

2011

ACT GOVERNMENT  
SUBMISSION

TO THE

AUSTRALIAN GOVERNMENT ASBESTOS MANAGEMENT REVIEW  
ISSUES PAPER

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## Overview of Asbestos Management in the ACT

The ACT Asbestos Taskforce (Task Force) was established in November 2004 following the passage of the *Dangerous Substances (Asbestos) Amendment Act 2004*. At the time the Task Force identified the broad intentions of new asbestos management arrangements in the ACT as providing:

- general community awareness of asbestos hazards and safe management;
- an enduring system for managing asbestos in the community;
- continuity of knowledge and advice about the location and condition of asbestos (i.e. fair disclosure as to the presence of asbestos); and
- education and warning for people at risk, whether undertaking an activity disturbing materials containing asbestos, or subject to environmental exposure.

In August 2005, the Task Force issued a report on asbestos management in the ACT in relation to residential properties, commercial properties and the building trades and asbestos industry. [ACT Asbestos Task Force, *Asbestos Management in the ACT*]. The Task Force recommended that an ACT Asbestos Management Strategy be developed based on the report recommendations, accompanied by a five year program of implementation, together with an asbestos management team to provide effective coordination during implementation of the strategy. The ACT Government Response to the Task Force Report formed the basis for the strategy.

The ACT Asbestos Management Strategy (the Strategy) was agreed to by Government in 2005. It was agreed the Strategy would be reviewed after five years.

In 2010, the scheduled review was undertaken. The ACT Asbestos Management Review – 2010 (the Review) found that the majority of the recommendations in the Strategy had been completed, and made five specific recommendations:

- 1) to establish a Coordinated Action Response Model for the management of significant asbestos incidents;
- 2) to establish an ACT Asbestos Regulators Forum;
- 3) to establish monitoring and evaluation mechanisms to assess the implementation and effectiveness of asbestos legislation;
- 4) that the Asbestos Regulators Forum establish a strategic plan and oversee its implementation; and

5) to consider the need for ongoing community awareness and education.

The ACT Government responded to this review in 2011 and accepted the recommendations, noting:

“Asbestos has proven to be pervasive in nature, it is essential that the Government ensure that the approach to asbestos remains contemporary and that the Government can respond to changing circumstances. It is well documented that many tonnes of asbestos were used in some building materials and much of this is still present within our community today.

Unfortunately regardless of all the best intentions or rigorous testing, asbestos will continue to pose a danger within our community.”

The Government accepts that due to the nature of asbestos; particularly the period of latency between exposure and the onset of illness, that people may be less vigilant than they should when handling this material. The reality is, asbestos is a demonstrated human carcinogen and exposure to asbestos can have serious health consequences.

In the short time since the Government response, the Asbestos Regulators Forum has been established and met. This group of senior officials from all ACT Government Directorates, will formulate and oversight a strategic plan for asbestos management over the next five years. The strategic plan will identify priority activities, responsible directorates, timeframes and regular progress review points, in respect of asbestos regulation, remediation, training, industry oversight and public awareness.

Pivotal to the success of the Asbestos Regulators Forum is the development of a strategy for reporting and recording data. A draft strategy is currently being finalised for adoption in October 2011. This can occur because of the comprehensive data the ACT Government has relating to its own property and asset portfolios. The ACT Government Property Register lists all ACT Government owned buildings excluding ACT Housing properties.

The ACT Government has developed data management methods for the storage and management of asbestos registers. This information is incorporated in “Management of Asbestos in Non-Residential Government Buildings Guidelines”. An ‘Asbestos Management Plan’ template was also developed based on a pilot exercise at the Dickson Motor Vehicle Registry.

This data is complemented by regulatory notices including issuance of improvement notices, and accident and incident reports, etc.

The data will form an important tool in the future management of asbestos, and will allow the Asbestos Regulators Forum to make informed policy decisions and address areas of most risk.

A secondary application of this data will enable emergency service organisations such as the ACT Fire Brigade, to implement relevant management protocols when dealing with asbestos containing materials.

## **Background**

The ACT community has historically taken a proactive approach to asbestos-related issues, therefore Asbestos management practices and legislation have evolved considerably. Key stages in the Territory's management of asbestos are described in this section to assist the national review.

### Asbestos Advisory Committee

In 1983, as a result of an industrial ban on extensions to the National Library of Australia due to the presence of asbestos and two inquiries into the dangers of asbestos, the Commonwealth Government agreed to the removal of asbestos from the library. This period was characterised by strong community advocacy on asbestos issues. The Commonwealth Government also established the ACT Asbestos Advisory Committee to advise the minister responsible for the ACT on asbestos matters. The committee's terms of reference required it to advise government on asbestos-related issues in commercial and public buildings.

During this period, the advisory committee carried out a considerable amount of technical and professional research to establish standards for asbestos removal activities undertaken at that time.

