



Reducing the Illegal Disposal of Asbestos

November 2023

Independent assurance report to Parliament
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Reducing the Illegal Disposal of Asbestos

Independent assurance report to Parliament
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of the Parliament of Victoria
November 2023

The Hon Shaun Leane MLC
President
Legislative Council
Parliament House
Melbourne

The Hon Maree Edwards MP
Speaker
Legislative Assembly
Parliament House
Melbourne

Dear Presiding Officers

Under the provisions of the *Audit Act 1994*, I transmit my report *Reducing the Illegal Disposal of Asbestos*.

Yours faithfully



Andrew Greaves
Auditor-General
16 November 2023

The Victorian Auditor-General's Office (VAGO) acknowledges the Traditional Custodians of the lands and waters throughout Victoria. We pay our respects to Aboriginal and Torres Strait Islander communities, their continuing culture, and to Elders past and present.

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Audit snapshot

What we examined

We examined whether responsible agencies have effective measures in place to reduce the illegal disposal of asbestos.

The agencies we examined were the Department of Energy, Environment and Climate Action (the department), the Environment Protection Authority Victoria (EPA), Parks Victoria, Sustainability Victoria and WorkSafe Victoria (WorkSafe).

Why this is important

Breathing in asbestos fibres can cause fatal and debilitating diseases including asbestosis, lung cancer and mesothelioma.

In 2018, the federal Asbestos Safety and Eradication Agency estimated that the indirect costs to the Australian health system and associated productivity losses for patients and carers were \$192 million per year.

To reduce this risk, when people remove asbestos from buildings they must safely manage and transport it to a licensed disposal site. The amount of asbestos going to legal disposal sites in Victoria is increasing.

Dumping asbestos waste anywhere other than a licensed facility is illegal and can endanger public health.

Government agencies have a range of tools they can use to try to reduce this risk.

What we concluded

The measures in place to reduce illegal asbestos disposal are not coordinated across agencies.

This means their actions often overlap or do not work together to use limited resources where they are most needed.

Agencies also do not collect and share data on illegal disposal. This means they do not understand:

- the scale of the issue
- if they are making the right decisions to address it
- if the measures they take are working.

Barriers to safe and legal disposal options may deter people from disposing of asbestos properly.

What we recommended

We made:

- 4 recommendations to EPA about leading a coordinated multi-agency response to asbestos dumping, that includes data collection and analysis, and developing a clear monitoring and enforcement strategy to reduce illegal disposal
- 3 recommendations to WorkSafe about making asbestos information more accurate on websites.

[→ Full recommendations](#)

Key facts



Around 1 in 3
houses in Australia
contain asbestos



128,325 tonnes
of material that contains asbestos legally
entered Victorian landfills in 2021



1 in 4 towns and cities in Victoria
will be more than 60 minutes from a
domestic asbestos disposal site in 2030

Source: Asbestos Safety and Eradication Agency's *Communicating asbestos facts and figures to the public*, 2021; Department of Environment, Energy and Climate Action's Hazardous Waste Projection Model 2019; Sustainability Victoria's 2020 Drive time analysis – Landfills accepting asbestos 2030.

Note: Material that contains asbestos includes asbestos-contaminated soils; towns and cities are population centres with more than 5,000 people.

Our recommendations

We made 7 recommendations to address 3 issues. The relevant agencies have accepted the recommendations in full or in principle.

Key issues and corresponding recommendations			Agency response(s)
Issue: Understanding the scale of illegal asbestos dumping			
Environment Protection Authority Victoria	1	Coordinate the central collection of data on illegal asbestos disposal statewide, including the establishment of a standard for collecting data, in partnership with other agencies and councils (see Section 2).	Accepted in principle
Issue: Providing accurate and accessible information about asbestos			
WorkSafe Victoria	2	Update its provider directory to ensure it is complete and easy to use (see Section 3).	Accepted
	3	Review the Asbestos in Victoria website (www.asbestos.vic.gov.au) to ensure information on legal asbestos disposal is up to date, guided by the Victorian Asbestos Forum (see Section 3).	Accepted
	4	Contact all Victorian councils and request they provide a link to the Asbestos in Victoria website on their council websites (see Section 3).	Accepted
Environment Protection Authority Victoria	5	Review and maintain its website so the list of locations where asbestos can be disposed of legally is correct (see Section 3).	Accepted
Issue: Coordinating a collaborative response to minimise illegal asbestos disposal			
Environment Protection Authority Victoria	6	Develop and document a monitoring and enforcement strategy to reduce illegal asbestos disposal. It should do this in collaboration with: <ul style="list-style-type: none"> the Department of Energy Environment and Climate Action Parks Victoria WorkSafe Victoria local councils any other relevant agencies (see Section 4) 	Accepted
	7	Further develop its tools for understanding and analysing information to regulate illegal asbestos disposal. It should do this by: <ul style="list-style-type: none"> improving the quality of user data in Waste Tracker producing reports to understand illegal asbestos disposal incorporating data from external agencies, including WorkSafe Victoria, into its analysis and reporting tools (see Section 4). 	Accepted

What we found

This section summarises our key findings. The chapters detail our complete findings, including supporting evidence.

When reaching our conclusions, we consulted with the audited agencies and considered their views. The agencies' full responses are in Appendix A.

Our key findings Our findings fall into 3 key areas:

1	Data collection, analysis and sharing between agencies is limited, inconsistent and of varying quality.
2	There are barriers to legally disposing of asbestos, and the government's plan to address them will not achieve its objectives.
3	Agencies do not have a coordinated approach to monitoring and enforcing compliance with asbestos disposal laws.

Key finding 1: Data collection, analysis and sharing between agencies is limited, inconsistent and of varying quality

Asbestos dumping data is incomplete

The Department of Energy, Environment and Climate Action (the department), Environment Protection Authority Victoria (EPA), Parks Victoria, and some councils record how much dumped asbestos they respond to.

But they do not use a common unit of measurement, and the completeness and accuracy of the data can vary widely.

Some state government agencies and councils also do not know the overall cost of cleaning up dumped asbestos because they do not consistently record these costs.

This means the government does not have the information it needs to understand the scale and impact of illegal asbestos disposal across Victoria.

Data sharing is inconsistent

Agencies do not have a consistent approach to sharing asbestos dumping data. This is because no single agency is responsible for collecting and understanding information about the issue.

This makes it hard to detect asbestos dumping trends or 'hotspots' that could help the government better understand, prevent, and respond to illegal disposal.

Asbestos remains in the built environment

Agencies do not have a full picture of how much asbestos remains in buildings and other structures across the state.

Agencies could use and grow available sources of data (such as modelling from national asbestos bodies, asbestos registers and local projection models) to improve their understanding.

This would help agencies:

- understand how much asbestos is currently in the built environment and where it is located
- integrate this information with past and emerging patterns of legal and illegal disposal to forecast future need
- use these datasets to develop strategies to reduce dumping.

Built environment

Human-made structures, including residential, commercial and public buildings, industrial or mechanical components such as pipes and ducts, and other infrastructure such as bridges and roads.

Key finding 2: There are barriers to legally disposing of asbestos, and the government's plan to address them will not deliver on its objectives

Asbestos Disposal Management Plan

Access to legal asbestos disposal sites is uneven across Victoria. The amounts of asbestos they receive is also increasing.

In 2020, Sustainability Victoria commissioned a spatial analysis that mapped the average drive-time from major population centres to asbestos-accepting sites.

It was estimated that by 2030, over one quarter of Victorian population centres with more than 5,000 people will be further than 60 minutes' drive from a legal disposal site for domestic asbestos.

The Asbestos Disposal Management Plan (ADMP) aimed to address this issue by adding new disposal points for smaller amounts of lower-risk asbestos at existing waste facilities across the state. Sustainability Victoria is responsible for developing and implementing the plan.

ADMP will not be delivered as intended

Sustainability Victoria will not deliver the ADMP on time.

It originally aimed to set up at least 8 disposal sites by June 2022. In early 2021 Sustainability Victoria concluded that this was not achievable.

