



LATROBE VALLEY
ASBESTOS TASKFORCE



YEAR ONE REPORT

2019 - 2020

STRATEGIC PLAN 2019 - 2022

YEAR ONE REPORT

NOVEMBER 2020

SUMMARY

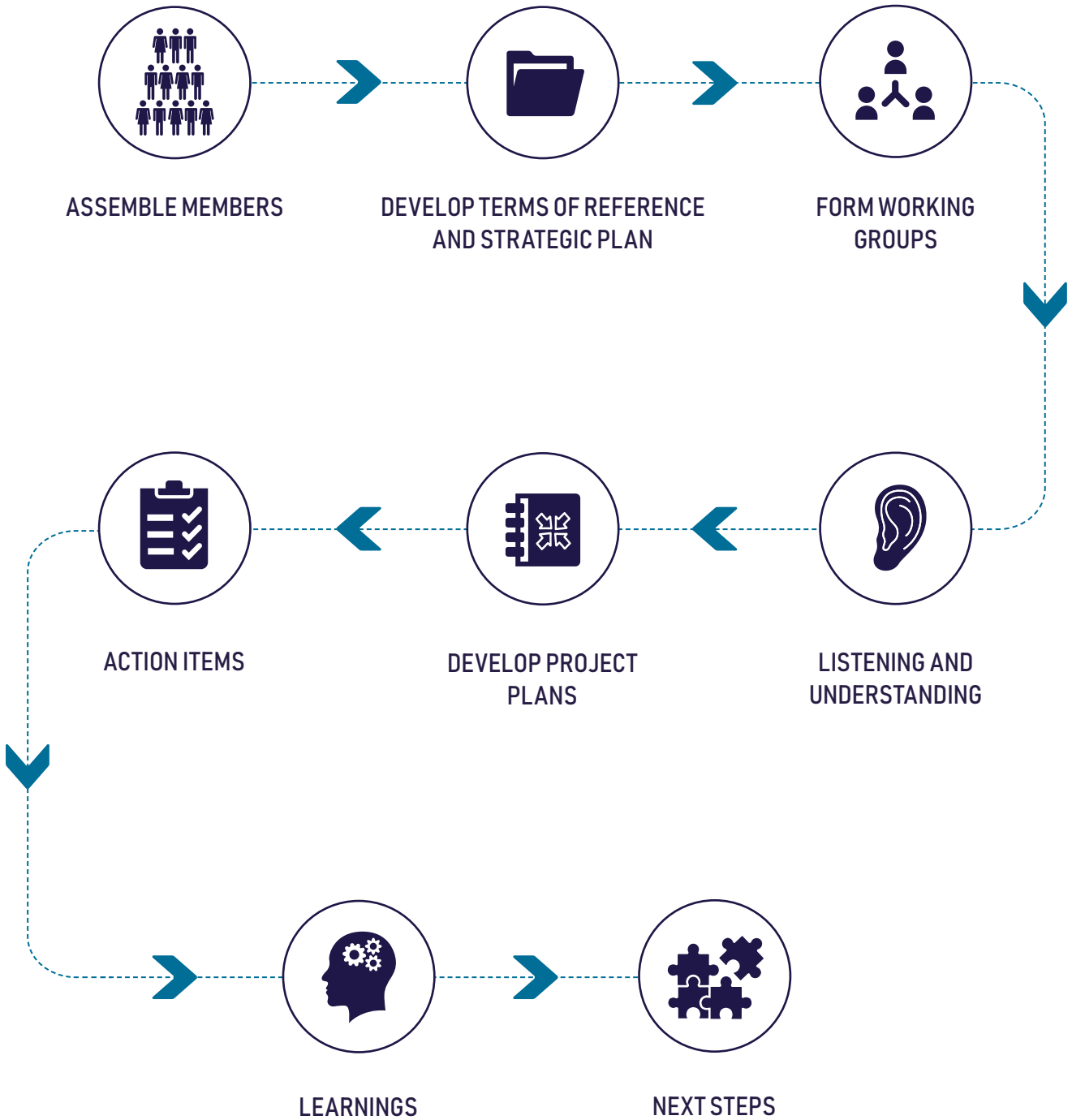
The Latrobe Valley Asbestos Taskforce was established in February 2019 following a state election commitment to review how asbestos is managed, handled and disposed of in the wider Latrobe Valley. The Latrobe Health Advocate, Jane Anderson, is the independent Chair, with representatives from the following organisations forming the membership body:

- Department of Environment Land Water and Planning
- WorkSafe Victoria
- Environment Protection Authority
- Department of Health and Human Services
- Sustainability Victoria
- Latrobe City Council
- Wellington Shire Council
- Baw Baw Shire Council
- Resource Recovery Gippsland
- Latrobe Valley Authority
- Latrobe Health Assembly
- Asbestos Council of Victoria/Gippsland Asbestos Related Disease Support Group
- Australian Manufacturing Workers Union
- Construction, Forestry, Mining and Energy Union
- Electrical Trades Union
- Australian Workers Union
- Australian Services Union.

At the first meeting, it was agreed that the scope needed to be modified to include asbestos across all sites and locations, including public, residential and commercial. Through a number of workshops, the Terms of Reference and the 2019 - 2022 Strategic Plan were developed. These were both approved by Minister D'Ambrosio in October 2019, and since then, Taskforce members have come together to develop work plans to address the various complex issues surrounding the legacy of asbestos.

This report provides an overview of the steps leading to the formation of the Taskforce, the creation of working groups to address each of the four key focus areas, the learnings and the next steps.

YEAR ONE OVERVIEW



ASSEMBLE MEMBERS



Chaired by the Latrobe Health Advocate



DEVELOP TERMS OF REFERENCE AND 2019 - 2022 STRATEGIC PLAN



All members actively contributed to the development of the Terms of Reference and the Strategic Plan through a number of workshops to identify key areas for review.

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The highlight has been seeing a group of dedicated individuals come together to develop the Strategic Plan and then work tirelessly to deliver it.

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FORM WORKING GROUPS



Working groups were formed for each of the four key focus areas:

1. Awareness Raising
2. Asbestos management
3. Regulations
4. Enforcement

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The drive that is happening in the working groups to make things happen and the willingness of members to be open and honest on sharing concerns on things that may or may not work.

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LISTENING AND UNDERSTANDING



The strength of the taskforce is the willingness for people to listen and contribute to conversation, to learn from others, which has enabled trust to be developed across regulatory bodies, unions, community and local government.

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Not only did everyone bring unique skills or knowledge to the Taskforce, but everyone has advanced in their understanding and comprehension of the issues that the community face in terms of asbestos.

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DEVELOP PROJECT PLANS



Detailed project plans were developed for each working group based on the actions outlined in the Strategic Plan.

Tasks and timelines were assigned for each working group member to action, sometimes working in groups of two.

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The inter-agency connection and collaboration and (...) the outlining of roles and responsibilities to understand other agencies roles, has been excellent.

The collective approach of working through gaps as a team has provided a great foundation.

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ACTION ITEMS



Most Year One actions were completed by each working group despite the impacts of COVID-19.

The importance in taking hold of this opportunity where true collaboration is occurring to bring about real change, is something that is well understood by all.



[The highlight has been] the data and analysis work through the residential asbestos project to get some tangibles out there so that the Taskforce can leverage the evidence to get some action in this space and create change.



LEARNINGS: AWARENESS RAISING



- 1 The results of the LVAT Latrobe Valley Asbestos Survey revealed that there are a lot of people who have undertaken home renovations – or whom are planning to – that are not fully aware of the risks of asbestos exposure.
- 2 While increase in awareness needs to occur across all levels of the community, the survey confirmed that the target groups for the Year Two education and awareness campaign are DIY home renovators and apprentices.
- 3 The websites with the most-up-to-date information about asbestos did not necessarily rank high in the search results (Australia-wide) and this is a concern. The asbestos.vic.gov.au website has been identified as the “portal of truth.”
- 4 It is not common for local councils to have information fact sheets about asbestos. Latrobe City is one of the few councils that provide an information session and a DVD to homeowners, as well as an asbestos removal kit.

