

## **Asbestos Inspection (Special Charge) Ordinance 2007**

(A report from the Standing Committee.)

### **Object of the Ordinance**

1. The object of the ordinance is to levy a special charge on parochial units in 2008 and subsequent years for the purpose of funding an asbestos inspection management program for property held on trust for parochial units in the Diocese.

### **Background**

2. At its meeting on 28 May 2007 the Standing Committee received a report from the Property Trust concerning an asbestos inspection and management program for parish properties. The program is considered necessary to ensure compliance with obligations which exist in relation to the identification and management of asbestos in parish buildings. The program is expected to run for 5 years with the estimated cost as follows –

Year 1 (2008)	\$350,000
Year 2 (2009)	\$310,000
Year 3 (2010)	\$310,000
Year 4 (2011)	\$315,000
Year 5 (2012)	\$325,000
	\$1,610,000

Further details about the program are set out in Appendix A.

3. Standing Committee has given its in principle support to the program. The Standing Committee also –

- agreed in principle to the cost of the program being funded through a charge on each parish, and
- requested that an ordinance based on both a net receipts and a flat charge basis be prepared for consideration at its July meeting.

### **Asbestos Inspection Ordinance**

4. A bill for the Asbestos Inspection (Special Charge) Ordinance 2007 based on parish net receipts was brought to the Standing Committee at its meeting on 23 July. Having considered the bill, the Standing Committee requested that the bill –

- be promoted to the Synod “by request of the Standing Committee”, and
- exclude any levy on parochial units for which no real property is held on trust by the Property Trust.

5. A table showing the amount of the proposed levy in 2008 for each parochial unit based on 0.52% of net receipts is set out in Appendix B.

6. It may be noted that the variable portion of the parochial cost recoveries charge for 2008 (5.07%) plus the proposed asbestos inspection levy (0.52%) may be compared with the variable portion of the parochial cost recoveries charged for 2007 of 5.46%.

**Recommendation**

7. The Standing Committee recommends that Synod pass the bill as an ordinance.

For and on behalf of Standing Committee.

ROBERT WICKS  
*Diocesan Secretary*

26 July 2007

## **Appendix A**

# **Proposed asbestos inspection and management program for parish properties**

### **Summary**

1. This report is made on behalf of the Anglican Church Property Trust Diocese of Sydney (ACPT) to advise the Synod about the legal and moral obligations which exist in relation to the identification and management of asbestos in parish buildings. The ACPT has spent a significant amount of time considering how those obligations might best be met.

2. The ACPT considers that an asbestos inspection and management program for parish properties is needed to ensure compliance with those obligations. In addition, the ACPT considers that such a program will –

- (a) protect the reputation of individual parishes and the Diocese as a whole, and
- (b) provide support for parishes which may not themselves be able to effectively initiate an inspection and management program themselves, and
- (c) enable the ACPT to obtain and maintain an accurate record of the presence and condition of asbestos containing material (ACM) in parish properties vested in it, and
- (d) enable the ACPT to oversee legal compliance and be in a position to respond to questions from regulating authorities.

3. The Standing Committee has endorsed the need for the ACPT to undertake the program. The matter is being referred to the Synod for funding approval.

### **Legal Position**

4. The Occupational Health & Safety Act and OH&S Regulation 2001 prescribe the legislative principles for managing asbestos. This legislation incorporates the Code of Practice issued in 2005 for the management and control of asbestos in workplaces [NOHSC:2018(2005)].

5. The Code of Practice requires that the property owners locate any ACM on properties vested in it, assess the condition of the ACM, develop and maintain a register, and develop and implement a plan to deal with any ACM that is found. This responsibility applies to all buildings, irrespective of age.

6. A failure to comply with the Code of Practice exposes the property owner to potential legal liability.

### **Risk to Reputation**

7. The ACPT is concerned that a failure to adequately address its responsibilities for asbestos also exposes individual parishes and the Diocese to an unacceptable reputational risk. Asbestos fibres that become airborne and are inhaled have been identified as a major long term health risk. The subject of asbestos contamination continues to receive a high level of emotive, negative media attention.

8. A pilot group examination of 6 parish sites revealed that there is ACM in parish properties. While most of the ACM identified does not present an immediate risk some situations require a degree of remedial action, which is currently in train.

9. The pilot study underpins the importance of systematically assessing parish property for the presence and condition of ACM and for appropriate management plans to be put in place.

### **The need for expert assistance / possible costs**

10. The Code requires that only competent persons inspect for the presence of ACM in a building. WorkCover appears to require that inspectors must be occupational hygienists with experience in identifying the location, type and condition of ACM.

