

# **STANDING COMMITTEE ON PUBLIC ADMINISTRATION**

## **INQUIRY INTO THE MANAGEMENT OF ASBESTOS CONTAINING MATERIALS IN WESTERN AUSTRALIAN STATE SCHOOLS**

### **TRANSCRIPT OF EVIDENCE TAKEN AT PERTH WEDNESDAY, 24 OCTOBER 2007**

#### **SESSION ONE**

##### **Members**

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

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**Hearing commenced at 11.10 am**

**BARRETT, MR JAMES STEWART**

**Acting Director Maintenance and Minor Works, Department of Housing and Works, examined:**

**BYRNE, MR STEPHEN MARIO**

**Client Service Manager, Department of Housing and Works, examined:**

**The CHAIRMAN:** On behalf of the committee, I would like to welcome you. You have signed a document entitled "Information for Witnesses". Have you read and understood that document?

**The Witnesses:** Yes.

**The CHAIRMAN:** These proceedings are being recorded by Hansard. 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, for the record. Please be aware of the microphones and try to speak into them. They are for recording purposes, not amplification. 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 your public evidence may constitute a contempt of Parliament and may mean that the material published or disclosed is not subject to parliamentary privilege.

You will be aware that the committee has adopted a watching brief on asbestos management in state government facilities as a result of representations made to it. We have conducted hearings previously in relation to this matter. You have also been circulated with a list of questions from the committee. Perhaps, to kick off, would you like to make an opening statement of any sort?

**Mr Barrett:** At this stage, I do not think there is anything to say, other than that we have prepared answers to those questions and are quite happy to provide those answers here now.

**The CHAIRMAN:** Are you happy if we go through those questions one by one, and you use your notes to provide the answers on the record, or would you prefer to table the information?

**Mr Barrett:** We would be happy to table these notes as the record.

**The CHAIRMAN:** It will be useful for us to go through the questions, so that you may be able to elaborate on any parts of that. For a start, would you like to just indicate what the document is that you are tabling?

**Mr Barrett:** It is just our written notes in response specifically to the questions that were provided to us. We can provide copies.

**The CHAIRMAN:** Have inspection and risk assessment surveys of asbestos-containing materials in all Western Australian schools been conducted in 2007? How many schools were surveyed?

**Mr Byrne:** Are you happy for me to read straight off these notes?

**The CHAIRMAN:** Perhaps because we now have this as part of our record, it may not be necessary to read every word, but if you wish to explain the answer, you can paraphrase the answers if you like. These answers are now part of the public record.

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**Mr Byrne:** The answer is yes, the inspections were carried out, starting late last year and continuing until July this year. I think that will probably come through in a later question anyway. All schools have been inspected, except for four that I have listed there, which we are aware of and are currently doing, and they will be completed by the middle of November. The second part of the questions relates to how many schools were surveyed. The number I have in the bottom line is 765. Obviously, when the other four are done, the figure will be 769.

**The CHAIRMAN:** Is that the total number of schools that need to be assessed?

**Mr Byrne:** Correct.

**The CHAIRMAN:** When were the surveys conducted and completed?

**Mr Byrne:** I have already partially answered that earlier, but the dates are that we started in November 2006 and continued progressively through to July this year. The registers were then sent out to schools by the end of August this year.

**The CHAIRMAN:** How were the surveys conducted, and could you explain the methodology?

**Mr Byrne:** The surveys were based on visual inspections. Sampling, laboratory testing and air testing were not part of the process. Inspectors were expected to use their experience and familiarity with building products containing ACMs. At all times, the presumption rule would apply. For example, if you are not certain that it does not contain asbestos, then you have to assume that it does. Lots of building materials are fairly well known, such as masonry, timber, metal etc, and we are confident that those do not contain ACMs. However, with some building components, like ceilings or eaves, especially if they are painted, it may not be possible to distinguish whether they are ACMs. In that case, you would have to assume that they are, as part of the presumption rule. Where it was not possible to be absolutely sure that a building component did not contain an ACM, it was presumed that the product was an ACM. That was the important feature. Each ACM component was then assessed in terms of its conditions and the probability of disturbance in its normal operational environment. The condition was assessed as good, fair or poor, and the probability of disturbance was assessed as low, medium or high. Inspectors then collected that information on standardised forms, which they then submitted to DHW, which progressively fed that information into a computerised database. The database was able to provide output reports containing registers for each school.

