



20 August 2008
In reply please quote: Item 25

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The Hon. Stephen Robertson
Minister for Health
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Dear Minister

Re: Asbestos Indemnity Insurance and Section 14 Agreement

At the annual conference of the Urban Local Government Association of Queensland held recently in Gympie members resolved that representations be made to the State Government to:

1. Develop with local government an agreement under Section 14 of the *Public Health Act 2005* outlining the responsibilities of both State and Local Government; and
2. Pay for indemnity insurance for all local governments in relation to the identification and removal of asbestos from non workplace settings as defined by the Section 14 agreement."

As you know, legislation (*Public Health Act and Regulation 2005*) was passed by Queensland Parliament in 2005 making Councils responsible for regulating the identification and removal of less than ten square metres of asbestos from non-workplace settings as of June 2007.

Another issue identified in the legislation was a lack of clarity in some areas of asbestos management, particularly in relation to a do-it-yourself home handyman working with more than ten square metres of asbestos in a non-workplace setting. It was agreed that this matter would be resolved with an Agreement under Section 14 of the Act which would outline the responsibilities of both State and Local Government.

The ULGA looks forward to working with the State Government an agreement under Section 14 of the Act.

As stated in an LGAQ circular (2006-313) published on 7 November 2006, 'As members will be aware, the LGAQ objected strongly to these legislative amendments based on a lack of commercially available insurance to cover Councils for public liability and professional indemnity risks arising from their role in enforcing asbestos provisions in the Act. State Government has now offered Local Government a State indemnity in relation to asbestos handling. This arrangement will be in place for a period of five years with further market analysis to be undertaken at the end of the agreement.'

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Recently Queensland Health advised that they have now secured appropriate insurance. They are now preparing documentation for the partnership agreement as required under Section 14 of the Public Health Act 2005.

Your consideration of the matter and advice in due course would be appreciated.

Yours sincerely

**P PISASLE
PRESIDENT**