11. In some situations, the only way to determine that a particular item is or is not ACM is by sampling and analysis by an accredited laboratory.

12. From the costs incurred in relation to the pilot group of sites, the ACPT expects that it will cost on average \$3,500 to have each site (estimated at 470) inspected for the presence of asbestos, all necessary laboratory testing undertaken and the required reports and registers prepared. The actual cost per site will depend upon the size, number and location of the parish buildings in question.

### **Possible courses of action**

#### *Advise the parishes to fulfil the responsibilities*

13. The ACPT has considered informing parishes of the need to have their properties inspected for ACM and to establish an asbestos management plan. The parish would be responsible for engaging and paying for the consultants, reviewing the report and proceeding to undertake any necessary remedial action.

14. The ACPT is uncomfortable with asking parishes to fulfil the responsibilities since it is unlikely to result in all parish sites being properly inspected within a reasonable time frame.

*A program run by the ACPT*

15. The ACPT considers that the preferred approach is for it to manage a program to have all parish properties inspected for the presence of ACM and that an asbestos management plan be established for each parish.

16. The ACPT envisages that a program managed by it would consist of the following –

- (a) the engagement of professional consultants in accordance with the Code of Practice, and
- (b) the inspection by the consultants of all parish properties (including grounds) for the presence of ACM, and
- (c) the consultants to make recommendations and provide high level cost estimates for any required remedial work, and
- (d) the consultants to establish the asbestos register, and
- (e) oversight of the implementation by parishes of the recommendations contained in the register of ACM, and
- (f) an ongoing compliance model to ensure that ACM is being correctly managed in parishes.

**Remedial works that may be beyond the capacity of the parish**

17. An asbestos inspection may require that significant remedial work on a property needs to be carried out. In an extreme case, it may be necessary to close a building or site until that work is carried out.

18. It is considered that undertaking any required remedial work is part of the responsibility to maintain parish property. Accordingly, it would be for the parish to fund and carry out any remedial works, and manage any implications for ministry on the availability of their buildings.

19. A parish may face a situation where the required treatment of ACMs is beyond its capacity to manage or fund.

20. Such instances, if and when they arise, will need to be considered on a case by case basis in conjunction with the Regional Archdeacon. At that time consideration may need to be given to the other options available for funding the remedial works, including regional or diocesan assistance.

**Consultation with the Archdeacons**

21. The Regional Archdeacons have been consulted on the proposed asbestos management program and have expressed their support for early implementation.

For and on behalf of the Property Trust

MARK PAYNE

*General Manager, Parish Services*

GREG ELLEM

*Manager, Property Trust*

25 July 2007

**Appendix B**

**Estimated Asbestos Inspection Charge for 2008**

(based on AFRs received up to 18 July 2007)

In 2008 it is proposed that all parochial units (other than those for which no real property is held - *see footnote*) pay an Asbestos Inspection Charge (authorised by the Asbestos Inspection (Special Charge) Ordinance 2007) calculated 0.52% of the net receipts of each parochial unit.

	Parish Prov. P or R. Ch.	Region	Parochial Unit	Net Receipts			Asbestos Inspection Charge \$
				Actual 2006 \$	Estimate 2006 \$	Actual 2005 \$	
1	PP	S	Abbotsford	108,537			564
2	P	W	Albion Park	231,799			1,205
3	PP	S	Annandale	380,220			1,977
4	PP	G	Arncliffe			166,907	868
5	PP	N	Artarmon	98,562			513
6	PP	S	Ashbury	127,522			663
7	P	S	Ashfield		146,483		762
8	P	N	Asquith/Mt Colah/Kuring - gai	224,595			1,168
9	P	WS	Auburn – St Philip	92,231			480
10	PP	WS	Auburn – St Thomas	92,862			483
11	P	W	Austinmer	205,414			1,068
12	P	N	Avalon with Palm Beach	202,259			1,052
13	P	N	Balgowlah			194,845	1,013
14	P	S	Balmain – St John	97,981			510
15	PP	G	Bankstown	63,493			330
16	P	WS	Baulkham Hills		279,500		1,453
17	P	N	Beacon Hill	81,953			426
18	P	N	Beecroft			204,086	1,061
19	P	S	Bellevue Hill	126,821			659
20	P	G	Belmore/ Clemton Park	109,554			570
21	P	N	Belrose		395,405		2,056
22	PP	WS	Berala	51,195			266
23	P	N	Berowra	265,675			1,382
24	P	W	Berrima cum Moss Vale	208,235			1,083
25	P	W	Berry/ Kangaroo Valley			266,047	1,383
26	P	G	Beverly Hills with Kingsgrove	275,690			1,434
27	P	WS	Blackheath	137,160			713
28	P	WS	Blacktown	365,309			1,900
29	P	G	Blakehurst	152,026			791
30	P	W	Bomaderry	176,213			916