For each ACM component, the condition and probability of disturbance were used to derive a risk ranking. I have included a table here. It is a three-by-three matrix - a fairly standard type of risk tool. The three scales on the condition axis - up the page - are good, fair and poor, and across the page, the probability of disturbance is low, medium or high. A risk ranking of one would be the highest, and the risk ranking of nine would be the lowest. A risk ranking of one means that the condition of the ACM is poor and the probability of disturbance is high. They are the two extreme conditions, you could say, that make it a one. At the other end of the spectrum we have condition of material good, and probability of disturbance low, giving it a risk ranking of nine. In between, we have the other numbers two to eight.

The regulations also require risk control measures. The risk control measures to go with those rankings are as follows: for risk rankings one and two, the measures are to remove the source of disturbance, or otherwise take immediate action to negate potential health risks; for risk rankings three, four and five, to program some remedial action to ensure potential health risks do not arise; and for risk rankings six, seven, eight and nine, to monitor and manage in accordance with the review of risk assessment.

[11.20 am]

**The CHAIRMAN:** The next question asks: were all of these asbestos-containing materials given a risk rating, which you have answered. In the next part, I think you used the wrong rating: were any ACMs given a risk rating of 9, which requires immediate removal? It should have been one.

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**Mr Byrne:** Correct. I have endeavoured to explain that. You might have picked up that scale earlier from a previous report that was done, which had the risk rankings inverted, I guess. That was the earlier model we used. Subsequent to that, for the across-all-schools management risk rankings, we reviewed that and changed it to one, being the highest, and nine, being the lowest.

**The CHAIRMAN:** I notice that one ACM component is given a risk rating of one in your notes.

**Mr Byrne:** Yes. I think we need to read further back. When the survey results were first completed, there were 64 components with risk rankings of one and two. We obviously filtered these out because they were high-risk rankings. The majority of these at the time related to trees and vegetation, so we took measures to address these to take away that high level of risk. However, at the moment two items remain to be addressed. Things are in train but they will be completed in the near future. The item with one is a heat board at one of the schools and that will be replaced within a week. The other item, which is broken wall panelling on a shed at a house at Salmon Gums, will be addressed in about a week as well.

**The CHAIRMAN:** The other part of that question relates to approximately what percentage of ACMs were given a risk rating of six and above.

**Mr Byrne:** We did the stats from the database and we found that a number of items of ACM with risk rankings one, two, three and four represent two per cent of the total number of components, and the total number of components is in the order of 21 000.

**The CHAIRMAN:** Just to explain, so that we are clear, have you completely reversed the numbering scale on the risk rating? Previously nine was the highest and now one is the highest.

**Mr Byrne:** Correct.

**The CHAIRMAN:** What asbestos maintenance repair and removal work was undertaken?

**Mr Byrne:** I read this question to mean that, as a result of the surveys and the high-risk items that were identified, we took action to reduce the risk, and most of those high-risk items related to disturbance with trees brushing against ACMs or ACM debris as a result of previous breakages. In those cases, we either removed the vegetation or cleaned up the debris. In 62 cases, the remedial action has since been completed.

**The CHAIRMAN:** Was air monitoring for the presence of airborne asbestos fibres conducted; if so, why and where was this done? Did any asbestos fibre counts exceed the national standards?

**Mr Byrne:** Asbestos air monitoring was not conducted as part of this ACM survey. That is elaborated on under item 3 on the methodology.

**The CHAIRMAN:** Would you like to indicate why you do not conduct any air sampling?

**Mr Byrne:** It is strictly not part of the methodology. I believe that aspect of the air monitoring is covered further on in these questions, and perhaps when we come to that it can be explained.

