

2016

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

**QUARTERLY REPORT: IMPLEMENTATION OF THE
LOOSE FILL ASBESTOS INSULATION ERADICATION SCHEME**

1 JULY 2016 – 30 SEPTEMBER 2016

**Presented by
Mr Mick Gentleman MLA
Minister for Planning and Land Management**

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1. Overview

This is the eighth in a series of regular reports to the Legislative Assembly on implementation of the ACT Government's Loose Fill Asbestos Insulation Eradication Scheme (the Scheme) by the Asbestos Response Taskforce (the Taskforce). Quarterly reporting to the Legislative Assembly was instituted in 2014 with a view to assisting the Legislative Assembly, Canberrans and other interested parties to understand and monitor the work of the Taskforce.

This report describes the activities of the Taskforce in the three months to 30 September 2016, a period which saw:

- completion of the the resident and former resident survey element of Stage 3 of the ACT Asbestos Health Study being conducted by the National Centre for Epidemiology and Public Health at the Australian National University
- continuation of the First Right of Refusal (FROR) and public sales processes with 8 blocks sold to former owners through FROR and 69 blocks sold through the public sales process.
- achievement of the 2016 target of 200 demolitions on 19 July 2016
- release of the third update of the indicative demolition schedule (incorporating a revised annual target of 350 demolitions for 2016), and
- removal of 119 blocks from the Affected Residential Premises Register (the Register), bringing the total to 269.

During the reporting period there continued to be significant engagement with former owners as the FROR offer and acceptance process continued. The Taskforce continued to undertake neighbour engagement and door knocking activities to support the Demolition Program, as well as drop-in information sessions at local shopping centres as that program moved into new suburbs.

Data in this report is presented as at 30 September 2016, but as at 9 November 2016:

- the owners of 998 affected houses (including 12 assisted private demolitions and five Housing ACT properties) had agreed to participate in the Scheme
- the owners of all 11 Eligible Impacted Properties had agreed to participate in the Scheme
- 902 affected houses and 7 impacted dwellings had been acquired by the Government
- 455 affected properties had been demolished (439 by the Taskforce, 12 through assisted private demolition and 4 privately), and
- 300 blocks had been removed from the Register and were ready for reoccupation and rebuilding.

2. Implementing the Scheme – Governance Arrangements

From its inception in June 2014 until October 2016, the Taskforce functioned as a division of the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) in the ACT Public Service. Under the *Administrative Arrangements 2016 (No 4)*¹ dated 1 November 2016, the Taskforce became a division of the Environment, Planning and Sustainable Development Directorate (EPSDD). Under those Arrangements, ministerial responsibility for the Scheme was assigned to the Minister for Planning and Land Management, Mr Mick Gentleman MLA. Minister Gentleman (as Minister for Workplace Safety and Industrial Relations) had been the minister responsible for the Scheme since January 2016.

The changes contained in the Administrative Arrangements will not affect the day to day operations of the Taskforce, with the Taskforce Head continuing to report directly to the Minister. The functions and membership of the Eradication Scheme Steering Committee will not change, but the Taskforce's governance framework will be reconfigured to include the EPSDD Audit Committee. The CMTEDD Audit Committee remains responsible for overseeing the work of Procurement and Capital Works, and Property Group in relation to the Demolition Program and pre- and post-demolition property maintenance activities.

In keeping with recommendations of the Auditor-General accepted by the Government², formal Budget Papers and Directorate Annual Reports will continue to present stand-alone information on implementation of the Scheme and its financial impact on a consistent basis with that which has already been established.

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

- Assistance
- Buyback
- Demolition, and
- Sales.

Progress and activity in the September Quarter 2016 is reported sequentially against each phase in the sections that follow.

After the Sales Phase section, whole of Scheme progress, activity, and achievements are canvassed in relation to communications, financial implications, and governance.

¹ <http://www.legislation.act.gov.au/ni/2016-608/current/pdf/2016-608.pdf>

² http://www.parliament.act.gov.au/_data/assets/pdf_file/0006/913983/2016-Government-Response-to-AG-Report-No-4-of-2016-Financial-Arrangements-Loose-fill-Asbestos.pdf

3. Assistance Phase

While demolition and sales activities are the most visible work of the Taskforce, a critical but largely invisible part of the Government's response to the health, social, practical and finances consequences of the continuing contamination of houses with loose fill asbestos insulation lies in the assistance and advice being provided to affected homeowners, residents and other members of the Canberra community by the Taskforce and its community sector partners.

