( OLD)

#### Rees, John

From: Sent: To: Cc: Subject: Robinson, Heidi Tuesday, 4 June 2013 11:03 AM Joyce, David Rees, John FW: QTB: NBN and asbestos

Can you draft something up?

From: Brighton, Meg Sent: Tuesday, 4 June 2013 9:14 AM To: Robinson, Heidi Subject: RE: QTB: NBN and asbestos

Great - thanks

From: Robinson, Heidi Sent: Tuesday, 4 June 2013 9:12 AM To: Brighton, Meg Subject: RE: QTB: NBN and asbestos

We can.

Mark was briefing the minister's office on the NBN pits in Canberra last night, so we'll liaise with him.

From: Brighton, Meg Sent: Tuesday, 4 June 2013 9:11 AM To: Robinson, Heidi Subject: QTB: NBN and asbestos

Hi Heidi

Can you draft a QTB re: NBN and asbestos in case it is required. I understand that the Minister is ill today.

1

Meg

Meg Brighton | A/g Deputy Director-General and Commissioner for Public Administration T: +61 2 6205 0213 | F: +61 2 6207 6775 | M: 0408 408 333 | E: <u>meg.brighton@act.gov.au</u> Workforce Capability and Governance Division | Chief Minister and Treasury | ACT Government Level 5 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | <u>www.act.gov.au</u>

From: Sent: To: Cc: Subject: Rees, John Tuesday, 4 June 2013 11:53 AM Robinson, Heidi; Joyce, David McCabe, Mark RE: QTB: NBN and asbestos

Heidi

See attached.

MARK - are you ok with this?



MWSIR - QTS Asbestos NBN.doc:

jr

#### John Rees

Senior Manager, Workplace Safety and Industrial Relations Policy Office of Industrial Relations Chief Minister and Treasury Directorate Phone: +61 2 6205 1398 | Fax: +61 2 6207 6775 |Mobile: 0458025539 - Email: john.rees@act.gov.au

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# JUSTICE AND COMMUNITY SAFETY

QUESTION TIME BRIEF

Minister: Correct and accurate as at:

Workplace Safety and Industrial Relations 4 June 2013

#### **ISSUE:** National Broadband Network - Asbestos Issues

#### Context

There has been recent concern with workers involved in that roll-out of the National Broad band Network being possibly exposed to Asbestos.

#### **Talking Points**

- Although WorkSafe ACT has been working with Comcare in relation to this matter, I am advised that the ACT was not aware that Comcare was taking this action.
- Nonetheless, I fully support Comcare's stance and WorkSafe will continue to work with them to ensure that ACT workers and citizens are protected from threats to their health and safety.
- The Comcare stop work notices will apply, through Telstra as the principal contractor, to any sub-contractors engaged by Comcare in the ACT.

#### Background

The roll-out of the National Broadband Network has involved contractors utilising Telstra cable pits to lay the NBN optic fibre cables. Due to the age of pits, many will contain asbestos in various forms. There have been public concerns that some contractors have not taken appropriate preventative measures when operating in these pits.

Comcare has stopped work and ordered the removal of asbestos a number of sites around Australia and employers have been directed to improve the supervision of the work of contractors.

The stop work notices issued in the ACT mean that work cannot continue until appropriate management measures are in place.

Whilst this is a matter for Telstra and the Commonwealth to manage, WorkSafe ACT will continue to monitor the situation.

Cleared as accurate and complete as at 4 June 2013 By: Heidi Robinson Action officer: John Rees

Ext: 76003 Ext: 51398

From: Sent: To: Cc: Subject: Attachments: Rees, John Tuesday, 4 June 2013 2:07 PM Robinson, Heidi; Brighton, Meg Joyce, David CM Brief \_ NBN Roll-out- Asbestos CM Brief \_ NBN Roll-out- Asbestos.docx VL/O

Importance:

High

Heidi / Meg

jr

For urgent clearance please





Ref
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## Date <u>4 June 2013</u> To Chief Minister

- Director-General
- Acting Deputy Director-General Workforce Capability and Governance

From Acting Director Office of Industrial Relations

Subject Asbestos in Telstra Pits

Critical date and reason

As soon as possible. This matter may be raised in the Assembly

#### Purpose

To brief you on matters relating to the discovery and disturbance of asbestos during the roll-out of the National Broadband Network.

