



 A.C.T. LEGISLATIVE ASSEMBLY COMMITTEE OFFICE	
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Statement – Asbestos Remediation

To Whom It May Concern:

After a long search, looking at a plethora of homes on the Canberra market, we found our dream home, knowing as we crossed the threshold that this was the one. We both knew that this was where we were meant to raise our family. After a significant amount of effort, rushing around dealing with agents etc., we managed to exchange in December 2011.

This dream was shattered by the letter received in Feb 2014 informing us that our home was contaminated with a substance that was not listed on our building report. Not only had this not been communicated to us prior to the point of sale, but the only indication of asbestos was a certificate of forensic (sic) removal. To say that this was devastating would be an understatement, coming at a time when we were already dealing with several failed IVF cycles, and struggling to build that family that we both so desperately wanted. The home, and life, that we had fought so hard to build, was slipping away from our fingers in several ways, none of which were in our control. To say that we thought 'fate' had played us a bad hand would be an understatement.

Since then, communication from the Government has been ineffective and sporadic at best, with information available via either the media, FORAG or Government 'leaks' well in advance of direct communication with the affected homeowners.

A question that has been firmly on my mind since receiving the aforementioned communication is why, having received advice in 2004 on the ongoing health risk and levels of contamination, why the Government has consistently failed to act in accordance with its legal obligation and duty of care, allowing houses to continue to sold and allowing this health risk to impact more and more families? This question has been further reinforced by information received since the original letter.

In addition to this, the mismanagement and poor communication by both the Chief Minister and the Task Force has placed further undue distress on affected homeowners. This poor communication is highlighted by letters being sent in envelopes clearly identifying the sender as the Task Force, and letters being received where the subject matter is visible through the envelope window. Not only does this represent a distinct lack of care by the Government, it also represents a breach of homeowners legal right to privacy.

It is clear that the primary intent of the programme is to limit the legal exposure to the ACT Government, rather than providing the affected parties with the most viable and just outcome. The legal exposure is clearly limited by forcing homeowners to sign a legal waiver upon acceptance of the scheme, preventing any claims for loss or negligence being levelled at the Govt.

Financially, the scheme has been designed to recoup as much money as possible from future land valuations, including the subdivision and re-zoning of land. Given that homeowners are to be offered the average of two valuations as of 28 October 2014 market prices, when they will be forced to re-enter a market inflated by 1021 households looking for homes, a clear failure to take into account market forces, which the Government clearly plans to take advantage of at its own point of sale, it is clearly reflective of the unjust nature and double standards of this scheme.

Many homeowners, like my partner and I, will have purchased their property with the longer term in mind, yet now find ourselves facing possible financial loss due to ACT Government's failure to act upon information received a decade plus ago, and are contemplating legal action in relation to this. Thus far, I have seen nothing in this scheme to appropriately compensate or cushion this loss, which would not have occurred had the Government performed a core function for which it is elected.

Whilst I understand the purpose of this scheme is to resolve this issue once and for all, the draconian restrictions imposed upon homeowners' post 30 June 2015, which the Government has itself admitted will effectively render the homes unfit for habitation, are unacceptable. These homes do not suddenly become uninhabitable at this date, and if the homes are not scheduled for demolition until after this date there is no justifiable reason to impose these restrictions.



I am firmly of the belief that this clear mismanagement, and failure to act in accordance with the Government's duty of care, highlights the need for a full and independent inquiry, not only to allay the fears of affected individuals and the community at large, but to ensure that such a significant failure by the ACT Government does not happen again.

Further to this, whilst the credibility of the scheme is questionable and significantly undermined by the issues outlined above, the prevarication of the Chief Minister and her relationship with the FORAG Chair, who has publicly expressed her intent to stand as a candidate for the ACT Labour Party and run for election in 2016, should be of major concern for affected homeowners and the public in general, and a matter requiring review.

All of the above cause significant doubt with regards the ACT Governments ability to effectively and fairly deal with this situation appropriately.

Based on these concerns, and those that I am sure many other affected parties are raising, I request that prior to the passing of bill, the content of the scheme be subject to review and that a Board of Inquiry be stood up to conduct an investigation into the actions of the ACT Government and the systematic failures that have occurred.

Regards,

Lawrence