

s22

From: SOWRY, Pat
Sent: Monday, 25 February 2013 11:01 AM
To: allan.borg@nt.gov.au
Subject: FW: Response to Commissioner re Wadeye incident. [SEC=UNCLASSIFIED]
Importance: High

Hi Allan,

I provided New Future Alliance with an extract of the complaint last week with the complainant's identity excluded. New Future Alliance is an alliance made up of the NT Government, Leighton Contractors, Broad Construction, Ngarda Civil and Mining, and Opus. It would appear from the attached reply that Leighton Contractors are familiar with the case and the Alliance has asked for further information which is up to you to provide/release.

It would appear that the complainant may be seeking to reinforce his case for a work stress claim against his former employer by seeking reassurance of its basis through your office.

Hope the attached is of assistance. I will await your further direction.

Regards,

Pat Sowry

Executive Director | Remote Housing Northern Territory
Department of Families, Housing, Community Services & Indigenous Affairs

Phone: s47F | Mobile: s47F
 Email: s47F



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FaHCSIA acknowledges the traditional owners of country throughout Australia and their continuing connection to land, sea and community. We pay our respect to them and their cultures, and to the elders both past and present.

From: s47F
Sent: Monday, 25 February 2013 9:13 AM
To: SOWRY, Pat
Cc: s47F
Subject: Response to Commissioner re Wadeye incident.

Good morning Pat

Find attached response to your email regarding the asbestos incident at Wadeye.

regards

s47F

Operations Manager

New Future Alliance (SIHIP)
 82 Mitchell Street, Darwin NT 0800
 T s47F
 E
www.leightoncontractors.com.au



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 NATIONAL SAFETY AWARDS
 OF EXCELLENCE

Winner

Best Solution of an OHS Workplace Risk (Med-Lge Business)

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s22

From: SOWRY, Pat
Sent: Monday, 25 February 2013 10:47 AM
To: s47F
Subject: RE: Response to Commissioner re Wadeye incident. [SEC=UNCLASSIFIED]

Thanks s47F

I'll need to check with the Commissioner who raised it whether further details can be provided to you.

Regards,

Pat Sowry

Executive Director | Remote Housing Northern Territory
Department of Families, Housing, Community Services & Indigenous Affairs
Phone: s47F | Mobile: s47F
Email: s47F

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From: Law, Gavin [<mailto:Gavin.Law@nfalliance.com.au>]
Sent: Monday, 25 February 2013 9:13 AM
To: SOWRY, Pat

Cc: Deane, Peter; McMorrow, Peter; jim.muir@opus.com.au; Musch, Bert; Sheppard, Tony; Trevor Collins; McCann, John

Subject: Response to Commissioner re Wadeye incident.

Good morning Pat

Find attached response to your email regarding the asbestos incident at Wadeye.

regards

Gavin Law
Operations Manager

New Future Alliance (SIHIP)
82 Mitchell Street, Darwin NT 0800
S47F

www.leightoncontractors.com.au



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Winner

Best Solution of an OHS Workplace Risk (Med-Lge Business)

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22nd February 2013



Mr Pat Sowry
Executive Director
Remote Housing Northern Territory
Department of Families, Housing, Community Services & Indigenous Affairs
GPO BOX 9820
DARWIN NT 0801

Dear Pat

Re: Asbestos Incident at Package 6 Wadeye

Thank you for your email. NFA are both surprised and gravely concerned at the allegations.

In relation to your request for a response, firstly I wish to assure you that NFA take the allegations very seriously and will prioritise investigating these allegations. It is important to appreciate that as the incident referred to is alleged to have occurred several years ago NFA would need to review archived materials to provide a more extensive response.

However I can confirm that recently NFA had cause to briefly consider this matter following a request of a Mr Jonathon Wren who wrote to Leighton Contractors claiming that although he was not exposed to any asbestos he felt he had a personal injury claim relating to stress he suffered in his employment. If you are able to provide the full letter of complaint or the details of the person that has raised the allegations in your email it might assist NFA to respond further and if relevant Leighton Contractors may be able to provide to you the correspondence they have been engaged in with Mr Wren.

NFA are confident, that pursuant to Health and Safety Legislation, the incident was reported.

In relation to the specific facts surrounding the incident, Lot 433 was demolished on 31 May 2010. I can confirm it was certainly not the case as alleged below that *"due to the political nature of the Strategic Indigenous Housing Improvement Project (SIHIP) that the incident was kept quiet"*. To the contrary subsequent to the discovery of asbestos I am advised that NFA not only notified NT WorkSafe, but NFA also notified NRETAS, the Environment, Heritage and the Arts Division and the Director of Data and Reporting Team at the Office of Federal Safety Commission.

