

Standing Committee on Public Administration — Eighth Report — “Inquiry into the Management of Asbestos Containing Materials in Western Australian State Schools”

Resumed from 18 June 2008.

Motion

Hon BARRY HOUSE: I move —

That the report be noted.

This report is a substantive report. It is the result of an interest that the committee developed over a period of years, and it is the result of quite extensive work that we did over a period of years. I believe that this report will be a very worthwhile one for a long time for governance in Western Australia and the way in which the public administration of the state is carried out.

The matter was initially brought to our attention by Mr Piers Dudman, who is a former president of the parents and citizens association of Carine Senior High School. Members may recall that Carine Senior High School attracted some media attention over the issue of asbestos-containing materials, the monitoring of them, the treatment of them and the concerns about whether they were or were not dangerous. In that context, it provided one of the case studies that came to our committee. We elected, on our own motion, to adopt a broader inquiry. We thought that it would be worthwhile because a lot of public buildings and private buildings throughout this state contain asbestos-containing materials. It is a vexed question of when is it dangerous and when is it safe, and what are the factors involved. I believe the committee had a very thorough look at the public administration processes in this case, particularly relating to Western Australian state public schools, and the committee has had an impact on the way in which those processes have been followed up. I believe that what we did will have a lasting impact, because, as members can see from our recommendations, we have recommended a continuation of the monitoring and reporting of the situation, so that the public of Western Australia, through the Parliament, is aware of what is happening. I believe that is important for peace of mind in the community, as much as for the treatment of these materials when they require treatment and the methods of treatment.

The report is comprehensive, so I do not intend to stand here and read it. That would be pointless. However, I sincerely recommend that whenever members have an issue involving asbestos-containing materials in their electorates, they refer to this report, because it sets out a bit of a blueprint of what should be done. I believe that we have had a very positive impact on making sure that the process occurs and that it happens on a regular basis. If it is not happening, we can refer to the situation.

As I said, our report is the culmination of about three years of continual communication, involvement, and hearings with Department of Education and Training officials, with housing and works department officials and with Mr Piers Dudman and others, as well as a couple of experts in the field. As in a lot of areas, it is interesting that the experts did not quite fully agree. There is a contention in some quarters that one fibre kills; therefore, one fibre is dangerous. There is some degree of, not disagreement, but debate over whether it is one fibre. It probably is in a very remote situation.

Hon Kate Doust: But there is no safe exposure to asbestos; one fibre is one too many.

Hon BARRY HOUSE: Yes, that is true.

Hon Kate Doust: It is one fibre; that is what it is.

Hon BARRY HOUSE: Yes; of course it is. In one sense it is like a meteorite strike from outer space. If the meteorite happens to hit right here, it is a pretty serious situation for me, but for the other seven billion people in the world it does not matter—I guess that is an appropriate analogy. However, for the sake of practicality, what constitutes a safe exposure level is another matter. It can be argued with some justification that one fibre will kill. One bullet can kill, but unless exposed to that bullet, we are not in danger. That debate between experts and practitioners will, I guess, continue forever. However, we know that many Western Australian state schools, which make up a significant body of public buildings around the state, have asbestos-containing materials. The state of the management of those materials is important. In a perfect world we would love to replace all those materials tomorrow. I recall that during the Court government’s term, we replaced all the asbestos roofs in state schools, but other asbestos-containing materials are contained in the eaves and the linings of the schools. The outcome of that debate is inconclusive and probably always will be. We did our best to present the arguments of the individual experts that we interviewed about the evidence surrounding asbestos-containing materials in public schools and how that material is monitored and managed. Monitoring contractors working on site was identified as a task that is difficult to manage. Obviously, those contractors have to abide by standards, but who monitors that compliance is still an area of some debate. I think the report will have an impact on the recording process, which was not undertaken in a comprehensive manner in many schools and in the Department of

Education and Training. The schools must maintain a register of asbestos-containing materials; the education department must maintain a three-yearly rolling survey of monitoring and recording of every situation in which there has been an incident report and the activity resulting from that report. The recommendations—and this report contains a few—give a line into the future. Recommendation 1 states —

The Committee recommends that a comprehensive asbestos survey of all State schools be conducted periodically, and so as to be completed no later than three years after the completion of the previous asbestos survey.

