

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

INQUIRY INTO ASBESTOS IN SCHOOLS

**TRANSCRIPT OF EVIDENCE TAKEN
AT PERTH
WEDNESDAY, 25 OCTOBER 2006**

Members

**Hon Barry House (Chairman)
Hon Ed Dermer (Deputy Chairman)
Hon Matthew Benson-Lidholm
Hon Vincent Catania
Hon Helen Morton**

Hearing commenced at 11.20 am

SHARMAN, MR KENNETH SUTTON
Manager, Property and Facilities Management,
Department of Housing and Works, examined:

BYRNE, MR STEPHEN MARIO
Client Service Manager,
Department of Housing and Works, examined:

The CHAIRMAN: I welcome to the public hearing the two witnesses, members of the public and media in attendance. I have to go through some formalities first, so I will deal with those. You will have signed a document "Information for Witnesses". Have you read and understood that document?

The Witnesses: Yes.

The CHAIRMAN: These proceedings are being recorded by Hansard, as you can see. A transcript of your evidence will be provided to you. To assist the committee and Hansard please quote the full title of any document you refer to during the course of this hearing. Please be aware of the microphones, which are not for amplification but recording purposes. I remind you that your transcript will become a matter for the public record. If for some reason you wish to make a confidential statement during today's proceedings, you should request that the evidence be taken in closed session. If the committee grants your request, any public and media in attendance will be excluded from the hearing. Please note that until such time as the transcript of your public evidence is finalised, it should not be made public. I advise you that premature publication or disclosure of public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege. Would you like to make an opening statement?

Mr Sharman: I would not, thank you.

The CHAIRMAN: Prior to the hearing today, we forwarded you a series of questions. You might like to start by commenting on those questions. For the record I will read the questions put to you -

- a) **Under current arrangements, what specific responsibilities does the Department of Housing and Works have in relation to repair and maintenance of asbestos containing materials (ACMs) in government schools?**
 - b) **Does the Department have an ongoing or scheduled maintenance program in place, or does it act on referrals from individual schools or the Department of Education and Training?**
 - c) **Is work in relation to repair and maintenance of ACMs undertaken by employees of the Department of Housing and Works, or is the work outsourced to contractors?**
 - d) **What specific training do the above personnel have with regard to working with ACMs?**
 - e) **Are schools treated in the same manner as other government buildings in relation to management of ACMs?**
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f) With regard to the current State-wide review of ACMs in government schools, what specific assessments will be undertaken (for example visual inspection, air monitoring, stress testing)?

g) What specific criteria will be used to classify buildings and/or building components as high risk? Could you provide specific examples of what might be deemed to constitute a high risk?

That is a bit of a mouthful, but perhaps as a starting point, you might like to address those questions?

Mr Sharman: If I could address the first question, would you like me to repeat it?

The CHAIRMAN: It might put it into context.

Mr Sharman: The question is -

a) Under current arrangements, what specific responsibilities does the Department of Housing and Works have in relation to repair and maintenance of asbestos containing materials (ACMs) in government schools?

The answer is -

All work is initiated by the Department of Education and Training (DET) in the first instance.

Breakdown repairs are day-to-day maintenance issues -

DHW arranges repairs to damaged ACMs in response to individual requests from schools, as and when damage occurs. For example, when vandals break eaves linings, schools are required to immediately contact the DHW Call Centres. A contractor is immediately despatched to the school. The holes in the eaves are temporarily covered over and asbestos debris is cleaned up. The damaged eaves lining is replaced at a later time when the school is vacated.

With regard to planned works, which involve the larger jobs that can be planned in advance -

DHW arranges planned removal of ACMs in response to requests from DET Head Office e.g. the schools asbestos roof replacement program that went for a number of years and was completed in 2002.

DHW arranges demolition of structures containing ACMs on request from DET.

DHW arranges removal of ACM upon requests from DET or schools. For example, DHW removes asbestos cement sunshades where these are no longer needed so as to save on ongoing maintenance and vandal damage repairs.

The second question is -

b) Does the Department have an ongoing or scheduled maintenance program in place, or does it act on referrals from individual schools or the Department of Education and Training?

The answer is -

No.

Currently, there is no scheduled program for repairs and maintenance of ACMs at schools. The last such program was the asbestos roof replacement program that ended in 2002. All current repairs and maintenance of ACMs is carried out in response to individual requests from schools or direction from DET.

The third question is -

c) Is work in relation to repair and maintenance of ACMs undertaken by employees of the Department of Housing and Works, or is the work outsourced to contractors?

The answer is -

No, the work is all carried out by contractors.

The fourth question is -

d) What specific training do the above personnel have with regard to working with ACMs?

The answer is -

In the metropolitan area, there are zone contracts for building service repair work. All the zone contractors have been issued with the DHW Asbestos Cement Work Practice Sheets and are familiar with the subject and protocols for managing asbestos work in schools.

The fifth question is -

e) Are schools treated in the same manner as other government buildings in relation to management of ACMs?

The answer is -

Yes, all government facilities, including schools are treated the same in terms of the precautions and work practices that are applied when asbestos related works are carried out. The majority of asbestos related work is done at schools and is a result of wilful damage activities such as smashed sunshades eaves lining, sunshades, etc.

The sixth question is -

f) With regard to the current State-wide review of ACMs in government schools, what specific assessments will be undertaken (for example visual inspection, air monitoring, stress testing)?

The answer is -

Assessment will be based on visual walk through surveys of schools. Sampling of material and air testing will not be done. The basis for the surveys is that materials suspected of being ACM will be presumed to be ACM unless positively identified as non ACM. To assist them, inspectors will have a reference checklist of common components and items of equipment at schools that are likely to have ACMs.

A team of eight inspectors will do the surveys. Training of inspectors has been completed.

The seventh question is -

g) What specific criteria will be used to classify buildings and/or building components as high risk? Could you provide specific examples of what might be deemed to constitute a high risk?