The Taskforce's Personal Support Team (PST) continues to provide assistance and support to affected homeowners as they progress through the various stages of the Scheme. This work, by its nature, requires continual adjustment and evolution, not only in response to the aggregate number of people in each phase of the Scheme but also to individual circumstances and desires.

During the Quarter PST continued to work with homeowners in all stages of the Scheme: from the handful who for particular personal reasons were yet to decide whether to participate in the voluntary Buyback Program; to those whose former houses were in the process of asbestos removal and demolition; to those receiving and considering whether to exercise their FROR option.

The statistics below quantify the level of activity undertaken, but cannot – and are not intended to – convey the significance and complexity of the decisions, impacts and emotions those interactions canvass.

Table 1: Client Relationship Management (CRM) System Interactions

	As at 30 June 2016	As at 30 September 2016	Interactions in Quarter
CRM Interactions	38,049	42,657	4,608

The following chart shows how the level of activity has changed over time (with the increase through the last two Quarters being largely due to the commencement of the FROR sales process:

Figure 1: Client Relationship Management System Interactions

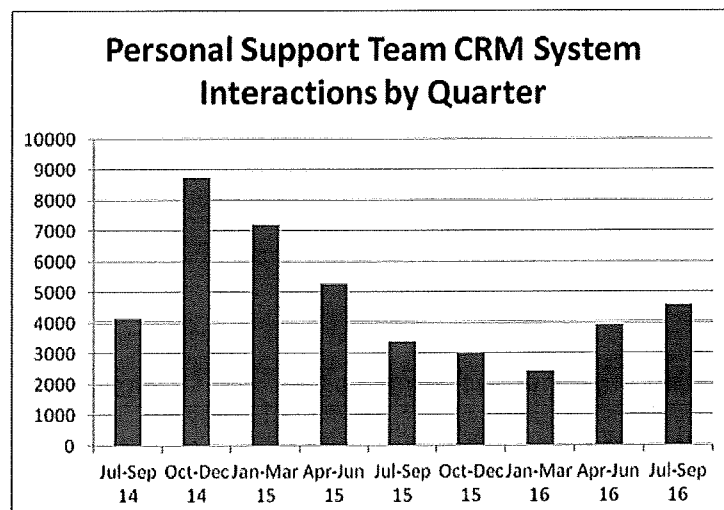


Table 2: Relocation Grants and Stamp Duty Concessions

	As at 30 June 2016		As at 30 September 2016		Paid in Quarter	
	Number	Value	Number	Value	Number	Value
Relocation Assistance Grants	924	\$10.81 m	949	\$11.06m	25	\$0.25m
Stamp Duty Concessions	587	\$13.98 m	603	\$14.38m	16	\$0.40m

The decline in the number of Relocation Assistance Grants (RAG) paid in the quarter is in keeping with the fact that the majority of owners who have not decided on a deferred settlement have already left their affected properties.

The rate at which stamp duty concessions are accessed continues, for similar reasons, to decline. At the end of the reporting period 603 concessions to a total value of \$14.38 million had been granted on the acquisition of residential properties in the ACT. As the FROR offer process continues, it is expected that remaining concessions will be used either on the FROR acquisition, or on alternative properties if that option is not pursued.

The following charts show the rate at which RAG payments and Stamp Duty concessions have been taken up.