**The CHAIRMAN:** Let us go through the questions and we can come to more general questions. Question 7: is an updated global asbestos register of ACM in schools with risk ratings recorded being maintained? Who enters the risk ratings and other data into the asbestos register? Who maintains the asbestos register and does each school keep an asbestos register on site?

**Mr Byrne:** I will answer in four separate parts. DHW maintains a global register. By this I think you mean a computerised database. That is what we maintain on behalf of DET for all schools. DHW enters the risk rankings and other data into the database because we are in charge of it. DHW maintains the database by updating information. Each school has its copy of a school-specific register, which is an output from the database.

**The CHAIRMAN:** When will the next survey of schools take place and how often are these surveys conducted?

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**Mr Byrne:** DET is really the responsible agency for deciding the frequency and timing of the next survey, so it is best DET answer that. I understand DET people are coming in for a later session.

**The CHAIRMAN:** Yes. What is being done in relation to asbestos risks reported and detected between surveys?

**Mr Byrne:** Where there is damage to, say, asbestos, there is a process under which schools can report that to DHW's breakdown repair call centres. Typically, damage involves things like storm damage, trees falling on asbestos fascias or something, or vandal damage, in which case schools should report that to our call centre and the call centre will immediately send someone out to make things safe and repair the damage or clean up any mess.

**The CHAIRMAN:** Who conducted the asbestos surveys? What minimum qualifications did these persons have? Was each person who removed asbestos licensed to do so?

**Mr Byrne:** The surveys were arranged by DHW and we used eight inspectors all up. The inspectors were not our direct employees; they were in fact contractors. We had a rigorous process to ensure that they were competent, so we had some prerequisites for those people before we even took them on board, and they were their previous experience in doing building condition-type surveys or their experience in occupational health-type issues. When we short-listed the eight people who demonstrated that experience, we also had to put them through a training program to ensure that they understood the methodology we were applying, particularly so they could come up with consistent reports and survey results. The training included quite a bit of theory as well as practical on-site training at a few schools so that they had the hands-on experience of what we were expecting from them. They were also subjected to a short, practical test. Then we issued them accreditation certificates to deem that they were competent to enable them to do these surveys for us at schools. In answer to the second part of that question, the surveys did not actually involve any sampling or removal of asbestos, so that probably is not relevant to the inspectors. However, if that refers to general asbestos-related works, then, yes, whenever asbestos is removed, it is done in accordance with the regulations and approved work practices.

**The CHAIRMAN:** You have covered some of this, but did your department conduct information and training sessions for persons who surveyed, handled or removed asbestos in 2007? Are these sessions held regularly?

**Mr Barrett:** Yes we did; as Mario has explained, we trained the people who were conducting the surveys. They underwent some training. Into the future, as we need more inspectors to come on board, they will also be trained as inspections are being planned. In respect of the matter of removal and handling of asbestos, we recently conducted information sessions with contractors who carry out this work on schools within the metropolitan area. This is focused upon the new requirements that have come out of the registers, such that contractors are aware of the registers, and they acknowledge in a log book that they have read the register as they go to do work at the sites. We will continue to raise that awareness through information sessions and by sending out information packages to all our contractors involved in carrying out work on asbestos.

[11.30 am]

**The CHAIRMAN:** Does the department have personnel in the field who regularly monitor the work quality and practices of persons who survey, handle or remove asbestos at schools?

**Mr Barrett:** Yes, we do. In respect of the surveys, we had a person who went to site and checked some of the surveys that were being conducted and did a quality assurance check on some of those, and these were found to be correctly representing the conditions that were occurring at site. In respect of the contractors working on site, we have staff who regularly go to schools and other sites where this sort of work is being carried out. All our work is being carried out for the purpose of monitoring the quality of work being performed.

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**The CHAIRMAN:** I do not think we need to deal with question 13 because your response indicates that the Department of Education and Training will address that at our next hearing. I refer to Mr Piers Dudman's letter dated 26 August 2007, a copy of which was attached to the questions that you were provided with. What is your response to Mr Dudman's assertions? What is your response to Mr Dudman's statement that asbestos kills people; one fibre is enough?