The answer is -

The risk assessment will be based on

1 - the condition of ACMs to be rated good, fair, poor and

2 - likelihood of disturbance to be rated low, medium, high.

From these, risk rankings on a scale of 1 to 9 will be derived.

This allows ACMs to be risk ranked. For example, trees brushing against an unpainted and weathered asbestos cement fascia will create a high risk situation. However, it does not mean that all ACMs at the high end of the risk ranking scale need attention. The only

conclusive way to measure risk relating to health and safety is through air monitoring. Considerable air monitoring has been conducted at schools over many years and results have been satisfactory.

[11.30 am]

The CHAIRMAN: Ken, you read from a document that you prepared in response to our questions. For the record, will you table it?

Mr Sharman: Yes. The document is in-house notes and includes the questions and answers.

The CHAIRMAN: We have a series of other questions to ask you. I will ask some of the questions and my committee colleagues, whom I did not introduce - Hon Matt Benson-Lidholm, Hon Ed Dermer and Hon Helen Morton, and we have one apology today - may come in with their own questions.

Firstly, the committee has been advised that a review of all schools was undertaken in 1999, which resulted in the production of an asbestos location schedule for each school. Was the Department of Housing and Works, or its predecessor, involved in that review and who was assigned responsibility for custody of these schedules?

Mr Byrne: In 1999 the department was called contract and management services. The then department of education requested CAMS to prepare an asbestos identification schedule for all schools, because it was a requirement of WorkSafe regulations. CAMS was assigned responsibility for doing that task. We did it in conjunction with our annual building asset condition report. The asbestos identification schedule was done in conjunction with that activity in 1999. I am not sure whether it was 1999 or 2000; it was definitely around that time.

The CHAIRMAN: Our information says it was 1999.

Mr Byrne: If it is necessary, I could verify it from our files. It was definitely around 1999. If you need me to, I will confirm that date.

The CHAIRMAN: Will you confirm it with our committee staff at a later stage?

Mr Byrne: Yes.

The CHAIRMAN: The committee has been advised that since the 1999 review the schools codes of practice have been updated to not only necessitate an asbestos register identifying the location of asbestos, but also attach a risk rating to the identification. When the new code of practice was introduced was there any discussion about a process in which existing schedules in schools and other government buildings should be brought into line with the new requirements? What role does the Department of Housing and Works play in ensuring that asbestos risk schedules comply with current regulations? What role in individual government workplaces does WorkSafe play in this regard? It is a triple-headed question.

Mr Byrne: I will answer the last question first. It is unclear what roles each agency has to ensure that the latest update of requirements are reflected in the schedules. It has always been a requirement in WorkSafe regulations that people in charge of workplaces, including government agencies, need to have an asbestos identification schedule of their facilities. In terms of ownership of who is responsible for updating those, it has never been clear. It is under WorkSafe's legislation; therefore, I presume it has the responsibility for promoting that. It has never been clear to me whether it is DHW's role to advise agencies. For those agencies that already have asbestos identifying schedule, presumably it is their responsibility to update themselves with the latest requirements. They have their own technical experts to deal with these things. My answer is that it has never been clear; we have never had a firm policy on that.

The CHAIRMAN: Since 1999 a risk rating was attached to the identification of locations of possible ACMs in schools. Are you saying that it is unclear to you who is responsible for assigning that risk rating?

Mr Byrne: It was unclear as to who should initiate the process of assigning the risk ratings. In fact, it may not have been possible to do it on a desktop. It would probably have been necessary to go out and resurvey things to establish whatever features are necessary to come up with the risk rating. I was not aware that the risk-rating feature has come in since 1999, but I will take your word for it that it has. If it came in at some time between 1999 and today, not many people are aware that they need to undertake a desktop or physical update. It is an issue that has not been discussed at an operational level.

The CHAIRMAN: So that we are clear, will you step us through your department's role in government schools, because that is on what we are focusing our inquiry.

Mr Byrne: From a wider view we have the construction arm and the maintenance arm; and we represent the maintenance arm. I guess that is what you are focusing on, so we will not talk about the construction arm. In relation to maintenance, we have traditionally supported a number of big agencies in their annual programs, and education is one. Our role is, to some extent, a multifaceted role. From a maintenance point of view we provide support for its management of maintenance programs. We provide a building maintenance condition report process once every two years. We also provide a maintenance coordination service; that is, when projects have been approved we call tenders and administer the projects to completion. We do not physically carry out the work. That is done by contractors. We are not in that part of the maintenance delivery. I have summarised the major points - provide support to agencies for maintenance programming, help them with maintenance policy, provide project coordination service and provide a building condition-type assistance service. These are the areas in which we support them.

I do not believe it is the DHW's role to provide agencies with overall policy and strategy because most agencies have their own people in that area who understand the rules etc. That is the supporting role we provide.

Hon ED DERMER: When you say "most agencies", does the education department have the expertise to understand the rules and science?

Mr Byrne: It does. I do work with people in education who are in the occupational health-type of area. I guess we work as a team. Apart from the past 12 months, updating the asbestos identifying schedules was never brought up as an issue.

Hon HELEN MORTON: I understand from what you said that, basically, the Department of Education and Training is ultimately responsible for initiating, ensuring that the work is done, maintaining registers and updating things as required. Am I reading this right: the Department of Housing and Works has a purely supportive role across all these areas and, from your point of view, the ultimate responsibility is with the Department of Education and Training?

[11.40 am]

Mr Byrne: That is my understanding of it. In fact, we have always used words like "we provide a support service", and "they are the lead agency". That has always been the context in which we have done things, not just for the asbestos issue, but for all other programs.

Hon HELEN MORTON: Are you saying that that applies for every government department? Is there no lead role that the Department of Housing and Works has across all government departments and government agencies in anything to do with asbestos-related materials?

Mr Byrne: That is my understanding. In the past 12 months there has been a little committee, which Ken can probably talk about in more detail, but that is in response to some of the issues that have arisen since. Maybe Ken can cover that aspect of it.