That recommendation seeks to establish some rigour in the survey process, which, until the committee became involved, seemed to be a bit ad hoc. Recommendation 2 reads —

The Committee recommends that the Department of Education and Training keeps a record of all asbestos containing materials (ACM) removed from State schools including details of the ACM removed, the location of the ACM removed, why it was removed and other relevant details.

That recommendation, once again, invites a series of questions, including: where is this stuff put once it is removed? I know that there is bound to be debate about where it goes, including how it gets there and in what landfill it will be contained. We want to make sure that there are no negative consequences for some future generation as a result of those decisions. To continue —

Recommendation 3: The Committee recommends that the Department of Education and Training keeps a record of all air monitoring conducted at State schools including details of when, where and why the air monitoring was conducted, the result of the air monitoring and other relevant details.

Recommendation 4: The Committee recommends that the Department of Education and Training's Asbestos Management Plan be publicly available and posted on the internet.

There is, justifiably, widespread community interest in this issue and the public should be entitled to the information that is put together by an agency acting in the public interest.

Recommendation 5 is the one that will have a lasting impact in terms of this Parliament's involvement —

The Committee recommends that the Department of Education and Training provides the relevant Ministers with a report to be tabled in Parliament in December every two years. Such a report should cover activities in the previous two years. The report should detail:

- 1. whether a survey of asbestos containing materials (ACM) in all State schools was conducted. If so, provide a summary of the survey findings including the number of ACM identified, the number of ACM given each risk ranking during the survey, remedial action taken on ACM as a result of survey rankings and ACM risk rankings after remedial action was taken;**
- 2. ACM removed from State schools. What ACM were removed, the location of the ACM, why ACM were removed and other relevant details;**
- 3. air monitoring for asbestos fibres conducted at State schools. When, where and why air monitoring was conducted, what was the result of the air monitoring and other relevant details;**

I might digress there very briefly to say that air monitoring is a debateable and contentious issue. Some people rightly say that air monitoring is the only way we can genuinely test for asbestos because airborne asbestos fibre is the material that does all the damage. Air monitoring is not always used as part of the survey and monitoring process—something that will no doubt be debated well into the future. To continue —

- 4. complaints received by the Department of Education and Training regarding the management of ACM in any State school;**
- 5. training undertaken by State school principals with respect to ACM management;**
- 6. training undertaken by contractors and other persons dealing with ACM in State schools;**

I briefly alluded to that earlier —

- 7. any reasonably significant changes to the Department of Education and Training's Asbestos Management Plan (relevant to ACM management at State schools); and**
- 8. any other reasonably significant changes to ACM management policies, procedures and practices.**

The Standing Committee on Public Administration has produced a substantive report that will provide a reference point for many years to come. Asbestos-containing materials are a fact of life. We live with them. In a building of the age of this Parliament, we are almost certainly exposed to asbestos-containing materials that surround us as we go about our daily work.

Hon Ljiljanna Ravlich: Wait until the uranium particles arrive!

Hon BARRY HOUSE: The member has put me off my train of thought.

Hon Ljiljanna Ravlich: I am sorry.

Hon BARRY HOUSE: On balance, we need to be practical about asbestos-containing materials at the same time as we make sure that the public administration system we are responsible for having in place will monitor, treat and deal with asbestos in an appropriate way. Most of all, this Parliament needs to ensure transparency for the members of our community, for whom we are responsible. I think we have gone a fair way in this report towards providing a transparent system of public administration in Western Australia.

