

**REPORT ON PROCEEDINGS BEFORE**

**PORTFOLIO COMMITTEE NO. 3 – EDUCATION**

**INQUIRY INTO PLANNING AND DELIVERY OF SCHOOL  
INFRASTRUCTURE IN NEW SOUTH WALES**

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**At Macquarie Room, Parliament House, Sydney on Monday 19 September 2022**

**The Committee met at 9:45 am**

**PRESENT**

The Hon. Mark Latham (Chair)

Ms Abigail Boyd  
The Hon. Wes Fang (Deputy Chair)  
The Hon. Scott Farlow  
The Hon. Courtney Houssos

**PRESENT VIA VIDEOCONFERENCE**

The Hon. Anthony D'Adam



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**The CHAIR:** I welcome everyone to this inquiry into the planning and delivery of school infrastructure in New South Wales, today concentrating on a very concerning set of issues at Castle Hill High School with staff and student safety because of asbestos. This is the fourth hearing of Portfolio Committee No. 3 looking at school infrastructure in New South Wales. Before I commence, it is the custom of this Parliament to acknowledge the traditional inhabitants of this land, the Gadigal people of the Eora nation, and I do that with all due respect, as well as acknowledging other important contributors to the history of this site, those who constructed the Parliament House building, very often working in a dangerous industry, and the parliamentary staff over many decades who have supported MPs and made our work and representative role possible. We acknowledge and thank them all.

Today we will be hearing from members of the school community of Castle Hill high, including teachers and parents, about the issue of asbestos and safety at the school. The Committee will also hear from the local member for Castle Hill, Ray Williams, MP, as well as representatives from the Department of Education. We have many witnesses in person but some will be appearing via videoconference today. We thank everyone for giving their time to come along to the hearing.

Before we commence, I will make a few comments about the procedure for today's hearing. It is being broadcast live by the Parliament's website. A transcript of the hearing will be placed on our website when it becomes available, courtesy of Hansard. In accordance with the broadcasting guidelines, media representatives are reminded to take responsibility for what they publish about the proceedings. While parliamentary privilege applies to witnesses giving evidence today, it does not apply to what witnesses say outside of their evidence at the hearing. I therefore urge witnesses to be careful about the comments that they make to the media or others after they complete their evidence. The Committee hearings are not intended to provide a forum for people to make adverse reflections about others under the protection of parliamentary privilege, so comments need to be factual. In that regard it is important that witnesses focus on the issues raised in the inquiry terms of reference and avoid naming individuals unnecessarily.

All witnesses have a right to procedural fairness according to the procedural fairness resolution adopted by the House in 2018. In that regard it is important to note at the outset that invitations were issued to be here today to the former principal of Castle Hill high and one of the current deputies but, for various reasons, they were not able to accept our invitation. It might be possible in future to have them here, and the procedural fairness provisions would apply. That is their right of reply. If witnesses are unable to answer a question today and want more time to respond, they can take the question on notice. Written answers to questions taken on notice are to be provided within 21 days. If witnesses wish to hand up documents, they should do so through the Committee staff, or, for witnesses appearing via Webex, by emailing them to the secretariat.

With regard to the audibility of the hearing today, I remind both Committee members and witnesses to speak into the microphone. For witnesses appearing remotely, please ensure that your microphone is muted when you are not speaking. When you speak, it is helpful to identify who is speaking and where the questions are directed. For those with hearing difficulties present in the room, please note that the room is fitted with induction loops compatible with hearing aid systems that have telecoil receivers. If everyone could turn their mobile phones to silent for the duration of the hearing.

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**Mr SHANE STUBBS**, Teacher, Castle Hill High School, sworn and examined

**Mr JOHN CONNELL**, Teacher, Castle Hill High School, sworn and examined

**The CHAIR:** I welcome our first witnesses, who have been at the forefront of raising valid concerns about the asbestos issues and safety at the school. I thank them for their work over many years, and for their diligence and persistence on this important work health and safety issue. It is available to one or both of you to make a short opening statement to the Committee.

**JOHN CONNELL:** Firstly, thanks to Andrew Rowe of SafeWork NSW for his support and professionalism, which were beyond compare. Thanks also to Melanie Oliver of PES for finding the 2016 sample, and thank you to Ray Williams for taking this to the media. I will note that I was disturbed to learn, when I saw him again on Thursday the eighth, that even though independent air monitoring companies have offered to do testing free of charge, the Department of Education is refusing to allow this. And, of course, a huge thanks to Mark Latham.

Three family friends of mine died of mesothelioma when I was growing up, and I grew up in a part of Australia in which asbestos killed thousands who worked in the old SEC power plant. On 29 May 2020 Shane Stubbs got this matter before PES. It should've taken them two hours to conclude that Vicki Brewer needed to be removed from the position of principal. Instead, it took them over two years, and she got to retire and have a full retirement party. They had no intention of making this huge breach of trust public. I want you to consider how you'd feel if your son or daughter was one of the tradespeople who had been tasked with ripping down the old HSIE or English staffroom ceilings and replacing them in 2018 or if they'd been sent into the ceiling cavity, after the 2016 positive test, for the installation of new data cables. There are tradespeople who this happened to, and it happened after a positive asbestos test. You should also note that there was no plan for those kinds of exposures to stop. It was only an out-of-the-ordinary test in 2020 that led to that not going on ad infinitum.

**SHANE STUBBS:** I've been a teacher at Castle Hill High School full time for 26 years. On 14 September this year John and I both received a letter from Professional Ethics and Standards that said that former principal Vicki Brewer has had a consequence of the investigation that she was never to be employed again by the Department of Education and that deputy principal Andrew Mitchell has been demoted and moved to another school. That would signify that the Department of Education have done their job in investigating this. The information that I've put in my submission to Parliament, and also provided here today, indicates that there is a number of other people, including directors of our school and also people at the WHS unit and at the asset management unit, that have serious questions to answer in terms of compliance.

My objective is to get truthfulness and transparency. That's the only thing that John and I are interested in and why we're appearing here today. The reason for that is not only that I've been there a long time and saw the thousands of students we've both taught but a teacher from our school sent me an article—and I'll finish on this point—of Justine Thomas, which any of us can look up, from Footscray North Primary School. She is today a 27-year-old woman. In 2015 or 2017 she went to get a pregnancy scan and she had been diagnosed with asbestos tumours because, from 2000 to 2006, she was in a classroom at her school that had asbestos in it. She now has terminal cancer. My concern is that I don't want, in 20 years' time, that being found out at Castle Hill High School, whether it is John or I, any of our colleagues or the thousands of students that we have taught.

**The CHAIR:** Thank you, again, for your time today and the work you have undertaken on behalf of the school community on this important issue. We have got questioning now through to 11 o'clock. I might kick off by trying to get a sense of the chronology and the weight of complaints that have been lodged over the years. To your knowledge, Shane and John, what's the first time in which a concern was raised by staff at the school about asbestos, which seems to have been in the form of dust falling from the ceilings like snow or from the tiles on the floor?

**JOHN CONNELL:** References to dust are from a long time ago. I have minutes that, in 2010, people are referring to falling dust but—

**SHANE STUBBS:** The date 1 August 2010 in the WHS minutes of Castle Hill High School is the first reference that I can find written.

**The CHAIR:** Who raised that complaint and at which part of the school?

**SHANE STUBBS:** John can look up the exact reference, but it's written in there about concerns of falling dust. That was 1 August in the WHS minutes. Staff members at the school have told us that there is an English teacher who raised it in 2008. That was the earliest verbal part.

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**The CHAIR:** And then in the years that followed there would be hundreds of issues that have been raised, wouldn't there? They would've been raised on the Sentral portal?

**SHANE STUBBS:** Yes. We have an internal Sentral portal, where it's only reported locally at Castle Hill High School. That doesn't report outside of the school. On 11 June 2020 John and I got notified, along with the rest of the staff, that asbestos had been found in all four major buildings.

**JOHN CONNELL:** May, not June.

**SHANE STUBBS:** So 11 May—not June. Then John came to me and some other staff—because I've been there a long time—and indicated, "Shane, go and look up Sentral. You will see entry after entry for years of people requesting falling dust to be tested." There were two mentions that I found of people saying, "We are concerned this is asbestos." So there were tons of them over the years, and that doesn't count the verbal ones.

**The CHAIR:** So the Sentral complaints started when—2011?

**SHANE STUBBS:** Sentral started in our school around 2016. Prior to that was a system called OASIS, which is apparently not available to us any more.

**The CHAIR:** But certainly from 2016 onwards there were scores of complaints about dust, and some specifically about asbestos concerns, on the Sentral portal?

**JOHN CONNELL:** And in 2018 a colleague of mine made a comment—or made an entry into Sentral—which at the time I thought was crazy, because in my primary school in Victoria asbestos was removed in 1988. She made a comment, "I've been told that a test came back negative," which has been reported in the press, "But I've never seen the test." I was sitting there a little way along from her as she made the comment and she told me, "I want to see the asbestos test," and I thought, "That's just crazy. It's 2018." She specifically referred to it being asbestos because a lot of the other ones were just talking about dust. She specifically said, "I want to see the test," which, until that sample came out, I thought of lots of combinations and permutations of what might have happened, but I never considered the possibility that they had done a test and it had come back positive.

**The CHAIR:** And at the school, to lodge something on the Sentral portal, whose responsibility is it to do something about the concern—to see if it is valid and then act on it?

**SHANE STUBBS:** Our understanding is the WHS committee, which is headed by the principal. In that case, from 2008 to 2021 that was Vicki Brewer. She is the head of the WHS committee. The meetings are always in her office. The deputy principal was Andrew Mitchell, whose role—from 2015 or 2014 onwards that was his role. Prior to that it was somebody else. Ross Warren or Anna Girginis were the previous deputies. There are three deputies and one of them is allocated towards the building infrastructure.

**The CHAIR:** I suppose the second mode of complaint would have been to raise this directly with the deputy principal or the principal. Was that done as well by teachers?

**JOHN CONNELL:** Yes. I thought of putting this in my introduction. As fate would have it, on Friday I actually ran into the old head teacher of HSIE and he was really interested about this. He was completely unaware that he might have been exposed to asbestos. He said—even though he is still working casually for the department—that they have made no effort to contact him, as far as he knows. He admitted he might have got an email which he might have just deleted. He had a lung collapse about five years ago and he now has COPD and late-onset asthma. But he took down samples of dust to the deputy principal and the principal very politely for years and didn't just say, "You must test this and I want to see the test," and so on. So people were asking for testing for a long, long time. And he wasn't alone; there were a lot of other people in the HSIE—that is human society and its environment—faculty who were asking for testing. There were a lot of people in the English faculty where the ceilings were degrading and they were asking for testing.

**The Hon. COURTNEY HOUSSOS:** Sorry, just for Hansard, COPD is?

**JOHN CONNELL:** Chronic obstructive pulmonary disease. It is an umbrella term for a whole bunch of things that go wrong with your lungs. He said the doctors are not completely sure of why he had a lung collapse. He did also say he has done lots of building work and things like that—his own renovations and things like that—but he was the head teacher who was one of the many people who politely said, "Can we have testing?" and he was told that the dust was fine, verbally. So there were a lot of people who just imagined, as I did in 2018, when I was sitting across from someone making an entry on Sentral, I thought, "No, if they have told us it's okay, it's okay. You don't need to test. You don't need to actually say, 'Show me.'"

**The CHAIR:** I am assuming that the frustration built—that as these problems became quite evident and complaints were lodged inside the school and then nothing happened and you were told, "Everything is okay,"

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that you would have then gone outside the school with complaints to who, the director of education, leadership, the department, the PES, the asset management unit? How many of those complaints would have been lodged?

**SHANE STUBBS:** What we now know because of my inquiries from 30 May this year, 2022, is that there were actually mandatory yearly compliance checklist forms called "form 069" that the school principal is supposed to work with every year—a consultative document with us to all staff. That document trains us on how to report hazardous material successfully—ringing a 1800 number, and a hazardous material reporting form. I've applied under the GIPA Act to get access to all documents that ever been completed at Castle Hill High School. As you know—in my submission—one has been done in the 13 years.

**The CHAIR:** With all due respect, Shane, that's not answering my question. The question was actions not taken inside the school. How many complaints would've been lodged beyond the school, to the DEL, the PES—

**SHANE STUBBS:** We don't know of any.

**The CHAIR:** You've obviously done a fair number yourself, so—

**JOHN CONNELL:** Until the 2020 positive sample. I'm amazed that the colleague of mine who requested to see the test didn't push that further, because, if I had legitimately believed in 2018 that they were telling us it was negative when it was actually positive, obviously, given I'm here today, I would've pushed a lot harder. But, until that, I believed when they told us that it was negative and the ceiling which was falling down on us was replaced in 2018.

So in my introduction, when I referred to how would people feel if their son or daughter or if they were the tradesman who was exposed by that—their solution to the ceiling falling on people was, without doing any testing for asbestos in the ceiling cavity or of the ceiling, to have people rip down that old ceiling. Presumably they just thought, "It's a government building. It's all been checked. It's completely safe in the ceiling cavity." So they ripped down the old ceiling and they put up a new ceiling in 2018. After that, in HSIE and I think it happened at the same time in English, we no longer had loads of stuff falling on us, because the ceiling had been replaced. There was a little bit in some classrooms where it was the older ceiling. But we just presumed that what they told us was true, that they'd tested, that it was negative, and then they—

**The CHAIR:** But you were still making complaints. Shane, is it true that the PES told you that you'd made so many complaints they'd put you on a communications protocol—effectively you weren't allowed to send them any more emails?

**SHANE STUBBS:** Yes. That is accurate. That was after 2020, when John and I finally got PES to take notice. In November of 2020 is when we first sat down for an interview with them, 4 November 2020. But soon after that they tried to shut us down.

**The CHAIR:** Were either of you on the work health and safety committee, at these meetings?

**SHANE STUBBS:** No.

**JOHN CONNELL:** No.

**The CHAIR:** What access did you have to the school's asbestos register? One would normally expect the register to exist—it's required to exist by law—and that it would be readily available to concerned staff raising issues about asbestos. What access did you have?

**SHANE STUBBS:** Yes, we have access but we're not trained in it. I don't know about John but I didn't even know to go look there.

**JOHN CONNELL:** No, I didn't even know that there was an asbestos register. Every school I'd worked in before Castle Hill high had had it all removed. In my first year of teaching, they were removing the last of it from Homebush Boys. Beverly Hills Girls, they removed it in 1993. So I just naively assumed that—I didn't even—

**The CHAIR:** The staff are making scores of complaints. Dust is falling from the ceiling. And the school management at no stage said, "Well, look, we actually have an asbestos register. It's all there, publicly available. You can inspect it and you'll find such and such." They never even referred you to the register.

**SHANE STUBBS:** No.

**JOHN CONNELL:** In the WHS minutes they talk about the asbestos register. You'll see in my submission I refer to the WHS minutes where they say that they need to check the ceiling cavity. You'll also notice

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in my submission that I point out that, after the discovery of asbestos in 2020, they removed that as an action item from the WHS minutes. They never did it. It just sat there, copied and pasted, for years.

**The CHAIR:** Did either of you ever inspect the asbestos register? And what did it show?

**SHANE STUBBS:** I have now, but not prior to 2020.

**The CHAIR:** One of the curious things in the documents that I've seen is extensive material headed "2019 asbestos register, Castle Hill High School, initial survey, Noel Arnold & Associates, 12 March 2008, reviewed by Greencap"—which, I understand, was a new name for Noel Arnold & Associates—"on 15 August 2014". Have either of you heard of or seen this survey material that formed the basis of the school asbestos register?

**JOHN CONNELL:** I've never heard of it before.

**SHANE STUBBS:** Only after I've spoken to Steve Nikolovski, the investigator from SafeWork, that I became aware of it in the last 12 months.

**The CHAIR:** It was never brought to your attention that there was an initial survey at this school in 2008, reviewed by essentially the same organisation six years later? If you go through and catalogue the number of entries where asbestos is identified in just about every building at the school from the 1960s, there are 76 entries of asbestos identification. You were never told about this in making your numerous complaints?

**SHANE STUBBS:** No.

**The CHAIR:** Were you told by the school authorities or even the SafeWork inspector that there was never any record of asbestos in the ceilings at the school?

**JOHN CONNELL:** I'll add—and it's not a direct answer to that question—that once PES begun their investigation, they deleted all the relevant WHS minutes.

**The CHAIR:** John, I'm afraid I run a committee where you do need direct answers to the questions. I'm asking about your knowledge of the asbestos survey in 2008 and reviewed in 2014 that identify 76 entries of asbestos. We are talking mainly floor coverings—the vinyl tiles, the general storeroom, the staff toilet, the second storeroom, the computer learning space, the performance store, the music store, the performance workshop and the general learning space. That is just in the music and technology brick block that was built in 1964. It goes on and on. There are 76 entries and five of them were asbestos in the ceiling. Is this the first you have heard of this material?

**JOHN CONNELL:** That is the first I have heard.

**SHANE STUBBS:** Yes, we didn't know that.

**The CHAIR:** You didn't know that?

**JOHN CONNELL:** No, I didn't know that. I didn't know that from SafeWork or from anyone at asset management or from the school.

**The CHAIR:** I find it beggars belief that you could have this material from a survey in 2008, reviewed six years later, and not close the school for remediation. The place is just riddled, almost in every space in every building, with asbestos. It was identified here in material that subsequently is part of an asbestos register dated 2019. I suppose we will ask the department later on about the mystery of how that could possibly have happened. Turning to the question of the testing of the dust from the HSIE staffroom, could you give us background to that and the dust falling down from the ceiling and one of the teachers who sought testing and your knowledge of what happened thereafter?

**JOHN CONNELL:** Okay. My first year at Castle Hill High School was in 2017. That was the year that we changed from OASIS to Sentral. Part of how I remember that is that my head teacher at the time was complaining about all the dust falling on us and complaining that nothing was being done. I didn't believe it was asbestos but it was still really annoying. I'll add that we don't know what it was because that ceiling was replaced and just taken out in a dumpster. But I made an entry on OASIS asking for it to be changed and I remember my head teacher at the time urged me to use the word "asbestos". It was a little while after that, when we switched over to Sentral, when the colleague of mine who I talked about made her entry, which has been printed in the media. I notice where she says, "I'm worried that the dust raining down on me contains asbestos. I've been told that a test has been done, but I've never seen that test."

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**The CHAIR:** Do you find it surprising that between June 2016 and September 2017, with the sample of suspected asbestos having been taken from the HSIE staffroom, the work health and safety committee considered this issue 11 times without actually reporting at any stage what the findings of the test might be?

**SHANE STUBBS:** Yes, it defies belief. There was a positive test in 2016 and we didn't hear about it until 26 April 2022.

**The CHAIR:** Even worse, the work health and safety committee, with the principal and deputy present, met 11 times and it is listed in the minutes that a sample was taken and needed to be tested. There was never, over 11 meetings, any report on what the findings of the test might be or what in fact happened to the sample. It was left unaccounted for at 11 meetings in a row. Don't you think there should have been greater urgency by the school management to find out what had happened?

**JOHN CONNELL:** Yes, most definitely. I have read all of the WHS minutes that I got from 2010 all the way up to the present. While I can't travel back in time, a lot of those WHS meeting minutes are so similar that it looks like they have just copied and pasted them and they haven't even necessarily had a meeting or, if they have had a meeting, it's been one minute. The minutes almost do not change, meeting after meeting after meeting. If you compare them, it's amazing. The reason it appears 11 times, there's loads of things that appear 11 times. It's like it's the same minutes. Sometimes it's just—yeah.

**The CHAIR:** Then because of your complaints to the Professional and Ethical Standards section of the department, PES, they were able to locate the sample analysis report in April 2022 by reconstructing a former general assistant's email inbox. The sample that was tested from the HSIE classroom in 2016, the result of the fibre cement sheeting taken for analysis was that it was positive to chrysotile and amosite asbestos. From your knowledge of the school and the school management, how hard is it to believe they didn't know that this test had come back, given that it had been commissioned by the school management through a general assistant, paid for by the general assistant and was sitting there in that general assistant's inbox, that GA reporting directly to Deputy Principal Mitchell?

**SHANE STUBBS:** Well, in my experience, I worked with that GA for 10 years and I find it implausible that information wasn't passed back. I've seen the report that says it's positive and I cannot for a second understand how it was never acted upon by the principal, Vicki Brewer, or by Andrew Mitchell.

**The CHAIR:** Do you think it would have been hard at the 11 work health and safety meetings for the principal or the deputy to take responsibility for trying to locate what had happened with the sample and what the test result might be, given that the general assistant reported to the deputy principal and the general assistant paid this lab at Wollongong, Clearsafe Environmental Solutions, presumably through school accounts, for the conduct of the test? Do you find it shockingly surprising that the principal or the deputy wouldn't have gone to check the school bank accounts to find the money that was paid to the testing lab, which had the positive result?