Mr Sharman: I chair the Asbestos Steering Committee for Western Australian government buildings. It commenced in January of this year. It has representation from most departments that

have assets. I will read from a briefing note to the Minister for Housing and Works on the establishment of the Asbestos Steering Committee. Its proposed terms of references are -

1. Obtain Cabinet mandate to establish the group as a permanent authority to set policy for the management of asbestos in WA Government Buildings.
2. Develop a Strategy for progress towards the goal of all WA Government Buildings being free of Asbestos Containing Materials (ACMs), including funding implications.
3. Prepare WA government Asbestos Management plan and detailed instructions, procedures and interpretations for use by all WA Government Agencies to ensure compliance with the National Occupational Health and Safety Commission Code of Practice [NOHSC: 2018 (2005)]. Including but not limited to:
 - a. Definition, identification, training and accreditation of '*Competent Persons*'
 - b. Definition and nomination of '*Person with Control*'
 - c. Identification of ACMs
 - d. Develop standardised ACM registers.
 - e. Establish labelling protocols
 - f. Develop risk assessment methodology and risk assessment matrix.
 - g. Examine maintenance standards and develop standards for remedial actions in response to identified risks.
 - h. Establish a review process and cycle for the Management Plan, Risk Assessments and Register of ACMs
 - i. Develop a strategy and guidelines to review and implement Control Measures
 - j. Review existing documentation such as contracts, tender documentation, guides and work practice sheets.
 - k. Training and information for employees and contractors.
4. Seek government endorsement of a *Whole of Government* funding strategy to address the asbestos management with WA Government buildings.

The activities of the steering committee are listed in the briefing note as follows -

- a. Formed the Asbestos Working Group (AWG) to conduct research and make recommendations to the ASC with regard to issues identified by the committee.
- b. Agreed on the proposed Terms of Reference for the committee.
- c. Identified competencies for the *Competent Person* as required by the *Code of Practice*
- d. Prepared a package for the training of *Competent Persons* for Asbestos Surveys.
- e. Currently developing a risk assessment matrix for Asbestos Surveys.

The CHAIRMAN: Will you table that document?

Mr Sharman: Yes.

The CHAIRMAN: Who is on that steering committee?

Mr Sharman: The steering committee has representation from the Department of Education and Training, Main Roads, Western Australia Police, the State School Teachers' Union, the Department of the Attorney General, the Public Transport Authority, the Department of Agriculture and Food and WorkSafe WA.

Hon MATT BENSON-LIDHOLM: When was it set up?

Mr Sharman: The first meeting was held in January of this year.

Hon MATT BENSON-LIDHOLM: Are you fully functional at this stage? Have you developed all those protocols and guidelines?

Mr Sharman: No.

Hon MATT BENSON-LIDHOLM: Do you have a timeline of when you expect to be fully functional?

Mr Sharman: With everything done?

Hon MATT BENSON-LIDHOLM: With everything ready to go, so that you become fully operational.

Mr Sharman: It is hard to say, but I would say that it would take a few years. It is an ongoing committee; it does not have a set term.

Hon MATT BENSON-LIDHOLM: I did not mean a set term; I meant the time for you to put into practice the suggestions you have made to us, or your job description. When will it all be fully operational?

Mr Sharman: We are moving through some of the things gradually. For example, eight or 10 trainees have just gone through to do the assessment for the schools program. We have set up a training program, which took quite a considerable time for the committee and the subcommittees involved. Because of the situation developing within government schools we have made them our first priority.

Hon ED DERMER: Mr Sharman made the list of tasks the committee has set for itself sound very comprehensive. A paper that was published in the *Journal of Occupational and Environmental Hygiene* has come to my attention very recently. It may be worthwhile for your committee to look at it; you may have looked at it already. It is written by A. Campopiano and others, and is dated 2004. It looks at Italian schools. I have not studied the paper in detail, but it comes to the conclusion that, amongst the 59 Italian schools the authors studied, it found reason for concern amongst those schools that did not have thorough programs for monitoring and safety. It may be worthwhile for your committee to have a look at that; it might provide useful guidance. I am trying to get my head around what is involved in the air monitoring process. I am also unfamiliar with the actual Australian standard. The gentlemen from the Department of Education and Training who gave evidence to the committee last week were referring to the Australian standard. You seem to have quite a specific national health reference in the list that you just read out. Can you give us a specific reference to the Australian standards that are used to measure acceptable levels of asbestos fibre in the air?

Mr Sharman: No, I cannot at this point.

Hon ED DERMER: Okay. As I recollect it, the Department of Education and Training people were saying last week that where the air monitoring had occurred there had been no instances in which the level of asbestos fibre in the air had exceeded the Australian standard. I am interested in pinning down exactly which Australian standard they were talking about.

Mr Sharman: I cannot quote that standard at this time. I would have to reference it.

Hon ED DERMER: Is your department involved in air monitoring?

Mr Sharman: We do not actually do the air monitoring. Any air monitoring is contracted out to companies with expertise in that area.

Hon ED DERMER: So you rely on them to know what the standards are, and then to tell you whether they were exceeded; is that how it works?

Mr Sharman: That is the normal approach, yes.

Hon ED DERMER: If the committee wanted to go into some detail about how the monitoring works, one of the areas that exercises my mind is whether the monitoring would pick up the occasional events that may, at particular times, increase the air fibre content. For instance, a bird crashing into a roof might suddenly release greater levels of fibre than would normally be picked up at a time of day when such a disturbance was not occurring. We would be interested in finding out details of how the air monitoring actually works. I was wondering where we would go to get that information, to the best of your knowledge.

Mr Sharman: We could arrange for that information to be provided through one of our contracting companies, but we could coordinate it for you.

Hon ED DERMER: We have a short series of questions that explore how the air monitoring works in practice. If we direct them to you can you arrange for the answers to be sent?

[11.49 am]

Mr Sharman: If the questions are directed to us, we can arrange for the answers to be provided.

Hon ED DERMER: That would be very helpful. Thank you.

