



ACT GOVERNMENT RESPONSE **MR FLUFFY LEGACY PROJECT: CONSULTATION OUTCOMES REPORT AND RECOMMENDATIONS**

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THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY

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ACT Government Response

Mr Fluffy Legacy Project: Consultation Outcomes Report and Recommendations

Introduction and project overview

The Canberra community has grappled with the impact of Mr Fluffy for over 50 years and the Asbestos Response Taskforce (the Taskforce) has been working to deliver the ACT Government's enduring solution through removal and renewal. The ACT Government recognises the response would not simply be a program about bricks and mortar but one that would touch the lives of homeowners, tenants, neighbours and the community and become part of our city's history.

The Government in 2014 determined the demolition of each affected house was the only enduring solution to the significant health, financial and social risks associated with Mr Fluffy. In the same year, the Loose Fill Asbestos Insulation Eradication Scheme (the Scheme) was established to deliver on the Government's response. The Government did not arrive at its response lightly, as it was informed by extensive discussions with experts, asbestos assessors and homeowners.

The social, practical and financial consequences faced by homeowners and tenants of affected properties have been considered at every stage of the Scheme. The Taskforce have worked closely with the homeowners and residents of affected and impacted properties, as well as the broader community, throughout the delivery of the Scheme. These responses have only been possible with a great deal of support and assistance from the Canberra community.

The Community and Expert Reference Group (CERG) was established in August 2014 to provide an important link between those affected by loose fill asbestos insulation and the Government. The Government and the Taskforce have engaged with this, and other homeowner and resident groups, since the Scheme's inception. This has allowed for direct input from those most impacted to inform the delivery of the Scheme.

Throughout 2019, the CERG worked with consultants RPS Manidis Roberts Pty Ltd (RPS) to develop and conduct a consultation program around how the community may wish to acknowledge the legacies of Mr Fluffy: the Mr Fluffy Legacy Project (the Legacy Project). The Legacy Project has sought community views on opportunities to acknowledge the impacts of Mr Fluffy loose fill asbestos insulation and presented its findings in the Mr Fluffy Legacy Project: Consultation Outcomes Report and Recommendations (the Legacy Report).

Data captured by RPS indicates the consultation program achieved 132 engagements either face to face or through the online platform, with several individuals participating in more than one activity. The input received through the consultation came only from a small percentage of those directly affected, the homeowners and residents of the more than 1000 identified affected and impacted homes. Despite this, the experiences and views shared by those who did participate are valuable and should be recognised.

Some who did not engage in the Legacy Project have told CERG they preferred to put it all behind them and move on in their lives. This is an understandable response and one that should be equally respected.

The Taskforce is continuing to support families and safely demolish affected houses across Canberra suburbs with the assistance of industry, community service organisations and the wider community. The loss of each affected house is an impact felt by the homeowners and tenants that once resided within them as well as by the neighbours which surround them.

The ongoing implementation of the Government's response to the presence of Mr Fluffy in Canberra, sensitively responding to the diversity of individual experiences as well as the contributions of those who engaged in CERG's research project, has contributed to Government consideration of the recommendations made through this project.

Summary of response

This document responds to the findings and recommendations made by CERG in the Mr Fluffy Legacy Project report. In responding to these recommendations, the Government acknowledges the contributions of those who participated in the Legacy Project and provides a commitment to the ongoing acknowledgement of the enduring impact of Mr Fluffy.

The Government is responding to all recommendations made by CERG in a way that is sensitive to the broad and diverse community experience with Mr Fluffy. This report describes how the Government is progressing each recommendation under the six key themes identified in the Legacy Project:

1. Learning lessons and documenting knowledge
2. Tracking the ongoing health impacts
3. Supporting families now and in the future
4. Recording the stories and personal experiences
5. Establishing a place of reflection
6. Supporting education and research.

Currently the public health crisis of COVID-19 is impacting many functions delivered by industry, community and government. As such there may be an impact on the delivery of some of the measures identified in the Government Response that follows. However, where specific timeframes have been identified, resourcing has been allocated to deliver these measures.

Response to recommendations

1. Learning lessons

There are always lessons to be learnt in the implementation of a complex program.

The Taskforce has maintained a program of independent reviews to evaluate the delivery of the Scheme and support continuous improvement in implementation. This practice is providing lessons that will be a valuable resource for Government in future responses to emerging public safety issues or community recovery programs. This audit program is scheduled to conclude in early 2021. The Government will publish the final independent audit examining all aspects related to the delivery of the Scheme.

The Government is also reviewing how relevant administrative records, information and research it has generated can be made accessible to support access to information by researchers and the community.

Recommendation 1.1

A board of inquiry be established to document the chronology of decisions and how policy and program responses were developed.