**SHANE STUBBS:** I don't want to get told off again for not directly answering the question, but I know of other instances where the principal—so, the correct procedure, which I'm fairly sure the principal knew, is that you shut down the school, that part of the school, and you contact asset management unit. Now, I've been told of a time where she refused to do that with the library. So I not only don't believe that she didn't know; I think that the reason why she used GA is so that if it was positive it could be covered up. Now, I'll never be able to prove that, but I can't see why else she wouldn't go through the correct procedure, which is to contact the asset management unit, they dispatch a hygienist and you seal off the area. They do air monitoring and they do all of the tests properly.

**The CHAIR:** Are you surprised that SafeWork NSW, also the department, the asset management unit and PES, nobody apparently has ever gone to the school bank accounts to find the entry where the general assistant paid for the Clearsafe Environmental Solutions test?

**SHANE STUBBS:** Yes, well, I alerted PES—

**The CHAIR:** On behalf of the school? The company on the invoice, the company that's listed is Castle Hill High School, invoice number 10956 and the name is that of the general assistant that we are talking about. It has sat there for six years in the school bank accounts, seemingly with none of these people so concerned about the asbestos dangers to actually identify the payment and then go to the person who paid to say, "Show us the test results that came back."

**SHANE STUBBS:** I wrote to professional ethics and standards in about April this year. I told them specifically to look at who paid for it.

**The CHAIR:** You did, in April of this year?



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**SHANE STUBBS:** Yes. I've got emails. I don't know whether they did that.

**The CHAIR:** There's the answer, the invoice is here from Clearsafe and the receipt. The company listed is Castle Hill High School and all the amounts paid are listed there. You have mentioned the former principal, Vicki Brewer. Are you aware of an email that she sent Caroline Quee, one of the concerned teachers, after Quee raised multiple concerns and itemised them? This email was sent on Thursday 2 July 2020 by the principal. It says at dot point one, "There have been no reports of suspected asbestos, either through Sentral or I don't believe in any other management systems." What do you make of the accuracy of that statement, having earlier given us evidence, and it is very clear that scores of complaints were lodged after 2016 on Sentral, that in the middle of 2020 the principal would write to a concerned staff member, "There have been no reports of suspected asbestos, either through Sentral or I don't believe in any other management systems"?

**SHANE STUBBS:** That can't be a truthful statement.

**JOHN CONNELL:** It's a lie and I was aware of that because, as the federation representative, I was supporting Caroline. It was only thanks to Caroline pestering Vicki Brewer that I found the file path to the WHS minutes and, because I was aware of Vicki telling outright lies like that, I instantly downloaded them all, which—I know you told me I was going off track before—I'll mention now. As soon as PES began their investigation, they deleted all those WHS minutes. I responded to PES a number of times while they were doing their investigation and said, "You cannot be serious that this is taking this long." I could've just replied all to one of Vicki Brewer's emails with the WHS minutes and her position would now be untenable and she'd have to resign from shame. They told me, "Please let the investigation speak for itself," and without you, Mr Latham, the result would be that she would've just got to retire with all the dignity in the world and everyone thinking she is the world's greatest principal. And that, I'm sorry, is not a just outcome.

**Ms ABIGAIL BOYD:** The 2016 test that we now know was positive—do we know when was the first time somebody knew that that was positive? At what point—

**SHANE STUBBS:** Yes, 29 July 2016.

**Ms ABIGAIL BOYD:** Who knew about it then?

**SHANE STUBBS:** The general assistant had received that at that point in time.

**The CHAIR:** And paid for it.

**SHANE STUBBS:** And paid for it. Then on 1 August 2016 in the Castle Hill High School WHS minutes, it refers to a statement that says, "Sample sent—still waiting on analysis." That was three days later. But by 5 September 2016, a month later, in the WHS minutes of Castle Hill High School, it says, "B block tested. All clear. Testing rest of school." But no report was ever submitted into the WHS minutes and that statement, like John said, was copied and pasted ad infinitum for 15 months after that. No report was ever done and no testing of the school was ever continued.

**Ms ABIGAIL BOYD:** Is it your view then that this was a deliberate attempt not to tell everyone that it was positive? Or do you think it was negligence?

**SHANE STUBBS:** The information that I've got says that the principal and the deputy principal instructed improperly to ask the GA to go and test hazardous material, for which he wasn't qualified—had no equipment to do so. It was, therefore, their legal responsibility to ask for the test result. Now, the test result came back to the school and, as Mr Latham said, they had the responsibility to ring up.

**The CHAIR:** The GA has been interviewed and he's got no recollection of it. But there are documents, the email and the invoice, pointing to the fact that he received it. We know he reported to the deputy principal and we know for a fact the minutes of the work health and safety committee, 11 meetings in a row. No attempt was made to go find the obvious. I think that's where the matter rests.

**JOHN CONNELL:** I'll answer it this way. I've worked at a lot of different schools. Shane's been at Castle Hill High School for a long time but I've worked at a lot of different schools. She's the hardest working principal I've ever had. She knew that school inside and out. She knew everything that happened there. The idea to me that this was just an accident is far less credible than if—you know, some principals I've had, who I won't name, are like, "This is my last couple of years before retirement. I'm leaving every day at four." That was not her. She was incredibly hard working and incredibly driven for the school to be a really high-achieving school, which—I don't know why she would do this. There is a small chance that I'm completely wrong and it was all an accident, but I believe it was intentional and I believe it was because she was driven by the desire for the HSC results to just keep on getting better and better.

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**The CHAIR:** So it's your belief that the principal didn't act on the obvious problems because she had the school in competition with Baulkham Hills high and selective high schools in the Hills district to be the top performing school, and to take the asbestos problem seriously would've required perhaps closure of the school or closure of certain buildings, massive disruption, perhaps parents and families losing confidence in the safety at the school and leaving, and that was against her belief and desire for the school to be academically successful?

**JOHN CONNELL:** That's my best hypothesis. In a strange encounter which I had with her when I was beginning to cooperate with SafeWork NSW and it was just the two of us speaking, she often talked about the school as if she and the school were inseparable. And I'm just aware from her work ethic. But I'm also aware—the reason I put in a transfer and moved to Castle Hill is because my brother-in-law lives there. He chose Castle Hill for the school. She turned it around from a school that was undesirable in the 1990s with low numbers to now. They're constantly having to reduce the drawing area, and she achieved that.

**The CHAIR:** We all love and hope for academic success at these schools, but not at the expense of basic safety requirements.

**The Hon. COURTNEY HOUSSOS:** Can I just jump in there? Mr Connell and Mr Stubbs, thank you so much for your testimony today, for your submissions and for fighting on behalf of the school community. It's been shocking testimony that you've given to us today. I think that the scale of the cover-up has been deeply disturbing. I thank you for your frank testimony. It's really important that we get an insight into the reasons behind it and why you think this has happened. I just want to go back a step. We've talked a little bit about the staffrooms. We've talked a little bit about the fact that there are four major blocks of the school. It is your concern that there is asbestos that is not just in staffrooms but also in classrooms and that this is potentially exposing students as well as staff—is that correct?

**SHANE STUBBS:** Absolutely.

**JOHN CONNELL:** Yes, that's correct. I don't know why or, if I had to guess, I'd say the reason why the staffroom ceilings were degrading so much faster than the classrooms is probably because the staffrooms get renovated a lot more regularly, with different fans and different lights and things like that. So whatever the reason was for the staffroom ceilings degrading and falling on people a lot more rapidly, it was the same ceiling. The previous ceiling was like a waffle cone, vermiculite ceiling. The reason it had to be replaced when they remediated it is that it didn't form an impermeable barrier between the asbestos that was found in the ceiling. I'll add, in terms of the risk of exposure, that when we were first told about where the asbestos was in the ceiling, the hygienist—Haysam Elhassan, I think his name is—said, "We can't think of any rational explanation of why the asbestos is located where it is." It was in all the crevices of the boards and things. He said, "It just appears to have been applied randomly." I instantly said, "I can think of an explanation for why it is where it is."

That explanation is that a lot of asbestos was put in the ceiling and that most of it has just, since the school was built up until now, blown out of the ceiling because there were also—the sides of the roof were completely impermeable before it was all remediated and it was designed so that air could flow in and out so that your roof doesn't all rot. I said, "Is that a possibility?" He said, "Yes, that's a possibility which we can't rule out." I said, "Isn't that a probability? Why would anyone in building work randomly apply dabs of asbestos in a ceiling and you can't think of any rational explanation for that?" He said, "I don't know, but that's what we found. We can only speak to what we found."

**The CHAIR:** Isn't this a problem of these so-called Wyndham-designed school blocks, essentially built in the 1960s, riddled with asbestos? The problem may extend beyond your school. There's said to be 59 of these schools and hundreds of school blocks around New South Wales. We know of problems, for instance, at Newcastle East and St Ives. Isn't this the nature of these buildings, these so-called Wyndham structures?

**SHANE STUBBS:** Yes, we know that now. It's our understanding, from the information that we've submitted to Parliament, that the asset management unit has failed in a compliance area that would potentially, across those schools, expose staff and students, and also the WHS unit has failed.

**The CHAIR:** Yes, we'll talk to the department about that later in the day. Coming back to the Vicki Brewer email to Caroline Quee on 8 July 2020, dot point four reads as follows:

It was a dust sample that was taken in 2016 and it was taken from a desk (which one I don't know) in the Social Science staffroom. (Please note that asbestos is coloured black but the dust was whitish/grey.) For unknown reasons this sample went awry. We will not be pursuing this any further.

Does that indicate to you that the principal basically just didn't want to know, didn't want to do the obvious searches of emails and bank accounts to find out what had happened with the sample, and was telling Caroline Quee in the middle of 2020 that basically the file was closed?

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**SHANE STUBBS:** Yes.

**JOHN CONNELL:** Before that kind of stuff, I thought that she was a very, very tough principal—which you have to be; it is an incredibly difficult job—but I didn't think that she was dishonest. Those kinds of things, which I became aware of, twiggled me to the fact that she was just going to lie and lie and lie to try to get out of this.

**The CHAIR:** I take you to an email, again from Vicki Brewer to Caroline Quee, a month earlier. On 10 June 2020 the principal wrote, "Mandatory asbestos register for Castle Hill High School administered by the Department of Education since 2003 clearly indicates that there was no asbestos in the ceilings."

**SHANE STUBBS:** It doesn't say that.

**The CHAIR:** Is it possible that the principal didn't know of the 2008 survey, reviewed in 2014 by Noel Arnold & Associates, that identified five locations of asbestos in the ceilings?

**SHANE STUBBS:** She should have asked asset management. The reality is I've asked Steve Nikolovski, even last week, to specify if it doesn't say present or not present. And that's what the register said. My understanding is that the register didn't say present and didn't say not present. Steve Nikolovski told me that, under clause 422 of the Work Health and Safety Regulation, you've got to test before you do any building works.

**JOHN CONNELL:** It's possible she didn't know. Before I began this complaint process, I used to think that everyone in the department was in communication with everyone else, but I've realised that they operate to an amazing extent in silos. It is possible she didn't know, I would say.

**The CHAIR:** Isn't every principal in New South Wales sent a copy of the department's asbestos management plan and would be aware of the work health and safety provisions—that as the primary manager of the school, they are responsible for the discharge of those laws, which is to keep and be aware of the register?

**SHANE STUBBS:** Yes, and John and I have both read that document ad infinitum since 2020. It is not that complex to understand. Basically: if you think there's a problem, ring asset management and we'll send out a hygienist.

**JOHN CONNELL:** When I spoke to Vicki Brewer on 13 August 2020—whether you want to call it her accosting me, or us having a strange conversation—I told her the asbestos policy had been breached and that people were complaining and that it was going to SafeWork. I politely kind of tried to imply, because I used to get along reasonably well with her, that she should just pull the pin and retire. She said to me that she'd never read the asbestos management policy, which blew my mind.

**The Hon. COURTNEY HOUSSOS:** You just said, Mr Connell, that the principal is really hardworking. It sounds as though the school was flourishing. But, in addition to these educational responsibilities, she's also required to be a site building manager. As classroom teachers, understanding the burdens that are on you and that are on the principal, do you think that's the appropriate way to be managing such an important issue, that a principal who is an educational leader is also a building site manager?

**JOHN CONNELL:** No, I don't. I won't name the principal, but a principal at another school I worked at—principals are massively overworked. A principal at another school I worked at would just let me sign off on my own professional development—as an example of somebody who was a lot closer to retirement than Vicki Brewer. The reason he did so—if I wanted to do some course, I had his stamp and I'd just sign off on it. Yes, they're smashed. Because I was the Teachers Federation representative and I would be supporting people who Vicki was having conflict with, I'm aware of the fact she would just work through most weekends. She would be emailing me all Saturday, and so on. I think it is a problem that it is a responsibility for somebody who did an arts degree and is fundamentally focused on education, but I don't think that makes it okay.

**The Hon. COURTNEY HOUSSOS:** I don't want to, in any way, say that it is okay. Sorry, Mr Stubbs.

**SHANE STUBBS:** My view is that after reading the Asbestos Management Policy, which I'd never seen pre-2020, it's not complex to ring up the asset management director and say, "I need some assistance. Send somebody out. It's not my area of expertise; I'm the principal. Send people out." I don't believe that they actually do have to work by themselves. They may be responsible under legislation, but there's a whole unit in the department to help them out.

**The Hon. COURTNEY HOUSSOS:** How effective do you think that that has been in this case? Do you think the asset management unit—sorry, let me go back a step. The first point is that the asset management unit is fundamentally relying on the principal to pass along those complaints. We can see here that lots of internal complaints have been made, but the stopper has been, according to your evidence, the principal, in actually then

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passing that along to the asset management unit. Is there any other alternative pathway for those complaints to make it to the asset management unit?

**SHANE STUBBS:** Yes. Form 069 is a mandatory document that I've given to the Committee here. One of the aspects of that document is that, on a yearly basis, it is mandatory for the principal to fill it out and train us—and all staff—in how to fill out a hazardous material reporting form and a 1800 number for us to ring outside of the school. We were never trained on how to do that—ever—in that whole 13 years or so. We were only trained this year on 18 July 2022, my first time in 26 years there, because I rang up the WHS unit and spoke to the director, Belinda Keogh, and demanded we have some training on this matter after I saw the documents.

In addition to that—I think this is critical—the director, in this case Joanne Marshall, and probably someone before her, has a checklist form. That's mandatory to check the principal yearly. Line item number two is: "What evidence has the principal supplied that she completed all 11 parts of form 069, including training on hazardous material?" The director could not—I've got from the GIPAA that we only had one in 13 years ever done, and it was done falsely in that section 5 because we'd never been trained on hazardous material report forms. No-one knew the 1800 number, hence why they never reported to it. Joanne Marshall could never have filled out her checklist forms because I've got from GIPAA that the principal never did her 069 forms. Those things exist, but why don't the WHS unit and health and safety have compliance on the director or the principal? In 13 or 14 years, no compliance. I don't understand.

**The CHAIR:** Don't you think at a minimum the department should check with the principal that, "You've read the asbestos management plan in its entirety, and here is a half-day course where we're going to question your knowledge and fill in the gaps where you've missed things"? Then the department has a guarantee that every principal knows exactly what's in the asset management plan and knows their legal—not optional—responsibilities to administer that plan fully.

**SHANE STUBBS:** On the memorandum to principals in 2015—the updated policy—it says web classes were meant to be rolled out. Principals have to sign that they received that policy, sign they've attended the web classes and sign that they understand it. On 26 April this year, in the meeting where the 2016 covered-up asbestos test was revealed, I asked the question—all the principals knew about it. I was told by Haysam, who John referred to the hygienist hired by the department, oh no, he created the classes but he doesn't think they were ever rolled out. Then Andrew Hall, who was a team leader from the WHS unit, in that meeting at our school said, "Yes, that's correct. I can confirm they were never rolled out." I asked the question in that meeting, "Are you trying to tell me 2,200 school principals received that in 2015 and not a single one of them demanded to see these classes or sign for this document?"

**The CHAIR:** Yes, you're right. Asset management sent out a memorandum to all principals in 2015 wanting to know, "Have you received the policy?"; that there was a webinar that needed to be viewed; and that section 9 of the policy—the emergency response in particular—had been read and understood. There is no evidence at Castle Hill that anyone in the department followed up the memorandum that they themselves had sent out.

**SHANE STUBBS:** I'm aware that the department has no record of any principal signing for it or attending the web classes.

**The CHAIR:** Not just Castle Hill, but right around the State? No-one?

**SHANE STUBBS:** All schools.

**The CHAIR:** No-one signed that they'd received—

**SHANE STUBBS:** That's the information I have.

**The CHAIR:** —that they'd viewed the webinar and they understood section 9 in particular?

**SHANE STUBBS:** Yes.

**The CHAIR:** Do you know of any staff at Castle Hill high that have had any training in asbestos management?

**SHANE STUBBS:** No.

**JOHN CONNELL:** No. When I spoke to Andrew Mitchell, seeing as he's already been mentioned, he had zero awareness of the policy—and, unlike with Vicki, I really do believe that. I believe that she was aware of the policy even though she said to me that she'd never read it. I don't believe that; I'll never really know, probably. But he really did just have absolutely zero awareness of it and zero awareness of how it would all work and so on.

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He certainly hadn't been trained. The head of the WHS committee, and there'd been a number of them through the period of this, none of them have been trained.

**The Hon. ANTHONY D'ADAM:** The staff were made aware of the asbestos in 2020—is that correct?

**SHANE STUBBS:** Yes, on 11 May.

**The Hon. ANTHONY D'ADAM:** What measures were put in place once there was staff awareness that there was asbestos in the school? The fears that Mr Connell suggested were held by Ms Brewer about the impact on the school being terribly disruptive, did they come to pass? Were there major changes in terms of the operation of the school?

**JOHN CONNELL:** It coincided with COVID. Part of the reason why not that many people found out about this is they insisted on holding very small meetings. So instead of there being one big meeting which all staff were invited to, there were tiny little meetings, and a lot of people wouldn't go because they were worried about COVID. Because the school chose to remediate, not remove, the asbestos—so they've encapsulated it in the ceiling—the school wasn't closed for a long period of time. We were told that eventually they will remove the asbestos but at this stage it has just been remediated.

Vicki Brewer wouldn't have known that the response from the department would just be to remediate and allow the school to keep running. For instance, in 1993—I've spoken to people who worked at Beverly Hills Girls—they found asbestos at Beverly Hills Girls. The school was shut down, the students were all sent to different schools and the staff were all sent to different schools for the whole year while it was removed. So she would have imagined that that was going to happen, because that's what previously, before school numbers got so—because there's nowhere to send the kids at Castle Hill high anymore. All the surrounding schools are so full.

**The Hon. ANTHONY D'ADAM:** I suppose there are two suppositions here. One is that Ms Brewer and the deputy effectively conspired to keep a lid on the information that they had. The other is that she may have actually consulted the DEL and sought some advice—is that correct? Is there any evidence that the DEL had any knowledge at all that this was a problem at Castle Hill?

**SHANE STUBBS:** We don't have any information over the years of that. The only information I have in reference to the DEL, Joanne Marshall—the current one—is that this form 012 is mandatory by her to complete every year to check on the principal to see whether she has done her WHS plan, and she couldn't have done it because the principal has never done hers.

**The CHAIR:** What we do have—and I don't know, Shane and John, if this has come up in your GIPA documents—is a letter from the DEL, Joanne Marshall, dated 3 June 2020 to the community engagement manager in the Department of Education. This is someone who deals with different PR issues and community management at the education department. The DEL has been asked to respond to complaints by staff about the asbestos problem—in some part, your complaints—and the action she has taken is to accept the advice of Ms Brewer. The DEL has written here, as her official report back to the department, "The school's asbestos register had no record of asbestos in the ceiling so there was no alert that could be issued, and, furthermore, there was no knowledge of asbestos and no report of asbestos. This was confirmed by the asbestos register with no registering of asbestos in the ceiling." So I think from that letter it's clear that the DEL had no inclination to explore this any further than just accepting at face value whatever Vicki Brewer told her.