The CHAIRMAN: To return to the steering committee, is your department the lead agency?

Mr Sharman: Our department is the lead agency. I am chair by right of my position.

The CHAIRMAN: We heard from the Department of Education and Training that it has a review process underway. Is that part of the steering committee's work, or does it run parallel to that?

Mr Sharman: It runs parallel. Any reviews undertaken by the Department of Education and Training with respect to specifics are tabled at the meeting, and we provide assistance through the steering committee. For example, the Department of Education and Training plans to survey every school, and that was brought up at the committee. When the committee was prioritising its work, the issue was brought to the top because there was a specific need for it to be done within a certain timeframe.

The CHAIRMAN: These matters came to this committee's notice principally as a result of the experiences at Carine Senior High School. Can you walk us through your involvement with the Carine Senior High School situation?

Mr Sharman: Mario was directly involved in that. I will pass the question to Mario.

Mr Byrne: I was not actually involved when it all started, but it came to my attention later on because of inquiries from the P&C association at Carine. I think it was towards the latter part of last year that I got to know about the issue that the association said had occurred earlier in the year at Carine; that was in 2005. Apparently there was concern that somebody had refixed asbestos cement fascias. There was concern that the people undertaking the work had not followed appropriate work practices. Unfortunately I cannot get to the bottom of that incident. I have asked questions and undertaken research, but I am not sure that the information that I have received is reliable enough for me to say with confidence what actually happened. However, I know that fascias were apparently coming loose and an order was issued via one of our third-party providers. I was not involved at that stage. The third-party provider arranged the resealing of the fascias.

The CHAIRMAN: Was the third party a contractor for the Department of Housing and Works?

Mr Byrne: I guess so. We have what we call major contract facilities management companies. This particular one was Spotless Group Ltd, which coordinated maintenance works for schools north of the river on our behalf - schools in the West Coast and Swan education districts.

Hon ED DERMER: Is it a subcontracting relationship that you are describing, Mr Byrne?

Mr Byrne: It was not really a subcontractor. It was a long-term contract, I guess - effectively a seven-year contract. You could say it was an extended arm. Those positions were previously part of our organisation, but there was a strong contracting-out agenda in the mid-1990s, and those contracts were put in place. Those people were at arm's length, you could say.

Hon ED DERMER: Is the actual work done by its own staff?

Mr Byrne: No. Once again, it was brokering services from contractors. Spotless arranged the work by contracting a contractor. It would have been a carpentry company that actually performed the work.

Hon ED DERMER: So in a sense there was a contract relationship between your department and this entity?

Mr Byrne: Yes, and with Spotless and the contractor in question.

Hon ED DERMER: That is what I understand as a subcontractor, if you want to use that term. I am sorry if I have interrupted your train of thought, but I am interested -

The CHAIRMAN: I just want to first get to the chain of events and the Department of Housing and Works' involvement with Carine Senior High School. Perhaps we can come to questions about individual aspects of the work later, if we could first have the timeline of events.

Mr Byrne: When that issue became evident, the P&C had contacted a number of people. In fact, I think I got involved only because I was included in an email loop. The person with responsibility for health in the Department of Education and Training was involved; I became involved; the Department of Housing and Works program manager based at the West Coast district became involved, because Carine falls under the West Coast district. There was nothing much else to progress on the issue at the time, because it was something that was alleged to have happened. There was no risk at the time - the latter half of last year - because whatever was alleged to have happened, happened months before and there was nothing physical that we could do about it, other than do some research to confirm or otherwise whether what was alleged to have happened or did not happen. Thereafter, the whole thing escalated. There were some meetings held at the school. The Department of Education and Training took the lead, but I also attended meetings. We examined the fascias and WorkSafe was there. There were various discussions about whether the fascias were okay, because many of them have significant mould staining. There was concern that weathering had caused the cement matrix to break down and that the fibres could be more easily released. There was a lot of discussion. I arranged air monitoring, again on behalf of Department of Education and Training. From memory, all the results were okay, although we picked up something odd. It was not asbestos, but a fibre was detected. It was analysed and was chromium something-or-other, which was not necessarily an issue in itself, but it certainly was not asbestos. We performed the air monitoring at a peak period during which there was activity so that it simulated the worst-case scenario. We did not do it during the holidays, we did it during the last week of term. Thereafter there were further meetings. I was asked to perform an asbestos identification schedule at Carine, which I carried out personally just after the New Year period. I think there was a commitment from Department of Education and Training that the schedule would be provided to WorkSafe. Thereafter, the issue steered towards the management of asbestos at schools other than Carine, and hence, as Ken has said, with the involvement of the steering committee the issue became one of big-picture strategic management rather than being specific to Carine.

The CHAIRMAN: Was there a specific request from either the Department of Education and Training or the principal of the school for you to do some maintenance work?

Mr Byrne: Is the question in relation to the incident of January 2005?

The CHAIRMAN: Yes.

Mr Byrne: I am not sure how that came about. I am not aware of a specific request. There very well may have been one made, but it certainly did not come through me. I suspect the scenario was that someone noted that the fascias did not look very secure.

The CHAIRMAN: I guess it could also have been a notification.

Mr Byrne: I am not sure who would have noted that. It could very well have been that our call centre was notified by the school of a potential breakdown issue. A lot of calls received by the Department of Housing and Works are on that basis. It may be that someone notices cracks in fascias, considers it to be a risk and reports it to the breakdown service. A contractor would be called out and the contractor might say that the problem is not confined to one fascia but involves the whole school, and the project would then be escalated and passed on to Spotless to manage. I suspect that that is how it happened, but I cannot say for certain. It would not be beyond the normal course of events for it to have happened that way.

[12 noon]

The CHAIRMAN: Would you respond if that notification came from the P&C of the school, for instance?

Mr Byrne: I would not personally but I would ask them to go via the school administration. That is a strong policy thing we have. It has to be formal. I often get calls from P&Cs on lots of issues but I say that it must come through the school because otherwise we will go around in a circle. I normally say go back to the school administration.