Noted

The Government's priority remains the ongoing delivery of the Loose Fill Asbestos Insulation Eradication Scheme to address the significant and current health, financial and social risks associated with Mr Fluffy.

The Mr Fluffy legacy extends back to 1968 well before self-government in the ACT. The Commonwealth Government has played a central role in the Mr Fluffy legacy and the impact of Mr Fluffy has also been experienced in the surrounding NSW region.

An inquiry into the legacy of Mr Fluffy could only achieve its goals with the involvement and close co-operation of the Commonwealth Government, and preferably the involvement of the NSW Government.

Recommendation 1.2

Lessons learned be documented and shared with other jurisdictions to ensure this does not happen again when a new issue or contaminant emerges, including clear and consistent procedures to guide any future response

Agree

The Government will continue to participate and share information in relevant interjurisdictional forums including the Australian Asbestos Eradication and Safety Council.

The Government is also working to deliver on the National Strategic Plan released by the Asbestos Safety and Eradication Agency (ASEA) and is exploring cross jurisdictional activities including promoting asbestos awareness.

The Government will, at the completion of the Taskforce's internal audit program in 2021, publish an independent audit examining the outcomes of Scheme, including lessons learned. It is intended that the audit will detail lessons that will support responses to emerging public safety incidents and community recovery projects.

Lessons learnt from the delivery of the ACT Scheme have also been shared at national ASEA conferences, and directly with the NSW Mr Fluffy Taskforce.

Recommendation 1.3

Research to understand the factors that enabled, delayed or prevented people from 'moving on'. This information to be used to better ensure more targeted support for people affected by similar disasters in the future.

Agree

The Government has engaged expert advice in relation to disaster recovery and the experience of trauma to inform the delivery of the Scheme.

Dr Rob Gordon, an internationally renowned clinical psychologist and a leader in the field of community recovery, has been engaged several times in the delivery of the Scheme. In June 2017, Dr Gordon reviewed the personal support model employed by the Taskforce and assessed that the Taskforce was meeting the requirements of an effective recovery agency. Dr Gordon also identified an opportunity for a support group for those seeking social support and a venue in which to discuss their experiences.

The Government has since engaged CatholicCare to provide a Therapeutic Group Support (TGS) service for the homeowners and residents of affected or impacted properties.

A program of face-to-face bimonthly meetings were planned to commence in March 2020 and run until March 2022.

In light of the recent impact of COVID-19 and related public health measures, the Government is engaging with CatholicCare to develop alternative delivery models that will support community access to this service.

Dr Gordon's report is currently available from the Taskforce website here:

www.asbestostaskforce.act.gov.au/faqs/reports.

The Government will, at the completion of the Taskforce's internal audit program in 2021, publish an independent audit examining the final outcomes of Scheme, including lessons learned. It is intended that the audit will detail lessons that will support responses to emerging public safety incidents and community recovery projects.

Recommendation 1.4

That an independent evaluation of the ACT Government's response to the impacts of the Mr Fluffy insulation be conducted. The evaluation should include both qualitative and quantitative assessments, and seek feedback from Mr Fluffy homeowners, tradespeople, contractors, healthcare providers and others about their experiences.

Agree

The Government will, at the completion of the Taskforce's internal audit program in 2021, publish an independent audit examining the final outcomes of Scheme including key insight and recommendations concerning both the governance and performance of the Scheme.

The audit is intended to provide lessons learned to support the delivery of other ACT Government programs and potentially provide lessons for other state and Commonwealth governments. It will examine all components of the Scheme including the buyback, demolition, sales and assistance phases. The audit scope will include the requirement to seek feedback from homeowners and tenants, non-government delivery partners and others community members impacted by the Scheme.

This audit will build on the findings of the 2016 ACT Auditor-General report *the Management of the Financial Arrangements for the Delivery of the Loose-Fill Asbestos (Mr Fluffy) Insulation Eradication Scheme* (Report No. 4/2016). This audit examined the financial and governance arrangements surrounding the Scheme. It found that the planning for and management of the financial arrangements for the implementation of the Scheme had been effective and that the Taskforce's approach to governance and risk management reflects better practice.

Since 2016, an internal audit program has been maintained by the Taskforce and continues to support the ongoing improvement in the implementation of the Government's response to the presence of Mr Fluffy in the Canberra Community and its associated health risks.

2. Tracking health impacts

There is still a lot more to understand regarding the health impacts of asbestos within the community, knowledge that can support community and health services responses.

In 2015, the Government commissioned the ANU National Centre for Epidemiology and Population Health (NCEPH) to undertake a two-year study to improve understanding of the health risks of Mr Fluffy loose-fill asbestos insulation (the ANU Health Study). The results of the ANU Health Study were published in 2016 and 2017. There are four components to the study:

1. A descriptive analysis of mesothelioma cases diagnosed in the ACT since 1982.
2. Focus group discussions to determine the health-related and social concerns of current and recent residents of ARPs.
3. Cross-sectional survey to assess health-related concerns and determine likely levels of exposure to asbestos insulation in current and recent residents of ARPs.
4. Data linkage study to estimate the relative rates of mesothelioma and other cancers in current and former residents of ARPs.

