**Report of Investigation into Potential Asbestos-Related Incidents in**

**2012 and 2013 at Wales Street**

**Primary School**

**Executive Summary**

***Privileged and Confidential***

**A Report prepared for the Legal Division, Department of Education and Training, Victoria**

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**Executive Summary**

**Background**

An asbestos incident at Wales Street Primary School occurred during December, 2013 – February, 2014 in which staff and students were potentially exposed to asbestos fibres following asbestos removal works undertaken at the school in Block C. Investigations were conducted by Echelon, WorkSafe and the Department during 2014. A Classroom Teacher and OH&S Representative in 2012, claimed that he raised with the investigators additional issues regarding asbestos related incidents in classrooms in Block C, Wales Street Primary School during 2012-13. He states that he raised these issues in February, 2014 and December, 2014 with the Acting Principal, requesting that students in Teacher Y’s Grade 1/2 class of 2012 and his own Grade 1/2 class of 2013 (who occupied the same classroom in 2013) be added to the Asbestos Register and that parents be informed of potential asbestos related illnesses. The Teacher did not raise the issues again until late 2016-17 when he became concerned with the lack of response from the Regional Office.

For the purposes of this investigation, consideration was given to any works that were undertaken at Wales Street Primary School in 2012-2013 which may have resulted in asbestos containing material becoming exposed. Two incidents of minor works have been identified and investigated:

* The installation of air conditioners in a classroom in Block C. Around the time of the installation of the air conditioning units, a hole located adjacent to the electrical switchboard in the internal wall of the classroom was discovered;
* The installation of a coat hook rail in the same classroom in Block C.

**Factual Findings**

* A research of relevant documents has been undertaken including an Asbestos Risk Assessment Part 5 for Wales Street Primary School, 2004 which described that the walls of Block C classrooms contained asbestos sheeting.
* The location of the coat hooks was on the inside of an external wall which was clearly marked as containing asbestos.
* The two separate contractors who undertook the works for the instalment of the air conditioners and the coat hooks did not recall being informed that the walls contained asbestos and both stated that they had not viewed the Asbestos Risk Assessment Part 5.
* It is clear that the hole adjacent to the electrical switchboard was first observed late in January, 2012 when Teacher Y returned to the school and was not repaired until after 9th May, 2012. During this time Teacher Y’s Grade 1/2 was located in this classroom. Teacher Y, in an EduSafe Incident Report dated 10th April, 2014 stated that following the installation of air conditioning units in the classroom she found dirt and dust in the area and cleaned it up herself, wearing a dust mask as she had an allergy to dust. Teacher Y wrote that the hole in the wall was not covered until several weeks after a report was made by the OH&S Officer.
* It is evident that when the Principal was informed of the hole in the wall containing asbestos, he made enquiries to resolve the problem, but did not remove the teacher or students from the classroom until it was resolved.
* The contractor who installed the air conditioning units stated that no hole was present at the time of installation. He reported that he would not have signed a Certificate of Electrical Safety if a hole was adjacent to the electrical switchboard.
* No evidence was found to explain the purpose, timing or source of the hole adjacent to the electrical switchboard.
* It has been found that the coat hook rail was installed using glue and screws into thin vertical strips in front of the cement sheeting containing asbestos, with the screws probably penetrating into the asbestos material. This work was undertaken in the classroom in Block C whilst the students were not present and had been cleaned up prior to them returning.
* No other evidence was found which identified additional works being undertaken in Block C during 2012-2013, apart from the two incidents identified in this investigation.

**Findings of Opinion Evidence**

* The Principal – Workplace, Health and Safety, Coffey Environments Australia Pty Ltd, in 2018 inspected photos taken in 2012 and reported that, in the case of the hole in the wall adjacent to the electrical switchboard, the outer wall was plaster but that directly behind it was cement sheeting. Based on previous sampling, his view was that it was highly likely that the cement sheet contained asbestos.
* The Principal-Workplace, Health and Safety, Coffey Environments Australia Pty Ltd has assessed the risk of developing an asbestos related disease following this incident for staff and students occupying the classroom in 2012 as low, and for staff and students occupying the room in subsequent years as very low (see Annexure 1).
* The Principal-Workplace, Health and Safety, Coffey Environments Australia Pty Ltd has also reported that as the air conditioning units were installed into a non-asbestos wall and as there was no hole adjacent to the electrical switchboard at the time of installation, there should be no risk of exposure to the contractor (see Annexure 1).
* The Principal-Workplace, Health and Safety, Coffey Environments Australia Pty Ltd assessed the risk of developing an asbestos related disease for staff and students, who occupied the room where the coat hook rail was installed, in 2012 and in subsequent years as very low (see Annexure 1).
* The Principal-Workplace, Health and Safety, Coffey Environments Australia Pty Ltd also reported that any damage to the asbestos cement sheeting was effectively and immediately encapsulated by the installation of the coat hook rail. He assessed the health risk to the contractor as very low.