**SHANE STUBBS:** Thank you for reminding us of that. Can I elaborate on the letter?

**JOHN CONNELL:** Can I answer the question a bit more? I'd be shocked if Vicki told Joanne Marshall anything. As evidence of how much Vicki was against closing the school, thinking of COVID, one of the big issues we had was that she tried to get people to work, not following the COVID restrictions, to essentially keep the whole school going because she was so worried about it impacting the HSC results for 2020. She wanted all year 12 classes still going on, and she really fought and fought. A number of people told me about her screaming on the phone at Joanne Marshall because Joanne was trying to get her to close the school. But I'll let Shane speak—

**SHANE STUBBS:** Can I elaborate on that letter? Substantively, that letter was to me. I was the anonymous complainant.

**The CHAIR:** You were the complainant. Right.

**SHANE STUBBS:** On 29 May 2020, Jody Connor, the community engagement officer, came back to me after I made an anonymous complaint providing her evidence that there had been historical non-testing of asbestos. She said it had been handed to PES, then handed to Joanne Marshall. That letter that the Chair just read out is the letter that was sent to me by Jodie Connor on 4 June—the day after the letter was written. After that, to elaborate, up until it got back to PES from 4 June, on 25 June Joanne Marshall called an emergency meeting with

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me at Castle Hill High School and refused to tell me what it was about—completely out of the ordinary. I called John as the fed rep and he came and sat with me and minuted that meeting. In that meeting—

**JOHN CONNELL:** I didn't minute the meeting but I did every one after that because—

**SHANE STUBBS:** I know; we've got the minutes. Between 4 June and 25 June I asked Michelle Johns, the director of asset management about who's going to investigate this and then eventually it got back to Joanne Marshall. She called this emergency meeting because Michelle Johns had intercepted back to Joanne Marshall. I am at school; Joanne Marshall tries to prevent me from asking questions to Amanda Burgess, the director of the WHS unit and Michelle Johns from asset management. I just wanted investigations started—that's all I wanted. Joanne Marshall shut me down. She admitted on 25 June in that meeting with John and I at Castle Hill High School—this is three weeks after the letter you just read out—she's never read the asbestos management policy and she'd never seen the screenshots. She didn't know on 25 June that I was—

**JOHN CONNELL:** The screenshots that Shane had sent to her.

**SHANE STUBBS:** Yes.

**JOHN CONNELL:** She said she'd never opened them.

**SHANE STUBBS:** She said she'd never opened them.

**The CHAIR:** Your evidence is she has played absolutely zero role in any further investigation or inquiry about your complaints, and was basically just a mouthpiece—a parrot—for whatever the principal said?

**JOHN CONNELL:** She was trying to shut down the complaint. I will categorically say that my memory of that meeting is that she was trying to intimidate Shane out of complaining. He had sent her screenshots that anyone could look at and 20 minutes later you would just go, "Why is Vicki Brewer still the principal of this school?" People not only requested testing for asbestos, but they had said, "We've been told the test has been done and we haven't seen it."

**The CHAIR:** Why was she still the principal and how was the school still open? Those are the two questions that come out of this evidence very clearly.

**The Hon. ANTHONY D'ADAM:** From my perspective what's happened has happened. The Committee's role here is to look at what we can learn from the systemic failures that have occurred here. There's clearly a fundamental cultural problem, is there not? Instead of principals being incentivised to keep a wrap on issues that are brewing in schools, certainly it has been the experience of this Committee that there has been a high degree of reluctance from this department to open itself up to public scrutiny. I think in a lot of respects schools seem to be a bit of a black box. You do not really know and the principal seems to be the sort of choke point with regard to information flowing out of the school about what's going on. Do you think that's a fair assessment of what's happened here? Information needs to come out of the school via other parts of the department, whether it's the WHS unit or the asset management unit. The principal is too much of a choke point and has too much power with regard to what information flows out of the school.

**JOHN CONNELL:** Yes, 100 per cent. The systems are all designed as if the internet doesn't exist. There's no reason why they couldn't have things like open forms that multiple people look at, and things like that. The other cultural problem I would say—and as I said in my submission—is that classroom teachers such as myself and Shane are held to account for lots of things but directors and principals, apparently, from almost three years' of experience of dealing with PES, it's almost like they are untouchable. If somebody tells you they've committed a crime and then you don't do anything about it and you don't report it, you're classified as an accessory after the fact. Yet a whole bunch of directors were told about this, and even commonsense, even if they didn't know the asbestos management policy, they would just twig that people asked for testing.

What we understood then was that people asked for testing and it wasn't done. That's what I assumed happened. I thought of lots of permutations and combinations of what might have happened but until that 2016 sample was revealed to us I never thought of the concept that they had actually done a test and it had come back positive and then told us it was negative. But even just thinking that people had requested testing and that the testing hadn't been done, they should have reported that to PES, and PES should have investigated. And the other thing in terms of what needs to be able to happen, PES needs to, in situations like this—Vicki should have been put on administrative leave quickly and the investigation should have been wrapped up. In terms of figuring out exactly what happened, we'll probably never know. But in terms of knowing whether or not she should still be in the position of principal, they could have told that in 20 minutes—look at the screenshots, "Yes."

**The CHAIR:** How long did the PES inquiry take?

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**SHANE STUBBS:** I got it to them on 29 May 2020. We got a letter on 14 September that said they'd finished investigating Andrew Mitchell and Vicki Brewer but they haven't investigated anybody else.

**The Hon. COURTNEY HOUSSOS:** That's this year?

**SHANE STUBBS:** This year, yes.

**The Hon. COURTNEY HOUSSOS:** So it started in 2020—

**SHANE STUBBS:** I got it to them 29 May 2020.

**The Hon. COURTNEY HOUSSOS:** So it has taken 2½ years, basically?

**SHANE STUBBS:** It was 14 September.

**JOHN CONNELL:** They didn't start investigating it until late in 2020.

**The CHAIR:** Two and a half years, and it took them 16 months to go through the emails, didn't it, to find the positive test from 2016?

**SHANE STUBBS:** Yes, that was found in April 2022.

**JOHN CONNELL:** And I'll add that I'm not—

**The CHAIR:** Sorry, so, almost two years to find the email?

**JOHN CONNELL:** Yes. I'm not a huge conspiracy theorist, but they found that email right before a new principal started—not right before a retirement party or right before a retirement or anything like that. I mean, it's possible. And the other thing I'd complain about with PES is we had to deal with such an enormous number of different people that, yes—I won't list them all here, but it was just—

**The CHAIR:** Can you just elaborate on that? What do you mean you had to deal an enormous number of people? Don't they just allocate one investigator to get the matter concluded as quickly as possible and as accurately as possible?

**JOHN CONNELL:** No, they certainly don't. They didn't even make it clear to me—when I first was in contact with the first person at PES, I wasn't even aware that it wasn't being investigated. So I would get emails back saying things like, "Thank you very much, Mr John Connell. This is receiving a high priority." I just thought, "They're investigating. They've got all the evidence they need." Basically, I just thought, "What more do they need than the screenshots?" But, no, then it got put to another person. And then finally I got a call from Alex Snelling and an email, "Hello, Mr Connell. My name's Alex Snelling. We've decided to investigate your matter." And I'm just like, "What?" It had been with them for months.

**SHANE STUBBS:** That was October 2020.

**JOHN CONNELL:** Yes, and then we did our interview. And then, at the end of the year, when I realised this was just going to roll on forever and it was going to be, essentially, in my view, a cover-up, I sent her that email saying, "If I had have just replied all to Vicki Brewer's email with the WHS minutes, she would have to resign in shame. Can I do that?" "No, let the investigation speak for itself." Well, it didn't. Sorry, Mr Latham.

**The CHAIR:** Mr Connell, did you receive a letter from the head of PES, the executive director, Daryl Currie, on 20 May this year, essentially explaining away the length of the investigation, just saying it was frustrating for you and that there was so much information that had to be assessed? What was your response to that letter?

**JOHN CONNELL:** Yes. I haven't yet mentioned that I made a very large number of attempts to contact the education Minister, because to me this was such an obvious case and it didn't require this long investigation. I felt that she could basically just give us a half an hour meeting, we could show her the screenshots and she could say, "That's crazy." I constantly got the reply back from PES, when I would complain about the length of investigation, that "it's a complex matter" with lots of things that I wasn't aware of. If somebody asked for a summary of this, not that I talked about it—a summary would be, I feel kind of like we're in a poker match and we've just said "Okay, we're all in, show us your cards." Unsurprisingly, there don't seem to have been a whole lot of parts we weren't aware of. I do not understand how it can have taken them two—

**The CHAIR:** Okay. Yes, it's taken 2½ years and as of May of this year it was still such a lengthy and complex matter. Mr Stubbs, you've now received a letter from PES dated 14 September outlining the decisions that have been made about Brewer and Mitchell. How do we explain the fact that, in the space of a couple of months, all of a sudden, the complexity wasn't so complex anymore and they could actually get a finding in place?

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It is essentially the work of this Committee, isn't it, that with a bit of public exposure and committee scrutiny, all of a sudden, they got moving to finalise the investigation?

**SHANE STUBBS:** Without question, and I'll give you some evidence to back that up—an email from David Wright-Smith, the current director who's been allocated this particular role. I sent him an email in May of this year, May and June—a series of emails—stating, "You need to investigate why the WHS unit did not do any compliance checks and why Joanne Marshall didn't do any compliance checks. It contributed significantly." I also said the same thing about asset management who did building work after building work year after year. They were obligated to test prior to 2020 and they never did. He wrote back to me in an email in August sometime—this year, 2022—and said, "I'm not going to delay my investigation based on your speculation." I wrote back to him and said, "There's no speculation. What I'm saying to you is true, that we've never been trained on how to report hazardous material. If the director's at fault for that, then other people are as well." He's backing up what you just said. He wrote to me and said, "I'm not going to delay it; I'm going to finish my investigation." That's it.

**The CHAIR:** Now that they've got moving and they've made some findings last week, what's your assessment of a finding that the deputy principal under investigation rather than being sacked and never having a chance to do this again at another school has merely been demoted and transferred to a new school?

**SHANE STUBBS:** I've been there at least 15 years being exposed to asbestos, and the outcome of that is somebody gets to hold on to their job? I would put my hand up and walk if I'd done that. As far as the outcome to Mrs Brewer was concerned, I asked David Wright-Smith what the possible outcomes were before this outcome came to us and he said, "Things like a fine, things like never to be employed again." And I go, "Never to be employed again? She was never going to be employed again; she's a retired principal."

**JOHN CONNELL:** I'll answer that as well. That was the outcome I predicted for him. I know there is a shortage of teachers, and in my conversation with him I detected a very small level of intent and virtually zero understanding of asbestos policy. But I'll add in terms of PES, part of the reason why I agreed to appear publicly in Parliament is they released our unredacted interview statements. So I said to Shane, "All the people who are going to take Vicki and Andrew's side, they're going to know it was us anyway. We may as well—"

**The CHAIR:** So you might as well be here.

**JOHN CONNELL:** Yes—speak publicly.

**Ms ABIGAIL BOYD:** Mr Connell, you said that you were a federation rep. Do you think the union would have benefited from stronger right-of-entry powers to sort of go in and have a look at those documents years ago when these issues were first raised?

**JOHN CONNELL:** Probably, and I wasn't—

**The CHAIR:** What role did the union play as well?

**Ms ABIGAIL BOYD:** Yes.

**The CHAIR:** You're their rep. What did they do to back you?

**JOHN CONNELL:** I was incredibly active, hence why it's here, and the fact that the way the SafeWork legislation works means that because I was the union rep and I called for service from them, that suddenly escalated it to a higher priority. That was incredibly important. I was given some support and advice by the union.

**The CHAIR:** Did the union ever seek to come and inspect the school and make their own judgment, the union delegate?

**JOHN CONNELL:** It happened during COVID.

**The CHAIR:** Union official rather. It happened during COVID. Right.

**JOHN CONNELL:** It happened during COVID so it was very hard for different people to come out. They were very focused on the remediation and that the school was made safe. At the moment, they're also focused on the psychological impact on staff. Something that hasn't yet come up, for instance, in terms of the psychological impact is that during the last Christmas holidays they did baseline testing before doing a renovation and in that baseline testing where they do air monitoring before they begin doing any renovations, they discovered abnormally high levels of asbestos in the air in the book room adjacent to what is the new HSIE staffroom, because our staffroom moved to accommodate more staff. And so once again we had all these meetings of, "There's asbestos." This time though they were like, "It's a new kind of asbestos. We've got no idea where it came from," and so on. But I said to them, "Okay, that's all true, but back in 2020 in the first meeting we said we want all the parts of the school that might have asbestos to have more air monitoring and a deep clean, so clearly you never did that," and they had no answer to that. Did I answer your question? What was your question?



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**Ms ABIGAIL BOYD:** The union is pretty limited at the moment—

**JOHN CONNELL:** Yes.

**Ms ABIGAIL BOYD:** —about what it can and can't do. But if it had those stronger powers, where it could come in and actually investigate by looking at the documents, do you think that that could have helped escalate this issue many years ago?

**JOHN CONNELL:** Yes, for sure. My personal view is that there are increasingly large numbers of things that are brought in to hamper unions, so anything that allowed them to do more stuff would be better, including the right to strike and go on and on and on.

**The Hon. COURTNEY HOUSSOS:** You said that you contacted the Minister's office. When did you do that, Mr Connell?

**JOHN CONNELL:** I don't have the records in front of me, but the first time I attempted to contact the Minister for education was the Saturday before 13 August 2020. I remember it vividly because Shane and I were talking about it. We had got it to SafeWork NSW and we had got it to PES. Nothing seemed to be happening. We were both frustrated. Because I was the union rep and I had contacted the Minister and other people a number of times about, essentially, the standard union things—more pay and better conditions—I said, "It's really easy to contact the Minister. You just go onto your phone." I said, "I'll do it right now." So I went onto my phone and clicked on the link. I said, "WHS issues at Castle Hill High School, criminal negligence and so on. Myself and Shane Stubbs would like a meeting with you." That got referred to Joanne—

**The Hon. COURTNEY HOUSSOS:** So you contacted the Minister's office.

**JOHN CONNELL:** Via email.

**The Hon. COURTNEY HOUSSOS:** You said you were concerned about criminal negligence that was occurring in relation to work health and safety issues at Castle Hill High School.

**JOHN CONNELL:** That's my memory of the subject header.

**The Hon. COURTNEY HOUSSOS:** What response did you get back from the Minister's office?

**JOHN CONNELL:** It was referred to Joanne Marshall. I put this in my submission.

**The Hon. COURTNEY HOUSSOS:** Sorry, Joanne Marshall is?

**JOHN CONNELL:** She is the director. She sits above.

**The Hon. COURTNEY HOUSSOS:** The DEL, the director of education.

**SHANE STUBBS:** The DEL for the Hills Network.

**JOHN CONNELL:** She called me on my personal mobile phone on Wednesday morning, so not on my work phone. Her offer was she said, "Why don't I have a meeting with you and find out what your concerns are?" I said, "I can tell you my concerns." She said, "What are they?" I said, "Vicki Brewer has breached the asbestos policy. She's lying, she's bullying people and she needs to be sacked." She said, "That sounds very serious. Would you like to have a meeting to explain it to me?" I said, "Shane and I have already had a meeting with you. You've already been sent the screenshots and you said there was nothing to see there." She said, "You're making quite serious accusations about Mrs Brewer." I said, "Well, they're all true." She then turned that conversation into a complaint.

Then, the next morning, Thursday morning, I went to the wrong spot to go to our meetings. Vicki Brewer found me and we had this very strange conversation where she said, "What's happening?" I explained that people are going to SafeWork NSW. She said, "It's Shane Stubbs and Caroline Quee, isn't it? They're trying to tear down the school. They're trying to destroy me." Anyway, it went on and on. I recorded it and gave the whole conversation to PES on the Friday. Then I get home that night and in my private email I find that Joanne Marshall has turned my conversation with her on the Wednesday into a formal complaint and that she's the one who's going to be deciding on the formal complaint. Given that I already had experience of her looking into this and finding nothing to see here, and given that I already knew of her track record of supporting Vicki, I just went, "Okay, I think I can see how that complaint will be decided on."

Once the 2016 sample came out I made heaps of attempts to contact the Minister as well, again and again and again, because I am like, "This is crazy." I will admit that before the 2016 sample came out I had gone, "Okay, PES takes forever. They're not going to do much, but whatever. Vicki is retired and it's all in the past." But when that 2016 sample came out, for me I thought it was crazy that they had been asked to test and they had never

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tested. I could forgive that, but the idea that they had done a test and it had come back positive—okay, there's a tiny chance that the only person who knew was that GA, but it's tiny.

The deputy principal is in touch with the GA every day. Vicki Brewer, as I have already said, was a massively hardworking and conscientious principal. She was on top of everything. She knew everything. She worked through most weekends. The chance that she didn't know, I just don't believe it. Also, why didn't they go through the correct process? Why did they design a system where there was this person, the GA, who they could keep it firewalled with him. Nobody else could ever find out. Why wouldn't they just ring the asset management unit and say, "We're concerned that there might be asbestos," and so on?

**The CHAIR:** Can I ask you further, in the area of moving things along a bit faster because we're doing this inquiry, Mr Stubbs, have you had contact from the education department last week offering up some form of independent inquiry that they will fund through a Sydney lawyer?

**SHANE STUBBS:** Yes. I decided to reach out to Christopher Lamb, the acting deputy secretary. He agreed to have a Zoom meeting with John and me. He held that Zoom meeting. At the opening of that Zoom meeting with John and I, he offered to get an independent law firm to investigate. His exact words were, and it shocked John and I at the start of the meeting because we hadn't had much of a conversation with him—just one email. He said, "PES can't investigate themselves, asset management can't investigate themselves and health and safety can't investigate themselves." That was 21 August that he told us that in an email.

Last week, after me contacting him via a phone call—he didn't answer—and then a text message, he finally got back in an email and said an independent law firm had been appointed to look at a preliminary inquiry into a letter. The reason I contacted him was that Georgina Harrison, the secretary, had written a letter to the Teachers Federation on 8 June 2022 outlining the department's summary of what had happened in this instance. I had got hold of that letter from the documents, and that letter was predominantly about John and I and our efforts. It was false, misleading and inaccurate and missing critical information. His law firm, at the moment, he said in an email, has been appointed to look at my dispute of the secretary's letter to the secretary of the federation.

**The CHAIR:** It is all five years too late, isn't it?

**SHANE STUBBS:** Exactly—six.

**The CHAIR:** Was there an asbestos incident at the school last week?

**SHANE STUBBS:** On Monday 12 September, last week, a person came into the HSIE staffroom again and was putting up some cabinets and drilling holes in the wall. A staff member who had been involved in this whole process contacted SafeWork NSW deeply concerned that would lead to asbestos exposure pathways because the walls lead into ceilings and fibres could come down. SafeWork NSW, in response—Inspector Steve Nikolovski, who we've been in very close contact with throughout, sent an emergency response to get Michelle Johns, the director, and also Haysam, the hygienist, out to the school on 13 September 2022 to patch up the wall and get it closed. Then Steve Nikolovski had driven from Wollongong to Sydney on 14 September to have an emergency meeting with the new principal, Georgina Fleming—who has been doing such a good job trying to help us out here—Michelle Johns and Haysam. Michelle Johns is the director of asset management.

I had a phone call with Inspector Nikolovski on 14 September while he was on the way to our school. He was visibly frustrated with the ongoing concerns here and what's going on at our school. I said to him, "Given that this is your response to some holes being drilled in a wall, why are we still open as a school?" I ran a 10-second scenario. What happens if a kid in the woodwork room upstairs gets a piece of wood and accidentally knocks a hole in there—that's a busy woodwork room—the teacher doesn't see the hole and it's there for six months? This is the statement I made to him, and he agrees with me. Are we meant to be the guardrails of our own protection against asbestos risk? He said, "No." I said, "That's what we've got right now." I said that it's completely absurd that we're in that position last week, despite this brand-new principal giving her best efforts.

**JOHN CONNELL:** I suggested that they could stencil onto all of the walls and ceilings that are affected "Caution: asbestos behind the wall". Shane said that was ridiculous.

**The CHAIR:** Can I just ask on that—it's something that we haven't touched on—over the years, has renovation of these spaces been common? Walls are ripped down and replaced in the normal upgrading or attempt to upgrade schools, and workmen are in and out—there has been no stoppage of that kind of activity?

**SHANE STUBBS:** No.

**JOHN CONNELL:** Since 2020—actually, that's not entirely true. It was only because people complained to SafeWork NSW about the renovations of the HSIE staffroom that were occurring in the last

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Christmas holidays that that was done properly. They did the baseline testing. But before 2020 there were heaps of works done.

**SHANE STUBBS:** I have lived through all those works, and so many of them would have created exposure pathways to asbestos. My question to—I wrote to Anthony Manning on 6 September 2022, 12 September 2022, and I said, "Why did your department never test for asbestos prior to 2020? I've got a list of over 20 building works that have been done that I've lived through and a lot of those would have created exposure pathways." His answer was, "Mr Latham asked that on 23 August 2022 at this meeting and we are providing today"—19 September—"a list of building works that have been completed." I wrote back to him and said, "That's not the question I asked you. I asked you, 'Why haven't you tested?'" I copied clause 422 of the health and safety regulation that said, "If you don't know there is asbestos in a closed-off area, you have to assume positive." That's what the legislation says. He has refused to write back to me and answer that question.