Recommendation 2.1

Support for the ACT Asbestos Health Study conducted by the Australian National University to monitor the ongoing health impacts of Mr Fluffy homeowners and potentially expanded to include those who rented, visited, or at any time worked on Mr Fluffy homes.

Agree

The Government will engage with the ANU NCEPH to investigate undertaking a new health study to build on the findings of the 2015 Study. The design of the new study will consider replicating components three and four of the previous study.

This work between the Government and ANU NCEPH will be delayed due to the ACT Chief Health Officer and other staff being engaged in the response to the COVID-19 pandemic.

The methodology and sample population identified for the previous the ANU Health Study was determined by the ANU research team based on the availability of data and their research practice. The methodology of any future study will be based on the advice of the ANU research team and Chief Health Officer.

The previous ANU Health Study included analysis of residents both owner occupiers and renters of dwellings known to contain loose fill asbestos insulation in the ACT.

The ANU study did not look at occupational exposure to loose-fill asbestos insulation. The research team indicated it would be difficult to specifically study the risk posed by loose filled asbestos to tradespersons who worked on affected houses because there are few records of work done on affected houses and who performed the work. However, tradespeople are encouraged to record any historical connections to affected properties on the National Asbestos Exposure Register at <https://asbestossafety.gov.au/national-asbestos-exposure-register>.

3. Supporting families

The ACT Government acknowledges the broad impact the presence of Mr Fluffy has had on homeowners, tenants and community. These diverse experiences have informed the Government's response which extends beyond the initial buy-back phase to address ongoing community needs.

Recommendation 3.1

Ongoing support for families and access to mental health services as well as GP services – tailored and bespoke for Mr Fluffy homeowners rather than just a generic referral to GP or Lifeline or other such resources.

Agree in-principle

The Government has engaged CatholicCare to provide a Therapeutic Group Support (TGS) service for the homeowners and residents of affected or impacted properties. This will be a tailored support option available to this community.

A program of face-to-face bimonthly meetings were planned to commence in March 2020 and run until March 2022. In light of the recent impact of COVID-19 and related public health measures, the Government is engaging with CatholicCare about the TGS service to develop alternative delivery models that will support community access to this service.

The service is being established following findings from Dr Rob Gordon, a clinical psychologist and leader in the field of community recovery, who highlighted the importance of providing a space that would enable people to keep in touch, share information and have a place where their experiences will be understood and respected.

The Capital Health Network are also developing HealthPathways for families who have been at risk of exposure to loose fill asbestos insulation. HealthPathways support health professionals to connect families with the services most appropriate to their individual circumstances.

Recommendation 3.2

Training for health practitioners to understand and be able to respond to patients with issues related to Mr Fluffy including a snapshot of the history and issues faced so that patients do not have to re-tell their stories at each visit, and improved and specialised palliative care for those with asbestos-related diseases

Agree in-principle

The Capital Health Network are developing HealthPathways for families who have been at risk of exposure to loose fill asbestos insulation. HealthPathways are designed to be used at the point of care to support the assessment, management and referral of patients within the localised health system. This guidance will provide local health practitioners in the Canberra region with an understanding of the type of concerns patients who have been at risk of exposure to loose fill asbestos may experience and the types of referral services available, including mental health services, that may be appropriate. HealthPathways will allow families to access the services most appropriate to their individual circumstances.

4. Recording the stories

The ACT Government recognises that the removal of affected properties from the Canberra community is a story that can be told from a range of perspectives - homeowners, tenants, neighbours, tradespeople and the broader community.

Providing for the expression of the experiences of individuals and their families is important to allow for individual and community reflection, the sharing of stories and understanding, and recording of a significant chapter in our city's history.

Recommendation 4.1

Curate a collection for Canberra Museum and Gallery including stories, poetry, art, interviews, photographs, songs and the like.

Agree in-principle

The Government will continue to consider opportunities to acknowledge and represent the impact that loose fill asbestos insulation has had on the lives of Canberrans and as part of our city's history.

Canberra Museum and Gallery (CMAG) serves a unique role as a place to experience the diverse history and contemporary culture of the Canberra region. CMAG regularly considers exhibition proposals and offers of donations to the collection.

The Taskforce will support CERG in engaging with CMAG to determine what works could be offered to CMAG's permanent collection and in developing an exhibition proposal for consideration by CMAG.

Recommendation 4.2

Ensure Mr Fluffy homeowner impact statements tabled in the House of Representatives and the ACT Legislative Assembly in 2014 and the 'More than Bricks and Mortar' book are included in the ACT archives collections/library.