Figure 2: Relocation Assistance Grant Payments Made

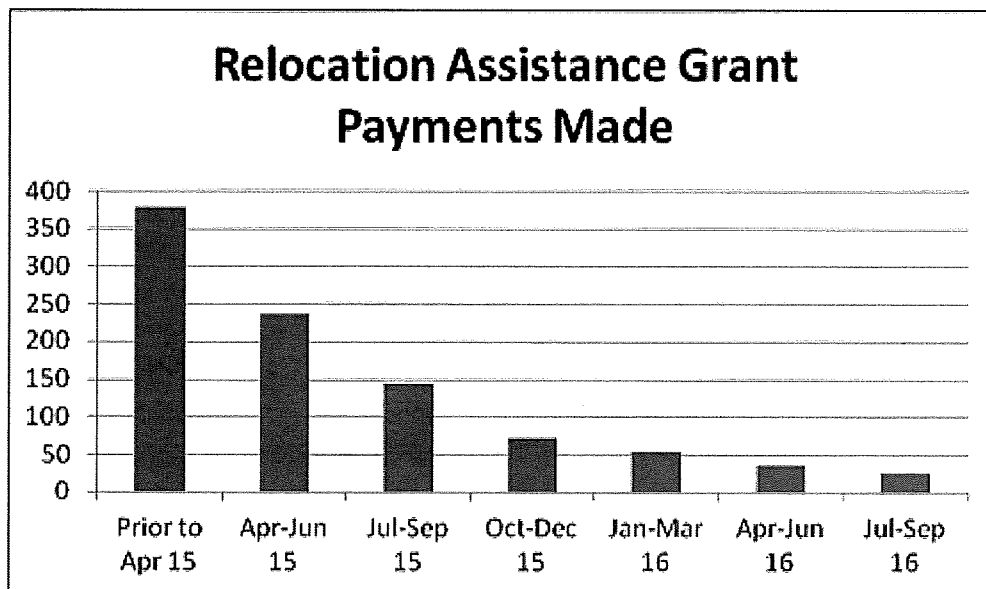
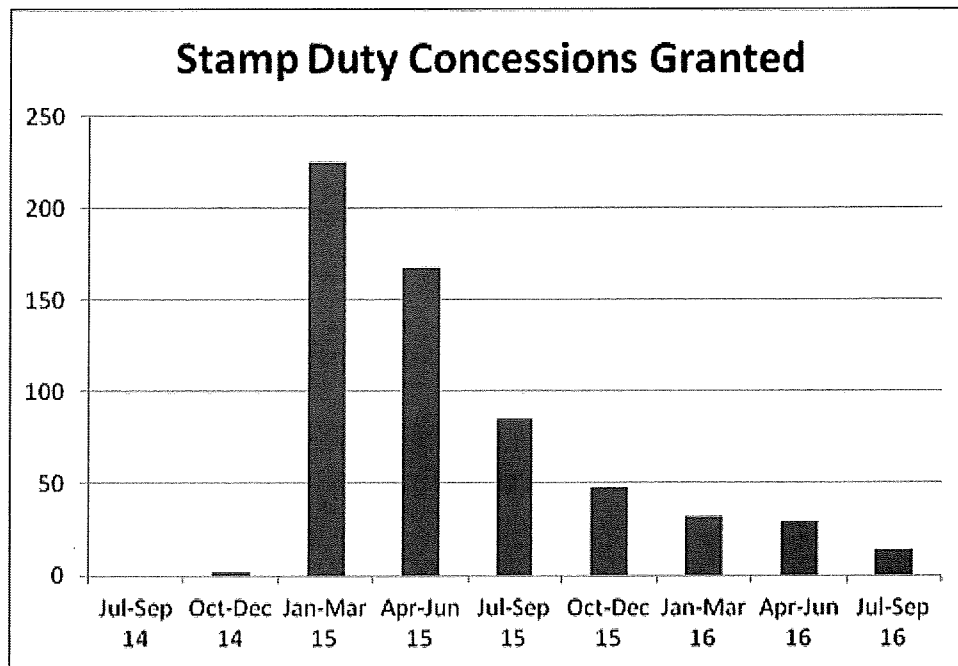


Figure 3: Stamp Duty Concessions Granted



Land Rent

The September Quarter saw the first approval of land rent applications for former owners exercising their FROR on the repurchase of their former block. The Government extended the Land Rent Scheme in February 2016 to permit former owners who otherwise qualify for that Scheme, to utilise that option to assist them to return to their former block and neighbourhood.

Table 3: Land Rent applications and leases

	As at 30 June 2016	As at 30 September 2016	Number in Quarter
Land Rent Applications Lodged	0	3	3
Land Rent Applications Approved	0	3	3
Land Rent Leases Issued	0	0	0

Homeowner Support

During the Quarter, the Taskforce gave particular attention to fostering longer term arrangements to provide support for affected people in the community. While the majority of homeowners will have exited the Scheme within the next 18 months, continuity of support needs to be maintained for those remaining until the 30 June 2020 Scheme closure date, as well as to those who have already moved to new homes and neighbourhoods. Indeed, a feature of the Taskforce's work since its establishment has been the close ties it has developed with community service organisations across Canberra. As has been reported in earlier Quarterly Reports³, the outposting of Taskforce staff with community service providers in Tuggeranong, Woden, Dickson and Belconnen was wound back from a standing arrangement to "on demand" services in light of declining patronage.