Hon ED DERMER: For the work that is required to be done, you go to a private corporate entity called Spotless; is that right?

Mr Byrne: Correct.

Hon ED DERMER: And they in turn contract people to come in and do the work; is that correct?

Mr Byrne: Correct.

Hon ED DERMER: The protocols that exist to direct people who are actually doing the work on asbestos-containing material, your department endeavours to ensure that people doing the work follow those protocols; is that correct?

Mr Byrne: Yes. There are two things. One is, up to recently - of course, this is a model we are talking about and some changes have since happened - that is, to the time of Carine, we had a service provider panel, which is the contractors. That was put together by the Department of Housing and Works. We do that because the same panel is used north and south of the river rather than having Spotless having one panel and the guy south of the river having another panel. We have one generic panel for the whole metro. We pre-qualify them on the basis of their police clearances and assurances. We give the panel to Spotless and their counterpart in the south, which is Infraserv, and say that these are the panel of contractors that you guys should use. We do that.

The other thing which we have is our work practice sheets, which we developed quite some time ago. This is specifically for asbestos. Any other policy things such as pesticide management issues in schools and all that stuff has to be communicated out to our contractors. We do have policy matters like that. We also put together a panel of contractors. The people that Spotless would have used at Carine would have been one of our panel contractors.

Hon ED DERMER: In terms of checking and pre-qualifying them and making sure that there were protocols for them to follow, you have a direct relationship through the panel system with the contractors who are actually doing the work; is that correct?

Mr Byrne: I guess so. In most cases, that is correct unless, of course, it is a bigger job and they have to go beyond the panel, which means that if it is a big job they will have to go to public tender. That means that you pre-qualify and you brief those people at a job-specific level. When you go to

public tender that means that everyone can quote rather than just the panel. We do that with the jobs of a certain size.

Hon ED DERMER: At the point they are coming into the system you would brief them and pre-qualify them?

Mr Byrne: Yes. That would be a requirement of the contracting process.

Hon ED DERMER: Is one of the protocols dealing with asbestos-containing materials a protocol to not use electric power drills when applying a screw or bolt or whatever else may be applied?

Mr Byrne: That has been my understanding of that for a long time. That is correct. From memory it states that no power tools are to be used on asbestos materials. More recently I believe there has been a change in the NOHSC guidelines. It is quite a significant change in that I think they talk about the fact that you are allowed to use battery-powered drills because they are low speed and hence do not have the same risk of fracturing fibres and making them airborne. Secondly, they also talk about putting entrapment things like hair gel - of all things - that can be placed over the hole that you are going to drill. It does allow you to do considerably more things only because I suspect that the ruling of power tools not being allowed was not a very practical one. It would be impossible to use a hand drill to drill through some of the asbestos because of its nature. I think that the NOHSC must have recognised the feedback people were giving them and come up with more practical things.

Hon ED DERMER: I understand the use of power drills in Carine on material that may have contained asbestos was one of the points at issue at Carine Senior High School. Is that your understanding?

Mr Byrne: I believe so. I think that was one of the issues raised by the P&C.

Hon MATT BENSON-LIDHOLM: Can I add that it was whilst kids were at school. I think that was my recollection. It was one of the more pertinent issues in that regard.

Mr Byrne: I cannot confirm whether that happened while kids were actually at school. I will have to do more research. I was told, as I recollect, by Spotless and the contractor who did the work - because I had to do some investigation at the time - that the work was done during the January 2005 school holidays. I would rather not confirm that. I need to research that to be absolutely certain.

Hon ED DERMER: I must admit that it is very good that you are being very specific and clear to make sure that you come back to us with a definitive answer rather than anything that has some ambiguity about it. I am interested to know that, at the time the power tools were used, whether that was one of the protocols. You have explained to us how the protocols have changed. I can understand that. A gel to catch fibres sounds very sensible although I do not have any particular expertise in the area. It sounds sensible to me as a layman. I would like to know when the power tools were used, if they were used. Was it before the change in protocol or after? If it was after the change in protocol, were the additional safety requirements like the gel in place? I would also like to know what the process was in the sense of whether the protocol was part of the pre-qualification process and the briefing that would normally go out to a contractor who was doing the work. If it was found that a breach was made, what was then done to minimise the possibility of that breach occurring again at a future date? Am I being clear enough, Mr Byrne?

Mr Byrne: I would prefer if you could document that. I will do the research. Perhaps you could give me some dot points and I will do the research.

Hon ED DERMER: One of the advantages we have from today is a transcript of what is being said.

Mr Byrne: I understand where you are coming from. May I say that I do not know whether I will be able to drill down - it is a funny word - all the way into it only because I have to rely on what people will be telling me. I will have to be a little bit careful about that. I will not have access to

evidence other than what I will be hearing about what the contractor did and what Spotless will say. I have found it very difficult to get some information. Some things I have been told are quite contradictory.

Hon ED DERMER: In the absence of being there yourself I entirely understand that. You were not there when it occurred. I think it would be instructive to the committee if we were to find out how you went in asking those questions and who it was you asked and how clear and unambiguous the answers received were if you do not mind asking the questions I have suggested this morning.

The CHAIRMAN: You will come back to us on that. Just to complete the picture at Carine, there was an independent environmental consultant who concluded that asbestos-containing material in roof fascia was breaking down and posed a risk to health. Subsequent air monitoring initiated by the Department of Education and Training indicated that there were no airborne asbestos fibres. How is it possible that large asbestos-containing material in fascia are breaking down and not releasing fibres? Are those two pieces of information incompatible?

