

## **INQUIRY INTO LOOSE FILL ASBESTOS INSULATION**

**Organisation:** Queanbeyan City Council

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C14143695

31 October 2014

The Chairman  
Joint Select Committee on Loose Fill Asbestos Insulation  
Parliament House  
Macquarie St  
Sydney NSW 2000

Dear Sir,

**RE: Submission to Joint Select Committee on Loose Fill Asbestos Insulation**

Thank you for the opportunity to make a submission to the Joint Select Committee on Loose Fill Asbestos Insulation. Council is pleased to provide a copy of its submission which includes the submission itself and nine appendices.

The issue of loose fill asbestos insulation has been a vexed issue for Queanbeyan residents and Council over many years and it is hoped that the findings of the Committee will be an important step in resolving the matter in the long term.

Council trusts that the information in its submission will prove helpful in the Committee's deliberations and would be pleased to elaborate on any of the issues raised at the Public Hearing to be held in Queanbeyan on 17 November 2014, should the Committee desire.

Council's contact officers in relation to the submission are:

Mr Michael Thompson  
Mrs Natasha Abbott

Please contact one of these officers if you require any additional information.

Yours sincerely,

**M J Thompson**  
Group Manager  
Sustainability and Better Living



**Submission to:**

**Joint Select Committee on  
Loose Fill Asbestos  
Insulation**

31 October 2014

Contact: M J Thompson

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## Introduction

Queanbeyan City Council is in a unique situation in that it has been attempting to deal with the issue of loose asbestos fill insulation (LAI) in homes for over 25 years when concerns were first raised in Canberra and the surrounding area in the late 1980's. While over \$100 million was spent on identifying and removing the material in the ACT, Queanbeyan residents were excluded from the identification and removal program triggering a long drawn out battle to gain support for having the issue recognised and causing uncertainty and angst for the owners of affected homes.

Council has therefore resolved to make a submission to the Joint Parliamentary Enquiry into Loose Fill Asbestos Insulation. It is hoped that this submission will provide some factual information on which the Inquiry can base its deliberations as well as give an understanding of the issues faced by affected owners and Council.

## Where to Start?

Perhaps the best place to start is with a simplified overview of actions that have been able to be gleaned from Council's records. Some of these records, particularly those prior to mid 1995 have been unable to be located. As a result some of the early information is taken from indirect references such as old notes on newer files. Where direct references are available they are provided in the Appendices referenced in the table.

Date	Action	Result
1960 - 1970	A private contractor known as "Mr Fluffy" in the Queanbeyan/Canberra area insulates the roof spaces of homes using loose asbestos fibres.	Later surveys showed that an estimated 1000 homes in the ACT and a known 9 homes in Queanbeyan were insulated with loose asbestos.
Late 1970's – early 1980's	Links between loose asbestos and degenerative health disorders of the lungs become well documented.	The use of all asbestos products gradually becomes restricted to the point where its use in most applications is no longer permitted.
1984-1987	Asbestos becomes an issue in ACT. Policy adopted suggesting precautionary actions when accessing roof spaces where asbestos insulation was discovered. Also required registration of premises.	By 1987 250 homes had been registered. Local residents form a support group and lobby for assistance to remove asbestos. Strong pressure brought on Commonwealth Government.

