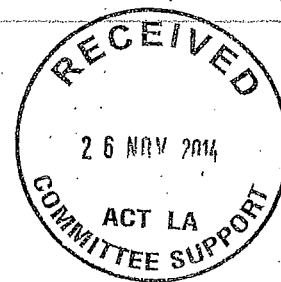


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|  <b>A.C.T. LEGISLATIVE<br/>ASSEMBLY<br/>COMMITTEE OFFICE</b> |                 |
| <b>SUBMISSION<br/>NUMBER</b>                                                                                                                | <b>28</b>       |
| <b>DATE AUTH'D<br/>FOR<br/>PUBLICATION</b>                                                                                                  | <b>27/11/14</b> |

### Submission into the Inquiry

**proposed Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-15**

**Submission into the Inquiry into the proposed Appropriation  
(Loose-fill Asbestos Insulation Eradication) Bill 2014-15 - ACT Legislative Assembly**



#### Documents included in review:

- *Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015* (the Appropriation Bill)
- *Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-2015* Explanatory Statement
- The ACT Government's Preferred Way Forward on Loose Fill Asbestos: Overview
- The ACT Government's Preferred Way Forward on Loose Fill Asbestos: Supporting Detail
- Asbestos Management in the ACT Report 2005
- 2010 ACT Asbestos Review

#### Summary of issues and concerns:

1. The *Appropriation (Loose-fill Asbestos Insulation Eradication) Bill* (noting the explanatory notes) does not provide for fair compensation to be negotiated with affected homeowners. This document identifies that under the *Australian Capital Territory (Self-Government) Act 1998* public money may not be issued or spent except as authorised by law.
2. The ACT Government's Preferred Way Forward on Loose Fill Asbestos: Overview identifies that money will only be paid as for the purchase of the properties at market value as at 28 October 2014, and for the provision of emergency funding of \$10,000 per household and \$2,000 per dependent child.
3. This fails to identify any other items or matters which would be identified as 'compensation', noting that the legal definition of 'compensation' is a *pecuniary remedy that is awarded to an individual who has sustained an injury in order to replace the loss caused by said injury. This is the amount received to 'make one whole' (or at least better) after an injury or loss.*
4. As the current approach does not seek to mitigate the possible liability of the ACT Government in the management of the Mr Fluffy loose-fill asbestos issues, I may be forced into a position where I have no other option but to litigate the following matters:
  - Cost of replacing the property to the same or similar standard of amenity, on the same or similar sized block in the same or similar location.
  - The actual costs of relocation and purchasing replacement property – removalists, conveyancing costs, etc.
  - The cost of remediating contaminated items where possible.
  - The cost of replacing contaminated items where they cannot be remediated.
  - The cost of amenity improvements which have not been appropriately reflected in valuations (please see my personal experiences for examples).
5. As the proposed Appropriation Bill and ACT Government approach does not provide sufficient flexibility to negotiate these costs, any litigation actions may dramatically increase the costs of the programme for the ACT Government and taxpayers.
6. No consideration appears to have been given to making good on affected items beyond the emergency funding already available. Even in this instance, the approach is flawed and may further expose the ACT Government to liability due to cross contamination issues. Following an asbestos assessment, two areas of contamination were identified within the affected premise and one area identified in the electrical meter box.

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7. No consideration or flexibility has been applied to the cross contamination caused through the use of items stored in a contaminated area on other furnishings. I note that National WorkSafe standards specify cross contamination in these instances, however this has not been taken into consideration. Further, the ACT Asbestos Taskforce Report identifies that it has proven the case that vacuum cleaners, washing machines and dryers cannot be remediated. As such, it is safe to assume that any affected households must replace these items however there is no allowance for this in the current approach.
8. This is further supported by the ACT Asbestos Taskforce's 2014 report which states that even for short-term habitation, considering (sometimes visible) asbestos has been identified in the living spaces of affected homes, all porous items such as carpets, and soft furnishings such as curtains, lounges, bedding and clothing may have to be removed and disposed of as asbestos contaminated waste. Although clothing could feasibly be washed, there is no validated technique to test that such clothing (and other porous items) are free from asbestos fibres. No provisions have been identified within the current Appropriation Bill and the current approach does not identify a mechanism or provide the flexibility to address these issues.
9. The issuing of two home valuations based on a 28 October 2014 market value is an unfair approach for the following reasons:
  - a. Given around 1000 homes may require valuations it is highly likely the time period required to conduct the 2000 valuations will be considerable, and the time may be further extended should homeowners choose to seek a third presidential valuation. This process will result in a delayed settlement for those homeowners placed at the 'end of the queue'
  - b. The current property market in Canberra is tracking backwards with median house prices down 1.7% over the September quarter<sup>1</sup>. This means Mr Fluffy homeowners are being forced to sell their properties in a depressed property market and which results in a financial disadvantage in comparison with a non-Mr Fluffy homeowner who chooses to sell their property during a period of stronger property growth.
10. Since the commencement of recent action in 2014, the ACT Government has not engaged successfully or suitably with Mr Fluffy property owners. No forums have been run independently to ensure that all stakeholders have the opportunity to be engaged in discussions about the impact of Mr Fluffy on them, with respect to their individual circumstances.
11. On a number of occasions prior to the release of the *ACT Government's Preferred Way Forward on Loose Fill Asbestos*, ACT Chief Minister indicated she was seeking a flexible approach to the Mr Fluffy saga which met the needs of the Canberra community.
12. The establishment of the Fluffy Owners Residents Action Group (FORAG) has largely been led by FORAG's founder, Ms Brianna Heseltine. FORAG has been a primary vehicle for homeowners to raise concerns and has acted on behalf of homeowners in representations to ACT Government. Since establishing the group Ms Heseltine joined the Labor Party<sup>2</sup>. In that article, ACT Opposition Leader Mr Jeremy Hanson was quoted:

*"It wouldn't have mattered if she'd been open about it. It wouldn't have mattered if she'd been not shopping around for a party to run for," he said.*

*"Doing this in secret, hiding it from people, (is) clearly now compromising the objectivity and the independence of the Mr Fluffy action group. It does matter."*
13. At a Town Hall address on 8<sup>th</sup> November 2014, Ms Heseltine advised she was preparing a further submission on behalf of affected homeowners and that she would share this information with the group prior to submission (expected submission date of 14 November 2014). Despite repeated emails to Ms

<sup>1</sup> Source: <http://canberratimes.domain.com.au/real-estate-news/slow-local-economy-impedes-canberra-property-market-house-prices-down-unemployment-up-20141106-11hsmg.html> as viewed on 24 November 2014.

<sup>2</sup> Source: <http://www.abc.net.au/news/2014-09-03/mr-fluffy-group-founder-may-run-for-act-election-in-2016/5714962> as viewed on 24 November 2014.

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Heseltine and posts to the official FORAG Facebook page, Ms Heseltine has failed to provide a copy of that submission.

14. At that Town Hall address, Ms Heseltine stated that she would be representing the interests of the greater majority of homeowners (surveyed by FORAG) with a view to seeking ACT Government support for a more flexible solution to the proposed demolition of homes. However in the *Submission to the NSW Joint Select Committee on Loose Fill Asbestos Insulation*<sup>3</sup> Ms Heseltine recommends in the section titled a 'Call for demolition of NSW properties':

*"....Advice from asbestos experts suggests that it is not possible to fully remove all of the asbestos fibres from contaminated homes.*

*7.2. For this reason, our Group believes that the only way to remove the risk is to demolish Mr Fluffy asbestos properties, discard the rubble as asbestos waste and to decontaminate the underlying soil."*

15. These examples are contrary to the ACT Government's Engaging Canberrans: A guide to community engagement which identifies that the ACT Government is committed to the principles of 'Open Government' which means:
- o Transparency in process and information
  - o Participation by citizens in the governing process
  - o Public collaboration in finding solutions to problems and participation in the improved well-being of the community.
16. The ACT *Human Rights Act 2004* identifies that every citizen has the right, and is to have the opportunity, to take part in the conduct of public affairs, directly or through freely chosen representatives.

**Possible liability:**

- Under the Memorandum of Understanding between the ACT and the Commonwealth of Australia (signed on 7 June 1991), responsibility for the conduct of the program was transferred to the ACT upon self-government.
- In 1968, the Commonwealth Government governed the ACT. In July 1968, it commissioned a report on the possible health hazards associated with the company's use of asbestos as insulation. In that report, physicist Dr G Major recommended that the Commonwealth Government dissuade or even prevent the company from using asbestos as insulation due to the harmful nature of the substance and the risk to the community.
- Dr Major ended the report with the following warning:

*"With the present demand for insulation, Canberra may become a large market for asbestos insulation with many people in the community exposed because some asbestos will be carried out of the roof space by air currents."*
- On 20 December 1968, Acting Director Mr Arthur Spears from the Commonwealth Department of Health forwarded Dr Major's report to the Secretary, Department of the Interior, with a final recommendation:

*The results of our investigations have disclosed what appears to be a serious exposure to asbestos dust. In view of [sic the] harmful nature of this substance the use of asbestos fluff for the purposes of insulating should be discontinued.*

<sup>3</sup> Source:

[https://www.parliament.nsw.gov.au/prod/parlament/committee.nsf/0/5bce194b2c787a01ca257d8c001308f4/\\$FILE/0025%20Fuffy%20Owners%20and%20Residents%20Action%20Group.pdf](https://www.parliament.nsw.gov.au/prod/parlament/committee.nsf/0/5bce194b2c787a01ca257d8c001308f4/$FILE/0025%20Fuffy%20Owners%20and%20Residents%20Action%20Group.pdf) as viewed on 24 November 2014