[12.10 pm]

Mr Byrne: In my opinion, no, they are not incompatible. The fact that the fascia looks weathered would indicate that the cement that binds the fibres together has eroded, probably by the long-term action of water. I was there when I was doing the survey early this year. In fact, it was raining as I recall. I happened to look up and, at various spots where the rain was dripping off the top of the fascias onto the side of the fascias, I could see that where the blackening was occurring was where the repeated raindrops falling on it had caused erosion; hence the mould and the blackening. However, it does not mean to say that singular fibres are coming out of it. My understanding is that if a lot of that activity dislodges the fibres, it dislodges them in other ways, including in a clumped format whereby they do not get airborne and hence are not respirable and are not picked up through air monitoring. I am not the expert in that area, but I have also read the WAACHS report, which refers to those sorts of issues and to fibres and how they clump together and do not necessarily become airborne and hence are not picked up through air monitoring.

The CHAIRMAN: In the case of the Carine Senior High School, an on-site register of asbestos-containing materials that complied with current regulations could not be located. Was there any attempt at that time to ascertain whether this might also be the case in other schools, or other public buildings for that matter?

Mr Byrne: I really cannot answer that question. I certainly did not, but I would have expected that to be something that DET would have pursued under its own management policy. In fact, in 1999-2000 I remember having to send all these registers to school. We printed them off and put them in envelopes and directed them to all the schools with a covering letter, but that was the end of our project. The fact that the schools did not have them or lost them I would have seen to be a DET issue to follow up. I certainly did not, but I cannot comment on whether it did.

The CHAIRMAN: Is there anything else that you want to add to the Carine Senior High School case as a specific example of your department's involvement?

Mr Byrne: In terms of the risks that I saw, if there were any risks, that is a typical school built in the 1970s. There are a number of those sorts of high schools around; they are two-storey buildings, with flat roof fascias and lots of unpainted eaves and fascias. The only higher end of the risk scale things that I saw were trees brushing against the fascias. I thought that if there were trees brushing against weathered fascias, it could have been an issue. However, in the case of the Carine school, we had already arranged for trees to be pruned. In most schools we have pruned the trees away from the fascias, not only for the asbestos issue, but also as a maintenance issue to ensure that things do not break and so forth. That is what I found at Carine. I did not see anything really untoward.

The CHAIRMAN: I have a general question stemming from that. Is the Department of Housing and Works aware of the exact number and location of schools in Western Australia that currently contain asbestos materials in building components?

Mr Byrne: I would definitely say no. I would probably be able to guess a few, but I would not have precise data on that. We would have to look at the age of schools. One way of determining that would be via the new updated asbestos identification schedule that we are currently doing. Once that is completed, that information will fall out of that.

Hon MATT BENSON-LIDHOLM: I am rather concerned - this relates to a comment that was made earlier about regional, remote and rural schools - that some of the information that we seem to be getting discounts the fact that in a lot of agricultural high schools and senior high schools, there are many outbuildings and farm buildings. Are they disregarded in this sort of inventory of schools that might have ACMs? I have been told that all the roofs have been fixed, but I know for a fact that one particular school that I was associated with over the years has had many outbuildings, because it was an old farm before it became a school and a senior high school. Those sorts of issues concern me. Would either of you like to comment on that? I gather that this identification schedule has not been completed yet.

Mr Byrne: It is just starting.

Hon MATT BENSON-LIDHOLM: Do you have any comments about those sorts of situations, and particularly about schools that are like some of the bigger agricultural schools in the south west?

Mr Byrne: We will treat the agricultural colleges and any other schools in the same way as we treat any of the metropolitan schools. When we do the survey, we will inspect all the buildings. I think there are six agricultural schools throughout the state. We will apply the same rationale and protocols. In terms of ongoing management, what we do with country schools is no different from what we do with metropolitan schools. The same rules, policies and procedures apply. There is no difference. I am not sure why it would want to be any different.

Hon MATT BENSON-LIDHOLM: I also picked up on a comment made by Mr Sharman earlier in answer to the first question that the chairman put to him. I am very concerned about the rapidity of the uptake of issues as they occur. I am a member for the South West Region and I am particularly concerned about these sorts of issues. The comment that Ken made was that workers are immediately dispatched. Are there any issues associated with the capacity of regional, remote and rural schools to have issues addressed as quickly as might be done in metropolitan schools?

Mr Sharman: Yes, there are some things that restrict that, including the number of tradesmen available in various areas. The current boom in the industry is occurring across the state, but it has affected some rural areas more than others, and especially areas in which mining is predominant. We are finding it very difficult in some instances to retain contractors because they are moving into better paid arrangements with other entities such as in the mining industry. We have the minimum number of contractors who would be needed, but the timeliness of their attending to different places would depend on the number and availability within that particular area. When there is an emergency situation or a priority 1 situation, we endeavour to make sure that it is attended to, and we will make arrangements outside of the local arrangements that we have when possible. When it is not an emergency, a life-threatening situation or a health and safety situation, we sometimes take a bit longer to attend to country areas than we do to the metropolitan area.

Hon MATT BENSON-LIDHOLM: Could there be an issue here for WorkSafe, such as closing schools or parts of schools while an issue is addressed?

Mr Sharman: If it got to that level, we would make other arrangements to ensure that that did not happen.

Hon HELEN MORTON: I am interested in the other arrangements that you would make.

Mr Sharman: If the situation meant that we could not get a local contractor and the school had to close, we would bring contractors from somewhere else in the most expedient way we could to try to relieve that situation.

Hon HELEN MORTON: I have recently travelled between Kununurra and Broome. It is difficult getting people to move into those areas and do some of the work. I do not know where you would get people from; and, if you did, they would not have anywhere to live.

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[12.20 pm]

Mr Sharman: I am talking probably more short term jobs rather than long term jobs where, if we had to put people up over a long period of time, yes, logistically that would be a problem in places such as Karratha where there is very limited accommodation and that type of thing. I must admit, there is no real precedent that I could give you to say that where this has actually happened, we have had to actually do this. But where it got into a situation like that, we would look at every possible avenue that we could to relieve that situation.

The CHAIRMAN: Time is moving on but I would like to ask you a couple of questions about your role in relation to principals and inspectors in this review. What role does your department currently have in the training of school principals in the safe management of asbestos-containing materials?

Mr Sharman: None, to my knowledge.

