



THIRTY-SEVENTH PARLIAMENT

REPORT 4

**STANDING COMMITTEE ON PUBLIC
ADMINISTRATION**

**A MATTER ARISING FROM THE COMMITTEE'S
ANNUAL REPORT 2006 - MANAGEMENT OF
ASBESTOS CONTAINING MATERIALS IN
WESTERN AUSTRALIAN SCHOOLS**

Presented by Hon Barry House MLC (Chairman)

May 2007

STANDING COMMITTEE ON PUBLIC ADMINISTRATION

Date first appointed:

17 August 2005

Terms of Reference:

The following is an extract from Schedule 1 of the Legislative Council Standing Orders:

“7. Public Administration Committee

- 7.1 A *Public Administration Committee* is established.
- 7.2 The Committee consists of 5 Members.
- 7.3 The functions of the Committee are to inquire into and report on -
- (a) the structure, efficiency, and effectiveness of the system of public administration;
 - (b) the extent to which the principles of procedural fairness are embodied in any practice or procedure applied in decision making;
 - (c) the existence, adequacy, or availability, of merit and judicial review of administrative acts or decisions;
 - (d) any Bill or other matter relating to the foregoing functions referred by the House; and
 - (e) to consult regularly with the Parliamentary Commissioner for Administrative Investigations, the Public Sector Standards Commissioner, the Information Commissioner, and any person holding an office of a like character.
- 7.4 The Committee is not to make inquiry with respect to -
- (a) the constitution, functions or operations of the Executive Council;
 - (b) the Governor’s establishment;
 - (c) the constitution and administration of Parliament;
 - (d) the judiciary;
 - (e) a decision made by a person acting judicially;
 - (f) a decision made by a person to exercise, or not exercise, a power of arrest or detention; or
 - (g) the merits of a particular case or grievance that is not received as a petition.”

Members as at the time of this inquiry:

Hon Barry House MLC (Chairman)
Hon Ed Dermer MLC (Deputy Chairman)
Hon Matt Benson-Lidholm MLC

Hon Vincent Catania MLC
Hon Helen Morton MLC

Staff as at the time of this inquiry:

Anne Turner, Advisory Officer (Legal)

Jan Paniperis, Senior Committee Clerk

Address:

Parliament House, Perth WA 6000, Telephone (08) 9222 7222

Website: <http://www.parliament.wa.gov.au>

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REPORT OF THE STANDING COMMITTEE ON PUBLIC ADMINISTRATION

IN RELATION TO

A MATTER ARISING FROM THE COMMITTEE'S ANNUAL REPORT 2006 - MANAGEMENT OF ASBESTOS CONTAINING MATERIALS IN WESTERN AUSTRALIAN SCHOOLS

Background

- 1.1 In March 2006, Mr Piers Dudman, former President of Carine Senior High School (**Carine SHS**) Parents and Citizens Association, wrote to the Committee outlining concerns with the management of asbestos containing materials (**ACMs**) in Western Australian schools by the Department of Education and Training (**DET**) and other Government departments.

Committee investigations

- 1.2 The Committee reported extensively on this matter in its *Annual Report 2006*, tabled 7 December 2006. At pages 19 to 20 of the *Annual Report 2006*, the Committee made the following comment:

A number of issues emerged during the course of the Committee's investigations which are of some concern to the Committee:

At present, the 1999 asbestos identification survey is the only source of information outlining the extent of ACMs in Western Australian schools. This survey identified the location of ACMs, but did not attach a risk rating.

Contractors who undertake repair and maintenance work on asbestos containing materials in schools on behalf of the Department of Housing and Works, do so without any formal accreditation, training or supervision by the Department of Housing and Works, although the Department recently advised that it has arranged briefing sessions to further reinforce the need for contractors to follow appropriate asbestos work practices.

Each of the State-wide survey, the review of asbestos management plans and documentation in WA government schools and the training of school principals were prompted by Improvement Notices issued by Worksafe WA following investigations at Carine SHS, rather than as part of an ongoing program of monitoring and strategic risk management of asbestos containing materials in schools.