Hon ED DERMER: Hon Barry House has given quite a thorough and comprehensive summary of the report, but I will deal with a couple of items that might, in some way, supplement his coverage.

It is very easy to understand the degree of intensity of public concern on this issue. It is quite obviously a natural instinct for parents, and others, to be very concerned for the health and welfare of children; the health and welfare of teachers and other people in schools is of similar importance. The diseases caused by asbestos fibres are of such a horrific nature that people's concern is understandable. The committee embarked on an extensive investigation and obtained a range of views on the question of just how vulnerable we are to asbestos fibres. The evidence made clear to us that with the amount of asbestos-containing material around, there are probably fibres in the air that people breathe all the time.

That then brought us back to the very serious proposition that was put to the committee; that is, one fibre can kill. If that was the case, we would all expect to be running around in a state of great alarm. My belief is that it may be the case, and expert evidence we received suggested also, that the probability of asbestos fibres killing people was very much related to the dose—that is, the number of asbestos fibres and the density of asbestos fibres in the air that people might be breathing.

On page 51 of the report, item 20.3 states that asbestos-containing materials —

... in State schools generally pose a very low health risk, provided careful monitoring and maintenance programs are in place.

Perhaps in many ways that is the crux of the report. I will not go through the recommendations in detail because the chairman already has, but they are a total set of recommendations designed to ensure that people responsible for public administration of schools do not forget—do not overlook—that asbestos fibres are a hazard, and the importance of ensuring that asbestos-containing materials are maintained in such a way that the fibres are not released into the atmosphere.

Returning to the point about whether one fibre kills or whether the real risk to health comes from a high density of fibres in the air, I will quote from page 52, item 20.6. Reference is made to a Dr de Klerk who provided expert medical evidence to the committee. Item 20.6 states —

On the issue of whether “one fibre kills”, Dr de Klerk, an epidemiologist with extensive experience working in the asbestos field, informed the Committee that:

The probability of getting a disease depends on how much of a dose of exposure a person gets ... As a person's exposure to asbestos is less and less, the probability of getting a disease is less. Theoretically, one fibre could kill a person, but the probability of being killed by one fibre is vanishingly small. It is about the same odds as winning the lottery 10 weeks in a row or something like that ... the probability depends on the time from when the person was first exposed, how much the person was first exposed to, and for how long.

That is one side of the argument, because we were getting this concern, which is probably, strictly speaking, true, that one fibre lodged in the wrong way in the alveoli of a lung can lead to a lethal disease, and we then had evidence from people like Dr de Klerk that suggests that the probability of getting the disease very much depends on the dose and with what frequency people might be breathing the fibres in.

It is quite reasonable to expect that one fibre in the wrong place at the wrong time that becomes lodged in and is not expelled from the lungs can kill. However, the probability of any fibre in the air doing that to a person will increase with the density of fibres in the air. At first glance those two propositions may appear to be incompatible; I do not think they are.

As the chairman explained earlier, asbestos-containing materials were commonly used in the construction of schools in Western Australia, and are probably most clearly associated with the date the school was built or the date on which extensions, potentially including asbestos-containing materials, were made to the schools. A key to ensuring that asbestos-containing materials do not become compromised and start to break down appears to be ensuring that they are not in a situation where they might rub against an abrasive material. One example that was given was that of a tree growing alongside an asbestos fence and the branch of the tree, perhaps blown by the wind, rubbing against the asbestos and releasing the fibres. The key to ensuring that hazard does not arise is to stop the asbestos-containing material breaking down and leading to the release of fibres into the atmosphere.

The Department of Education and Training completed a survey, as described on page 20 of the report. Section 8.2 states —

Between November 2006 and July 2007, ACM components in 765 of the 769 State schools were surveyed, and by December 2007 all 769 schools had been surveyed (**the Asbestos Survey**). The Asbestos Survey was designed to assess risk and involved the visual assessment of school components.