**Mr Barrett:** In respect of the statement that one fibre is enough, our response is that the scientific and medical communities would actually disagree with this theory and that victims of asbestos diseases have had very high exposure levels to asbestos fibres over a long period. He questioned the advice given earlier by us that air sampling for the presence of airborne asbestos fibres is the only true objective method for confirming whether there is a risk. Our response to that is that we have control responses in place to minimise the release of asbestos fibres at schools. Certainly, air monitoring can be used to confirm whether those controls are adequate and achieving their goals. He disputed the validity of some air testing carried out at Carine Senior High School as a means of confirming whether there was a risk in relation to asbestos fascias at that school. Our response to that is that the control measures already in place at that school minimise the release of fibres from the fascias, and air monitoring at that site has confirmed that.

**The CHAIRMAN:** Some members may wish to come back to that matter to explore it a little further. I will finish off the questions. Are surveys conducted in compliance with the code of practice for the management and control of asbestos in workplaces?

**Mr Barrett:** We believe that that is probably for education to answer on the basis that it is its responsibility to ensure that it meets the legislative requirements.

**The CHAIRMAN:** Is there a clear delineation of roles and responsibilities between different government departments and offices in relation to the management of asbestos-containing materials in schools? Could you please explain the respective roles of the Department of Housing and Works and the Department of Education and Training?

**Mr Barrett:** Yes. The respective roles are understood and they are clear. DET has control of, or responsibility for, its schools and workplaces, and it is therefore responsible for the management of asbestos issues. It is the department's responsibility to develop its policies on how it intends to manage ACM in order to comply with these regulations. DHW will implement any action that is required and requested by DET for us to carry out. An example of that might be when it determines that it needs to prepare registers, and it would then engage us to arrange to have the surveys carried out and the registers prepared for that.

**The CHAIRMAN:** Does your department's management plan address the concerns expressed in the Auditor General's fourth public sector performance report; that is, report 9 from September this year? The Auditor General found that the Department of Housing and Works' management plan lacked a communication strategy, a timetable for action, management options and reasons for decisions, and the department of education's draft management plan lacked a timetable for action, management options and reasons for decisions.

**Mr Barrett:** In respect of the plan for the Department of Housing and Works, we have two asbestos management plans, neither of which governs our activities when carrying out asbestos-related work for other agencies. Both plans address the management of asbestos within either our workplaces or residential housing that is managed by the department. Clearly, we will leave it for education to answer in respect of its management plan.

**The CHAIRMAN:** Has asbestos risk management training for new principals as part of the induction program taken place in 2007? Has there been periodic refresher training for existing principals?

**Mr Barrett:** Clearly, this is the responsibility of the education department and we will leave that for it to answer.

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**The CHAIRMAN:** Do Western Australian school buildings comply with the requirements of the Occupational Safety and Health Regulations 1996?

**Mr Barrett:** Again, we believe that that is the responsibility of the department of education to answer.

**The CHAIRMAN:** That is all of the formal questions that you were provided with in writing. Besides schools, what other public buildings is your department principally responsible for in terms of asbestos-containing materials?

**Mr Barrett:** We have the buildings that we own and occupy, and they are largely the housing side of the activities. In respect of carrying out work for other government agencies, as we do for the Department of Education and Training, a number of other agencies will use our services to varying degrees. We have done surveys for the WA Police and the Department of Fisheries. In some cases, the agencies will ask us to produce registers for them and help to have them distributed. In other cases, they will simply ask for the surveys to be conducted and they will use the information. It varies from department to department.

**The CHAIRMAN:** I will just revisit question 6 a little. I asked whether air monitoring for the presence of airborne asbestos fibres was conducted; and, if so, why and where was this done and did any asbestos fibre counts exceed the national standards. Just to enlarge on that a little, was any air sampling conducted at all in 2007, not just as a result of the survey?

