INDEPENDENT REVIEW OF DET ASBESTOS MANAGEMENT POLICIES IN QUEENSLAND SCHOOLS

Conducted By

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INTRODUCTION

This report follows on from my previous review of the Audit of Asbestos Management in Queensland Schools undertaken from December 2009 to February 2010.

In my initial report I acknowledged that the Department of Education and Training (DET) existing policies and procedures were based on a "proactive commitment to safe and healthy work environment practices", and that the Department has "clear and concise procedures in place to address the management of asbestos related matters in schools" which are "inline with the Workplace Health and Safety Act 1995, and the Queensland Government's Asbestos Management and Control Policy for Government Buildings".

Notwithstanding the existing DET policies and procedures, asbestos incidents still occur due to human error in the non-compliance of the policies and procedures.

DET requested further advice to determine other measures that may be introduced to reduce asbestos incidents occurring. The Terms of Reference of the Audit of DET Asbestos Management in Queensland State Schools were extended to include the independent investigation of recent asbestos incidents in schools in the Mackay area and to provide recommendations to further strengthen the DET policies and procedures.

I have used the findings from my investigation of 3 asbestos related incidents to build on my previous recommendations with a view to reduce the potential for the occurrence of further asbestos related incidents. I acknowledge the co-operation of all parties interviewed during my investigations and in the development of my report.

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ASBESTOS RELATED INCIDENT AT MACAKY NORTH STATE HIGH SCHOOL

On the 21st April 2010 I met with the Principal, Ms Shelley Lewis in relation to an earlier asbestos incident.

The incident occurred in early March 2010 when it was discovered that an ACM had been disturbed by previous works to install an energy management system monitoring the air conditioning.

The contract was a trial to carry out the installation and commissioning of this system and was under consideration in late 2008. A contract was awarded by DET Central Office in April 2009 and work carried out from mid September 2009 to the beginning of October 2009.

In March 2010 QBuild inspected flaking paint on ceilings in classrooms at Mackay North State High School and reported that the ceiling which may be an asbestos containing material had been disturbed.

As a precaution, the affected classrooms were immediately closed and QBuild and Parsons Brinckerhoff were engaged to carryout remedial repairs and a professional clean.

A site inspection was held and the classrooms where the work was carried out and the extent of the installation and asbestos penetration observed.

Conclusion:

Lack of recent communication with the school by the DET Central office program manager who awarded the contract was a contributing factor.

The failure of the contractor to complete a Work Area Access Permit and the fact that the contractor was not provided access to the BEMIR were also contributing factors to the asbestos incident.

The contractor's failure to sign in and report it's presence on the school grounds is also in breach of their contract which, under Clause 1.50 in the additional conditions of arrangement section of the contract, clearly sets out the contractor's requirement of asbestos management and requirements prior to attendance on site, on arrival on site during conduct of services and at the completion of services.

The failure of all parties including the project manager to convene a start up meeting to notify and brief the school's key personnel was also a contributing factor to the asbestos incident.

The Principal agreed that non technical training specifically for school staff would be beneficial and that contractors and trades persons carrying out work on the school grounds being held accountable for their work would be a positive initiative.

It was confirmed that the Principal would still need to inspect the completed works to be satisfied that the works met requirements and expectations.

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ASBESTOS RELATED INCIDENT AT MIRANI STATE HIGH SCHOOL

On the 21st April 2010 I met with the Principal Mr Scott Cage.

On the 2nd March 2010 part of a suspended ceiling in a science laboratory sagged after a minor structural failure in the ceiling grid. Unidentified dust from the ceiling tiles was released onto some students, their desks, books and personal possessions.

The teacher and students were relocated to another classroom and on advice from the inspector from Workplace Health and Safety Queensland two further classrooms were closed. On the Workplace Health and Safety inspector's advice the Principal had the students who were exposed to the dust from the ceiling space shower whilst still wearing their uniforms and then have their clothes secured in plastic bags for removal.

QBuild carried out the decontamination of the affected classrooms which were declared accessible 5 days after the incident.

A site inspection was held in the classrooms where the incident occurred. A visual inspection indicated that although the buildings were over 20 years old their condition was generally sound and maintained.

The school had suffered some damage from recent storms when several trees were uprooted causing damage to one building not associated with the ceiling collapse incident. A new construction project had also commenced.

The Principal confirmed that all contractors who carry out work in the school grounds execute a Work Area Access Permit and are shown the BEMIR. Contractors and trades persons are only given access to the work areas at a pre agreed time and are refused access if it is not convenient for the school.

Conclusion:

The collapse of the ceiling appears to be as a result of a minor structural failure of the ceiling grid and did not appear to be due to a lack of maintenance.

The Principal was receptive to a concept to provide non-technical asbestos training for all key staff and grounds persons.

The Principal advised that the contractor and trades persons carrying out work in the school grounds being held accountable for the work is a proactive initiative and understood that it would still be a requirement for the Principal to inspect the completed work to be satisfied that it meets requirements and expectations.

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ASBESTOS RELATED INCIDENT AT MORANBAH EAST STATE SCHOOL

On the 23rd April 2010 I met with the Principal, Mr Chris Munro.

On the 5th March 2010 QBuild advised that an asbestos related incident may have occurred as a result of works completed by a contract for the installation of conduits and data cabling in February 2010.

Qbuild notified the Principal that there may have been incorrect procedures used by the contractor when undertaking the works and that the incorrect procedure was in relation to the use of a standard vacuum cleaner rather than a high efficiency particulate air vacuum cleaner.