<b>July – October 1988</b>	Survey of all potential homes in the ACT carried out to determine if they contain asbestos.	Approximately 1030 homes identified.
<b>Late 1980's – early 1990's</b>	Commonwealth and ACT Government agree to fund removal of asbestos insulation from all homes. Removal program proceeds.	Asbestos removal program undertaken. All houses have asbestos removed at total cost of just under \$100 million.
<b>December 1991</b>	Council adopts policy relating to asbestos insulation in housing (Appendix 1)	Policy provides for free asbestos identification service and for positive results recommends sealing of roof space as per Department of Health Guidelines. Fire brigade and Telstra to be advised.
<b>March 1993</b>	Report to Council - Council and NSW Department of Health come under media scrutiny because homes in ACT have had asbestos removed but no funding has been provided for Queanbeyan homes. (Appendix 2)	Council reaffirms its existing policy. Also agrees to write to NSW Minister for Health re issue.
<b>July 1993</b>	Report to Council (Appendix 3)– Discusses responses from Department of Health which confirms their view that containment is the best policy. Letter also forwarded to Local Member, WorkCover and Housing Minister all of which reply that it is not their responsibility.	Department of Health undertakes to carry out further testing. Basically the other authorities referred letters to one another and provided no concrete outcomes.
<b>July – September 1993</b>	Department of Health carries out studies in several affected houses to assess health impacts on occupants.	Report concludes that there is negligible health risk to occupants providing asbestos is not disturbed. Does not recommend widespread identification of houses as performed in ACT.
<b>March 1994</b>	Council Report - Reports on findings of Department of Health's study. (Appendix 4)	Council confirms existing policy on containment and agrees to set up working group to look at other solutions.
<b>June 1994</b>	Public Meeting held to release findings of Dept of Health study.	Attended by 14 people mostly staff and residents f affected homes.
<b>June 1994</b>	Council Report – Detailing findings of public meeting and recommending that Council's identification service be widely publicised to get a more accurate determination of number of homes affected. (Appendix 5)	Resolved to find an equitable solution involving all three levels of government and owners. Also to meet with owners when more information becomes available.

<b>1995/1996</b>	Asbestos Insulation Identification Program undertaken. 5000 letters sent to owners of houses built before 1980. Also leaflets sent out with rates notices. Staff trained to take samples and protective equipment purchased. A typical series of letters requesting identification of the sample, the result and advice to residents is attached in Appendix 8.	400 enquiries received. 272 premises inspected, samples taken and analysed. Only 2 additional premises identified as positive. This brings total number of known houses in Queanbeyan to 9.
<b>April 1996</b>	Council Report - Reports on findings of identification program. (Appendix 6)	Recommends private meeting of affected residents with Mayor, a single councillor, some staff and owners to look at future options.
<b>May 1996</b>	Council meets with affected owners	Meeting agreed to pursue state and federal funding for removal. Also agreed that indicative costs should be sought from asbestos removalists to assist in claims for funding.
<b>July – October 1996</b>	Information sent to over 50 asbestos removalists requesting estimates of costs to remove insulation from 9 houses.	Only two companies were interested in submitting estimates. Costs were estimated to be between \$35,000 and \$50,000 per house depending upon its size.
<b>January 1997</b>	Letter to all owners	Advising that estimates had been obtained and that submissions to state and federal authorities would follow requesting assistance to implement removal program.
<b>April 1997</b>	Report prepared on what happened in ACT to use this information to support Council and residents case. (Appendix 7)	Report provided a précis of Auditors report on asbestos removal in ACT which was criticised because of cost overruns.
<b>June 1998</b>	Owner of one house seeks approval to remove asbestos insulation at own cost.	Asbestos Insulation removed in Accordance with Work Cover requirements.

<b>July 1998</b>	Mayor sends letters to the following Ministers shown below. Letter suggests cost sharing to assist with removal. Cost to be shared by State, Federal, Local and owners. Also requests meeting with Ministers. A copy of letters sent to and received by a wide variety of Ministers over several years is attached in Appendix 9.	
	NSW Minister Emergency Services - Robert Debus	Acknowledgment letter received 30/7/98 Reply letter received 3/8/98 referring matter to NSW Minister for Health.
	NSW Health Minister- Andrew Refshauge	Reply received 3/8/98. Unable to meet due to heavy schedule. To discuss issue he will arrange for discussions with representative from NSW Department of Health. 9110/98 Further response resulting from Mr Debus' letter. Again letter suggests meeting with representative from Department of Health. Meeting held but position was that Dept does not provide funding but is happy to continue giving advice on health related concerns.
	Federal Minister for Health (letter sent 16/11/98)	No Reply
	Further letter sent 12/3/99	No Reply
<b>June 1999</b>	Update report sent to Mayor to try and determine future action.	Letter to be sent to Prime Minister.
<b>February 2000</b>	Mayor sends letter to Prime Minister expressing concern about lack of response and requesting a meeting.	Response received 3/4/2000-Basically advised that it was not a Commonwealth Responsibility. Reiterated findings of NSW Dept of Health. Unable to provide assistance and forwarded copy of response to NSW Health.
<b>November 2000</b>	Response received from NSW Health.	Basically reiterates previous position of Department of Health.