#### Background

As part of the NBN rollout Telstra is managing issues associated with 'pits' which were often put in place by the then Post Master General (PMG) and which quite often contain bonded asbestos. Telstra pits provide access to underground cables and are generally located on the footpaths at certain points within suburbs.

Telstra, as a business, is regulated by Comcare in respect of its health and safety obligations under Commonwealth law. Vision-Stream, one of the subcontractors involved in the rollout is also regulated by Comcare.

In some cases there are other subcontractors involved who are regulated by State/Territory regulators such as WorkSafe ACT. In such cases Comcare regulates the activity through the principle contractor, Telstra, <u>and</u> WorkSafe ACT regulates the activity through the subcontractor.

It has recently come to the attention of authorities that the handling of this material by Telstra subcontractors has been inadequate from a health and safety perspective. Comcare is working with Telstra as the principal contractor to address the concerns and insure that the ongoing management of this issue is in accordance with work, health and safety laws. Telstra have publicly accepted responsibility for addressing this matter.



#### Issues

Arrangements are now in place between Comcare and all relevant state/territory jurisdictions, including the ACT, for Comcare and the relevant state authority to work hand in hand on this issue. Comcare will, in many cases, have the lead since they are responsible for the principle contractor. However there may be joint inspections when work site inspections are deemed necessary and a state or territory subcontractor is involved.

Where enforcement action, such as stop work notices, is deemed necessary, Comcare will generally impose these on Telstra as the principle contractor. A decision will be made on a case-by-case basis whether similar action is required in relation to the subcontractor by WorkSafe ACT.

Late on Monday 3 June 2013, Comcare advised WorkSafe ACT of two pits in the Nicholls area where Comcare issued stop work notices last week because they may be of concern. WorkSafe is seeking clarification of the exact nature of the concern in these instances as one of the sites is close to a primary school. On the other hand, Nicholls is a relatively new suburb and it is not clear how many pits there could contain asbestos. At this point, it is important to note that testing has not been undertaken, and the presence of asbestos cannot be confirmed.

WorkSafe is now working hand in hand with Comcare to ensure that both territory and Commonwealth law requirements are met.

Reporting arrangements are now in place to ensure that both Comcare and WorkSafe ACT share any information regarding this and any future issues which may arise.

The ACT's Asbestos Regulators Forum will be convened on 5 June 2013.

#### Consultation

WorkSafe ACT is keeping the asbestos coordinator at CMTD and ESDD updated on any developments in relation to this matter. The Work Safety Commissioner has also been in contact with Paul Kelly and John Woollard from ACT Health.

#### Financial

Nil

#### Media

When the public is made aware of the location of areas of potential concern in the ACT, there may be a significant amount of media interest.



#### Recommendation

That you note the contents of this brief, and note that we will update you on further developments.

#### Heidi Robinson

Contact Officer:David Joyce / John ReesPhone:62050709 / 62051398

Katy Gallagher MLA ..... / /

NOTED /PLEASE DISCUSS



#### Rees, John

From:McCabe, MarkSent:Tuesday, 4 June 2013 5:03 PMTo:Parkinson, DavidCc:Rees, John; Hosking, Kim; Travers, Rebecca; Williams, Gareth; Sibree, AmandaSubject:Brief for the Minister re Telstra asbestosAttachments:WorkSafe Telstra Asbestos Brief.docx

Can you send this through to the Minister please

ŀ,





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		TRIM No.: NII
То:	Minister for Workplace Safety and Industrial Relations	Date Rec'd Minister's Office//
From:	A/g Executive Director, Office of Regulatory Services	
Subject:	Asbestos in Telstra Pits	
Critical Date:	Urgent	
	• • • • • • • • • • • • • • • • • • •	

#### Recommendation

1. That you:

a. **note** the issues associated with asbestos being found in Telstra pits as part of NBN rollout.