**The Hon. COURTNEY HOUSSOS:** Mr Connell and Mr Stubbs, you have both contacted people within the department, you have both tried to escalate this multiple times. Mr Connell, you said you have contacted the Minister's office heaps of times. Perhaps on notice you can consult your records and see how many times you've raised that. Is that okay?

**JOHN CONNELL:** I did do it lots of times and I mostly did it from my phone and I didn't always get an email reply. But even of the email replies I got saying, "Thank you for contacting the Minister's office," there were probably six. There was a period of time at the end of 2020—when I was frustrated and I could see PES was just going to string this out and let Vicki retire—when I contacted the Minister a lot, and then again after 2016 when I was told about the sample and I pretty understandably had a huge reaction of, "What the hell is going on?" The other thing that really annoyed me about the sample is all PES had to do to find that sample, which they were told about straightaway in the first interview that Shane and I did with them, all they had to do is go, as far as I can understand it, "recreate inbox"—and they knew who the guy was—search term "asbestos", surely, and they knew what year. I just can't believe that if they were doing a sincere investigation, that took that length of time, and it coincided so perfectly with everyone retiring and so on.

Because to be absolutely clear, without this parliamentary investigation, that would just be it—it just would've been a retirement. I try not to be a vindictive person, but I don't see how that's a just outcome. When you do something with the potential consequences—and I know because asbestos has a 20-year latency, we won't know. Hopefully the consequences will be virtually nothing, but the potential consequences are really catastrophic and crazy. For a lot of people, like the tradespeople who did all the building works that Mr Latham just asked about, I would think that the consequences for some of them probably will be bad and it will probably be quite hard for them to prove that it was that one day they were at Castle Hill High School ripping down a ceiling that gave them mesothelioma. I have asked the Department of Education about what they have done to contact those people, and they said they did, but they haven't show me any evidence of it and I don't think they have really taken any steps to do that, as far as I can gather.

**The CHAIR:** We have gone over time, so we will probably have to wrap up at that point. John and Shane, thank you very much not just for the information you provided, but for the courage in being here in the first place.

**The Hon. COURTNEY HOUSSOS:** Absolutely.

**The CHAIR:** You've played a vital role all along. We wouldn't be having the hearing if it wasn't for your efforts over many years.

**The Hon. COURTNEY HOUSSOS:** Just one final question. If both of you can, on notice, for the times you tried contacting either the Minister's office or the department, Mr Manning and the like—if you can just provide that to us on notice, that would be really helpful.

**SHANE STUBBS:** Sure.

**JOHN CONNELL:** Yes.

**The CHAIR:** Thanks so much for what you've done.

**The Hon. COURTNEY HOUSSOS:** Thank you so much.

**The CHAIR:** We've got to move on now to the three parents who will be part of the hearing. Thank you.

**(The witnesses withdrew.)**

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**Ms RAQUEL HENSON**, Parent, Castle Hill High School, before the Committee via videoconference, affirmed and examined

**Mr ALDRIN MENDONCA**, Parent, Castle Hill High School, before the Committee via videoconference, affirmed and examined

**Ms ELIZABETH MADDERS**, Parent, Castle Hill High School, before the Committee via videoconference, sworn and examined

**The CHAIR:** Thanks for your attendance as parents at Castle Hill High School. I hope you've been able to listen to the earlier evidence of the two teachers and the material we have covered. It's very important to hear from parents, as the guardians/custodians of the student population. It's available to one or all of you to make an opening statement, if you wanted to, to the Committee.

**ALDRIN MENDONCA:** Raquel, you go first.

**RAQUEL HENSON:** You go first, Aldrin. That's fine.

**ALDRIN MENDONCA:** My opening statement, I'm a parent of three kids. My oldest child is 23 years old but, yes, I've got two children in the school—one in year 7 and year 9, as I mentioned earlier. I did get some actual information through the Parliament sometime of a few weeks ago, so it's barely three weeks that I was able to digest all this information and come up with a submission. But my biggest concerns have been presented this morning. Just keep in mind we've got 2,200 students walking through that building, plus 200 teachers walking through that building, every day for the last couple of years, and something needs to be done.

**The CHAIR:** Thank you. Elizabeth or Raquel, did you want to make an opening statement?

**RAQUEL HENSON:** Yes. Thank you. I will. My name's Raquel, as you know. I have one son in year 7. We are new to the school. I would just like to start by saying how I am a bit disappointed in the lack of communication, which has been brought forward, about the risks that are posed to our children. Again, like Aldrin, I had to dig through information to find out that the amount of asbestos that is actually friable in the school is actually quite shocking. The fact that there is lack of signage in the school, which poses a great risk to people who are coming onto site and actually disturbing asbestos and putting children, and staff, at risk—this is unacceptable for the health and wellbeing of our children. As taxpayers, we deserve to have much better safety provided for our children. There should not be any risk like this becoming available to our children at all. We put our trust in the community and the Government and the people who help us in the community and our local members to make sure that everything is kept safe, and we expect nothing but that. The fact of the matter is that the asbestos does need to be removed and the children need to be kept safe.

**The CHAIR:** That's right, Raquel. I have got to say that, going through the documents and looking at the scale of recklessness and negligence, I felt desperately sorry for parents who'd been kept in the dark, because you at least had a right to know the sort of environment in which you were sending your children every day—the same with every parent at the school and, of course, the staff. Elizabeth, opening statement, please?

**ELIZABETH MADDERS:** Yes. My name's Elizabeth Madders, and I'm the parent of three children, who have all had their entire careers at Castle Hill High School. My youngest actually graduates this week with the HSC. There's a famous Midnight Oil song that many of you may know, called *Blue Sky Mine*, which is about a Western Australian mine that was shut down due to asbestos. The chorus lyrics are famous, and it goes, "Who's going to save me?" I would like to begin by thanking the Hon. Mark Latham and Ray Williams for championing this cause on our behalf. As parents, we feel that you are going to save us, our students and our teachers. Basically, we have lost all faith in the school, the Department of Education and School Infrastructure.

We are hoping that this parliamentary hearing brings out the truth, given that parents have been asked to accept the unacceptable. We have been dealt a piecemeal or bandaid approach to asbestos findings, remediation and communication. I know some parents who are not sleeping due to this issue and I know children who have been in tears. Parents send their kids to school and wonder, "Is today the day that they are going to breathe deadly friable asbestos into their lungs that may well in fact shorten their life span in 25 years' time?"

One issue from my submission that I would like to highlight is the August refusal of the Castle Hill High School P&C to allow a group of concerned parents to form an asbestos subcommittee. I would like it noted for the record that the president of the P&C has recently secured the job of business manager at Castle Hill High School and in her new job she will be responsible for work health and safety. This is the same person who said no to our proposed committee. I will let you join your own dots, but there seems to be a culture at Castle Hill High School of divide and conquer, like what happened earlier this year with the HSIE teachers when they were

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segregated because they were the ones that were speaking out the loudest about the problem at the school. They were segregated from the whole department.

I just have five brief recommendations. Number one is that a traditional inquiry into asbestos in New South Wales schools needs to be instituted. If this can happen at the largest school in the State, it can happen anywhere. Number two, as Ray Williams already has called for, we need an independent hygienist investigation. I am not making any allegations that data manipulation has occurred, but of course we all know it can happen. Flow rates can be turned up and down, there can be shorter sampling times in terms of the length of the time, and transporting of the membranes can be an issue. It just makes sense to get a second opinion.

The Department of Education investigation that is going on—we have no idea how long it is going to be going on for or whether or not it will be made public. We need to be given a time for completion. Parents need to know the answers, as do students and teachers. Parents need the truth about what happened, particularly between 2016 and 2020 and, indeed, the latter years as well. We have received very little communication at all. There is a wall of silence. We need full disclosure and also the teachers, students, volunteers, admin staff and even down to the cleaners who vacuumed the carpet that was riddled with asbestos, going back a decade. Everyone needs to be told by the department exactly what has gone on. Air monitoring is being done in a rudimentary way where the problem is. Like the bandaid solution, they put the air monitor. We deserve to have air monitors throughout the entire school. They are my five recommendations. Thank you for hearing from us today.

**The CHAIR:** Thank you, Elizabeth. This is Mark Latham. I will start with questions for Elizabeth and Aldrin, who have been at the school for a good length of time. What communications have you received about the asbestos issue from the school and is it true that your main knowledge about this has come from the media and the controversies that have blown up in the past six months?

**ELIZABETH MADDERS:** Do you want me to start, Aldrin? I have some documents in front of me. Or did you want to start?

**ALDRIN MENDONCA:** Answering your question, Mark, in regard to the communication, yes, the principal is very prompt in telling us that there is an ongoing investigation. The department takes the safety of our children very safe. But there is no communication saying that, yes, wipe testing was done and asbestos was found. Never, never, never. As my colleague Elizabeth mentioned, yes, we had a P&C meeting on 18 August—I may have got the date wrong. But at the August P&C meeting there were three guest speakers and Joanne Marshall was one of them. At the start of the P&C meeting we were very clearly told, "Each guest visitor will have five minutes but, excuse me, parents, you are not supposed to ask any questions. All questions have to be emailed to the north campus." That's it. That was seriously very disappointing. But, yes, when it comes to communication, I don't think the facts have been mentioned in the newsletter of where asbestos was found, what was the level and where are the air filters. Nothing.

**The CHAIR:** When was the first mention of asbestos in the newsletter?

**ALDRIN MENDONCA:** To be honest with you, this came to the surface or probably came to my attention was only about two months ago when I started reading the newsletter because as these letters come into your inbox, many parents, seriously, just take that on gospel too, saying that investigation is ongoing. But when we dug into the papers and the documentation from Parliament three weeks ago, there is so much evidence to show that block A, B, C, D and E in the ceiling walls have got asbestos, and communication is going back and forwards from people in authority saying, "Are we in for any nasty surprises? Or should I put this on GIPAA? Or should we have a verbal communication?"

There are so many attachments and photos, which I think should be made public and the truth has to come out. Everybody in this community, every parent, every authority in the Department of Education has a simple duty of care: Two thousand and two hundred students walk into that building every day and in my submission you will see a student spends roughly 1,400 hours in Castle Hill High per year. There is no such thing as a safe level of asbestos and the testing going on at the moment by the hygienist company—I am sorry, I do not trust them.

**The CHAIR:** Elizabeth, which documents have you got?

**ELIZABETH MADDERS:** I've got all the school documentation in front of me. The very first letter or email that we got was Wednesday 13 May from the former principal when—

**The Hon. COURTNEY HOUSSOS:** What year?

**The CHAIR:** Which year is that?

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**ELIZABETH MADDERS:** Sorry, I tell a lie; we did actually get a notification on 6 May. It was one of those department works notification, and then clearly it must have been that many parents complained and emailed the school, so then the principal's—

**The Hon. COURTNEY HOUSSOS:** Sorry, Elizabeth, what year?

**The CHAIR:** Which year, sorry? Elizabeth, which year?

**ELIZABETH MADDERS:** —clarified on 13 May that, and I'll just quote a couple of paragraphs, a couple of sentences, "Please note there is no danger. The asbestos has not been touched in the remediation process. Instead the perforated ceilings will be sealed." Then down again in bold, "I want to reassure you again that no-one is in danger." That was the very first email to my recollection that, that—

**The CHAIR:** And which year was that?

**ELIZABETH MADDERS:** And I went back through all my emails to dig them out.

**The CHAIR:** Which year is that, please?

**ELIZABETH MADDERS:** That was 2020, Wednesday 13 May 2020, 10.08 a.m.

**The CHAIR:** From Vicki Brewer?

**ELIZABETH MADDERS:** That was from Vicki Brewer, yes. The next one was 15 June, also from Vicki Brewer and at that point in time she says, "Whilst I recently sent information via email and included articles in the last two Drawbridge publications"—I don't actually have those dates—"I feel you need to know the state of play currently." And then she just goes on to say, "A routine audit of Infrastructure NSW of a school of our vintage has found ..." asbestos, basically. Then the very last line is, "We are pleased and relieved, as I'm sure you must be." Basically, there was no cause for concern. I had no reason to doubt her. As a teacher said, she has done a great job at the school, it's a popular school and so I just thought, okay, it's been—obviously we knew in a 60-year-old school there would be asbestos but we just thought, "Okay, it's been found. It's safe. End of story", until the media articles came out this year.

**The CHAIR:** Elizabeth, were you at the meeting on 18 August this year with Joanne Marshall? What was the purpose of the meeting if parents couldn't ask questions?

**ELIZABETH MADDERS:** I actually put asbestos on the agenda at the P&C in July. I was the first parent to do so. I put it on the agenda again in August. Basically, what happened in the August meeting was that we were told at very short notice that we were having—School Infrastructure people were coming. Joanne Marshall and also the hygienist that comes to the school—those three were being guest speakers. It wasn't actually advertised to the entire school community, which to me is just absolutely ridiculous when you've got hundreds of parents that are asking and want answers. It was advertised to this small group of people that we formed this committee, or parent group, and I think it was done to shut the six of us down. As Aldrin said, we weren't able to ask questions or even speak directly; we just had to email these people later on asking further questions.

**The CHAIR:** When you mentioned that the P&C had refused to set up an asbestos subcommittee, and you have said the president apparently has gone on to be the business manager at the school, was that decision not to have the subcommittee supported by the principal?

**ELIZABETH MADDERS:** I think so. I mean, I've got no way of knowing. But I don't know who brought these outside guest speakers in. I don't know whether—I'm assuming it was the principal. We were just told that it wasn't in the P&C by-laws but, mind you, we weren't given P&C by-laws. The funny thing is I've been on P&C since about 2013 and I actually led another committee to do with safety on P&C with the three prior P&C presidents prior to this particular current one and it was a safety committee as well. But we were just told it wasn't in the by-laws and end of story. We were just shut down.

We were told proper process wasn't followed to bring the committee about. I've got an email that I sent to the president and also the secretary on 10 August basically giving them the heads-up that this proposed group of parents would like to form a committee. We didn't just dump it on them on that night. They knew about it. I guess that's why they were prepared with all their by-law answers and things like that and they've just shut us down. I only found out about her new job appointment just Friday past. It's been formally announced to all the teachers. It's not been announced to the parent body yet, but the teachers all know it.

**The Hon. ANTHONY D'ADAM:** I'm interested in this issue around the communication of the school with the P&C versus the school community. It's always struck me as odd that, when it's convenient for the school leadership, they work through a small group in the P&C but, when they want to communicate more broadly, they've got the access to communicate directly to all the parents at a school. I suppose I'm concerned about some

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of the suggestions that you've made about how the P&C is operating at Castle Hill. In terms of the way school consultation with parents is supposed to work, the P&C is the main avenue. But it seems that they can often be captured by the leadership of the school and manipulated. Do you think that's your experience of the P&C at Castle Hill?

**ELIZABETH MADDERS:** Not under the three prior P&C presidents. To be honest, I can't really speak about this particular current president. I've only just turned up to the July meeting and the August meeting, so I've not really been privy to everything she's done—this particular person—since she began. But it just struck me as odd on Friday when I found out about her appointment. Part of the P&C charter—yes, they're to provide nice playgrounds for children and all that type of thing. But the other issue, if you look under the P&C rules—it's for the welfare of children.

I'd just like to know—as a parent group we were made out to be some radical group that was doing something wrong, but effectively we were just talking to everybody about basically representing the whole parent group. Because most of the parents—the issue is they do not know that there is a problem. All they know is these school newsletters that've said how it's all been remediated and it's safe. I didn't actually know myself until the July P&C meeting about the *Hansard* record and that's what parents need to know. They don't know that their children have been exposed to asbestos between 2016 and 2020. They're in the dark. The parents are just completely in the dark, which is just disgraceful.

**The Hon. ANTHONY D'ADAM:** I've had some dealings with another P&C at a school where they had asbestos buried in their oval. One of the proposals that they sought to pursue was to have parent representation on the work health and safety committee. What do you think about that as a mechanism for improving communication with parents on safety issues in schools?

**ELIZABETH MADDERS:** Yes, absolutely, I think that would be a great step forward.

**RAQUEL HENSON:** I just wanted to follow up with what Liz has said. Also, it's not just from 2016 to 2020; this is current as well. I wouldn't be here as a new parent if I wasn't concerned now. Because, for me, I feel for everything that's happened in the past, but I'm thinking now we're going forward as well. We're concerned about the fact that things have been removed this year such as the carpets that were removed that also had asbestos reported as present on them. There were also the maintenance people that went into the school and did repairs on the ceiling, without proper precautions, and disturbing asbestos. This all happened this year. So it's not just the previous years. It's a collective thing, plus what's happening now. That's the concern, and that's why it's really important, as a parent, that this gets dealt with now and the asbestos is removed because this is just an accident waiting to happen. The amount of friable asbestos on the campus is unacceptable. It's not acceptable to be sending our children to somewhere where any day they could be at risk again. It's just not right.

**The CHAIR:** What information is available to the parent body at the moment regarding the air-quality testing that's undertaken at the school—the monitoring of asbestos dust and fibre levels in the air? Aldrin?

**ALDRIN MENDONCA:** Yes, I'll answer that, Mr Latham. There's no information. The parents have got no access to information of air-monitoring reports. Anybody who wants information, of course, goes to the Parliament House and gets the information. I did write to the principal once, but I think that email didn't go through, which is fine. Let me say this. The P&C meeting, the last one we are talking about in August—it was a great effort and a great step to bring those three visitors on, but to mute us, I think, just explains why we were not allowed to ask questions. The chain of events right from 2016—my boy, who is now in year 9, entered the school only around 2018. But, yes, as Raquel said, events are going on now, as we speak. Everybody in authority, right from the Department of Education to asset management or even the hygienist, have all got bandaid solutions, which is not acceptable. That is why part of my recommendation is to appoint an external hygienist, completely from outside, to do a full clean—another clean—to identify what's happening and which rooms need the air monitoring.

**The CHAIR:** So, Aldrin, your evidence is that, as a parent, the only way you found out information about the air-testing results is through the parliamentary call for papers, the SO52? You don't receive any—

**ALDRIN MENDONCA:** Absolutely.

**The CHAIR:** Here's a school that has sufficient concern about the safety issues to test the air and to be testing the air on a regular basis and not report any of those findings to parents.

**ALDRIN MENDONCA:** There's nothing. I can assure you—prove me if I'm wrong—parents are not told that there are 10 monitors, the air level is "so and so" and it is 0.01 per millijoule. Parents—that is not there in the information. Let me say this. There is no safe level of asbestos. The science around the world—0.01, the hygienist just keeps saying every time that is a safe level. No, I'm sorry, there is no such safe level.

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**The CHAIR:** Elizabeth, is that right at the P&C as well? You don't get reports on the air-testing results?

**ELIZABETH MADDERS:** Correct. Aldrin is correct. We may have been told—I'd have to confirm and go back through. I think we got about 10 letters from the school. I don't even think we've been given any figures at all. I have read figures, but I think it's in the parliamentary freedom of information boxes that I got those figures from. I have to confirm that, so I'll take that on notice and get back to confirm for sure, because I've got those 10 documents here but, obviously, I can't go right through them all now.

**The CHAIR:** Other questions?

**The Hon. ANTHONY D'ADAM:** Is school safety a routine issue that gets discussed at P&Cs? I am interested, not just on the asbestos issue, in whether safety issues and the safe environment are standing items for discussion at P&Cs? Is that a rare thing that safety comes up? Elizabeth, you might have been on the P&C for some years. Before this came to public attention, was safety ever discussed at the P&C?

**ELIZABETH MADDERS:** It does come up from time to time. Obviously, an old school, they might be talking about degraded floors in the canteen area or railings that are perhaps not so good for the students to go upstairs and so forth. So it does come up from time to time, mention of it.

**The Hon. ANTHONY D'ADAM:** What about student welfare? Is that part of the safety discussion as well? Are there broader discussions around student welfare?

**ELIZABETH MADDERS:** To be honest, it's been a few—I was on P&C basically from 2013 to perhaps about maybe 2015 or 2016. I haven't actually been on there the last few years, so I'm not quite sure what's happened in the last few years.

**The CHAIR:** Aldrin?

**ALDRIN MENDONCA:** The answer is yes. Other children's safety and welfare issues are always discussed—the condition of the soil on the north oval—and, of course, those issues are tackled and managed effectively. But I think, when it comes to the asbestos issue—as far as I recall the P&C meeting in July, parents did bring it up, and there was a 45-minute discussion of the asbestos issue. It got so serious during that P&C meeting. Yes, the answer is they do discuss children's welfare and safety in every aspect. But the July meeting, as far as I recall it, actually sparked the whole discussion back again.