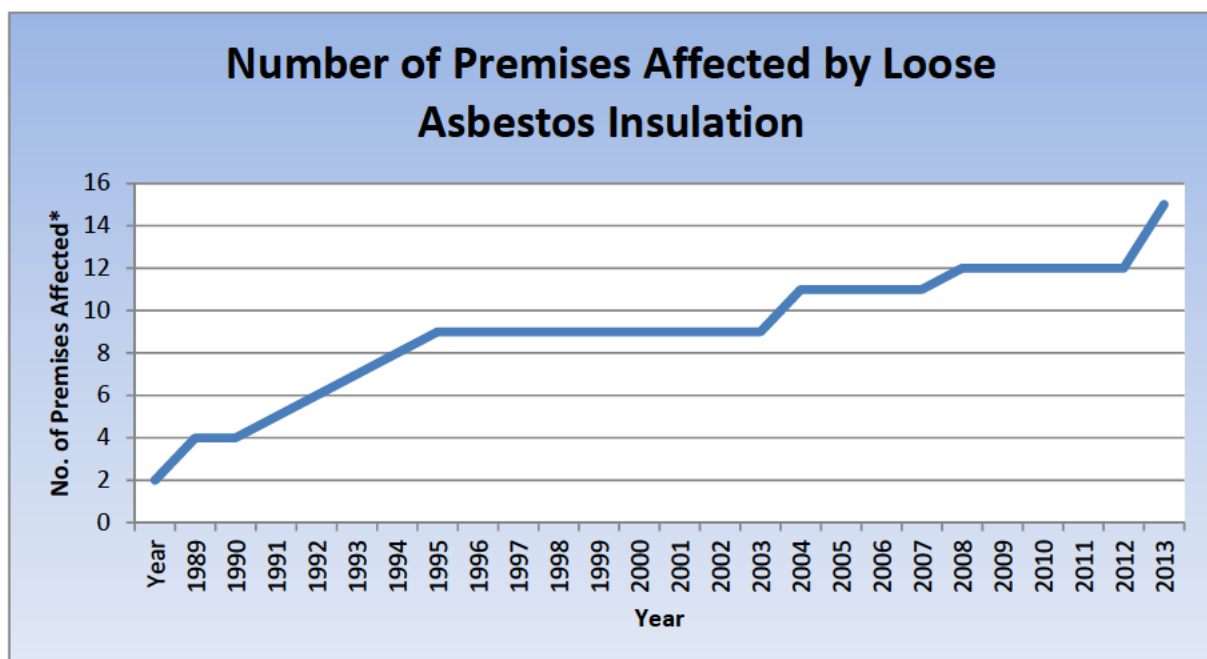
<b>December 2001</b>	Letter to all affected owners advising them of action taken to date and that further action by Council appeared unlikely to gain State or Federal Government support.	This was the last major contact with affected residents for some time.
<b>Mid 2004</b>	Asbestos issue gains high media profile due to claim that James Hardie is unable to meet its obligations for compensation.	
<b>March 2005</b>	ACT Government introduces campaign to raise public awareness of where products containing asbestos (mainly asbestos cement sheeting) were used in residential applications. Also introduces new laws to ensure information about asbestos at premises is passed onto people purchasing, renting or working at homes containing asbestos products. One of the first jurisdictions in the world to implement such requirements.	<p>Campaign appears to be effective as Council has received an increased number of calls about asbestos use.</p> <p>Increased awareness has resulted in renewed media scrutiny of Council in relation to loose asbestos insulation in housing.</p>
<b>May 2005</b>	Increased awareness results in a report being presented to Council suggesting options for progressing the issue particularly the removal from affected homes.	A series of recommendations were adopted including acknowledgement that asbestos insulation in private housing is a ultimately a public health concern and that Council would commit 25% to removal costs subject to similar contributions from federal and state governments.
<b>June 2005</b>	NSW Dept Health withdraws free identification service.	Details of private laboratories made available to members of the public.
<b>June 2005</b>	A multi unit premises containing 38 flats becomes the 10 premises in Queanbeyan to be identified with loose asbestos insulation.	Property Managers have taken steps to seal off roof space.
<b>June 2005</b>	Council resolves to facilitate a meeting with property managers to discuss the feasibility of creating a register of homes which are free of asbestos.	Meeting organised for 4 August 2005. Agreed that such a register should not be developed.