The CHAIRMAN: None? Okay. How do school principals know whether there is a risk situation?

Mr Sharman: Maybe Mario could answer that; I cannot.

Mr Byrne: I can probably just give some history, I suppose. I think in the early 1990s the education department produced a manual about asbestos work practices best procedures in the workplace. It was a white folder that was sent out to schools, and was quite a comprehensive document with illustrations of typical asbestos-type components that we encounter in schools. If I recall, there was a covering note asking them to contact their local DHW - or whatever it was called in those days - representative to help make up one of these asbestos schedules. That was what that folder recommended. It was, I guess, a good manual; easy for people to read and understand, with a lot of illustrations to bring them up to speed with all the issues - because we did not have that 1999 schedule at the time; it was before that - asking them to contact our local DHW person who would then help make up one of those. The whole emphasis then was on identification so that they knew how to safely manage asbestos in the workplace. I think it was also after the report of the WA Advisory Council on Hazardous Substances. Everything goes back to that report which said that asbestos cement products in buildings present negligible risk as long as they are managed properly. "Managed" means that you had to have an asbestos identification schedule to go with it.

Mr Sharman: The question was about principals, but from the point of view of the Department of Housing and Works, in December 2004 we produced - from a previous asbestos taskforce committee that we had in place specifically to do this task - an information guide for agencies, which was disseminated to all departments with the view that that would go out to people, like principals. The thing from that which I cannot guarantee though, is whether it was disseminated to that level.

The CHAIRMAN: What was the date of that document again?

Mr Sharman: December 2004.

The CHAIRMAN: Would you be prepared to table that document?

Mr Sharman: Yes.

The CHAIRMAN: Thank you. In relation to inspectors, in June this year the committee was advised that a small team of six inspectors was to be appointed to undertake the current review of ACMs in schools. More recently the committee was advised that there would be 12 inspectors. Can you confirm that there will be 12 inspectors; and when was the decision made to double the number of inspectors?

Mr Byrne: To the best of my knowledge, there will be eight inspectors.

Hon MATT BENSON-LIDHOLM: You said eight earlier.

Mr Byrne: In fact, I attended the training session last week and the eight inspectors were there. I am not sure where the 12 or the six came from. I have always understood it to be eight.

The CHAIRMAN: Wires got crossed.

Mr Byrne: Why? Because the structure was four major metro districts, so one inspector would do each district. We would have four inspectors for the regions as well. We did not want too many because we wanted to be able to manage the quality issue, because the more people you have, the more inconsistencies you have. Ideally it would have been good if just one person did the whole state but it just would not have been logistically possible to do that in a short timeframe, so eight was always the figure that I knew of. I am not sure how you got the other figures.

The CHAIRMAN: That figure was given to us last week by the Department of Education and Training.

Mr Byrne: They are probably not as close to the issue as I am. It is possible that someone might have just got the figure wrong.

The CHAIRMAN: You have semi-answered my other questions. What role do you play in providing the job-specific training for these inspectors? What does that training entail?

Mr Byrne: I think it is a bit of a shared role. When you ask what role we play, you mean DHW. We actually ran a training session where we had a Department of Education and Training and an environmental health person lead the training. It was almost a joint thing; the DHWDET-type training session. I think the steering committee presided over a lot of those things like the course content, the duration of the course, and all that sort of thing. It was the steering committee that actually presided over all that. I guess my answer would be that it was not just DHW that did the training; it was done in a consultative way and delivered in a joint fashion with DET and DHW. I attended myself on the field training days, to walk around with the DET people, at school - because I am more familiar with the schools - and we staged a couple of examples so that we could identify a good variety of asbestos situations so that we could take the inspectors through all those. So we had to make sure that we had chosen the appropriate example. So it was a joint training exercise that we did - DET and DHW.

Mr Sharman: It was endorsed by the asbestos steering committee.

The CHAIRMAN: You may want to take the next question on notice because it will involve some statistics. Are you able to provide the committee with an estimate of how many repairs or removals the Department of Housing and Works would undertake in relation to ACMs in schools each year? On average, what proportion of incidents would involve repairs to the offending materials, what proportion would involve removal, and what proportion would be deemed to require no corrective action? Are there any obvious trends over time; for example, are there more repairs and/or removals with progressively ageing schools? It is probably an obvious question but if you have any statistics to indicate any trends, we would be interested in seeing those.

Mr Byrne: I would find it very difficult to provide that level of information because it is very detailed. We have a works management system, in which we store the data in an electronic archive. We can interrogate the system. We do not have a separate field or code that we can use to access, for example, everything to do with asbestos, and press the button. It will need some massaging by

perhaps looking for some key words in the description that refer to asbestos. So if someone had put in some description that said, "Repair asbestos fascia" or something like that, I could probably extract that level of information. However, if they did not say asbestos, but just said, "Repair fascia" or "wall", then of course I would miss that. I can give some information but I will not be able to guarantee that it is completely accurate, because it is only as accurate as how the description is coded into the system. Certainly we could measure trends. We could say that the so-called asbestos issues have increased or decreased. We could probably give you something like that. That is probably more like to identify change rather than the absolute sense of things. Yes, we could try to do that. We have dollars against those items so we can add up the costs for those as well.

The CHAIRMAN: Just a general question - it may be a bit subjective, but in your view is there too much hype about asbestos? Is there too much emotion attached to the whole thing, or are the risks obvious and deadly serious? That is a general question, I know, but I would be interested in your response.

Mr Sharman: I think the general response to that would be that if asbestos cement products remain in situ and they are not drilled or touched in any way and do not have anything brushing against them or anything like that that, they do not actually cause too much problem. It is only when they are treated the wrong way that they could possibly cause problems. I am not an expert on the subject at all whatsoever. As I said, I chair the committee only by position, not because I am an expert in asbestos cement products. The information that I have read and been given by consultants etc suggests that if left alone it is not as big a risk as what may be believed.