The next phase of that partnership, however, on which work continued in the Quarter, will see PST continuing to work with key organisations across Canberra to provide their front line staff with a thorough understanding of the Mr Fluffy issue which will lead to better experiences for homeowners should they engage with these services. The Taskforce will continue to provide information and connections to support homeowners moving to new areas to settle in their new communities. The Taskforce's partners in this important work include Woden and Belconnen Community Services, Council of the Aging, Headspace, YWCA, Menslink and West Belconnen Local Services Network.

³ http://www.asbestostaskforce.act.gov.au/data/assets/pdf_file/0005/918563/Quarterly-Report-April-to-June-2016.pdf

4. Buyback Phase

As advised in the June 2016 Quarterly Report, the Buyback Phase of the Scheme is largely complete. Work continues on assisting affected homeowners through the various steps of that process, noting that for those with an extended settlement date, it may not be complete until June 2020.

As at 30 September 2016, overall participation in the Scheme remains unchanged from the June Quarter, however as final deadlines for offer acceptance or contract exchange are reached in the coming months a final participation number will be reached.

Table 4: Participation in the Scheme as at 30 September 2016

	Affected Properties	Eligible Impacted Properties	Total
Number of Properties	1022	11	1033
Participating in the Scheme	998	11	1009
Not Participating in the Scheme	24	0	24

Voluntary Buyback Program

The Quarter saw steady progress in the Buyback Program in relation to the acceptance of offers and purchase of Affected and Eligible Impacted properties. It is expected the remaining cases will progress slowly due to the complexity associated with individual circumstances or as a consequence of the Scheme's flexibility allowing homeowners to remain in their property until June 2020 (subject to completion of the mandatory asbestos management plan arrangements).

Table 5: Voluntary Buyback Program Offers and Settlements

	As at 30 June 2016		As at 30 September 2016		Progress in Quarter	
	Affected	Eligible Impacted	Affected	Eligible Impacted	Affected	Eligible Impacted
Offers Accepted	976	10	978	11	2	1
Settlements	882	4	896	7	14	3

As at 30 September 2016, owners of 83 affected properties remained in the Buyback Phase of the Scheme (a reduction of 13 from the June quarter):

- 68 with contracts exchanged but not settled, with:
 - 10 planned settlement dates in 2016
 - 10 planned settlement dates in 2017
 - 4 planned settlement dates in 2018
 - 2 planned settlement dates in 2019
 - 41 planned settlement dates in 2020, and
 - 1 with no settlement date specified

- 12 having accepted offers but not yet exchanged
- 1 considering their offer, and
- 2 awaiting valuations (1 initial and 1 presidential valuation).

The Taskforce also continued to work through the complexities associated with the five homeowners who, as advised last quarter, were yet to confirm their participation in the Scheme by accepting or rejecting their Buyback offer. As at 30 September 2016, three homeowners were still to confirm their participation.

Progress has been made during the reporting period in the Voluntary Eligible Impacted Property Buyback Program. As at 30 September 2016, 7 of the 11 eligible impacted properties were owned by the Territory, leaving only 4 remaining in the Buyback phase of the Scheme:

- 2 with contract exchanged but not settled (both with a planned settlement date in 2017); and
- 2 having accepted offers but not yet exchanged.

5. Demolition Phase

The Taskforce released the third public indicative demolition schedule on 29 July 2016. With the original 2016 target of 200 demolitions already achieved by that time, a revised target of 350 was set for the calendar year⁴. The Taskforce continues to work through the Demolition Program as quickly as is safely possible. The revised target was achieved on 24 October 2016.

The Taskforce continues to reinforce with head contractors that doing the job safely is the primary objective – for the workers involved, for neighbours and for the wider community. The Taskforce continues to engage closely with WorkSafe ACT and contractors to share learnings and approaches as the program continues.

During the email distribution of letters to former owners relating to the third schedule, an error was made which resulted in one individual receiving letters for 28 other homeowners along with their own. All 28 homeowners affected were contacted directly by the Taskforce to advise them of what had occurred and to apologise for the error. The Taskforce self-reported the incident to the Office of the Australian Information Commissioner, which – having considered the circumstances and the Taskforce’s undertaking (since implemented) to refine procedures for the next mail out – provided advice but took no further action.

The next update to the public indicative demolition schedule is scheduled for December 2016.