**Submission into the Inquiry  
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- The 2005 report Asbestos Management in the ACT stated that

*'It is acknowledged, and widely supported by evidence, that when asbestos materials are contained in a bonded form that is maintained in good condition and left alone, they present no health risks. However, when asbestos fibres become airborne, there is a potential for the fibres to be inhaled and lodge in the lungs. From there, fibres can also migrate to lodge in the abdominal cavity. Asbestos-related diseases have a dose-response relationship, with increasing cumulative asbestos exposure over a number of years increasing the risk of asbestos-related disease. Mesothelioma in particular can occur with very low exposure, and there is no established level at which there is absolutely no risk. Other asbestos-related diseases may occur with very low exposure, but usually are the result of heavier exposures.'*
- This 2005 report went on to state that

*'The loose-fill asbestos insulation was quite unlike typical bonded asbestos products, such as asbestos cement sheeting. Bonded material containing some asbestos (for example, asbestos cement mix with 5%–15% asbestos) does not release fibres if it is kept in good repair, is sealed and is not mechanically disrupted or disturbed (for example, by being drilled, cut, sanded or broken). This is not the case with loose asbestos insulation. Loose-fill asbestos used as ceiling insulation was free to become airborne at any time, for example when lifted by wind moving through a roof space.'*
- The primary treatment of this was apparently a letter sent to all affected homeowners in 2005 – this letter was not received by me.
- Further information published by the Canberra Times on 27 August 2014 identifies that the then ACT Government bowed to pressure from the Mr Fluffy owners who negotiated changes to the 2005 letter (Attachment A), so as not to affect the values of their properties.
- The Canberra Times article<sup>4</sup> also identifies that this approach was criticised by Trevor Wheeler (former general manager of the Asbestos Branch, which handled the Commonwealth clean-up) who was commissioned to document the details of the abatement program by the 2004 ACT Asbestos Taskforce. This report identifies the risk of residual amosite asbestos left behind in walls.
- The article identifies that a recommendation from the covering letter of this report from the head of the 2005 Taskforce, Lincoln Hawkins to Minister Gallagher stated that

*'It is sensible not to dismiss the possibility that some houses remain that have loose asbestos insulation either in bulk or residual form. There may also be some non-residential dwellings in a similar situation. Whether an acknowledgement of such a possibility justifies a major survey effort at public expense is a matter for judgement. There should be little debate however about the need to be prepared, to raise awareness, to provide explicit information and to learn from the experience of the 1988-93 program.'*
- This article also identifies that Lincoln Hawkins identified that

*'there is no guarantee that current owners of these houses are well informed, or informed at all, about this issue. A strengthened system is required for providing appropriate advice to owners and potential purchasers about the management of any residual fibres.'*
- Section 5.1 Awareness & Education of the 2010 ACT Asbestos Management Review 2010 states that

*'all current and future owners of houses involved in the Loose Asbestos Insulation Removal Program (1988–1993) are provided with appropriate information on the possible presence of residual loose-fill asbestos encased in wall cavities, and the need to take care when undertaking extension and renovation activities'.*

<sup>4</sup> Source: <http://www.canberratimes.com.au/act-news/katy-gallagher-admits-flaw-in-act-governments-approach-to-mr-fluffy-asbestos-notification-20140827-108jun.html> as viewed on 24 November 2014

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- The ACT Government response was

*'Agreed. Action was taken during June and July 2005 to advise current owners, in writing, of their homes' involvement in the Loose Asbestos Insulation Removal Program (1988-1993).'*
- The progress report regarding this recommendation identified that the next actions were to

*'to further progress the intent of the Asbestos Taskforce recommendation, modify the form letter to the Loose Fill Asbestos Insulation Removal Program (1989-1993) homeowners to further strengthen the message and to further strengthen the message and to further clarify legal obligation, for instance when homeowners undertake alterations or renovations to the property'.*
- As far as I am aware, no further action was undertaken and the ACT Government failed to send out the required letter to homeowners in 2010.
- In the 2011 ACT Government Submission to the Australian Government Asbestos Management Review Issues paper, the ACT Government stated that

*'the ACT Government undertakes to inform these property owners and occupants of the ongoing risk of the loose fill asbestos which may be present in their homes. Advice is provided as to the need to engage licensed asbestos assessors and removalists when undertaking renovations that may disturb wall cavities etc'*
- No advice was provided between the period 1993 and July 2014. I have kept records of all communications received from ACT Government regarding asbestos those items are:
  - Asbestos Branch News Update (dated July 1990 – Attachment A)
  - Certificate of Completion of Asbestos Removal work (dated April 1993 – Attachment B)
  - Important Information from the ACT Government (dated July 2014)
  - Important information from the ACT Government (dated August 2014)
- Attachment B identifies that