That is why that resulted in the August meeting coming up with the three people from Infrastructure NSW—sorry, the three visitors who attended the meeting in August. Yes, the school is concerned about children's safety. There is no doubt. But when it comes to this issue, I am sorry, I think there is something under the carpet which they are not letting it out. If this was a private organisation—it has asbestos in the walls in almost every block—I am sorry, I think the business would have been shut down.

**The CHAIR:** Just in terms of communication with the parents on this issue, have you noticed any difference between the current principal and her predecessor?

**ALDRIN MENDONCA:** I did not interact much with P&C prior to 2020. I started interacting with P&C and reading newsletters only somewhere around January 2022.

**ELIZABETH MADDERS:** Aldrin, if you recall—at the last P&C meeting, Aldrin actually said to the current principal, "So are you going to be updating us regularly as to what happens with asbestos?" We were told no, that's not what would be happening. Basically, the current principal will only give us updates when they come from the department. She won't send any other updates. I don't blame her; I wouldn't either. I mean, she's walked into this mess. Basically, the department, whether it is the legal department for the Department of Education or their legal advisers, I guess, are drip feeding them what to say and it comes down to the principal and then it gets broadcast to the parents—very technical language.

**ALDRIN MENDONCA:** Sorry, I just recalled the June 2022 newsletter from the principal does mention 0.01 millijoules per litre of asbestos in terms of the A levels. Yes, communication is coming through from the principal but, I am sorry, there is a lot more with that count of 0.01. Now, the science very clearly proves—and I am saying this again and again. The hygienist may say this is a safe level. I am sorry, there is no such thing as a safe level with asbestos.

**The CHAIR:** That's right. SafeWork NSW have said that in some of their documentation. There's no safe level at this school.

**ALDRIN MENDONCA:** Again, it is the consistency. Our children are walking into that building and spending 1,400 hours per year under a void which has proven to have asbestos. In my submission—

**The CHAIR:** As a parent, it is horrifying. What alternatives have you got?



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**ALDRIN MENDONCA:** I seriously don't have alternatives because I am a single parent. Mum lives in Baulkham Hills, so she is outside the catchment. I have got two boys in there who are—I am renting in Castle Hill. I have no alternatives—I don't.

**ELIZABETH MADDERS:** There is no alternative, because years ago when I went to school—I went to Crestwood High School—Baulkham Hills High School was a public high school. I don't know what year it turned selective, but nobody has ever replaced Baulkham Hills High School. There is a real gap in the whole Hills. We definitely need another public high school. I mean, all the privates are full. We do have excellent, excellent public education in the Hills, but everybody is full.

**The Hon. COURTNEY HOUSSOS:** Can I very much thank you for your strength and for your advocacy. We have been really shocked—I should just speak for myself. I have been incredibly shocked by what we have heard this morning. We just want to say thank you very, very much for what you are doing on behalf of your children and on behalf of the school community. This is such an important issue. We heard from the teachers previously. They had tried to raise concerns through the school and through the regular avenues and, in desperation, reached out to the Minister and to other parts of the department. Have you, either individually or as a P&C, sought to reach out to the Minister or to other parts of the department to get answers?

**ALDRIN MENDONCA:** No, the answer to that is I haven't made any attempts because I thought to myself, "Let me dig deep and visit Parliament and look into those documentations." As mentioned, I had just three weeks to prepare myself for this and to prepare myself for the submission. I am going through about five boxes of documentation between departments over the last five years. There has been a ton of information. I am sorry to say this, but I'm surprised the Hon. Sarah Mitchell is not here at this meeting. I'm surprised and I'm disappointed.

**The Hon. WES FANG:** Point of order: Just a point of order and clarification, Chair. Obviously the witness may not be aware, but as a Minister the Hon. Sarah Mitchell is not a member of the Committee. The Committee is a committee made up of Legislative Council members who are not Ministers. It's not any disrespect by the Minister not being here. It is actually just appropriate and due process. I thought I would make that clarification to the witness.

**The CHAIR:** Yes, that's right. But we get to question the Minister when the Parliament sits, which happens tomorrow and Wednesday this week. Elizabeth?

**ELIZABETH MADDERS:** I just wanted to say that at the back of my submission I've got a draft letter that was done in consultation with some of these concerned parents. It actually hasn't yet been sent to the Minister. There are about 40-odd questions that we're asking that we want clarity given to.

**The CHAIR:** I hope you get an answer to them. It's been a long, drawn-out, disgraceful saga, I've got to say. I can only on behalf of the Committee wish you the best as parents—the whole parent body at Castle Hill—because it's not a situation we'd want. It's entirely undesirable. Public education should not only be high-quality tuition but high-quality health and safety for everyone on the site of a public school. Is there any other business or any other questions from Committee members?

**The Hon. ANTHONY D'ADAM:** I just wanted to ask one more question in terms of the P&C. Has there been a risk assessment provided to the P&C? Has the school given any documentation that might explain how they propose to manage the risks associated with asbestos exposure given the school is still being used? Has any type of documentation like that been provided to the P&C or the parent community?

**ELIZABETH MADDERS:** There has certainly been nothing discussed at P&C. Whether or not the P&C executive has been provided with that documentation, I can't comment. I am a member of the P&C but I am not a member of the executive. Aldrin, you're not a member of the executive either, are you?

**ALDRIN MENDONCA:** No. I am a financial member of the P&C but, no, the asbestos issue has never been talked about. Don't get me wrong, the P&C is a great body for other matters. The current principal is doing a good job to juggle this well. But I think it has gone out of her control and bandaid solutions, again, are not the way to go about it.

**The CHAIR:** We're nearly out of time. I thank the parents for their involvement. Some of you have broken from interstate travel to provide your evidence today, which is greatly appreciated. Our Committee will report on this and I'm sure will make very strong recommendations. I like the idea myself of having a parent on the work health and safety committee because students are as impacted by these issues as much as teachers and other staff. There is a lot that needs to be done and we can learn some lessons here that hopefully will be useful at Castle Hill and other schools around the State.

Thanks again for your involvement. You should also be aware, in terms of your access to documents, that the previously privileged SafeWork NSW documents are likely to be available by the end of the week. The

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recommendation of the arbiter upon my application is to release them publicly, other than the small number of interview transcripts that are in those five boxes and thousands of pages. So there is more material coming. Our role here is not only to provide scrutiny but hopefully some solutions that the Government can adopt. Thanks again for your time today. We wish you all the best, going forward.

**ELIZABETH MADDERS:** Thank you.

**ALDRIN MENDONCA:** Thank you.

**The CHAIR:** We will break now for 15 minutes for morning tea, after which we have four officials of the New South Wales education department. Thank you.

**(The witnesses withdrew.)**

**(Short adjournment)**

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**Ms LEANNE NIXON**, Deputy Secretary, School Performance—North, NSW Department of Education, affirmed and examined

**Mr ANTHONY MANNING**, Chief Executive Officer, School Infrastructure NSW, on former affirmation

**Mr GLENN DOWNIE**, Executive Director, Asset Management, School Infrastructure NSW, on former affirmation

**Mr DARYL CURRIE**, Executive Director, Professional and Ethical Standards, NSW Department of Education, affirmed and examined

**The CHAIR:** As four representatives of the department, is there any opening statement that one of you would like to make? Mr Manning?

**ANTHONY MANNING:** Thank you, Chair. We would like to take the opportunity to make an opening statement. As the Committee is aware, the issue of asbestos management at Castle Hill High School is currently the subject of a live and ongoing statutory investigation by SafeWork NSW under the Work Health and Safety Act 2011. The department is actively supporting the SafeWork NSW investigation. Given that the matter is under investigation by a regulatory authority, as witnesses here today, we want to ensure we do not in any way hinder or prejudice, including inadvertently, the investigation, including any possible compliance action that might arise from it. That being said, we also understand the seriousness of today's topic and the public's interest in this special hearing.

Specifically, we can confirm that an internal investigation by our performance and ethical standards unit was completed last week, and we can provide some information to the Committee around the investigation's findings. The health, safety and wellbeing of our students and our staff is the department's highest priority, and we have a rigorous system of maintenance and monitoring at all schools across New South Wales. However, regrettably and with disappointment, we can confirm that certain procedures were not followed by senior staff at Castle Hill High School. We can also confirm that as a result, appropriate disciplinary actions have been taken.

At the heart of the problem was that the school did not follow the specific procedure to immediately inform the asset management unit of the department after a concern was expressed about a possible asbestos issue. The asset management unit is an expert and immediately available support for our schools that is specifically tasked with proactively managing asbestos concerns. Schools are required to notify the AMU immediately of any such concerns. Unfortunately, in this case the school did not contact the AMU when it should have, and the AMU's help and expertise were not immediately enlisted. Had the school followed the required procedures as outlined specifically in the department's asbestos management plan, community concern could have been allayed quickly and with confidence. We acknowledge the concern that this has raised among staff and members of the school community, and on behalf of the department we would like to apologise for the breakdown that has occurred at the school. There have been errors of judgement by senior school staff that should not have occurred.

Separately, as part of the department's broader and proactive monitoring efforts, the AMU identified asbestos in situ at Castle Hill High School in 2020. In response, standard processes were engaged to immediately manage the site, consistent with the department's asbestos management plan. Safety measures were put in place, including sample testing together with air monitoring, which have returned results below or equal to the minimum detection limits in relation to the building elements. This has included testing of material located within the roof cavity above the ceiling, which indicated very low to no levels of asbestos in the HSIE staffroom, which has been the subject of initial concerns with the school.

That, together with measures such as remediations and hygiene cleans, together with the safety certificates issued by SafeWork NSW for Castle Hill High School, gives the department a high level of confidence that the school is a safe place. These factors also indicate that the long-term historic risk of exposure over the lifetime of the school is considered to be low—no more than what might otherwise occur in any building or private building that otherwise contains asbestos-containing materials. We continue to monitor the situation and await the findings of SafeWork NSW.

The AMU-led response since 2020 has indicated notification of the issue and transparency with SafeWork NSW, the NSW Teachers Federation, teaching staff and the wider school community. A range of supports have been put in place for staff. In addition, and as a precaution, the department has taken steps to ensure that any staff member concerned about potential exposure to asbestos both notify the instant notification response hotline and refer to a general practitioner for review. We can confirm that since 18 May 2020, six notifications have been made. The department confirms that it remains in contact with the NSW Teachers Federation regarding this issue and the supports in place. Likewise, the PWC has also been regularly updated at meetings, with the P&C president fully informed of the matter.

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One aspect of this issue that has been a source of concern has been the existence of the 2016 Certificate of Analysis. I can confirm the department was made aware in April 2022 of that certificate and it had not been escalated beyond the school until that time. It was located as part of the PES investigation on 6 April 2022, upon which PES immediately informed the asset management unit on the same day. The evidence was not clear that a report existed until it was located in a junior, former employee's archive mailbox. This employee has not been the subject of the PES investigation.

PES made concerted efforts throughout the investigation to identify information about whether a test had been undertaken. There was no information to suggest the test was positive until the Certificate of Analysis was located, interviews with witnesses, elicit inconsistent information about whether a sample had been collected and who had collected a sample. From the information available to the department, it is not clear exactly from where within the staffroom the sample was taken, how it was taken or whether results were shared with staff at the time. The certificate indicates the sample comprised of fibrous cement sheeting material and other fibres.

The PES investigation has identified that a breakdown occurred within the school such that important processes were not followed. In the context of general experience and performance today of the department's asbestos management, the Castle Hill High School situation is considered highly unusual and atypical. The department remains confident that our practices are in keeping with our commitment to ensuring health, safety and wellbeing of our students and our staff.

Consistent with that commitment, the department has now begun the process of considering the PES findings with a review to what lessons can be learnt or possible improvements that can be put in place. This will also need to consider, in parallel with the findings, conclusions and any recommendations made by the independent regulator. It is important to acknowledge SafeWork NSW's knowledge, their specific remit and experiences in work health and safety. The department will defer and take the benefits of their judgements and guidance on these matters. We trust this assists the Committee further in its understanding of the issue.

**The CHAIR:** Can I just put to you: It is not going to fly to hide behind SafeWork. They started their formal investigation in the middle of last year. It has now been completed and some time ago it was sent off to their lawyers for consideration of prosecution—prosecution of the Department of Education as well as the two senior staff members at the school who are culpable. They may do nothing. SafeWork may get legal advice to say, "We don't act here," which then, of course, brings it down to what the department is going to do to ensure that this doesn't happen again. Because you have got a basic problem of procedures that empowered a principal to act in a reckless and negligent fashion that has upset the school community, and most likely seriously jeopardised the safety and health environment of the school.

I would like to hear what the department has concluded about the policy changes that are needed to make sure this could never happen again. Because whether we like it or not, Local Schools, Local Decisions would have to be one of the greatest disasters in the history of any public education system anywhere in the world. You have a policy, enacted by Piccoli and only recently abandoned, but not replaced with anything of any substance, whereby the system and the department say that principals know best. Principals know the context of their school. Every school is different, and we are empowering and trusting ourselves to the principal to get it right.

You have got a situation here where clearly the principal has walked off the reservation, has lied and lied and lied consistently about the nature of this problem, and shown no inclination to do the basic things that were needed to correct it, starting with finding the 2016 test report and acting on it. What does the department plan to do about the future possibility of another principal walking off the reservation, whereby they put the whole premium on academic results at the school and wipe any priority on work, health and safety, knowing that if you close the school or articulate problems, you might lose some of your school population? What are you going to do here to stop this happening again?

**ANTHONY MANNING:** As we have confirmed in the statement, the findings from PES have recently been released. We will now sit down and go through those findings and understand where those failures were and what we can institute from a system perspective to ensure that those things don't happen again.

**The CHAIR:** The letter I have got from David Wright-Smith in the PES just goes to the two employees— one former, one current—and the action about them and the misconduct finding. Well, it is disciplinary action of a sort. But, Mr Currie, does the PES inquiry have policy change recommendations or is it just about the personnel?

**DARYL CURRIE:** PES is actually about the personnel. But what we do at the end of an investigation of this nature is that we put together recommendations that we believe should be embraced or at least considered by the other areas of the department and then we sit with them and actually let them know what we've discovered. That is a process that's going to be undertaken very soon.

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**The CHAIR:** Mr Manning, we heard evidence earlier in the day that, in terms of checking that every principal has not only received the asbestos management plan but read it, completed the webinar and understood their responsibility under the law of New South Wales to discharge certain actions and responses regarding asbestos, not only did the principal at Castle Hill not read the document and the department never knew that, but there is no certification anywhere in New South Wales that principals have signed off on their responsibility to receive, digest and thoroughly act on that plan. Is that right?

**ANTHONY MANNING:** From our perspective, we don't ask principals to sign off on updated asbestos registers. The training manuals that were put together are run and principals have access to them.

**The CHAIR:** Are you going to start doing that? If a principal says, "Look, I'm only interested in academic results here. All this stuff in this big fat document—someone else can sort that out". What are you going to do to stop this happening again? That's the starting point, isn't it, that every principal and their delegate, like a deputy principal, will receive the document, digest the document, understand the document, complete the webinar and know their—this is not an optional thing. This is not like fairies in the garden—it would be fun to be involved in that. This is a legal responsibility to know what's in that plan, be the custodian of an accurate register and act accordingly, where they can take reasonable action to keep the school environment safe. Are you going to require certification in the future?

**ANTHONY MANNING:** It will certainly be an item under consideration as part of the conversation with PES. Our experience from the asset management division is that the vast majority of principals are very aware of asbestos issues and will make contact with us the moment they think they've got an issue for us to work our way through.

**The CHAIR:** But at the moment there is no system in place whereby the department will know centrally that the principal is acting responsibly in relation to the asbestos management plan?

**ANTHONY MANNING:** If that's one of the things that comes out following the investigation, then we will instigate those issues as they appear.

**The CHAIR:** What about the monitoring of the minutes of work health and safety committees? The evidence here is that for 11 meetings in a row, over more than a year, the unwillingness to track down the positive asbestos report from the HSIE staffroom in 2016 was a complete act of negligence. Is there any monitoring of the minutes of the school's work health and safety committee, so that never again can an issue be left unresolved, recklessly, for 11 meetings in a row—when the solution to it is simply to go and search the emails of the school with the search word "asbestos test" and to also look at the finances of who paid for the test?

**LEANNE NIXON:** I'm happy to speak to the pieces that are in place to ensure there is mandatory training of principals and support. The workplace health and safety induction is for all employees, and links to the asbestos links and information. That's for all employees in the Department of Education. Also, the NSW Public School Leadership and Management Credential, which all aspiring principals have to complete prior to applying for a job and then receiving a job as a principal, clearly outlines asbestos management and the requirements for a principal around asbestos management. The principal, under the AMP, is the accountable officer and is accountable for looking at the workplace health and safety committee minutes. So there are processes in place, and I can point to DELs also having signed off on those reviews to check that principals have done that. That's been in place since 2021.

So there are a number of pieces that have been put in place to ensure that we have a line of sight to that. But as Mr Manning said, there will be recommendations from the PES review, there will be recommendations from SafeWork that, clearly, as a department we need to look at and ensure that, like I would expect us to do in all situations, we review our processes to ensure there are things we can do better.

**The CHAIR:** What recommendations have been received so far from SafeWork?

**LEANNE NIXON:** I can't speak to that. I don't believe we've received that.

**The CHAIR:** They finished their inquiry. They sent it off to their legal division to see whether they prosecute. They must have sent something through if it's relevant by now. No?

**ANTHONY MANNING:** I certainly haven't—

**The CHAIR:** No-one's aware? Can you take that on notice?

**ANTHONY MANNING:** I haven't seen anything as yet. We should take on notice whether we received that.

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**The CHAIR:** Okay. There appears to be some material in the SO 52 documents held by the Parliament, but you're unaware of—

**ANTHONY MANNING:** Yes. We've not received any specific communication.

**The CHAIR:** Have any of you read the SafeWork final report that went through to their legal team? No?

**ANTHONY MANNING:** We'll take on notice—

**The CHAIR:** Are you going to try and seek a copy of that report so you can learn from it?

**ANTHONY MANNING:** Absolutely. As part of the review that we will do now, we—

**The CHAIR:** But you're only seeking it because I just raised it. Nobody has done it to this point in time.

**ANTHONY MANNING:** As part of PES completing their investigation, we will now sit down and understand all those facts.

**The CHAIR:** Ms Nixon, you mentioned the role of the DEL. Haven't we got a fundamental problem in this instance where DELs can easily say, "Look, I go around and I deal with these 13 or 14 principals, and I want to be pretty friendly with them and have a cup of tea. Rocking the boat and taking them on and going in and conducting an independent investigation of what they've failed to do on asbestos would be a bit rough. I'll just take the word of Vicki Brewer that everything at this school is fine and write my dispatch off to the department"? Haven't we got a problem here that DELs in many respects are so supine and ineffective and that the principals have got more power than they've got?

**LEANNE NIXON:** My experience with the DELs that I deal with daily is that they are very attentive to their responsibilities. I don't think that your characterisation represents the work that they do. In fact, I know that there was training in 2020 for the DELs around this, around workplace health and safety, in ensuring that it wasn't a tick off to ensure that they did it in a manner that was appropriate. But I just would come back to the fact that the accountable officer for—

**The CHAIR:** Hang on. No, you're moving on to a separate matter. Let's just finish on this matter. How do you explain the failure of Joanne Marshall to show any curiosity, energy or enthusiasm for second-checking what Vicki Brewer had told us about this instance?

**LEANNE NIXON:** I can't speak to the investigation, but I can speak to Jo Marshall and my experience with her over the last couple of years. She is very attentive to the detail and she has put in place those pieces from 2021 and 2022 as requested. But I just would go back to, Chair, that the accountable officer for a site around workplace health and safety is the principal, not the DEL.

**The CHAIR:** Why did Joanne Marshall fail to review any of the minutes of the work health and safety committee at Castle Hill High? Why did she just at face value accept the words of Vicki Brewer and recycle them in the letter that she sent off to community engagement?

**LEANNE NIXON:** I can't make comment on that. Potentially, Mr Currie may be able to comment on that through the review.

**The CHAIR:** Mr Currie?

**DARYL CURRIE:** I can't comment particularly on that case, but I think it's important to note that at that time Ms Marshall was utilising the staff complaints procedure. It wasn't an investigation procedure, and so that initial anonymous complaint and the response to it was under the complaints management policy. When alleged misconduct was considered by Ms Marshall, she then referred it to PES and PES took it on as an investigation as alleged misconduct. So they're two very different processes that deal with situations in very different ways.