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31	PP	S	Bondi (includes Bondi Beach)	166,590			866
32	P	W	Bowral	334,203			1,738
33	P	G	Brighton/ Rockdale	120,841			628
34	P	S	Broadway	707,442			3,679
35	P	W	Bulli/Woonona	166,581			866
36	P	S	Burwood	175,537			913
37	PP	G	Cabramatta	258,525			1,344
38	P	WS	Cambridge Park	200,069			1,040
39	P	W	Camden	441,458			2,296
40	P	W	Campbelltown	428,003			2,226
41	P	G	Campsie	146,982			764
42	P	G	Canterbury/ Hurlstone Park	95,811			498
43	P	W	Caringbah	361,675			1,881
44	P	WS	Carlingford/ North Rocks	1,029,638			5,354
45	P	WS	Castle Hill	1,481,475			7,704
46	P	S	Centennial Park	579,533			3,014
47	P	N	Chatswood	668,070			3,474
48	RC	WS	Cherrybrook	160,466			No real property
49	PP	G	Chester Hill with Sefton		84,500		439
50	PP	S	Clovelly	58,104			302
51	P	S	Concord & Burwood	131,553			684
52	P	S	Concord West & Concord North	198,237			1,031
53	PP	S	Coogee	158,010			822
54	P	S	Cooks River	129,793			675
55	P	W	Corrimal	84,197			438
56	PP	WS	Cranebrook	148,035			No real property
57	P	N	Cremorne	181,622			944
58	P	W	Cronulla	203,917			1,060
59	P	S	Croydon			415,616	2,161
60	PP	W	Culburra Beach	103,010			536
61	P	W	Dapto	615,401			3,200
62	P	S	Darling Point	493,171			2,564
63	P	S	Darling Street	393,147			2,044
64	P	N	Dee Why	218,887			1,138
65	PP	W	Denham Court	83,094			432
66	PP	WS	Doonside	69,618			362
67	P	S	Drummoyne	90,681			472
68	PP	G	Dulwich Hill	112,223			584
69	P	WS	Dundas/Telopea	208,431			1,084
70	P	WS	Dural District (incl Kenthurst)	267,475			1,391
71	PP	W	Eagle Vale	86,562			450
72	P	G	Earlwood			144,797	753
73	P	N	East Lindfield			213,076	1,108

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74	P	S	East Sydney	439,805			2,287
75	P	S	Eastgardens	357,955			1,861
76	P	N	Eastwood	292,242			1,520
77	P	WS	Emu Plains	213,140			1,108
78	P	S	Enfield	167,232			870
79	P	W	Engadine		421,800		2,193
80	P	S	Enmore/ Stanmore	188,484			980
81	P	N	Epping	296,462			1,542
82	PP	N	Ermington	83,448			434
83	PP	G	Fairfield with Bossley Park	166,997			868
84	P	W	Fairy Meadow	314,688			1,636
85	P	W	Figtree	1,450,734			7,544
86	P	S	Five Dock/ Haberfield			161,867	842
87	P	N	Forestville	273,128			1,420
88	P	N	Frenchs Forest	147,590			767
89	P	G	Georges Hall		100,069		520
90	P	W	Gerrington	221,687			1,153
91	P	N	Gladesville	719,110			3,739
92	P	S	Glebe	231,219			1,202
93	P	WS	Glenbrook (now Lower Mountains)	351,228			1,826
94	PP	WS	Glenmore Park	347,175			No real property
95	P	W	Glenquarie	82,716			430
96	P	N	Gordon			285,981	1,487
97	P	WS	Granville	108,899			566
98	P	G	Greenacre	101,437			527
99	P	N	Greenwich		108,156		562
100	PP	WS	Guilford with Villawood			206,326	1,073
101	P	W	Gymea	571,433			2,971
102	P	N	Harbord	125,398			652
103	P	W	Helensburgh/ Stanwell Park		146,600		762
104	P	N	Hornsby	148,554			772
105	P	N	Hornsby Heights	129,210			672
106	P	G	Hoxton Park			164,054	853
107	P	N	Hunters Hill	314,413			1,635
108	P	G	Hurstville	273,517			1,422
109	P	G	Hurstville Grove	319,154			1,660
110	P	W	Huskisson	107,675			560
111	P	W	Ingleburn	156,557			814
112	PP	W	Jamberoo	81,061			422
113	P	W	Jannali/Como	430,723			2,240
114	PP	WS	Katoomba			79,036	411
115	P	W	Keiraville	75,336			392
116	P	WS	Kellyville	231,672			1,205
117	P	S	Kensington	154,487			803
118	P	W	Kiama	275,798			1,434
119	P	N	Killara	374,149			1,946