We will obtain all relevant material relating to the matter and we await your further direction as to what if any further information you would like us to supply to you. The extract provided, being incomplete and containing many assumptions makes it difficult for NFA to respond in more detail at this stage. We note that the extract claims that the writer worked on the SIHIP project in Wadeye until late 2010. No reasons for the lengthy delay in making these allegations are included. Furthermore the attachments that are referenced are not attached and it would be necessary for NFA to be provided copies to review and respond accordingly.

New Future Alliance
100-000-PM6-COR-0163
100-000-PM6-COR-0163
100-000-PM6-COR-0163
100-000-PM6-COR-0163
100-000-PM6-COR-0163

NFA wish to provide you our full assistance in order to resolve this complaint which we anticipate has no merit but nevertheless we will treat seriously and investigate thoroughly should you provide sufficient time for us to do so.

Please feel free to contact me by email at any time but in particular could you please email me

- 1) the full complaint or details of the complainant
- 2) the attachments referenced; and
- 3) anything else that you consider may assist NFA to fully respond.

Yours faithfully

NEW FUTURE ALLIANCE

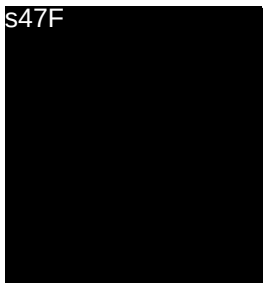
s47F

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Operations Manager

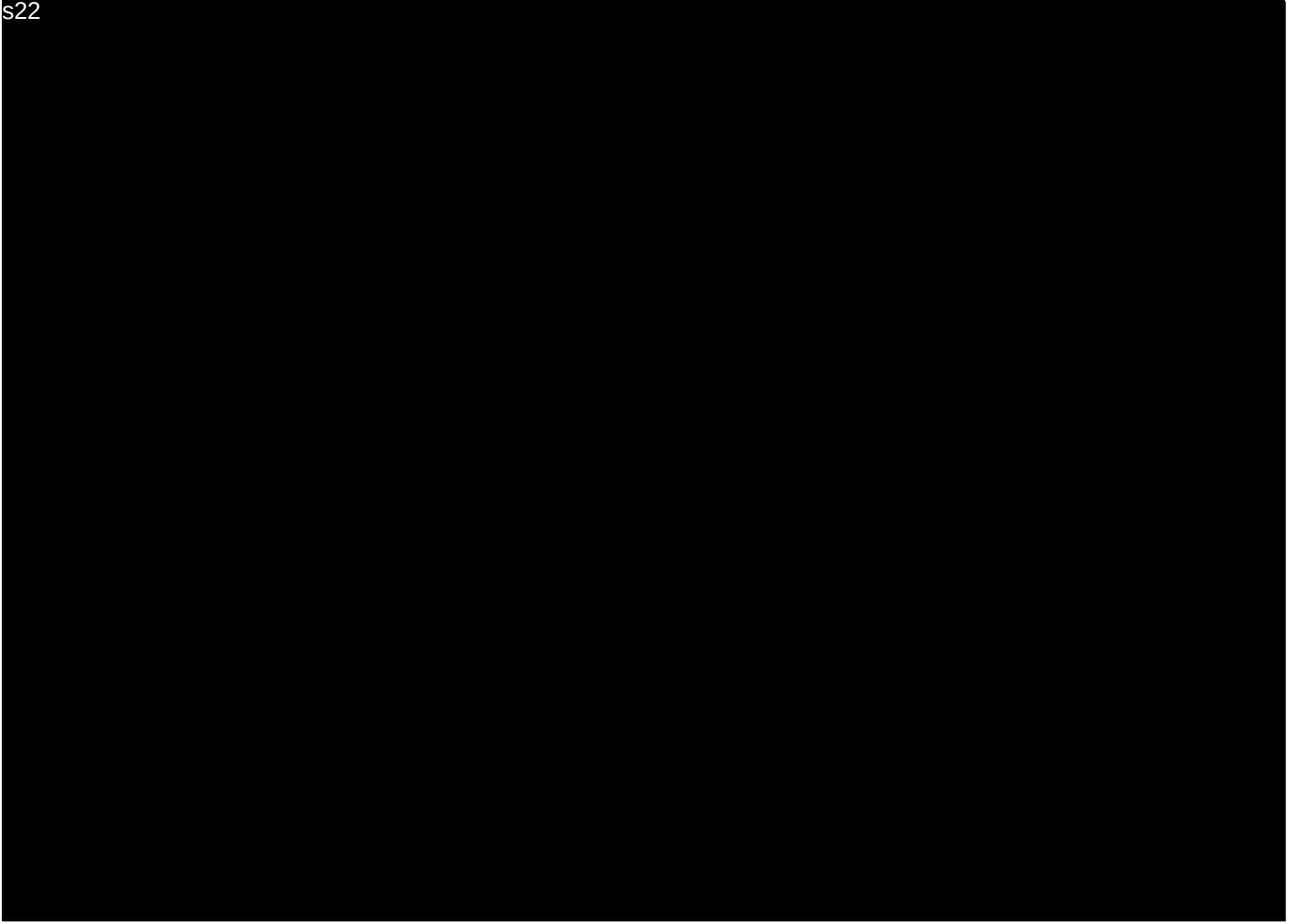
cc

s47F

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2025

s22



From: SOWRY, Pat
Sent: Friday, 22 February 2013 5:54 PM
To: 'Allan Borg'
Subject: RE: Our telephone call earlier [SEC=UNCLASSIFIED]