Demolition Works Underway

During the Quarter eight head contractors were engaged across Canberra to remove asbestos (in all forms) from, and then demolish, 124 affected houses. This significant activity was carried out under the supervision of independent licensed asbestos assessors, and closely regulated by WorkSafe ACT inspectors from the dedicated team established in that agency for this purpose. Contractual and procurement-related supervision continued to be exercised by Taskforce and Procurement and Capital Works (PCW) staff.

During the Quarter eight active assurance audit processes were undertaken.

The progress made in the September Quarter in demolitions and deregistrations is shown in the table below. It is expected that work will continue at a similar tempo, before a staged cessation of works for the Christmas/New Year shut down.

⁴ <http://www.asbestostaskforce.act.gov.au/demolition/demolition-schedule>

Table 6: Demolition and Deregistration Activity

	As at 30 June 2016		As at 30 September 2016		Progress in Quarter	
	Affected	Eligible Impacted	Affected	Eligible Impacted	Affected	Eligible Impacted
Demolished	249	0	374	0	125	0
- Taskforce	234	0	358	0	124	0
- Assisted Private	11	*	12	*	1	*
- Self Funded	4	*	4	*	0	*
Deregistered	150	n/a	269	n/a	119	n/a
- Taskforce	137		255		118	
- Assisted Private	9		10		1	
- Self Funded	4		4		0	

* not relevant for Eligible Impacted Properties

Demolition Scheduling

The development of the Indicative Demolition Schedule balances several considerations relating to work flow efficiency, minimising disruption to the community, FROR status, and complexities relating to individual structures. When the schedule update data is finalised it is then released to the community in four ways:

- homeowners receive an individual letter advising of the six month window in which their former property is currently scheduled for demolition;
- a series of maps, including a Canberra-wide Demolitions Schedule, six District Maps, and a Demolition Progress Map are published on the Taskforce website
- tables showing the detail of scheduled demolitions by suburb are published on the website; and
- the Indicative Demolition Schedule is represented in the online mapping tool, ACTMapi.

The formal correspondence with the homeowner is supported by the ongoing relationship with their PST case manager who remains available to assist and support progression through the Scheme.

Maps, tables and the interactive ACTMapi tool provide information about the demolition program for the wider community, in a variety of easily accessible forms. Additionally, community events are held at local venues in areas of high activity. Close neighbours of affected properties receive further more specific information about demolition activity in their area through letters and door knocking by the head contractors and the Taskforce.

6. Sales Phase

The First Right of Refusal (FROR) sales process, and public sales process of remediated blocks, continued during the September Quarter.

During the September Quarter, both the FROR and public sales processes have become firmly established with progress being made as show in the table below. Totals do not add due to the time frames for acceptance. The FROR acceptance rate is currently around 16%.

The Taskforce continues to work closely with the Land Development Agency (LDA) as it reviews and develops sales strategies appropriate to the blocks available for sale. Work on this aspect of the Sales Phase was able to proceed in finer detail in light of a more meaningful body of actual sales data during the Quarter.

Sales revenue from remediated blocks will play a critical part in defraying the overall cost of the Scheme.

Table 7: First Right of Refusal and Public Sales

	As at 30 June 2016	As at 30 September 2016	Progress in Quarter
Sales - FROR			
- Offers Sent	98	277	179
- Offers Accepted	6	34	28
- Acceptances Withdrawn	0	2	2
- Offers Declined	22	92	70
- Offers Forfeited	0	71	71
- Sold (settled)	*	*	*
Sales – Public Sale			
- Offered for Sale	47	100	53
- Sold (exchanged)	34	69	35
- Sold (settled)	9	44	35

* data withheld in this report given low numbers to preserve privacy of purchasers.

7. Financial Impact

Consistent with recommendations of the Auditor-General accepted by the Government, updates on the financial impact of the Scheme will continue to be provided as part of the annual ACT Government Budget, Budget Update and Financial Reporting cycle.

For the purposes of the Pre-Election Budget Update⁵, the estimated net cost of the Scheme remained unchanged at \$366 million as published in the 2016-17 Budget Papers.

The following tables show the aggregate expenditure on acquisition of affected and eligible impacted properties, and aggregate revenue from agreed sales.

