



# ASBESTOS

**BOB:** The asbestos issue has raised its head again in Orange. At last week's Council meeting, asbestos in Council buildings was mentioned and then Councillor Mileto featured in local media asking Council staff to undertake a safety audit of all council-owned facilities including the Colour City Caravan Park. What is your experience of councils managing asbestos issues?

**AMANDA:** The role of councils in managing asbestos has been a bit of a thorny issue over the last few years and the Blue Mountains City Council was almost sacked over it. In 2018 the Minister for Local Government, the Hon. Gabrielle Upton announced a Public Inquiry into Blue Mountains City Council. The terms of reference for that Inquiry addressed issues relating to the Council's management of asbestos. It is my understanding that the Blue Mountains Council has been largely exonerated but the Inquiry is not yet finalised. Much of the information about the Public Inquiry appears to have been removed from the Office of Local Government website.

**BOB:** I know asbestos is bad, but is it the big deal that we're led to believe it is?

**AMANDA:** The danger is that any mention of asbestos, particularly in buildings well used by the community, can cause unnecessary alarm and despondency. The following is a quote from the website of the Blue Mountains City Council:

**'Identifying asbestos materials in a home or workplace does not necessarily mean your health is at risk. Studies have shown that these materials, if in sound condition and left undisturbed, are not a significant health risk. If the asbestos fibres remain firmly bound in materials such as wall cladding, there is generally no need to remove the materials concerned. Friable asbestos containing material presents a risk to health and safety when such material, in the form of respirable sized fibres, becomes airborne and is inhaled.'**

As ever, it is not easy to ascertain what councils are actually responsible for regarding asbestos. An Office of Local Government Circular from 2012 states:

**'Councils are now required, by virtue of section 23A of the Local Government Act 1993, to consider the Model Asbestos Policy when developing, adopting and implementing an asbestos policy for their local government area.'**

Blue Mountains City Council states:

**'The Council, in common with all other business and service providers in NSW, has a legal and ethical obligation to manage risk associated with Asbestos Containing Material (ACM). The Council continues to strengthen and improve its asbestos management and is committed to acting fairly, ethically, in the best interests of the community and as a responsible employer...'**

**Like many local government organisations, Council is responsible for managing a diverse portfolio of ageing infrastructure. Many of Council's built assets were constructed prior to 1990 (in some cases, long before that year) and contain asbestos.'**

So, I searched Orange City Council's website and found:

- An Asbestos Management Policy – which explains - Council is required to adopt an Asbestos Management Policy in accordance with Guidelines issued by the Office of Local Government.

<https://www.orange.nsw.gov.au/wp-content/uploads/2018/07/Asbestos-Management-ST001.pdf>

- An Asbestos Management Plan that was prepared in 2014 the purpose of which includes to outline the role of a variety of NSW Government agencies, Council and other organisations in managing asbestos. This Plan outlines Council's commitment and responsibilities in relation to safely managing asbestos and contains general advice.

<https://www.orange.nsw.gov.au/wp-content/uploads/2018/08/Asbestos-Management-Plan.pdf>

- Asbestos Register Risk Management Matrix – which is a lengthy register of assets that examines the risk of or presence of friable asbestos and where there is a risk this has mostly been removed.

<https://www.orange.nsw.gov.au/wp-content/uploads/2018/07/Asbestos-Register.pdf>

**BOB:** Sounds fairly reasonable to me, and we just need to apply a bit of good sense when asbestos issues come up. Your thoughts?

**AMANDA:** My judgement is that Council staff appear on top of this issue and would already have a regular inspection regime as part of asset management procedures.

Council's asset management is part of the Integrated Planning and Reporting requirements and the role of Councillors in that is to participate in the development of the integrated planning and reporting framework.

**BOB:** In your opinion, does this issue warrant the media coverage it got?

**AMANDA:** I have always found it a bit surprising that various Orange City Councillors speak in the media and it is not always clear whether their comments are personal comments or made on behalf of Council. This is not what I am accustomed to as I am used to working in councils that have media guidelines for Councillors and staff, but cannot find any on Orange City Council's website.