**Mr Barrett:** On schools?

**The CHAIRMAN:** On schools.

**Mr Barrett:** I might ask Mario to answer that. Are you aware of any, Mario?

**Mr Byrne:** I would be fairly sure that air monitoring was done from time to time. It usually occurs when something does not go according to plan. If someone leaves or someone has not followed a work practice strictly, a risk might be created and air monitoring would be done to confirm whether that risk is there. I cannot tell you off the top of my head the number of times, but we can actually research the documents. However, I am sure that this is an ongoing thing that occurs. There is a strategy to confirm whether high or any risks have been created under certain circumstances. It is an ongoing thing. I know that we often engage air monitoring consultants, but I would need to count the specific times if I wanted to be sure about the response to you. However, it is an ongoing thing. Air monitoring is done as an ongoing thing. Whenever there are issues or people are concerned, we need to confirm whether there is a risk. If you wish, that is something we can follow up and give you the details of.

**The CHAIRMAN:** Any further information you can give us would be great. Is it fair to say in summation that you do air monitoring only in response to an incident, not as a monitoring tool across the board?

**Mr Byrne:** Correct, because we believe that if there is a management plan in place that manages the risk, there is no need to constantly do air monitoring, unless it is believed that there is a reason that the management process has fallen down. Then air monitoring is done to confirm whether there is a risk; and, if there is, obviously more action needs to be taken. However, I would say quite confidently that in 100 per cent of cases, there have never been elevated levels that we have found to say that there was a constant risk at any school or government site that I am aware of.

**Hon ED DERMER:** Could we ask you to check what you are saying you believe to be the case or what you are presuming this morning and come back with definitive answers?

**Mr Byrne:** Yes, I am sure I can do that.

**Hon ED DERMER:** That would be helpful to the committee.

**Mr Byrne:** Will there be a follow-up note to us on this basis or do I just take this instruction here?

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**The CHAIRMAN:** You can take it as read now. It will be included in your transcript. If you can provide that in response to your transcript, it would be very helpful. I want to explore one further thing. In response to Mr Dudman's assertions that one fibre is enough, you explained that evidence supported the position that it was an accumulation of exposure to asbestos more than perhaps one incidental fibre. Do you have any scientific research that might back up your point of view?

**Mr Barrett:** For that response, we have relied upon the advice of a senior consultant from one of the local environmental scientific firms.

**Hon ED DERMER:** Can you tell us who that is?

**Mr Barrett:** Yes. That was MPL, now known as Coffey Environments. Paul Foley was the gentleman who provided that advice.

**The CHAIRMAN:** Is that advice in writing?

**Mr Byrne:** I spoke to Paul; in fact, I have had lots of meetings with Paul. I do not know whether I have it in writing, but I recall that at some stage Paul made notes for us in preparing some responses that we had to do from time to time. We seek his advice as a leading person in that industry. I recall that he advised me in some cases on how to prepare responses in a technical sense. Although it may not be written on his letterhead by him, certainly he helped me prepare notes regarding that sort of thing.

**The CHAIRMAN:** Could you provide any written material that you have to support your assertion with the corrected transcript as well?

**Mr Byrne:** Yes, I am sure I can do that.

**Hon ED DERMER:** Again, my apologies to everyone for not being here at the beginning of the hearing. There have been 765 schools surveyed so far and four are yet to be surveyed. Does that mean that we now know that there are 769 government schools in the state?

**Mr Byrne:** Yes, that is my understanding. That is the official number.

**Hon ED DERMER:** What puzzles me is that the survey was conducted throughout November 2006 to July 2007. It seems that during that period you were able to cover 765 schools. Why has it taken until now to do the last four?

**Mr Barrett:** The last four were, I guess, overlooked in a sense and they have come to light as we have tried to finalise and rationalise the numbers. They have fallen out as we have looked through the records. In, I think, two instances the schools are quite new and are very unlikely to contain any asbestos-containing materials, but the surveys of the other ones are being organised, and, if not, some of them have already been conducted. However, the registers have not been completed.