*'Residual fibres may still be present in the wall cavities of the building. Prior approval of the Building Controller is to be obtained for any building work involving the alteration or removal of internal wall sheeting or external brickwork.'*
- **THESE DOCUMENTS DO NOT DETAIL THE RISKS IDENTIFIED IN THE REPORT, LEAVING OWNERS, BUILDERS, REAL ESTATE AGENTS, AND NEW PURCHASERS UNAWARE TO THE RISK THAT THE ACT GOVERNMENT HAD IDENTIFIED.**
- The Important Asbestos Advice for ACT homes built before 1985 fact sheet (Attachment C) fails to identify loose-fill asbestos as an issue. Under Assessing the Risk, the public has been advised to visually check the condition of the Material Containing Asbestos (MCA) to see whether it is cracked or broken. The advice provided identifies that if it is in good condition and left undisturbed, it does not provide a health risk. If you suspect it is not good condition, arrange for appropriate maintenance or removal by a qualified person.
- The Canberra Times<sup>5</sup> also reported that

*'the ACT Chief Minister Katy Gallagher was warned personally and on multiple occasions since 2005 that Mr Fluffy home owners were at risk of coming into contact with the deadly insulation. Documents obtained by The Canberra Times shows that as industrial relations minister responsible for asbestos, Ms Gallagher received numerous recommendations to deliver "explicit", "regular" and systematic warnings to more than 1000 Mr Fluffy owners that remnant asbestos within their wall cavities posed a potential health risk.'*

<sup>5</sup> Source <http://www.canberratimes.com.au/act-news/katy-gallagher-admits-flaw-in-act-governments-approach-to-mr-fluffy-asbestos-notification-20140827-108iun.html> as viewed on 24 November 2014

## **Submission into the Inquiry proposed Appropriation (Loose-fill Asbestos Insulation Eradication) Bill 2014-15**

- On 24 November 2014, ACT Chief Minister Katy Gallagher was asked on ABC News what the government is doing to assist Mr Fluffy owners and responded with

*'so I think it's only fair and reasonable that some of the corporate sector assist homeowners, particularly when they are going to be out of pocket'*
- It can be argued that the ACT Government was negligent as it failed to ensure that information was appropriately communicated. It has been demonstrated above that the ACT Government was aware of risks and failed to ensure that owners, real estate agents, builders, and future buyers were effectively briefed of the issues and risks.

### **Summary of possible liability**

- In 1968 the Commonwealth Department of Health forwarded Dr Major's report to the Secretary, Department of the Interior, with a final recommendation *"....In view of [sic the] harmful nature of this substance the use of asbestos fluff for the purposes of insulating should be discontinued."*
- The ACT Government Asbestos reports (2005 and 2010) identify specific concerns with exposure to friable or loose asbestos, and note concern regarding loose-fill asbestos.
- The ACT Government fact sheet does not communicate the issues or risks identified with loose-fill asbestos (Mr Fluffy) identified in the 2005 or 2010 reports.
- The letters and certificates provided in 2005 did not convey the information held on the risks and issues with loose-fill asbestos, as identified in the ACT Government's 2005 Asbestos report.
- No action appears to have been undertaken as per the Government's response to Recommendation 2(a) (Section 5.1) of the ACT Asbestos Management Review 2010.

### **Other considerations:**

- FORAG has acted in a representational way for a number of Mr Fluffy homeowners to the ACT Government and the CERG. This representation has not been effective and as a result, there are a number of Mr Fluffy homeowners who believe that their views have not been presented to ACT Government.
- Following this, the ACT Government's principles of 'Open Government' have been severely compromised by FORAG's actions and adequate measures now need to be undertaken to ensure the integrity of this process.
- There are similarities between this and the sheep dip case within the ACT, where not only were home owners bought out of their properties but also compensated \$40,000 per family (as at 1996). No personal items were required to be destroyed in this instance.
- The compensation included payments for factors such as loss of family home, disruption and relocation, loss of business and stamp duty.
- The financial assistance package made available through the ACT Government is described as an emergency support package, is a grant of up to \$10,000 per household for those people advised by an asbestos assessor to leave their place of residence. An additional \$2,000 is payable for each dependent child residing in the home. The purpose of these funds is to cover costs of emergency accommodation and other necessities such as food and clothing as well as immediate remediation work.
- The current support package does not provide comparable support/assistance levels to address items identified in the sheep dip/contaminated land issue.