### Loose Asbestos Insulation Removal Program 1988–1993

Given the prevalence of the installation of pure loose-fill asbestos insulation in the ACT, in 1988, the Commonwealth Government commenced a survey of all Canberra houses built before 1980. Later that year, it announced a program to remove pure loose-fill asbestos insulation from affected Canberra homes at public expense.

It is understood that the ACT business responsible for installing loose-fill asbestos insulation (the dangers of which were not understood at the time) operated across the ACT borders and into the adjoining regions of south-eastern New South Wales including, Queanbeyan. The recent removal of loose-fill asbestos in two northern Sydney homes and sale of a property in Queanbeyan which advertised the presence of loose-fill asbestos insulation provides evidence to suggest that loose fill asbestos insulation is still present to some extent across the country. This is very concerning given the health risks posed by asbestos, and in particular pure loose-fill asbestos.

The government program to remove pure loose-fill asbestos insulation from ACT homes, carried out during 1988–1993, was pioneering. It required the development of a new and comprehensive approach. As well as the actual extraction of loose-fill asbestos from homes, removal technology provided for worker safety, barrier containment, negative pressure air systems and associated equipment. Quality assurance covered methods of measurement and laboratory techniques appropriate for examining air samples to identify asbestos fibre levels. The program followed the standards detailed in the 1988 NOHSC *Asbestos - Code of Practice* which form the basis of the current 2005 NOHSC codes of practice.

With the introduction of ACT self-government in May 1989, the program was transferred to the Territory on the basis that the Commonwealth Government would contribute funding. By the time the program concluded in mid-1993, around \$100 million had been spent, with the ACT having contributed some \$44 million (44%). Around 65,000 houses built before 1980 had been surveyed. Records indicate that asbestos insulation was removed from over 1,000 homes.

In general, houses were cleaned to an extremely high standard. However, it is accepted, that because of the nature of the task and the material itself some residual asbestos fibres may exist in locations which are inaccessible and/or not visible (for example, internal and external wall cavities). The inside roof and accessible wall cavities were sealed with a PVA spray designed to encapsulate the asbestos fibres to eliminate the risk it poses.

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.

### Extent and impact of asbestos in the ACT

The Task Force undertook extensive analysis to determine the extent and impact of asbestos in the ACT. This analysis was based on empirical data and included a representative sample of buildings. A survey was conducted to complete the analysis to obtain information which, in conjunction with existing data sources and supplementary research findings, would inform an analysis of the extent and impact of asbestos.

### Existing and supplementary data

The following data collections were identified as containing information on the extent and impact of asbestos in the ACT:

- audits of ACT Government assets;
- existing asbestos survey reports of public and private commercial and institutional buildings;
- ActewAGL surveys of Asbestos Containing Materials (ACM) in water pipes.

Supplementary research was also undertaken through research interviews with key stakeholders in the asbestos and building industries, drawing on their knowledge of the extent of asbestos in the ACT.

### Pilot study

Prior to undertaking the survey of 500 residential premises, the Task Force conducted a pilot study in January 2005 to test the survey methodology. A sample of 16 houses built before 1990 was selected for the study. ACMs were found in 15 of the 16 residential premises. No asbestos was detected in houses built after 1984. ACMs were identified as occurring consistently in a few main areas. These included wall sheeting in wet areas (bathrooms, toilets and laundries), electrical meter boards and external sheeting in perimeter eaves and walls. A number of other, less frequent sources of ACMs included millboard associated with electrical panels to water heater storage units in older houses, sub-floor debris and packing pieces on sub-floor piers, and backyard debris.

Following the pilot study, minor amendments were made to improve the methodology to be used in the extent and impact survey.

### Taskforce Survey

The survey population was chosen mainly from the residential sector and was based on a representative sample of building types from the periods of development during which identified ACMs were used.

A sample size of 500 to 600 residential premises (and a limited number of other non residential buildings) was chosen. The sample size was determined having regard to expert advice on statistical method and data collection, as well the project's time constraints.

The asbestos surveys were undertaken by two environmental consultancy firms. The information obtained from the surveys was collated and provided to a third environmental consultant commissioned to undertake a health risk assessment (HRA). The HRA is based on existing literature and the residential and existing non-residential survey data, and was undertaken in accordance with the *EnHealth 2002 Guidelines for Assessing Human Health Risk from Environmental Hazards*.

In order to determine more precisely the time from which ACMs were no longer used in residential building construction in the ACT, a series of supplementary surveys was conducted. The statistical method used ensured that there was a minimum sample for analysis from each year between 1980 and 1988. This data identified no ACMs in houses constructed from 1985 onwards. The data also suggests a steady decline in the use of ACMs in residential construction from 1982.

### Overview of Asbestos Framework in the ACT

#### Education and Awareness

As a result of the Task Force, an extensive and ongoing communication and information campaign was undertaken. This campaign included various advertisements and fact sheets targeted at DIY's, tradespeople and the general community to increase awareness of asbestos, the associated risks and where to go to obtain further information.