**The CHAIR:** Did Ms Marshall ever check the Sentral portal to see how many complaints had been made by other staff?

**DARYL CURRIE:** I can't answer that.

**The CHAIR:** There are scores of them. Did you? Can you tell us how many complaints were made about asbestos at this school under the Sentral system?

**DARYL CURRIE:** I'd have to take that on notice.

**The CHAIR:** This is the problem, isn't it? We asked for your investigating officer to be here to actually answer questions. I asked you this at estimates and you took most things on notice and then quickly completed

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the investigation. You can't tell us here how many staff made complaints on the Sentral system about asbestos at Castle Hill High School over the past decade.

**DARYL CURRIE:** No, I'd have to take that on notice, but I would clarify that at estimates I think you asked me how many complaints were made to PES, not on the Sentral system. In terms of complaints on the Sentral system—internal complaints—that was part of the investigation, but I cannot answer that question definitively off the top of my head at the moment so I'll take that on notice.

**The CHAIR:** What's the finding of the PES investigation about the 11 work health and safety committee meetings that constantly refer to the need to get some testing results here and nothing ever happened?

**DARYL CURRIE:** There were no findings about those particular things. The findings were with regard to the allegations that were put to the employees. What we found with regard to the investigation was misconduct relating to poor delegation and oversight practices, leaving a junior staff member with responsibility to manage testing and to action results; failed to take reasonable steps to action staff health and safety concern about dust in a timely manner; failed to document key aspects of responses to asbestos risks; failed to follow asbestos policies and protocols, including involving other parts of the department with responsibility to manage asbestos issues; and provided false and misleading information to other staff. They were the findings of the PES investigation. With regard to the particular 11 instances that you're talking about, there weren't findings particularly about those because there wasn't an allegation put particularly about those. But that would have been part of the "failed to take reasonable steps to action staff health and safety concern about dust in a timely manner".

**The CHAIR:** They are all very serious instances of misconduct. On that basis, how can the deputy principal be transferred to a new school instead of sacked?

**DARYL CURRIE:** There was an appropriate disciplinary action given to that employee. When we assess what the consequence for an act is, we actually look at the employee's entire career. We look at the level of responsibility under particular mechanisms or acts with regard to that and who holds responsibility for that. Then we take into consideration things such as understanding and contrition. It could be things like the training and development that were supplied to that employee. I wouldn't say that the consequence in this case was trivial or meaningless. It was a serious consequence for somebody in a position of responsibility who had been acting under the responsibility of somebody else who had the responsibility to conduct WHS and look over WHS at the school.

**The CHAIR:** Given the breathtaking nature of the recklessness and negligence in this matter, how could you inflict this person upon another school?

**DARYL CURRIE:** I don't accept "inflict". The person has had a consequence—

**The CHAIR:** What confidence could the new school have in the ability of this person to run anything?

**DARYL CURRIE:** I believe, with regard to the position that they are going to, that type of oversight that was delegated in Castle Hill would not be something that would be delegated in the position that they're going to now. The other thing that's very important with regard to understanding PES is that we are not a punitive body; we're a protective body. We take actions to protect from any future harm. That idea of the consequence is not to punish somebody; it's to protect the department's students.

**The CHAIR:** I've got hundreds of letters from unvaccinated teachers who said they copped big punishment. They're without a job and this bloke is going to a new school. Will you sack him if he's prosecuted by SafeWork?

**DARYL CURRIE:** I will not state definitively that I would act in any way until something was in front of me and I can ensure that somebody has procedural fairness and an ability to reply to allegations, and to judge it on a case-by-case basis. What I would say, though, is that there are definite rules with regard to prosecutions that carry over certain amounts of jail time, and PES and the department have guidelines that they may constitute misconduct.

**The CHAIR:** Does PES have any advice or opinion as to whether or not this employee has breached the New South Wales Work Health and Safety Act?

**DARYL CURRIE:** I wouldn't put forward an opinion about that in this forum or any other forum because I don't want to prejudice any sort of investigation or any—

**The CHAIR:** But have you made that assessment? If you've got a staff member who has acted illegally under the Work Health and Safety Act in New South Wales, it's a supremely important matter. Surely you've made that assessment in judging the person's future.

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**DARYL CURRIE:** We wouldn't make an assessment—

**The CHAIR:** You wouldn't?

**DARYL CURRIE:** —about whether somebody has acted illegally. That is not our role.

**The CHAIR:** You didn't seek that advice from the department's legal section?

**DARYL CURRIE:** However, if that person was found to have acted illegally by the appropriate body, we would consider that as possible misconduct and then possibly take action.

**The CHAIR:** In your investigation, you never sought any advice from the department's legal section that Mr Mitchell had breached the work health and safety laws of New South Wales?

**The Hon. WES FANG:** Point of order: Chair, just on that matter, I'll raise the point that—

**The CHAIR:** There are plenty of other staff who get sacked because they get an opinion, "This person is breaching the rules."

**The Hon. WES FANG:** I appreciate that.

**The CHAIR:** This is an Act. This is a statute.

**The Hon. WES FANG:** I understand, Chair, and I appreciate that. However, I am minded by Mr Currie's contribution that he doesn't wish to prejudice any investigation.

**The CHAIR:** There is no prosecution underway, and nothing is being prejudiced. I'm asking, Mr Currie, did you seek legal advice as to whether or not this employee had breached the work health and safety laws of New South Wales?

**DARYL CURRIE:** I'll take that on notice.

**The CHAIR:** You don't know?

**DARYL CURRIE:** I'll take that on notice.

**The CHAIR:** You can't take that on notice. You must know whether this investigation sought advice from the legal section of the department. You must know that.

**The Hon. WES FANG:** Chair, I'm just going to raise—

**DARYL CURRIE:** I didn't undertake the investigation; I am the decision-maker in the investigation. I'll take that on notice.

**The Hon. ANTHONY D'ADAM:** It beggars belief, I have to say. On that point, Mr Currie, if an employee is alleged to have stolen property from the department, you don't wait for a police investigation before you act. You make an assessment, don't you?

**DARYL CURRIE:** Yes, we would make an assessment in that case. However, if there was to be—

**The Hon. ANTHONY D'ADAM:** Why is work health and safety law any different?

**DARYL CURRIE:** I am not, in this case, making a judgement as to whether somebody may be in contravention of an Act and may be prosecuted for that act. We were looking at whether the allegations as put to the employee had been sustained and whether those sustained allegations were misconduct.

**The CHAIR:** They've been found guilty of misconduct. Surely it's relevant. If they breached the laws of New South Wales, surely you must make an assessment about that. Like Mr D'Adam said, if you go stealing school property, you don't wait for the police to take it to the courts; you sack the person because you've found an illegality.

**DARYL CURRIE:** Once again, I'll take that on notice and answer as to whether the investigation got legal advice on that.

**The Hon. COURTNEY HOUSSOS:** We've heard some shocking allegations this morning from teachers and from parents about the situation at Castle Hill High School. I'd like to put some of those elements to you. We heard that in 2015 an email was sent out by the department on how to manage asbestos but that there was no checking that principals had undertaken that training. Is that correct? Mr Manning, you talked about this earlier. I just want to confirm that you have no way of checking whether principals have actually done this or not?

**ANTHONY MANNING:** We have no Sentral system available to us. I wouldn't know, back in 2015, how they might have tracked whether people had opened those emails and had looked at them, and whether there



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was a sign-off process to say that they had acknowledged any of those back at that point in time. We have no Sentral system.

**The Hon. COURTNEY HOUSSOS:** Today, have you changed any of your procedures to ensure that you are checking that principals have undertaken this training?

**ANTHONY MANNING:** I'll have to take that on notice. I'm not aware of the detail of those procedures and whether they've changed from 2015.

**The Hon. COURTNEY HOUSSOS:** Principals are the key decision-makers and key people who are accountable for asbestos in schools. Mr Manning, you and I have been talking about this for years in budget estimates hearings, and I've been asking the Minister questions in the Parliament. We have been talking about the issue of asbestos in schools for years. What checking is in place at the moment that principals are undertaking the training that they are supposed to do in order to make sure that schools are safe?

**ANTHONY MANNING:** I'll need to come back on notice with the specifics around how we're able to track or not track whether they have actually undertaken the training or not. Certainly, it's provided to them, as Ms Nixon spoke about, in terms of the processes around that. It's in the preparation modules for principals. I'll need to come back and tell you exactly what is our process for recording that they have done the training and understood it.

**The Hon. COURTNEY HOUSSOS:** Mr Manning, I just want to say, and I understand that you're taking that on notice, but that is a completely unacceptable response to the fact that we have been raising concerns about asbestos in schools—these teachers and these parents have been raising complaints and concerns for years—that you would come to a hearing today and not be able to answer how the crucial, accountable person is being trained in managing asbestos in schools.

**ANTHONY MANNING:** As I said, we'll come back to you on notice.

**The Hon. COURTNEY HOUSSOS:** How are you contacting staff? You said that there have been six notifications of staff from Castle Hill High School who may have had exposure. Of those six staff, how many of those are current and how many of those are former?

**ANTHONY MANNING:** We wouldn't know who they were as individuals, no.

**The Hon. COURTNEY HOUSSOS:** Can you take that on notice to tell us whether they are current or former staff?

**ANTHONY MANNING:** Yes.

**The Hon. COURTNEY HOUSSOS:** How are you contacting staff to ensure that they are aware that they may have been exposed to asbestos?

**ANTHONY MANNING:** From our perspective, as part of any unexpected find, we'll produce documentation to the school and we'll work with the school locally in terms of notification to parents and how that might happen, and notification to staff groups. It usually is a notification from the principal to staff and then an opportunity for the staff to meet and for us to present—we usually bring with us the hygienist and a whole range of other specialist advisers so they can ask questions about what it is we found and how it works. As part of that, the health and safety director would provide contact details for staff who are concerned to reach out. As part of all of our works notifications, we provide both an email address and a telephone number for people to reach out through our organisation if they need more support for us to put them in contact with the health and safety executive.

**The Hon. COURTNEY HOUSSOS:** I understand that that's the procedure that's in place for current staff, but what about former staff? We have heard this morning that there have been complaints raised for years and complaints logged in an internal system for years. Many of those teachers have moved on. We heard a shocking account of a former head teacher who has had lung issues and wasn't aware of that. What process have you got in place for notifying former staff who have left the school? Are they just waiting to read something in the media and you're expecting them to pick up the phone?

**LEANNE NIXON:** I think that Mr Manning might like to talk about what the levels were and what the exposure actually is here. But in terms of past staff, reaching out through the school community—so we've had heaps of communication with staff and heaps of communication with families around this and opportunities to speak to anyone that's concerned.

**The Hon. COURTNEY HOUSSOS:** Ms Nixon, you're not answering my question. My question is specific. Former staff at the school, how are they being contacted?

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**LEANNE NIXON:** I'm not clear that we have contacted former staff.

**The Hon. COURTNEY HOUSSOS:** Okay.

**LEANNE NIXON:** But I'm unclear why we necessarily would beyond the normal forms of communication. We currently have tested at the school and the levels are at safe levels. So I'm unclear, if we have no reports of incidents, where we would need to contact former employees.

**The CHAIR:** What about seven or eight years ago? It was raining asbestos dust in some of these staff rooms. Wouldn't you have a duty of care to notify those former staff members to let them know what has now been discovered?

**Ms ABIGAIL BOYD:** We're talking about the past.

**LEANNE NIXON:** I'd have to take it on notice.

**The CHAIR:** This is not today. This was happening seven or eight years ago.

**LEANNE NIXON:** I'd have to take it on notice, as I said, if we have communicated with former staff.

**The Hon. COURTNEY HOUSSOS:** You can say that it's safe today, but you have no idea what was happening in that staff room seven or eight years ago, when multiple staff were so concerned by what was happening that they lodged complaints on the internal system. You have no way of monitoring whether that was safe and you have just told us that you are not contacting them in any way.

**LEANNE NIXON:** I said I would take on notice how we contacted, or if we contacted, previous staff.

**Ms ABIGAIL BOYD:** It sounds like there's not a procedure in place, though. Is there not an automatic procedure for when things like this happen, that you would let former staff know if they have been potentially exposed?

**ANTHONY MANNING:** If there is a procedure, we're not aware of it. We'll talk to the health and safety team, who would be the ones that would do that notification and lead that process.

**The CHAIR:** Is there nothing in your asset management plan—this thick—for notifying former staff?

**ANTHONY MANNING:** No. Our asset management plan is dealing with the asset and the notifications we do around that.

**The CHAIR:** Your asbestos management plan, sorry.

**ANTHONY MANNING:** As for dealing with the asset, we'd work with the health and safety team in the department because a lot of the advice that goes to individual staff members relates to advice that comes from the health and safety team. We'll take on notice and go back and have a conversation with them. I'm not aware of a procedure or process, but that doesn't mean that there isn't one. It's not something that, as an asset management team, we would be involved in.

**The Hon. COURTNEY HOUSSOS:** Mr Manning or Ms Nixon, have you changed the way you operate at all as a result of what's happened at Castle Hill, or are you purely waiting for the investigations to make any changes?

**ANTHONY MANNING:** As we've said, the investigation is just completed. We now understand the facts as they are. We will now do a review to understand where we think the failures were and how we can address them so that we can mitigate them happening again.

**The Hon. COURTNEY HOUSSOS:** But surely there would have been lessons along the way that you would have realised here. The principal clearly failed the existing procedures. Have you changed any kind of monitoring of the internal complaints system? Have you started any kind of checking of notifications? Have you made any changes to the way the department is operating so far as a result of what has happened at Castle Hill?

**ANTHONY MANNING:** There have been a number of changes to the way that schools are supported from an asset management perspective that are different to what would have happened in 2015 and 2016. They are not specific changes we have made as a result of the incident at Castle Hill, but there are an enormous number of changes that have been made. In 2015 and 2016, Public Works were responsible for managing our assets. The asset management teams were administrative and oversaw contracts and payments. Since the existence of School Infrastructure and the decision made around the role of Public Works going forward, the asset management units have stepped into that space more and more. We continue to put more resources into the asset management teams. Only recently we have advertised for another 50 asset service officer roles so that we can be far more active in

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schools than we have ever been. Funding is flowing through schools now, both in terms of school and community fund projects, but also maintenance programs and a whole range of others.

Our asset management teams are far more familiar with school buildings than we have ever been. And because we are a professional organisation, we have standards and we have an approach that we go to. Whatever we see that we think doesn't look right, we will then do the testing; we won't wait for a principal to raise it with us. We are far more active in all of our schools, and that has been something that has been increasing since the existence of School Infrastructure, and we continue to reinforce it. The more work we can carry out inside schools, the more chance there is of making sure that things don't slip through the net. We will still have unexpected fines because that is the nature of what it is, but they are then properly dealt with as we find them. We are not waiting for people to notify us to it. So there are a whole range of things that we have been doing over the years. The find in 2020 is an example exactly of that. They are not things that have been specifically addressed following the Castle Hill incident, but they are all things that are very much more helpful in making sure that we minimise any chance of those things happening again.

**The Hon. COURTNEY HOUSSOS:** But you are still pursuing encapsulation as a strategy with asbestos in schools, aren't you?

**ANTHONY MANNING:** With every find, we consult an independent hygienist and we talk to SafeWork, and encapsulation is a method that is recommended by both and supported by both.

**The Hon. COURTNEY HOUSSOS:** But encapsulation—surely you would understand if you are a specialised schools infrastructure agency that encapsulation of asbestos in schools, particularly when it is in roof cavities or in walls, is not a very clever thing to be doing in our schools. They are not usual office environments.

**ANTHONY MANNING:** As I said, with every asbestos interaction we have, we talk to an independent hygienist and we follow their advice. That is supported by SafeWork, which properly supports encapsulation in a range of environments including schools.

**The Hon. COURTNEY HOUSSOS:** What broader assessments are you doing? How many other schools that were built at the same time as Castle Hill have now been assessed as a result of what happened? How many have now been assessed to check that what's written in the asbestos registers is actually what is happening on the ground?

**ANTHONY MANNING:** The asbestos registers are known and suspected asbestos, so the existence of an asbestos register at any school is something that you would use for any works you would interact with. Whether it says on the asbestos register that it is or it isn't, it still is cause for you to pause and test and understand it. So there will be substances that we know are asbestos, that will be marked on it; there will be substances in every building that we don't necessarily—

**The Hon. COURTNEY HOUSSOS:** Mr Manning, that's not my question.

**ANTHONY MANNING:** It is.

**The Hon. COURTNEY HOUSSOS:** We have talked about asbestos registers for years.

**The Hon. WES FANG:** Point of order—

**The Hon. COURTNEY HOUSSOS:** For years I have been asking you about asbestos registers. I am asking you a different question.

**The Hon. WES FANG:** Chair, I am just going to raise a point of order.

**ANTHONY MANNING:** I am happy to answer, but it is important that there is clarity. The asbestos register is not a guaranteed outcome document; the asbestos register is known and suspected asbestos, and we use that to manage the process that we go through. We work closely with independent hygienists and we make sure that any work that is carried out at any school, regardless of what we think we know, is tested against an asbestos register. That's part of the process of what it is we do.

**The Hon. COURTNEY HOUSSOS:** I just want to ask a follow-up question on this. Mr Manning, I'm not asking you about whether you're adhering to the registers. I am asking you, as a result of what's happened at Castle Hill and as a result of what we know about how asbestos was used in the community broadly during that time period, have you gone back and checked schools so that we can make sure what happened at Castle Hill doesn't happen again?

**ANTHONY MANNING:** As a consequence of what happened at St Ives High School, which was before Castle Hill, we identified a building age and building type, one specifically that had a very, very small roof cavity, one that had no services in it, had no reason for anybody to go into it, that at St Ives was recorded as not having

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any asbestos in it. But when we went and did some work at St Ives, we actually found one building that the purlins had a spray-on fire protection asbestos. The other buildings didn't, but one building did have. It wasn't on any plans; it wasn't on any specification.

**The Hon. COURTNEY HOUSSOS:** When was that?

**ANTHONY MANNING:** We then took the parameter of that building and weighed it up against a whole series of others. I think we found 65 schools and some 208 buildings that matched that criteria. We undertook investigation across all of those buildings and all of those schools to understand. These were built within a certain time period but with a certain design configuration, and a reason why nobody would ever have gone into the roof cavity because there's nothing in the roof cavity to look at.

**The Hon. COURTNEY HOUSSOS:** When was that assessment undertaken?

**ANTHONY MANNING:** This was done just prior to 2020 because the Castle Hill High School was one of the buildings that we identified as part of that process.

**The Hon. COURTNEY HOUSSOS:** Just prior to 2020.

**ANTHONY MANNING:** No, that was 2020. I'll get the exact—

**The CHAIR:** Didn't you discover the St Ives problem in 2018, these Wyndham-designed buildings, the 65 schools, the 208—

**ANTHONY MANNING:** I'm not sure we did, no. We discovered it, identified it and remediated it pretty quickly, so I don't think it would have been as far back as 2018. But I'm happy to take that on—

**The CHAIR:** Who wrote it and how do you explain this briefing note to the Minister, dated May 2020, following a question on the *Notice Paper* by Courtney Houssos, which states that there are 208 buildings of this design coming out of the St Ives issues, in 65 New South Wales schools. You have inspected them all, and 28 have returned positive results for friable asbestos, including the roof cavities of blocks A, B, C, D and E at Castle Hill High School? What have you done at these 28 schools—I assume that's schools, not 28 buildings—where you've got positive results for friable asbestos?

**ANTHONY MANNING:** We've followed exactly the same procedure as we did at Castle Hill. We've investigated, we've tested, we've confirmed it's asbestos. We have provided notifications to the school to send out to staff and to the community. We engaged an independent hygienist and we worked with SafeWork on every single location to make sure that the treatment of those buildings was correct and appropriate, to make sure those buildings are safe.

**The Hon. COURTNEY HOUSSOS:** How many of those 28 still have friable asbestos in them?

**ANTHONY MANNING:** I'll have to come back to you on notice with that.

**The CHAIR:** And was the school community—

**ANTHONY MANNING:** But encapsulation was what was recommended across the schools. So they have all been safely encapsulated as part of what was advised by the independent hygienist and signed off by SafeWork.

**The Hon. COURTNEY HOUSSOS:** Can you provide us on notice with a list of the 28 schools, and where the asbestos was and where it's been encapsulated?

**ANTHONY MANNING:** Yes. It will all be in the ceiling board, above the ceiling. That was specifically the place we looked because that's specifically where people had no reason to get into at any point to do any maintenance or any of those pieces of work. We knew that that was the configuration that we might find. Some buildings had had it applied and some buildings hadn't.