#### Background

- 2. As part of the NBN rollout Telstra is managing issues associated with 'pits' which were often put in place by the then PMG and which quite often contain bonded asbestos. Telstra pits provide access to underground cables and are generally located on the footpaths at certain points within suburbs.
- 3. Telstra, as a business, is regulated by Comcare in respect of its health and safety obligations under Commonwealth law. VisionStream, one of the subcontractors involved in the rollout is also regulated by Comcare. In some cases there are other subcontractors involved who are regulated by State/Territory regulators such as WorkSafe ACT. In such cases Comcare regulates the activity through the principle contractor, Telstra, and WorkSafe ACT regulates the activity through the subcontractor.
- 4. It has recently come to the attention of authorities that the handling of this material by Telstra subcontractors has been inadequate from a health and safety perspective.
- 5. Comcare is working with Telstra as the principle contractor to address the concerns and ensure that the ongoing management of this issue is in accordance with work, health and safety laws. Telstra have publicly accepted responsibility for addressing this matter.

#### Issues

- 6. Arrangements are now in place between Comcare and all relevant state/territory jurisdictions, including the ACT, for Comcare and the relevant state authority to work hand in hand on this issue. Comcare will, in many cases, have the lead since they are responsible for the principle contractor. However there may be joint inspections when work site inspections are deemed necessary and a state or territory subcontractor is involved.
- 7. Where enforcement action, such as stop work notices, is deemed necessary, Comcare will generally impose these on Telstra as the principle contractor. A decision will be made on a case-by-case basis whether similar action is required in relation to the subcontractor by WorkSafe ACT.
- 8. Late on Monday 3 June, Comcare advised WorkSafe ACT of two pits in the Nichols area where Comcare issued stop work notices last week because they may be of concern. WorkSafe is seeking clarification of the exact nature of the concern in these instances as one

#### UNCLASSIFIED

of the sites is close to a primary school. On the other hand, Nichols is a relatively new suburb and it is not clear how any pits there could contain asbestos.

- 9. WorkSafe is now working hand in hand with Comcare to ensure that both territory and Commonwealth law requirements are met. ACT Health has also been contacted as they provide advice on the level of public health risk.
- 10. Reporting arrangements are now in place to ensure that Comcare, WorkSafe ACT, ACT Health and other involved agencies share any information regarding this and any future issues which may arise.
- 11. The Work Safety Commissioner has asked for the ACT's Asbestos Regulators Forum to be convened as a matter of urgency. A communication strategy is proposed to be developed as required to appropriately communicate information to the public. ACT Health will take the lead with respect to community risk communication, which is vital in managing public perceptions concerning asbestos issues.

#### **Financial Implications**

12. Nil.

#### Internal Consultation

13. WorkSafe ACT is keeping the asbestos coordinator at CMTD and ESDD updated on any developments in relation to this matter. The Work Safety Commissioner has also been in contact with the Chief Health Officer, Dr Paul Kelly and John Woollard from ACT Health.

#### **External Consultation**

14. WorkSafe is working with Comcare as noted above.

#### **Consultation with CMTD**

CMTD have been consulted and had no comment.

15. As previously stated, WorkSafe ACT is keeping the asbestos coordinator at CMTD updated on any developments in relation to this matter.

#### Benefits/Sensitivities

16. When the public has been made aware of the location of areas of potential concern in other jurisdictions, there has been a high degree of media interest which at times has been significantly in excess of the real issues.

#### Media Implications

17. When the public is made aware of the location of areas of potential concern in the ACT, there may be a significant amount of media interest.

Jun 2013

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Satisfactory
Unsatisfactory

**Performance Assessment** 

UNCLASSIFIED

From: Sent: To: Subject: McCredie, Andrew Tuesday, 4 June 2013 4:27 PM Joyce, David RE: Asbestos in ACT telecommunications ducts

Many thanks David

From: Joyce, David Sent: Tuesday, 4 June 2013 3:27 PM To: McCredie, Andrew Subject: RE: Asbestos in ACT telecommunications ducts

Andrew

The Asbestos Regulators Forum is meeting on this issue tomorrow morning at 10am. The ARF will formulate a response on behalf of government. Hamish McNulty is the EDD representative on the forum and Hamish will be able to provide a relevant background briefing at around 11am.