Please refer to the following ACT Government websites:

- a) [www.asbestos.act.gov.au](http://www.asbestos.act.gov.au) (note that a revised website is scheduled to be launched in October 2011 and the ACT would be happy to guide the reviewer through the new website).
- b) [www.tams.act.gov.au](http://www.tams.act.gov.au)

Generic information about asbestos is required by legislation to be provided at certain transactions, such as residential building approvals, sale of residential property and residential tenancy agreements. This ensures a basic level of asbestos awareness information is provided to parts of the community at a time when it is of most relevance.

Training programs and printed information resources for tradespeople have been modified in partnership with industry associations (MBA & HIA) and unions to include asbestos awareness. Examples include Certificate IV in Building, the Construction Induction Card, and the ACT Building and Construction Safety Handbook.

#### Identification, Removal, Handling, Storage and Disposal

The ACT Government contracted the Construction Property Industry Skills Council to develop four courses in consultation with industry. Industry participated in the development of these four asbestos related courses which were subsequently accredited by the ACT Accreditation and Registration Council:

- 80803ACT - The Identification and Safe Handling of Asbestos
- 80804ACT - Asbestos Removal and Supervision
- 80805ACT - Asbestos Management Planning
- 80806ACT - Asbestos Assessment

The Construction Occupations Registrar has made these courses mandatory qualifications for licensing of asbestos removalists and asbestos assessors.

Industry associations and unions deliver training courses that include general asbestos awareness, identification and safe handling of less than 10 square metres of bonded asbestos for various construction occupations.

The Asbestos Regulators Forum is currently considering the feasibility of making Asbestos Identification and Awareness compulsory training for the construction occupations and associated trades. Construction Industry feedback suggests that training course content could be expanded to include a practical on-site component to reinforce the adoption of safe work practices in the workplace.

Schedule 1, Part 1.3, Item 25 of the Building (General) Regulation 2004, provides an exemption in relation to handling less than 10 square metres of bonded asbestos. This is **conditional** and subject to the person performing work in accordance with the removal code, being in a prescribed occupation and having completed an asbestos awareness course (80803ACT or 80804ACT). As the ACT Government considers there is no minimum level of exposure to asbestos fibres at which it can be said that there is no risk, removal of asbestos by homeowners from private properties is **not** permitted within the ACT.

### **Asbestos Management**

A two tiered system for conducting asbestos assessments and preparing asbestos reports has been operating in the ACT since 2006.

The *Construction Occupation (Licensing) Act 2004* includes the construction occupations of Asbestos Assessor Class A and Asbestos Assessor Class B.

This Act defines an **asbestos assessor** as an individual who provides, has provided or proposes to provide an asbestos assessment service.

Depending on the class of licence, an asbestos assessor provides the doing or the supervising of an asbestos assessment for the *Construction Occupations (Licensing) Act 2004*, the *Building Act 2004*, the *Civil Law (Sale of Residential Property) Act 2003*, the *Dangerous Substances Act 2004* or the *Residential Tenancies Act 1997* that may include all or any of the following work:

- air monitoring for asbestos
- identifying the location, type and condition of asbestos in a building, including by taking samples
- assessing the risk resulting from the identified asbestos
- advising on how the asbestos should be managed, and
- reporting about the work mentioned in this list.

Asbestos assessors must be licensed. There are two different classes of licensees:

- Class A licensees can provide an asbestos assessment service by undertaking and supervising air monitoring, identifying the location, type and condition of asbestos in buildings, assessing the risk presented by the identified asbestos and advising on how the asbestos should be managed and reporting about the work. They can also undertake field surveys to identify the location, type and condition of asbestos in buildings.

- Class B licensees can only undertake field surveys to identify the location, type and condition of asbestos in buildings. They cannot provide advice on how to handle the asbestos or a report.

As a minimum an asbestos assessment report, should outline:

- the location, type and condition of asbestos in relation to the premises
- an assessment of the risk resulting from the identified asbestos
- advice on how the asbestos should be managed, and
- everything required by regulation to be included in the report.

The ACT is the only jurisdiction in Australia, which requires the licensing of asbestos assessors. In the ACT there are currently 75 licensed Class A Assessors and 12 licensed Class B Assessors. The current standards for asbestos assessors will be preserved in the ACT following implementation of the nationally harmonised OHS laws, as they exceed the requirements of the model provisions which fall short of best practice standards.

The *Construction Occupations (Licensing) Regulation 2004* requires Asbestos Assessors to satisfy the Construction Occupations Registrar that they are adequately insured.

### Tradesperson Engagement

If a person engages a worker at the residential premises and an asbestos assessment report exists they must provide the report under section 47L of the *Dangerous Substances Act 2004*. Section 328 of the *Dangerous Substances (General) Regulation 2004* sets out the responsibility requirements for access to an asbestos register.