Table 8: Buyback Program Expenditure (based on settlement for affected and eligible impacted)

	As at 30 June 2016			As at 30 September 2016		
	No.	Total Cost	Average	No.	Total Cost	Average
Properties Settled	886	\$628,103,328	\$708,920	903	\$643,635,256	\$712,667

Table 9: Sales Program Revenue (based on exchanged contracts)

Sales	As at 30 June 2016		As at 30 September 2016		Progress in Quarter	
	Number	Value	Number	Value	Number	Value
Sales - FROR	*	*	*	*	*	*
Sales – Public Sale	34	\$19,798,500	69	\$40,706,500	35	\$20,908,000
- Auction	23	\$13,972,500	43	\$27,960,500	20	\$13,988,000
- By Negotiation	7	\$3,725,000	10	\$5,040,000	3	\$1,315,000
- Over the Counter	4	\$2,101,000	16	\$7,706,000	12	\$5,605,000

* data withheld in this report given low numbers to preserve privacy of purchasers.

As at 30 September 2016, for the remediated blocks sold, the average actual direct cost per affected property (based on acquisition, maintenance, demolition, sale and personal support costs as well as actual sale price) was \$285,577.

⁵ http://apps.treasury.act.gov.au/data/assets/pdf_file/0010/985681/2016-Pre-Election-Update.pdf

8. Community Information and Engagement

The Taskforce recognises the ongoing interest of the Canberra community in implementation of the Scheme and continues to review and evolve communication materials and engagement activities to meet this need. It is clearly understood from ongoing engagement activities that whilst a large number of demolitions have been completed across Canberra, it becomes of specific interest and concern to neighbours when the work starts next door or across the road. For many, asbestos removal and demolition work are an unknown and when activity occurs in close proximity there are questions and concerns that need to be addressed.

Neighbour and Community Engagement

During the Quarter the Taskforce continued to correspond with neighbours as an affected property progressed through the various stages from acquisition to deregistration to sale. This approach, including letters provided by head contactors, keeps neighbours informed about what activity they can expect to see on the site and who to call if they have questions or concerns. For many this correspondence, which includes a booklet, information sheet, fridge magnet and references to the Taskforce website and YouTube videos, provides all they need to understand and be comfortable with the activity occurring on site. Those who have further questions or feedback are invited to make contact with the Taskforce via phone, email, or through the online neighbour survey.

Table 10: Correspondence with Neighbours

	As at 30 June 2016	As at 30 September 2016	Activity in Quarter
Contract Award Letters	2556	4254	1698
Deregistration Letters	789	2055	1266
Upcoming Sales Letters	640**	1072	432

Notes:

- Figures reflect Demolition Communications Process commenced in March 2016
- Contract Award and Deregistration Letters represent the two communication 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 issues by the head contractor.

** Correction to error in June quarter numbers which were understated by 12 letters.

In addition, the Taskforce has continued to provide engagement opportunities through door knocking or community events, to areas that have been assessed as potentially needing further support. This may include clusters of affected properties where significant demolition activity will occur or where the properties have been vacant for many months and will remain vacant for some time to come. During the Quarter, drop-in information sessions were held at Charnwood/Dunlop School in Charnwood and Cooleman Court in Weston.

Table 11: Neighbour and Suburb Engagement

	As at 30 June 2016	As at 30 September 2016	Activity in Quarter
Door knocking			
- Demolition	726	813	87
- Property Management	0	99	99
Suburb / District Activity	2	4	2

Note:

- Figures do not include broader engagement events held for the community around the Scheme as a whole rather than specific demolition activity in a suburb area.

Whilst the suite of communications materials and enhanced engagement processes are now well established, the Taskforce continues to review feedback and look to improve on communication outcomes.

One such initiative undertaken during the reporting period was the development of Demolition Activity Signs. Whilst close neighbours receive letters advising of the dates of key activities on the sites, such as asbestos removal and demolition dates, some community members a little further afield were also seeking this information. These community members would often call the Taskforce or the head contractor to obtain the specific details relating to a specific property nearby. In order to make this information more readily accessible for the community, Demolition Activity Signs were produced to be displayed on the fence of each site clearly stating the dates for asbestos removal and demolition and the contact details for the site manager. These signs (shown below) and the supporting updates to contractor letters, have been implemented into the work processes for each head contractor during October 2016 and can now be seen on active sites across Canberra.

Figure 4: Demolition Activity Sign



ACT
Government

Asbestos Response
Taskforce

Indicative Dates for Activity on this Site:

Asbestos Removal Expected to start	
Generally asbestos removal will be completed within 5 working days	
Demolition Expected on	
Site Contact	

Dates may change due to a range of factors, including adverse weather conditions

For More Information:

- Call: 13 22 81
- Email: asbestos@taskforce.act.gov.au
- www.act.gov.au/asbestos/taskforce
- @TaskforceACT

The Demolition Activity Sign, along with the Asbestos Clearance Sign (example below), provide the community with key information about the status of each site assisting them to remain informed and feel confident about the continuing progress of demolition works in their area.