In section 8.6 on page 21 of the report there is a copy of the matrix that describes how this survey was completed and the assessment made for each of the asbestos-containing materials in the survey. That again brings me back to the central question: is an asbestos-containing material which is solid and which has its fibres locked away safe, or is it deteriorating in some way that will lead to the fibres being released into the atmosphere, which increases the risk? That the survey has taken place is obviously very important because it alerts the appropriately responsible officers—the people responsible for the public administration of these schools—to risk and where it occurs, and to the need to attend to the asbestos-containing materials that show a probability of deterioration and the release of fibres.

One of the recommendations of the committee was designed to ensure that that survey occurred often enough to, in reasonable time, pick up the deterioration of asbestos-containing materials. That is recommendation 1 —

The Committee recommends that a comprehensive asbestos survey of all State schools be conducted periodically, and so as to be completed no later than three years after the completion of the previous asbestos survey.

The other recommendation I will mention, in addition to the chairman's comments, is recommendation 5, which states —

... the Department of Education and Training provides the relevant Ministers with a report to be tabled in Parliament in December every two years.

The committee recommended receiving every two years a report from the ministers that needs to be tabled in this place, and recommendation 1 requires that the comprehensive survey be completed no later than three years after the completion of the previous asbestos survey. We reached the view that they were reasonable time frames.

Hon LJILJANNA RAVLICH: I want to make some points with respect to the eighth report of the Public Administration Committee. The Department of Education and Training operates 779 schools around the state with an average school age, as I understand, of around 50 years. There is no doubt that there are some fairly old schools in the state and that building materials used in the past resulted in many schools having differing degrees of asbestos material in them. Although this report concentrates on state schools that have asbestos-containing materials, ACM, there is no doubt in my mind that the recommendations should also now apply to technical and further education colleges. The recommendations made in the report in respect of schools can and should equally apply to TAFE colleges. Over time there has been an integration of education and training. We see many school-aged children now attending TAFE facilities. It is with some interest that I note the Minister for Education issued a media release today in relation to the question of school maintenance. In that statement, the minister said that a building condition assessment is regularly carried out in every school to identify maintenance needs resulting from wear and tear and deterioration. In fact the latest building condition assessment has identified \$166 million worth of backlog of outstanding maintenance work in our schools.

I have two points that I would like to make. The first is that the Minister for Education failed to recognise that the former government had in fact built 60 new schools in seven and a half years—the biggest school building program in the history of this state. Without any recognition of that, what she has done is criticise the former government by identifying a \$166 million backlog of outstanding maintenance and work in our schools. Clearly, when she came up with this figure of \$166 million, she did not factor in the likely cost of meeting the recommendations of this report in respect of the management of asbestos-containing materials in Western Australian state schools and the cost of possibly removing it. These recommendations are very clear. The first recommendation states —

The Committee recommends that a comprehensive asbestos survey of all State schools be conducted periodically, and so as to be completed no later than three years after the completion of the previous asbestos survey.

The committee recommended that the department keep a record of all asbestos-containing materials removed from state schools, including details of the ACM removed, the location, why it was removed and other relevant details. I do not want to go through each of these recommendations one by one because Hon Barry House has already done that more than adequately. The point is that we have a report on a very, very serious issue and I think the recommendations should also apply to TAFE colleges. It is beholden on the government to give serious consideration to the implementation of the recommendations of this report. All too often what we see is an enormous amount of work done at a committee level in respect of very, very important issues and we do not see the follow-through by the government of the day in terms of implementing the recommendations. I happen to be in a very good space and time at this moment, because one of my responsibilities in shadow cabinet is that of accountability shadow minister. I take that role very seriously. Whether it is in the area of training, whether it is in the area of broken election commitments, whether it is across any single area of government, I am very interested to make sure that the government is held accountable for not only what it does but what it does not do. I am putting this on record only out of interest because I thought that Hon Peter Collier might be interested to know how interested I am in this issue. There are only five recommendations in the report and I will be very keen to monitor how well these recommendations are implemented, not only by the Minister for Education but also by the Minister for Training. I am sure that he will agree with me that, one, this is a very good report; two, these recommendations have been made after very serious consideration by a committee; and, three, he would agree that there is no point in making recommendations if they do not translate into action. We want to see some action following this report.