A person in control of non-residential premises must ensure that:

- (a) each worker at the premises is told about the register; and
- (b) before any work that may expose anyone to airborne asbestos fibres is done at the premises, the register is readily accessible to each of the following:
  - (i) the worker or a representative of the worker;
  - (ii) the employer of a worker at the premises;
  - (iii) anyone removing an asbestos product at the premises;

- (iv) anyone engaged to carry out work that may disturb an asbestos product at the premises;
- (v) anyone else who may be exposed to airborne asbestos fibres because of the work.

The ACT Government Property Forum endorsed the “2008 Asbestos Management in Non-Residential Government Properties Guidelines” to assist ACT Government agencies with legislation compliance and to meet duty of care responsibilities. The Guidelines acknowledge the foreseeable risk associated with asbestos materials and clearly set out a cautious management approach for dealing with asbestos materials.

### Building Approvals

Division 3.3 of the *Building Act 2004* provides that an application for building approval for residential premises built before 1985 must be accompanied by an assessment report (if previously obtained) and an asbestos removal control plan. This applies to building approvals for building classes 1, 2, 3, 4 or a class 10 building associated with any of the building classes 1, 2, 3 or 4.

If there is no survey report then the Dangerous Substances (asbestos advice) Notice 2006 is required (see [http://www.asbestos.act.gov.au/resources/pdfs/AA\\_Colour\\_HR.pdf](http://www.asbestos.act.gov.au/resources/pdfs/AA_Colour_HR.pdf) ).

### Tenancy Agreement

Section 12 of the *Residential Tenancies Act 1997* establishes obligations for the disclosure of asbestos assessment reports. It is not a requirement of the lessor to obtain a report, however if one exists for the property the lessor must take reasonable steps to provide it to the tenant for new lease agreements commencing after the legislation came into force in 2006. If there is no report for the property the asbestos advice notice must be provided. If a lease agreement was already in place at the commencement of this legislation the lessor was required to provide any report or the asbestos advice within 12 months.

### Sale of Property

Section 9(i) of the *Civil Law (Sale of Residential Property) Act 2003*, lists an asbestos assessment report which has been prepared by a licensed asbestos assessor (Class A) as a required document and is to be attached to the contract for sale. It is not a requirement of the vendor to obtain a report for the property, however if there is a report, the vendor must take reasonable steps to provide it with the

contract of sale. In the absence of a report, the vendor must include the asbestos advice notice in the contract for sale.

The Office of Regulatory Services (ORS) provides information to residential owners about their obligations to provide prospective buyers with information on what they know about asbestos at the premises. Guidance material is provided in ORS publication "Reality Check" and is available at [www.ors.act.gov.au](http://www.ors.act.gov.au).

### **Management and Reporting of Health Issues**

#### **Mesothelioma**

Mesothelioma, is reported in the Biennial Chief Health Officer's report. The 2010 report covering the period 2006-08 was released in 2010. Information on mesothelioma is also reported in the biennial ACT Cancer Registry reports.

#### **Cancer Registry**

The ACT Cancer Registry is collaborating with the National Mesothelioma Registry to collect information on mesothelioma cases.

## Response to Questions

1. **Is, elimination or reduction of asbestos related disease in Australia a suitable aim for a national strategic plan to improve asbestos awareness and management in Australia? If not, what do you think the aim of the plan should be?**

The World Health Organisation (WHO) called for the elimination of diseases associated with asbestos in 2006. Elimination must be the ultimate goal, any asbestos related disease is unacceptable. This can only be achieved through a best practice regulatory regime that sends clear and consistent message that any exposure to asbestos presents a risk; a regime that demands appropriate training and licensing for anybody involved in the identification, removal and handling of asbestos; and that focuses on empowering people with reliable information about where asbestos is located.

2. **Are the priority areas suggested above appropriate for a national strategic plan? Are there any other priority areas which should be addressed in a national strategic plan? If so, please specify the activities which you considered are required to support the additional priority areas?**

Yes, the priority areas are acceptable for a national strategic plan. The ACT has been actively applying these principles as part of the ACT Asbestos Management Strategy for a number of years.

3. **Is there an existing organisation or body that could take responsibility for oversight, administration and/or coordination of a national strategic plan? If so, which organisation or body could do this and what features make it suitable for this role?**

The regulation of asbestos across Australia falls within the purview of the National Harmonisation of Occupational Health and Safety (OHS). This review comes under the responsibility of Safe Work Australia.

4. **Alternatively, is a new organisation or body required to oversee, administer and/or coordinate a national strategic plan?  
What would the role and functions of a new organisation be?**

What would its membership be?

How would it be established?

How would it relate to existing Commonwealth, state and local agencies?

Should it have a finite life and a sunset clause – if so, to which organisation(s) would any residual functions transfer?