**Findings Regarding Subsequent Action**

* At the time of the 2014 investigation, community members were informed by Departmental officials at a forum that if they had concerns regarding any previous works undertaken in Block C, that their concerns could be addressed using the same approach as for the 2014 students, ie the students be registered on EduSafe and that parents could place their children on the National Asbestos Register.
* The Acting Principal, Wales Street Primary School in 2014, viewed the investigations conducted by Echelon, WorkSafe and the Department as the appropriate avenue for the Teacher to raise his issues in early 2014.
* Later in 2014 when the Teacher raised the issue once more, the Acting Principal sought and acted upon advice from appropriate DET personnel, providing a response to the Teacher’s concerns.
* In late 2016 the Teacher raised the issue once more, this time with the South-Western Victoria Region (SWVR). In the course of raising concerns with SWVR regarding his wife’s school, the Teacher also raised briefly his concerns regarding Wales Street Primary School. There was an issue of transfer of information between Regional Offices as the Teacher’s concerns regarding the two incidents were initially and briefly raised with the Regional Director, SWVR on 13th November, 2016 but he did not receive a formal reply from NWVR, in which Wales Street Primary School is located, until 4th July, 2017.
* There was some delay in responding to the Teacher’s concerns and subsequently issues have been identified by the Regional Office regarding processes for the registration of emails requiring a formal response and matters that require follow-up when staff are on leave.
* The documentation at Wales Street Primary School in 2012 regarding asbestos management was limited and outdated, with actual processes having little adherence to Departmental policy.
* An Occupational, Health & Safety audit was undertaken by Marsh Consultancy in February, 2011 and this was later followed with another audit by Noel Arnold in May, 2013. The 2013 audit clearly shows that the school failed to address the findings and recommendations of the 2011 Report, thereby having the potential to increase the health risk to students and staff occupying areas where asbestos containing cement sheet walls were located. This is consistent with the findings of the Asbestos Incident Investigation by Echelon Australia Pty Ltd in 2014.
* In 2012 the Department had explicit requirements of principals regarding asbestos management practices, but there was no central inspection of plans or registers and the monitoring of school compliance was a light touch. It is recognised that since 2012 the compliance and accountability regarding asbestos management in schools has become far more rigorous and training of principals is more sophisticated.
* An audit of the Occupational Health and Safety Management System at Wales Street Primary School undertaken by Ernst and Young in 2017 shows that the school is now compliant in respect of all asbestos management requirements.

**Recommendations**

* That Teacher Y and the parents of her students in Grade 1/2 class in 2012 be informed that there were two incidents in 2012 in which students have potentially been exposed to asbestos. The risk of developing an asbestos related disease has been assessed as low in respect to the first incident and very low in respect to the second incident.
* That Teacher Y and the parents of her students in Grade 1/2 class in 2012 be invited to add their names to the Department’s EduSafe Register and to the National Asbestos Register, as were the students in the 2014 incident at the school.
* That the contractor who installed the coat hook rail be notified by the Department that he has conducted minor works in a wall which contained asbestos sheeting and that the risk of developing an asbestos related disease has been assessed as very low.
* That communication be provided to the Teacher initiating the complaint, detailing the findings of this report and showing that his concerns have been addressed.
* That Regional Offices consider the efficiency and expediency of transfer of documentation between regions and within the region where emails requiring a response have been left unanswered due to not being registered or due to staff leave.

**Annexure 1: Extracts from “Qualitative Health Risk Assessment of Suspected Asbestos Incidents in 64 Library, Block C, Wales Street Primary School” by Coffey Environments, Australia**

In March, 2018 Coffey Environments, Australia undertook a qualitative assessment of the risk of developing an asbestos related disease from both incidents. The assessment was based on the generic risks described in the *Environmental Health Standing Committee (enHealth) document, Asbestos: a guide for householders and the generic public, Australian Health Protection Principal committee, Canberra 2013*. The report summarised by stating:

* Asbestos only poses a risk to health when asbestos fibres are breathed in;
* The risk of developing an asbestos-related disease increases in proportion to the number of asbestos fibres a person breathes in during their life. This, in turn, depends on how many fibres are breathed in and how often;
* The risk also depends on number of times a person is exposed over time (‘cumulative dose’ or ‘lifetime exposure’); and
* We are all exposed to low levels of asbestos in the air we breathe every day. Ambient or background air usually contains between 10 and 200 asbestos fibres per cubic metre of air.

Regarding the installation of the air conditioning units and the hole adjacent to the electrical switchboard in the classroom in Block C, Coffey Environments, Australia’s findings are presented in the following Table.