I know that this is a complex issue and I know that asbestos removal can be costly for governments, but at the end of the day it should certainly be a priority; after all, the incoming government has made a big commitment, according to it, in this whole area of education and training. The government claims it can do it better than was the case with the previous government. I want to ensure that the government does not set itself up for failure. I want to use my role as the shadow accountability minister to ensure that it does not fail. One of the ways in which I will make sure it does not fail is that I will ensure that it implements these recommendations. At the end of the day, they are indeed very good recommendations. The work on these recommendations really needs to start as a matter of priority.

Hon ED DERMER: I was hoping for a minute or two to conclude the comments that I was not able to conclude earlier with the effluxion of the allotted 10 minutes. The common thread through the recommendations is to ensure that those responsible for maintaining the safety of the asbestos-containing materials in schools make sure that the integrity of the materials is there so that the fibres are not being released and to make sure that those people responsible for that administration have constantly in their minds the need to attend to the care of those materials, which potentially are so dangerous if neglected.

The DEPUTY CHAIRMAN (Hon Ray Halligan): Before the member continues, I advise him that when the house resumes at two o'clock there will be a further 12 minutes of consideration of committee reports.

Hon ED DERMER: I would like that time, Mr Deputy Chairman. I think this is a very important report. I recommend strongly that the recommendations be adopted for the reasons I have described. In concluding, I thank each of the witnesses who contributed. On the basis of their contributions, the committee was able to reach these conclusions and make its recommendations. I also thank our hardworking staff, Suzanne Veletta and Jan Paniperis, and my colleagues on the committee.

Hon GIZ WATSON: I have been following the discussion about this report with interest. I want to make some comments partly because I have some experience in removing asbestos, having been in the building industry. I listened with interest particularly to Hon Barry House's comments about what we should do with asbestos once it is taken away from a site. That is indeed quite a challenge. I recount an occasion upon which I had to remove an entire asbestos roof off a house. I made inquiries about the correct procedure for containing the material once it was to be transported off site. I knew what to do on site, but different councils have different requirements. I followed the necessary provisions, including wrapping all the sheets in double layers of black plastic, which was the requirement at the time, and transporting it to the local tip. When I got to the local tip, I asked where the correct place was to dispose of asbestos. I was told, "Just go over there and the guy with the bulldozer will show you." I shipped the material off to the appropriate spot. I did not even have time to get back in my car to drive back out of the tip before it was crushed and all the dust was spread over everybody who was standing around.

Sitting suspended from 1.00 to 2.00 pm

Hon GIZ WATSON: Before the suspension for lunch, I was talking about the difficulty of disposing of hazardous materials. Obviously we now understand a lot more about asbestos and the degree of risk that it poses,

particularly to children. I have followed with interest the discussion about whether a single asbestos fibre poses a risk. Of course a single asbestos fibre does pose a risk. However, the length and degree of exposure, and the time that has elapsed since that exposure, are factors that also determine the likelihood of an individual contracting asbestosis or lung cancer.

It is worth making the point that there is a parallel between asbestos fibre and environmental tobacco smoke, because they are all materials that are hazardous to living organisms, particularly humans. The other parallel between those materials is that the greater the exposure, the greater the risk. We know that there is no safe level of exposure to second-hand tobacco smoke, for example. We know that even a one-off exposure may be the trigger that causes a cancerous tumour in a person's lungs.