What would be the relationship of local government to such an agency?

N/A

5. **Should a national audit to identify the location and condition of asbestos be carried out? If so, what would the process of such an audit involve? What information should be included in such an audit? Who should have access to such information? How should this information be kept up-to-date?**

A reliable national audit program would require a significant increase in qualified or experienced people capable of:

- air monitoring for asbestos
- identifying the location, type and condition of asbestos in a building, including by taking samples
- assessing the risk resulting from the identified asbestos
- advising on how the asbestos should be managed, and
- reporting the work.

The competency standards for asbestos assessors (Regulation 495) in the nationally agreed model regulation are inadequate. This may provide a barrier to delivering a reliable national audit program.

6. **Should owners of private property be legally required to identify the presence of asbestos in their property? If so when should such identification take place? If so should the identification process involve an assessment of the condition of the asbestos containing material i.e. risk of exposure from airborne fibres?**

The ACT Taskforce undertook extensive work to identify houses that are likely to contain asbestos materials. Advice has been made available to homeowners through the 'Asbestos Awareness' website,

including information on which suburbs are most likely to contain houses that were built with asbestos materials and a breakdown of the common locations of materials containing asbestos in ACT homes.

Generic information about asbestos is required by legislation to be provided at certain transactions, such as residential building approvals, sale of residential property and residential tenancy agreements.

**7. What activities, if any, should be included in a national strategic plan in relation to the identification of asbestos? Who is best placed to deliver these activities?**

It is essential that suitably qualified and experienced people can provide an asbestos assessment service which may include:

- air monitoring for asbestos
- identifying the location, type and condition of asbestos in a building, including by taking samples
- assessing the risk resulting from the identified asbestos
- advising on how the asbestos should be managed, and
- reporting about the work.

Refer also to Question 5.

**8. Is a standard 'risk management' approach sufficient to protect against the risk of exposure to asbestos fibres?**

Understanding what influences the behaviour of individuals to risk asbestos exposure may assist in preventing deaths.

There is no minimum level of exposure to asbestos fibres at which it can be said that there is no risk. Activities that may result in asbestos exposure should be conducted in accordance with recognised occupational health and safety guidelines by trained and experienced people. However, the Task Force acknowledged that this may not be practical or enforceable for minor maintenance activities and released precautionary guidance material, which is available at: [www.asbestos.act.gov.au](http://www.asbestos.act.gov.au).

**9. Are there any measures, including possible research that could be undertaken to inform improvements to current management approaches? Are there safe alternatives to asbestos**

**removal? Are there any examples of practical methods to permanently and indestructibly bond asbestos fibres into other non-friable substances?**

In the period 2006-2011 there have been a range of scientific and technical changes, including literature review, advisory information and handling codes. The following are examples:

- ACT Asbestos Management Review 2010 and the 2011 Government Response.
- Health and Safety Executive (UK) (2007). **Taking risks with asbestos – What influences the behaviour of maintenance workers?**
- Australian Paint Approval Scheme. Specification 1720. **Encapsulation System for Asbestos Cement Sheeting**. Rev. No. 10, 22 May 2007. This document is a revision of an earlier specification. It includes guidance on the use and application procedures for such encapsulants.
- Safe Work Australia (2010). **Asbestos exposure and compliance study of construction and maintenance workers.**

The ACT would be happy to provide the review with further information on the loose-fill asbestos insulation removal program which bonded residual friable asbestos fibres to ceiling space and accessible wall cavities using a PVA spray.

**10. What would be the advantages of a prioritised removal program for asbestos in the built environment? How would they outweigh the costs and risks involved? How would it operate in practice? How would the timeframes be determined?**

In 1988 the Commonwealth commenced a removal program for loose asbestos insulation in the ACT. This program was run in response to the widespread use of spray-in friable asbestos insulation from 1968-1978 in the ACT and surrounding regions. With Self Government, the ACT inherited responsibility for this scheme.

Under this voluntary program, residents in houses that were considered to be likely to contain the product were advised of the risk and provided access to free inspection, encapsulation and removal services. Where loose asbestos insulation was detected it was removed from the ceiling and

encapsulated in wall cavities. The total cost of surveying over 65,000 houses and removing asbestos from over 1,000 properties over a five year period came to around \$100 million.

**11. Should a prioritised removal program apply to:**

**Privately owned properties such as residences?**

**Workplaces?**

**Government properties?**

**Are there particular types of properties and structures that should be targeted first as part of a prioritised removal program? Which ones and why? How could such a program be monitored and enforced? Who should bear the costs of a prioritised removal program? What incentives might apply to such a program?**

No comment.

**12. What activities, if any, should be included in a national strategic plan to support a Prioritised Removal Program or improved risk management approach?**

Refer to introduction section.

**13. What activities, if any, could be included in a national strategic plan to reduce the risks posed by asbestos during and following natural disasters?**

The nature and circumstances of the event will determine any response. The Asbestos Regulators Forum is currently considering a draft response model which will be adopted, in the event of an asbestos incident that presents a possible risk to the community.