Its current, reduced scope is to establish up to 3 sites by March 2024.

This is because:

- Sustainability Victoria's original aim was not achievable with the allotted time and budget
- Sustainability Victoria did not accurately assess all the ADMP's risks and complexities, including the time, resources and stakeholder consultation required.

The department and Sustainability Victoria made a funding bid for more resources to keep working on the ADMP beyond March 2024. This was unsuccessful.

There is currently no alternative plan to improve access to disposal sites for small amounts of asbestos.

Out-of-date information on legal asbestos disposal

To reduce instances of illegal disposal, Victorians need to know where and how to dispose of asbestos legally. We found gaps in the way agencies provide this information.

- Most councils have limited information about asbestos on their websites and direct users to the Asbestos in Victoria website (www.asbestos.vic.gov.au).
 - Some information on the Asbestos in Victoria website directing users to contact councils is inaccurate.
 - Governance arrangements for the Asbestos in Victoria website were unclear until July 2023.
 - WorkSafe Victoria's (WorkSafe) directory of licensed asbestos removalists is not complete or user-friendly.
 - EPA and council websites do not correctly list what locations can legally accept asbestos.
-

Requirements and costs for legal disposal vary

Requirements for disposing of asbestos at landfills and transfer stations are not consistent across the state. This can mean potential users are not sure how to dispose of asbestos properly. This could increase illegal disposal.

Only 26 of 79 council websites gave users information on specific disposal sites.

Different conditions include:

- needing to book or call before visiting the site
 - completing an application form
 - restrictions on the type, amount and sources of asbestos people can dispose of
 - varying asbestos disposal fees.
-

Key finding 3: There is no coordinated approach across government to monitoring and enforcing compliance with asbestos disposal laws

Agencies do not coordinate monitoring or enforcement

EPA, the department (through the Conservation Regulator), Parks Victoria and councils all play roles in monitoring asbestos disposal and responding to illegal disposal when it occurs. But they do not coordinate their efforts to ensure a consistent statewide approach.

This means the type and extent of actions agencies take depends on where the asbestos was dumped and who cleaned it up.

Agencies only work together on an ad hoc basis, for EPA investigations of large criminal conduct.

EPA is Victoria's peak environmental regulator and the only agency able to respond to asbestos dumping wherever it occurs. It should coordinate a multi-agency strategy to fight illegal asbestos disposal.

Barriers to enforcement

Agencies do not often use their legal powers to enforce the law on illegal asbestos disposal.

This is because they direct their enforcement resources towards issues they consider higher-risk.

For example, Parks Victoria told us it prioritises actions based on risk, complexity and impact. A panel then considers these assessments every fortnight.

Issues that Parks Victoria prioritise over asbestos dumping include:

- campfire compliance in summer
- illegal firewood collection
- wildlife destruction.

We found that agencies have clearly outlined their regulatory priorities and the reasons for them. However, because they lack comprehensive data on the scale of illegal asbestos disposal, they cannot be sure they have the evidence they need to support these priorities.

Agencies told us it can be hard to find who disposed of asbestos illegally. This limits the actions they can take beyond cleaning up.

Despite this, we found evidence of successful compliance and enforcement action where agencies work together to proactively respond to illegal disposal trends.

**Using
monitoring tools
to reduce
dumping**

In 2021 EPA introduced Waste Tracker, an online and app-based system to track reportable priority waste as it moves around the state in real time.

EPA has improved Waste Tracker's capabilities. But it has not yet reached its full potential as a tool to better target compliance and enforcement activities for illegal asbestos disposal.

EPA is taking steps to incorporate external data into its analysis and reporting tools. When combined with Waste Tracker, this will help it to identify issues to investigate further.

WorkSafe holds relevant data on licensed asbestos removalists and the timing of removal works that could improve EPA's regulation of asbestos disposal. But it does not routinely share this information with EPA.

1.

Audit context

Many Victorian homes and workplaces contain asbestos. When asbestos products are damaged or disturbed they can release fibres that threaten the health of anyone who inhales them. The government regulates asbestos removal and disposal to reduce this risk.

About asbestos

What is asbestos?

Asbestos is a group of naturally occurring silicate minerals. Up to 90 per cent of the asbestos used in Australia was for building materials. About one third of Australian homes contain asbestos.

Australia phased out the importing and manufacturing of asbestos from the 1980s, and banned it completely in 2003.

Asbestos is made of very fine fibres. Exposure to breathable asbestos fibres is a health risk associated with fatal and debilitating diseases including asbestosis, lung cancer and mesothelioma.

Types of asbestos products

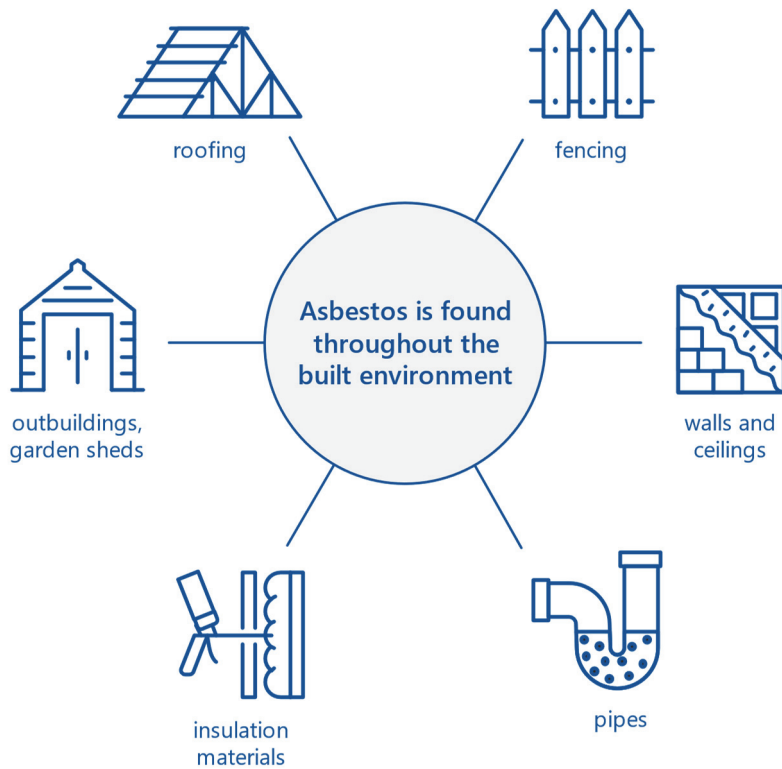
Asbestos products are classified as either friable or non-friable.

Product type	Asbestos condition	Risk that fibres will be disturbed or inhaled
Friable	Loose or easily crumbed	Higher
Non-friable	Hard or tightly compacted	Lower, when in good condition. May become friable when damaged or degraded.

Where asbestos is found

Asbestos is still found in products throughout the built environment, as Figure 1 shows.

Figure 1: Asbestos products in built environment



Source: Asbestos Safety and Eradication Agency, www.asbestossafety.gov.au.

Latrobe Valley Asbestos Taskforce

In 2019 the Victorian Government set up the Latrobe Valley Asbestos Taskforce to review how asbestos is managed and disposed of across the Latrobe Valley.

The taskforce comprised several government agencies and other organisation, including:

- the former Department of Environment, Water, Land and Planning
- EPA
- WorkSafe
- local councils
- unions
- community groups.

The taskforce aimed to:

- design a forward plan
- raise awareness of asbestos-related risks to change behaviour.

Taskforce report In September 2022 the Latrobe Valley Asbestos Taskforce made 21 recommendations to the government in its report *Minimising risks of asbestos exposure and associated harm in Victoria 2022*.

The recommendations focused on 4 issues:

- Victorians are not aware of the serious health effects and risks of asbestos exposure.
- People do not know where to go for help.
- Access to safe and affordable asbestos removal and disposal is limited.
- All levels of government need to do more to address the management of legacy asbestos.

Asbestos Disposal Management Plan

Under its circular economy policy, the Victorian Government committed to delivering an Asbestos Disposal Management Plan (ADMP) to make sure there are adequate asbestos disposal points across the state. Sustainability Victoria is responsible for developing and implementing the plan.

