

Minimising risks of asbestos exposure and associated harm in Victoria

2022

RECOMMENDATIONS OF THE
LATROBE VALLEY ASBESTOS TASKFORCE

PUBLICATION

Minimising risks of asbestos exposure and associated harm in Victoria 2022. Recommendations of the Latrobe Valley Asbestos Taskforce

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DISCLAIMER

The recommendations in this report have been developed by the members of the Latrobe Valley Asbestos Taskforce who have come together to share their knowledge and expertise in good faith. The views and opinions expressed herein do not necessarily reflect the views or have the endorsement of the individual member organisations or the Victorian Government, or of any minister, department or agency, or indicate the Victorian Government's commitment to a particular course of action.

Minimising risks of asbestos exposure and associated harm in Victoria

The following recommendations were approved by members of the Latrobe Valley Asbestos Taskforce at the meeting held on 7 September 2022.

Recommendations made in November 2020 were approved at the meeting held on 7 October 2020 and are also included in this report.

ACRONYMS

ACMs	asbestos-containing materials
ACV/GARDS	Asbestos Council of Victoria/Gippsland Asbestos Related Diseases Support Inc.
ASEA	Asbestos Safety and Eradication Agency
DIY	do-it-yourself
EPA	Environment Protection Authority
KMs	kilometres
PPE	personal protective equipment

LIST OF FIGURES AND TABLES

Figure 1.	The percentage of estimated legacy asbestos-containing materials remaining in the built environment.....	9
Figure 2.	Mapping of the Recommendations to each of the identified themes that will minimise the risks of asbestos exposure and associated harm in Victoria.....	14
Figure 3.	Mapping of Recommendations that will increase the knowledge of the serious health effects and risks of asbestos exposure.....	26
Figure 4.	Mapping of Recommendations that will help people find the information they need.....	34
Figure 5.	Mapping of Recommendations that will improve access to safe and affordable asbestos disposal and removal.....	41
Figure 6.	Mapping of Recommendations that show how all levels of government can do more to manage legacy asbestos.....	48
Table 1.	Calls received by Taskforce member local councils and ACV/GARDS over a 12-month period relating to asbestos.....	28
Table 2.	Calls received by EPA and WorkSafe over a 12-month period in Gippsland relating to asbestos.....	28

Contents

LIST OF FIGURES AND TABLES	ii
BACKGROUND	2
SUMMARY	7
RECOMMENDATIONS	11
IDENTIFIED THEMES	16
1. Victorians aren't aware of the serious health effects and risks of asbestos exposure	16
2. People don't know where to go for help	27
3. The access to safe and affordable removal and disposal is limited	35
4. All levels of government need to do more to address the management of legacy asbestos	42
CONCLUSION	49
Appendix A. Taskforce member representatives	51
Appendix B. Terms of Reference	52
Appendix C. Victorian legislative instruments used to manage asbestos	55
Appendix D. Publications pertaining to the emerging 'third wave' of asbestos-related disease	56
Appendix E. Who Does What in Asbestos community matrix	57
Appendix F. The most common places asbestos is found in the home	58

Background

The Latrobe Valley has a long history of asbestos-related issues and there is strong awareness and concern about the disposal and management of asbestos waste material in the community. Following the 2014 closure of the Energy Brix station in Morwell, and the 2017 closure of the Hazelwood power station, the Latrobe Valley community had become increasingly concerned about how asbestos-containing materials are handled.

The Victorian Government responded to those concerns by bringing all agencies and stakeholders together, to develop initiatives, programs and plans to manage asbestos-containing materials across the Latrobe Valley with the establishment of the Latrobe Valley Asbestos Taskforce (the Taskforce).

Initially, WorkSafe Victoria was appointed to convene the Taskforce as it was to focus on industrial sites. The responsibility was transferred from WorkSafe Victoria to the Department of Environment, Land, Water and Planning at the first meeting in February 2019. At this time, the scope of the taskforce was broadened to include public and private, industrial and residential sites and locations, as well as focus on greater community education.

The Latrobe Health Advocate, Jane Anderson, was appointed as the independent Chair, with representatives¹ from the following 18 organisations forming the membership body:

- Department of Environment, Land, Water and Planning
- WorkSafe Victoria
- Environment Protection Authority
- Department of Families, Fairness and Housing²
- Department of Health³
- Sustainability Victoria⁴
- Latrobe City Council

1 Representatives on the Taskforce are listed in Appendix A.

2 Formerly the Department of Health and Human Services

3 Formerly the Department of Health and Human Services, joined the Taskforce in April 2022

4 Joined the Taskforce in October 2020

- 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 Inc. (ACV/GARDS)
- Australian Manufacturing Workers Union
- Construction, Forestry, Mining and Energy Union
- Electrical Trades Union
- Australian Workers Union
- Australian Services Union.

The Taskforce Terms of Reference⁵ were developed through a series of workshops and formally approved by the Minister for Energy, Environment and Climate Change, The Hon Lily D'Ambrosio on 30 October 2019.

The key functions of the Taskforce are to:

- 1. Enquire into and report to Government** on current asbestos waste handling processes and safety practices within the public and private sector.
 - a. Reach a clear understanding of the roles and responsibilities of the various regulatory bodies and authorities in relation to asbestos identification, handling and disposal.
 - b. Report to Government on current asbestos waste handling processes and safety practices.
 - c. Identify the gaps in knowledge of where asbestos is and how it is managed in the Latrobe Valley across all jurisdictions.
 - d. Identify shortcomings in existing practices of responding to community concerns and make recommendations to improve the responsiveness, information sharing and feedback experienced by communities.

⁵ The Terms of Reference can be found in Appendix B.

- 2. Design a plan** for the management, demolition, transportation and disposal of asbestos for all Latrobe Valley sites and locations.
 - a. Provide leadership and direction to deliver the Government's commitment to manage asbestos waste in the Latrobe Valley.
 - b. Build a common vision that prioritises the health of Latrobe Valley communities.
 - c. Consolidate current knowledge of asbestos and identify asbestos sites and locations that are not officially registered.
 - d. Consider the potential health risks associated with asbestos and the importance of informing and educating Latrobe Valley communities about the measures in place to protect their health.

- 3. Make recommendations to Government** on the way asbestos waste material will be dealt with in a formal and consistent manner.
 - a. Identify the regulatory frameworks currently in place for asbestos management and identify any gaps in those frameworks.
 - b. Consider the views and perspectives of Latrobe Valley communities including local residents, workers, businesses and industry and identify opportunities for collaboration, communication and education.
 - c. Ensure that all decisions made around asbestos waste are communicated to the community in a transparent and timely manner.

- 4. Engage with and inform the community** and industry in the Latrobe Valley on the work and progress of the Taskforce.
 - a. Know the importance of community involvement and education recognising both the benefit of gathering intelligence from communities about asbestos and the need to provide informative and easy to understand education about the risks.
 - b. Collaboratively develop a communication and engagement plan to ensure there is a clear and shared understanding of level and method of engagement and responsibility amongst Latrobe Valley communities and key stakeholders.
 - c. Provide Latrobe Valley communities with the information required to contact and engage with relevant authorities in relation to asbestos management.
 - d. Facilitate public forums and other engagement activities with residents, business and industry as required.

Between February 2019 and September 2022, the Taskforce and its working groups have met on 133 occasions. The continued commitment demonstrated by members has resulted in thorough and vigorous discussions of all issues and concerns pertaining to community awareness and understanding, asbestos training and licensing, illegal asbestos removal and dumping/disposal, through to the gaps in the existing regulatory frameworks. The Taskforce has consulted widely with external parties including members' counterparts in other regions, states and territories, across government departments, with leading researchers and epidemiologists, licensed removalists, other asbestos professionals, as well as with community members.

In November 2020, the Taskforce published *Estimating the volume of residential asbestos remaining in the Latrobe Valley – A model*.⁶ This analysis of legacy asbestos in three regional municipalities produced a methodology that can be replicated in other regions and other jurisdictions. It is the first known Australian model to estimate volumes of asbestos-containing materials remaining in residential properties. A corresponding study⁷ to estimate volumes of legacy asbestos in all other buildings was subsequently undertaken and published in March 2022, which also included a detailed methodology.

In September 2021, the *Breathtaking Renovations* video was produced, with a 30-second version broadcast on local television throughout Gippsland at the same time. The video is targeted at DIY renovators and homeowners, to increase awareness of where asbestos is commonly found in the home. The video parodies a home renovation television series host who becomes (comically) increasingly frustrated that the home wasn't checked for asbestos prior to starting renovations. It has been extremely well received with over half a million online views and members of the public volunteering positive comments about it to Taskforce members and others.

Due to the activities of the Taskforce and the subsequent building of a deep and broad knowledge base, the Taskforce was invited to feature in a plenary session at the May 2022 National Asbestos Conference in NSW. Taskforce representatives also sit on the state government Victorian Asbestos Forum coordinated by the Victorian Asbestos Eradication Agency, the Asbestos Awareness Committee coordinated by the federal Asbestos Safety and Eradication Agency (ASEA), Sustainability Victoria's Asbestos Disposal Management Plan working group, along with numerous other reference groups/committees within members' own organisations.

6 Available online: <https://www.asbestostaskforce.net/publications/>

7 *Estimating the volume of legacy asbestos in non-residential properties across the Latrobe valley region – a Model 2022*. Latrobe Valley Asbestos Taskforce. <https://www.asbestostaskforce.net/publications/>

The knowledge gained has led directly to the carefully considered recommendations made in this report. This would not have been possible without the participation and willingness of members to generously share their high-level expertise. A comment reported in the independent multi-stakeholder analysis⁸ of the Taskforce, states:

“...what’s bound us together through this project is that we all can see that there needs to be improvement in this space, and we’ve contributed generously to the whole process to ensure that that’s the outcome that we’re looking to achieve and the common interest and values and the wellbeing of our community seems to be the common thread amongst those that are on the Taskforce.”

The following recommendations include the first set presented to government in 2020, with further learnings contributing to this report. The key aim is to improve the health and safety outcomes of all Victorians who may come into contact with asbestos and prevent future deaths from asbestos-related disease.

8 *Latrobe Valley Asbestos Taskforce Multi-stakeholder Partnership Analysis 2022*. Liz Meggetto Consulting. <https://www.asbestostaskforce.net/publications/>

Summary

Safeguards have been in place for workers since occupational health and safety legislation was introduced in Victoria many years ago. The identification of asbestos in the workplace, and how it is recorded, managed, removed, transported and disposed of has been regulated and enforced by WorkSafe Victoria and the Environment Protection Authority (EPA) to minimise exposure to asbestos fibres and reduce environmental pollution. However, the same regulatory protections are not afforded to people in their homes.

According to the World Health Organisation, there is no known safe level of asbestos exposure.⁹ Exposure to asbestos fibres can lead to premature death from diseases such as asbestosis, lung cancer and mesothelioma, as well as severe health impacts from pleural disease. As asbestos-containing materials are coming to the end of their product life, they are naturally degrading and releasing microscopic asbestos fibres that can cause serious harm. The often-repeated refrain of 'It's fine as long as you don't touch it' is also past its use-by date and efforts need to be made to add '...and it is maintained in good condition.'

While traditionally asbestos has been thought of as a construction/workplace issue, what we are facing now is the realisation that the greatest risks of asbestos exposure today are to be found in our homes. Alarmingly, many people aren't aware of the severe health risks, and the boom in do-it-yourself home renovations means that people are unwittingly exposing themselves, their families and their neighbours to deadly asbestos fibres.¹⁰ As stated by the then-State Coroner Graeme Johnstone in 2004, the year in which asbestos was banned nationally, **"unless well managed, the asbestos product lying dormant in many homes, has potential to effect the long-term health of many Australians and create a significant, ongoing, economic and social burden."**¹¹

9 "there is no evidence of a threshold for the carcinogenic effect of both chrysotile and amphibole forms of asbestos." *Outline for the Development of National Programmes for Elimination of Asbestos-Related Diseases 2007*. World Health Organisation. <https://apps.who.int/iris/handle/10665/69693>

10 *Asbestos Safety and Home Improvement Research* prepared for the Asbestos Safety and Eradication Agency 2021. SEC Newgate Research

11 *Coroner's Record of Investigation into the death of Christian Armand: Asbestos exposure at work and in do-it-yourself home renovation 2004*. Victorian State Coroner

In 2018, The economic burden of asbestos-related disease report¹² prepared for ASEA, found that in Australia, the annual costs to the health system for asbestos-related disease was estimated at \$192 million, with associated productivity losses for patients and carers estimated at \$321 million. This estimate is believed to be conservative, as not all asbestos-related diseases are recorded as they have been for mesothelioma since 2010 in the Australian Mesothelioma Registry¹³, and further, not all deaths where the underlying cause has been due to asbestos-related disease are reported on death certificates. Not included in these estimates were factors such as the burden of associated mental health costs for sufferers, carers and families, and the costs of managing the ongoing asbestos governance and various reporting frameworks. A report on the economic burden of asbestos-related disease and health system impacts in Victoria is due to be completed before the end of this year.

We need to find ways to deal with the legacy of the massive consumption of asbestos-containing products that saw Australia identified as the highest post-war consumer per capita nation of anywhere in the world.¹⁴ Asbestos was widely regarded as a wonder product due to its fire-resistant properties, its durability and its ready availability; so much so that following bushfires in the mid-20th century, some local planning schemes in Victoria mandated the building of homes only with asbestos cladding. Coastal areas also have many homes with asbestos sheeting as it was a very cheap building material – in short, it is found nearly everywhere.