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- It is understood amosite asbestos has been found in commercial properties across Canberra<sup>6</sup>. In that article Worksafe Commissioner Mark McCabe stated that there was no indication loose-fill asbestos was used in commercial premises but it was not being totally discounted. If loose-fill asbestos does appear to be found in commercial premises in Canberra will the ACT Government be mandating the same approach proposed for Mr Fluffy homes?

**Personal circumstances:**

- Purchased property at [redacted] in December 1978 unaware of Mr Fluffy issues. Property bought as family home with the intention of being there for the rest of our lives.
- We would never have purchased the property had we been properly advised of the presence and risk of loose-fill asbestos in the property.
- I am 77 years old and the prospect of losing my family home and the memories it contains for myself, my children and grandchildren is having a significant impact on the health of us all.
- Significant home improvements have been conducted including upgrading the amenity of the property as follows:
  - Addition of air conditioning to main living areas
  - repainting interior of the property
  - installation of ducted gas heating
  - new kitchen installation
  - bathroom modifications
  - establishment of a pergola
  - installation of paved areas
  - modifications made to garage and of construction of garden sheds
- These improvements were made to enhance the comfort of the property as a family home. Total cost approximately \$35,000. Upgrades conducted to home will not be reflected in the market value of the home.
- Significant purchases and time investment has been made for building established gardens, this includes large procurement of shrubs and trees and the building of retaining walls and other garden features.
- Initial property purchase and additional money invested on the property would not have occurred had we been fully informed about the loose-fill asbestos issues with the property based on the information held by the Government in 1968, 2005 and 2010.
- Remediation of loose-fill asbestos from roof space occurred in April 1993.
- My three children have entered both roof space and subfloor cavity with me on numerous occasions prior to the remediation of loose-fill asbestos in the roof space. The Asbestos Assessor has identified these areas as contaminated areas, and as a result, we have all been highly exposed. Details of this exposure was first provided to ACT Government in 1990 (Attachment D)
- Received registered post letter from ACT Asbestos Taskforce regarding the status of the property as a Mr Fluffy property in July 2014.
- Immediately registered with the ACT Asbestos Taskforce and commenced getting e-newsletters.
- In November 2014, an independent asbestos assessment was conducted that identified:

<sup>6</sup> Source <http://www.canberratimes.com.au/act-news/urgent-investigation-into-claim-of-loosefill-asbestos-at-northbourne-house-20140730-zykdi.html> viewed on 25 November 2014

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- Two areas of contamination were identified within the premises and in one area in the outside electrical meter box.
- The Asbestos Taskforce engaged AGH Demolition and Asbestos Removal Pty Ltd to remediate the identified migration pathways found in the affected property. To date the remediation work undertaken has been of such poor quality that I have advised the Taskforce the remediation has been unsatisfactory.
- The poor quality of work associated with remediation activities includes failing to properly seal identified migration pathways and failure to complete all recommendations identified within the assessment report.
- While the company used by the Taskforce holds a Class A asbestos licence I have serious concerns over the skills and abilities of the tradesmen to complete the required tasks to the level specified in the Asbestos Assessment Report carried out by Safe Work & Environments. As a result of their poor work practices, I am concerned there has been further cross contamination.
- I also believe the work was not undertaken in accordance with the initial assessment report as:
  - no Class A Licensed Assessor was in attendance during the remediation work
  - the majority of recommendations were not addressed or were not adequately completed
  - a 'clearance inspection' on the property is yet to be organised by the Taskforce.
- The remediation work was completed in less than three hours and at a cost of \$1870. I have serious concerns that the ACT Government is not receiving a value for money outcome on behalf of the taxpayer.
- A meeting has been arranged with the Taskforce to discuss these concerns in more detail.
- Limited financial support is available to replace other items in the property that may be impacted by cross contamination issues.
- The costs of moving are significant with additional fees for the disconnection and reconnection of utilities, removalists costs, time to negotiate and purchase another property. These are additional costs now to be incurred by myself and my family.
- At the Town Hall address on 8 November 2014, Dr Sue Packer advised attendees of the significant health issues associated with living in a Mr Fluffy house and the impact that this type of stress can have on an individual. I now have real concerns due largely to the circumstances and uncertainty in the management of the Mr Fluffy situation that places me at risk of serious medical conditions.
- The buyback offer under current ACT Government response is for market-value of property as at 28 October 2014. Estimates from real estate agent and bank indicate that this will not cover the actual cost of the property (purchase and upgrades).
- The property market already heating due to increased demand and a lower than normal number of properties available for purchase, meaning that I will be unable to purchase a similar property in a similar standard in a similar area. As such, the economic loss stands to be significant.
- The current ACT Government response does not allow for compensation for other items to be replaced or remediated or the costs of purchasing a replacement property/moving from the current property.
- The culmination of these issues stands to cost my family up to \$200,000 in a worst case scenario. No compensation has been identified regardless of the serious liability issues identified above, and these damages cannot be claimed under insurance as with fires or other natural disasters.
- There will be an increased pressure on house prices in Canberra and this will have a subsequent effect on new buyers resulting in the ACT Government offer being de-valued.
- If I choose to stay in my home I am prepared to accept the risk of exposure associated with loose-fill asbestos and I believe my rights in making this decision under the ACT Government's proposal are being