NEXT STEPS: AWARENESS RAISING



- 1 Additional support/resources will be sought to deliver a Year Two promotional campaign aimed at DIY home renovators and apprentices to increase understanding of asbestos. This includes print and social media advertising, as well as videos produced in conjunction with TAFE Gippsland that will work as education tools for apprentices.
- 2 An information kit to be available at shire offices and other locations will be developed and will include the fact sheets that are being updated by the working group to be published on the asbestos.vic.gov.au website. Additional funding will be sought to have these translated into languages other than English.
- 3 Review other ways that the “portal of truth” could be made more accessible such as a plain language update, and having other asbestos websites point to it, including local councils. Engage with the community about what would create meaningful behaviour change.
- 4 The Latrobe Valley Asbestos Survey will be repeated annually to measure an increase in awareness following the implementation of successive awareness and education campaigns.

LEARNINGS: ASBESTOS MANAGEMENT



- 1** The task to estimate the volume of legacy asbestos across the Latrobe Valley is far more complex than originally thought and a new separate project was created: the Asbestos Legacy Analysis (ALA) project. It is thought it is the first time a comprehensive assessment to understand levels of residential asbestos has been undertaken.
- 2** Not every municipality has an asbestos waste facility and the distance people have to travel to dispose of asbestos waste contributes to asbestos that is dumped illegally.
- 3** There is currently no tracking system in place for local government or government agencies to account for asbestos that is dumped illegally, or for local councils to understand the volume of domestic asbestos that is disposed of at licensed sites.
- 4** Initial conversations with licensed removalists reveal that there needs to be more education for homeowners: the cost difference between getting a licensed removalist in to do the whole job, and getting them in just to take the asbestos away, is negligible and not worth the risk to themselves and their family.

NEXT STEPS: ASBESTOS MANAGEMENT



- 1** The Asbestos Legacy Analysis project will continue into Year Two, and further resources/funding will be sought to replicate the work for the commercial sector.
- 2** Consultations with licensed removalists will continue and while initially the strong preference was for these to occur face-to-face, in light of the continuing COVID-19 situation, these will occur via phone/online. This is to understand the supply chain and the domestic/commercial split, and understand other issues/barriers.
- 3** Local government to explore how waste facilities can record the volume of asbestos being disposed at landfill sites including what existing tools/apps may be available to support this.
- 4** Year Two actions include developing a model for improving accessibility for the safe identification, handling and disposal of asbestos, as well as ensuring that these models are cost effective and not a barrier to the appropriate disposal of asbestos waste.

LEARNINGS: REGULATIONS



The regulations relating to asbestos require strengthening to offer better protection for homeowners, in the same way that there are protections for workers. In some areas, the regulations are adequate, however greater understanding of their application is necessary.

- 1 There is a misunderstanding within the wider community about the roles and responsibilities of each of the regulatory bodies with regards to asbestos, which is complex. This leads to frustration within the community when seeking to make a complaint, and also contributes to operational inefficiencies with regulators receiving multiple complaints that ought to be directed elsewhere.
- 2 There are no regulatory restrictions regarding the amount of asbestos that a homeowner can legally remove from their own property. In the workplace, a non-licensed person may only remove up to 10m² of asbestos, and while it was believed this rule also applied to homeowners, it does not.
- 3 There are no requirements for a building contractor to give notice of demolition, which would give WorkSafe oversight of a pending event, rather than waiting for a complaint to be made.
- 4 There are also no requirements for apprentices to complete compulsory asbestos awareness training.