### What Happened Next?

An article in the Queanbeyan Age on 24 May 2005 indicates that the state government would not be a party to Council's proposed cost sharing arrangement and the matter again died down. The matter simmered under the surface then for many years until the report earlier this year in the ACT that the deconstruction of an affected dwelling showed that LAI had the capacity to move from the roof space into the wall cavities of affected homes and from there travel into the subfloor space. The activity on the Mr Fluffy issue since February this year has been well documented in the press culminating in the recent decision by the Federal Government to loan funds to the ACT Government to conduct a buy-back, demolition and resale program on affected properties. As such this submission is not proposing to go into any great detail about the facts surrounding the matter in recent times.

### The Present Status of Homes in Queanbeyan

In the period between 2005 and 2014 a further five premises were identified as having LAI material installed. One of these included a multi unit development containing 38 individual units and one included a home still owned by the NSW Department of Housing. This brings the total number of homes that at one time or another had LAI installed to 15. The graph below shows how the number of premises notified has increased over the years.

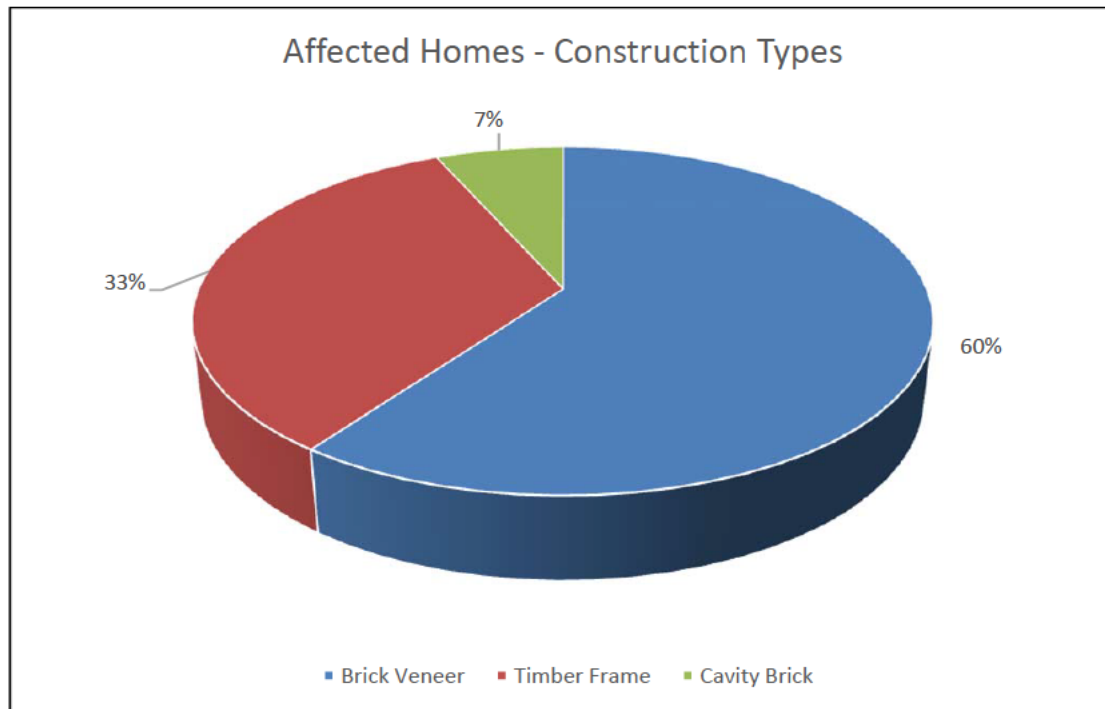


\*Taking into account that one of the above mentioned premises is actually a multi unit development comprising 38 units it means that there are 52 separate occupancies impacted by LAI.