**Hon ED DERMER:** So it was just an oversight in going through the records of existing schools?

**Mr Barrett:** Yes, in getting through that many schools and relying upon the list from the department of education and rationalising its numbering system with our records.

**Mr Byrne:** Perhaps I could add something there. When I arranged to dispatch all the surveys, I had a checklist to work against and as each survey was tagged to go out to a specific school, I ticked it off the list. I found at the end of the list that there were a few more than four at the time, but obviously I picked up those other ones. At this point, only four have not gone out.

**Hon ED DERMER:** Are you absolutely confident that no other schools remain overlooked?

**Mr Byrne:** Yes.

**Hon ED DERMER:** I want to raise a couple of items with question 4 that the chairman asked. You have explained the matrix that you use to make the assessments of all the asbestos-containing materials. You have said that in total 64 components were found that had either a one or two risk

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rating. What were the scores for asbestos-containing materials found at Carine Senior High School?

[11.45 am]

**Mr Byrne:** I do not believe that any of them were ones and twos. I have not got the copy in front of me, but I am sure they were not. Why? It is because I recall in the previous year as well we did a survey for that school. Although the scales at the time were the other way around, nothing struck me there as being at the very high end of the spectrum.

**Hon ED DERMER:** Could I ask that you provide the committee with a copy of the report for each of the asbestos-containing materials at Carine Senior High School?

**Mr Byrne:** Yes, I can do that. There will be one report for that school site. We would have a consolidated report by school.

**Hon ED DERMER:** With respect to the 64 schools where materials found had a risk rating of one or two, was any undertaking made by the department to work out what type asbestos was in those asbestos-containing materials?

**Mr Barrett:** No.

**Hon ED DERMER:** The committee has looked at scientific evidence that suggests that blue asbestos is orders of magnitude more hazardous than the other types of asbestos. I wondered whether the department had considered that it might be worthwhile, where there is a high risk rating, endeavouring to establish what type of asbestos might be involved.

**Mr Barrett:** No, we treat all asbestos equally.

**Hon ED DERMER:** Where you found a one or two risk rating, did you then consider for those particular asbestos-containing materials the merits of undertaking air monitoring in the vicinity of those high-risk, asbestos-containing materials?

**Mr Byrne:** No, we did not. We felt that the more immediate response would be to mitigate the risk by taking away a said source of disturbance, because, say, if there were trees brushing against the fascias, irrespective of whether the air monitoring results were good or bad, I think the immediate thing to do was to mitigate the risk and reduce the risk by taking away the source of disturbance if it was a case of trees, or if there was debris, to take away the debris.

**Hon ED DERMER:** In answer to the Chairman's questions about what air monitoring was conducted, you explained that there were some examples of air monitoring being conducted. Could you give the committee information on whether, in any of the examples where air monitoring was conducted, the fibre counts detected by the air monitoring exceeded the appropriate national standards? If there were examples when your air monitoring did indicate fibre counts in excess of the national standards, could you report back to the committee with details of those instances, particularly details of the type of asbestos-containing material, which school, what the readings were and what action has been taken to reach, in a particularly urgent way, a remedy to those problems?

**Mr Barrett:** We will do that.

**The CHAIRMAN:** I might just explore the scientific justification for your view. Mr Dudman has questioned that. He says that one fibre can kill. Hon Michelle Roberts, the Minister for Housing and Works, has written to the committee in response to our letter asking what the department is doing about the Auditor General's assertions. I presume you have had some input into this letter. In the last paragraph of that letter, she writes -

With regard to Mr Dudman's view that one asbestos fibre alone can kill, I am advised that scientific and medical communities disagree with this theory as victims of asbestos diseases usually have had very high exposure levels to asbestos fibres over a long period.

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I am a little concerned that your justification for that view seems to be advice from one operator in the field; that you are not relying on any wider body of scientific research for that view. That is more of a statement than a question, but would you like to respond to that?