Hon MATT BENSON-LIDHOLM: Before we finish up today, could I make one observation? In my experiences in the education system - getting back to the principal's questions that were posed - I am pretty sure in saying that every school in Western Australia has an occupational health and safety officer. It need not necessarily be a teacher; it can be an administrator or perhaps an ancillary staff member. I am pretty sure, particularly through the State School Teachers' Union of Western Australia, that training is provided to at least identify asbestos-related problems or issues as they occur in schools. Obviously, that occupational health and safety officer then is answerable to the principal on site. I am not sure of the exact mechanics of that, but, in defence of the situation, I am pretty sure I am correct in making that observation. I do not know whether the Chairman has any knowledge of that sort of thing, but I am pretty sure that is the case. It is certainly the case in the schools that I have been associated with over the years.

Mr Byrne: Would you like me to comment?

The CHAIRMAN: Yes.

Mr Byrne: Yes, you are right. I have come across a lot of schools with a health and safety rep. I think that is a requirement from occupational health and safety and WorkSafe regulations that workplaces have a nominated health and safety rep. Yes, a lot of them are very conscious and diligent about the asbestos issue. Some schools contact us more than others, I guess, and are more conscious about the issue. Yes, that does happen quite a lot. I cannot say a percentage, but certainly some are very conscious about the issue.

Hon MATT BENSON-LIDHOLM: Where there are very transient teacher populations, issues arise in some of the smaller, more isolated and remote schools. However, some of the more stable schools, particularly in my region, have officers who have been there for a number of years and have undergone thorough training. I do not know to what extent, but it is as thorough as it could possibly be given the time constraints and so on associated with the job in rural areas.

Hon HELEN MORTON: This is a question I put on notice, if that is okay. I would like to know whether you could provide, using a time frame of 12 months, the time taken between an initial contact being made with the Department of Housing and Works and the completed rectification by a contractor for the unplanned repair and maintenance in relation to asbestos-contained materials -

that is, repairs and maintenance that may involve asbestos-related materials in schools. Is that something you would have on a database that you could provide?

Mr Byrne: Once again, not at the press of a button. That would need some manipulation and research. We will have to start off by querying the system on all jobs that contained the word "asbestos" that were done; we will break it down. We have certainly got registration dates and times when calls come through the call centre. In terms of the actual completion, we do not put the time when the job is actually completed on site; we usually put the date when the job is signed off as completed and paid. We may not have that exact information.

Hon HELEN MORTON: That is okay.

The CHAIRMAN: Are you responsible for the accreditation and ultimate supervision of the people who physically do the work on a school - that is, replace the fascias and repair work?

Mr Sharman: Not the accreditation. Is that of contractors?

The CHAIRMAN: Yes.

Mr Sharman: No.

The CHAIRMAN: Who is responsible for that?

Mr Sharman: The contractors themselves are responsible to abide by whatever rules and regulations that are in place as far as the contract procedure, if I am reading the question right.

The CHAIRMAN: Do you not issue that contract?

Mr Sharman: We issue the contract to them, yes. The contract says that they will abide by all regulations. There is a statement along those lines at the top of the contract. It does not specifically talk about asbestos as an item. In regard to accrediting them and saying, yes, you have passed some form of certificate or something to do that, the only accreditation we are involved in is these eight inspectors who have recently been employed.

The CHAIRMAN: Spotless, which has the contract for certain metropolitan regions, gets in a workman to fix a job that it is given by you. How will we know that that workman is properly accredited and not just dragged in off the street and given a hammer and nail and told to go away and fix it?

Mr Byrne: I could try to answer that. I guess we do not have a formal training accreditation process. A lot of the people we use tend to those who have done work for us before; even people who, in fact, worked in our own day labour organisation that we had years ago. We know and trust these people in terms of their track record. Yes, we have work practice sheets and things like that, which are no more than what is already in the WorkSafe regulations on asbestos cement. I guess there is not a structured accreditation process; it is more by default that these people are known to have been doing this sort of work and have been in the industry for a long time. The sort of people we use understand that when they go to a school, they cannot do asbestos work when school is in. It is almost like it is unwritten. Yes, it would be ideal to formalise it, but I cannot think of any existing process in which I could say, "Yes, we do that." It might be something we should be doing. Certainly, it is not that we pick someone off the street; it is usually the case that we give the job to someone we think we can trust.

The CHAIRMAN: I went to an extreme example. Do you accept that the supervision ultimately lies with the Department of Housing and Works?

Mr Byrne: I guess the buck stops here eventually.

Hon HELEN MORTON: Accountability in the contract.

Mr Byrne: If there is an issue, it comes back here because we engage Spotless and they engage others.

The CHAIRMAN: The supervision flows through the contract.

Mr Byrne: If there is something wrong, the press identifies the lead agency; in that sense, yes.

Hon ED DERMER: You talked about pre-qualification for inclusion on the panel earlier. When you said that, I assumed that that meant you would check the capacity of the builder doing the work in the way that the chairman is now asking about it.

Mr Byrne: No, I think I said the prequalification covers the insurances and the police clearances. We do not have a specific thing on asbestos. That is why we prequalify people to be on our panel more from the formalities rather than specific things.

Hon ED DERMER: Who actually trains these people in the protocols?

Mr Byrne: I do not think anyone does. As I said, we have no special training session. I think that information is relayed on to people, I guess, informally. There is no formal training process.

Hon ED DERMER: I had a very different understanding when I spoke to you before, so I am glad it has come up again.

The CHAIRMAN: We have covered a fair bit of ground and we have left you with some questions on notice, if you like, and we may have some other questions that we might like to put to you to clarify and enlarge upon matters. Do you wish to say anything in conclusion as a final statement to the committee today?

Mr Byrne: I guess one question: does it mean we need to come back here for the next round, or how will these questions be answered?

The CHAIRMAN: Normally, no, but it may occur that the committee wants to ask you some further questions, and, you never say never.

Mr Sharman: Nothing from me.

The CHAIRMAN: Thank you very much for your time today and for the information you have provided to the committee.

Hearing concluded at 12.41 pm