The ADMP aims to establish a network of asbestos disposal points at existing waste facilities. Disposal points are designed to safely receive and combine smaller quantities of non-friable asbestos waste. This waste is then transported to an asbestos-receiving landfill.

Under the plan, Sustainability Victoria does not own or run the disposal points itself. Instead, it supports pilot site owners by:

- funding infrastructure
- developing resources, such as guidance, training and communications materials.

Agency responsibilities

Responsibilities for asbestos waste Asbestos management in Victoria is complex. Different agencies have responsibility for different elements of asbestos waste management and regulation.

Figure 2: Agency responsibilities for asbestos waste

Agency	Land manager	Enforce compliance	Waste facility manager	Waste facility regulator	Workplace regulator	Waste policy
EPA	X	✓	X	✓	X	X
The department	✓	✓	X	X	X	✓
Parks Victoria	✓	✓	X	X	X	X
Councils	✓	✓	✓	X	X	X
WorkSafe	X	X	X	X	✓	X
Sustainability Victoria	X	X	X	X	X	X

✓ Agency with primary responsibility

✓ Agency with secondary responsibility (only able to use the litter provisions of the *Environment Protection Act 2017* under delegation for enforcement)

X Not the responsible agency

Source: VAGO.

Agency responsibilities overlap

EPA is Victoria's peak environmental regulator. It is the only agency able to enforce laws on asbestos dumping wherever it occurs.

EPA's responsibilities for regulation overlap with those of:

- the department
- Parks Victoria
- councils.

These act as both public land managers and litter authorities. Litter authorities are empowered to enforce the litter provisions of the *Environment Protection Act 2017*.

As land managers, the department, Parks Victoria and councils have the following responsibilities:

- to minimise risk to human health and the environment from pollution under the *Environment Protection Act 2017*
- to minimise the risk of harm to workers and visitors on the land they manage under the *Occupational Health and Safety Act 2004*.

Which authority responds to an instance of dumped asbestos depends on the location, quantity and kind of asbestos.

If asbestos is dumped ...	Responsibility for minimising risk lies with ...
in a national, state, metropolitan, or regional park	Parks Victoria
in a state forest, or on regulated watercourse land	the department
on land managed by a local council	the council
on private land	the owner of the land.

The department, EPA, Parks Victoria and councils can all take enforcement action against suspected dumping offenders.

Environment Protection Authority

EPA's responsibilities include:

- regulating the transport, storage and disposal of hazardous waste, including asbestos waste
- leading waste dumping prevention and enforcement.

These responsibilities involve:

- issuing the relevant licences and permits for storing and disposing of asbestos
- monitoring compliance with environmental laws and duties.

Department of Energy, Environment and Climate Action

The department makes waste system policy and oversees its implementation. Its responsibilities include:

- *Recycling Victoria: a new economy*, the government's 10-year policy and action plan for waste and recycling in Victoria.
- Planning for waste management infrastructure, through the Victorian Recycling Infrastructure Plan. Scheduled for release in 2024, this plan aims to guide and inform decision-making on waste, recycling and resource recovery infrastructure over the next 30 years.

The department also manages about 4 million hectares of public land. This includes:

- about 3 million hectares of state forest
- regulated watercourse land (Crown land that fronts a waterway or river).

The department is also the regulator for public land it manages. The Conservation Regulator sits within the department and performs these regulatory functions.

- Parks Victoria** Parks Victoria is a statutory authority established under the *Parks Victoria Act 2018*. It manages a network of parks that total about 4 million hectares of public land. This includes:
- national and state parks
 - marine parks, sanctuaries and wilderness areas
 - some local ports and rivers
 - around 70 per cent of Victoria's coastline.
-

Councils Victoria has 79 local councils. They own and oversee waste facilities, including landfills and waste transfer stations.

Councils also manage public land the government owns and asbestos dumped on this land.

WorkSafe Victoria WorkSafe regulates the management of asbestos, including asbestos removal, in the workplace. WorkSafe enforces compliance with duties under the:

- *Occupational Health and Safety Act 2004*
- *Occupational Health and Safety Regulations 2017*
- *Dangerous Goods Act 1985*.

WorkSafe is also responsible for licensing professional asbestos removalists.

Sustainability Victoria Sustainability Victoria is a statutory authority. Its purpose is to accelerate Victoria's transition to a circular, climate-resilient clean economy.

Sustainability Victoria is responsible for developing and delivering the ADMP.

Waste Intelligence Network The Waste Intelligence Network (WIN) is a group of state government agencies and 9 councils, chaired by EPA.

It was formed following the state government's commitment to support safe and effective hazardous waste management in its 2020 waste and recycling policy *Recycling Victoria: a new economy*.

The WIN focuses on sharing information to prioritise actions for joint regulation.

Victorian Asbestos Forum The Victorian Asbestos Forum is a multi-agency group. It aims to promote a coordinated approach to eradicating, managing and removing asbestos from Victoria's built environment.

2.

Understanding the scale of asbestos dumping in Victoria

The government does not understand the scale of asbestos dumping across Victoria.

This is because responsible agencies do not systematically collect, use and share data about the frequency and location of illegal asbestos disposal.

Doing this would support the efforts of land managers and regulators to reduce illegal disposal.

The government also does not know where and how much asbestos is still in Victorian buildings and structures. This information would help the government forecast patterns of illegal disposal and plan for future infrastructure needs.

Agencies do not consistently record how much dumped asbestos they clean up

Incomplete data Agencies do not have a consistent approach to collecting and sharing data about asbestos dumping.

Not all government land managers and local councils record complete and reliable data on the amount, volume and location of dumped asbestos.

This is because agency responsibilities for clean-up can overlap. No single agency is responsible for coordinating information about the issue.

The lack of a consolidated database and a consistent, documented approach to recording and sharing data makes it harder for agencies to see possible trends or 'hotspots'. This information could help them to better understand, prevent and respond to asbestos dumping.

Inconsistent recording of data

EPA, the department, Parks Victoria and some councils record information on dumped asbestos. However, they do not share a common standard for recording this data. As a result, the completeness and accuracy of the data varies widely.

Figure 3: Agency data on asbestos dumping

Agency	Gaps in the recorded data
EPA	<p>EPA does not record comprehensive statewide data on the frequency, scale, or location of asbestos dumping.</p> <p>It only records the number and location of suspected dumped asbestos instances that:</p> <ul style="list-style-type: none">• its own field staff report• other agencies, councils or the public refer it to.
The department	<p>The department does not have a central database for recording dumped asbestos. It records dumped asbestos in a variety of systems. But there is no consistent practice across the department for recording this data.</p> <p>The type, accuracy, completeness and timeliness of recorded data varies significantly between districts and between regions.</p>
Parks Victoria	<p>Parks Victoria consistently collects data on where and how much asbestos gets dumped on the land it manages.</p> <p>The agency centrally records these details in its asbestos dumping register. In 2021–22, Parks Victoria removed 23 tonnes of asbestos-containing material from 177 individual dump sites.</p>
Councils	<p>We conducted a voluntary, anonymous survey on asbestos with Victoria’s 79 municipal councils. Of the 67 councils that responded to our survey, 49 told us they recorded the frequency of asbestos dumping in their municipality. Of these, 23 told us they recorded instances of asbestos dumping in 2021–22.</p> <p>Collectively, these councils recorded 359 instances of dumped asbestos in 2021–22. Seven councils that cleaned up dumped asbestos recorded how much material was dumped, in tonnes, kilograms, cubic metres, and square metres.</p>

Source: VAGO.

Costs of cleaning up dumped asbestos

Agencies do not know the total cost of cleaning up dumped asbestos. This is a missed opportunity to understand the scale and impact of asbestos dumping.

EPA, the department, Parks Victoria and councils told us they mostly employ contractors to remove and legally dispose of dumped asbestos.

However, not all agencies and councils consistently record how much this costs, as Figure 4 shows.