**Mr Barrett:** I believe that the Department of Education and Training shares that view. They have people on their staff who are trained in this area. As we indicated earlier, a lot of what has been developed has been developed jointly with them, in particular with their safety and health personnel who have formal training in this area, and basically we are in agreement with that. We are taking the lead from them in this respect.

**The CHAIRMAN:** Are there no wider research findings? Asbestos occurs all across the world. Are you aware of any studies that support your point of view?

**Mr Barrett:** We have not done the research in that area. We have relied upon the opinions of the Department of Education and Training and the advice we have received from people such as Paul Foley, who would be aware of any research that has been conducted.

**The CHAIRMAN:** What sort of business does Mr Foley conduct?

**Mr Barrett:** He works for Coffey Environments, which employs environmental scientists who will do sampling and testing and provide advice and conduct surveys at a fairly detailed level.

**Hon ED DERMER:** Does Mr Foley hold a science degree, to your knowledge?

**Mr Barrett:** I am not familiar with his qualifications. Mario may be.

**Mr Byrne:** I understand that he is highly qualified in the area of environmental science. I think he gave me his background. In the early days he was actually working at WorkSafe. He then progressed in his career and is now a very highly regarded person in that field.

**Mr Barrett:** We will confirm that, when we are responding, regarding what he has provided in writing.

**The CHAIRMAN:** Is he a contractor?

**Mr Barrett:** He is a consultant.

**The CHAIRMAN:** Is he employed by the department?

**Mr Barrett:** Yes.

**Mr Byrne:** On a needs basis.

**The CHAIRMAN:** What role does WorkSafe play in this whole area? I am aware of one instance that has previously come before the committee in relation to Carine Senior High School, but how often does WorkSafe get involved in giving a work notice, basically?

**Mr Barrett:** I would not know how many times they have done that specifically in respect of asbestos at schools. I do not know if Mario is aware of it. They deal with more than just the asbestos issue; they deal with safety and health generally through the regulations.

**Mr Byrne:** I do not know the number either. Most of the matters that are dealt with at school level may be escalated back to DET head office level. That may be something that DET head office could comment on, but not everything gets escalated or referred back through DHW because we not part of that reporting chain, I guess.

**Mr Barrett:** They would be issuing those notices to the school or to the Department of Education and Training, so we would not be aware of all of them.

**The CHAIRMAN:** I guess the last of Mr Dudman's assertions, as I understand them, is that there is a set of occupational safety and health regulations of 1996. In several pieces of correspondence to the committee he has made the comment that government agencies are breaking the law because they are not following their own law. Do you have a response to that?

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**Mr Barrett:** I guess without discussing the actual specifics of why he believes we are breaking that law, it is hard to answer. We conduct ourselves; we are aware of those regulations. They are embodied in our contracting and the way in which we do business. We believe that we follow those regulations and we adhere to them.

**The CHAIRMAN:** You have done this survey with only four government schools outstanding. How often will that survey be repeated?

**Mr Barrett:** Again, that is a question for the Department of Education and Training, because they are the ones who will initiate the request to us to carry that out.

**Hon MATT BENSON-LIDHOLM:** I am very interested in how rigorous the assessments were. To understand where I am coming from, I look at 765 schools between November 2006 and July 2007 - given that there are obviously Christmas holidays and the Easter holidays factored into that as well - in a process that I would see as being fairly well in depth. Did you have a lot of inspectors on the ground or what? Can you reassure the committee about the level of rigor involved in these assessments? Certainly, I would imagine that some of the schools that I have visited in the Kimberley in the past few months would take quite a deal of time to assess, so I am thinking that perhaps you did have a number of inspectors out in the field.