Figure 5: Demolition Clearance Sign

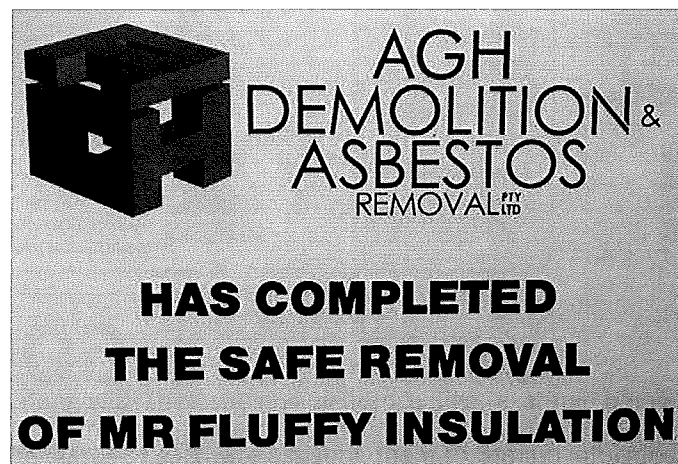
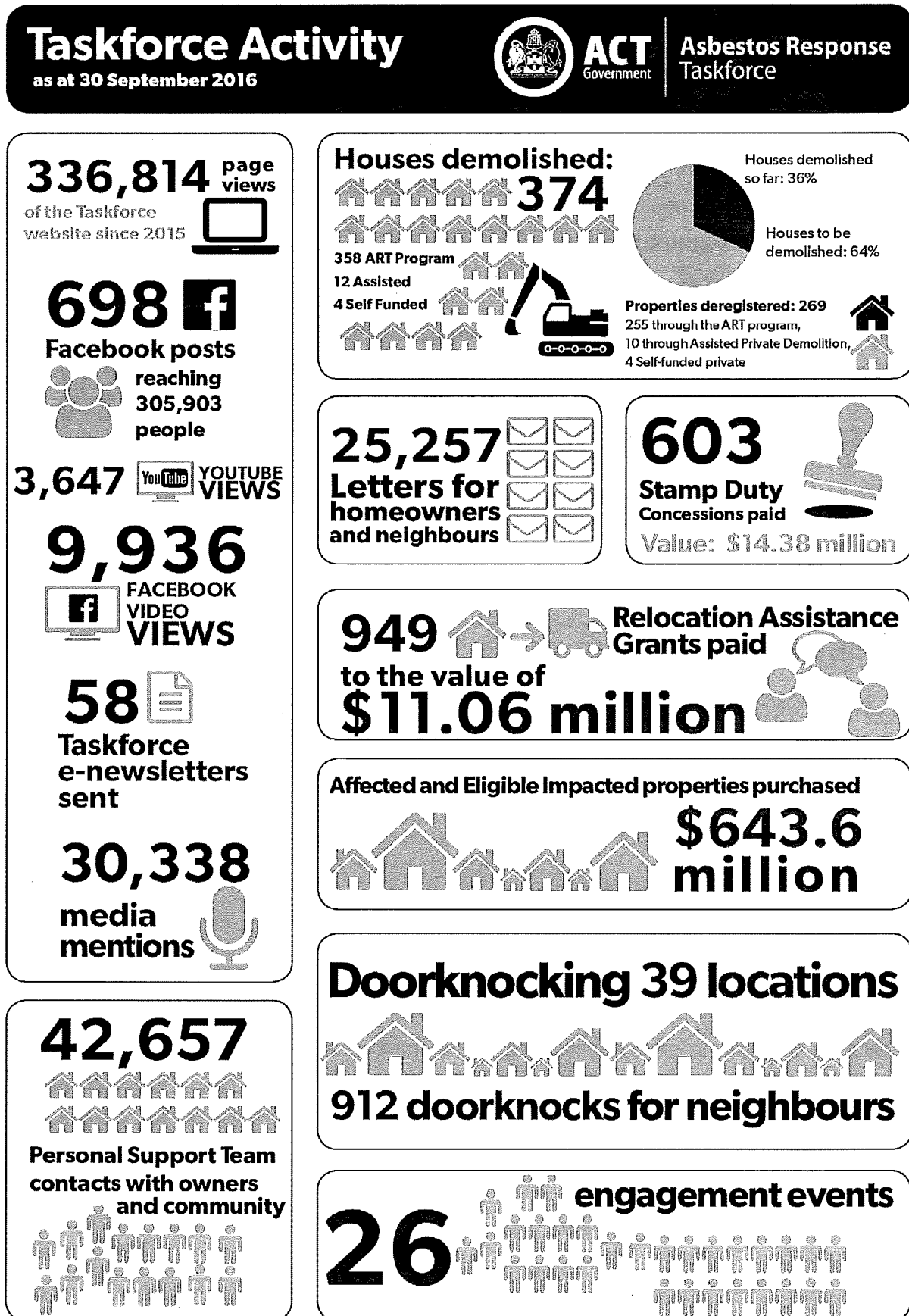