Figure 4: Data on costs of cleaning up asbestos

Agency	Data on costs of cleaning up asbestos
EPA	EPA does not separately record what it spends on cleaning up asbestos. It told us that cleaning up asbestos-contaminated materials may only be part of the total cleaning costs for a high-risk waste site.
The department	The department does not know the cost of cleaning up asbestos dumped in state forests, reserves, and crown water frontage. It has no central reporting and does not often record this information.
Parks Victoria	Parks Victoria records the amount it spends to clean up dumped asbestos. In 2021–22 it spent \$307,486.60. From July 2019 to June 2022 Parks Victoria spent \$812,624 cleaning up 223 asbestos dumps.
Councils	Of the 67 councils that responded to our questions, more than half (37 councils) told us they do not know how much they spent to clean up dumped asbestos in 2021–22.

Source: VAGO.

Ad hoc sharing of data

Agencies share information about asbestos on an ad hoc basis. This is usually related to large-scale criminal conduct EPA is investigating.

However, agencies do not share data they have on the number, scale, location, or cost of all known instances of dumped asbestos.

Agencies do not understand how much asbestos remains in the built environment

Future asbestos waste

Although the importation and manufacture of asbestos has been banned in Australia since December 2003, much of it is still in the built environment.

Agencies do not know how much, where, or how densely distributed, asbestos is across the state.

Integrating this information with data about past patterns of disposal would help the government to forecast how much asbestos will need to be disposed of in the future. This would empower the government to develop strategies to reduce dumping, such as improved access to disposal facilities.

Neither the department nor WorkSafe has estimated how much asbestos remains in the built environment.

In our survey, we asked councils whether they had estimated how much asbestos remains in their municipalities:

- 2 councils told us they had estimated the amount of asbestos left in residential buildings
- one council told us it had estimated the amount of asbestos left in non-residential buildings.

Agencies could collate sources of data on asbestos in the built environment

Collating data on asbestos in the built environment

There are several sources of data that estimate the amount of asbestos remaining in the built environment. But agencies have not collated this data to understand where:

- asbestos is likely to be in the built environment in Victoria
 - asbestos waste is likely to arise in the future due to renovations or new developments.
-

National Residential Asbestos Heatmap

The federal Asbestos Safety and Eradication Agency has developed a National Residential Asbestos Heatmap.

This shows the probability that residential properties in a given area contain asbestos. State government agencies can access this heatmap, but we found no evidence of them using it to help understand trends in illegal disposal of asbestos.

Latrobe Valley Asbestos Taskforce modelling

In 2020 the Latrobe Valley Asbestos Taskforce began a project to understand how much asbestos is left in the built environment across 3 municipalities in the Latrobe Valley region.

It developed models to estimate the percentage of residential and non-residential buildings containing asbestos, and the volume across these buildings.

Outside the Latrobe Valley, there is no comprehensive data on the volume or density of asbestos.

The models developed by the taskforce could, however, be replicated across the state.

Asbestos in government-owned buildings

The Victorian Asbestos Eradication Agency coordinates the removal of asbestos from government-owned buildings. It has developed an asbestos register for buildings the Victorian Government owns.

This register allows the government to understand which of its buildings still contain asbestos, and the likely location of asbestos in those buildings.

The Victorian School Building Authority separately manages the removal of asbestos from state schools. All schools must maintain an asbestos register.

3.

Making it easier to legally and safely dispose of asbestos

While information about how to safely remove and dispose of asbestos is widely available, it is not always complete.

This can make it difficult for people to know where to take asbestos. Different landfills and other collection points also have different costs and conditions for accepting asbestos. The lack of clarity can be confusing and could deter people from disposing of asbestos correctly.

Licensed disposal sites are not spread evenly across the state. The government's plan to address this – the Asbestos Disposal Management Plan – has been reduced in scope and delayed by over a year. It will no longer be implemented as intended. This could make it harder for Victorians to dispose of asbestos safely.

Guidance on asbestos is not always up to date, user-friendly or easy to access

Public guidance on asbestos is important Educating and informing the public on how to safely remove and dispose of asbestos is essential to reducing risks to human health and the environment.

Research on home renovators in Victoria by the Latrobe Valley Asbestos Taskforce found:

- around one third had never heard of asbestos or know little about it
- over two thirds would carry out renovations without professional help.

Asbestos in Victoria website WorkSafe, EPA and the former Department of Health and Human Services set up the Asbestos in Victoria website (www.asbestos.vic.gov.au) to be the primary source of information about asbestos for all Victorians.

It provides resources to help people understand the risks of asbestos and how to safely manage, remove and dispose of it.

To help Victorians do the right thing, this website needs to be regularly updated and maintained to ensure its information is correct and easy to access.

Web contact information can be confusing

Public information on who best to contact about legally disposing of asbestos can be confusing. Councils raised concerns to WorkSafe about the 'Who should I call?' page on the Asbestos in Victoria website. They said it:

- contains information that does not reflect how councils operate
- instructs users to contact councils with questions they should ask WorkSafe or EPA instead

Most Victorian councils have limited information about asbestos on their website. We found almost half of Victorian council websites direct users to the Asbestos in Victoria website for information.

Only ...	Of council websites had information about ...
47 per cent	the risks associated with asbestos
14 per cent	how to identify asbestos
14 per cent	how to find a professional to safely remove, transport and dispose of asbestos.

At its April 2023 meeting, Victorian Asbestos Forum members were asked to review the 'Who should I call page' of the Asbestos in Victoria website and update relevant areas by May 2023.

At the July 2023 meeting it was noted that agencies were yet to respond to this request.

WorkSafe's Service Provider Directory is not user-friendly

The public need to be able to easily find licensed asbestos removalists for asbestos disposal to be accessible and safe.

The Asbestos in Victoria website links to WorkSafe's provider directory, which lists the contact details of licensed professionals including asbestos removalists. But the directory is not complete or user-friendly.

The directory groups asbestos removalists into 75 categories. This is a problem because:

- the group names are technical and not defined
- alternative search terms are not available.

It is also difficult for users to find a licensed removalist to dispose of asbestos safely because the directory:

- is missing information
- has no results for an asbestos removalist in over half of the listed categories
- does not allow users to easily find asbestos removalists near them by entering their suburb name or postcode.

Website governance was unclear

Before July 2023, there were no governance arrangements that set out which agency was responsible for managing and maintaining the Asbestos in Victoria website.

Instead, a staff member at WorkSafe only updated the website when users told them of issues. This meant the website has had some outdated information.

Agencies resolved this issue during our audit. At the July 2023 meeting of the Victorian Asbestos Forum, members agreed that going forward:

- the forum would review content and propose any updates
- the forum secretariat would be a central coordination point for the website
- WorkSafe would make any required updates.

Information on where to dispose of asbestos is not always correct

Inconsistencies between websites

Agency websites do not always correctly list the locations that can legally accept asbestos.

There are 21 landfills in Victoria with the relevant licences, permits and permissions to receive asbestos. Of these, 18 can receive domestic or commercial asbestos waste from the public.

The list of locations with relevant permissions to legally dispose of asbestos is not accurate on:

- the EPA website
- council websites.

EPA's website lists:

- 17 of the 18 locations that can receive asbestos
 - a further 7 locations that do not have the correct permissions.
-

Costs and conditions for legal asbestos disposal vary across sites

Asbestos disposal costs vary

The Latrobe Valley Asbestos Taskforce's 2022 report noted the cost of safe asbestos disposal was a recurring theme for stakeholders. Similarly, most councils (90 per cent) that responded to our survey believe cost is a factor that drives illegal asbestos disposal.

These costs vary significantly across the state. This means safe and legal disposal is not equally accessible to all Victorians.

Providers also use different measures to calculate these rates. This can make it hard for users to know where best to dispose of asbestos.

Examples of variations include:

- \$2 per kilogram
 - \$62.50 per "load"
 - \$213 per 100kg
 - \$254 to \$338 per tonne
 - 'price on application'.
-

Communicating disposal costs

Deciding where to dispose of asbestos can also be challenging because providers do not always clearly communicate their costs. For example:

- not all council websites list fees
 - some sites only charge costs after a disposal application has been made and approved
 - users may have to download and read fee guides to find out whether the disposal site accepts asbestos.
-

Disposal facilities have different requirements

Requirements for disposing of asbestos at landfills and transfer stations are not consistent across the state.