Allan,

NFA have advised they won't be able to respond till Monday and consequently I won't be able to advise till I receive their input.

Regards,

Pat Sowry
Executive Director-AG
Remote Housing NT

-----Original Message-----

From: Allan Borg [Allan.Borg@nt.gov.au]
Sent: Friday, February 22, 2013 04:18 PM AUS Eastern Standard Time
To: COFFEY, Mark
Cc: SOWRY, Pat
Subject: RE: Our telephone call earlier [SEC=UNCLASSIFIED]

Thanks Mark, Pat has contacted me and is preparing a briefing for me.

All good thank you.

Kind Regards.

Allan Borg

Chief Investigation Officer
Commissioner for Public Interest Disclosures
GPO Box 3750, Darwin NT 0801
Floor 7, 9-11 Cavenagh Street, Darwin

Freecall: 1800 250 918

s47F

web: blowthewhistle.nt.gov.au

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From: COFFEY, Mark s47F
Sent: Friday, 22 February 2013 2:47 PM
To: Allan Borg
Cc: SOWRY, Pat
Subject: RE: Our telephone call earlier [SEC=UNCLASSIFIED]

Hi Allan, I did refer this to Pat and left it with him. Suggest you talk to him direct on 8999 3015 and have copied him into this email.

Mark Coffey
State Manager
NT State Office
Department of Families, Housing, Community Services and Indigenous Affairs
p s47F | F: (02) s47F | E: s47F

From: Allan Borg [<mailto:Allan.Borg@nt.gov.au>]
Sent: Friday, 15 February 2013 2:47 PM
To: COFFEY, Mark
Subject: RE: Our telephone call earlier [SEC=UNCLASSIFIED]

Hello Mark,

You may remember our contact in November 2012 regarding an issue with asbestos out at Wadeye. You mentioned that you were forwarding the information to Pat Sowry. I have been asked by the Minister's office for a follow up. Are you able to give me some idea of the outcome of the enquiry, if there was any outcome?

Kind Regards.

Allan Borg

Chief Investigation Officer
Commissioner for Public Interest Disclosures

GPO Box 3750, Darwin NT 0801
 Floor 7, 9-11 Cavenagh Street, Darwin

Freecall: 1800 250 918

s47F

web: blowthewhistle.nt.gov.au

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From: COFFEY, Mark s47F
Sent: Friday, 30 November 2012 2:39 PM
To: Allan Borg
Subject: RE: Our telephone call earlier [SEC=UNCLASSIFIED]

Thanks Allan, have forwarded to Pat Sowry from Remote Housing NT branch.

Regards

Mark Coffey
State Manager
 Northern Territory State Office
 Department of Families, Housing, Community Services and Indigenous Affairs
 P: s47F | M: s47F | F: (02) 6204 7807 | E: s47F

From: Allan Borg [<mailto:Allan.Borg@nt.gov.au>]
Sent: Friday, 30 November 2012 2:31 PM
To: COFFEY, Mark
Subject: Our telephone call earlier

Hello Mark,

The information is included in the attached email and was provided by Jonathan Wren who can be contacted on 0479091029 or by email at jonathanwren_9@hotmail.com

Dear Sir/Madam,

Public Interest Disclosure - Handling of Asbestos Incident in Wadeye

I wish to make a public interest disclosure about the handling of an asbestos incident in Wadeye that occurred in late 2010. As far as possible I wish my details to remain confidential, they are only being provided to help with the investigation of this incident.

The incident involves Leighton Contractors as part of New Future Alliance failing to check the asbestos register that was sitting in the site office, then proceeding to demolish (most likely bulldoze) a house containing asbestos material. This exposed both the workers carrying out the demolition and the surrounding indigenous residents to asbestos contaminated dust. Workcover NT was advised of the incident and originally threatened to place criminal charges against the board of Leighton Contractors however nothing appeared to eventuate. I am concerned that due to the

political nature of the Strategic Indigenous Housing Improvement Project (SIHIP) that the incident was kept quiet, that the indigenous population who were exposed to the asbestos were not informed and that Leighton Contractors was provided favourable treatment (by neither fining or prosecuting them) to keep the matter quiet.