In January 2003, areas of the ACT were devastated by bushfires. The advice for bushfire victims reminded people that the first and most important rule was to follow the instructions of Emergency Services personnel. Secondary advice urged people to stay away from the ruins of their homes until they could be checked, stabilised and confirmed as safe.

The fire impacted on many houses which were constructed prior to 1984. There was a high likelihood that many contained asbestos in one form or another. Protection from the dangers of asbestos fibres

was a major concern of the government. Immediately following this event, full page advertisements by the ACT Bushfire Recovery Taskforce described in detail the measures the government was taking to detect and monitor the presence of asbestos in affected areas.

The ACT is happy to provide the review with further information on request.

**14. If it is not possible to ensure that removal of asbestos by homeowners from private properties is undertaken safely, should it be allowed at all?**

**Are there any measures that could be applied to improve safety of homeowners when removing asbestos?**

**Should a permit be required for asbestos removal from private property by homeowners?**

**Should an inspection regime apply in these circumstance?**

**How would this work?**

The ACT Government considers there is no minimum level of exposure to asbestos fibres at which it can be said that there is no risk. For this reason removal of asbestos by homeowners from private properties is not permitted within the ACT. There is a level of misconception that people are entitled to remove 10 square metres of asbestos. Within the ACT legislative framework no such provision exists.

Schedule 1, Part 1.3, Item 25 of the *Building (General) Regulation 2004*, provides for an exemption for members of the construction occupations and associated trades, to handle less than 10 square metres of bonded asbestos in the course of their daily duties. This exemption is conditional and subject to the person performing work in accordance with the asbestos removal code, being in a prescribed occupation and having completed an asbestos awareness course.

**15. Are risks posed by naturally occurring asbestos appropriately covered by existing OHS and mining safety legislation? Is there sufficient data such as airborne fibre counts to conclude that naturally occurring asbestos in open-cut mines does not pose a potential risk?**

No comment.

**16. What responsibility should governments have in relation to the removal of asbestos from former government owner properties that have been sold or otherwise disposed of? What**

**responsibility should governments have for the presences of asbestos in circumstances where it came about as a consequence of the specification of government agencies at the time?**

Refer to Question 10.

**17. What activities, if any, should be included in a national strategic plan in relation to the removal and handling of asbestos? Who is best placed to deliver these activities?**

The removal and handling of asbestos must be carried out by licensed operators.

Like asbestos assessors, asbestos removalists have been operating in the ACT since 2006. There are two classes of asbestos removalist licence (A class and B class) which, depending on the license class, restrict the type of work that can be done.

**18. Should incentives be provided for homeowners to identify asbestos and if so what kind of incentives would be appropriate?**

Refer to Question 10.

**19. Is there a need to regulate the storage and transportation of asbestos that has been removed by homeowners from domestic premises? If so, how could this be achieved? What incentives for safe transportation of asbestos material might be provided?**

Homeowners are not permitted to remove asbestos in the ACT.

However the reality is, that homeowners may come across small amounts of asbestos in gardens, broken sheeting etc. Recognising that some householders were unlikely to engage an asbestos removalist to remove this material (noting the likely costs and perceived minimal risk), the ACT as part of the 2005 Task Force, developed specific guidance which offered advice to homeowners, on how to safely handle, transport and dispose of small quantities of asbestos to the ACT's two resource management facilities (see [www.asebstos.act.gov.au](http://www.asebstos.act.gov.au) ).

In the ACT small amounts of asbestos from domestic sources are accepted free of charge at the Mugga Lane and Mitchell Resource Management Centres. Charges apply to all loads greater than 250kg, these are directed to the Mugga Lane facility.

**20. What activities, if any, could be included in a national strategic plan to improve safety when transporting and storing asbestos materials?**

The storage or stockpiling of asbestos is prohibited.

The *Dangerous Substances Act 2004* requires that all reasonable steps be taken in relation to the risk associated with dangerous substances. It specifically requires that when considering reasonable steps, the responsible person must consider the state of current knowledge in relation to the hazard and the method of controlling the risks. Asbestos should be bagged/wrapped, covered and roped for transportation purposes.

All relevant NOHSC Code publications should be considered as sources of current knowledge in relation to asbestos.

**21. Are there adequate asbestos disposal sites and facilities throughout Australia?**

The ACT currently has two facilities authorised by the Environment Protection Authority to accept asbestos waste along with two disposal facilities.