NEXT STEPS: REGULATIONS



- 1 The working group will recommend key items identified in Year One for regulatory change to be discussed further by the Taskforce over the next two months.
- 2 The working group will continue to engage in conversations with the Victorian Building Authority about how to improve outcomes through a review into independent surveyors' responsibilities, and the possibility of a demolition notice trial.
- 3 The first step to develop and implement a joint compliance and enforcement strategy (Year 2 – 3 action) is to convene a local forum with all stakeholders participating, including local councils, building contractors, and licensed removalists.
- 4 Keep abreast of the new proposed renting regulations to which the LVAT submitted that a rental applicant ought to be advised where asbestos-containing materials (ACMs) are located in the rental property, the condition of the ACMs and the risk of potential disturbance.

LEARNINGS: ENFORCEMENT



- 1** The topic of education and the need for greater awareness circles through all of the working groups. With regards to Enforcement, this includes not only the public but also the general construction industry, which is not sufficiently aware of risks associated with asbestos or regulatory requirements.
- 2** Homeowners need to be educated to understand that when they engage a building contractor to work on their property, it becomes a workplace and therefore OHS regulations apply.
- 3** Enforcement issues identified include: response time, required level of evidence for prosecution, ability to observe contraventions occurring due to work patterns, and communication with other relevant regulators, among others.
- 4** It was recognised that members of the public making complaints were often dissatisfied with the complaints process, in particular that they did not hear of the outcome of their complaint. This applied not only to regulators, but also to local government.

NEXT STEPS: ENFORCEMENT



- 1** The development and implementation of a joint compliance and enforcement strategy will require the cooperation and participation of all parties, including local government municipal building surveyors, environmental protection officers and reception staff, in addition to WorkSafe and EPA inspectors.
- 2** The framework for the public report will be further developed in alignment with data from each shire that is readily available. This will also be informed by the joint compliance and enforcement strategy that is to be developed in conjunction with the local asbestos sector.
- 3** The appropriateness of penalties as a deterrent will be further reviewed in Year Two and a business case prepared if change is recommended.

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There is a great deal of passion from the members that are on the Taskforce that share a single vision to create a healthy community.

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The opportunity to connect the dots on the issues that have been discovered in various areas of asbestos is exciting.

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Was great to be invited to join the Taskforce. The information generated has allowed important messaging to be passed on to other Union members.

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Over the last 12 months everyone has learnt something, such as a bit about different departments and the way that they work. There hasn't been this single approach before.

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CONCLUSION

Following Year One activities, the Taskforce has developed a set of key recommendations.

RECOMMENDATION #1 Asbestos removal only permitted on residential properties in prescribed circumstances.

The funding of a trial which through the enactment of local laws, permits a homeowner to remove up to a maximum of 10m² of non-friable asbestos-containing materials as long as the homeowner has undertaken asbestos awareness training. Removal of friable asbestos can only be undertaken by a Class A licensed removalist as defined in the Occupational Health and Safety Regulations.

RECOMMENDATION #2 Compulsory asbestos awareness training for specified occupations.

Alter the Occupational Health and Safety Regulations to mandate asbestos awareness training for all tradespeople (specified occupations) to reduce the risk of asbestos exposure, and thereby the incidence of asbestos-related disease and future impacts on the Victorian health system.

RECOMMENDATION #3 Notice of intent to undertake demolition work to be made compulsory.

Alter the Victorian Building Authority's legal framework to bring forward the notification of 'pending demolition' so that is reported in advance of the commencement of works. It is recommended that the demolition contractor gives 5 days' advance notice of the commencement of demolition works, however in the case of an emergency, notice within 24 hours of the demolition occurring is recommended.

RECOMMENDATION #4 Provision of an Asbestos status certificate/report compulsory on the sale or rental of a residential property built before 1990.

- i The Sale of Land Act be amended so that an asbestos status certificate/report to be mandated for inclusion in the Property Vendor statement (commonly referred to as the section 32 statement) for all residential properties built prior to 1990.
- ii The Residential Tenancies Regulations be amended so that an asbestos status certificate/report is mandated for all residential properties built prior to 1990 and provided to a rental applicant 7 days prior to entering into a lease.

The Taskforce is in a good position to continue delivering the actions outlined in the Strategic Plan in Year Two. The collaboration, energy and drive being generated in the working groups may uncover further issues surrounding asbestos, which may lead to more recommendations being made.