In terms of how many homes there may be in the whole of Queanbeyan, estimates have traditionally been based on the percentage of homes inspected and subsequently found to have LAI in the ACT. The ACT investigation found that out of approximately 100,000 potentially affected homes approximately 1,030 or 1% contained LAI. Extrapolating this to Queanbeyan where there are approximately 6,000 pre 1980 dwellings would mean that up to 60 homes may be affected. However, this is at best a guess and no accurate assessment has ever been made.

It should be noted that Council's sampling program in the 1990's also captured two other homes located in Bungendore (Palerang Shire) and Gunning (Yass Valley Shire). These are not included in the figures above.

The material was installed in both new and existing homes. As such the construction of the buildings affected varies. The following graph details the type of construction for the affected homes.



This is important because the way that the loose fibres may have moved from the roof space into the walls and into the subfloor of the building is likely to have been influenced by the type of construction.

Over the years several owners have taken the initiative to remove the LAI material at their own cost. In some cases this related to total removal while in others it related only to the roof space as per the action taken in the ACT. In the case of the multi unit premises the LAI was removed from the ceiling space above one unit when a plumbing leak required the ceiling to be replaced. In another case Council required the removal of LAI from a house which was refurbished as part of a larger unit development as a condition of development consent.

To the best of Council's knowledge the present status of these homes is as follows:

Status of Home	Number
Insulation material still in place (or unknown)	10
Insulation material partially removed from roof only*	1
Insulation material removed from roof only	2
Insulation material removed where wall linings have also been removed	2
Total	15

\*Multi Unit Development

As such only two of the fifteen affected premises have had the material "removed".

#### How Have Residents Been Affected?

This has varied substantially depending upon the circumstances of the home owner. Some have purchased their home knowing that it contained asbestos and have lived with the issue for many years. Others inherited the problem when they purchased a home with no idea that it contained LAI. Suffice to say that in Council's dealings with residents over several years the following sentiments have been expressed.

- i. *An Overwhelming Concern About Health Risks* - All residents are of course concerned about how their health may be impacted by past exposure to asbestos fibres. While the majority are now fully aware of the dangers this was not the case in the past and most have stories of carrying out work in roof spaces or doing renovations to walls which would have exposed themselves and their families to asbestos fibres.
- ii. *An Overwhelming Frustration with the Lack of Action on Providing Assistance with Removing LAI* – For residents who have owned premises since the issue was first identified in the late 1980's this has been an ongoing frustration. In particular the lack of support from all levels of government in recognising that the presence of LAI was even a serious issue was felt keenly by home owners. The Federal government was particularly singled out for what some home owners saw as blatant socio-economic discrimination when the Federal Government provided funding to identify and remove LAI from roof spaces in the ACT but could not fund the removal of asbestos in the then 9 homes identified in Queanbeyan.

This sense of frustration is now equally shared by newer owners of affected homes who compare the significant steps toward resolving the issue in the ACT to what they perceive (rightly or wrongly) as a lack of progress and re-inventing the wheel in the actions taken by the NSW Government. The question is asked as to why NSW needs to go through a whole sampling and investigation process when the work has already been done in the ACT. The NSW Government needs to adopt a position on whether action will be taken to resolve this long term issue of LAI in homes before the 12 month period of the sampling and technical assessment programs are finalised.

- iii. *The Loss of Income/Equity by Having a Home with LAI* – Many of the affected residents purchased their home either before LAI was known to be an issue or with no knowledge that the material had been installed. While there are one or two that purchased their property knowing they would be living with the issue and even allowing for this to be compensated for in the purchase price, the majority of owners are concerned about the ability to on sell their home at market value or rent the premises at a market rate. Similarly many have been unable to carryout improvements to their homes to increase their value because of the possibility of releasing fibres found in roof spaces, walls and subfloor areas. One owner indicated that when their managing agent became aware that the home contained LAI they would no longer act for the owner, leaving the owner self let the home.
- iv. *Living with the Overwhelming Angst and Stigma of Owning a Home Containing LAI* – It is difficult to quantify the level of angst and grief that affected owners have, and continue to experience. While it varies from owner to owner feelings of helplessness, guilt about exposing their families to fibres and sheer frustration about the lack of progress have had significant affects on owners and should not be underestimated.