This can mean potential users are not sure how to dispose of asbestos properly. This could increase illegal disposal.

Only 26 of 79 council websites give information on specific disposal sites. Of these:

- 9 say that people disposing of asbestos have to book or call before visiting the site
- 2 say that an application or approval is needed before the site accepts asbestos.

A range of other restrictions also apply:

- 3 sites only accept asbestos from within their municipality
- 10 sites only accept domestic-generated asbestos
- 9 sites only accept specific amounts of asbestos.

The Asbestos Disposal Management Plan will not deliver on its objectives

Uneven access to legal sites

Access to legal asbestos disposal sites is geographically uneven across the state.

In 2020, Sustainability Victoria commissioned spatial analysis that mapped the average drive-time from major population centres to asbestos-accepting sites.

This analysis showed that for population centres greater than 5,000 people:

- 16 per cent were more than 60 minutes from of a site accepting commercial asbestos
- 14 per cent were more than 60 minutes from a site accepting domestic asbestos.

Excluding sites likely to close within 10 years, the analysis estimated that by 2030:

- 42 per cent would be more than 60 minutes from a legal disposal site for commercial asbestos
- 26 per cent would be more than 60 minutes from a legal disposal site for domestic asbestos.

The Asbestos Disposal Management Plan

The ADMP was the government's short-term plan to address the uneven location of legal asbestos disposal sites across the state.

Sustainability Victoria is responsible for developing and implementing the ADMP.

The plan aims to:

- establish a network of asbestos disposal points at existing waste facilities
- safely receive and consolidate smaller quantities of packaged, non-friable asbestos waste
- transport the consolidated waste to an asbestos-receiving landfill.

Under the ADMP, Sustainability Victoria supports operators of existing public or private facilities to set up disposal points.

Implementation delays

Sustainability Victoria started the ADMP in August 2020 with a 2-year funding package.

In early 2021, Sustainability Victoria found that the original aim to establish at least 8 asbestos disposal points could not be achieved with the allotted time and budget. This caused changes to the plan's aims and ongoing delays, as Figure 5 shows.

Figure 5: Reduced scope and delayed delivery of the ADMP's aims

Original aim	Revised aim	Status (August 2023)
At least 8 asbestos disposal sites	Up to 5 asbestos disposal sites	Up to 3 pilot disposal sites
To be delivered by Q4 2021–22	To be delivered by Q3 2023–24	To be delivered by March 2024

Source: Sustainability Victoria.

By August 2023, Sustainability Victoria had contracted 3 pilot site operators. The site owners were seeking relevant permits and EPA approvals.

Evaluation of the pilot disposal points

Sustainability Victoria has committed to evaluating the pilot sites in early 2024. But it did not receive further funding for the plan in the 2023–24 State Budget.

This means it will not be able to achieve its aim to develop options for the ongoing, sustainable operation of Victoria's asbestos disposal system.

The department will assess its own capacity to deliver this work in 2023–24.

Sustainability Victoria says it is investigating potential options to continue the plan.

Stakeholder management complexities

In the planning phase, Sustainability Victoria did not accurately assess all the plan's risks and complexities, or the time and resources needed to implement it.

The pilot program uncovered further issues. Delays were caused by:

- challenging regulatory requirements
- the stakeholder consultation program
- the need for project management guidance and administrative support.

This reduced the overall outcomes the plan could achieve.

Councils were key stakeholders for the plan. They run or own most of Victoria's landfills and waste transfer stations. Private companies also own several major waste management facilities.

Some of these stakeholders had reservations about setting up disposal points, as Figure 6 shows.

Figure 6: Stakeholder concerns about disposal points



Source: VAGO, using Sustainability Victoria information.

Sustainability Victoria did not sufficiently account for the resources needed to:

- address waste facility operators' reservations about setting up pilot sites
- get relevant permits from councils and EPA
- give site workers confidence in the design of asbestos disposal point systems
- prepare communication materials, operational guides, templates and checklists.

4.

Monitoring and enforcing the law on asbestos disposal

Agencies can observe, inspect and investigate people and businesses involved with asbestos disposal to make sure they are complying with the law. They can also fine, warn, and take other actions against anyone who dumps asbestos.

But agencies do not coordinate their approach to monitoring and enforcement. The type and severity of compliance actions they take depends on where the asbestos was dumped, and which agency cleaned it up.

Finding out who dumped asbestos and penalising them can be challenging. Agencies prioritise cleaning up sites in line with their own risk assessment instead.

However, some agency responses, such as EPA's waste crime investigations and operations, have been successful. This shows that when agencies work together and share data and intelligence, they can stop asbestos dumpers, deter others and reduce illegal disposal.

Agencies do not coordinate their monitoring and enforcement activities

Monitoring compliance with asbestos disposal laws

Agencies can monitor compliance with asbestos disposal laws in a number of ways. They can:

- gather and analyse information
 - undertake random or targeted inspections
 - carry out audits
 - undertake surveillance activities to gather intelligence.
-

Enforcing asbestos disposal laws

Enforcement actions are legal powers agencies can use when people or businesses break asbestos disposal laws.

The type of enforcement action they take depends on the severity of the offence and the outcome the agency wants.

Agencies can:

- order offenders to take action or stop doing something
 - order offenders to clean up and restore an asbestos-affected site
 - issue warnings
 - issue infringement notices that impose fines
 - commence civil or criminal court proceedings.
-

No coordinated enforcement approach

EPA, Parks Victoria, councils and the department (through the Conservation Regulator) all play roles in responding to illegal asbestos disposal when it occurs.

But they do not coordinate their efforts to ensure a consistent statewide approach.

This means the type and severity of enforcement action depends on who manages the land where the asbestos was dumped.

Our survey asked councils what enforcement actions they took regarding illegal disposal of asbestos in 2021–22:

- 6 councils advised they requested a suspected offender remove the asbestos
- 6 councils advised they referred cases to EPA
- One council advised it initiated a legal proceeding.

The Conservation Regulator told us it never takes enforcement action when someone dumps asbestos on land it manages. Instead, it refers all instances to EPA.

EPA is Victoria's peak environmental regulator and the only agency that can respond to asbestos dumping wherever it occurs. It should coordinate a multi-agency strategy to fight illegal asbestos disposal.

Waste Intelligence Network

Agencies share information to combat illegal waste disposal through the Waste Intelligence Network (WIN).

This is a good step towards agencies coordinating their responses to illegal asbestos disposal.

WIN members:

- share information about illegal dumping to target and prioritise joint actions
- coordinate site inspections and enforcement missions
- maintain watchlist of known sites and operators that illegally dispose of hazardous waste.

However, the agencies we audited do not routinely collect and share accurate and timely data about illegal asbestos disposal.

This means WIN does not have access to data that could show trends in illegal disposal to help guide its work.

Agencies face barriers to fully using their powers to enforce the law

Reasons enforcement is limited

Agencies responsible for responding to illegal asbestos disposal told us several reasons why they do not take enforcement action more often. For example:

- It can be challenging to find offenders, who often dump in remote locations or at night in vacant blocks and poorly lit streets.
 - Agencies' immediate focus is to clean up dumped asbestos to reduce risks to the community and environment.
 - Agencies have prioritised their enforcement resources towards issues they consider higher risk.
-

Setting regulatory priorities

The department, EPA and Parks Victoria all have processes that outline the rationale for their regulatory priorities. For example, the Conservation Regulator produces an annual regulatory priorities list. It considers a range of factors, including:

- data analysis
- research
- emerging trends
- consultation with stakeholders.

It is good that regulators clearly prioritise the harms they aim to address. But because agencies do not have accurate, comprehensive data about the scale of asbestos dumping, they may not have all the information they need to set these priorities as effectively as possible.

EPA sets 'focus areas' to target known and emerging pollution and waste issues with growing risks to human and environmental health.