In a study undertaken by the Taskforce across the municipalities of Baw Baw Shire, Latrobe City and Wellington Shire, a total of 5,010,652m² of legacy asbestos-containing material was estimated to be remaining in the built environment. As shown in Figure 1 below, there is much more in our homes (3.1 million m²) than in all other buildings combined (1.89 million m²).¹⁵

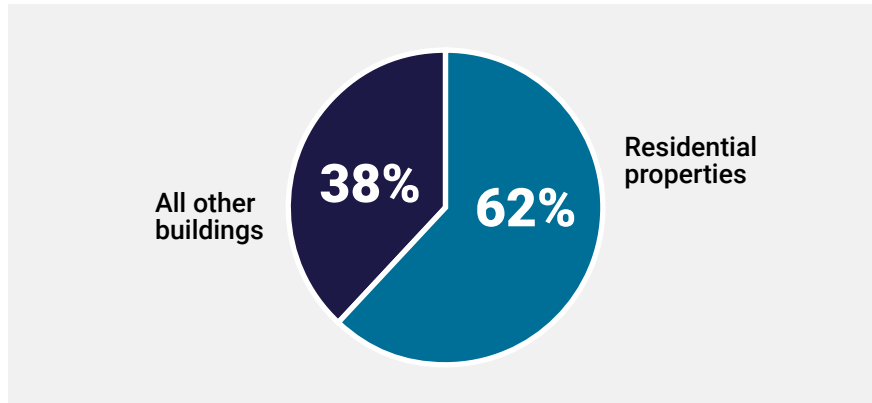
12 *The economic burden of asbestos-related disease* prepared for the Asbestos Safety and Eradication Agency. 2018. Centre for International Economics

13 <https://mesothelioma-australia.com/>

14 *Preparing an estimate of the national pattern of exposure to asbestos in cases of malignant mesothelioma* 2008. Australian Safety and Compensation Council, Australian Government

15 *Estimating the volume of legacy asbestos in non-residential properties across the Latrobe valley region – a Model* 2022. Latrobe Valley Asbestos Taskforce. <https://www.asbestostaskforce.net/publications/>

Figure 1. The percentage of estimated legacy asbestos-containing materials remaining in the built environment.¹⁶



Asbestos was used in over 3,000 products, and it is estimated that asbestos is present in one in every three Australian homes.¹⁷

Long latency periods have led to a common misconception that asbestos exposure poses little risk and asbestos-related disease ‘only happens to old people.’ In fact, latency can be anywhere from 10 – 50 years.¹⁸ In Victoria this year, a 16-year-old girl was diagnosed with mesothelioma, believed to be the youngest person ever to be diagnosed with mesothelioma in Australia. Callie (not her real name) has never had a job, visited a work site or lived in a home that was undergoing renovations; as a baby/very young child she has simply been exposed to asbestos fibres in her home environment.

“Thanks to asbestos, we now live an extremely isolated life trying to keep my daughter alive during all of her treatments. It’s not a straightforward cancer – it’s horrific and the toll it takes on her body – the trauma! And I have other children who I am watching like a hawk now – waiting, terrified they will also get this disastrous diagnosis.”

Mother of ‘Callie’, 16-year old Victorian diagnosed with mesothelioma

¹⁶ This does not include energy generation facilities and other large industrial plants.

¹⁷ Asbestos Safety and Eradication Agency. <https://www.asbestossafety.gov.au/find-out-about-asbestos/asbestos-home>

¹⁸ Int. J. Environ. Res. Public Health 2021, 18(19), 10012 <https://doi.org/10.3390/ijerph181910012>

Today, we are left with the enormous legacy of a natural, but deadly material. There are many Victorian legislative instruments¹⁹ used to manage asbestos, however the complex arrangements in the main only provide asbestos restrictions for industry and business. There is no single authority responsible for the legacy asbestos in our homes.

We need to ensure the entire community is aware of the serious health effects and risks of asbestos exposure, that regulatory bodies including local governments have the tools needed to maximise enforcement and compliance, and that maintaining, managing, removing and disposing of asbestos-containing materials does not put anyone in harm's way, whether in their workplace or in their home.

When the Taskforce began its work in 2019, four key themes emerged and have continued to hold true:

1. Victorians aren't aware of the serious health effects and risks of asbestos exposure.
2. People don't know where to go for help.
3. The access to safe and affordable asbestos removal and disposal is limited.
4. All levels of government need to do more to address the management of legacy asbestos in Victorian communities.

The following set of recommendations are provided in response to the key themes identified above, and are about the prevention of disease **and ultimately, about saving lives.**

¹⁹ Appendix C: Victorian legislative instruments used to manage asbestos

Recommendations

1

Establish a statewide coordinating centre/body to manage all asbestos queries, raise awareness of the prevalence of asbestos and the associated health risks of exposure, undertake research, provide policy advice and deliver behaviour change campaigns to provide one clear focal point for asbestos in Victoria.

2

Develop and implement targeted education and awareness campaigns aimed at a) community, b) businesses, and c) secondary school students, to:

- a) Increase knowledge of the prevalence of asbestos in residential properties built prior to 1990, and the associated risks of exposure, as well as highlighting asbestos exclusion provisions in insurance policies and the potential high-cost ramifications in the event of property damage caused by storm, flood or fire
- b) Address business knowledge gaps around duties in relation to asbestos, in particular the requirement to maintain an asbestos register
- c) Educate young people preparing to move out of home about the prevalence of asbestos-containing materials in residential properties and the health risks associated with asbestos exposure.

3

Allocate funding for the *Breathtaking Renovations* television commercial produced by the Latrobe Valley Asbestos Taskforce to be broadcast across the state, to immediately enhance community awareness about the common places asbestos is found in the home to reduce the likelihood of preventable exposure to asbestos.

4

Develop and implement an evidenced-based behaviour change program to a) address illegal dumping and disposal and b) remove barriers to using licensed asbestos removalists and disposal facilities.

5

Mandate asbestos awareness training for all state and local government employees to minimise the risks of asbestos exposure and increase community awareness through regular and incidental interactions with government staff.

6

Allocate funding for the statewide replication of the residential and non-residential asbestos legacy reports produced by the Latrobe Valley Asbestos Taskforce so that all levels of government, agencies and responsible parties may understand the prevalence of legacy asbestos in each Victorian municipality.

7

Change the occupational health and safety legislation to specify a licensing requirement for competent persons to be able to conduct asbestos audits/assessments and issue clearance certificates to make clear who is considered competent to perform these tasks.

8

Change the occupational health and safety legislation to stipulate that clearance certificates must be publicly displayed for 7 days to give confidence to adjacent property owners and the community that the asbestos removal area has been declared safe.

9

WorkSafe to introduce a restricted asbestos removal licence to permit the removal of a limited amount of non-friable asbestos-containing materials on residential properties, including reviewing the corresponding licence application criteria to make it more relevant to the skills and experience of industry participants, to increase the number and availability of trained and approved professionals in the community.

10

New divisions/sections to be added to public health legislation to address the gap in the management of legacy residential asbestos. This includes:

- a) A change to the Public Health and Wellbeing Act 2008 to include a definition of the risk to public health from asbestos exposure
- b) The creation of a new asbestos division in the Public Health and Wellbeing Regulations 2019 to designate responsibility to local governments to regulate asbestos removal by residents and authorise asbestos awareness training, as well as including an indemnity provision for local governments and all employees.

11

Implement a whole-of-government approach to asbestos investigations and inspections by implementing a standardised framework and set of guidelines for regulatory agencies and local government to work together, to enhance response and target enforcement actions through the sharing of time-critical information.

12

Appoint a new full-time senior manager role within state government to work solely with local governments throughout Victoria on asbestos management issues to assist in the development of a range of communications and guidelines and asbestos management policies including preparation for, and response to, emergency events.

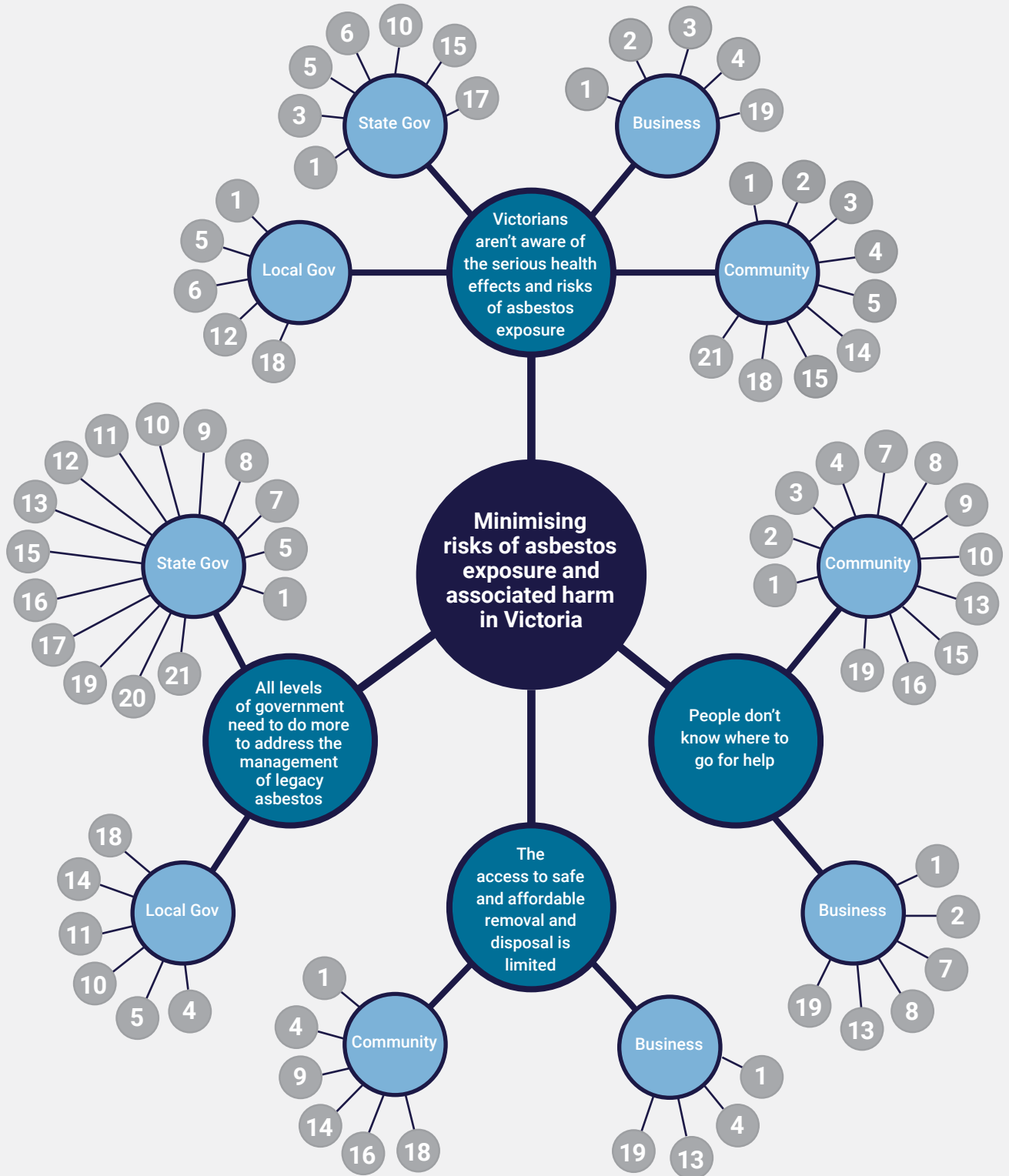
13

Enhance the capacity for regulatory bodies and local governments to investigate asbestos issues through the provision of additional resources to reduce the public health risk from asbestos exposure.

- 14** Develop and implement a subsidised asbestos removal and disposal program for homeowners in the lower socio-economic bracket to prevent the most vulnerable from being exposed to asbestos in properties that cannot be properly maintained due to financial constraints.
- 15** Amend the Residential Tenancies Regulations 2021 to ensure that damaged asbestos-containing material is identified as requiring urgent site repair, so that licensed asbestos removalists can be promptly engaged and renters are not exposed to asbestos fibres which presents an immediate risk of exposure to a serious health hazard.
- 16** Provide funding and other recovery supports to facilitate the safe clean-up and removal of asbestos-containing material on damaged residential properties following declared natural disaster events where there is an identified significant risk to public health.
- 17** Create and implement a new register for all deaths in which asbestos was a contributory factor or classify these deaths as reportable to the State Coroner, to overcome the inability of state systems to capture and quantify the incidence of deaths from asbestos-related disease.
- 18** 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 so long as the homeowner has undertaken asbestos awareness training.
- 19** 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.
- 20** Alter the Victorian Building Authority's legal framework to bring forward the notification of 'pending demolition' so that it is reported in advance of the commencement of works.
- 21** Provision of an Asbestos status certificate/report compulsory on the sale or rental of a residential property built before 1990.

Note: Recommendations 18–21 were made in November 2020

Figure 2. Mapping of the Recommendations to each of the identified themes that will minimise the risks of asbestos exposure and associated harm in Victoria.



- 1 Establish a statewide coordinating centre/body to manage all asbestos queries, raise awareness of the prevalence of asbestos and the associated health risks of exposure, undertake research, provide policy advice and deliver behaviour change campaigns
- 2 Develop and implement targeted education and awareness campaigns aimed at a) community, b) businesses, and c) secondary school students
- 3 Allocate funding for the Breathtaking Renovations television commercial produced by the Latrobe Valley Asbestos Taskforce to be broadcast across the state
- 4 Develop and implement an evidenced-based behaviour change program to address illegal dumping and disposal
- 5 Mandate asbestos awareness training for all state and local government employees
- 6 Allocate funding for the statewide replication of the Residential/Non-residential asbestos legacy reports produced by the Latrobe Valley Asbestos Taskforce
- 7 Change the occupational health and safety legislation to specify a licensing requirement for competent persons to be able to conduct asbestos audits/assessments and issue clearance certificates
- 8 Change the occupational health and safety legislation to stipulate that clearance certificates must be publicly displayed for 7 days
- 9 WorkSafe to introduce a restricted asbestos removal licence to permit the removal of a limited amount of non-friable asbestos-containing materials on residential properties, including reviewing the corresponding licence application criteria
- 10 New divisions/sections to be added to public health legislation to address the gap in the management of legacy residential asbestos and designate responsibility to local government
- 11 Implement a whole-of-government approach to asbestos investigations and inspections by implementing a standardised framework and set of guidelines for regulatory agencies and local government to work together
- 12 Appoint a new full-time senior manager role within state government to work solely with local governments throughout Victoria on asbestos management issues
- 13 Enhance the capacity for regulatory bodies and local governments to investigate asbestos issues through the provision of additional resources
- 14 Develop and implement a subsidised asbestos removal and disposal program for homeowners in the lower socio-economic bracket
- 15 Amend the Residential Tenancies Regulations 2021 to ensure that damaged asbestos-containing material is identified as requiring urgent site repair
- 16 Provide funding and other recovery supports to facilitate the safe clean-up and removal of asbestos-containing material on damaged residential properties following declared natural disaster events
- 17 Create and implement a new register for all deaths from asbestos-related disease or classify these deaths as reportable to the State Coroner
- 18 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 so long as the homeowner has undertaken asbestos awareness training
- 19 Alter the Occupational Health and Safety Regulations to mandate asbestos awareness training for all tradespeople (specified occupations)
- 20 Alter the Victorian Building Authority's legal framework to bring forward the notification of 'pending demolition' so that it is reported in advance of the commencement of works
- 21 Provision of an Asbestos status certificate/report compulsory on the sale or rental of a residential property built before 1990

Identified themes

The following four themes highlight the learnings of the Taskforce since it was formed in February 2019. Each of the 21 Recommendations is referenced throughout the themes, some appearing multiple times due to the far-reaching impact they will have if implemented. They do not necessarily appear in chronological order and are included for ease of reference. Figure 2 on pages 14-15 shows how each recommendation will influence more than one area.