Figure 6: Taskforce Communications Activity – a Cumulative Overview



9. Scheme Governance

Eradication Scheme Steering Committee

The key decision making body in the governance framework is the Eradication Scheme Steering Committee (ESSC) which is chaired by the Taskforce Head, and comprises senior representatives of the Under Treasurer, the Chief Executive of the Land Development Agency, and the Director-General Economic Development.

ESSC met three times during the Quarter.

Assembly Committee Recommendations

In keeping with the Government response to the Standing Committee on Public Accounts (the Committee) Report No. 30, *Inquiry into the Loose-Fill Asbestos Insulation Eradication Scheme - Quarterly Progress Reporting*⁶, the Head of the Taskforce wrote to the Committee Secretariat with a view to opening discussion about information provision through this reporting series.

The Chair of the Committee Ms Nicole Lawder MLA subsequently advised that it would be more appropriate for representatives of the Taskforce to meet with the Committee in a private meeting. The Taskforce will pursue this approach once membership of committee in the Ninth Assembly has been settled.

On 8 September 2016, the Committee released its *Report 33, 34, 35 and 36 Review of Selected Auditor-General Reports*⁷. In that Report, the Committee made two recommendations relevant to the Taskforce: that an update be provided in the first sitting week of the Ninth Assembly on progress in implementing the Auditor-General's recommendation in relation to transfer of records to the Objective system, and that a separate progress report be provided by August 2017 on the implementation of the Auditor-General's other recommendations relating to financial reporting.

The caretaker period for the 2016 Legislative Assembly commenced on 9 September 2016, and so the Government is yet to respond to the report. The Taskforce, nevertheless, is well advanced in completing the migration of records to the Objective system in line with the Government's response to the Auditor-General's report⁸.

⁶ http://www.parliament.act.gov.au/_data/assets/pdf_file/0005/913919/8th-PAC-30-Loose-Fill-Asbestos-Insulation-Eradication-Scheme-Q-Progress-Reporting.pdf

⁷ http://www.parliament.act.gov.au/_data/assets/pdf_file/0007/983518/8th-PAC-33-36-AG-3-6-2016-Selected-reports.pdf

⁸ http://www.parliament.act.gov.au/_data/assets/pdf_file/0006/913983/2016-Government-Response-to-AG-Report-No-4-of-2016-Financial-Arrangements-Loose-fill-Asbestos.pdf

10. Conclusion

The September Quarter 2016 saw the continuation of considerable activity by the Taskforce and progress in implementing the Scheme, and in the Demolition and Sales Phases in particular, including:

- continuation of the demolition program safely and ahead of schedule
- continuation of neighbour and community engagement supporting the Demolition Program, and
- continuation of First Right of Refusal sales and public sales process.

The December Quarter is expected to see:

- continuation of significant activity under the Demolition and Sales Phases
- a staged shut down of the Demolition Program for the Christmas/New Year period
- increased maintenance activity at acquired houses – including in relation to bushfire risk
- continued provision of personalised support and advice to affected homeowners including in relation to the FROR process, and those yet to make a decision to participate in the Scheme,
- publication of the report of the third phase of the ACT Asbestos Health Study, and
- continuation of the established program of neighbour and community engagement through direct contact, as well as the Taskforce website and social media channels.

The Taskforce remains focused on implementing the Scheme safely, efficiently and effectively so that the overarching objective articulated in October 2014 – to deal with the legacy of Mr Fluffy once and for all by eradicating loose fill asbestos insulation from Canberra's housing stock – is achieved.