Some of the owners have reported being marginalised by neighbours because they know they have LAI installed. One owner reported that the neighbour is terrified of coming into their home. Council believes that there are a number of residents who did not participate in the original sampling program because although they may have suspected LAI they “didn’t want to know” and be afflicted with the stigma. In the 1995/96 sampling program the fact that as many as 10% of the residents who booked a sampling inspection later cancelled it may reflect this reluctance. Council believes there are other owners who know they have LAI but have not advised Council. As such this stigmatisation must be viewed as a real impact on affected owners.

#### What Can be Done to Assist Affected Owners?

Apart from the obvious and much desired need to remove the LAI from the resident’s house there are several other ways in which government could assist affected owners. These include:

- Look at providing people with financial assistance to:
  - i. Find and subsidise alternative temporary accommodation if they need to move out for a temporary period. For instance this may be required if NSW WorkCover’s Technical Assessment program reveals that levels of contamination in the home are so high that the residents should move out until the premises is cleaned.
  - ii. Similarly to the above, if the technical assessment reveals contamination of furnishings and personal belongings provide assistance with replacing the discarded items.
  - iii. Again if the technical assessment reveals the need to carry out maintenance work to seal living spaces in the short term, financial assistance could be provided.

- Provide assistance to homeowners who require a counselling service to deal with the angst and stigma of owning a “Mr Fluffy” home.
- Keep affected residents better informed about where the sampling and investigation program is up to allay fears and reduce frustration caused by lack of information.
- Council is offering relief under its Rates Hardship Policy where it can be shown that the owner has suffered some financial hardship due to presence of asbestos. This extends the period for the payment of rates without attracting interest.

#### Matters Likely to Arise from WorkCover’s Sampling and Technical Assessment Program

Council certainly sees the introduction of these two new programs as a positive step. Along with the establishment of the cross-departmental HACA group and the recent formation of the Joint Parliamentary Inquiry there is finally a sense that there is some ownership of the issue by the state government (notwithstanding that owners and Council have been the main stakeholders for many years).

There are several important issues that need to be considered in conjunction with these programs. These include the following:

- Extent of the Sampling Program* – When the sampling program was carried out in the ACT back in the early 1990’s there was a mandatory requirement that all homes built before 1980 would be sampled. Council cannot recall much debate at the time about whether this breached privacy concerns or a person’s individual rights. It may well be that the leasehold tenure of all land in the ACT provided the ACT Government with the legislative mechanism to have all potentially affected homes inspected. Regardless of the mechanism the result was that a comprehensive investigation took place resulting in a detailed study of the nature and extent of the problem.

Council sought legal advice in the mid 1990’s about Council’s powers to enter premises and carry out a similar comprehensive sampling program in Queanbeyan homes. The advice indicated that without the permission of the owner of the premises Council had no power to conduct a mandatory sampling program. As a result only about 5% of potentially impacted households have been sampled in Queanbeyan and the extent of the LAI issue is not known.

The present sampling program may suffer the same concerns. While awareness of the issue in Queanbeyan is probably at an all time high given the issue in the ACT, there is still a distinct likelihood that only a relatively small portion of the potentially affected residents take up the offer. To promote the program this Council has or will:

Publicise the sampling program via:

- Webpage
- Facebook
- Council Magazine (City Life)
- Advertisements in local paper
- Use of “Betty” asbestos awareness day
- Letter to all owners of homes built before 1980

It is strongly recommended that the NSW Government also look at using its own resource to promote the program throughout the affected areas perhaps using a television or radio campaign which are beyond the resources of an individual Council.

- ii. *Getting Back Results* – Council's previous experience with sampling found that one of the critical factors in keeping the community informed was to ensure they had some idea of the turnaround time after the sample had been taken. Council believes anything more than 10 days is too long, but even more important is to indicate a time and then stick to it. Like any serious matter where a person is waiting on results the quicker the results are received the less angst and frustration it causes.