One priority focus area for 2023–24 is to disrupt illicit waste markets. EPA lists several things it needs to do to achieve this goal, including taking more asbestos-related enforcement actions.

Example of successful monitoring and enforcement

Although finding offenders can be challenging, agencies can use their regulatory powers to monitor compliance and take enforcement action successfully.

In 2022 EPA undertook a 12-month investigation called Operation Serpentine. It targeted illegal asbestos disposal in the construction and demolition industry in northern Melbourne.

The operation led to significant enforcement activities. This included:

- 143 charges against 5 alleged offenders
- 300 information gathering notices to 5 demolition businesses.

These outcomes were possible because EPA:

- proactively identified the location and industries at higher risk of non-compliance
 - used the WIN network to source data and collaborate with other agencies and stakeholders
 - committed specialist investigative resources to the issue, including using surveillance.
-

Evaluating Operation Serpentine

EPA's environmental crimes team, which led Operation Serpentine, evaluated it after it was complete.

It found that while there were successes, without legislative and policy change, future investigations would not change the behaviour of the asbestos dumpers.

For example, the evaluation said that successful enforcement would be more likely if regulators:

- inspected proposed demolition sites for asbestos
- received notification of demolition work dates. (Currently a business has 12 months to start demolition after permit approval and up to 3 years to complete the work.)

EPA told us that this evaluation is not its endorsed position, and that it is still considering its recommendations.

Agencies lack reliable data about their enforcement activities

EPA lacks accurate enforcement data

EPA does not record its enforcement data in a way that makes it easy to know how often it enforces asbestos disposal laws. This limits its ability to monitor its overall enforcement approach and proactively target high-risk areas.

For this audit, EPA extracted enforcement data based on a key word search of records for 'asbestos' and 'asbestos contaminated materials' or 'ACM' to estimate the number of times it had used certain enforcement tools. This meant this data was unreliable because it:

- included cases where officers have observed other asbestos-related issues that were not illegal disposal
- excluded cases that did not contain those search terms, including some relevant records from Operation Serpentine.

EPA has recently procured a new case management system and has advised that it is taking steps to improve its capability in this area.

Parks Victoria lacks enforcement data

Parks Victoria's intelligence database does not differentiate asbestos from other waste types. This means Parks Victoria does not know how often it uses enforcement tools to respond to illegal asbestos disposal.

Parks Victoria issued 25 infringement notices for illegal waste disposal in 2021–22 and 13 in 2022–23 (to April 2023). But it is not clear how many of these notices relate to asbestos.

EPA could make better use of its Waste Tracker tool

What Waste Tracker does

Under the *Environment Protection Act 2017*, anyone who handles reportable priority waste (which includes asbestos) must let EPA know every time it changes hands. This includes:

- producers
- transporters
- drivers
- receivers.

EPA developed Waste Tracker as an online and app-based system to track reportable priority waste as it moves through the custody chain. It allows EPA to track waste in real time as it moves around the state.

Waste Tracker can generate reports that link to EPA's system for licences, permits and registration.

Waste Tracker not yet at full potential

EPA has strengthened the capabilities of Waste Tracker but not yet realised its full potential to track and reduce illegal asbestos disposal.

Some of the ways EPA is currently using Waste Tracker are to detect:

- parties (such as individual drivers or registered transport companies) with permissions that have never used the system
- waste transported to or received at unauthorised places
- incomplete records.

But EPA still has work to do to build on previous education campaigns and educate users how to use Waste Tracker and complete the information fields correctly.

Incorporating external data sets

EPA is taking initial steps to incorporate external data into its analysis and reporting tools. This will help it identify issues to investigate further.

It is also extracting data from Waste Tracker to provide intelligence reports across the organisation.

EPA approached the WIN in July 2023 to:

- explain the type of data it would like in its non-participant report, which highlights parties that are registered in the system but are not using it
 - request relevant information from network participants.
-

WorkSafe and EPA need to share more data

Asbestos removalists must:

- apply to WorkSafe for a licence to operate in Victoria
- once licensed, notify WorkSafe before they start works.

WorkSafe does not routinely share this information with EPA. This makes it harder for EPA to identify asbestos removalists who are not complying with their obligations to use Waste Tracker and should be targeted for further investigation.

WorkSafe and EPA told us they are aware of this issue. They advised they plan to better integrate their data in 2023–24.

Appendices

[Appendix A: Submissions and comments](#)

[Appendix B: Abbreviations, acronyms and glossary](#)

[Appendix C: Audit scope and method](#)

Appendix A:

Submissions and comments

We have consulted with the Department of Energy, Environment and Climate Action, EPA Parks Victoria, Sustainability Victoria and WorkSafe, and we considered their views when reaching our audit conclusions. As required by the *Audit Act 1994*, we gave a draft copy of this report, or relevant extracts, to those agencies and asked for their submissions and comments.

Responsibility for the accuracy, fairness and balance of those comments rests solely with the agency head.

Responses received

Agency	Page
Department of Energy, Environment and Climate Action	A-2
EPA	A-3
Parks Victoria	A-6
Sustainability Victoria	A-7
WorkSafe	A-8



Department of Energy, Environment
and Climate Action

PO Box 500, East Melbourne,
Victoria 8002 Australia

SEC-231000429

Mr Andrew Greaves
Auditor-General
Victorian Auditor-General's Office
Level 31
35 Collins Street
MELBOURNE VIC 3000

[REDACTED]

Dear Mr Greaves

Thank you for your letter of 13 October 2023, enclosing the Victorian Auditor-General's Office (VAGO) proposed report on Reducing the Illegal Disposal of Asbestos (the Report) and for providing the opportunity to comment. I appreciate the work of your office in conducting this audit.

The Department of Energy, Environment and Climate Action (DEECA) supports the outcomes of the Report and acknowledges the impact which improved coordination across state and local government will have in reducing the illegal disposal of asbestos.

We will continue to work together with other agencies across state and local government to improve asbestos management.

If you would like any further information on this matter, please contact Angela Hoefnagels, Director, Programs and High Risk Waste DEECA on [REDACTED] or at [REDACTED].

Thank you again for writing.

Yours sincerely

[REDACTED]

John Bradley
Secretary

27 / 10 / 2023



Official

Response provided by the Chief Executive Officer, EPA

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EPA ref: C1916

Mr Andrew Greaves
Auditor-General
Victorian Auditor-General's Office
Level 31, 35 Collins Street
MELBOURNE VIC 3000
via email: natalie.egan@audit.vic.gov.au

Dear Mr Greaves

Proposed Report - Minimising the Illegal Disposal of Asbestos

Thank you for your letter of 13 October 2023 regarding Victorian Auditor-General's Office (VAGO) Audit Report - Reducing the Illegal Disposal of Asbestos.

Environment Protection Authority Victoria (EPA) welcomes the findings and recommendations in the report and expects that implementation of the recommendations will support reductions in illegal disposal of asbestos in Victoria.

The recommendations for EPA complement several activities already underway that aim to improve results from our strategic priority to prevent harm from illegal waste dumping, as well as provide new impetus to deliver further priority actions.

EPA is committed to delivery of all four recommendations, noting delivery of recommendation 1 is likely to require funding support however we accept this recommendation in principle. A proposed action plan for delivery against each relevant recommendation is attached to this letter.

I acknowledge the consideration and acquittal of our comments on the provisional report and more broadly, the constructive engagement EPA has experienced through the audit.

If you would like any further information, please contact Mr Matt d'Abbs, Chief Quality Officer at [REDACTED] or on [REDACTED].