1. Victorians aren't aware of the serious health effects and risks of asbestos exposure

Right across the board, from all levels of government to business and community, not enough people are aware of the severe health effects and risks of asbestos exposure. While many have heard of asbestos and may generally know it isn't safe, the understanding of its extremely high prevalence in the buildings we frequent every day – our workplaces, homes and public institutions – and the situational risks of potential exposure to legacy asbestos is very low.

Exposure to asbestos fibres can increase the risk of cancers of the lung, ovary and larynx as well as mesothelioma, which is a cancer that affects the *protective lining on the inside of body cavities and the outside of internal organs* and is almost solely related to asbestos exposure.²⁰ Mesothelioma is more aggressive than many other cancers and the average Australian diagnosed with mesothelioma lives for only 11 months after diagnosis.²¹

Other non-cancer diseases such as asbestosis and pleural plaques, both of which make breathing difficult due to the build-up or thickening of scar tissue on the lungs, contribute to the estimated 4400 Australians who die each year from asbestos-related disease and cancer.²² This is almost four times higher than the annual road toll.²³

20 *Mesothelioma in Australia 2018*, Australian Institute of Health and Welfare (AIHW) 2019.

21 *ibid*

22 Figures are from occupational exposure only. Global Burden of Disease Collaborative Network, Global Burden of Disease Study 2019 (GBD 2019) Results. Seattle, United States: Institute for Health Metrics and Evaluation (IHME), 2020. Available from <https://vizhub.healthdata.org/gbd-compare/>

23 In 2021, there were 1123 road crash deaths in Australia. *Road Trauma Australia 2021 Statistical Summary 2022*. Australian Government.

Due to the long latency periods between exposure and diagnosis, which can be anywhere from 10 – 50 years, the effects of asbestos exposure aren't immediately apparent. This has almost certainly contributed to asbestos exposure not being generally viewed as a high-risk concern in the broader community in the same way other life-threatening activities, such as high-speed or drink-driving, are regarded.

“It’s a *horrible* death.”

Hospital staff member commenting on seeing people die from asbestos-related disease, Farm World 2022

Prior to the national ban on asbestos coming into effect on 1 January 2004, there was a lot of public discourse around the dangers of asbestos exposure. However, people born in the 1980s and 1990s were not part of that conversation, and many of them are not even aware that asbestos poses a health hazard. Of particular concern is that this cohort is now entering the property market and typically purchasing the more affordable older homes, and renovating them without understanding that asbestos is likely to be present in any building constructed or renovated prior to 1990.

“[I’m] a first home buyer and have just found out that the back shed that’s falling apart is all asbestos.”

Message sent to the Taskforce via social media 2020

Although there is a duty for a property vendor to disclose the presence of asbestos in a residential property, it is only *if it is already known*. There is no legal requirement for a vendor or rental provider to supply a statement about the status of asbestos in residential properties at either the point of sale or rental.

21

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

In 2021, SEC Newgate Research undertook a national survey²⁴ to measure asbestos knowledge, attitudes and behaviours of 'home improvers'²⁵ for the federal Asbestos Safety and Eradication Agency (ASEA). Of the 399 Victorians surveyed (27% of total sample size n=1,506), 28% said they had 'never heard' of asbestos or had 'heard of it but knew very little about it', and 34% reported they 'knew a little bit about it.' Only 5% spontaneously mentioned asbestos as a potential risk when planning a home improvement project.

A series of annual asbestos surveys undertaken by the Taskforce from 2019 – 2022, indicate that over two-thirds of home renovators would undertake bathroom or kitchen renovations themselves without seeking professional advice or help.²⁶ This is of grave concern, as after the eaves, the most common places asbestos-containing materials are found in homes built before 1990 is in the wet areas of the home.²⁷

“1990 isn’t that long ago.”

Visitor to the Taskforce stand at Farm World 2022 commenting on the age of homes that are likely to have asbestos

3

Allocate funding for the *Breathtaking Renovations* television commercial produced by the Latrobe Valley Asbestos Taskforce to be broadcast across the state, to immediately enhance community awareness about the common places asbestos is found in the home to reduce the likelihood of preventable exposure to asbestos.

All the evidence tells us that asbestos awareness levels need to be increased as soon as possible for those undertaking home improvement or renovation activities. However, increasing awareness more broadly is also imperative.

24 Asbestos safety & home improvement research, prepared for Asbestos Safety and Eradication Agency 2021. SEC Newgate Research. <https://www.asbestossafety.gov.au/research-publications/asbestos-safety-and-home-improvement-research>

25 "A home improver is anyone undertaking home improvement projects from small maintenance or improvements to large renovations – including those who outsource all or some of the project."

26 Latrobe Valley Asbestos Survey reports 2019 – 2022. <https://www.asbestostaskforce.net/publications/>

27 Estimating the volume of residential asbestos remaining in the Latrobe Valley – a Model 2020. Latrobe Valley Asbestos Taskforce. <https://www.asbestostaskforce.net/publications/>

There is a wide range of levels of understanding of the risks at local government level, with many councils unaware of the prevalence of asbestos-containing materials and what they need to do to raise awareness of the risks in their communities, for whom they provide a wide range of services to enhance community health and wellbeing.

“Asbestos isn’t a real issue for us here.”

Local Council Environmental Health Officer unfamiliar with the work of the Taskforce, 2022

Not all council websites provide information about asbestos, and while some councils are proactive and have clear paths to their public health or building teams for asbestos-related enquiries or complaints, others do not.

5

Mandate asbestos awareness training for all state and local government employees to minimise the risks of asbestos exposure and increase community awareness through regular and incidental interactions with government staff.

6

Allocate funding for the statewide replication of the residential and non-residential asbestos legacy reports produced by the Latrobe Valley Asbestos Taskforce so that all levels of government, agencies and responsible parties may understand the prevalence of legacy asbestos in each Victorian municipality.

11

Implement a whole-of-government approach to asbestos investigations and inspections by implementing a standardised framework and set of guidelines for regulatory agencies and local government to work together, to enhance response and target enforcement actions through the sharing of time-critical information.

There are many state government regulations that manage the risks of asbestos exposure in workplaces, and the handling, transport and disposal of asbestos waste. This is because historically, asbestos has been viewed as a manufacturing and construction issue, due to deaths from asbestos-related disease being firstly from the workers involved in the mining of asbestos and the manufacturing of asbestos products, then secondly from workers whose

work involved using those asbestos products. Today we are seeing many people succumb to asbestos-related disease from non-occupational exposure, which has been identified nationally and internationally as the emerging 'third wave' of asbestos exposure.²⁸

“Asbestos killed my mum and her three children are at risk too. All she did was work at a kindergarten during renovations, live in a home during renovations and be married to a husband who visited the docks.”

2019 Latrobe Valley Asbestos Survey respondent

Over a period of 18 months between 2004 – 2006, when reporting asbestos-related deaths to the State Coroner was required, 31 deaths in Victoria from asbestos-related disease had been identified by the State Coroner as non-occupational and attributable to exposure through home renovations.²⁹ In 2021, *The Block* television program ran a story on asbestos exposure as the father of two participants had been diagnosed with mesothelioma: his career was in real estate and it was reported he had never undertaken renovations on a property, he had simply walked through them. In the Latrobe Valley, there has been a number of asbestos-related deaths of the adult children of former power station workers, who did nothing more than give their dad a hug and a kiss when he came home from work; the asbestos fibres were on his clothes. And we are also seeing deaths of young people whose parents undertook renovations when they were children, or who were living in a house where asbestos-containing products were not properly maintained and were releasing asbestos fibres.

“It’s outrageous there are no restrictions on homeowners.”

Visitor to the Taskforce stand at Farm World 2022

Most construction and demolition businesses are well aware of their duties in relation to the management of asbestos to minimise the risk of asbestos exposure due to the enforcement of the Occupational Health and

²⁸ A list of publications is provided in Appendix D.

²⁹ Coronial Council of Victoria – Reference 2 – January 2012

Safety Regulations (OHS regulations). However, awareness in other types of businesses, such as retail, hospitality and agriculture is not at the same level. Whilst asbestos registers are legally required for all buildings and need to be updated every five years, these do not need to be lodged and/or recorded with WorkSafe Victoria. Without a prompt, such as that which is received for insurance renewal, asbestos is unlikely to be front-of-mind as a business concern.

Those employed in trades that may come into contact with asbestos are not necessarily aware of the health consequences of asbestos exposure, as asbestos awareness training is not compulsory. Further, many who believe they are competent in identifying asbestos-containing materials and know how to manage it if they encountered it, have never received any formal training. Of the 22% respondents to the 2022 Latrobe Valley Asbestos survey who said they were 'confident' or 'very confident' in their ability to identify materials that may contain asbestos, only 11% had received formal training.³⁰ This finding is corroborated by research published by ASEA³¹ and the NSW Environment Protection Authority,³² which also reveal gaps between perceived knowledge and actual knowledge, which in turn can lead to problematic practices by those undertaking asbestos removal activities.

**“Building inspector said no asbestos.
Afterwards a hygienist found a lot of asbestos
and it has now all been removed.”**

Family with 1980s home, Farm World 2022

19

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.

30 Latrobe Valley Asbestos Survey reports 2019 – 2022. <https://www.asbestostaskforce.net/publications/>

31 *Asbestos safety & home improvement research* prepared for Asbestos Safety and Eradication Agency 2021. SEC Newgate Research. <https://www.asbestossafety.gov.au/research-publications/asbestos-safety-and-home-improvement-research>

32 *Asbestos Safety Part I – Household Renovations & Maintenance 2021* prepared for NSW Environment Protection Authority. Heartward Strategic. <https://www.epa.nsw.gov.au/publications/asbestos/asbestos-safety-part-1-household-renovations-and-maintenance>

7

Change the occupational health and safety legislation to specify a licensing requirement for competent persons to be able to conduct asbestos audits/assessments and issue clearance certificates to make clear who is considered competent to perform these tasks.

There is no consistent ongoing public health messaging in Victoria about the potential health risks of asbestos exposure and where it is commonly found. There is not one body that leads education and awareness campaigns to inform the Victorian community of the very dire consequences that asbestos exposure can bring and the devastating impacts on families. Community members often rely on family members or friends for advice, or believe that the trade professionals they engage will inform them of any asbestos, or that a building inspection covers assessment for asbestos (it does not).³³

“Thought tradies would inform us if we had asbestos.”

Visitor to the Taskforce stand at Farm World 2022

“My house has been renovated, Dad said there wasn’t any asbestos.”

Visitor to the Taskforce stand at Farm World 2022

1

Establish a statewide coordinating centre/body to manage all asbestos queries, raise awareness of the prevalence of asbestos and the associated health risks of exposure, undertake research, provide policy advice and deliver behaviour change campaigns to provide one clear focal point for asbestos in Victoria.

33 *DIY Home Improvement Research Insights Report 2021* prepared for Asbestos Safety and Eradication Agency. ThinkPlace Australia. <https://www.asbestossafety.gov.au/research-publications/asbestos-safety-and-home-improvement-research>

A statewide body, similar in structure and funding to the Quit Victoria model, could take the lead and fill the awareness-raising gap across all sectors that legacy asbestos presents us with. People generally want to do the right thing, however a lack of knowledge (or psychological capability, as identified by NSW EPA)³⁴ presents fundamental and significant barriers to safe actions that will minimise asbestos exposure. Further, the NSW research also found that while fear can be a motivating factor to safe action, “if taken too far, fear in the absence of the knowledge or ability to protect oneself leads to denial, panic and ultimately poor decision-making and unsafe behaviour.” There must be clear actionable steps to mitigate fear, and currently these either do not exist or cannot be readily accessed.

“...there needs to be a coordinated approach by all asbestos agencies in delivering one education document/message to the public on the dangers of asbestos products.”

2020 Latrobe Valley Asbestos Survey respondent

2

Develop and implement targeted education and awareness campaigns aimed at a) community, b) businesses, and c) secondary school students, to:

- a) Increase knowledge of the prevalence of asbestos in residential properties built prior to 1990, and the associated risks of exposure, as well as highlighting asbestos exclusion provisions in insurance policies and the potential high-cost ramifications in the event of property damage caused by storm, flood or fire
- b) Address business knowledge gaps around duties in relation to asbestos, in particular the requirement to maintain an asbestos register
- c) Educate young people preparing to move out of home about the prevalence of asbestos-containing materials in residential properties and the health risks associated with asbestos exposure.

³⁴ *Asbestos Safety Part I – Household Renovations & Maintenance* 2021 prepared for NSW Environment Protection Authority. Heartward Strategic. <https://www.epa.nsw.gov.au/publications/asbestos/asbestos-safety-part-1-household-renovations-and-maintenance>

Awareness-raising by itself will not change behaviour and interventions of all kinds are needed to properly minimise the risks of asbestos exposure, regardless of the setting. In the first instance, regulations that mirror the asbestos safeguards for workers in the OHS regulations are required to also protect people in their homes.