**The CHAIR:** Have the staff and parents been notified at each of the 28 schools?

**ANTHONY MANNING:** Each of those schools went through exactly the same process we did with Castle Hill, so, yes.

**The CHAIR:** They say they haven't been notified.

**ANTHONY MANNING:** The standing order—

**The CHAIR:** Can you take on notice what communication has been passed on to staff and parents at the 28 schools, about this development?

**ANTHONY MANNING:** Absolutely. Yes.

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**The Hon. COURTNEY HOUSSOS:** And former staff.

**ANTHONY MANNING:** Yes.

**Ms ABIGAIL BOYD:** There was a point you raised, Ms Nixon, where you said that Mr Manning might want to talk to the levels that were detected. Are you able to talk about what we know about that 2016 sample, in particular?

**ANTHONY MANNING:** I'm not a hygienist so, no, I'm not able to. All I know is that the type of asbestos that was identified matches chemically to the sort of asbestos that was above the ceiling. It doesn't necessarily mean they are the same. As we have seen in other cases, we can tell it is asbestos and the type of asbestos but you can't actually match it to its application anywhere else. So we had this when we have done other school buildings. We find asbestos and we can test it, but I don't know that it necessarily came from—you kind of chemically test that it comes from within the building or outside the building or where it comes from.

**Ms ABIGAIL BOYD:** We have received lots of submissions but we heard from a number of parents earlier who were talking about their stress at just not knowing what is going on and not knowing if things are safe. Do you take the criticism that the department has perhaps been a bit slow or a bit opaque in some of its dealings with the parent community?

**ANTHONY MANNING:** I can understand for a whole range of reasons that the existence of asbestos is stressful for a whole range of people. Absolutely, I can. The reality is, we didn't know anything about the 2016 test until it came out in 2022. As a consequence of what we found at St Ives High School, which was something that was discovered as part of some routine works that we were doing, we had proactively testified, identified and then done all we needed to do to satisfy SafeWork that the buildings were safe. We had also notified staff and parents and we have held a number of drop-in sessions for staff that were concerned at the time.

I can't talk to before 2020 and before we knew it was there, but certainly since 2020 we have been very open about the existence of asbestos, the work that we did to make the building safe, the clearance certificates we received from the hygienists and the work we did with SafeWork. So we have been open and honest about that. We have put that publicly out there. The asbestos registry is quite clear that it includes that and we went to a lot of pains to make sure that people understood the building was safe. And it wasn't just our view; it was the view of the independent hygienist and SafeWork.

**Ms ABIGAIL BOYD:** Do you see any room for improvement in terms of the way that this was communicated with parents at the school?

**ANTHONY MANNING:** As an organisation, we rely on the school to provide the advice about what is the best way to communicate with their parents. We will provide the material and we will then work with the school. Sometimes it goes out in the school bag and sometimes it might be emailed out. Certainly, as part of the PES findings, we can look at all of those. We can try and understand whether we are better putting it on a website as well. Sometimes it goes on our website, although, that is not necessarily a natural place for a whole bunch of parents to look.

We think it is better within the school and within the every day communication that goes through it. Certainly, we have of late provided opportunities for parents as well as staff to drop in and ask questions where they have concerns. As part of our process, we always provide a phone number and an email address and, if you like, a complaints hotline across the asset management teams. We will go through those calls and we will respond to people. I can take on notice the number of calls that we had but it was a very small number and we addressed all of them that came through.

**Ms ABIGAIL BOYD:** Earlier I asked one of our witnesses why that 2016 result would not have been known or notified or why the principal didn't go through the procedures we would have expected her to go through. What would have been the consequence at that time of acknowledging the asbestos was there? Would it have led to a school-wide closure? What would be the consequences? Why would somebody try and cover this up if indeed they were?

**ANTHONY MANNING:** If you compare it to the work that we did at St Ives, which is essentially the same issue, no, it didn't lead to the closure of the school. We brought demountables in so that we could manage a block at a time and we went through and we remediated what we needed to do as part of that. It was a complicated process but we can't just shut schools down. It's simply not reasonable for students to find themselves at another school for a period of time. We would have worked with the school to try to understand how we could have phased it to make sure that we caused the least disruption as we possibly could. But we would have brought in demountable structures to provide classrooms while we went through and remediated the blocks that we needed to do. It wouldn't have cost the school anything. It would have been managed centrally and done centrally by the

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asset management team in collaboration with school performance teams. If the school had needed support as part of that process it would have been provided.

**Ms ABIGAIL BOYD:** With regard to disruption to students, particularly those who are doing an HSC exam, the department would work to make that as minimal as possible. Is that what you are saying?

**ANTHONY MANNING:** That's what we do with every interaction we have with assets, whether they're planned or unplanned, yes.

**The Hon. ANTHONY D'ADAM:** I wanted to ask Ms Nixon, we have heard early evidence that the former principal, Ms Brewer, was actually very hardworking and that the school was getting good results. She clearly made a significant error of judgement that jeopardised the health and safety of both staff and students. It goes to a cultural question, doesn't it? Why would someone like that, with no personal incentive to cover up or try to avoid disclosing this information to asset management, do that? Isn't there a cultural issue around someone who clearly thought that they had to prioritise school results over the health and safety of staff and students? That goes to—

**The Hon. WES FANG:** Point of order: Given the nature of what we have heard today and the cautious approach that some people have taken with their responses, the question contains quite a bit of argument. I think that in the circumstances it's potentially something that should be ruled out of order, given the prejudicial approach there.

**The CHAIR:** No, there's no sub judice. I'm not ruling on sub judice because there is none. There is no court action. There's not even a prosecution that has been announced and launched. These are all public matters. It's a legitimate question. The whole Castle Hill school community is entitled to know why did she do it and, as a further one to Mr Currie and the PES investigation, was she interviewed and how did she answer that question? I think this is vital to our inquiry. Ms Nixon?

**LEANNE NIXON:** I haven't met this ex principal and I can't speak to the investigation. What I can speak to personally as a principal, I take the wellbeing and safety of every student seriously and every staff member seriously. I don't know a principal that doesn't. I don't have any understanding of why this would not have been an absolute priority, this safety, for any principal. I am aware that principals that I interact with across the State do take this very seriously and are very responsive. There are robust processes. They are well supported by asset services officers and health and safety officers who ensure that they are in regular contact with, particularly new principals, to ensure they understand their asbestos register, to ensure they understand the processes. There is a strong wraparound team that supports people, because we all take this really seriously. I cannot speak for this individual—

**The CHAIR:** You have no specific information. Mr Currie, was Vicki Brewer interviewed as part of the PES investigation and what did she say on this important point?

**DARYL CURRIE:** In terms of PES investigations, people subject to allegations get opportunities to respond to the allegations and then for the submission on penalty, we call it, so after the preliminary decision is made. Ms Brewer did respond in those. In terms of though wanting to assist the commission, there are expectations of me under the personal information and privacy Act with regard to those communications. What I can say is, I think without breaching that, that there was an understanding that there was a failure. There was an understanding that it had impact on others and the consequence of, as you have already pointed out, never working for the department again was in line with and accepted as part of that procedure.

**The CHAIR:** Was there any reason given for how it all happened—the thinking behind the actions or inactions?

**DARYL CURRIE:** I will not speak to that particular because I can't, but what I would say is—

**The Hon. ANTHONY D'ADAM:** So there were no submissions, Mr Currie, in relation to mitigation? She didn't put forward any submissions in her defence to say, "I did it for this reason. I was under pressure"?

**DARYL CURRIE:** I can't go to that particular point. That would actually compromise my standing—

**The Hon. ANTHONY D'ADAM:** My question was were there submissions?

**DARYL CURRIE:** —under the Privacy Act.

**The Hon. WES FANG:** Point of order—

**The CHAIR:** Let the witness finish, please.

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**DARYL CURRIE:** What I would actually say is that—I think you touched on it yourself, Mr D'Adam, when you first started speaking in this question, saying human error is at the centre of the situation.

**The Hon. ANTHONY D'ADAM:** Except that it's an error that was compounded and left in place uncorrected for a very long period of time. She knew she'd made a mistake probably from some time in 2016. That wasn't actually rectified or addressed for four years.

**The CHAIR:** She lied for the next four years.

**The Hon. ANTHONY D'ADAM:** There must've been some mitigation to explain her behaviour—

**DARYL CURRIE:** I think earlier witnesses—

**The Hon. ANTHONY D'ADAM:** —persistently ignoring the existence of that information.

**The CHAIR:** The witness is trying to answer.

**DARYL CURRIE:** Earlier witnesses spoke to the fact that the 2016 test may not have been known about or may not have been seen. I think what is really important within the PES investigation—and I know the Chair has spoken about this—is that that was in the inbox of a junior employee. There was no evidence that it had been sighted by anybody else. So you're assuming that it was known. That is not an assumption that can be made.

**The CHAIR:** Well, we haven't made that assumption. What we know is the factual basis: that for 11 work health and safety committee meetings in a row over more than a year it was in the minutes that they wanted to get some test results and nobody at the school, least of all the leadership, made the basic measures or steps of checking the emails, checking the bank account of the school to see if it could be recovered. It sat there out of neglect.

**DARYL CURRIE:** And that is why there were consequences. As to intent, I would not say those behaviours were intentional.

**The Hon. ANTHONY D'ADAM:** Ms Nixon, coming back to my original question around culture, if we accept your answer that a rogue employee made an error of judgement and there's no cultural question that the department needs to direct its attention to—is that a fair summation of what your conclusion is? There's no cultural problem?

**LEANNE NIXON:** I would say that there are great procedures and processes in place around this. If I look from 2020, what is there and what's available, I would say that we will look at the recommendations from the SafeWork investigation and from the PES investigation and, if there are things to improve, then we will certainly do that. But, as I said, I know that employees across the State are very conscientious about this and responses to incidents where there's suspected asbestos are immediate. I think that that speaks to the culture—the more general culture—that people take this very seriously.

**The Hon. ANTHONY D'ADAM:** It's not just about asbestos, Ms Nixon; it's about assessing health and safety risks and principals adhering to their duty to protect both staff and employees. We know principals routinely are aware of workload issues that present a health and safety risk, but they might go unaddressed as well for the same reasons that this situation arose, which is a principal feeling that they had to make a choice between the school's reputation and results versus the health and safety of staff and students. Do you not accept that that's a problem that's pervasive in the department?

**LEANNE NIXON:** I don't accept that. You're making some assumptions there about the motivation of this principal that I can't comment on.

**The CHAIR:** Mr Manning, at page 17 of the department's asbestos management plan it states:

All schools are required to notify their local Asset Management Unit ... of any works to be carried out on their site. This includes work that may disturb asbestos containing material ...

How many instances have you uncovered under the leadership of Ms Brewer at Castle Hill High School where works were undertaken at the school without notification to the asset management unit?

**ANTHONY MANNING:** The only works that we would be aware of are works that are carried out through our team.

**The CHAIR:** Has this been investigated? There's a suggestion that through foreign student revenue Ms Brewer had her own account for doing her own works at the school and didn't notify asset management of those works. To you or Mr Currie, has an investigation been undertaken about that suggestion and how many such works were carried out without the AMU knowing?

**ANTHONY MANNING:** I haven't seen any evidence of that at all.

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**The CHAIR:** Has anyone checked the school's invoices for building works and construction or renovation?

**ANTHONY MANNING:** No, we haven't.

**The CHAIR:** No-one has? Mr Currie?

**DARYL CURRIE:** That wasn't one of the allegations put in this case, but I can take that on notice.

**The CHAIR:** It's an allegation I'm aware of and it's a very serious one: that the school did collect substantial foreign student revenue that was put in an account and it was possible to draw money from that account for renovations without notification to the AMU. So if you can test that—there should be an audit of the school's accounts—to see what was the nature of that work and of course an assessment of whether asbestos-containing material was disturbed.

**ANTHONY MANNING:** Chair, if there is any evidence that people have, we would welcome that too, so we can understand it. You would imagine trawling through the school's accounts over the last 10 years would be quite a big exercise. So if there is evidence—I haven't seen it—I'm happy to have a look at it and understand where it is.

**The CHAIR:** Someone must know the accounts to do with construction and renovation at the school. They need to be examined as part of this general calamity, Mr Manning. These are not normal circumstances. If I was a parent at this school, I'd be absolutely horrified that any of this was allowed to get off first base. So I think the more thorough the investigation of all the possibilities the better for peace of mind, at least, in the school community and for those who work there and study there. Can I just come to the question of the asbestos register. Mr Manning or Mr Currie, was an assessment made of the accuracy of the register maintained under the leadership of Ms Brewer?

**ANTHONY MANNING:** The accuracy in what?

**The CHAIR:** I come to the document headed "2019 Asbestos Register, Castle Hill High School—initial survey, Noel Arnold & Associates, 12 March 2008"—so we're going back 14 years—"Reviewed by Greencap", essentially Noel Arnold under a different name, "15 August 2014". So we're going back eight years. The list just goes on and on: the music technology brick block, the technological and applied studies 1964 brick block, the admin general learning 1964 brick block, the general storeroom, the multipurpose facilities 1980 brick block, the general learning science 1964 brick block, the library science learning 1980 brick block. It goes on and on and on, with 76 entries of identified asbestos as far back as 2008, five of them in the ceilings.

If this existed in 2008 and it's listed as some form of register, isn't this the enormous alarm bell that would've been ringing about the asbestos problem at this school? Was this Noel Arnold assessment part of a register or the suggestion that somehow at this school in the wacky world in which they manage this—if "management" is the right term—there were two registers, one held by the department and one held by the school?

**ANTHONY MANNING:** No, there's one register. I don't know what version you're looking at.

**The CHAIR:** I just read it out to you.

**ANTHONY MANNING:** No, because quite often they have an original date and they're updated annually. This one was last updated in June of this year. So it may well identify that there are roof cavities with asbestos because that is the latest updates to an original document. It doesn't mean that originally we knew it was there; it just means it's a living, breathing document. It starts at a point in time in 2008 and is updated annually. So I don't know whether—I can only presume you are looking at an update that was done in—

**The CHAIR:** I'm looking at the notes that I've had to take on it. Can I ask you—maybe you need to take it on notice—did the initial survey of Noel Arnold & Associates, dated 12 March 2008, reviewed by Greencap on 15 August 2014 and reported with 76 entries of asbestos fibre in the roof at any stage form part of the Castle Hill High School asbestos register? If it did, why weren't the alarm bells ringing at that stage that this school was riddled with asbestos?

**ANTHONY MANNING:** If you can provide me with a copy of the document you've got—the document that I'm looking at was last reviewed by Greencap 15 August 2017 and last revised 27 August 2020.

**The CHAIR:** Okay. This is an earlier iteration of it. It is held in the upper House privileged documents from SafeWork. You're not aware of this document at all?

**ANTHONY MANNING:** Not specifically—

**The CHAIR:** Mr Currie, are you aware of this document?



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**ANTHONY MANNING:** I'm aware of the latest version. I don't know what version you've got.

**The CHAIR:** SafeWork NSW got hold of it. It's going to be deprivileged later this week and I can make a copy available to you. To me it looks like here was the problem identified 14 years ago and no-one did anything.

**ANTHONY MANNING:** No. That sounds to me like that's the updated version, which includes what we found at Castle Hill High School. After we found it, we updated it as a consequence of that.

**The CHAIR:** It will be deprivileged, and I will make a copy available to you for assessment.

**ANTHONY MANNING:** Just to go back onto a point I've tried to make earlier in the hearing, the asbestos registers are technical documents. They are known and suspected asbestos. They are living documents that we keep, as we know more about structures and how we do interventions to them. They are ones that any trade doing any work at that school would need to look at to understand whether they are about to interact either with known asbestos or there is a gap in the register. At that point, we would do further testing as part of that process.

I just want it to be really clear: They're not the encyclopedia of all the asbestos that exists at that site; it is just what we know and what we suspect. As it evolves, the asbestos register would be updated where we might remove asbestos or where we might make other discoveries. As you said, a lot of what was in that asbestos register was bonded asbestos in floor tiles, which we have worked through from time to time to remove as part of that process. But I think the version that you've got sounds to me like it is the one that was done following the find in 2020.

**The CHAIR:** I don't think it is. It is dated 2019. The document itself is dated 2019, relying on an original assessment in 2008 and a review in 2014. It is certainly not post 2020.

**ANTHONY MANNING:** It would be good to see the document.

**The CHAIR:** Okay, we will have a look at it. I went through it and I thought, "Well, here was the problem 14 years ago and it has been allowed to sit there." It is a bit like the 2016 positive test that was allowed to sit there without anyone giving it any serious attention and action.

**ANTHONY MANNING:** Chair, in terms of your question to me regarding whether it actually was part of the investigation, I will take that on notice, because I just want to point out the investigation reports were over 1,500 pages. In terms of cross-referencing that version of it, that would be very helpful.

**The CHAIR:** Okay. We will get hold of that. SafeWork certainly had hold of it. My last question is for you, Mr Currie. Given that Joanne Marshall did absolutely nothing, not a minute of work or curiosity or research to check the allegations about asbestos at Castle Hill, and she just solely relied on the word of Vicki Brewer to say that the school's asbestos register has no record of asbestos in the ceiling—I've just read out a register that certainly showed otherwise—and there was no knowledge of asbestos and no report of asbestos, which is completely untrue when you look at the Sentral system and the multiple very serious allegations, as well as those that were furnished elsewhere to the Department of Education, why wasn't Joanne Marshall examined for serious misconduct and neglect?

**DARYL CURRIE:** I'm not in a position to talk to that in this commission. I don't confirm or deny that there is an investigation or that people are assessing whether that is the case. What I would say, though, is that PES can only investigate allegations that may amount to misconduct. That is independently looked at by our preliminary investigation team as to whether that will actually amount to misconduct, then sent for investigation. In terms of the situation that you are putting forward to me there, it would be a matter for the allegation to be put to us and then for that to be assessed.

**The CHAIR:** She only had to look up the Sentral reports.

**DARYL CURRIE:** It's very compromising for me to make any comment in that situation, because if that was to be an investigation, I may be a decision-maker in it. In terms of what you've put forward, that would be something that PES would look at and assess.

**The Hon. COURTNEY HOUSSOS:** Ms Nixon, do you have any visibility or does anyone other than the DEL have visibility onto the internal system for logging complaints?

**LEANNE NIXON:** I would have to take that on notice. It's not something that I regularly look at, but I work with my EDs around that. Could I understand what you're wanting to understand there?

**The Hon. COURTNEY HOUSSOS:** We've heard that there were consistent—

**LEANNE NIXON:** Internal to a school?

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**The Hon. COURTNEY HOUSSOS:** —complaints logged on internal systems for years in various different ways. If there is no visibility outside of the school then how can those be escalated? What's the transparency around those internal complaints?

**LEANNE NIXON:** I understand the question now. I apologise. No, I would have no visibility of complaints within the school but the department has a clear complaints escalation process. If a member of staff was concerned or unhappy with how a complaint was or wasn't resolved within a school, there is a process for them escalating that outside the school.

**The Hon. COURTNEY HOUSSOS:** Does it go to the DEL?

**LEANNE NIXON:** It could go to the DEL. If they're unhappy with that, they can then go to the ED.

**The Hon. COURTNEY HOUSSOS:** Okay.

**DARYL CURRIE:** Can I just add there that any employee can call PES directly as well if there is an allegation of misconduct that they want to make.

**The CHAIR:** Can I just jump in there? Will there be an apology to Mr Stubbs for putting him on a communication protocol because he contacted you too much about something that was valid?

**DARYL CURRIE:** I don't believe that is the case. I've spoken to the director, and what I believe was the case was that there was information between the parties talking about the inability to discuss some parts of information and to share information while an investigation was taking place. I will look into it, though, and consider what you've suggested.

**The CHAIR:** I hope you do apologise to him and Mr Connell about the delays and certainly the communication protocol, because they were badly treated for two people who've been vindicated today. Sorry, Courtney.

**The Hon. COURTNEY HOUSSOS:** I just have two final questions. Mr Currie, we heard earlier today that the WHS minutes have been deleted by PES as part of the investigation. Is that correct?

**DARYL CURRIE:** No. We're not in the business of deleting evidence that we would rely on. I cannot shed any light on what has been alleged without us actually looking at it. I know that part of the evidence was WHS committee minutes. In terms of the specifics of what was alleged, I'd have to be told exactly the dates, et cetera, but—

**The Hon. COURTNEY HOUSSOS:** Can I suggest that on notice—

**DARYL CURRIE:** —I'm very confident that we haven't. PES has not.

**The Hon. COURTNEY HOUSSOS:** Mr Currie, can I suggest to you that on notice you reflect on the evidence provided by Mr Connell this morning—and if you can provide us on notice with a response to that evidence?

