



Dutton Park Primary P&C Association

Dutton Park State School
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29 October 2024

DUTTON PARK STATE SCHOOL P&C STATEMENT OF CONCERN AND REQUEST FOR ADVICE FROM THE DEPARTMENT OF EDUCATION STOCKWELL DEVELOPMENT OLD BOGGO ROAD GAOL – 21-24 BOGGO ROAD

P&C Questions – Parents' bottom line

1. Parents ask Stockwell and the Department to be treated with respect and provided with a reasonable level of information that allows them to have confidence that their children are safe. Why is this unreasonable?
2. Why is the Department of Education defending what it says is Stockwell's legislative right to ignore us, and not filling that void with independent advice and assurances that would be in the best interest of the community and our students' access to education?

Background

- After the close of school on Monday 21 October, the school community was advised by the Principal of proposed asbestos removal works by Stockwell on its site which is immediately adjacent to the school premises. The site is also on the commuting route of many DPSS and BSSSC students.
- The Principal advised parents: *I have sent this letter to Regional Office and to Infrastructure. Infrastructure have commenced discussions with Stockwell. I will forward to you any further information as it comes to hand.*
- The notice advised that works were intended to commence in the week of 24 October, and they were estimated to complete in the week ending 8 November.
- Parents expressed concerns and a desire for more information. At least 20 parents wrote to the Principal wanting to understand more and some indicated a possible intention to withdraw their child from school for the duration of the works in the event their concerns were not addressed. Other parents indicated an intention to request the Department of Education accommodate their children in another school for the duration of the works.
- Parents want to know why Stockwell can't do the works in the school holidays or outside school hours.
- As a result of those concerns, a meeting was held between representatives of Stockwell, the Department of Education, the P&C and the school Principal on Wednesday 23 October. At that meeting:
 - Stockwell indicated that it didn't know the full extent of the contamination and that further testing is required to establish that. They indicated that rather than 2 weeks, it is possible that the works could extend for an additional week or two or possibly longer.

- Stockwell offered to defer the commencement of the works to enable consultations with the school community to address concerns. The P&C formally made this request following this offer and proposed a deferral until 4 November to allow further information and a “town hall” style meeting to take place to allay parental concerns.
- The P&C and the Department of Education requested further “plain English” communications including a map and detailed information about the proposed works and monitoring be prepared by Stockwell to be settled by the Department of Education and provided to parents. Stockwell agreed to this request.
- The P&C requested, and was left with the understanding it was agreed to hold a “town hall” with Stockwell and its contractors and experts to answer questions.
- Stockwell offered to share its existing air quality monitoring data and the data it collects during the works with the school community. The P&C suggested once a week. Stockwell said it could be provided “daily”.
- On Friday 25 October, the P&C received a copy of correspondence between the Department of Education and Amy MacMahon MP advising that Stockwell was commencing works, that the works were not on land owned by the Department and advising that: *Should any members of the community be concerned about the removal of asbestos containing material from the site, they should contact Stockwell or WorkSafe Queensland on 1300 362 128.*
- The P&C rang Stockwell representatives to ask about this communication. In that call, Stockwell retracted all its commitments given in the meeting. It stated that it had complied with all legal requirements and would be commencing the works without further information to, or engagement with, the school community. It stated that it had advised the Department of Education and had received no response.
- On Monday 28 October, the P&C spoke to a Department of Education employee and was told that:
 - *The Department is satisfied that Stockwell has complied with all legal requirements.*
 - The Department’s Infrastructure team considers the matter closed and the works can commence immediately.
 - The Department will refuse any requests for children to be accommodated at other schools.
- Parents have lodged a complaint with Workplace Health and Safety based on the very limited information that the school community has access to.
- Preparatory works are being undertaken on site. Removal works will commence tomorrow.

On behalf of its member parents, the P&C seeks a response from the Department of Education on the following more detailed questions in addition to its overarching question above:

P&C Questions – Acting in the interests of education and a school Community

3. Has the Department done a risk assessment in relation to the risk posed to children and workers at the school, and if so, can the P&C have a copy of it?

4. On what basis did the Department consider it sufficient to retract its request of Stockwell to provide the school community with more information before it commenced the works?
5. What has the Department done to attempt to address the concerns of parents? Does it consider its steps sufficient to address the risk that, in light of the Department's refusal to contemplate alternative arrangements, some parents may still be so concerned that their children will miss out on their education?

P&C Questions –Department of Education engagement with Stockwell on behalf of students and staff

6. On what basis did the Department determine that Stockwell has met all legal requirements with respect to the notification and removal of asbestos? If the Department did not do this, on what basis did it accept Stockwell's assurances on behalf of students and staff in this regard?
7. Has the Department obtained confirmation of the location, type and condition of the asbestos to be removed?
8. The P&C understands the asbestos is friable. On what basis did the Department accept assurances that necessary controls are in place to manage asbestos removal? In this regard:
 - 8.1. The Code of Practice appears to require the removal area to be fully enclosed. Stockwell is not fully enclosing its site. Why is it not reasonably practical to fully enclose the removal site? What control measures are going to be in place in lieu of an enclosure, and are they as good at reducing the risk as doing the work at a time when school is out would be? Is best practice not an expectation of the Department given the proximity of the school?
 - 8.2. On what basis has the Department accepted assurances that necessary controls are in place when those controls do not include removal of asbestos when the children are not at the school? The Code of Practice appears to require consideration of removal at a time when neighbouring areas are not occupied by unprotected people?
 - 8.3. Have you checked to ensure that the contractor has the appropriate class of license for this type of material?
 - 8.4. Did you obtain a copy of the asbestos removal plan and was it reviewed by someone internally with appropriate expertise before you assured the P&C that you are satisfied with all legal requirements.

P&C Questions – WHS Compliance by the Department of Education

9. Having been notified of an asbestos risk arising from removal work next to the school, what steps has the Department taken to comply with:
 - 9.1. its primary duty of care under s 19 of the WHS Act to "eliminate risks arising from managing and controlling asbestos, or if that is not reasonably practicable, minimise the risks so far as is reasonably possible"?
 - 9.2. its duty under s 20 to ensure, so far as is reasonably practicable, that the workplace [i.e., the school], the means of entering and exiting the workplace, and anything arising from the workplace are without risks to the health and safety of any person?

- 9.3. its duty under s 420 of the WHS Regulation to ensure that exposure of people at the school to airborne asbestos is eliminated as far as is reasonably practicable.
10. What measures has the Department undertaken as required by the WHSQ 2021 Code of Practice “How to manage and control asbestos in the workplace” to: identify, assess, eliminate as far as reasonably practical, or control the risk associated with the notified removal work.
11. What consultation with the P&C and the school community has occurred by the Department as required by WHS Act s 46 and 2.1, page 13 of the Code of Practice?
12. Has the asbestos management plan for the School required by s 429 of the WHS Regulation been reviewed and updated in the light of the notification received from Stockwell?
13. In terms of control measures, will the Department conduct air monitoring on the school premises during the period of the removal works?

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