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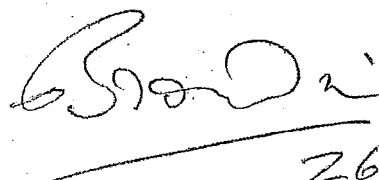
diminished. There are people who choose to actively engage in high risk activity across the ACT and the ACT government is not diminishing the rights of these individuals to make this decision. This is an unfair approach and the Canberra community is not being treated equally.

- Overall the points being made support my view that the ACT Government has not handled this situation competently since the establishment of self-government and has also been significantly mishandled by Commonwealth Government since 1968.

**Proposal:**

- In considering the Appropriations Bill, I would ask that the Legislative Assembly consider the following elements:
  1. Allow for flexible negotiations within the approach and Appropriations Bill to allow the ACT Government to reasonably negotiate a suitable outcome and mitigate the risk of litigation. This could include
    - a) the allocation of 'compensation' payments with no limiting factors of up to \$40,000 (or \$30,000 in addition to the current assistance package) to allow homeowners to remediate or replace items, cover all costs of removal and conveyancing associated with the relocation. This would be comparable with the ACT Government's previous approach to the sheep dip buy-back program.
    - b) the right to remain in my home until I become deceased.
    - c) the ACT Government to absorb any demolition costs and to provide an allowance for the replacement costs of the house to my benefactors and for my benefactors to retain ownership of the land.
    - d) If the ACT Government aren't able to absorb demolition costs and to provide an allowance for the replacement costs of the house to my benefactors then I would request the right for my benefactors to choose to absorb demolition costs and to retain ownership of the land.
    - e) a call for a Board of Enquiry into the handling and operations of the ACT Government's handling of the Mr Fluffy loose-fill asbestos issues since the establishment of self-government, including determining what information was known by the ACT Government, to the then Minister for Industrial Relations and Chief Minister. I recommend that this include:
      - I. reference to the information that the ACT Government, Minister and Chief Minister had at the time
      - II. copies of all reports to the then Minister regarding concerns about the lack of awareness and potential health risks
      - III. any discrepancies between that and the information communicated to the public, particularly affected homeowners and people purchasing the properties

BROWN

  
26/11/14

## **ASBESTOS BRANCH NEWS UPDATE**

**25 JULY 1990**

**Telephone 239 6276**

### **INFORMATION NIGHT**

The Information Night held on 28 May 1990 gave Asbestos Branch the opportunity to bring householders up to date with progress with the program. About 150 people turned up. In addition to key Branch personnel both Government contractors were present to answer questions.

The night was kept as informal as possible and this enabled a free flow of information. The most important information that we were able to give was when each suburb is expected to be covered in the removal program.

Attached are copies of the handouts which were made available on the night. The handouts show the distribution of asbestos insulated houses by area, a basic strategy to the ordering of suburbs, the suburbs covered by the first contracts and the future timing for the remaining suburbs. It must be understood that the timing is only indicative although it is based on our best estimates.

The importance of client liaison was emphasised during the night and one of the handouts shows the importance of dealing with your Liaison Officer and when you can expect contact by a Branch Liaison Officer.

The reaction to the Information Night was favourable and we intend to periodically hold Information Nights for people who will be affected later on in the program.

### **TRADESPERSON ACCESS TO ROOF AREA**

A number of reports have recently been received in the Branch relating to tradespeople being given access to roof areas which contain loose asbestos. Householders have a responsibility to ensure that no-one enters their roof space as this puts both the occupants of the house and the people who enter the roof at risk.

If you have any maintenance problems with your roof you should contact a Branch Liaison Officer who can arrange for an inspection to be carried out. In all instances to date we have been able to work out a solution to the problem, without endangering any workers or anyone living in the house.

### **TEMPORARY ACCOMMODATION**

Your house must be vacated while asbestos is being removed and it is your responsibility to find, and pay for, alternative accommodation during this period. However, the Branch recognises that some people will not be able to find alternative accommodation and the Branch has therefore purchased 15 houses for use as temporary accommodation.

Our rental is a flat \$720 no matter how long the removal takes. The average removal takes around 4 weeks.

Because a flat \$720 rent applies and because we only have 15 houses, priority goes to people requiring temporary accommodation for the full removal period. If you only want accommodation for, say, one week, Branch Liaison Officers can assist people by suggesting cheaper alternatives.