*The Committee noted that there may be a divergence of views between DET and DHW with regard to (a) the risk posed by asbestos cement fascia panels at Carine Senior High School and (b) the relative importance of air monitoring in assessment and/or management of asbestos risk. On 23 November 2006, the Committee wrote to DET and DHW seeking clarification in relation to these matters. As at the date of tabling this report, neither DET nor DHW has responded.*¹

*The Committee notes that current scientific opinion supports the view that asbestos containing materials in public buildings generally pose a very low risk to the health of occupants, provided careful monitoring and maintenance programs are in place.*²

In light of current scientific opinion, the Committee is of the view that the asbestos risk management approach adopted by the Department of Housing and Works is appropriate, whereby assessment of risk is based on a visual inspection to assess the potential for fibres to be released coupled with the potential for fibres to be inhaled, provided it is underpinned by:

clear delineation of roles and responsibilities between different government departments and departmental officers;

regular, formal risk assessments of asbestos containing materials in all government schools;

a global register of asbestos containing materials in all government schools, to be maintained and updated by the Department of Education and Training;

appropriate training in asbestos risk management as part of the induction process for new principals and periodic refresher training for existing principals; and

appropriate training for contractors who undertake works in relation to maintenance and repair of asbestos containing materials.

The Committee will continue to monitor developments with respect to this issue.

¹ The Department of Education and Training responded on 15 December 2006. See **Appendix 1**. The Department of Housing and Works responded on 12 December 2006. See **Appendix 2**.

² For example, see A Campopiano *et al*, *Journal of Occupational and Environmental Hygiene* (2004) Vol 1, pp256-261 and HA Anderson *et al*, *Environmental Research* (1992) Vol 59, pp159-166.

Response from the Department of Housing and Works

- 1.3 On 15 January 2007, the Committee received correspondence from Mr Bob Mitchell, Director General, Department of Housing and Works, in relation to (amongst other things) the Committee's comment. The correspondence is attached at **Appendix 3**. From that correspondence, the Committee has extracted the following outcomes:

The risk assessment matrix used for the asbestos identification survey at Carine Senior High School in January 2006, was based on the likelihood of fibre release and the likelihood of fibre ingestion. The matrix has since been revised for use in the current Statewide asbestos identification survey of all schools, and is based on

a) the condition of asbestos containing material and

b) the likelihood of disturbance of the asbestos containing material.

This revised matrix is more in keeping with general risk assessment practices. The asbestos identification survey for Carine Senior High School will also be reviewed against the revised matrix as part of the Statewide asbestos identification survey of all schools.

Asbestos identification surveys are currently being conducted in all schools and will include risk ratings. This will be complete by May 2007. The surveys are being arranged through the Department of Housing and Works.

The Department of Housing and Works will promote ongoing awareness of asbestos management to all contractors that carry out maintenance works at schools. The Department's Client Service Manager for Schools will arrange for this to occur at least once a year.

The Department of Housing and Works and the Department of Education and Training will clarify and document the roles and responsibilities of individual Agencies and Officers in relation to asbestos management at schools

The Department of Housing and Works and the Department of Education and Training will discuss and document the agreed frequency and implementation process for ongoing risk assessments of asbestos containing materials at schools.

- 1.4 The Committee reports this correspondence to the House as part of its resolution to monitor developments with respect to the management of ACMs in Western Australian schools.



Hon Ed Dermer MLC

Deputy Chairman

2 May 2007

APPENDIX 1
LETTER FROM DEPARTMENT OF EDUCATION AND
TRAINING, DATED 15 DECEMBER 2006



Your ref:

Our ref: DO06/323630

Enquiries:

The Hon Edmund (Ed) Dermer MLC
Deputy Chairman
Standing Committee on Public Administration
Parliament House
PERTH WA 6000



PUBLIC

Dear Mr Dermer

Thank you for your letter dated 23 November 2006 regarding the management of asbestos containing materials in schools in which you invited comment in relation to past evidence presented to the Standing Committee on Public Administration.