Yours sincerely



Lee Miezi
Chief Executive Officer

30 / 10 / 2023

Encl.

epa.vic.gov.au
Environment Protection Authority Victoria
GPO Box 4395, Melbourne VIC 3001
1300 372 842



Response provided by the Chief Executive Officer, EPA – continued

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No.	VAGO recommendation	Acceptance	Agreed management actions	Target completion date
1	Coordinates the central collection of data on illegal asbestos disposal statewide, including the establishment of a standard for collecting data, in partnership with other agencies and councils.	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input checked="" type="checkbox"/> In principle	EPA acknowledges the benefits of a central repository of data on illegal asbestos disposal. EPA will co-develop a data collection standard in partnership with other agencies and councils through the newly established role of the Chief Data and Insights Officer and leverage the Waste Intelligence Network as a conduit to centralise the collection and sharing of illegal asbestos disposal data. EPA will seek resources from Government to deliver these improvements.	30 November 2024
5	Reviews and maintains its website so the list of locations where asbestos can be disposed of legally is correct.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	EPA agrees that the information on the EPA website on locations for asbestos disposal should be current and comprehensive. EPA is currently undertaking a comprehensive website review, which includes implementing new content governance arrangements. Through this process, EPA will ensure procedures are in place to review the relevant sections of our website and maintain the information on an ongoing basis. The list of locations where asbestos can be disposed of legally will be prioritised.	28 February 2024
6	Develops and documents a monitoring and enforcement strategy to reduce illegal asbestos disposal. It should do this in collaboration with: <ul style="list-style-type: none"> the Department of Energy Environment and Climate Action Parks Victoria WorkSafe Victoria 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	EPA recognises the importance of establishing a monitoring and enforcement strategy to reduce illegal asbestos disposal in collaboration with our partners. EPA will prepare a strategy to reduce illegal asbestos disposal as part of our annual process to set our regulatory priorities to address identified key risks of harm. This annual process delivers a statewide regulatory response to critical environmental risks facing the Victorian community.	31 May 2024

epa.vic.gov.au
 Environment Protection Authority Victoria
 GPO Box 4395, Melbourne VIC 3001
 1300 372 842



Response provided by the Chief Executive Officer, EPA – continued

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	<ul style="list-style-type: none"> local councils any other relevant agencies 			
7	<p>Further develop its tools for understanding and analysing information to regulate illegal asbestos disposal. It should do this by:</p> <ul style="list-style-type: none"> improving the quality of user data in Waste Tracker producing reports to understand illegal asbestos disposal incorporating data from external agencies, including WorkSafe, into its analysis and reporting tools. 	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	<p>EPA is committed to continuous improvement of Waste Tracker, its data and data quality, and the intelligence products it supports.</p> <p>EPA will continue to improve duty holder user interface controls that ensure high quality data can be collected through Waste Tracker on waste asbestos, and other Reportable Priority Waste (RPW) types (for example, blocking the input of invalid data into the waste tracker system). Where such controls are not possible, EPA will create a cleansed dataset with associated formulas to identify and correct erroneous data as far as reasonably practicable.</p> <p>EPA has already produced a suite of analytical reports using the waste tracker dataset to inform intelligence products, identify non-compliance and non-participants with waste tracking requirements. These reports already enable EPA to filter to specific waste types such as asbestos.</p> <p>EPA commits to making further improvements to identify those who are not using waste tracker that are required to use it.</p>	31 December 2024



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Parks Victoria
Level 10, 535 Bourke St
Melbourne VIC 3000
Telephone: 13 19 63
parks.vic.gov.au
ABN 95 337 637 697

24 October 2023

Mr Andrew Greaves
Victorian Auditor-General's Office
Level 31, 35 Collins Street
MELBOURNE VIC 3000

Via email: [REDACTED]

Dear Mr Greaves

REDUCING THE ILLEGAL DISPOSAL OF ASBESTOS

Thank you for your letter of 16 October 2023 regarding *Proposed Performance Audit Report - Reducing the Illegal Disposal of Asbestos*.

Parks Victoria welcomes the proposed report into the illegal disposal of asbestos and thanks your team for the work so far undertaking the audit and the considered response to Parks Victoria's comments.

The proposed report does not identify any recommendations for Parks Victoria to lead, but it is noted that Parks Victoria will participate in any state-wide initiatives to further understand the scope and coordinate action to reduce the volume of illegal disposal of asbestos.

I am unaware of any information in the proposed report that would prejudice any criminal investigation or proceeding, or any investigation by the Independent Broad-based Anti-Corruption Commission or the Victorian Inspectorate.

Should you require further advice on this matter please contact Hugh Tunnecliff, Environmental Advisor on [REDACTED] or via email at [REDACTED].

Yours sincerely

[REDACTED]

Chief Executive Officer



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30 October 2023

Andrew Greaves
Auditor-General
Victorian Auditor-General's Office
Level 24, 35 Collins Street
Melbourne VIC 3000

T 03 8626 8700
E info@sustainability.vic.gov.au
sustainability.vic.gov.au

Level 12
321 Exhibition Street
Melbourne Victoria 3000

ABN 62 019 854 067

By email: [REDACTED]

Dear Mr Greaves

Performance Audit Report – Reducing the Illegal Disposal of Asbestos

Sustainability Victoria (SV) recognises the importance of the safe and effective management of asbestos in Victoria. On behalf of SV, I thank you for the work undertaken by your office on this important issue and for highlighting some of the work still required to reduce the impacts of the illegal disposal of asbestos.

We acknowledge the report and VAGO's findings in relation to the Asbestos Disposal Management Plan.

SV remains committed to advocating for asbestos disposal solutions. Noting the Asbestos Disposal Management Plan's 10-year outlook, SV will continue to work with our portfolio partners on the most appropriate way of implementing the plan over the coming years.

Yours sincerely,

[REDACTED]

Matt Genever
Interim Chief Executive Officer
Sustainability Victoria

[REDACTED]

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Reducing workplace harm. | **Improving outcomes for injured workers.**

WorkSafe Ref: WSV23-1648

Mr Andrew Greaves
Auditor General
Victorian Auditor-General's Office
Level 31/35 Collins Street
MELBOURNE VIC 3000

By email: [REDACTED]

Dear Mr Greaves,

Thank you for your letter of 13 October 2023 addressed to Chief Executive Officer, Colin Radford, regarding the Victorian Auditor General's Office proposed report on *Reducing the Illegal Disposal of Asbestos* and consideration of the matters raised by WorkSafe Victoria (WorkSafe) in response to the provisional draft.

WorkSafe has responded to the action plan, addressing the recommendations outlined in the proposed *Reducing the Illegal Disposal of Asbestos* report.

Our response, detailed in the attachment *Action Plan Template – WorkSafe*, indicates our acceptance of the three recommendations; actions we propose to take in relation to these, and the completion dates.

We look forward to liaising with your staff periodically to monitor our progress in implementing the audit recommendations.

Should you wish to discuss this matter further, please contact Perdita Dickson, Program Manager at WorkSafe on [REDACTED] or via email at [REDACTED].

Yours sincerely

Narelle Beer
Executive Director
WorkSafe Victoria

31/10/2023

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WorkSafe action plan to address recommendations from Reducing the Illegal Disposal of Asbestos

No.	VAGO recommendation	Acceptance	Agreed management actions	Target completion date
2	Updates its provider directory to ensure it is complete and easy to use.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input checked="" type="checkbox"/> In principle	WorkSafe will develop a project approach after internal consultation with stakeholders that will enable the WSV Service Provide Directory to be complete and easy to use.	March 2024
3	Reviews the Asbestos in Victoria website (www.asbestos.vic.gov.au) to ensure information on legal asbestos disposal is up to date, guided by the Victorian Asbestos Forum.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	WorkSafe will review the Asbestos in Victoria website (in consultation with the Victorian Environmental Protection Agency) to ensure information on legal asbestos disposal is up to date.	July 2024
4	Contacts all Victorian councils and request they provide a link to the Asbestos in Victoria website on their council websites.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> In part <input type="checkbox"/> In principle	WorkSafe will contact all Victorian Councils requesting they provide a link to the Asbestos in Victoria website, requests will be recorded.	July 2024

Appendix B: Abbreviations, acronyms and glossary

Abbreviations We use the following abbreviations in this report:

Abbreviation

The department	Department of Energy, Environment and Climate Action
The forum	The Victorian Asbestos Forum
WorkSafe	WorkSafe Victoria

Acronyms We use the following acronyms in this report:

Acronym

ADMP	Asbestos Disposal Management Plan
EPA	Environment Protection Authority Victoria
VAGO	Victorian Auditor-General's Office
WIN	Waste Intelligence Network

Glossary This glossary includes an explanation of the types of engagements we perform:

Term

Reasonable assurance	We achieve reasonable assurance by obtaining and verifying direct evidence from a variety of internal and external sources about an agency's performance. This enables us to express an opinion or draw a conclusion against an audit objective with a high level of assurance. We call these audit engagements. See our assurance services fact sheet for more information.
Limited assurance	We obtain less assurance when we rely primarily on an agency's representations and other evidence generated by that agency. However, we aim to have enough confidence in our conclusion for it to be meaningful. We call these types of engagements assurance reviews and typically express our opinions in negative terms. For example, that nothing has come to our attention to indicate there is a problem. See our assurance services fact sheet for more information.