#### **REMOVAL PROGRESS TO DATE**

BRS Asbestos Removals has now finished over 20 houses. They have reached their first milestone about three weeks ahead of the deadline and are currently working in Macquarie and Cook with 7 teams operating simultaneously.

Gardner Perrott has commenced removals and has 5 teams operating in Pearce, Chapman and Weston. As is expected with operating any project on this scale some teething problems have occurred and these are being ironed out as they arise. At present ACTEW is a little ahead of Gardner Perrott and the first indication you may have that your removal date is close may be from ACTEW. It is expected that Gardner Perrott will have 21 teams operating by the end of September which will bring the total number of removal teams operating, including the two Asbestos Branch teams, to 30.

#### **RECLEANS**

The Branch has commenced its reclean program and is well advanced with the first house. The second house is expected to be taken over in the next few weeks. It is expected that we will be able to have two Branch teams dedicated to the reclean program and that all houses will be recleaned within 2 years. I am presently in the process of writing to all affected householders advising of when it is expected that their reclean will take place.

Yours sincerely



Trevor Wheeler  
Acting General Manager  
Asbestos Branch

## ASBESTOS SUPPORT GROUP NEWSLETTER

JULY 1990

### Annual General Meeting.

The AGM will be held in the Marist Primary School Assembly Hall in Hodson Street, Pearce at 8.15 pm on Monday 6 August next. The agenda will be:

- To receive Chairpersons and Treasurers reports.
- Appointment of a Committee.
- Requests from members for action by the Committee.
- Discussions with members who have had initial cleaning and recleaning completed.
- General business.

### Information Exchange.

Members who have not had their houses cleaned to date would be glad to hear of the experiences of those who have, and to receive any suggestions or advice. To this end we will form two groups at the AGM to discuss initial cleans and recleans. Would any person who has had either of these processes completed and be willing to discuss their experience please contact the Support Group on 2814408 (after 6 pm)

### Asbestos Support Group Office.

The Asbestos Branch has given the Support Group assistance in establishing an office. The telephone number of the office facility which will be provided with an answering service will be advised at the annual meeting.

### Case Studies - Asbestos Insulation.

As the last general meeting of the group householders were asked to provide information on the history of their asbestos insulation. The purpose of these case studies is for future research. They will be stored in the Social Science Data Archives and will remain confidential. It would be appreciated if you would complete the proforma attached and either bring it to the meeting or post it to the Asbestos Support Group, P.O. Box 51, Duffy ACT 2611

### Asbestos Branch Decontamination Laundry.

The Asbestos Branch has a laundry capable of treating launderable items contaminated with asbestos. Whilst this facility is not for general use, if you happen to have an item contaminated, check with the Branch to determine if they can treat it rather than destroy it. If any asbestos contamination is discovered, please contact the Branch immediately.

## CASE HISTORIES - ASBESTOS SUPPORT GROUP

PLEASE HELP US TO HELP YOU. Case histories from those with loose fluff asbestos insulation in their homes are required. These will be held for assessment by legal staff in the event that any legal action becomes necessary, for any reason, as a result of the use of loose fluff asbestos insulation in ACT homes.

The following details are required:

- Name, address, ages of family members.
- Membership of any Trade Union.
- Recollections of the way in which you chose the insulation if you had it installed.
- Any details you can recollect regarding when and how the material was installed, and who installed it.
- Any details regarding payment for the material (photocopies of any receipts or cheque stubs would help).
- If you purchased your house with asbestos insulation, what you knew about the existence of asbestos in your house at the time of purchase.
- How you discovered you had asbestos insulation, and what confirmation or proof you obtained.
- What type of asbestos is in your ceiling.
- What advice you sought or received.
- Who you approached for help or advice, and details of the response received.
- What decisions have you made, or what action have you taken, as a result of finding that you had asbestos in your ceiling?
- How has this problem affected your family?
- List any renovations, tradeswork, extensions or roof damage you have had which opened up the roof space.
- Age and general condition of your house.
- Any experience you have of industrial asbestos exposure in the ACT.
- Any medical concerns you may have, and any medical advice received.
- Details of the ways yourself, your family and your possessions have been directly exposed to asbestos.
- How do you feel about the problem?

All of this information is not essential, but please provide as much as possible and include any additional information you consider relevant. Please include dates of events wherever possible.

Case Histories should be posted to:

ASBESTOS SUPPORT GROUP  
PO BOX 51  
DUFFY ACT 2611

or brought to the  
Support Group  
meeting.

If you require further information, please call

2814408 (after 6 pm)

Re-insulation During Cleaning

It has come to our notice that Gardner Perrot is not prepared to carry out re-insulation immediately after cleaning. This matter has been discussed with the Asbestos Branch and we are awaiting developments.

Replacement Insulation at Discount Prices.