With regard to the risk posed by the asbestos cement fascias at Carine Senior High School, I am advised that both the Department of Education and Training and the Department of Housing and Works were, and remain of the same opinion, on this matter. That is the fascias presented a negligible risk to health that was no greater than that experienced by the general community.

A decision to replace in-situ Asbestos Containing Material (ACM) may be based on a number of factors, the most important of which is certainly in relation to an identified health risk. The material may also be removed if it is no longer serviceable in terms of its intended function. This could be due to damage or deterioration. In relation to past evidence presented to the Committee, the appearance of "black mould" is symptomatic of material deterioration but this does not necessarily equate to asbestos fibre release and subsequent health risk. Whilst only air monitoring can conclusively determine if a health risk exists, it has been the Department's experience that fibre release and the creation of a health risk to building occupants are extremely unlikely in the circumstance detailed in this evidence.

The risk rating system applied to Carine Senior High School considered, among other things, the condition of the ACM and the course of action as indicated by the risk rating was to "remove when practicable or take remedial action". The material was removed not because there was a health risk, but because the deteriorated state of some fascia panels was aesthetically unacceptable and this had created the perception that a health risk existed. Subsequent air monitoring confirmed that a health risk did not exist.

In regard to the second issue, I am further advised that visual inspection, the application of a risk rating relevant to the condition of the material and the likelihood of disturbance are the normal methods of asbestos risk assessment. Air monitoring may be used for a variety of reasons such as to confirm a visual assessment and to provide additional reassurance to any concerned stakeholders. A visual risk assessment is appropriate to determine if ACM is being abraded to the point of potential fibre release and air monitoring can be employed as an additional tool to confirm or dispel the assessment.

151 Royal Street, East Perth, Western Australia 6004

As the airborne asbestos fibres that present a risk to human health are invisible to the naked eye, air monitoring is the only means of scientifically confirming their existence. Both the Department of Education and Training and the Department of Housing and Works share this understanding.

For your information, the Department of Housing and Works representatives who presented evidence to the Committee have seen this letter and concur with this response. I trust this information clarifies the points you raise in relation to the evidence previously given to the Committee.

Yours sincerely



SHARYN O'NEILL
A/DIRECTOR GENERAL

15 DEC 2006

APPENDIX 2
LETTER FROM DEPARTMENT OF HOUSING AND
WORKS, DATED 12 DECEMBER 2006



Department of Housing and Works
Government of Western Australia

Office of the Director General

Hon Ed Dermer MLC
Deputy Chairman
Standing Committee on Public Administration
Parliament House
Harvest Terrace
PERTH WA 6000



PUBLIC

Dear Mr Dermer

MANAGEMENT OF ASBESTOS IN WESTERN AUSTRALIAN SCHOOLS

I refer to your letter of 23 November 2006 and advised as follows.

The Department of Housing and Works (DHW) and the Department of Education and Training (DET) have worked closely in responding to enquiries relating to asbestos at Carine Senior High School and the Subsequent enquiries from the Standing Committee, and share a common understanding in this matter. Officers of this Department have assured me that there is no divergence of views between the Agencies and that in particular, both Agencies agree that the risks from the asbestos cement fascias at Carine Senior High School are negligible. Air monitoring tests have confirmed this.

Asbestos Cement Fascias at Carine Senior High School

The DHW Asbestos Identification Schedule prepared in January 2006 gave the fascias a risk ranking of 5/7 as a result of the weathered state of some panels and the likelihood of disturbance from trees brushing against the fascias. The recommended course of action was to 'remove when practicable or take remedial action'. This was achieved by pruning back trees and shrubs that were growing close to the fascias, thereby reducing the likelihood of disturbance and the risk. A number of the blackened fascia panels were replaced not because they were a health risk, but because the visual appearance of these panels created a belief that the panels were hazardous.