“I heard loud banging noises and investigated only to discover the next-door neighbours were smashing down an asbestos shed...within metres of where my children were sitting on our trampoline. The debris was carted away dry in an open trailer tied on haphazardly with thin cords. Just appalling behaviour by the neighbours, but with no regulation enforcement or consequence.”

2019 Latrobe Valley Asbestos Survey respondent

10

New divisions/sections to be added to public health legislation to address the gap in the management of legacy residential asbestos. This includes:

- a) A change to the Public Health and Wellbeing Act 2008 to include a definition of the risk to public health from asbestos exposure
- b) The creation of a new asbestos division in the Public Health and Wellbeing Regulations 2019 to designate responsibility to local governments to regulate asbestos removal by residents and authorise asbestos awareness training, as well as including an indemnity provision for local governments and all employees.

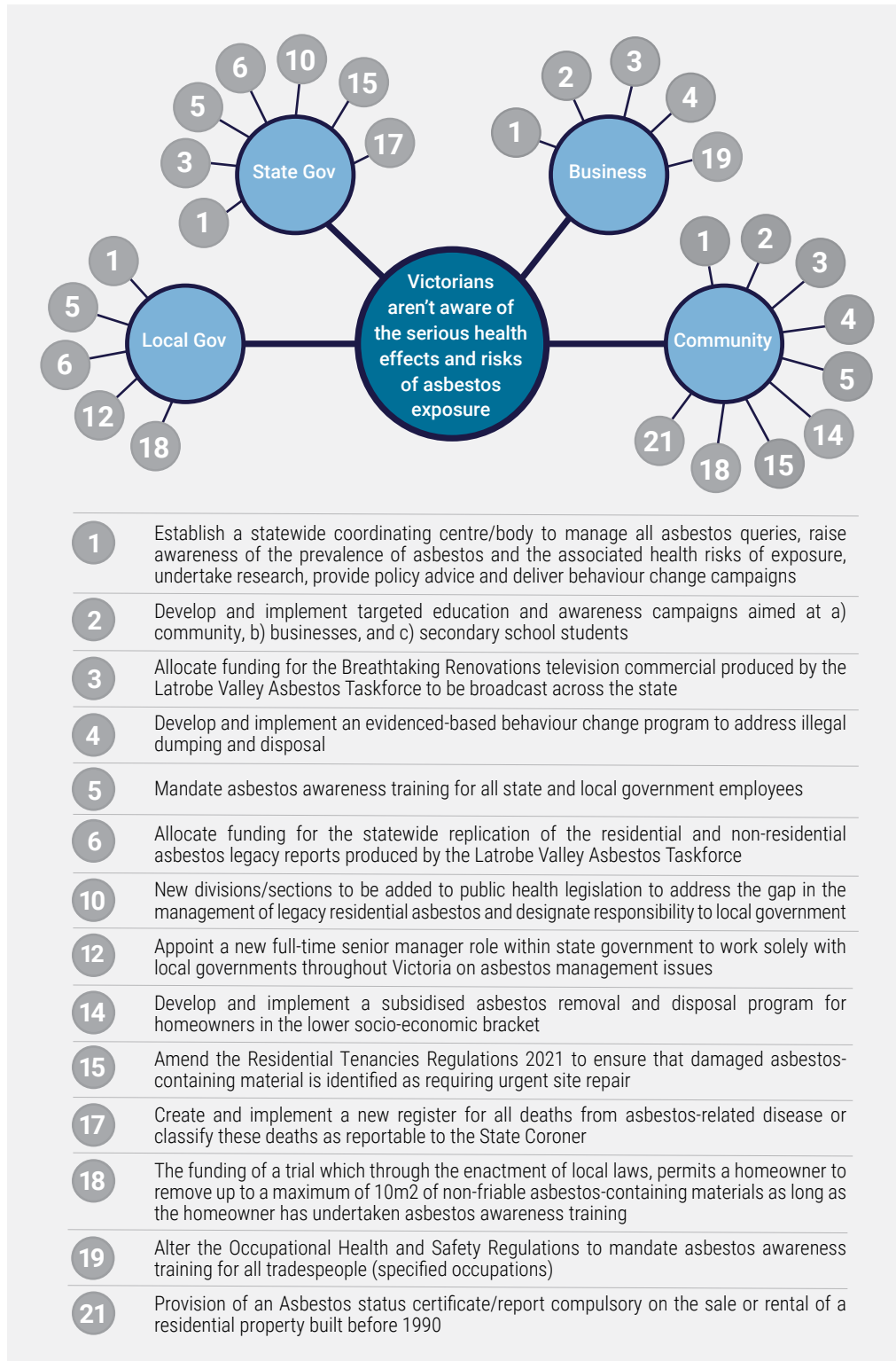
Western Australia, home to the infamous Wittenoom asbestos mine that saw many lives lost to asbestos and the complete closure of the township via the 2022 Wittenoom Closure Act, introduced specific asbestos public health

regulations in 1992.³⁵ Queensland introduced asbestos-related public health legislation³⁶ not long after the national ban on asbestos came into effect on 1 January 2004. In the A.C.T, there is legislation³⁷ to stipulate that only licensed asbestos removalists can undertake removal on residential properties. There is also mandated asbestos awareness training in the A.C.T. for specified occupations. All of the above legislation is aimed at ensuring public health and safety by clearly outlining what constitutes a risk with regards to asbestos and what a homeowner is restricted from doing on their own property to support this. This will be further explored in the following themes.

The above Taskforce recommendations will assist in increasing knowledge of the health impacts and associated risks of exposure across all levels of government, business and community, assisted further by other recommendations as outlined in Figure 3 on the next page.

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- 35 WA Health (Asbestos) Regulations 1992. [https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43274.pdf/\\$FILE/Health%20\(Asbestos\)%20Regulations%201992%20-%20%5B01-g0-00%5D.pdf?OpenElement](https://www.legislation.wa.gov.au/legislation/prod/filestore.nsf/FileURL/mrdoc_43274.pdf/$FILE/Health%20(Asbestos)%20Regulations%201992%20-%20%5B01-g0-00%5D.pdf?OpenElement)
- 36 QLD Public Health Act 2005. <https://www.legislation.qld.gov.au/view/pdf/inforce/current/act-2005-048>, QLD Public Health Regulation 2018. <https://www.legislation.qld.gov.au/view/pdf/inforce/current/sl-2018-0117>
- 37 A.C.T. Work Health and Safety Act 2011. <https://www.legislation.act.gov.au/a/2011-35/>

Figure 3. Mapping of Recommendations that will increase the knowledge of the serious health effects and risks of asbestos exposure.



2. People don't know where to go for help

In the absence of a single trusted source that provides information and responds to all asbestos enquiries and concerns, people don't know where to go for help. There is no 1300 or 1800 number to call, and the Taskforce found that the government website [asbestos.vic.gov.au](https://www.asbestos.vic.gov.au) does not rank on the first page of internet search results for 15 of the most common search terms relating to asbestos, meaning the information people need is not readily accessible. A recent study of click-through rates on Google reveals that "If you don't rank on the first page, users on Google won't find you."³⁸

Conversely, people will call their local council, the EPA or WorkSafe or other agency to seek information or to make a complaint, whether that authority is the appropriate one to call or not. And in the Latrobe Valley, they will regularly call Vicki Hamilton at ACV/GARDS, a long-time advocate who receives calls from right across the state (and to whom some councils have also referred callers in the absence of clear state guidance on asbestos matters).

The Taskforce undertook an exercise to document the pathways of a particular enquiry or complaint, and subsequently published the *Who Does What in Asbestos* community matrix³⁹ (Appendix E). This guide illustrates the complexities of the regulatory framework, and why some people feel as though they've been 'given the run-around' when they call a regulator (this includes local councils) and have been subsequently advised to call another regulator, and then even another, to make a complaint.

The regulator responsible for asbestos matters will be dependent on the type of complaint, whether it is related to dumped asbestos, improper removal activities, storage or transport of asbestos waste, or a deteriorating building structure. It is also dependent on whether a business was involved or not, how large the dumped or removed asbestos waste is and further, where it is located as to the responsible authority.

On occasion, some complaints made to regulators do not have a legal foundation. For example, a person might make a complaint about their neighbour removing asbestos, expressing concern that they weren't notified in

38 Beus, J. Why (almost) everything you knew about Google CTR is no longer valid 2020. <https://www.sistrix.com/blog/why-almost-everything-you-knew-about-google-ctr-is-no-longer-valid/>

39 Appendix E. Who Does What in Asbestos community matrix 2021. Latrobe Valley Asbestos Taskforce <https://www.asbestostaskforce.net/community-matrix-who-does-what-in-asbestos/>

advance of the activity. There is no regulation requiring a homeowner to advise those in adjacent properties that they are planning to undertake asbestos removal, unlike the requirements in the OHS regulations. OHS regulations only apply to residential properties when a contractor has been engaged to undertake works on the property for fee or reward, and the property is then treated as a workplace.

A joint review by the Taskforce of the types and numbers of enquiries received over a 12-month period is shown in the tables below. It must be noted that the three local councils represent 3% of Victoria’s total population, and therefore the number of calls statewide could be up to 30 times higher than the numbers reported in Table 1. Data from other government agencies⁴⁰ that also receive calls from community members about asbestos is not included.

Table 1. Calls received by Taskforce member local councils and ACV/GARDS over a 12-month period relating to asbestos.⁴¹

Regulator/body	ENQUIRY TYPE						Total
	Deteriorating structure	Dumping	Health concern	How to identify/dispose	Proactive	Unsafe removal	
Baw Baw Shire	7	15		10	1	5	38
Latrobe City	6	6		4	1	2	19
Wellington Shire	1			1		5	7
ACV/GARDS	7	7	40	19	7	5	85
Total	21	28	40	34	9	17	149

Table 2. Calls received by EPA and WorkSafe over a 12-month period in Gippsland relating to asbestos.

Regulator	Reporting period	RESPONSE CATEGORY					Total
		Asbestos removal	Alleged contravention	Health and safety concern	Workplace health and safety issue	Pollution	
EPA	01.07.2021 - 30.06.2022					29	29
WorkSafe	01.07.2020 - 30.06.2021	2	14	6	5		27

40 Departments/agencies that receive calls related to asbestos includes but is not limited to the Department of Health, Victoria Police, Vic Roads, Regional Roads Victoria, Parks Victoria and the Department of Environment, Land, Water and Planning.

41 All data refers to the period 1 April 2021 – 31 March 2022.

The EPA received 29 complaints from across the Gippsland region, however 18 were determined not to be for EPA to investigate and were referred to other agencies. The remaining 11 were investigated by an authorised officer.⁴² For WorkSafe, the data only includes calls that led to on-site visits or inspections. For ACV/GARDS, a non-profit organisation that operates with a skeleton staff, the data pertains to the first initial enquiry only and not to subsequent office visits or phone discussions with either the caller or others, such as regulators, unions, licensed asbestos removalists or health professionals.

“The community call on us as they do not know who else to call, or they have tried everyone else and no one has been able to help them – we are their last port of call. Calls we receive often lead to advocacy on behalf of a person or a family, and that issue around asbestos can often take days or weeks – sometimes months – to see any results or satisfactory resolution. We often take calls from distressed people after hours and on weekends from individuals who have exposed themselves unwittingly to asbestos.”

Vicki Hamilton OAM, ACV/GARDS CEO/Secretary

The data collected confirms the Taskforce view that people don't know where to go for help, with 28% callers seeking information about how to identify asbestos and have it removed or being proactive with their concerns, i.e. 'What do I need to know about asbestos?' (Table 1). The volume and type of calls received by ACV/GARDS also indicates an absence of community understanding about the roles of regulators, and highlights further the need for a single statewide trusted source that is immediately recognised as the go-to place for information and advice.

This need was also reinforced when the Taskforce hosted a stand at the Farm World 2022 exhibition at Lardner Park near Warragul, Victoria. This four-day event attracted 40,000 people including a very large number of community members

⁴² Disclaimer: EPA data is based on a manual word search for 'asbestos' and may not be 100% accurate. Pollution reports are received by the EPA call centre and referred on to central dispatch for further information gathering and triaging. At this stage it can then be determined that EPA is either not the appropriate authority to investigate, or it may be determined that the waste is not actually asbestos, or it may be sent through to the region to conduct an investigation.

in addition to people from the broader farming community. The Taskforce logged interactions with 130 people, which revealed that after general discussions/awareness (25%), the most common enquiry type related to asbestos removal (23%) followed by how to identify asbestos (12%), the presence of asbestos (8%), health concerns (6%), asbestos disposal (5%) and renovations (3%). It should be noted that in the main, discussions about asbestos removal also involved discussions about asbestos disposal.

The Taskforce handed out a range of fact sheets that it has produced for the Asbestos Victoria website (asbestos.vic.gov.au) aimed at home renovators, tradies, the use of personal protective equipment (PPE), and advising businesses of their legal obligations.⁴³ By far the most popular piece of information was the ASEA fact sheet on tax deductions,⁴⁴ which outlines how businesses and rental property owners may be eligible for tax deductions for asbestos testing and removal. Of the 32 people (25%) to whom this fact sheet was provided, none had heard of the Australian Tax Office ruling⁴⁵ that was introduced in July 2020.

1

Establish a statewide coordinating centre/body to manage all asbestos queries, raise awareness of the prevalence of asbestos and the associated health risks of exposure, undertake research, provide policy advice and deliver behaviour change campaigns to provide one clear focal point for asbestos in Victoria.

Regular communications about asbestos to business owners are needed to ensure they are not only aware of their legal obligations, but have access to the latest information, such as the tax office ruling mentioned above. Other feedback the Taskforce has heard from business owners is that they don't know where to go for asbestos awareness training for employees, or who to contact to get an asbestos assessment/audit done. There is currently no mandatory training in Victoria for apprentices, and this concern was addressed as part of the 2020 Taskforce Recommendations, which included mandating training for all trades that may come into contact with asbestos in the course of their work.