**22. Are the fees that are charged for the disposal of asbestos containing waste a disincentive to safe disposal - or do they encourage illegal dumping? Are there additional factors that contribute to the illegal dumping?**

There are no fees for small quantities of wrapped asbestos in the ACT from domestic sources. This is a deliberate decision aimed at preventing illegal dumping. However commercial waste charges apply as follows:

- Less than 0.25 tonnes - \$34.20 minimum
- 0.25 tonnes or more - \$136.80 per tonne

**23. Should all asbestos containing materials that have been appropriately removed and packaged be able to be disposed at these sites at no additional cost to standard waste disposal fees? Alternatively, how could the cost of accepting and processing asbestos containing waste be reduced?**

See above.

**24. Should uniform national regulations apply to all asbestos disposal sites and facilities?**

Yes. The ACT supports national consistency that reflects best practice. The ACT Environmental Protection Authority cautions that this is likely to be a difficult issue. The difficulty is that asbestos is not only disposed to landfills, it is often interned as part of a remediation strategy for a contaminated site either on the site or another site.

NOHSC guidance clearly details the depth for disposal and capping required for loose (3m) and bonded asbestos (1m). Jurisdictions generally also have comprehensive guidelines for landfills and capping required.

**25. Are current approval and monitoring processes sufficient to ensure the long-term safety of the disposal sites that accept asbestos?**

In the ACT both disposal facilities are authorised (licensed) by the Environment Protection Authority. Environmental Authorisations set conditions for activities that pose environmental risk, including waste acceptance procedures and ongoing monitoring.

**26. What activities, if any, should be included in a national strategic plan in relation to the disposal of asbestos? Who is best placed to deliver these activities?**

See above comment for questions 24 and 25.

**27. If incentives are provided to ensure safe disposal of asbestos, what sort of incentives would be appropriate and who should provide those incentives?**

No comment.

**28. What existing activities or information sources could be used to raise awareness of asbestos? What networks not currently used could be utilised to raise asbestos awareness? Who should be responsible for coordinating these efforts? How should this be undertaken?**

With the increased accessibility to communication technology the ability to communicate asbestos related risks are greatly enhanced. The Asbestos Regulators Forum is considering a variety of opportunities to clarify misconceptions and enhance community awareness. One option under consideration is utilising short messaging service (sms) technology to alert construction occupation licensees of the associated asbestos risks.

**29. What are the barriers to raising asbestos awareness in the community, and for employers and workers, and how can these be addressed?**

An inconsistent message will provide a barrier. All types of asbestos are determined to be human carcinogens. Any message which infers that some levels of exposure are less risky than others; or that certain types of asbestos are less dangerous; or that depending on what other materials are blended with chrysotile it is less risky; are conveying the wrong message. Such messages convey the element of chance.

The following paper is an example of the research conducted in this area: Health and Safety Executive (UK) (2007). **Taking risks with asbestos – What influences the behaviour of maintenance workers?**

**30. What activities should be included in a national strategic plan to improve asbestos awareness in the community? Who is best placed to deliver these activities?**

As a result of the 2005 ACT Asbestos Task Force Report, an extensive and ongoing communication and information campaign was undertaken. This campaign included various advertisements and fact sheets targeted at DIY's, tradespeople and the general community to increase awareness of asbestos, the associated risks and where to go to obtain further information.

Several ACT government websites contain information on asbestos:

a) [www.asbestos.act.gov.au](http://www.asbestos.act.gov.au)

b) [www.tams.act.gov.au](http://www.tams.act.gov.au)

Generic information about asbestos is required by legislation to be provided at certain transactions, such as residential building approvals, sale of residential property and residential tenancy agreements. This ensures a basic level of asbestos awareness information is provided to parts of the community at the times when it is of most relevance.

Training programs and printed information resources for tradespeople have been modified in partnership with industry associations (MBA & HIA) and unions to include asbestos awareness. Examples include Certificate IV in Building, the Construction Induction Card, and the ACT Building and Construction Safety Handbook.

The ACT would be happy to provide further information on request.

**31. Are there further examples of education activities that are already being undertaken? How successful have these been? How could they be improved?**

See above.

Actions taken now to reduce exposure to asbestos fibres and improve management of asbestos containing materials are likely to have a positive impact in reducing future incidence of asbestos related disease. It is important that rates of the disease and particulars around exposure scenarios continue to be tracked over time to monitor improvements as a result of new management practices, and inform future policy directions.

A method to gauge the effectiveness of a campaign is to conduct pre and post campaign awareness surveys.

**32. What are the educational needs of:**

**Private property owners Employers**

**Workers**

**The general public?**

**Are these needs being met? If not, how can these needs be addressed?**

Refer to introduction section. The ACT is also happy to provide further information on request.

**33. What activities should be included in a national strategic plan to improve asbestos awareness in the community? Who is best placed to deliver these activities?**

As above.

**34. What are the barriers to dealing with asbestos issues in remote, rural and regional communities, and how can these be addressed? Are there any existing information opportunities that could be capitalised on?**

No comment.

**35. Should a national strategic plan address remote, rural and regional issues as a stand alone priority area, or as an element in each of the proposed priority areas? What would be the benefits of the preferred approach?**

No comment.