Importance of Air Monitoring

The information in my earlier correspondence of 14 November 2006 and the Transcript of Evidence of 18 October 2006 are consistent. Both sources confirm that initially, visual assessments are conducted to ascertain the condition of the material and the likelihood of disturbance. If the visual inspection identifies an area of concern, air monitoring may be carried out to confirm if there is in fact a risk from airborne fibres. Additionally, air monitoring may be used to provide reassurance that there is no risk, eg air monitoring carried out at Carine Senior High School.

99 Plain Street East Perth Western Australia 6004
Private Bag 22 East Perth Western Australia 6892

Telephone (08) 9222 4626 TTY (08) 9221 3985 Facsimile (08) 9221 1627

www.dhw.wa.gov.au

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I trust that the above information will be of assistance to the Committee.

Yours sincerely



BOB MITCHELL
DIRECTOR GENERAL

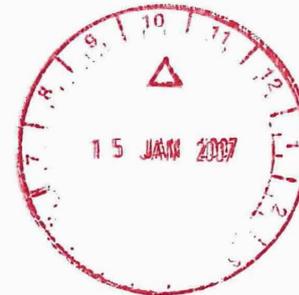
12 December 2006

APPENDIX 3
LETTER FROM DEPARTMENT OF HOUSING AND
WORKS, DATED 9 JANUARY 2007



Department of Housing and Works
Government of Western Australia

Office of the Director General



Hon Barry House MLC
Standing Committee on Public Administration
Parliament House
Harvest Terrace
PERTH WA 6000

PUBLIC

Dear Mr. House

Management of Asbestos in Western Australian Schools

I refer to the Standing Committee on Public Administration Annual Report 2006 (Report 3) and provide the following comments relating to aspects of the report that impact on the Department of Housing and Works and its role in asbestos management at schools.

1. Page 10 - last dot point. The number of inspectors conducting asbestos inspections across all schools is eight, not six. This was clarified at the hearing of 25th October 2006 attended by representative of the Department of Housing and Works.
2. Page 13 - first dot point. The risk assessment matrix used for the asbestos identification survey at Carine Senior High School in January 2006, was based on the likelihood of fibre release and the likelihood of fibre ingestion. The matrix has since been revised for use in the current Statewide asbestos identification survey of all schools, and is now based on
 - a) the condition of asbestos containing material and
 - b) the likelihood of disturbance of the asbestos containing material.This revised matrix is more in keeping with general risk assessment practices. The asbestos identification survey for Carine Senior High School will also be reviewed against the revised matrix as part of the Statewide asbestos identification survey of all schools.
3. Page 14 - 11.24 dot point 3. The Department's record of how the asbestos fascia panels were repaired at Carine Senior High School is based on written advice from the contractor who carried out this work. There was no one else present on site at the time to enable confirmation of this.
4. Page 19 - first dot point. Asbestos identification surveys are currently being conducted at all schools and will include risk ratings. This will be complete by May 2007. The surveys are being arranged through the Department of Housing and Works.

99 Plain Street East Perth Western Australia 6004
Private Bag 22 East Perth Western Australia 6892
Telephone (08) 9222 4626 TTY (08) 9221 3985 Facsimile (08) 9221 1627
www.dhw.wa.gov.au

5. Page 19 - second dot point. The Department of Housing and Works will promote ongoing awareness of asbestos management to all contractors that carry out maintenance works at schools. The Department's Client Service Manager for schools will arrange for this to occur at least once a year.
6. Page 20 - 11.37. The Committee again refers to the risk matrix used for Carine Senior High School's asbestos identification survey of January 2007. This has now been revised. Please refer to item 2 above.
7. Page 20 - 11.37 dot point 1. The Department of Housing and Works and the Department of Education and Training will clarify and document the roles and responsibilities of individual Agencies and Officers in relation to asbestos management at schools.
8. Page 20 - 11.37 dot point 2. The Department of Housing and Works and the Department of Education and Training will discuss and document the agreed frequency and implementation process for ongoing risk assessments of asbestos containing materials at schools.
9. Page 20 - 11.37 dot point 5. Training of contractors. Please refer to item 5 above.

I trust that this information will be of assistance to the Committee.

Yours sincerely,



BOB MITCHELL
DIRECTOR GENERAL

09 January 2007