43 The fact sheets can be viewed at: <https://www.asbestostaskforce.net/publications/>

44 *Fact sheet: Tax deductions for asbestos testing, removal and disposal 2021*. Asbestos Safety and Eradication Agency. <https://www.asbestossafety.gov.au/find-out-about-asbestos/asbestos-safety-information/tax-deductions-for-asbestos-testing-removal-and-disposal-factsheet>

45 TR 2020/2 Income tax: deductions for expenditure on environmental protection activities. Australian Taxation Office. <https://www.ato.gov.au/law/view/document?DocID=TXR/TR20202/NAT/ATO/00001>

“When I was 15 my first job was removing asbestos, I have scarring on the lungs!”

2019 Latrobe Valley Asbestos Survey respondent

19

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.

The OHS regulations specify that a ‘competent person’ can perform an asbestos audit/assessment, however there is no qualification required. This leads to a gap and a perception that anyone who has been around the building/construction industry for a long time can assess whether asbestos is present or not. Used in over 3,000 products, the presence of asbestos can only be confirmed through testing at an accredited NATA⁴⁶ laboratory. Some non-asbestos products were manufactured and made to look near-identical to the previous asbestos-containing version, which makes visual confirmation challenging.

7

Change the occupational health and safety legislation to specify a licensing requirement for competent persons to be able to conduct asbestos audits/assessments and issue clearance certificates to make clear who is considered competent to perform these tasks.

Whilst it is difficult for people to find the right information when it is sought, at the other end of the spectrum is the dissemination of information to people for whom asbestos is not front-of-mind.

As mentioned in the previous section, the public often relies on family members and friends for advice. Victorian participants in the national home improvement research survey⁴⁷ said their main sources of home improvement information

⁴⁶ National Association of Testing Authorities. <https://nata.com.au/>

⁴⁷ *Asbestos safety & home improvement research* prepared for Asbestos Safety and Eradication Agency 2021. SEC Newgate Research. <https://www.asbestossafety.gov.au/research-publications/asbestos-safety-and-home-improvement-research>

were online videos (42%), hardware and home improvement shops (41%), along with family, friends and neighbours (38%) and builders, architects or tradespeople (37%). These sources do not necessarily voluntarily provide information about asbestos – if they have any asbestos specific knowledge at all. It is also concerning that due to the absence of a single trusted source, some people are getting their information from unauthorised online videos that provide incorrect information that will lead directly to asbestos exposure.

The benchmark 2019 asbestos survey⁴⁸ undertaken by the Taskforce revealed that three out of four people would undertake at least some – if not all – of the work themselves in the renovation of a kitchen or bathroom. While many (39%) said they were confident in their own ability to identify asbestos-containing materials, only 29% had any formal training. Only 56% of residential properties built before 1990 were being checked for asbestos prior to renovation. The 2020, 2021 and 2022 surveys showed that the dial did not move very far in any of these areas and more has to be done to educate home renovators about where asbestos can be found in the home (Appendix F).

In an effort to increase awareness, in 2021 the Taskforce worked with a behaviour change production company to produce the *Breathtaking Renovations* video,⁴⁹ which is a parody of a home renovation television program. Viewers watch the program host become (comically) increasingly frustrated that the home wasn't checked for asbestos prior to starting renovations. A 30-second version⁵⁰ was also produced for television and was broadcast throughout Gippsland for a 6-week period during September-October 2021, and also for four months from 1 March – 30 June 2022.

“Amazing way to get people knowing more about asbestos. I see it pop up all the time and it gets people talking on (sic) how serious it actually is from either stories or even just knowledge on the topic.”

2022 Latrobe Valley Asbestos Survey respondent commenting on the *Breathtaking Renovations* video

Breathtaking Renovations has been the key focus of an awareness campaign run throughout Gippsland by the Taskforce since the video was launched in September 2021 and has proven to be a resounding success.

48 Latrobe Valley Asbestos Benchmark Survey 2019. Latrobe Valley Asbestos Taskforce. https://www.asbestostaskforce.net/latrobe-valley-asbestos-survey-report-2019_final/

49 YouTube link: https://www.youtube.com/watch?v=v_9mGDcxL8I

50 YouTube link: <https://www.youtube.com/watch?v=AHedCV0olog>

58% people who have seen *Breathtaking Renovations* are now more likely to stop and think about where asbestos could be in their home.

2022 Latrobe Valley Asbestos Survey

Since it was launched on 16 September 2021, the *Breathtaking Renovations* video has amassed 513,250 online views across YouTube, Facebook and Instagram (as at 30 June 2022). The 2022 Latrobe Valley Asbestos Survey results reveal that half (48.6%) of all respondents said they had seen either the television commercial or the online video, and said they were now 'much more likely' (27%) or 'more likely' (31%) to stop and think about where asbestos could be in their home after viewing it.⁵¹

The survey also revealed that more people had seen the television commercial (48%) than the online video across all social media channels (42%), which highlights the importance of multi-channel promotion to reach the largest possible audience.

3

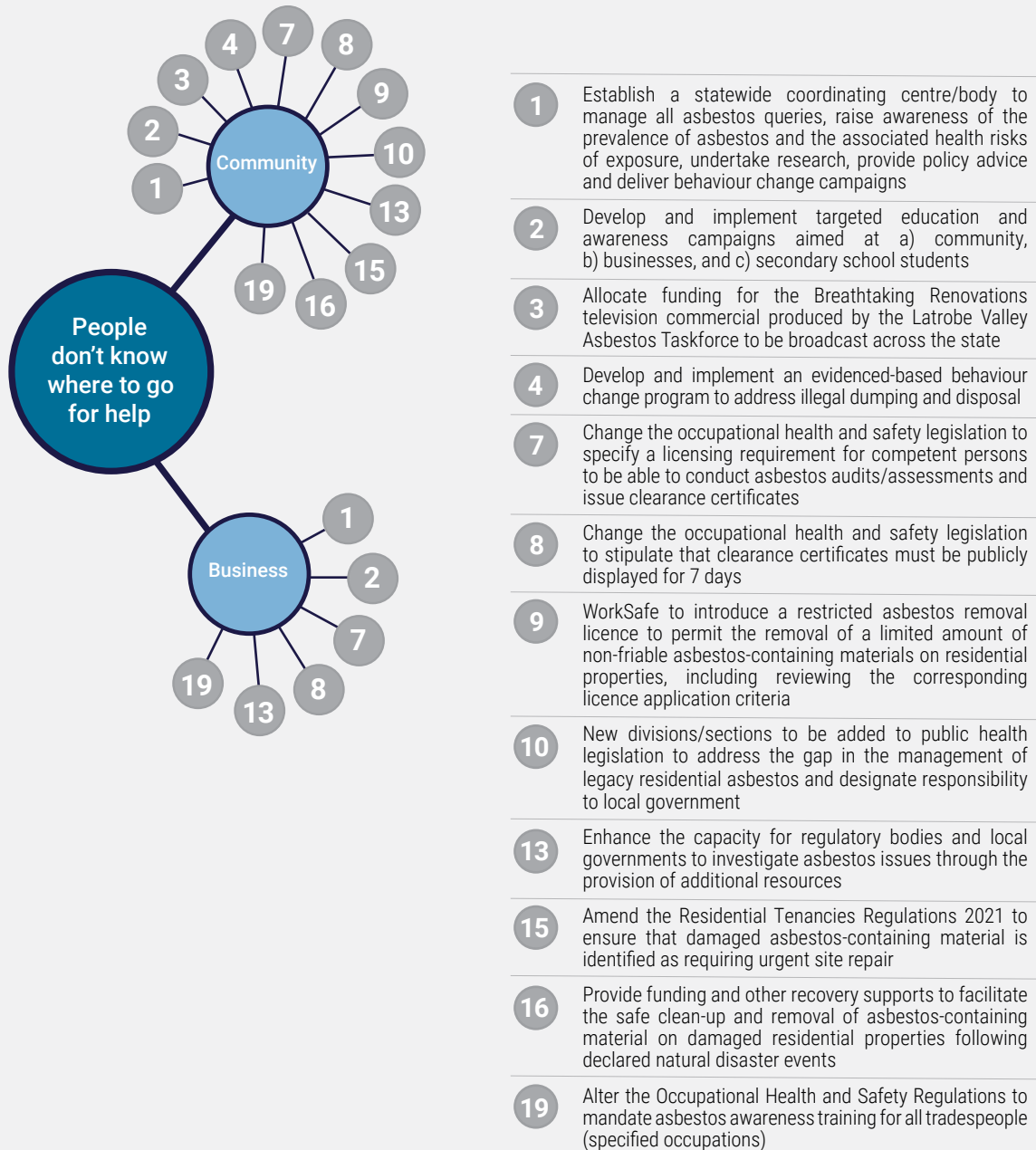
Allocate funding for the *Breathtaking Renovations* television commercial produced by the Latrobe Valley Asbestos Taskforce to be broadcast across the state, to immediately enhance community awareness about the common places asbestos is found in the home to reduce the likelihood of preventable exposure to asbestos.

These recommendations centre around the establishment of a statewide coordinating centre that will become recognised as the organisation that provides information on all asbestos-related matters and is the first point of call for enquiries and complaints, which will also reduce the burden on regulators.

It is suggested that once established, this body could also take carriage of Recommendations 2, 4 and 6, and further build on the success of the *Breathtaking Renovations* video (Recommendation 3) by producing similar videos and television commercials to increase awareness across all sectors in the community. Other recommendations that will have an impact are outlined in Figure 4 below.

⁵¹ *Latrobe Valley Asbestos Survey 2022*. Latrobe Valley Asbestos Taskforce <https://www.asbestostaskforce.net/publications/>

Figure 4. Mapping of Recommendations that will help people find the information they need.



3. The access to safe and affordable removal and disposal is limited

A recurring theme since the Taskforce began has been the prohibitive cost of safe asbestos removal and disposal by licensed asbestos removalists, particularly for small jobs on residential properties. A number of factors contribute to the high costs, such as insurance, compliance costs, the inherent risks of the work, disposal fees (which vary between licensed landfill sites), and the distance required to travel to licensed landfill sites for the legal disposal of asbestos waste.

There are currently 24 landfill sites licensed to receive asbestos waste in operation across Victoria. There are 13 that currently accept both domestic and commercial waste, 3 that accept commercial waste only, and 8 that accept domestic waste only. Sustainability Victoria is currently reviewing barriers to safe disposal of asbestos in its role to deliver the 10-year Asbestos Disposal Management Plan for Victoria, and will be developing a statewide network of existing licensed landfills and new asbestos transfer sites.⁵²

In consultation with licensed asbestos removalists, the Taskforce has heard that commercial removal is frequently prioritised over domestic removal due to the greater commercial profit margin, which is primarily due to the generally smaller size of the domestic job and the corresponding fewer number of hours spent on-site.

Some licensed asbestos removalists also commented that they do not seek domestic removal jobs because they are regularly out-priced by unlicensed contractors, whom they believe do not have the same level of training or experience, and are possibly not fully compliant with the OHS regulations. These regulations include only removing up to 10m² of non-friable asbestos-containing material or undertaking removal works of up to one hour in any 7-day period. In addition the Environment Protection regulations necessitate using the EPA Waste Tracker system and having a vehicle permit for the transport of any amount of asbestos waste. (The one exception to this is if the asbestos waste is being transported for no fee or reward and is no more than 50 litres in size).

⁵² <https://www.sustainability.vic.gov.au/about-us/our-mission/our-strategies/asbestos-disposal-management-plan>

“I am finding I am being undercut on price, compliance is the highest cost. I refuse to reduce the price on compliance.”

Class A licensed removalist, Taskforce consultation 2020

Due to the different operational costs of each landfill site licensed to accept asbestos waste, there is no standard set of fees applicable to asbestos waste disposal across the state. The minimum charge for commercial asbestos waste is generally charged at a much higher rate than domestic, and there is also variation in minimum charges and minimum volumes between disposal sites. For example, in Wellington Shire, the landfill site licensed to receive only commercial asbestos waste has a minimum charge of \$796 for up to two tonnes, and the licensed domestic-only landfill site charges \$100 per tonne for domestic asbestos waste. In nearby East Gippsland Shire, the minimum charge at the licensed landfill site is \$300 per tonne for commercial asbestos waste, and \$6 for up to 20kg of domestic asbestos waste.⁵³

There also appears to be confusion as to what constitutes domestic asbestos waste, as some asbestos removed from residential properties by contractors is taken to a domestic landfill site, when in fact as the contractors have been commercially engaged to remove/dispose of the asbestos, they ought to be taking it to a landfill site licensed to receive commercial asbestos waste.

All of the above presents a problem for people who want to have asbestos safely removed and disposed of by trained and approved professionals, particularly when the amount of asbestos-containing material is considered to be small, such as what would be typically found in a bathroom or kitchen.

“We had our bathroom renovated and the contractor left the asbestos wrapped up on our property. It’s only a small amount, but we can’t get anyone to come and remove it.”

Visitor to the Taskforce stand at Farm World 2022

To provide a low-cost quotation for the homeowner, in the above situation spoken of at Farm World, it is possible the contractor may have avoided providing a cost for the asbestos disposal to be awarded the job. In addition to

⁵³ All costs correct as at 31 July 2022.

the charges of disposal at a facility that is licensed to accept commercial waste, a vehicle permit from the EPA is required to transport the asbestos waste, which must also be electronically tracked on its way to the licensed landfill site using the EPA Waste Tracker system. It is common for licensed asbestos removalists to have EPA-approved temporary storage facilities, which means small amounts can be stored for a short period and then taken to the disposal facility when there is a large enough quantity to justify the disposal fee.

If we consider a scenario where the contractor may have been removing a greater amount than is legally permitted, then the contractor may have also known there aren't any restrictions applicable to homeowners in the amount they can legally remove, and therefore the homeowners could simply take the waste to a domestic landfill site themselves and not be concerned about the size of the load. A worse case scenario would be if the asbestos waste had been taken away, and instead of being disposed of correctly, may have been dumped somewhere illegally.