My background is that I worked on the SIHIP project in Wadeye between August 2010 through to the end of October 2010. My job was as a structural engineer conducting the structural, architectural, certification and some of the minor civil inspections at Wadeye. I had discussed the matter out of curiosity with the Leighton Safety Officer investigating the incident as well as a number of other Leighton's staff on site. Due to considerable other personal issues I have had to deal with and concerns as to the personal ramifications, I have only come forward at this point.

The house which contained asbestos and was demolished sits where Lot #466 now stands (cnr Bunduck St and Marwurt St) across the road from the church. I have attached a map of Wadeye for your information. I believe this was the house, since the government came and epoxied stickers to the houses that contained asbestos and they epoxied a sticker to the door of Lot #466 even though it was a new house. I asked about this in the site office and was advised that it was the location of the asbestos incident.

My understanding of the incident was that it occurred in August 2010. The house containing asbestos was demolished by subcontractors who weren't licensed asbestos removalists and did not have the proper protective equipment because due to the failure to check the asbestos register they did not know the house contained asbestos. The fact that the house contained asbestos was discovered after its' demolition by reference to the asbestos register (a copy of which was sitting in the site office, and which was also available electronically). At this stage a pile of asbestos contaminated waste was sitting near the centre of Wadeye. To remove this risk it was decided to ask for volunteers (from among the subcontractors) to remove the pile of waste away from the township. They found some volunteers who were neither licensed asbestos removalists nor had proper protective equipment to remove the pile of waste to the road next to the airfield. We were advised that Workcover NT had been advised of the incident. Within a week of the incident we were advised that Workcover NT was considering placing criminal charges against the board of Leighton Contractors however nothing ended up happening. The pile sat next to the airfield covered in plastic and was watered daily for the following months as disputes continued over where to dump it. NFA tried to get the license conditions amended for the local tip to allow it to be dumped there, however this was refused. They then looked at the option of trucking it to Mt Isa (QLD) because the Northern Territory government was refusing to accept it. Eventually the Northern Territory Government relented and gave permission for it to be disposed at one of the Northern Territory dumps. I left Wadeye at the end of October 2010, when the pile was still on site and sat next to the asbestos tester on the flight back to Darwin who advised that the pile did contain asbestos.

A major safety incident had already happened within a week of this asbestos incident whereby a concrete tilt panel had fallen off a truck during unloading however fortunately no one was under it when it fell.

I have attached a copy of the Victoria Daly Shire Council Meeting minutes of the 19th of October 2010. Pages 156 through 163 provides details of the application lodged by New Future Alliance (NFA) and The Department of Natural Resources, Environment, the Arts and Sport to have the license conditions at the local dump changed to allow the burial of ACM (asbestos containing material) rubble at the local tip. Based upon this document it appears that Council may have been misled about the nature of the asbestos (p156 background statement first sentence ... "that will be removed from houses at Wadeye."). Given the application was for asbestos rubble that was already on site, rather than for asbestos waste that would be on site.

Regards,

Jonathan Wren
ph: 0479091029

As a part of the assessment process, I contacted WorkSafe NT and received the following information regarding their involvement in this matter in a series of emails with the ED of WorkSafe NT Laurene Hull.

Essentially WorkSafe NT did not conduct any investigation into how Leightons managed to demolish a house in Wadeye which was full of asbestos, nor did they conduct any enquiries about the how Leightons treated the materials, including transporting it in an open truck to the local tip. They were only involved in the application to properly dispose of the material.

I hope this all makes sense. Mr Wren has given me permission to pass on this information to your office and is available to speak with you about any questions you may have.

Kind Regards.

Allan Borg

Acting Commissioner

Information and Public Interest Disclosures

GPO Box 3750, Darwin NT 0801

Floor 7, 9-11 Cavenagh Street, Darwin, NT 0800

Freecall: 1800 250 918

s47F



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s22

From: COFFEY, Mark
Sent: Friday, 30 November 2012 4:09 PM
To: SOWRY, Pat
Subject: FW: Our telephone call earlier [SEC=UNCLASSIFIED]

Hi Pat, attached is information received from Allan Borg today about an issue at Wadeye during the SIHIP works. Allan contacted me as he wasn't sure who else to talk to. It appears to relate to SIHIP works.

Regards

Mark Coffey
State Manager
 Northern Territory State Office
 Department of Families, Housing, Community Services and Indigenous Affairs
 P: s47F | M: s47F | F: s47F | E: s47F

From: Allan Borg [<mailto:Allan.Borg@nt.gov.au>]
Sent: Friday, 30 November 2012 2:31 PM
To: COFFEY, Mark
Subject: Our telephone call earlier

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ph: 0479091029

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Kind Regards.

Allan Borg
Acting Commissioner
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Floor 7, 9-11 Cavenagh Street, Darwin, NT 0800

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