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120	P	S	Kingsford	100,663			523
121	P	WS	Kingswood	178,081			926
122	PP	N	Kirribilli		135,415		704
123	P	WS	Kurrajong	175,923			915
124	P	G	Lakemba	72,282			376
125	P	WS	Lalor Park/ Kings Langley	111,701			581
126	P	N	Lane Cove	147,040			765
127	P	N	Lavender Bay (Christ Church)	211,219			1,098
128	P	WS	Lawson	95,174			495
129	P	S	Leichhardt	233,785			1,216
130	P	WS	Leura	117,765			612
131	PP	WS	Lidcombe	129,072			671
132	P	N	Lindfield	493,604			2,567
133	P	WS	Lithgow/ Littleton		202,046		1,051
134	P	G	Liverpool	336,286			1,749
135	PP	G	Liverpool South	104,119			541
136	P	N	Longueville	227,495			1,183
137	PP		Lord Howe Island			10,047	52
138	P	G	Lugarno	85,448			444
139	P	N	Macquarie	379,598			1,974
140	PP	S	Malabar	244,625			1,272
141	P	N	Manly	787,002			4,092
142	P	N	Manly Vale/Allambie Heights	161,451			840
143	P	S	Maroubra	136,349			709
144	P	G	Marrickville	155,036			806
145	P	W	Menai	503,445			2,618
146	PP	W	Menangle	136,300			709
147	P	WS	Merrylands West/ Greystanes	87,002			452
148	P	WS	Merrylands ex Woodville Road	258,957			1,347
149	PP	WS	Minchinbury	106,931			556
150	P	W	Minto	132,877			691
151	P	W	Miranda	667,298			3,470
152	P	W	Mittagong	224,668			1,168
153	P	N	Mona Vale	246,830			1,284
154	P	G	Moorebank		243,223		1,265
155	P	N	Mosman – St Clement	626,470			3,258
156	P	N	Mosman – St Luke	251,098			1,306
157	P	N	Mowbray	191,675			997
158	P	WS	Mt Druitt	157,912			821
159	P	WS	Mulgoa	115,590			601
160	P	W	Narellan	112,683			586
161	P	N	Naremburn/ Cammeray	649,409			3,377

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162	P	N	Narrabeen	532,320			2,768
163	P	N	Neutral Bay			293,405	1,526
164	P	N	Newport	150,153			781
165	PP	S	Newtown/ Erskineville	150,667			783
166	P	N	Normanhurst	254,589			1,324
167	P	N	North Epping			146,673	763
168	PP	N	North Ryde	88,325			459
169	P	N	North Sydney – St Thomas	1,293,332			6,725
170	P	N	Northbridge	100,345			522
171	P	WS	Northmead/ Winston Hills	566,513			2,946
172	P	WS	Norwest	264,864			1,377
173	P	W	Nowra	241,445			1,256
174	P	W	Oak Flats	126,543			658
175	P	WS	Oakhurst	208,270			1,083
176	P	G	Oatley West	89,932			468
177	P	G	Oatley	170,906			889
178	P	S	Paddington	117,104			609
179	P	G	Padstow	111,416			579
180	P	G	Panania	258,950			1,347
181	P	WS	Parramatta	904,124			4,701
182	P	WS	Parramatta North with Harris Park			206,066	1,072
183	P	G	Peakhurst/ Mortdale	242,448			1,261
184	P	WS	Penrith			295,923	1,539
185	P	G	Penshurst	166,608			866
186	P	S	Petersham	145,949			759
187	P	W	Picton	67,890			353
188	PP	WS	Pitt Town	138,812			722
189	P	W	Port Kembla	119,318			620
190	PP	N	Putney	77,427			403
191	P	N	Pymble			533,000	2,772
192	PP	S	Pymont	42,762			No real property
193	P	WS	Quakers Hill	232,118			1,207
194	P	S	Randwick	292,282			1,520
195	PP	G	Regents Park	20,103			105
196	PP	G	Revesby	81,693			425
197	P	WS	Richmond	173,523			902
198	PP	WS	Riverstone	83,768			436
199	P	G	Riverwood/ Punchbowl	221,048			1,149
200	PP	W	Robertson	142,982			744
201	P	WS	Rooty Hill			345,336	1,796
202	PP	W	Rosemeadow (Cataract/ Ambarvale)	174,828			909
203	P	N	Roseville	421,844			2,194
204	P	N	Roseville East	127,703			664
205	PP	WS	Rouse Hill	76,565			398
206	P	N	Ryde	485,194			2,523
207	PP	G	Sadleir	106,487			554