9

WorkSafe to introduce a restricted asbestos removal licence to permit the removal of a limited amount of non-friable asbestos-containing materials on residential properties, including reviewing the corresponding licence application criteria to make it more relevant to the skills and experience of industry participants, to increase the number and availability of trained and approved professionals in the community.

Some unlicensed contractors have told the Taskforce they will always engage a licensed asbestos removalist regardless of the size of the job. However social research shows that among those currently working in the field of building or waste services who may come into contact with asbestos, identified as 'relevant professionals',⁵⁴ "59% agree that 'in reality, the correct handling of asbestos doesn't always happen on a job', and when last encountering asbestos in a domestic setting, only 47% reported the use of protective gear and 43% that the area where the asbestos was located had been isolated or cordoned off."⁵⁵

54 Relevant professionals' were identified as "Licensed tradespeople and other professionals working in specific building or waste services roles; paid handypeople – adults in NSW who currently work on relevant properties as unlicensed building improvement or maintenance professionals; and Asbestos specialists – Asbestos assessors, licensed asbestos removalists and occupational hygienists."

55 *Asbestos Safety Part I – Household Renovations & Maintenance* 2021 prepared for NSW Environment Protection Authority. Heartward Strategic. <https://www.epa.nsw.gov.au/publications/asbestos/asbestos-safety-part-1-household-renovations-and-maintenance>

Although unlicensed contractors are required under the OHS regulations to have appropriate training to remove a limited amount of asbestos-containing material, there is no mechanism for this training requirement to be checked or approved. Without proper training, contractors are not only putting themselves at risk, but may also be leaving traces of asbestos fibres behind, putting people in harm's way.

19

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.

13

Enhance the capacity for regulatory bodies and local governments to investigate asbestos issues through the provision of additional resources to reduce the public health risk from asbestos exposure.

Improper removal can lead to improper disposal. Illegal dumping is a significant concern due to the immediate exposure risk to those who come across it, the impacts on the environment, and the clean-up cost burden for state and local government where a perpetrator cannot be identified.

Illegal dumping of asbestos waste in the bush has also halted planned burns by state agencies, which has led to even greater delays in planned burn activities as licensed removalists are not immediately available to attend to the dumped waste.

“Making removal and disposal expensive or complicated encourages dumping and other illegal disposal.”

2020 Latrobe Valley Asbestos Survey respondent

The Victorian Auditor-General's Office (VAGO) has determined that **“The risk to public health and the environment from illegally dumped ACM⁵⁶ is increasing. Our consultation and analysis show the biggest growth in illegal dumping**

56 asbestos-containing material

of ACM is from smaller-scale domestic construction and demolition waste operations.⁵⁷ The VAGO will be undertaking a reasonable assurance performance audit in 2023-24, to determine whether responsible agencies have controls in place to minimise the illegal disposal of asbestos-contaminated material.

Illegal disposal in household bins is also a concern, and often involves the breaking up of asbestos-containing materials to fit into the kerbside collection bin, which results in further uncontrolled risks of exposure to airborne fibres. Sustainability Victoria is investigating ways to increase access to disposal facilities, however this will not necessarily translate into the behaviour change that’s needed.

“I found some broken asbestos pieces in the yard when gardening. I just wrapped it in plastic and chucked it in the bin as it was only a small amount and I wasn’t sure what to do with it.”

Visitor to the Taskforce stand at Farm World 2022

It has been found that:

“Non-professionals and professionals alike use curbside residential bins as a fast, easy, cheap asbestos disposal method (particularly for small amounts) and as an immediate salve for the psychological distress raised by discovering and dealing with asbestos....Though most non-professionals at least suspect this practice is illegal, they also are generally unsure of how else to immediately deal with the asbestos. Few are conscious or concerned about what implications this might have for transport or waste workers.”⁵⁸

NSW EPA Social research 2021

4

Develop and implement an evidenced-based behaviour program to a) address illegal dumping and disposal and b) remove barriers to using licensed asbestos removalists and disposal facilities.

57 <https://www.audit.vic.gov.au/report/illegal-disposal-asbestos-contaminated-materials>

58 *Asbestos Safety Part I – Household Renovations & Maintenance* 2021 prepared for NSW Environment Protection Authority. Heartward Strategic. <https://www.epa.nsw.gov.au/publications/asbestos/asbestos-safety-part-1-household-renovations-and-maintenance>

As identified above, there are significant barriers to safe asbestos removal and disposal. However, the barriers for those with economic constraints are even greater. They do not always have the means to keep their homes maintained or engage licensed professionals even if they were readily available. The risks for the financially vulnerable are substantial as asbestos-containing materials are coming to the end of their product life, and if not maintained in a good condition, are in danger of releasing deadly asbestos fibres. This is particularly true for the older members of our society, who are physically less able to perform home maintenance tasks irrespective of whether they understand the risks of asbestos exposure or not.

14

Develop and implement a subsidised asbestos removal and disposal program for homeowners in the lower socio-economic bracket to prevent the most vulnerable from being exposed to asbestos in properties that cannot be properly maintained due to financial constraints.

A common complaint heard by the Taskforce is in relation to the lack of actions available to a renter when damaged asbestos is found in their rental property. Damaged asbestos-containing materials are releasing fibres; however this is not specified in the residential tenancies regulations as a situation requiring an urgent repair even though it presents a serious health risk.

“A hole was cut in the wall of my bathroom to take a sample in December and was confirmed as asbestos in January. They have not been back to do anything at all. They now want to come back and take another sample knowing that they’re exposing us to more fibres.”

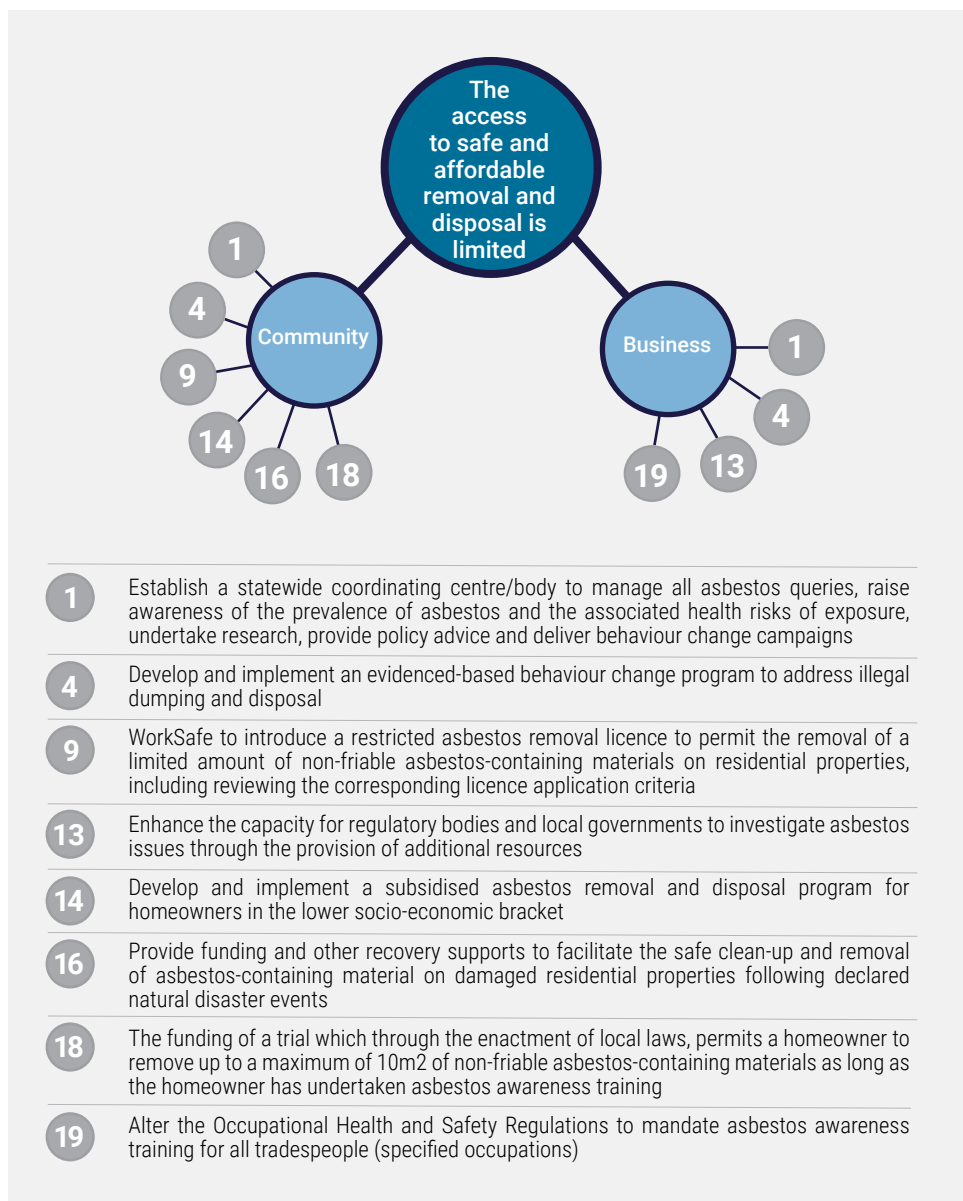
Email sent to the Taskforce by a person living in a rental property, Jun 2022

15

Amend the Residential Tenancies Regulations 2021 to ensure that damaged asbestos-containing material is identified as requiring urgent site repair, so that licensed asbestos removalists can be promptly engaged and renters are not exposed to asbestos fibres which presents an immediate risk of exposure to a serious health hazard.

The above Recommendations coupled with the establishment of a statewide body to increase understanding right across the state in all sectors about the very real health risks of asbestos exposure, will help prevent exposure by improving access to safe and affordable asbestos removal and disposal.

Figure 5. Mapping of Recommendations that will improve access to safe and affordable asbestos disposal and removal.



4. All levels of government need to do more to address the management of legacy asbestos

Today, *all Victorians* need to be aware, and wary of, asbestos-containing materials commonly found in our built environment. And all levels of government can do more to prevent people from unknowingly being exposed to asbestos fibres, and ensure there are consequences for deliberate unsafe actions that put people in harm's way.

In Victoria, WorkSafe regulates asbestos management in workplaces, and the EPA regulates asbestos waste transport, disposal and pollution. In 2016, the EPA became responsible for the past, current and future impacts of pollution and waste on public health, which includes asbestos. Public health staff and functions were transferred from the then Department of Health and Human Services to the EPA. However, a significant gap remains as the regulations do not address the most common instances of unsafe practices relating to asbestos removal and disposal frequently occurring on or at residential properties.

In 2020, Baw Baw Shire Council and Wellington Shire Council, both of which are Taskforce members, attempted to adopt the 'Asbestos in the Home Removal Kits' program successfully operated by Latrobe City Council since 2008. This program provides compulsory awareness training and a removal kit with all the PPE needed for homeowners who want to do small jobs themselves, as well as a voucher for appropriate disposal at the local licensed landfill site. The councils were not able to proceed with the program, as the councils' insurance policies contain broad asbestos exclusion provisions that prevent them from educating residents about how to deal with asbestos in their homes.

If local governments and their employees were indemnified through legislation, such as that which exists in Queensland, then the issues surrounding insurance may very well be addressed. The Queensland Public Health Regulation 2018 also specifies that local government is responsible for enforcement, and the prohibitions listed act as a guide for residents about what they can and cannot do. The Western Australian Health (Asbestos) Regulations 1992 similarly lists what is considered 'reasonable measures' to prevent asbestos fibres from being released, such as prohibiting the use of power tools, high pressure water jets or compressed air, and using only vacuum cleaners designed for asbestos fibres to clean up the asbestos dust particles remaining.

Further, the Queensland regulations provide a framework for training requirements and the approval of training by the Chief Executive Officer. If a similar framework was introduced in Victoria, it could facilitate the completion of asbestos awareness training by homeowners before undertaking removal on their own properties.

This was the intent of Recommendation 18, which was made to Government in November 2020.

18

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 so long as the homeowner has undertaken asbestos awareness training.

Further work undertaken by the Taskforce to understand all of the barriers in the management of legacy residential asbestos, has led to the conclusion that the only way to ensure safe practices and protect public health is to correct the legislative gap and add new divisions/sections to Victoria's public health legislation.

10

New divisions/sections to be added to public health legislation to address the gap in the management of legacy residential asbestos. This includes:

- a) A change to the Public Health and Wellbeing Act 2008 to include a definition of the risk to public health from asbestos exposure
- b) The creation of a new asbestos division in the Public Health and Wellbeing Regulations 2019 to designate responsibility to local governments to regulate asbestos removal by residents and authorise asbestos awareness training, as well as including an indemnity provision for local governments and all employees.

For all Victorians to get on board with the contemporary risks of asbestos exposure being our homes, we need to ensure those enforcing the regulatory framework have a solid understanding of the prevalence of legacy asbestos, and where it is commonly found. Increasing awareness is also important so that due consideration is given to asbestos in the preparation of government programs, projects or policy.

5

Mandate asbestos awareness training for all state and local government employees to minimise the risks of asbestos exposure and increase community awareness through regular and incidental interactions with government staff.

6

Allocate funding for the statewide replication of the residential and non-residential asbestos legacy reports produced by the Latrobe Valley Asbestos Taskforce so that all levels of government, agencies and responsible parties may understand the prevalence of legacy asbestos in each Victorian municipality.

Local governments need not undertake all of this work by themselves and a streamlined approach is recommended to ensure guidelines can be put in place as quickly as possible. In NSW, a Project Manager – Asbestos Policy sits within the Department of Local Government, which has produced a Model asbestos policy for NSW councils, hosts best practice asbestos management forums and has developed an online Asbestos Network.⁵⁹

12

Appoint a new full-time senior manager role within state government to work solely with local governments throughout Victoria on asbestos management issues to assist in the development of a range of communications and guidelines and asbestos management policies including preparation for, and response to, emergency events.