The Office of Local Government Councillor Handbook 2017 says:

## **'Dealing with the media'**

**Media regularly contact councils for comment on local issues, and councils rely on media to promote upcoming events and projects, and to voice their views on certain issues. The media and councils need each other, but it is a sensitive relationship fraught with risk.**

**Most councils have media guidelines and the mayor is often the official spokesperson.**

**There are, however instances where a councillor is best placed to comment – either because the mayor isn't available, or it is an issue of particular interest/expertise to the councillor.'**

## **Councillors and public comment**

**It is common for councillors to be asked by journalists to comment on council policy or decisions. There are certain protocols that councillors must follow when responding to the media on council policy or decisions.**

**Many councils have a policy which permits only the mayor, the general manager or the public officer to speak on behalf of the council. In such cases individual councillors remain free to make personal comments to the media but not to speak on council's behalf.**

**When speaking publicly, councillors should ensure that they clarify whether or not they are acting on behalf of council and/or as an individual councillor.'**

I did not pick up from watching the Council meeting online whether or not Councillor Mileto's request for Council staff to undertake a safety audit of all council-owned facilities was approved, and the minutes of the meeting are not available yet.

Recently a new role for Councillors was added to the Local Government Act:

- **to uphold and represent accurately the policies and decisions of the governing body**

This was a controversial addition as it was felt by some to reduce the ability of Councillors to express their

opposition. This comes from the concept that the governing body acts like a Board of Directors.

It is explained further in the Office of Local Government 2017 Handbook: *'While councillors are free, subject to their obligations under the council's Code of Conduct, to advocate a position on matters that are before the council for a decision, once a decision has been made they are required to 'uphold' the policies and decisions of the council.'*

Hopefully, Council staff will soon be able to reassure the community and sporting groups that there is no reason for concern.

**BOB:** On another front, I know you have been concerned in the past about Customer Service at Orange City Council. I found it strange that Council more or less closed down its Customer Service Centre at Council and referred everyone to the Post Office to make cash and other payments!!

**AMANDA:** Yes, and thankfully the staff at the Post Office do a great job very cheerfully.

What I have been concerned about in the past is the lack of a Customer Service Charter that sets out the customer service standards that customers can expect. For example, I recently asked a member of the Executive Team at Council by email what the service standard is for responding to correspondence. The reply was – *'Council's Customer Service Obligation Strategic Policy provides for responses to be provided within operation timeframes, currently 10 business days.'*

So, I managed to locate that policy on Council's website and was disappointed by the vagueness of the Service Commitments.

<https://www.orange.nsw.gov.au/wp-content/uploads/2018/07/Customer-Service-Obligation-Strategic-Policy.pdf>

The commitments include:

*'Council staff shall endeavour to respond to correspondence (written, faxed or electronic) within established operational timeframes. Where the matter requires extended investigation or research, an acknowledgement letter, email or phone call will be provided to the customer.'*

*Staff will endeavour to answer telephone calls to Council in person quickly and efficiently. Where that is not possible, a voicemail message will invite customers to leave a message. An Orange City Council officer will return customer calls or action requests.'*

In our mission to get the best out of our council I searched a few other councils to find out whether they have measurable customer service standards. Dubbo Regional Council has a very attractive Customer Experience Charter that lacks service standards.

Randwick City Council has a one page Customer Service Charter that has two measurable standards.

[http://www.randwick.nsw.gov.au/\\_data/assets/pdf\\_file/0020/20459/20100531\\_Customer\\_Service\\_Charter.pdf](http://www.randwick.nsw.gov.au/_data/assets/pdf_file/0020/20459/20100531_Customer_Service_Charter.pdf)

It has:

*'Our Commitment to YOU. Randwick City Council will ensure that our customers and stakeholders received efficient, responsive and friendly service.'*

*We will set measurable standards and provide quality service'*

The two measurable standards it provides are:

- On the telephone we will answer calls within five (5) rings
- When we respond to your letter, emails and faxes we will reply to you within 15 working days.