You are reminded of the offer made by Caldear Insulation as advised in our Newsletter No. 5. This firm is located at 14 Wollongong Street, Fyshwich, Tele 2807200 and will be pleased to quote and advise on both types and quantities of materials best suited to your particular needs.

Committee Members 1990-91.

The following members of the present committee have indicated their willingness to carry out the duties for a further term:

President - Lineke Spooner  
Treasurer - George Kacer  
Secretary - Jim Downie

Committee Members - John Seeley  
Jan Seeley

George Bondarenko  
Viv Norrish

Mary Quinton

If these volunteers are appointed by the meeting, the need is seen for four more members to be appointed, one with the task of case studies co-ordinator and one to handle the public relations aspects of the group activities.



## CITY OPERATIONS BRANCH

### ASBESTOS PROGRAM

PO Box 574, Kingston, ACT 2604

Telephone: (06) 239 6276

Facsimile: (06) 295 6717

ATTACHMENT B

Dear Home Owner

You'll find enclosed a certificate which confirms that asbestos removal work has been completed at your house.

Copies of this certificate will be placed on the ACT Building control file for your house and also on the Asbestos Program file.

The certificate has been developed with the assistance of the Asbestos Support Group and also the ACT Government Solicitor and Health Authorities.

Thank you for your co-operation with the Asbestos Removal Program.

Yours faithfully

IAN WOOLCOCK  
Acting General Manager  
City Operations

5 May 1993



ACT Government  
Department of Urban Services  
City Operations Branch  
**Asbestos Program**  
PO Box 574, Kingston ACT 2604

Telephone: (06) 239 6276  
Facsimile: (06) 295 6717

## Certificate of Completion of Asbestos Removal Work

This document confirms that loose asbestos insulation has been removed from:

Address

in accordance with the standards and requirements of ACT Building Control.

Tests carried out on 19104193 established that the National Health and Medical Research Council and Worksafe Australia standards of safety for asbestos removal have been met.

Signed (Manager - Policy and Administration)

*J Lord* A/SLO

Date

41 51 93

Residual fibres may still be present in the wall cavities of the building. Prior approval of the Building Controller is to be obtained for any building work involving the alteration or removal of internal wall sheeting or external brickwork. It may be necessary for a licensed asbestos removalist to attend this work.



# Important Asbestos Advice for ACT homes built before 1985

**Asbestos is hazardous but it can be managed safely.**

**Follow the three steps for managing materials containing asbestos (MCAs) in your home.**

## Step 1. Identify where MCAs may be in your home

**When was your house built?**

- If your house was built before 1985, the table below gives you an indication of where you are likely to find MCAs in your home. There is also a diagram on the back of this sheet showing where MCAs are commonly found.
- If your house was built after 1985, it is unlikely to contain MCAs.
- If in doubt, assume that materials DO contain asbestos.

### Common locations of MCAs in ACT homes\*

(Percentage (%) of properties sampled where asbestos was detected)

| Location    | Pre 1965 | 1965-1979 | 1980-1984 | 1985-now <sup>1</sup> |
|-------------|----------|-----------|-----------|-----------------------|
| Eaves       | 86%      | 92%       | 40%       | 0%                    |
| Garage/shed | 80%      | 70%       | 15%       | 0%                    |
| Bathroom    | 54%      | 73%       | 50%       | 0%                    |
| Laundry     | 75%      | 80%       | 50%       | 0%                    |
| Kitchen     | 52%      | 23%       | 15%       | 0%                    |

<sup>1</sup>Results of 2005 Asbestos Survey of over 600 ACT Homes. <sup>2</sup>One MCA was found in a 1985 house supporting roof tiles on a gable end.

## Step 2. Assess the risk

**Visually check the condition of the MCA – is it cracked, broken, etc?**

- If it's in good condition and left undisturbed, it does not pose a health risk.
- If you suspect it is not in good condition, arrange for appropriate maintenance or removal by a qualified person.

## Step 3. Manage safely

**Make sure you remember to:**

- Keep an eye on MCAs to make sure they remain in good condition.
- Consider removal of the MCA by a qualified person, when renovating or doing home repairs.
- Inform tradespeople working on your home of the location of any possible MCAs.
- Engage a qualified person if you decide to obtain a professional asbestos report on MCAs in your home.

For further information or advice on managing asbestos or home renovations visit the asbestos website [www.asbestos.act.gov.au](http://www.asbestos.act.gov.au) or call 13 22 81.



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Helping everyone breathe easier.

# Common locations of materials containing asbestos in ACT homes

If your house was built before 1985, some of the materials it was built from probably contain asbestos.

Garages, carports, sheds and dog kennels

Wet areas including wall and ceiling lining

Wet areas including wall and ceiling lining

Ceiling

Corrugated asbestos roofing



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