⁵⁹ <https://lgnsw.org.au/Public/Public/Policy/Asbestos.aspx>

It is very important that our regulatory bodies, which of course includes local government, have the legislative tools needed to target unsafe and illegal activities. In 2020, the recommendation to bring forward the notice of demolition was made to provide effective oversight to WorkSafe, as currently demolition activities only need to be reported at the end of the month, i.e. post-demolition. The Victorian Building Authority, with the support of the Demolition and Asbestos Industry Association of Victoria, introduced a voluntary trial in 2020 for demolition notices to be submitted prior to the commencement of works, however the take-up of this was minimal. Recommendation 20 still stands.

20

Alter the Victorian Building Authority's legal framework to bring forward the notification of 'pending demolition' so that it is reported in advance of the commencement of works.

A key learning from bringing all stakeholders together for the first time as part of the Taskforce, is that the targeting and enforcement of regulations requires a whole-of-government approach. This is especially true in regional and remote areas, where the nearest WorkSafe inspector or EPA investigator could be 300 kms away or more. There are local government offices peppered throughout the larger regional townships, which would enable a local council officer to be first on-site to any alleged contravention and submit a baseline report to the appropriate authority, which it would then triage as per its standard operating procedures after receipt of a complaint.

11

Implement a whole-of-government approach to asbestos investigations and inspections by implementing a standardised framework and set of guidelines for regulatory agencies and local government to work together, to enhance response and target enforcement actions through the sharing of time-critical information.

13

Enhance the capacity for regulatory bodies and local governments to investigate asbestos issues through the provision of additional resources to reduce the public health risk from asbestos exposure.

The task to properly inform Victorians about the prevalence of legacy asbestos – where it is commonly found in the built environment, how to manage it, what the legal duties are, how to contact an asbestos professional, not to mention education about the risks of exposure and the serious health effects of asbestos-related disease – is sizeable and cannot be underestimated. This highlights the importance of establishing a statewide coordinating centre/body.

1

Establish a statewide coordinating centre/body to manage all asbestos queries, raise awareness of the prevalence of asbestos and the associated health risks of exposure, undertake research, provide policy advice and deliver behaviour change campaigns to provide one clear focal point for asbestos in Victoria.

As mentioned previously, it is suggested that this new entity is independent of Government and could be based on the successful operational model of Quit Victoria or a similar body. While a new government authority was tabled, due to the number of agencies, acts and legislative instruments and management practices already in place, the Taskforce believed the cost and effort would be too great to be a viable option, and further it would take a considerable amount of time to implement (likely to be years) when reform is needed now.

It is not necessary to wait until a coordinating centre/body is established to help Victorians understand where asbestos could be in their homes. The *Breathtaking Renovations* television commercial produced by the Taskforce has proven to be a resounding success as discussed previously, with 58% people who have seen it saying they would either be 'more likely' or 'much more likely' to stop and think about where asbestos could be in their home.

3

Allocate funding for the *Breathtaking Renovations* television commercial produced by the Latrobe Valley Asbestos Taskforce to be broadcast across the state, to immediately enhance community awareness about the common places asbestos is found in the home to reduce the likelihood of preventable exposure to asbestos.

To prevent more deaths from asbestos exposure, we need to know which groups in our communities are succumbing to asbestos-related disease (ARDs) so that appropriate responses can be developed and programs implemented.

“If we can't fully grasp the extent of the problem, how will we ever be able to address it?”

Taskforce member

In 2004, a direction was made by Victoria's former State Coroner that “All deaths caused by asbestos, or where asbestos was a contributing factor, were to be reported to the State Coroner's office.”⁶⁰ The requirement to report asbestos-related deaths ceased in 2009, and the Coronial Council advised that “The investigation into and collection of data regarding ARDs is best served by the establishment of a comprehensive asbestos-related disease registry.”⁶¹ To date, a registry has not been established.

17

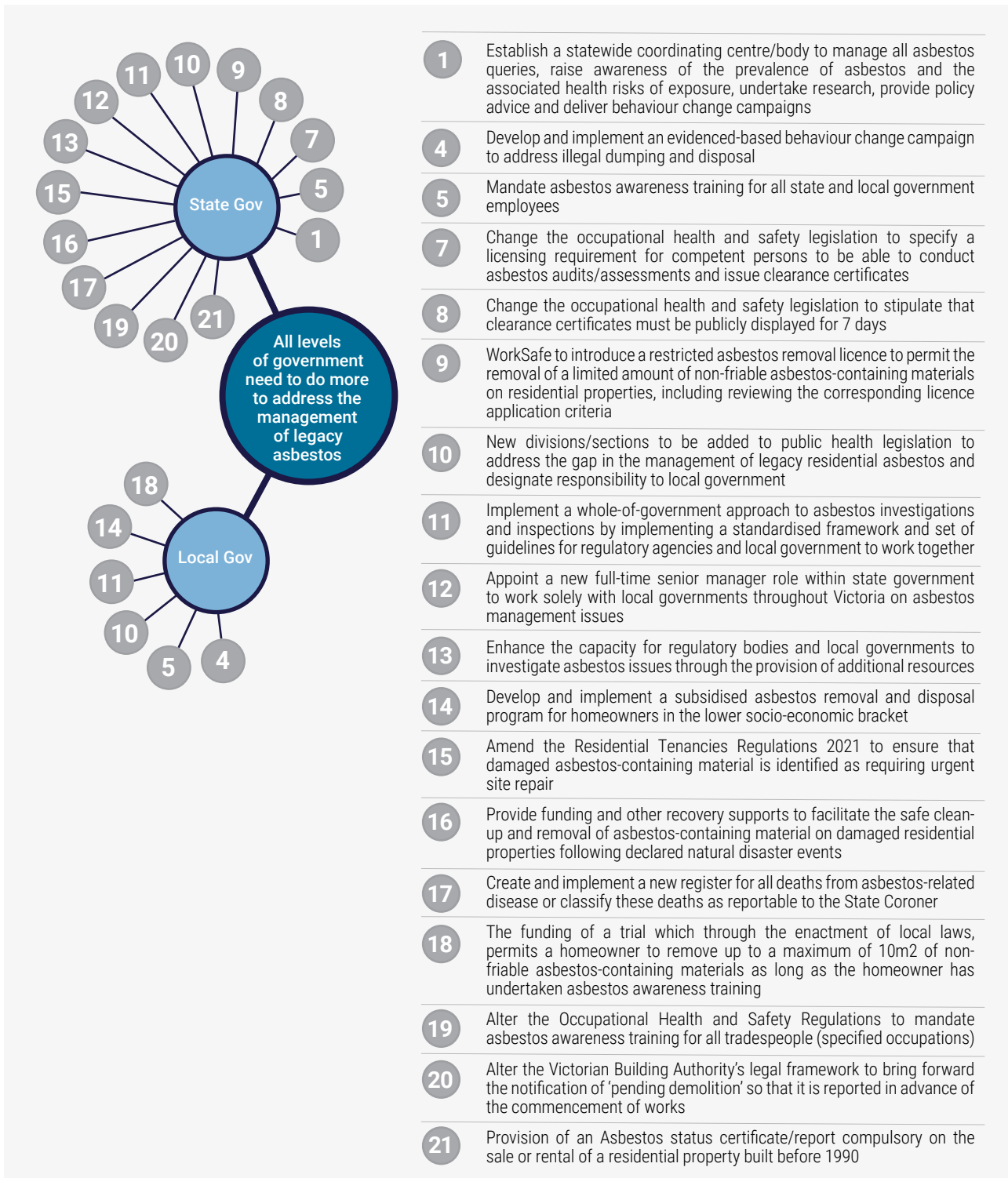
Create and implement a new register for all deaths in which asbestos was a contributory factor or classify these deaths as reportable to the State Coroner to overcome the inability of state systems to capture and quantify the incidence of deaths from asbestos-related disease.

Figure 6 on the next page highlights the myriad ways state and local governments can do more to respond to the complex problems presented by the volume of legacy of asbestos-containing materials in our state.

60 Coronial Council of Victoria – Reference 2 – January 2012

61 *ibid*

Figure 6. Mapping of Recommendations that show how all levels of government can do more to manage legacy asbestos.



Conclusion

Victoria is not alone in facing the grave consequences brought about by Australia's vast consumption of asbestos-containing materials in the 20th century. In recognising the nationwide burden of the asbestos legacy, all Australian states and territories have become signatories to the National Strategic Plan for Asbestos Awareness and Management,⁶² which aims to eliminate asbestos-related diseases by preventing exposure to asbestos fibres.

All 21 Recommendations made by the Taskforce will directly assist in this goal, and will also provide the foundations for the state to contribute towards six targets in the National Strategic Plan:

- increased awareness of the health risks of asbestos-containing materials (ACMs) and where to source information: all tradespersons whose work brings them into contact with ACMs; all workers in workplaces with ACMs; 80 per cent of homeowners and occupiers, 80 per cent of property managers and real estate agents
- all regulators have in place and have implemented asbestos compliance programs
- all commercial buildings which are required by law to maintain asbestos registers, have up-to-date registers and management plans that are actively being implemented
- all regulators are investigating, prosecuting and penalising serious known breaches of asbestos-related laws including illegal waste disposal and importation
- easier and cheaper disposal of asbestos waste
- develop an evidence-based national picture that assesses the likelihood of asbestos containing materials being present in the residential environment.

As identified by the Taskforce at its very first meeting in February 2019, the greatest risk of asbestos exposure is in our homes and people are at risk *right now*. It is possible to prevent more deaths from asbestos-related disease in our homes and in our workplaces, but only if real action is taken. This includes continuing to

⁶² National Strategic Plan for Asbestos Awareness and Management 2019 – 2023, Asbestos Safety and Eradication Agency. <https://www.asbestosafety.gov.au/what-we-do/national-strategic-plan>

build on the work of the Taskforce, which involves bringing all stakeholders with the necessary expertise together in a truly collaborative process, to get to a deep understanding of the issues to enable the full and proper exploration of solutions.

As the end of the original intended four-year duration of the Taskforce approaches, it is acknowledged there is more work to be done to manage the risks of asbestos exposure in all sectors right across the state. It is both important and necessary for State Government to view asbestos as an ongoing issue requiring ongoing appropriate resourcing. This is essential to **minimising risks of asbestos exposure and associated harm in Victoria.**

Appendix A. Taskforce member representatives

Independent Chair

Jane Anderson, Latrobe Health Advocate

Department of Environment, Land, Water and Planning (DELWP)

Darrin McKenzie, Regional Director Gippsland, Forest Fire and Regions

Kate Carmichael, Senior Program Manager, Latrobe Valley Asbestos Taskforce

WorkSafe Victoria

Barry Dunn, Manager, Major Construction Projects | Field Operations

Perdita Dickson, Manager, Occupational Health and Operational Programs | Prevention, Strategy & Planning Division

Environment Protection Authority

Regional Manager, Gippsland

Senior Engagement Lead, Gippsland

Department of Families, Fairness and Housing (DFFH)

Karen Russell, Manager Community Partnerships | Inner Gippsland

Department of Health

Representatives from the Health Protection Branch (joined Apr 2022)

Sustainability Victoria

Selena Papps, Program Lead Hazardous Waste (Asbestos) (joined Oct 2020)

Latrobe City Council

Suzanne Miller, General Manager Community Health and Wellbeing (until Aug 2021)

Ronda Bruerton, Manager Safe Communities (joined Sep 2021)

Robyn Duffy, Coordinator Health Services & Municipal Recovery Manager (working group member)

Wellington Shire Council

Vanessa Ebsworth, Manager Regulatory Services

Barry Nicholl, Municipal Building Surveyor Coordinator (until Dec 2021, working group member)

Baw Baw Shire Council

Geoffrey Fraser, Manager Community Safety (until Jan 2021)

Rob Antonic, Manager Community Safety (joined Feb 2021)

Tahlia Grandin, Coordinator Public Health (joined Mar 2022, working group member)

Resource Recovery Gippsland

Matthew Peake, Executive Officer

Latrobe Valley Authority

Tony Flynn, Team Leader, Worker Transition Service

Latrobe Health Assembly

Ian Needham, Executive Officer (until Dec 2019)

Tanya Rong, Chairperson (from Jan – Apr 2020)

Ellen-Jane Browne, Executive Officer (joined May 2020)

Richard Massey, Communications and Engagement Lead (joined Jul 2020, working group member)

Asbestos Council of Victoria/Gippsland Asbestos Related Disease Support Group Inc. (ACV/GARDS)

Vicki Hamilton OAM, Secretary/CEO

Australian Manufacturing Workers Union (AMWU)

Stephen Dodd, Union Organiser Gippsland, and Secretary, Gippsland Trades and Labour Council Inc.

Construction, Forestry, Mining and Energy Union (CFMEU)

Peter Clark, CFMEU Safety unit (until Apr 2022)

Dr Gerry Ayers, OHS&E Manager VIC/TAS Branch (joined Jun 2022)

Appendix B. Terms of Reference

The original Terms of Reference below were approved by Minister D'Ambrosio on 30 October 2019. Changes since then have included updating the list of members, and clarification of operational matters.

Terms of Reference

Latrobe Valley Asbestos Taskforce

Background

The Latrobe Valley Asbestos Taskforce (LVAT) was formally commissioned by the Minister for Workplace Safety, the Hon. Jill Hennessy MP in February 2019. The establishment of the LVAT is a key election commitment of the Andrews Labor Government and states in part, that the Victorian Government will commission the Latrobe Health Advocate to Chair a regional asbestos forum to design a plan for the management, demolition, transportation and disposal of asbestos in the Latrobe Valley.

Following a Government decision in March 2019, responsibility for the LVAT was transferred to the Minister for Energy, Environment and Climate Change, the Hon. Lily D'Ambrosio, with coordination and secretariat services to be provided by the Department of Environment, Land, Water and Planning (DELWP).

The establishment of the LVAT is an opportunity to ensure the health and wellbeing of Latrobe Valley communities is prioritised. It will give confidence to the community that government is not only listening to their concerns, but is committed to the development of a transparent process to develop meaningful long-term plans and activities to deal with contaminated materials. Latrobe Valley communities have expressed a clear expectation for transparency, responsiveness and effective feedback processes regarding asbestos complaints and handling.

It is intended that the scope of the LVAT is broad, encompassing public and private, industrial and residential sites and locations. The work and outcomes of the LVAT are likely to be the basis for state-wide systems and reform.