### What Happens After the Sampling Program?

So a sample is taken and turns out to be positive. These homes would then be eligible to participate in the Technical Assessment program. This raises a series of questions:

- Who determines whether the home can be lived in and what will the criteria be?
- If the home can be lived in but needs maintenance to seal the living spaces, or carry out other work who pays for this and where will the home owner find a tradesman capable of carrying out the work?
- If the home is heavily contaminated should the investigation report recommend that the residents move out of the home and how would they be accommodated and for how long?

These are inevitable questions that will be asked by affected home owners. Steps should be taken to ensure answers to these questions are in place before the results of the first batch of Technical Assessments become available.

### What are the Impacts on People other than the Owners?

There are many other parties impacted by this issue other than the owners of the premises. Some of these people and the issues that arise from their involvement include the following:

- i. *Potential Home Owners* – There is no legal requirement for an existing owner to pass on information about the fact that the home they are selling may contain LAI. At present it is purely a case of buyer beware. While some purchasers ask for building reports anecdotal evidence indicates that unless you specifically ask the inspection company to check for LAI in the roof space they are unlikely to include it in the report. Council is aware of at least two owners in recent years that have purchased homes unaware that they contained LAI. This is clearly not a desirable outcome.

In the ACT it is mandatory to have a report prepared as part of the sale contract documents as to whether the home contains asbestos (both bonded and friable). There needs to be some similar mechanism in NSW. At the moment there is limited knowledge around which homes contain LAI because of the potential economic impacts it would have on the owner. A system should be put in place requiring a seller to disclose the presence of asbestos at the time of sale. The purchaser can then negotiate the price based on that fact.

- ii. *Tradesmen* – There is no legal requirement for a home owner to advise a tradesmen working on their home that it contains LAI. While it could be argued that there is some legislative responsibility in the context of an employer-employee relationship, it is clear that the introduction of a requirement to advise tradesmen is required. The model already exists for commercial premises which must have an asbestos management plan that tradesmen should be informed about before they begin work on a building. This just needs to be put in place for the domestic situation.

Another solution would be to make it mandatory for owners of affected premises to have stickers or signs in prominent places that tradesmen are likely to come across. For example the meter box, access hole to ceiling or sub floor door.

Even better would be if each home had an overall asbestos management plan that talked about the location of the material, what maintenance and upkeep needs to be done to minimise the likelihood of fibres entering the living spaces and obligations of the owner when a tradesmen is on site. The NSW Government could assist but providing funding to affected owners to have the plans prepared.

- iii. *Tenants* – As previously stated Queanbeyan has one multi unit development with 38 units. Many of these are rented out. Clearly there is a need for mandatory requirements to be put in place to ensure that the tenant is aware of the presence of LAI in the building they are about to occupy. This not only allows them to make an informed decision about whether they should rent the property but also ensures that they do not expose themselves to any undue risks such as drilling holes in the ceiling.
- iv. *Who looks after the information collected and who can access it?* – When the sampling program was established in Queanbeyan in the early 1990's an undertaking was given that the results of the program would only be made available to the local Fire Brigade and Telstra (who at the time were the main provider of telecommunication services). Council has for many years abided by this assurance.

The question is often asked why Council has not made the information in its possession public. In addition to the assurance given above Council has always considered that it is not Council's information, nor is it Council's role to disseminate information that is the property of the owner. Council is not required to advise potential purchasers about issues such as the presence of bonded asbestos or the presence of termites, so is this case any different?

Similarly there is the issue of whether such information should be included on a section 149 Zoning Certificate which is required to be prepared prior to the sale of any property in NSW. Again, it is questionable whether this is a planning matter; nor is there any legislative requirement to provide this information.



In Council's view there should be a requirement that a general statement should be put on all contract of sale documents in nominated affected areas that states something along the following lines:

*Please be aware that loose asbestos fill insulation was installed in some homes in this local government area prior to this material being banned for use in 1980. If this sale involves a home constructed prior to 1980 the potential purchaser may wish to arrange for a qualified inspector to check the home for the presence of loose asbestos insulation material.*

More recently Council has come under even more pressure to provide information on LAI affected homes. Details of homes have now been released to NSW Fire and Rescue, NSW Rural Fire Service, the local office of the SES and NSW WorkCover. With more people being aware of the list of properties affected Council recommends that the NSW Government put in place guidelines around who has access to this information and how it can be used.