Cheers David

From: McCredie, Andrew Sent: Tuesday, 4 June 2013 2:11 PM To: Joyce, David Cc: James, Ross (EDD) Subject: Asbestos in ACT telecommunications ducts

Hi David

We are preparing a QTB for Minister Barr on asbestos issues associated with the NBN rollout in Canberra and are in communication with Telstra, NBN Co and Transact on this issue. Any information you may have relevant to this issue would be most helpful.

Andrew McCredie Manager, Business Development and Engagement Business Development | Economic Development Directorate | ACT Government Level 2 Telstra House 490 Northbourne Avenue Dickson ACT 2602 +61 2 6205 0464 | Mob. 0408 253 660 | Fax. +61 2 6207 0033 andrew.mccredie@act.gov.au www.business.act.gov.au

From: James, Ross (EDD) Sent: Tuesday, 4 June 2013 1:43 PM To: McCredie, Andrew Subject: Fwd: Asbestos in ACT

Sent from my iPhone

Begin forwarded message:

1

From: "Bruem, Rod" Exempt s41 Date: 4 June 2013 12:18:37 PM AEST To: "<u>ross.james@act.gov.au</u>" <<u>ross.james@act.gov.au</u>> Subject: Asbestos in ACT

Ross, as discussed, Comcare has issued Telstra with two prohibition notices last week in the ACT. It was not for NBN related work but a couple of broken pits that maintenance work was being carried out. There were no workers present when the notices were given. We don't believe the pits contain asbestos, but based on their age, further checks are being undertaken. At this stage I have not been able to obtain details on their locations, but will update you when I can.

Look forward to meeting you next Wednesday afternoon if you have some time form a coffee?

# ×

Rod Bruem | Corporate Affairs Manager NSW/ACT Government Relations | Telstra Corporation Ltd | 400 George St Sydney

## Exempt s41

W www.telstra.com

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2

From: Sent: To: Subject: John Rees **Exempt s41** Tuesday, 4 June 2013 4:37 PM Joyce, David; McCabe, Mark News article: NBN asbestos reaction a 'beat up'

Hello,

I found this article in the Australian iPad application and thought you may find it interesting:

#### NBN asbestos reaction a 'beat up'

INDEPENDENT MP Rob Oakeshott has described the reaction to NBN asbestos scares as political "beat up", declaring critics are trying to turn the project into a rerun of Labor's home insulation scandal.

To read the full story, <u>visit this link</u>. Please note you do not need to have an iPad to read this article. If you own an iPad, visit the <u>App Store</u> and download the Australian iPad application.

Please note: some articles may only be read by holders of The Australian Digital Pass. To view subscription options, please <u>click here</u>.

Sent from jr's iPad

Rees, John



From:	Kelly, Paul
Sent:	Tuesday, 4 June 2013 5:46 PM
То:	Langhorne, Melissa
Cc:	Woollard, John; Pengilley, Andrew; McCabe, Mark; Andersen, Jackie; Kellar, Alexandra;
	Brown, Peggy; Rees, John
Subject:	FW: enHealth teleconference outcomes
Attachments:	The World Today - NBN asbestos risk exaggerated Public health expert 04_06_
	2013.pdf; WorkSafe Telstra Asbestos Brief_PK&JW comments.docx; Asbestos and NBN rollout issues in the ACT - Dot Points.docx

Thanks Melissa,

This is very helpful. Keep me informed of the national picture.

Mark, for your information.

#### Peggy,

I left a message on your mobile to alert you to this matter some hours ago. I guess you were in the "lockup"? Happy to discuss if required. Essentially, I agree with Bruce Armstrong – this is NOT a public health issue, but is an important PUBLIC PERCEPTION issue. There are two current elements:

- 1. the potential long-term major political and cost risks of the Commonwealth stance on a register for the ACT Government, specifically ACT Health if this includes the general public (expectations for screening etc).
- 2. Short term, as Mark McCabe informed us today (and alluded to in the attached transcript from the ABC World Today program) there are 2 "pits" with a Com Care prohibition order in Nichols. One is close to Nichols Primary School.