Appendix C:

Audit scope and method

Scope of this audit

Who we examined

We examined the following agencies:

Agency	Key responsibilities
EPA	Victoria's environmental regulator.
Department of Energy, Environment and Climate Action	Makes waste system policy and oversees its implementation. Manages and regulates a public land estate of approximately 4 million hectares.
Parks Victoria	Manages approximately 4 million hectares of public land. Has a duty to minimise the risk of harm to people and the environment from asbestos dumped on this land.
WorkSafe Victoria	Regulates the management of asbestos, including asbestos removal, in the workplace. Also responsible for licensing professional asbestos removalists.
Sustainability Victoria	Responsible for developing and delivering the Asbestos Disposal Management Plan.

Our audit objective

To determine whether responsible agencies have effective measures in place to reduce the illegal disposal of asbestos.

What we examined

- Data collection and information sharing.
- Communication and engagement with the public.
- Barriers to legal disposal.
- Compliance and enforcement measures.
- Asbestos Disposal Management Plan.

Conducting this audit

Assessing performance

To form our conclusion against our objective we used the used the following lines of inquiry and associated evaluation criteria.

Line of inquiry	Criteria
<p>1. Do responsible agencies collect, share and use data to inform the design of controls to minimise the illegal disposal of asbestos?</p>	<p>1.1 Agencies collect relevant and reliable data on the illegal disposal of asbestos that is:</p> <ul style="list-style-type: none"> • timely • accurate; and • complete.
	<p>1.2 Agencies share relevant and reliable data on the illegal disposal of asbestos.</p>
	<p>1.3 Agencies use relevant and reliable data to design effective, risk-based controls that minimise the illegal disposal of asbestos.</p>
	<p>1.4 Agencies collaborate on the design and delivery of controls that are effective in minimising the illegal disposal of asbestos.</p>
<p>2. Do responsible agencies implement and report on risk-based compliance and enforcement activities and use outcomes to reduce the illegal disposal of asbestos?</p>	<p>2.1 Agencies have policies and procedures in place that set out:</p> <ul style="list-style-type: none"> • responsibilities for regulating the illegal disposal of asbestos • risk-based strategies to regulate the illegal disposal of asbestos.
	<p>2.2 Agencies actively:</p> <ul style="list-style-type: none"> • monitor compliance with regulatory requirements • enforce compliance with regulatory requirements • report publicly on compliance outcomes.
	<p>2.3 Agencies use compliance and enforcement outcomes to inform the design and implementation of controls to minimise the illegal disposal of asbestos.</p>
<p>3. Do responsible agencies provide accessible, clear and targeted communication to stakeholders on the illegal disposal of asbestos?</p>	<p>3.1 Agencies have awareness and education campaigns in place on the illegal disposal of asbestos that:</p> <ul style="list-style-type: none"> • are easily accessible • are clearly communicated • are targeted at key stakeholder groups including the public, business owners, industry trades and other government agencies • provide information on the risks associated with asbestos • provide information on the safe and legal: <ul style="list-style-type: none"> • removal and packaging of asbestos • transportation and storage of asbestos • disposal of asbestos.
	<p>3.2 Agency staff are trained to ensure accurate information is provided to stakeholders on:</p> <ul style="list-style-type: none"> • the risks associated with asbestos • how to remove, transport and dispose of asbestos safely • how to respond to incidents of illegal disposal of asbestos.

Line of inquiry	Criteria
4. Is there an accessible and affordable network of landfill, storage and transfer sites for the safe and legal disposal of asbestos?	<p data-bbox="568 219 1385 275">4.1 Existing and planned landfill, storage and transfer sites for the legal disposal of asbestos are easily accessible.</p> <p data-bbox="568 286 1385 342">The capacity of existing and planned landfill, storage and transfer sites for the legal disposal of asbestos meets Victoria's current and future needs.</p> <p data-bbox="568 353 1385 387">Landfill, storage and transfer site costs for the legal disposal of asbestos:</p> <ul data-bbox="644 398 1230 533" style="list-style-type: none"> • are affordable • are consistently applied • are clearly communicated to stakeholders • do not act as a barrier to the legal disposal of asbestos. <p data-bbox="568 544 1385 600">Sustainability Victoria is effectively implementing the Asbestos Disposal Management Plan (ADMP) and has in place:</p> <ul data-bbox="644 611 1385 1025" style="list-style-type: none"> • a governance framework that provides strategic direction and clearly establishes relevant roles and responsibilities. • a risk management framework that: <ul data-bbox="683 723 1361 891" style="list-style-type: none"> • comprehensively identifies relevant risks • assesses the likelihood and impact of risks occurring • develops relevant controls and risk treatment options and takes mitigating action when required • actively monitors and reports on risks. • regular monitoring and reporting processes that track implementation progress and achievement of outcomes. • a planned evaluation once the ADMP is implemented to determine if objectives have been met.

Our methods As part of the audit we:

- examined documentation the audited agencies gave us
- interviewed key staff
- conducted a voluntary, anonymous survey with Victoria's 79 municipal councils.

Our survey In April 2023 we surveyed Victoria's 79 councils to collect information on how they managed asbestos disposal in their municipality. We received responses from 67 councils.

We used the survey results to collect contextual information about:

- the frequency and amount of asbestos dumping in municipalities
- the costs to councils to clean up dumped asbestos
- asbestos remaining in the built environment
- perceived drivers of asbestos dumping
- councils' use of enforcement actions in response to asbestos dumping.

Where councils left a response to a question blank, we have interpreted this to mean they did not know the answer to that question.

Compliance We conducted our audit in accordance with the *Audit Act 1994* and ASAE 3500 Performance Engagements to obtain reasonable assurance to provide a basis for our conclusion.

We complied with the independence and other relevant ethical requirements related to assurance engagements.

We also provided a copy of the report to the Department of Premier and Cabinet.

Cost and time The full cost of the audit and preparation of this report was \$530,000.
The duration of the audit was 9 months from initiation to tabling.

Auditor-General's reports tabled during 2023–24

Report title	Tabled
<i>Cybersecurity: Cloud Computing Products (2023–24: 1)</i>	August 2023
<i>Responses to Performance Engagement Recommendations: Annual Status Update 2023 (2023–24: 2)</i>	August 2023
<i>Eloque: the Joint Venture Between DoT and Xerox (2023–24: 3)</i>	October 2023
<i>Domestic Building Oversight Part 1: Regulation (2023–24: 4)</i>	November 2023
<i>Employee Health and Wellbeing in Victorian Public Hospitals (2023–24: 5)</i>	November 2023
<i>Reducing the Illegal Disposal of Asbestos (2023–24: 6)</i>	November 2023

All reports are available for download in PDF and HTML format on our website at <https://www.audit.vic.gov.au>

Our role and contact details

The Auditor-General's role

For information about the Auditor-General's role and VAGO's work, please see our online fact sheet [About VAGO](#).

Our assurance services

Our online fact sheet [Our assurance services](#) details the nature and levels of assurance that we provide to Parliament and public sector agencies through our work program.

Contact details

Victorian Auditor-General's Office
Level 31, 35 Collins Street
Melbourne Vic 3000
AUSTRALIA
Phone +61 3 8601 7000
Email enquiries@audit.vic.gov.au