The Principal immediately restricted access to the rooms in question and in accordance with DET policy QBuild were contracted to carry out a professional clean and provide a clearance by independent environmental specialists for the reuse of the rooms. The clearance was given on the 8th March 2010 to allow reuse of the classrooms.

The contract work was tendered and awarded as part of the national school pride program with a project management group responsible for overseeing the project's delivery. A Work Area Access Permit was issued for the project and the contractor was referred to the BEMIR which indicated that all wall linings were confirmed as having asbestos containing materials.

At the completion of the contract and prior to students and staff re-entering the area the Principal carried out an inspection of the areas. He advised that the work had been carried out in a professional manner and that the areas were left in a tidy and clean condition.

A visual inspection was undertaken in the classrooms where the incident occurred and the quality of work was of a high standard.

Conclusion:

The Principal had followed the approved procedures of ensuring that the Work Area Access Permit was issued and closed out and that reference had been made to the BEMIR to identify the presence of asbestos containing materials. The appointed project manager did not undertake regular inspections and liaised with the Principal by telephone only.

The Principal was receptive to a concept to provide non-technical asbestos training for all key staff and grounds persons.

The Principal advised that the contractors and trades persons carrying out work in the school grounds being held accountable for their work is a proactive initiative and understood that it would still be a requirement for the Principal to inspect the work to be satisfied that it meets their requirements and expectations.

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CONSULTATION

In the conduct of the investigation I consulted and interviewed key staff from DET Central Office and the Central Queensland Region.

The feedback received from these staff supported the recommendations made in the initial Audit Report.

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OUTCOMES OF REVIEW

The investigation has highlighted that there were a range of issues that contributed to the asbestos incidents at these schools.

The issues that contributed to the occurrence of these incidents included, lack of communication, poor understanding of DET policies and procedures, and non-compliance with Workplace Health and Safety Legislation by contractors.

The findings of the investigation of the asbestos related incidents at the three Mackay area state schools strongly support the recommendations made by me in my previous report on the Audit of DET Asbestos Management in Queensland Schools.

The key issues that were identified through the investigation of the Mackay area state schools, and may have prevented the incidents are:

- Training to be provided for Principals, Deputy Principals, School Administrators, Facilities Managers, staff and grounds persons on the management of asbestos in schools.

- Compliance by contractors and trades persons to the DET policy on management of asbestos including Work Area Access Permits and reference to BEMIR.

- Contractors and trades persons license details be clearly detailed on the Work Area Access Permit

- That clear lines of communication between the department and the responsible parties be confirmed to ensure that compliance with procedures for asbestos management in schools is maintained and responsibility for all parties clearly understood.

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RECOMMENDATIONS

The following recommendations were made in my report of the Audit of DET Asbestos Management in Queensland Schools:

RECOMMENDATION 1

Ongoing training needs to be provided for Principals, Deputy Principals, School Administrators, Facilities Management staff and Groundsmen on the management of asbestos in schools. This training does not need to be of a technical nature but focus on the management and controls in the day to day operations of the schools including new construction, refurbishment or maintenance works that are proposed and where asbestos is registered on the BEMIR.

RECOMMENDATION 2

Training should include the requirement to provide proper briefings to subordinate staff that may be required to provide assistance in management of the ACM environment. Regular reviews and updates should be included as part of this initiative.

RECOMMENDATION 3

It is recommended that the responsibilities for the management, control and compliance of asbestos related issues, including notices, access permits and updating of the BEMIR become the responsibility of the Business Service Manager (BSM) or other approved nominee, with the Principal's responsibility retained as the senior executive responsible for overall performance.

RECOMMENDATION 4

Q Build will update the BEMIR for work carried out by QBuild and/or its contractors or where Q Build has been notified by the relevant authorised DET personnel that other parties have undertaken the work.

RECOMMENDATION 5

It is recommended that a requirement to provide compliance and licence details needs to be part of the procurement process and should be highlighted on the Work Area Access Permits and other relevant documentation.

RECOMMENDATION 6

The monitoring and management by the Principal of P&C Association appointed contractors should be subject to the same conditions as other contractors referred to in this report.

RECOMMENDATION 7

It is recommended that a more rigorous system for the management and control of volunteers should be considered. Where it is proposed that volunteers carry out work in areas where ACM including LBD is confirmed or suspected they will need to be subject to the same compliant requirements as contractors.

RECOMMENDATION 8

It is recommended that an Incident Management Plan for schools be prepared by the Department of Education and Training, or their consultants.

The following additional recommendations are now made as a result of the findings of the investigation and further review:

RECOMMENDATION 9

The service provider compliance and licence details are confirmed as part of the procurement process.

RECOMMENDATION 10

The service provider compliance and licence details are provided for retention.

RECOMMENDATION 11

That the contractor and/or trades person executing the Work Area Access Permit is responsible for the closeout of this permit at the conclusion of the work and is verifying that they have complied with all of DET requirements on the management of asbestos in schools. (The Principal's or other approved nominee's signature only acknowledges that the work has been carried out).

RECOMMENDATION 12

That non-compliance with Workplace Health and Safety Legislation may result in service providers being requested to show cause as to why they should not be excluded from future DET contracts.

RECOMMENDATION 13

That the Asbestos Management Plan for DET Facilities, and the revised Management of Asbestos Products in DET Facilities FCM-PR-003 and additional training for school personnel be implemented as soon as practical.