**36. What activities, if any, should be included in a national strategic plan to improve asbestos awareness and management arrangements for remote, rural and regional communities? Who is best placed to deliver these activities?**

No comment.

**37. Is nationally consolidated information or a database on all asbestos related diseases required? If so:**

**How can this data be collected?**

**Who should provide the data and when? And how often should it be updated?**

**Who should be responsible for the coordination of data collection and reporting?**

**Who should be able to access the data and under what circumstances?**

**Identify any privacy issues that need to be addressed in relation to the collection of data and reporting on asbestos related diseases? How should they be addressed?  
How should provision of data be enforced?**

Refer to 'Management and Reporting of Health Issues' in introduction section.

**38. What activities, if any, should be included in a national strategic plan with respect to collection of medical data? Who is best placed to deliver these activities?**

No comment.

**39. What options are available to provide information to identify locations where asbestos containing materials have been disposed of on public land?**

The ACT encourages further consideration of this issue.

**40. Should the disclosure of disposal sites be mandatory for those entities and persons who have knowledge of such sites? What would this achieve? Should an amnesty be provided to any persons or companies providing such information?**

The ACT would support the mandatory disclosure of sites which are known to be or may be contaminated with asbestos.

**41. Have arrangements such as in SA and the ACT proved useful in management of ACM in the domestic sector?**

The ACT Government accepts that due to the nature of asbestos; particularly the period of latency between exposure and the onset of illness, that people may be less vigilant than they should when handling this material.

The ACT Government considers education and awareness an important tool to overcome any indifference that the community may have in dealing with asbestos.

The ACT Government recently announced an ongoing awareness campaign with the key messages centred on clarifying misconceptions the community may have in dealing with asbestos. The intention of this campaign is to alleviate doubt and make the community aware of what it is they should do to prevent exposure, to themselves, other family members or the general public.

**42. Should disclosure of the location of asbestos materials be required for private property? If**

**so:**

**Should such disclosure be limited to knowledge of the owner?**

**What information should be disclosed?**

**When, how and to whom should such disclosure be made?**

Refer to introduction section.

**43. Is consolidated information on the location of asbestos required? If so:**

**How can this data be collected?**

**Who should provide the data and when? And how often should it be updated?**

**Who should be responsible for the coordination of data collection and reporting?**

**Who should be able to access the data and under what circumstances?**

**Are there privacy issues that need to be addressed in relation to the reporting and subsequent disclosure of the location of asbestos? If so, how should they be addressed?**

**How should provision of data be enforced?**

Refer to introduction section.

**44. What activities, if any, should be included in a national strategic plan to improve reporting and disclosure of information on the location of asbestos?**

Refer to introduction section.

**45. Are existing requirements for reporting of workplace exposure to asbestos adequate? If not, what further measures are required?**

**46. Do we need a centralised system for reporting public exposure to asbestos?**

**What purpose would a centralised exposure register serve?**

**How would such a system operate? Would reporting be mandatory?**

**What controls would be required to ensure the data collected adhered to current privacy laws and had the requisite degree of integrity so it could be effectively used by government and for research purposes?**

**Who would be in charge of collecting, collating and storing such information?**

Refer to Question 3.

**47. Can you provide the Review with any examples of exposure registers that are considered to be successful?**

Refer to 'Management and Reporting of Health Issues' in introduction section.

**48. What activities, if any, should be included in a national strategic plan with respect to collection of exposure data? Who is best placed to deliver these activities?**

No comment.

**49. What are the challenges to enforcing Australia's ban on the import and export of asbestos containing materials, and how can they be overcome?**

The Commonwealth is best placed to provide this information.

**50. Should Australia take a more active role in encouraging an effective ban on the international trade in asbestos? Who should be responsible for this activity? Should this be a priority under a national strategic plan?**

The International Labour Organization (ILO) has expressed concern about an evolving epidemic of asbestos related diseases, and passed a resolution to promote a worldwide asbestos ban. The ACT

agreed to the ratification of (ILO) Convention 162 and complies or substantially complies with the ILO instrument.

The World Trade Organization has accepted the conclusion that the so called "controlled use" of asbestos is a fallacy.

International organisations have condemned the continuing use of chrysotile asbestos. In 2006, the World Health Organisation (WHO) called for the elimination of diseases associated with asbestos. WHO supports individual countries in developing national plans to ban asbestos and eliminate asbestos related disease. WHO has stated that "the most efficient way to eliminate asbestos related disease is to stop using all types of asbestos.

The ACT has agreed to ratification of (ILO) 162; accepts that there is no safe level of exposure; and supports the WHO in the eliminating the use of asbestos.

**51. Should import and export controls be a priority area under a national strategic plan to improve asbestos awareness and management in Australia? What activities, if any, could be included in a national strategic plan to strengthen the efficacy of Australia's import/export controls?**

Refer to Question 49.