need them;
- > the continuation of the Mr Fluffy Community Impact Research Scholarship. The Scholarship is administered by the Australian National University (ANU) Population Health Exchange and the Scholarship promotes independent research that builds knowledge on the ACT community's experience with loose fill asbestos insulation. Applications for the Scholarship were open from February - September 2021 and were assessed during the reporting period by representatives from the Taskforce, ANU and CERG. In April 2022 a successful candidate was awarded the Scholarship;
- > progression of the Loose Fill Asbestos Insulation Documents Release Project, which is an early release of eligible records relating to the management of loose fill asbestos insulation between 2000 and 2011. This project will support independent research and community access to these records through the [ACT Memory database](#). The documents will be released in batches and available on the database during the second half of 2022; and

- > consideration of an accessible community space to establish a place of reflection to acknowledge and understand the impact that loose fill asbestos insulation has had on the community.

COMMUNITY SAFETY INITIATIVES

The ACT Government has several measures in place to support the management of remaining privately-owned affected properties aimed at reducing the risk to the broader community of the presence of loose fill asbestos insulation in Canberra homes:

- > community safety initiatives relating to Asbestos Management Plans;
- > restriction of development and building approval to demolition or work essential for health, safety and reasonable living conditions; and
- > restriction on occupancy (Occupancy Prohibition) activated on transfer of title or at the end of a rental or subletting agreement.

ASBESTOS MANAGEMENT PLAN COMPLIANCE

Asbestos Management Plan compliance status for affected properties remaining on the [Register](#) are published on the Taskforce website.

As at 30 June 2022, of the 17 properties required to have an AMP in place, three were compliant.

WorkSafe ACT continues to monitor compliance and liaise with affected property owners around the additional compliance measures aimed at supporting community safety.

DEVELOPMENT APPLICATION AND BUILDING APPROVAL RESTRICTIONS

Amendments have been made to the [Planning and Development Act 2007](#) and the [Planning and Development Regulation 2009](#), and the [Building \(General\) Regulation 2008](#) to restrict allowable development and building work to only demolition or work which is essential for health, safety or reasonable living conditions at affected residential premises.

Since commencement of these restrictions on 1 July 2020 there have been no Development or Building Applications lodged for affected properties subject to these restrictions, other than for demolition.

OCCUPANCY PROHIBITION

In the interests of community safety, it is important that a new generation of residents are not exposed to the health, social and financial risks associated with living in an affected property.

An occupancy prohibition prevents properties on the [Register](#) from being occupied following the transfer of ownership (except where the new owner has already been a long-term occupant) or at the expiration of a current rental or subletting agreement.

Since the introduction of occupancy prohibition measures on 1 July 2020, a total of three remaining affected properties have become subject to occupancy prohibition.

During the reporting period, no properties changed ownership, however, one property was privately demolished and deregistered.

As at 30 June 2022, two remaining affected properties are subject to occupancy prohibition.

ACT ASBESTOS ADVICE NOTICE – UPDATE

The Taskforce commenced work to review and update the [ACT Asbestos Advice Notice \(Notice\)](#) about the likely location of asbestos in residential premises built, or the building of which started, before 1985.

This notice is required in the key points of a transaction, where a current asbestos assessment report is not available, for:

- > residential tenancy agreements - section 12(3) of the [Residential Tenancies Act 1997](#);
- > the sale of residential premises - section 9(1) of the [Civil Law \(Sale of Residential Property Act 2003\)](#); and
- > residential building approvals – section 28A of the [Building Act 2004](#).

The work on the updated Notice supports the ACT Government’s ongoing commitment to drive positive behavioural change through education that encourages more homeowners to be safe, informed, and take the appropriate management action when they encounter asbestos in their homes.

Key industry stakeholder consultation on the updated Notice occurred in April-May 2022.

ASEBESTOS SAFETY AND ERADICATION AGENCY

The Asbestos Safety and Eradication Agency (ASEA) is a national body that oversees all jurisdictions’ actions to improve asbestos awareness and the effective and safe management, removal and disposal of asbestos. The ACT has a commitment to contribute to the

[National Strategic Plan 2019-2023](#) (NSP 2019-2023) through a Memorandum of Understanding with ASEA. Reporting against commitments against the NSP 2019-23 occurs in the second half of 2022.

The Taskforce engaged with ASEA to provide information on asbestos disclosure requirements for residential properties to inform a review ASEA is undertaking as part of an action in the NSP 2019-2023.

LOOSE FILL ASBESTOS COORDINATION TEAM

With the majority of known affected properties remediated, the Taskforce formally closed on 30 June 2022. A smaller coordination team has been established following the Taskforce closure and will be responsible for delivering the remaining work in the management of the properties that remain affected by loose fill asbestos within the ACT.

FROM 1 JULY 2022

- > The new Loose Fill Asbestos Coordination team will provide continuity in existing service delivery standards, focussing on supporting homeowners who remain in affected homes, ongoing remediation works to continue to eradicate loose fill asbestos from the Canberra Community, and finalising the delivery of key legacy projects.
- > This team will also administer the ongoing work of the Loose Fill Asbestos Insulation Eradication Scheme and the ongoing Buyback Program which commenced in August 2021.
- > The team will continue to operate within existing governance and risk management frameworks established by the Taskforce. Reporting on Scheme implementation and key milestone progress and performance will occur through existing reporting, performance, and assurance mechanisms within the EPSDD corporate structure.
- > The community can access information about loose fill asbestos and the ongoing Buyback Program at www.loosefillasbestos.act.gov.au.

CONCLUSION

With the closure of the Taskforce on 30 June 2022 and the new Loose Fill Asbestos Coordination Team which commenced on 1 July 2022 in the second half of 2022 will deliver:

- > continued provision of individual case management, targeted communications, personalised support and assistance to ensure homeowners remaining in their affected properties can access the support they need (whether participating in the Scheme or managing their property privately)
- > consistent communication and engagement with homeowners and neighbours of affected properties
- > the required community partnerships to support the needs and circumstances of remaining residents of affected properties
- > policy development to support the continuation of good practice and the delivery of Scheme activities post 1 July 2022
- > the continued roll out of a safe Demolition Program as properties become available
- > the work to address the challenges associated with demolition of affected and impacted properties within unit complexes, including the commencement of the rebuild of units in a multi-unit complex in Hackett
- > the continued exploration of redevelopment options for properties in a multi-unit complex in Macquarie
- > the final sales phase activities of the Scheme through FROR and the transition of Public Sales processes
- > projects identified in the Government Response to the Mr Fluffy Legacy Project
- > the publication of a Taskforce Closure Report to be tabled in the ACT Legislative Assembly.