**Mr Barrett:** I think that Mario should answer that.

**Mr Byrne:** We actually had eight inspectors. There is always a balance between having large numbers of people and the quality, because of the variance otherwise. Therefore, we try to strike a balance between the number of people we have in the field, because we want to manage the quality of the information. They started in November. Yes, Christmas might have come in the way, but in some cases they were still able to go back to the schools even early in January, as long as access was available, and they were able to continue right through until July. We believe that there was adequate time, because it would have allowed each person to have fewer than 100 schools each. We do a similar exercise, but at different times, for our building maintenance-type surveys. We have found that it works adequately. Our building maintenance surveys are in fact more complex, more detailed and more complicated in terms of the number of components, and we are able to do that successfully with a small number of inspectors like that in that timeline. I believe that the ACM inspections are in fact simpler because the number of components is not as many or as much of a variety, you could say, because you are picking up only on asbestos issues. I have personally done ACM surveys myself, so I can say that they much quicker to do. In many cases we have schools that do not have any asbestos, especially the newer ones, but we still have to inspect them in case they have transportables or something like that, or fences around them. There are a lot of them whereby you can just go there, understand the history of the school and know that it was built in, say, the year 2000, and hence your job is a lot easier. Sure, the big high schools are going to take you two days to go through.

**Hon MATT BENSON-LIDHOLM:** That was my next question. I was looking at some of the older state schools around the place, schools of a particularly large size, such as -

**Mr Byrne:** John Forrest or something like that?

**Hon MATT BENSON-LIDHOLM:** John Forrest or Governor Stirling or something like that.

**Mr Byrne:** Those will take two days, but certainly with a little primary school, especially one that was built only recently, you could almost just walk around it and check that there was no leftover vestige of something else, like an old fence or maybe a transportable classroom that might have come to the site. That is the only time with those ones. Therefore, you win some and you lose some. Certainly, you will take a lot longer on bigger schools and you will certainly be a lot quicker on the newer, small schools.

**Hon ED DERMER:** The matrix you have used to draw the assessments one to nine is very clear in the notes you have provided today, and I thank you for that. I have a recollection that at an earlier

time in the period that this committee has been inquiring into the matters raised by Mr Dudman, we were given a different scale of risk. I do not recollect whether that was from your department or from the education department.

**Mr Byrne:** That was really developed jointly. At the time, there was nothing prescriptive laid down by, say, NOHSC or WorkSafe to say how to do this risk assessment, so because I was asked to do that at the time for Carine, I worked in consultation with DET and we came up with that matrix. At that time it was just the first go, you could say, at it. We just went along and had a matrix. For want of us having one end of the spectrum to the other, we had nine as high and one as low. In retrospect, when we were looking at doing this across all the schools, we realised from our building condition assessment that we have a nine scale thing as well, although that is based on different factors. Because our building condition assessments have ones as things that are in really bad condition, we wanted to reflect the same consistency in that spectrum. We had not thought about aligning it with the BCA when we first did the Carine one, but it was something that we reviewed later.

[12 noon]

**Hon ED DERMER:** So that is the reason that you have used this method rather than the one that we were advised of earlier.

**Mr Byrne:** Yes, which was an inverse sort of scale.

**Hon ED DERMER:** I clearly understand why risk ranking one is the poorest condition and has the highest probability of disturbance and why the scale suggests that those ranked with a one are in the most urgent need of attention. When we look at rankings two and three, ranking two has a higher level of disturbance and a fair condition, and ranking three has a medium level of disturbance and poor condition of material. Why did you single out ranking two for special attention and not ranking three? After looking at your system, if ranking one is clearly the worst, then two and three would be equally the second worst in the scale.

**Mr Byrne:** We always felt in doing the matrix that of these two factors - the condition and probability of disturbance - the probability of disturbance would have a higher weighting because it is more likely to cause the risk to create airborne fibres; and, hence, we felt that that was appropriate because of that higher probability of disturbance rather than the other way around, which would be to say that the condition is medium and the probability of disturbance has the higher weighting.

**Hon ED DERMER:** I understand what you are saying. Is it possible to give us data to show how often you have found a risk three in the schools involved in the survey?

**Mr Byrne:** Yes, we can do that.

**The CHAIRMAN:** Do you have anything you want to say in terms of summing up?

**Mr Byrne:** No.

**The CHAIRMAN:** Thank you very much. The transcript will be provided to you for correction and for the supplementary information that you have agreed to provide.

**Hearing concluded at 12.03 pm.**

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