Purpose

The LVAT brings together a diverse range of stakeholders including State and Local Governments and authorities, workers representatives and community groups. It aims to bring about consistency, collaboration and improved community engagement and awareness for management of asbestos.

The LVAT will build on existing policies and practices and will jointly develop initiatives, programs and plans. It will identify shortcomings in the current systems for identifying and managing asbestos. An agreed process will be developed to ensure the proper management of asbestos waste material across the Latrobe Valley. This will bring about greater transparency, consistency and collaboration to ensure public safety and confidence.

The LVAT will prioritise community engagement and education. It will communicate with the Latrobe Valley communities via a range of channels and will remain open to feedback and respond to community concerns in a consistent and transparent manner.

Functions

The functions of the LVAT are to:

1. **Enquire into and report to Government** on current asbestos waste handling processes and safety practices within the public and private sector
 - a. Reach a clear understanding of the roles and responsibilities of the various regulatory bodies and authorities in relation to asbestos identification, handling and disposal
 - b. Report to Government on current asbestos waste handling processes and safety practices
 - c. Identify the gaps in knowledge of where asbestos is and how it is managed in the Latrobe Valley across all jurisdictions
 - d. Identify shortcomings in existing practices of responding to community concerns and make recommendations to improve the responsiveness, information sharing and feedback experienced by communities.

2. **Design a plan** for the management, demolition, transportation and disposal of asbestos for all Latrobe Valley sites and locations
 - a. Provide leadership and direction to deliver the Government's commitment to manage asbestos waste in the Latrobe Valley.
 - b. Build a common vision that prioritises the health of Latrobe Valley communities
 - c. Consolidate current knowledge of asbestos and identify asbestos sites and locations that are not officially registered.
 - d. Consider the potential health risks associated with asbestos and the importance of informing and educating Latrobe Valley communities about the measures in place to protect their health
3. **Make recommendations to Government** on the way asbestos waste material will be dealt with in a formal and consistent manner.
 - a. Identify the regulatory frameworks currently in place for asbestos management, and identify any gaps in those frameworks.
 - b. Consider the views and perspectives of Latrobe Valley communities including local residents, workers, businesses and industry and identify opportunities for collaboration, communication and education.
 - c. Ensure that all decisions made around asbestos waste are communicated to the community in a transparent and timely manner.
4. **Engage with and inform** the community and industry in the Latrobe Valley on the work and progress of the LVAT.
 - a. Know the importance of community involvement and education recognising both the benefit of gathering intelligence from communities about asbestos and the need to provide informative and easy to understand education about the risks.
 - b. Collaboratively develop a communication and engagement plan to ensure there is a clear and shared understanding of level and method of engagement and responsibility amongst Latrobe Valley communities and key stakeholders.
 - c. Provide Latrobe Valley communities with the information required to contact and engage with relevant authorities in relation to asbestos management
 - d. Facilitate public forums and other engagement activities with residents, business and industry as required.

Membership

The LVAT will be chaired by the Latrobe Health Advocate.

Membership will include representatives from the agencies and stakeholders listed below.

- Department of Environment, Land, Water and Planning (DELWP)
- WorkSafe Victoria (Worksafe)
- Environment Protection Authority (EPA)
- Department of Health and Human Services (DHHS)
- Latrobe Health Assembly
- Latrobe Valley Authority (LVA)
- Latrobe City Council
- Wellington Shire Council
- Baw Baw Shire Council
- Asbestos Council of Victoria/Gippsland Asbestos Related Disease Support Group (GARDS)
- Australian Manufacturing Workers Union (AMWU)
- Construction, Forestry, Mining and Energy Union (CFMEU)
- Electrical Trades Union (ETU)
- Australian Workers Union (AWU)
- Australian Services Union (ASU)
- Resource Recovery Gippsland.

Other authorities and agencies including Gippsland Water, the Victorian Building Authority and the Municipal Association of Victoria may be invited to attend and participate in LVAT discussions and activities as needed.

Frequency of Meetings

The LVAT will meet initially every month and after the first six months will review this with the intent to meet every two months thereafter.

Resources

DELWP will provide secretariat and technical support for the LVAT. This will include a dedicated team that is based in the Latrobe Valley for the duration of the LVAT.

In addition, the LVAT will look to utilise and realign existing resources of the various regulatory bodies in relation to asbestos identification, handling and disposal.

Duration

The LVAT will have an intended duration of up to four years.

Reporting

The LVAT will report to the Minister for Energy, Environment and Climate Change through DELWP on an annual basis.

Terms of Reference Review

The LVAT Terms of Reference will be reviewed on an annual basis.

The current Terms of Reference are available on the website:
<https://www.asbestostaskforce.net/terms-of-reference>

Appendix C. Victorian legislative instruments used to manage asbestos

Acts

- Occupational Health and Safety Act 2004
- Environment Protection Act 2017
- Dangerous Goods Act 1985
- Public Health and Wellbeing Act 2008
- Local Government Act 2020
- Building Act 1993

Regulations

- Occupational Health and Safety Regulations 2017
- Environment Protection Regulations 2021
- Environment Protection Transitional Regulations 2021 (will cease to operate on 30 June 2023)
- Environment Protection Revocation Regulations 2021
- Dangerous Goods (Storage and Handling) Regulations 2012
- Dangerous Goods (Transport by Road or Rail) Regulations 2018
- Building Regulations 2018

Codes and guidelines

- WorkSafe Victoria Compliance code: Managing asbestos in workplaces
- WorkSafe Victoria Compliance code: Removing asbestos in workplaces
- Australian Code for the Transport of Dangerous Goods by Road & Rail (ADG Code)
- Environment Protection Authority Industrial waste resource guidelines

Appendix D. Publications pertaining to the emerging 'third wave' of asbestos-related disease



The following is a list of publications consulted by the Taskforce, appearing in chronological order.

- The Third Wave of Asbestos Disease: Exposure to Asbestos in Place*. Public Health Control 1991. Annals of the New York Academy of Sciences, Volume 643, Issue 1. <https://doi.org/10.1111/j.1749-6632.1991.tb24437.x>
- Howat, P., Jalleh, G, Lin, C., et al. *Residential exposure to asbestos: implications for public health*. Proceedings of the 39th Annual Conference of the Public Health Association of Australia, 2009; Sep 28- 30; Canberra.
- Gordon, J., and Leigh, J. *Medicolegal aspects of the third wave of asbestos-related disease in Australia*, 2011. The Medical Journal of Australia 195(5). <https://doi.org/10.5694/mja11.10899>
- Olsen, N., Franklin, P., Reid, A., de Klerk, NH., Threlfall, T., Shilkin, K., and Musk, B. *Increasing incidence of malignant mesothelioma after exposure to asbestos during home maintenance and renovation* 2011. The Medical Journal of Australia 195(5). <https://doi.org/10.5694/mja11.10125>
- Park, E., Yates, D., Hyland, R., and Johnson, A. *Asbestos exposure during home renovation in New South Wales* 2013. The Medical Journal of Australia 199(6). <https://doi.org/10.5694/mja12.11802>
- Armstrong, B., and Driscoll, T. *Mesothelioma in Australia: cresting the third wave* 2016. Public Health Research and Practice 26(2):e2621614. <https://dx.doi.org/10.17061/phrp2621614>
- Soeberg, M., Vallance, D., Keena, V., Takahashi, K., and Leigh, J. *Australia's Ongoing Legacy of Asbestos: Significant Challenges Remain Even after the Complete Banning of Asbestos Almost Fifteen Years Ago* 2018. International Journal of Environmental Research and Public Health 15(384). <https://doi.org/10.3390/ijerph15020384>

Appendix E. Who Does What in Asbestos community matrix

Who does what in Asbestos

THE INFORMATION BELOW IS INTENDED AS A GUIDE ONLY. THE HANDLING OF ANY GIVEN COMPLAINT WILL DEPEND UPON THE SPECIFIC CIRCUMSTANCES OF EACH CASE.

I am concerned about	
Dumped asbestos	<p>→ Where was it found?</p> <ul style="list-style-type: none"> On public land and it's a large amount  On council or public land and it's a small amount  I saw a business dump it (can be either large or small) <p>→ Contact the EPA hotline: 1300 372 842</p> <p>→ Contact your local council www.knowyourcouncil.vic.gov.au/councils</p> <p>→ Contact the WorkSafe Advisory Line: 1800 136 089</p> <p>OR Contact the EPA hotline: 1300 372 842</p>
Improper removal activity	<p>→ Where do you suspect this is occurring?</p> <ul style="list-style-type: none"> Contractor doing works at a commercial or residential premises Homeowner doing removal themselves Environmental concerns, i.e. breaking up of asbestos sheeting (large scale activity) <p>→ Contact the WorkSafe Advisory Line: 1800 136 089</p> <p>→ Contact your local council www.knowyourcouncil.vic.gov.au/councils</p> <p>→ Contact the EPA hotline: 1300 372 842</p>
Storage of asbestos waste	<p>→ What type of storage?</p> <ul style="list-style-type: none"> Improper storage of asbestos waste on commercial properties Improper storage of asbestos waste on residential properties Temporary approvals issued by the EPA <p>→ Contact the WorkSafe Advisory Line: 1800 136 089</p> <p>→ Contact your local council www.knowyourcouncil.vic.gov.au/councils</p> <p>→ Contact the EPA hotline: 1300 372 842</p> <p>→ Contact the EPA hotline: 1300 372 842</p>
Transport of asbestos waste	<p>→ Suspected illegal transport of asbestos waste (i.e. no permit)</p> <p>→ Contact the EPA hotline: 1300 372 842</p>
Deteriorating building structure	<p>→ Where is the structure?</p> <ul style="list-style-type: none"> On a business site/commercial premises On a residential property, e.g. shed or fence <p>→ Contact the WorkSafe Advisory Line: 1800 136 089</p> <p>→ Contact your local council www.knowyourcouncil.vic.gov.au/councils</p>
I want to know	
How to find a licensed asbestos removalist/check if a contractor is licensed	<p>→ Contact the WorkSafe Advisory Line: 1800 136 089 or visit www.asbestos.vic.gov.au</p>
How to get an asbestos test	<p>→ Contact your local licensed asbestos removalist or occupational hygienist or visit www.asbestos.vic.gov.au</p>
How to dispose of asbestos-containing materials	<p>→ Who is doing the removal?</p> <ul style="list-style-type: none"> A contractor is doing this on my behalf I am doing the removal myself on my own property (not recommended) <p>→ Visit www.epa.vic.gov.au to find out which landfill sites are licensed to receive commercial asbestos waste</p> <p>→ Contact your local council www.knowyourcouncil.vic.gov.au/councils</p>
More about managing asbestos in the workplace and in the home	<p>→ Visit www.asbestos.vic.gov.au</p>

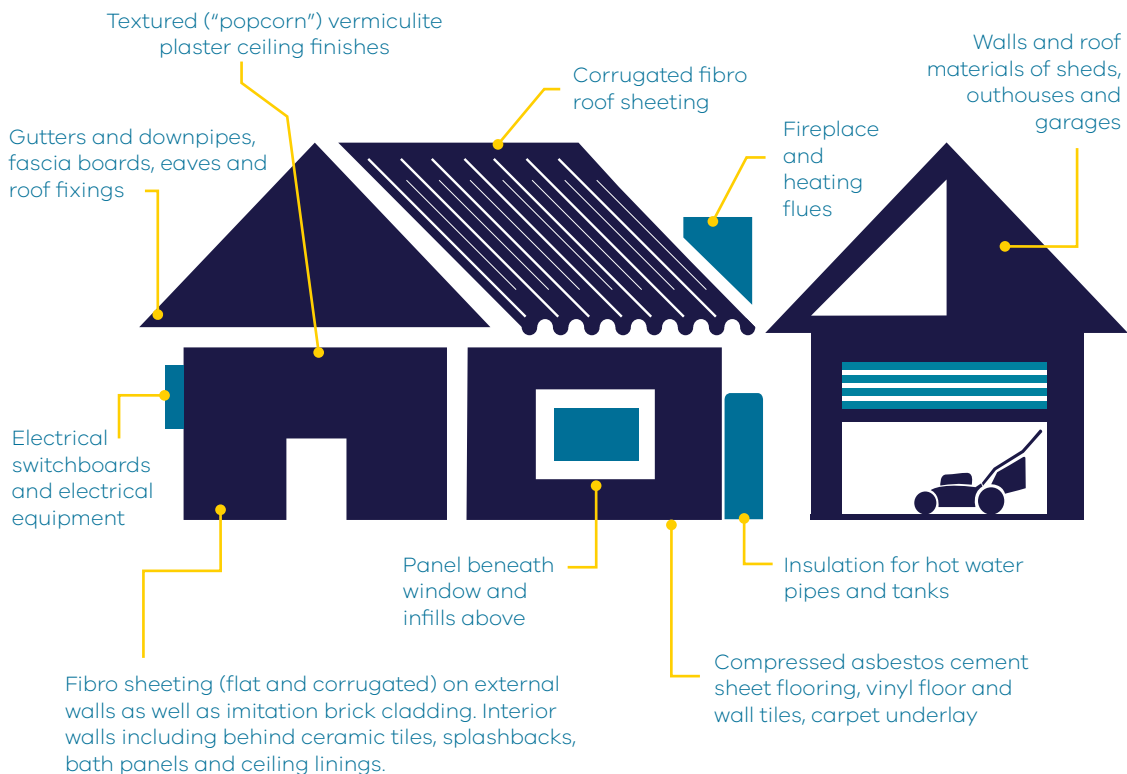
Appendix F. The most common places asbestos is found in the home

The information below is from the fact sheets produced by the Taskforce and published on asbestos.vic.gov.au

Where am I likely to find asbestos?

Because of its popularity as a building material, many homes built in Victoria before 1990 are likely to contain asbestos in some form. The image below shows some of the common places it can be found.

You can also use the interactive tool on asbestos.vic.gov.au which will guide you through locations where asbestos could be found in the home.



Remnants of asbestos can also be found in soils where old sheds or houses have been demolished in the past.

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