I cannot resist this opportunity to point out that exactly the same risk exists with ionising radiation. Ionising radiation is associated with uranium and uranium mining. Ionising radiation poses the same risk as asbestos fibres, because the particles can lodge in a person's lung and remain there for a couple of decades before they cause a lesion that may lead to a tumour. There is also no safe level of exposure to ionising radiation. It is interesting that in the case of ionising radiation, the problem may also be caused by the dust that is created when rock that contains uranium is disturbed. In the case of asbestos, the problem is more the size of the fibre than the fact that it creates a chemical reaction. An asbestos fibre is so fine that it cannot be trapped by the small hairs that line a person's air passages, and it can, therefore, enter a person's lungs. Alpha particles—which are a decay product from uranium and radium and are inevitably associated with uranium ore bodies—can be breathed in and lodge in a person's alveoli, in the same way as asbestos fibres, because they are too fine to be cleared out by the lungs through the normal process of coughing. As alpha particles are sub-atomic particles that emit energy—a bit like a minute energy source within a person's body—they have the capacity to form a lesion. The body then reacts to that lesion by forming a cancerous tumour. These particular emitters affect cellular operation and cell subdivision. We know that a cancerous tumour is actually about the cell dividing at an uncontrollable rate. Rather than the cell getting the message to duplicate and reproduce in the normal way, it recreates itself as a cancerous tumour in the bones, or in the lungs or another organ of the body.

The experience with asbestos in this state is not unique. I do not know whether this matter was within the scope of the committee's inquiry, but we have known about the dangers of asbestos for quite some time. However, the governing and monitoring structures and processes that were required were not put in place quickly enough to ensure that asbestos-containing materials were no longer used for schools. Asbestos cement products were still being used in schools for quite a long time after we knew about the dangers of that product. I worked in the building trade in the 1970s and the 1980s, and asbestos cement products were still being used in those days, with very little attention to reducing the hazards, whether that was breathing in the dust or disposing of the waste materials. It is certainly true that we should have acted much sooner to reduce the known risks of asbestos-containing materials to children in schools. I appreciate the comments that have been made about the ways in which we can reduce the problem that is posed by the weathering of asbestos products and the risk that the asbestos fibre will be exposed. One of the key problems is roofs and gutters. Asbestos was a very cheap and durable roofing material. However, it is very difficult to successfully seal asbestos gutters and roofs; therefore, they need to be removed. I can tell members that that is a very unpleasant and hot job, because the people who are removing those asbestos materials need to wear protective suits and breathing apparatus that will filter out the very fine dust that is released by those materials.

I am pleased to have had the opportunity to engage in this debate on the committee report. I am glad the committee has made some recommendations on this matter. I emphasise that we need to ensure that we do not make the same mistake again, whether it be with lead or with radioactive material. We need to remind ourselves that asbestos has created an enormous problem. As has been mentioned by a number of members in this debate, we have not removed all the asbestos from the environment in Western Australia, and we never will. I say that because by using asbestos as a building product in a range of locations we have created a significant problem with landfill and with ensuring that at some future stage that landfill is not disturbed and the asbestos fibres are again left to blow in the wind. The recent experience with the transport and export of lead has created the same dilemma. Once the genie is out of the bottle, to put it that way, it is very difficult to contain it. It is very difficult to prevent these materials from escaping into the environment. The environmental processes—wind and rain—actually help disperse these materials, whether they be asbestos fibres, lead dust or radioactive material from a uranium mine, or, for that matter, processed uranium oxide.

We must learn the lessons from the past and make very considered decisions about which materials are not worth using. We now know that asbestos seemed like a great idea at the time. It has extraordinary properties but it comes with extraordinary risks. There is a very interesting connection between lead and uranium. Lead is the ultimate broken-down product of uranium, which is why Western Australia has significant quantities of lead as well as uranium oxide. After a considerable time, uranium breaks down into lead. It is no surprise that Western Australia has those two heavy metals in relative abundance. Even though lead is a much more stable product

than is the uranium oxide from which it originates, it is, of course, a heavy metal that poses very serious risks to human health. With those comments, I thank the committee for its report.

Question put and passed.