Holding media dotties are attached. The ACT asbestos regulators' forum will have an urgent meeting tomorrow morning and a further plan will be

John and I have given input into a brief from Mark McCabe to the Chief Minister earlier today. Due to the urgency of the matter, and your unavailability Peggy, I just did that directly (attached for info). As you will see, this is a complex inter-jurisdictional matter, with Com Care taking the lead as the responsible work safety agency for Telstra.

I have also spoken to John Rees in CMTD on this matter earlier today. Consistent with usual approaches:

- 1. The regulators forum will ensure a "single point of truth" across ACT Government
- 2. The work safety commissioner will have the lead on workplace matters (in consultation with Com Care)
- 3. CHO is available to discuss public health aspects (and can liaise with the Chief Medical Officer if required). HPS can assist where required, and will maintain links with the national enHealth group.

More tomorrow, but happy to discuss by phone if more clarification required.

Paul

Dr Paul M Kelly, Chief Health Officer, Population Health Division, ACT Government Health Directorate, Canberra, Australian Capital Territory, Australia. Office +61 2 6205 0883 Email: paul.kelly@act.gov.au

1

From: Langhorne, Melissa Sent: Tuesday, 4 June 2013 4:32 PM To: Kelly, Paul; Woollard, John Subject: enHealth teleconference outcomes

Hi Paul and John,

This afternoon we have a enHealth teleconference that discussed the National Asbestos exposure register and provided insight into yesterday's meeting with the Ministers and Telstra.

The latest information is that Telstra has approximately 8 million pits in Australia and that 20% of these pits contain asbestos. This issue is arising as Telstra need to enlarge the existing pits to install the new infrastructure. This is resulting in exposure to workers and also a disposal issue.

The role and purpose of the register was discussed and it was reaffirmed that this is not a health register. Comcare have set up a hotline number which is providing facts and figures. The hotline is referring all incident to jurisdictions work cover agencies and any health enquires to health agencies.

There was discussion about having a common script for health enquires and this will be further developed on Friday at an enHealth teleconference.

Professor Baggoley will provide a further update once the commonwealth ministers have their next meeting. Thanks

Melissa

Exempt s41

Subject: Transcript of Bruce Armstrong interview

Hi all, Please see attached. Wayne

#### Wayne Smith

Director | Environmental Health Branch 73 Miller St North Sydney Exempt s41

www.health.nsw.gov.au



This email has been scanned for the NSW Ministry of Health by the Websense Hosted Email Security System. Emails and attachments are monitored to ensure compliance with the NSW Ministry of health's Electronic Messaging Policy.



## The World Today with Eleanor Hall

An hour of current affairs background and debate from Australia and the world every Monday to Friday, 12:10 pm, ABC <u>Local Radio</u> and <u>Radio National</u>.

# NBN asbestos risk exaggerated: Public health expert

Eliza Harvey reported this story on Tuesday, June 4, 2013 12:10:00

ELEANOR HALL: To the escalating controversy over asbestos contamination in Telstra's pits during the National Broadband rollout.

Authorities are investigating breaches of safety in several states and Comcare has issued two asbestos related prohibition notices in the ACT in the last week.

The independent Senator for South Australia Nick Xenophon says there should be an independent inquiry into the asbestos risks associated with the NBN rollout and into what precautions have been taken so far.

NICK XENOPHON: I have a particular awareness about the impact of asbestos and that you don't see the consequences, the tragic consequences of asbestos for up to 40 years down the track. I think it's very important that there be an independent inquiry, perhaps by the Auditor-General, to look at why this happened. This is a \$40 billion project. How could this risk not have been managed better?

It's not just Telstra, it's also NBN Co. From what occurred in Seaford, South Australia, they were NBN contractors that stuffed it up, but unlike the pink bats fiasco, we won't see the consequences, the deadly consequences of asbestos potentially for up to 40 years down the track.

ELEANOR HALL: That's the independent Senator Nick Xenophon, who is also the patron of the Asbestos Victims Association of South Australia.

There are claims in Fairfax papers this morning that Telstra approached the Department of Workplace Relations about setting up an independent body to speed-up asbestos claims in 2001.