### What Happens in an Emergency Situation?

Council has serious concerns about the likelihood of an affected home being damaged by an unforeseen event. While LAI in a home is essentially a private health matter for the owner, it will quickly become a major health issue in the event that the home is damaged by fire or if the roof is damaged during a storm event. In both cases it is highly likely that asbestos fibres will be thrown tens of metres into the air and settle all around the local neighbourhood.

At present there does not appear to be any emergency plan to manage this event. While NSW Fire and the SES have said they would, as the primary response authority, secure the site they would then hand this back to the owner once their initial action was completed. This fails to deal with the larger problem in the neighbourhood. There do not appear to be any guidelines on how to manage such an event after the primary response and Council staff simply do not have the expertise to deal with such an event.

It is simply a matter of time before one of the affected homes is involved in such an incident. Council strongly recommends that priority be given to the NSW Government developing an emergency guideline for how to deal with an emergency event that results in the airborne dispersal of LAI focusing on what actions need to be taken following the primary response to the event.

### The Big Question – How do we Solve this Problem in the Long Term?

Clearly this is the question which everyone wants answered. Only this week we have seen the ACT Government adopt a solution which will undoubtedly result in a long term resolution of this issue. Their solution is to buy back affected homes, remove the asbestos material, demolish the homes, remediate any residual contamination on the site and resell the property. Of course the project will not be without some considerable cost requiring upfront funds of one billion dollars with an eventual estimated net cost of \$300 million.

Undoubtedly this will increase pressure on the NSW Government to do the same, amid claims that the studies and research have already been done in the ACT so why can't we just get on with it. The NSW Government should be prepared to respond to such claims.

The Commonwealth has agreed to provide a loan for the upfront funds to conduct the ACT Government which is pleasing news for them. However, of major concern is the apparent position of the Commonwealth that this same opportunity would not be afforded to residents in NSW. Such sentiments hark back to Council's initial endeavours to seek funding back in the 1990's only to be met with a circus of excuses about whose responsibility it was and the resultant lack of action. Council's position is that the Commonwealth has a responsibility to support all Australians affected by this issue not just those in the ACT.

It is ultimately up to the Inquiry to make recommendations as to how a model for resolving the LAI issue should move forward and how such a model may be funded. Quite frankly Council does not know what the best long term solution is. However, it would be fair to say that based on the lessons learnt in the ACT it is likely that unless an absolute assurance can be given that all LAI can be removed from a building, it will continue to be an ongoing issue for all parties involved.

Whatever model is eventually adopted Council's major concern is that it provides for the different needs of the affected owners. These different categories are listed below:

- i. People who like where they live and would prefer to demolish the home, have the site cleaned up and rebuild on the same site.
- ii. People who are happy to just stay as they are and wear the consequences. This might be the case with older people who, if they have not already, are unlikely to develop asbestos related diseases in their remaining lifetime at the property.
- iii. People who just want to be done with the whole thing and get rid of the house and move somewhere else without being seriously financially disadvantaged.
- iv. People who do not participate in the sampling scheme and find out at some stage in the future that they have LAI in their house. In the absence of a city wide sampling scheme of every home constructed before 1980 ( as was done in the ACT) any model would need to have some sort of legacy reserve which could be called upon when undiscovered homes become known in the future and need to have the adopted solution carried out. This legacy fund could also deal with homes that become available following the disposal of homes by people in ii above.

If a model is adopted which results in the removal and subsequent retention of the affected home then there must be a clear and unequivocal certification given that the home has been satisfactorily remediated. This must be done in the full knowledge that the certificate will become part of any contract of sale and that the issuer of the certificate bears the full responsibility if it is subsequently found that the occupier is still exposed to asbestos fibres.

Another factor to consider in any model is the cost of disposal of the asbestos material and any other materials contaminated by it. These costs need to be built into the model and need to make allowance for the variable costs for the legal disposal of asbestos at different landfill sites across NSW and the ACT.

### **Conclusion**

Council would be pleased to elaborate on the issues raised in this Submission at the public enquiry to be held in Queanbeyan