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208	P	G	Sans Souci	122,104			635
209	P	N	Seaforth	126,502			658
210	P	WS	Seven Hills	187,380			974
211	P	W	Shellharbour	176,378			917
212	P	W	Shellharbour City Centre	309,309			1,608
213	P	G	Smithfield Road	347,576			1,807
214	P	G	South Carlton		180,773		940
215	P	S	South Coogee	167,557			871
216	PP	W	South Creek	175,513			913
217	P	G	South Hurstville	123,465			642
218	P	S	South Sydney	225,811			1,174
219	P	WS	Springwood	475,826			2,474
220	PP	WS	St Clair	46,758			243
221	P	G	St George	101,542			528
222	RC	G	St George – Christ Church	164,369			No real property
223	P	G	St George North	521,835			2,714
224	P	N	St Ives	1,304,483			6,783
225	P	WS	St Marys	136,611			710
226	PP	S	Strathfield – St Andrew		211,384		1,099
227	P	S	Strathfield & Homebush	168,963			879
228	P	S	Summer Hill	110,836			576
229	PP	S	Surry Hills – St Michael	231,475			1,204
230	P	W	Sutherland	293,564			1,527
231	P	W	Sutton Forest		201,622		1,048
232	P	S	Sydney – Christ Church St Laurence	413,456			2,150
233	P	S	Sydney – Holy Trinity, Millers Point	246,605			1,282
234	P	S	Sydney – St Andrew's Cathedral	489,989			2,548
235	P	S	Sydney – St James, King Street	1,091,116			5,674
236	P	S	Sydney – St Philip, York Street	216,798			1,127
237	P	W	Sylvania	187,197			973
238	P	W	The Oaks		110,383		574
239	P	N	Thornleigh/ Pennant Hills		222,753		1,158
240	P	WS	Toongabbie		165,639		861
241	P	N	Turramurra	516,280			2,685
242	P	N	Turramurra South		416,541		2,166
243	P	W	Ulladulla	265,129			1,379

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244	RC	S	Unichurch (Uni. NSW)	622,900			No real property
245	P	S	Vaucluse/Rose Bay	189,786			987
246	P	N	Wahroonga – St Andrew	376,339			1,957
247	P	N	Wahroonga – St Paul	193,251			1,005
248	P	N	Waitara	122,232			636
249	P	S	Watsons Bay	187,460			975
250	P	S	Waverley	241,451			1,256
251	P	WS	Wentworth Falls	209,420			1,089
252	P	WS	Wentworthville	167,134			869
253	P	N	West Lindfield	177,892			925
254	P	WS	West Pennant Hills	568,668			2,957
255	P	N	West Pymble	386,105			2,008
256	P	N	West Ryde	183,391			954
257	P	W	West Wollongong	231,863			1,206
258	PP	WS	Westmead	124,797			649
259	PP	WS	Wilberforce	295,659			1,537
260	P	N	Willoughby	359,765			1,871
261	P	N	Willoughby East	166,788			867
262	P	WS	Windsor	178,413			928
263	PP	W	Wollondilly	116,968			608
264	P	W	Wollongong	361,347			1,879
265	P	S	Woollahra	133,212			693
266	P	G	Yagoona	178,289			927

58,899,456 3,932,720 4,172,660

Estimated total net receipts, based on the figures shown above 67,004,836

Estimated total asbestos inspection charge for 2008 340,699

Parochial units for which no real property is held include -

Recognised churches -

Cherrybrook

St George – Christ Church

Unichurch (Uni NSW)

Special provisional parishes -

Pymont

East Chatswood (created 2007)

Parishes using land held on trust for the Mission Property Committee -

Cranebrook

Glenmore Park

*(this list excludes a number of other parochial units which operate from MPC land but also have land held in trust for the parish, including Rouse Hill which has a cemetery)*