Agree

The First Group Impact Statement: Hope in Grief: Confronting Mr Fluffy's Toxic Legacy in Canberra and Queanbeyan (October 2014) (the Impact Statement) was tabled in the ACT Legislative Assembly on 30 October 2014. The document was also tabled in both Houses of the Parliament of Australia on 27 November 2014. Tabled documents are retained as archival documents. This Impact Statement will be made available from the ACT Heritage Library and a copy will be provided to the National Library of Australia for inclusion within that collection.

Copies of the book, *More than bricks and mortar: the many faces of Canberra's "Mr Fluffy" homes*, by Jennifer Nagy are currently included in the collections of the ACT Heritage Library, ACT Legislative Assembly Library and National Library of Australia.

Further to the Government's response to 4.1, the Taskforce will also support CERG in engaging with the ACT Heritage Library to determine what other texts or works could be offered for donation to its collection.

Recommendation 4.3

An accurately researched and publicly available history and chronology of all Mr Fluffy events starting from the 1960s be prepared.

Agree in-principle

The Government will support independent research and community access to documentation about the experiences with loose fill asbestos insulation in the ACT.

ArchivesACT already provides for community access to ACT Government records that are older than 20 years. Archives ACT will promote this collection to a range of research and community networks which include organisations like the Australian Historical Association and Canberra and District Historical Society.

The Taskforce is also reviewing relevant records to support the proactive release of additional records relating to loose fill asbestos insulation between 2000 and 2011.

Facilitating community access to Government records will support independent research. This may include research undertaken as part of the PhD scholarship program referred to in the Government response to recommendation 6.1.

5. Establishing a place of reflection

Places of reflection can provide value to the community in enabling people to keep in touch and share information as well as demonstrating people's experiences are understood and respected.

The Taskforce is continuing to support families and remove affected houses across Canberra suburbs with the assistance of industry, community services and the wider community. The broad impact that Mr Fluffy has had on the community, over time and geographically, creates challenges for reflecting the diversity of individual experiences. The ongoing implementation of the Scheme also needs to be delivered sensitively and respond to the needs of individual families and their circumstances.

Recommendation 5.1

Establish a small pocket park or place of reflection to be planted with cuttings or selected species representing their lost homes and gardens

Agree in-principle

Everyone has experienced the impacts of Mr Fluffy differently and for many people still participating in the Scheme, they are not yet ready for a place of reflection. It is also difficult to distil the experiences of such a large impacted community into a single site.

The Government may consider the establishment of a place of reflection, if it is assessed that a public place could be developed sensitively and consistent with the following principles:

- there is a general consensus among the impacted community of homeowners and residents that an identified place of reflection would be sympathetic to their collective experience;
- the impacted community of homeowners and residents are engaged and there is agreement regarding practical matters including a site location and design; and

- the public site will support broad community use as well as an understanding and appreciation of the impact loose fill asbestos insulation has had on the community.

The Taskforce will continue to work with CERG to progress or review this recommendation.

Recommendation 5.2

Park to also include an interpretive plaque or signage acknowledging the Mr Fluffy story.

Agree in-principle

The Government will consider opportunities to sensitively acknowledge the experiences of homeowners and residents impacted by the Mr Fluffy legacy.

At this time, the Government does not want to prescribe, or be perceived to prescribe, on a sign or plaque the experiences of affected homeowners and residents given the ongoing delivery of the Scheme.

The Taskforce will continue to engage with CERG to progress and review this recommendation.

6. Education

The ACT Government acknowledges while the current program is designed to respond to the immediate identified risk to community from the presence of Mr Fluffy, ongoing awareness of the risks of asbestos within the community is important to:

- identify any unidentified places in the community representing risks to the Canberra community;
- increase health and community services' capacity to respond to the needs of homeowners and tenants of affected and impacted properties; and
- maintain a continued acknowledgement of the impact Mr Fluffy has had for many in the community.

Recommendation 6.1:

Establishment of a PhD scholarship for research or coursework related to a theme resulting from Mr Fluffy including (but not limited to);

- *6.1.1 Public administration and decision making in responding to crisis*
- *6.1.2 History or biographies*
- *6.1.3 Architecture and design*
- *6.1.4 Treating ongoing and/or long-term mental illness and stress in people exposed to asbestos*

Agreed

The Government will sponsor a PhD scholarship program with a local Canberra university. The program will progress research that responds to the legacy of Mr Fluffy in the ACT.

The Taskforce will work with local universities and CERG in establishing the program.

For more information

- [Asbestos Response Taskforce](#) website
- Mr Fluffy Legacy Project—Consultation Outcomes Report and Recommendations
www.asbestostaskforce.act.gov.au/
- Access Canberra 132281