**DARYL CURRIE:** Absolutely.

**The Hon. COURTNEY HOUSSOS:** Thank you. Ms Nixon, you said that there's air monitoring going on at the moment. Who is that being reported to?

**LEANNE NIXON:** Air monitoring?

**The Hon. COURTNEY HOUSSOS:** That's going on at Castle Hill High School.

**LEANNE NIXON:** I haven't spoken about air monitoring. I will refer that to Mr—

**The CHAIR:** There is a hygienist isn't there?

**ANTHONY MANNING:** We have air monitoring at the school. That reports into us and the asset management unit.

**The Hon. COURTNEY HOUSSOS:** Does that report back to the school? Does it go back to parents? Does it go back to the P&C? Does it go back to the teachers? Where does it go? Or does it just go to the asset management unit?

**ANTHONY MANNING:** It comes into us. I will need to take on notice conversations we might have had with the principal, but I would presume that we would share that information with the principal. To date we've not received anything on the air monitoring that would cause us any concern. The air monitoring would either be a zero record or under the permissible limits. Anything that was north of that, we would be in contact with hygienists and SafeWork as part of our normal process.

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**The Hon. COURTNEY HOUSSOS:** Can you take on notice and tell me if you are reporting, even if it is a zero reading, back to parents, back to teachers and back to the school community?

**ANTHONY MANNING:** Sure. I will take it on notice as to whether we're reporting it back to the school.

**The Hon. ANTHONY D'ADAM:** Can I just ask one final question?

**The CHAIR:** Yes.

**The Hon. ANTHONY D'ADAM:** Ms Nixon, there is clearly evidence that the work health and safety committee issues had been raised and ignored. It suggests that perhaps the work health and safety committee, certainly at Castle Hill, wasn't functioning in a way that it should. It wasn't actually operating to do its job properly. There was some suggestion that perhaps the management was exercising too much control over the work health and safety committee. Are there any lessons there that are going to be taken on by the department with regard to improving the functioning of work health and safety committees? I might also just ask: There was evidence earlier about parent support for a parent representative on work health and safety committees. I might invite you to make some comment about that.

**LEANNE NIXON:** Certainly out of the PES investigation and the SafeWork investigation, if there are recommendations around committees, we will look at that. The principal is the accountable officer for that work health and safety committee. We will wait to hear what their recommendations are, and if that needs to be improved then we certainly will. In terms of a parent representative on a workplace health and safety committee, there is no concern with that. Potentially that is something we could look at exploring further.

**The CHAIR:** Thank you. We're up against time exactly. I thank the four departmental officials for their time and contributions today. A number of questions have been taken on notice. They will come back within the 21-day period. We will adjourn the hearing now for an hour to 2.15 p.m., when we will hear from Mr Ray Williams, the member for Castle Hill.

**(The witnesses withdrew.)**

**(Luncheon adjournment)**

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**Mr RAY WILLIAMS**, Member for Castle Hill, before the Committee

**The CHAIR:** It being 2.15 p.m., we're able to resume the hearing into the Castle Hill High School asbestos problems. Someone who has raised these issues publicly and taken a role in the local community is Ray Williams, the member for Castle Hill. Thanks, Ray, for coming in and giving us your time this afternoon. We've all been stunned by some of the evidence earlier in the day, so we're very keen to hear from you as well. As a member of Parliament, you've already taken an oath, of course, even though it's the people's Chamber, not the chamber of lords and landowners like our upper House. We'll take your oath from the LA and ask you if you've got an opening statement to make, please.

**Mr RAY WILLIAMS:** Mr Chair, all I would say, very briefly, is thank you for the invitation to be here to make a small contribution on behalf of the work that you and your Committee are doing. Can I just say that I very much hope that throughout the course of the work of this Committee, we ensure that the future health, safety and wellbeing of all school students across New South Wales are not placed in jeopardy, as I think they have been at one of my schools, that being Castle Hill High School in my electorate.

**The CHAIR:** If I can start the questioning, Ray, by asking how well did you know Vicki Brewer as the longstanding principal of Castle Hill, and when did you first become aware of this stunning recklessness and negligence with regard to the asbestos problem?

**Mr RAY WILLIAMS:** Mr Chair, I believe I've known the former principal Vicki Brewer for over a decade. We've had a good relationship. In my opinion, she has been an outstanding principal at that school, broadly respected by the school community, the students within that particular community, members of Parliament, et cetera. And the academic achievements of that particular school, I think, speak volumes on behalf of her ability as a principal. Going to the second part of your question—when did I first become aware of the problems of asbestos contamination in Castle Hill High School?—it would have been during a meeting in May this year in my office, where I met at the request of parents and teachers from Castle Hill High School who divulged to me a range of evidence.

One piece of that evidence was the 2016 asbestos assessment report that was undertaken. I'm advised that it was subsequently advised at that time to the school community that that test for asbestos was negative. In fact—and I have a copy of that particular report, which I'm sure you do—that report was subsequently positive. When I was being advised of that, that was then six years later. Mr Chair, being the representative of that school and the representative of that area of my electorate, I could only think of the cohort of students that had subsequently gone through that school from year 7 to year 12 and completed their secondary education who may well have been contaminated or at least come in contact with asbestos in that school, which I just think is absolutely horrendous.

**The CHAIR:** How do we explain it then? Because it's one of the puzzles that we put to the education department officials. Ms Brewer herself was invited to be here but she says she's in Queensland for six weeks. We would afford her the procedural fairness of hearing her side of the story anytime she wanted to present it to the Committee. But the evidence we heard this morning really is of stunning recklessness, neglect and deceit—telling a staff member that no complaints were lodged on the Sentral portal, when scores of them had been lodged, and telling the Director, Education Leadership that the ceiling asbestos was never on the register when it clearly was. And most damning, she went for 11 consecutive work health and safety committee meetings at the school where they were trying to get hold of findings on the 2016 sample of asbestos dust that was falling from the ceiling like snow at the HSIE staffroom. It was so easy to do an email check of various staff at the school, to do a bank account check of how it had been paid for and by whom, but she never did any of that. How is a hard-working, successful principal on the academic side so negligent of the work health and safety of her staff and the student population?

**Mr RAY WILLIAMS:** Mr Chairman, I can't answer any of those questions you've raised. I've not been provided with any evidence in relation to where, ultimately, the blame lies for what, to use your words, this cover-up has involved. I simply say that since my involvement, since the issues were raised with me, I think it is fair to say that the education department must have had procedures in place to have done something to ensure the health, safety and wellbeing of students and staff. We're talking about over 2,000 students in that school right here and now. We're talking about hundreds of staff members over a very, very long period of time. Since I've been involved and since I've raised these particular matters, I've not seen any evidence from the Department of Education that things are improving. As a matter of fact, what I'm seeing is, if I can use a colloquial term, that this issue continues to be kicked down the road by the Department of Education, by asset management, by PES.

As I said in Parliament, I think it is about time somebody needs to stand up and call that out. I'm more than happy to be that person because at the end of the day, I'm responsible for the people as their representative. But more than that, the Department of Education is totally responsible for ensuring a safe learning environment

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and a safe working environment for every person that walks in that school gate to this day. When I raised this particular matter I simply said, "I'm no expert in this field, although I think we all know the dangers of asbestos and what that can cause. I simply want to have an independent investigation undertaken to establish whether that school is safe for habitation today." When I raised the matters with the Minister, I was advised that the Government was going to undertake an independent assessment. I'm yet to see that. I want an independent asbestos assessment that is at arm's length from government and arm's length from the Department of Education.

When I raised this matter publicly, the very next day the current principal issued a letter to all parents of students at that school stating that the department believed there were no problems with asbestos in that school; and, only 14 days later, then issued another statement that there is further asbestos contamination in that school. To this day, I believe, Mr Chair, there still is evidence of asbestos contamination within that school. Investigations have been underway now for over 2½ years. When is this department going to stop kicking this issue down the road and undertake to establish, first and foremost, whether there is the presence of asbestos in that school and whether there is a danger to any person who walks in that school gate each and every day? That's simply all I want. If they establish that that isn't the case, and that it is not a dangerous environment, I'll certainly be satisfied, because neither you or I, Mr Chair, can change the past.

**The CHAIR:** I'm glad to hear you say that because they need a local member who takes seriously the obligations of providing a safe and healthy environment for the staff and students at that school, especially after everything they have been through. You are not confident it is safe at the moment, and you want an independent assessment and inquiry. When did you ask the Minister for that?

**Mr RAY WILLIAMS:** The day after I had the meeting with the parents and teachers, I had a very, very blunt conversation with the Minister—

**The CHAIR:** This is back in May?

**Mr RAY WILLIAMS:** I believe that's correct. I do have the time line but I believe I met with the teachers and parents on 26 May. I had a conversation the very next day with the Minister over the phone. The Minister commenced by explaining that she was advised by the department that there were no problems with asbestos at Castle Hill High School. I was fairly blunt in my assessment and saying that I wanted her confirmation by the close of business the following Monday—there was a weekend in between—stating that that school was asbestos-free, that there was no contamination within that school and that an independent assessment would be undertaken immediately to establish that, and that if that didn't happen then I was more than happy to front the media and call that out immediately, because I think enough time has been wasted and enough lives have been placed at risk. I think we needed some urgent action.

**The CHAIR:** Has the Minister got back to you in the four-month period since you asked for the independent inquiry? What is the status of it now?

**Mr RAY WILLIAMS:** The Minister advised me about a fortnight after that. She assured me that there was going to be an independent assessment undertaken in relation to the school and that she would advise my office forthwith when that was going to happen.

**The CHAIR:** What have you heard since?

**Mr RAY WILLIAMS:** Nothing.

**The CHAIR:** Nothing. So that's 3½ months of inaction after you were told, around the beginning of June, that there would be an independent inquiry. Ray, you represent a large number of these people living in The Hills district. Do you believe that more needs to be done to notify former staff members of Castle Hill High School and also former students of the dangers that have been evident in the past five to six years, even longer? The education department, before lunch, was indicating they haven't done anything to go out of their way to contact former staff to let them know the status of the issue.

**Mr RAY WILLIAMS:** Mr Chairman, I'm certainly no expert in what process should be undertaken. I state once again for the record that, at this point in time, I just want to firmly establish that there is a safe learning environment at that school right now. I can't change the past and nobody can—

**The CHAIR:** But shouldn't we notify the former staff members and students?

**Mr RAY WILLIAMS:** I think that would be a part of the process. I think that any person that subsequently believes that their life may be placed at risk—I think that would be a common courtesy to notify all those people and the students. I don't know how far you go back, Mr Chairman, because obviously it's a building with some age and there are other buildings of age which do have asbestos-related materials within those schools. I don't know, it's almost "How long is a piece of string?" But I think, as a common courtesy, that would be good.

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But I think it is just absolutely unforgiveable, when we have firmly established that there was asbestos in that school in 2016 and identified to the school community that that report was negative when, in fact, it was positive.

When you start to raise these things, as both yourself as the Chair of this Committee has done and as I have done as the local member of Parliament, we're not getting the responses that I believe are acceptable from the Department of Education. I'll say once again that they continue to kick this issue down the path. Mr Manning, I believe, who continues to come out stating that it is a safe learning environment in that school—well, I've invited Mr Manning to take himself and his family up there and spend some months and weeks and years out there, as my community do, at Castle Hill High School and see how he'd feel about that and whether he'd be comfortable, because I don't think anybody would be too comfortable at the moment. I don't want to be a fearmonger, Mr Chairman.

**The CHAIR:** No.

**Mr RAY WILLIAMS:** I want to establish whether that learning space is safe today, safe on behalf of everybody who walks in the school gates, and I don't think that's too much to ask.

**The CHAIR:** Yes, we're not trying to create fear; we're trying to create an acknowledgement this is a no-risk substance, asbestos, and there are procedures that haven't been followed, and anyone who has been put at risk at least needs to know about it and the Government needs to take responsibility for what's happened. Most particularly, the Department of Education needs to change many of its procedures and policies, and we didn't hear a lot about that earlier in the day. Other Committee members with questions, please? Mr D'Adam?

**The Hon. ANTHONY D'ADAM:** I wanted to ask about risk assessments. I asked the department about this. Has there been a risk assessment provided to you? Are you aware of any risk assessments that have been undertaken by the department in relation to Castle Hill High School? And that documentation—has it been provided to you, if it has been undertaken?

**Mr RAY WILLIAMS:** Mr D'Adam, to answer your question, I've been provided with quite an extensive amount of documentation, as I said before, the first one being the positive asbestos test that was undertaken in 2016. I believe I've also been provided with an environmental clean inspection report that has been done at the school. I believe these are documents that, Mr Chairman, you may already have yourself. If not, I'm more than happy to table these. But we looked, or my staff members looked, at the asbestos register, which is on the website of the Department of Education.

When we first looked at that, which is publicly available, it listed down some 95 areas where asbestos had been identified in Castle Hill High School. I think it also identified that every demountable had some form of asbestos in the demountables. Of those 95 areas, five are then listed as high priority; eight were listed as medium priority. When I subsequently raised those matters in the media, those particular figures and that asbestos report were removed from their website. A little later it was updated to the point where it was updated with another, I believe, 30-odd areas of asbestos contamination. So there are some 125-odd areas; four now with high priority, eight with medium priority. The issue is not getting any less. By the education department's own website, their statistics are stating that they are actually discovering more asbestos in that school. I don't know whether or not that's placing children or staff at risk. I don't know because I'm not an expert in that area, but it's certainly cause for alarm when you see those statistics growing and not removing.

I just wonder why initially those particular figures were removed from the website by the Department of Education. They come out and they make a comment—after I went to the media—stating, "There is nothing to worry about in Castle Hill High School. There is no asbestos contamination." I'm paraphrasing the words of Mr Manning from the Department of Education. Two weeks after that, they come out and issue another report that there is further asbestos that has been identified at the school. This is now only just two months ago. I understand that there are levels of asbestos in that school today. I just want to establish whether they are dangerous levels or they are placing in jeopardy the health, safety and wellbeing of everybody who walks in the door. I have a lot of documentation, but I don't think I have the documentation of the risk assessment that you're asking.

**The Hon. ANTHONY D'ADAM:** You're a Government MP. It's probably pretty embarrassing for the Government to have you appearing here today. Has anyone discouraged you from going to the media from the Minister's office or other members of the Government?

**Mr RAY WILLIAMS:** Mr D'Adam, I think people within my party gave up giving me advice sometime ago.

**The Hon. SCOTT FARLOW:** I've tried; I failed.

**Mr RAY WILLIAMS:** As the Chairman identified at the beginning of me providing evidence here, I swore an oath in Parliament back in 2007 and subsequently in 2011, 2015 and 2019, as you, I think, have

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probably done and other members of Parliament have done, to do the right thing on behalf of the people of New South Wales. As a representative of these people, if I'm not going to speak up on behalf of their best interests to protect what I believe can be some of the most vulnerable members of our society—young students going to a school that is contaminated with asbestos—then I don't think any of us should be here.

**The CHAIR:** Well said.

**The Hon. ANTHONY D'ADAM:** That's all well and good, but my question is whether anyone in the Government approached you, whether anyone from the Minister's office or the Minister herself approached you to discourage you from appearing or from going to the media in relation to this issue.

**Mr RAY WILLIAMS:** No.

**The Hon. ANTHONY D'ADAM:** No-one.

**The Hon. WES FANG:** We're not the Labor Party, Anthony; we don't operate that way.

**The Hon. SCOTT FARLOW:** Mr Williams, you outlined that updated asbestos register. That would show that some activity had been undertaken. Items don't just get updated onto that asbestos register by people looking at it, so that must mean there must have been some constructive work that has been undertaken at the school subsequent to you outlining those issues to the Minister.

**Mr RAY WILLIAMS:** Yes. Agreed, Mr Farlow. I believe that is the case. I also believe and understand that there's a certain amount of remediation work that's happened at the school. All those things are positive in relation to what's happened. I want to establish now—given the comments and the information that was provided to me by parents and teachers who sat and visited me, they had concerns with the current air monitoring. They raised issues over the years that involve their complaints where asbestos was falling from the roof, not only onto their desks, onto windowsills and carpet but onto staff in that particular school.

These are just horrifying amounts of evidence that people have provided me with. I'm not suggesting for one moment that that's happening today. One would hope that that's certainly not happening today. But the fact is there is evidence of asbestos within that school right now, and I want to know what the levels of that asbestos are and whether it's placing the health of anybody in jeopardy. I don't think that's too much to ask: an independent assessment test done on behalf of that school. Mr Chairman, I am happy to place on the record today that you can find plenty of these companies that will undertake that test. If the Department of Education is struggling in its budget that much, I'm happy to put my hand up today. I'm happy to fund that. I'll fund that on behalf of that school if it gets that done, because I think that would put everybody's mind at rest. Certainly it would let me sleep a little bit easier at night if we had an independent asbestos test done yesterday.

**The CHAIR:** It's not like asbestos is a new issue.

**Mr RAY WILLIAMS:** That's right.

**The CHAIR:** There are plenty of companies out there that do these assessments on a regular basis.

**The Hon. ANTHONY D'ADAM:** What does it say to the community that the Government is not heeding your requests, Mr Williams? What does it say to the community that despite you being a Government MP, it is ignoring your request for action on this issue?

**Mr RAY WILLIAMS:** Mr D'Adam, the Department of Education are responsible for their asset. They have compliance procedures that are in place. As I've pointed out, they also have an investigation that has now taken 2½ years and we're none the wiser as to what that investigation is going to uncover. I believe SafeWork NSW is also running a concurrent investigation. So there are many procedures that are in place. I state for the record that if the education department is not responsible for this, and if this is not a primary asset of theirs, then who is responsible for it? Government, Ministers and members of Parliament are only as good as the information that we receive. It's very sad and it's a sad indictment that it has taken so long for this information to be made public and for something to be done about it. I certainly don't think that the process has finished. As a matter of fact, I think it needs to start and it needs to start today.

**The Hon. WES FANG:** Chair, I will make the point that that question asked by Mr D'Adam clearly ignored the evidence that was provided by the department this afternoon that there is continual and ongoing assessment and monitoring at Castle Hill High School.

**The Hon. ANTHONY D'ADAM:** Point of order: You can't just make a comment, Wes. That's not your role here.

**The Hon. WES FANG:** You've asked a question.

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**UNCORRECTED**

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**The CHAIR:** It's meant to be a question to the witness.

**The Hon. ANTHONY D'ADAM:** You can ask a question of the witness.

**The Hon. SCOTT FARLOW:** Wes can frame it as a question.

**The Hon. WES FANG:** It's a question in two parts. Mr D'Adam made an assertion that there wasn't monitoring occurring at Castle Hill, yet we heard evidence today from the department that that is, in fact, occurring. In the circumstance where Mr D'Adam has put a false perspective forward, how damaging is that to the community, that there's continual misinformation here around what it is that's occurring? Have you been engaged with on the issues around what is currently being undertaken in Castle Hill in relation to the monitoring situation?

**The Hon. ANTHONY D'ADAM:** Was that a question, Wes?

**The Hon. WES FANG:** There is a question there. It was deep in there but it was there.

**Mr RAY WILLIAMS:** The information goes back to, I suppose, everything that's already been placed on the record. The information that I have received has largely come from the parents and teachers. However, our own work that my office has done since this issue was raised in finding the public documents of an asbestos registrar, which firmly point out that there are now over 100 identified areas of asbestos in that school—four areas are now high priority and eight areas are of a medium priority. When I raised this publicly, the department, under the signature of the current principal, was happy to rush out a letter the next day to the school, advising them that there was no asbestos contamination and that they believed the school was safe, yet, 14 days later, discovered that there was more asbestos within that school. That continues to be identified to this day.

Mr Fang, I say to you that I believe that my community is very concerned. They absolutely adore the fact that their children attend this school because of the quality of education that has been provided here for decades and decades. As a public school, I'm incredibly proud that it sets standards of education that are unparalleled, in some cases, whether they are private or public schools. In saying all of that, those parents and those students deserve to know that their children are safe and that staff are safe every time they walk through the gate. I think the confusing, covered-up issues in relation to the Department of Education are reprehensible and it needs to change.

**The CHAIR:** We're right up against time, and I think the questioning has drifted into the politics of it rather than the terms of reference and the safety of the school community. Thanks, Ray Williams, for your contribution today, which was, as we like it, to the point and constructive. We look forward to you pressing for that independent inquiry and to get it done for the satisfaction of the health and safety and peace of mind of the staff and students of the school.

**Mr RAY WILLIAMS:** Thanks, Chair. Thanks, Committee.

**(The witness withdrew.)**

**The Committee adjourned at 14:41.**