**Table 1. Risk Assessment of North Wall/Switchboard Event**

|  |  |  |  |
| --- | --- | --- | --- |
| **Potentially Exposed Group** | **Estimated Level of Exposure** | **Estimated Duration and Frequency of Exposure Above Background** | **Assessed Health Risk** |
| **Staff and students occupying 64 Library in 2012** | **Low -10-100 times greater than background**Disturbance of cement sheet when hole was cut would have resulted in some initial fibre release into the air. This release would have been brief and airborne levels would have been above background for a brief period only. Ongoing potential for disturbance of the damaged wall and associated debris while the hole was uncovered, which may have released fibres into the air. These releases are likely to have been intermittent.There is potential for adjacent surfaces, including carpet, to have been contaminated with AC dust and debris at the time the hole was made. These surfaces are likely to have been cleaned soon after.AC dust can adhere to carpet, even after repeated cleaning. However, this dust is difficult to dislodge and is therefore unlikely to have been released in significant quantities. Air monitoring undertaken following a similar event in the same room did not detect asbestos fibres above background levels. | **Occasional**The amount of time the damaged cement sheet and debris was exposed is uncertainPresence of visible debris in the photo taken on 8th May shows it is unlikely that major ongoing disturbance of the debris occurred.Unless directly disturbed, residual debris is unlikely to have been a significant ongoing source of airborne asbestos fibres.Contaminated carpet is unlikely to have been a significant ongoing source of airborne asbestos fibres. | **Low** |
| **Potentially Exposed Group** | **Estimated Level of Exposure** | **Estimated Duration and Frequency of Exposure Above Background** | **Assessed Health Risk** |
| **Staff and students occupying 64 Library in subsequent years** | **Very Low – background**The hole was almost certainly covered in 2012, fully encapsulating the cement sheet wall and any associated debris.Carpet below the switchboard is the only likely source of ongoing contamination. Airborne fibre release from contaminated carpet is unlikely to have been significant.All carpet was removed from the room in April, 2014 | **Rare**Some asbestos fibres may have been disturbed during initial carpet cleaning, but it is highly unlikely that this would have resulted in airborne levels regularly exceeding background. | **Very Low** |

Very Low Risk is described as constant exposure by the general public to background levels of asbestos in the air.

Low Risk is described as occasional exposure to air concentrations of asbestos 10-100 times greater than background.

Coffey Environments, Australia concludes by stating that the assessment of the risk of developing an asbestos related disease following this incident for staff and students occupying Room 64 Library in 2012 as low; and for staff and students occupying the room in subsequent years as very low.

Coffey Environments, Australia also reported that the upper east walls where the air conditioning units were installed were “non-asbestos”. Regarding the contractors, Coffey Environments, Australia stated that “based on the assertion that there was no hole adjacent to the switchboard at the time of installation, there should have been no risk of exposure to asbestos, unless other asbestos containing materials present in the room were somehow disturbed during the works”.

In March, 2018 Coffey Environments, Australia also undertook a qualitative assessment of the risk of developing an asbestos related disease from the incident concerning the installation of the coat hook rail into the wall of the classroom in Block C. This assessment had the same basis as for the description of Incident 1 above.

Coffey Environments, Australia’s findings are presented in the following Table.

**Table 2. Risk Assessment of Installation of Coat Hooks Event**

| **Potentially Exposed Group** | **Estimated Level of Exposure** | **Estimated Duration and Frequency of Exposure Above Background** | **Assessed Health Risk** |
| --- | --- | --- | --- |
| **Staff and students occupying 64 Library in 2012** | **Very Low – Not significantly greater than background**Disturbance of cement sheet when the coat hook was installed could have resulted in some minor initial fibre release into the air. This would have been transient and localised as it would have only resulted from installation of a small number of screws.Any damage to the AC cement sheet was effectively and immediately encapsulated by the installation of the coat hook rail.There is potential for adjacent surfaces, particularly carpet, to have been contaminated with AC dust and debris at the time the coat hook rail was installed. These surfaces appear to have been cleaned before the area was occupied.AC dust can adhere to carpet, even after repeated cleaning. However, this dust is difficult to dislodge and is therefore unlikely to have been released in measureable quantities.Repeated air monitoring undertaken following an event that had a significantly higher potential to generate dust and debris in the same room did not detect asbestos fibres above background levels. | **Rare**The amount of time the damaged cement sheet and any related debris was exposed was extremely brief – likely to be less than 1 hour.Contaminated carpet is unlikely to have been a significant ongoing source of airborne asbestos fibres. | **Very Low** |
| **Staff and students occupying 64 Library in subsequent years** | **Very Low – background**Any damage to the AC cement sheet was effectively encapsulated by the rail.Carpet below the rail is the only likely source of ongoing contamination. Airborne fibre release from contaminated carpet is unlikely to have been significant.All carpet was removed from the room in April, 2014 | **Rare**Some asbestos fibres may have been disturbed during initial carpet cleaning, but it is highly unlikely that this would have resulted in airborne exceeding background other than on rare occasions. | **Very Low** |

Coffey Environments, Australia concludes by stating that the assessment of the risk of developing an asbestos related disease following this coat hook rail incident for staff and students occupying Room 64 Library in 2012 as very low; and for staff and students occupying the room in subsequent years as very low.

Regarding the contractor who installed the coat hook rail, Coffey Environments, Australia stated that the installation could have resulted in “minor fibre release into the air” but that it would have been “transient and localised as it would only have resulted from a small number of screws”. They found that “any damage to the AC cement sheet wall was effectively and immediately encapsulated by the installation of the coat hook rail” and assessed the health risk to the contractor as being very low.