Fairfax says the department - which was then under the ministerial leadership of Tony Abbott - rebuffed Telstra's approach.

Telstra says it is now investigating its own records on that but a spokesman for Tony Abbott said, "This issue has been created by Labor's policy to dig up virtually every suburban street in the country to deliver its NBN."

The Trade Minister Craig Emerson, though, says the Coalition has questions to answer.

CRAIG EMERSON: In 2006 there was a question on notice to the previous government about asbestos in Telstra pits. The previous government indicated it knew all about it and the previous government essentially said in response to questions on notice, this is up to Telstra, they've got to comply with the occupational health and safety standards and that's the end of the matter.

So for them to come to us now and say this is all about the NBN, this asbestos has been in the pits for a very long time, it's not actually a revelation that it exists, turns out the previous government knew all about it and did nothing about it, did nothing about it.

The World Today - NBN asbestos risk exaggerated: Public health expert 04/06/2013

ELEANOR HALL: That's the Trade Minister Craig Emerson speaking there on Sky.

Professor Bruce Armstrong is a public health specialist, who's been investigating asbestos related disease for decades and he says that in this instance, the dangers of asbestos contamination have been exaggerated.

Professor Armstrong told Eliza Harvey that he blames politicians and asbestos groups for failing to ease the concerns of affected residents.

ELIZA HARVEY: What do you see is the risk associated with the asbestos that we find bound within these concrete fibres?

BRUCE ARMSTRONG: It's very low. Provided it remains bound in the asbestos cement form then the risk from it is negligible.

ELIZA HARVEY: So therefore how should we be discussing this risk in light of this week's debate about the dangers of excavating the pits?

BRUCE ARMSTRONG: The hazard that was generated, to the extent that I know anything about exactly what happened, would have been to the workers knocking the asbestos around and not to people living nearby.

Those fibres, to the extent that they were present around the workers would be very rapidly diluted in a large volume of air and the probability that anyone else is exposed is going to be very low.

ELIZA HARVEY: Why do you think people are so fearful about the work that's taking place in these Telstra pits?

BRUCE ARMSTRONG: We've seen the difficulties that many men have experienced, Bernie Banton and others, and I think the community has not either been educated to or perhaps caught the difference between the circumstances in which those men were exposed and the circumstances around asbestos cement sheeting.

And I think that people are starting to attach to being even close to asbestos cement sheeting the same kind of hazard as men experienced in Hardie or Wittenoom, and this is just not the case. It is absolutely negligible.

ELIZA HARVEY: Do you think any groups have to take a bit more responsibility, be it diseases foundations or say unions, to actually temper some of the fear that we are hearing?

BRUCE ARMSTRONG: Well, let me say I think that some of the dialogue around asbestos hazard and particularly the removal of asbestos cement sheeting is generated by interests involved in the removal of asbestos because it's now a major industry and obviously is going to perhaps get a little bigger with these events around the Telstra pits.

I think that the asbestos diseases groups tend to not distinguish between the hazards of the asbestos in its natural form. They don't distinguish between the hazards associated with that and other really extremely low hazards associated with asbestos cement.

ELIZA HARVEY: What about Telstra? Do you think that the issue has been in many ways that people weren't warned and when they're not warned they feel like the risks could be huge because, you know, why aren't they telling us this information? Do you think that if it was dealt with more proactively from Telstra people may not necessarily be so fearful?

BRUCE ARMSTRONG: That, I mean, that's a very good question. I think in the present climate any reassurances about lack of hazard are to be treated very sceptically. The politicians are also beating this up. I don't believe it at the moment. We are getting an accurate representation of the size of the

risk from the Government side.

They too are tending to portray it in a very negative light, this is a major problem, and not saying anything to reduce the risk that people might feel and obviously the Opposition has an interest in trying to make it look as black as possible.

ELIZA HARVEY: You're calling for some moderation from the leaders in this debate.

BRUCE ARMSTRONG: Absolutely. Facts and sensible dialogue.

ELEANOR HALL: That's public health specialist Professor Bruce Armstrong speaking to Eliza Harvey.

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