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INCIDENT NOTIFICATION

Reference number: **20220829-133616-143**

Reported: **29 Aug 2022 - 13:37**

Organisation PCBU	Department of Employment and Workplace Relations - ABN: 12862898150
PCBU address	12 MORT ST ACT 2601
Organisation PWMC	
PWMC address	

Previous notification	
Reason for subsequent notification	
Comments	

Incident date/time	2022-8-27 5:30:00 PM
Location	50 Marcus Clarke 50 Marcus Clarke Street CANBERRA, ACT, 2600, , Australia Level 1, 50 Marcus Clarke Street
Major Hazard Facility	No
Sequence of events	An AC duct attached to the underside of the level 2 concrete floor dropped through the open grid ceiling shearing off a sprinkle pipe resulting in a fire alarm activation and vast amounts of water flowing over the floor of level 1 and into the lift shafts. Building immediately closed after emergency services response. Root cause of duct failure to be inspected by professional engineers.
Activity being performed	The incident took place over the weekend. There were no known organised activities being undertaken. It has been advised later that some staff were present on the premises - different floor. Specific to the incident site (Level 1) NIL activity.
Items involved	AC duct, aluminium decorative ceiling grid, fire sprinkler system
Type of incident	Dangerous Incident - The fall or release from a height of any plant, substance or thing

Preventative action	<ul style="list-style-type: none"> • Building immediately closed after emergency services response. • The level 1 sprinkle supply was isolated and have temporarily propped the AC duct • Water extraction contractors and plumbers were arranged to remove the water overnight. The lift technician attended to assess the lifts, impacted lifts were taken out of service for further assessment on Monday morning after drying out. • The building will remain closed Monday for all staff while further assessment of the lift and electrical services are completed.
Preventative long-term	Property team will undertake Root cause analysis of duct failure through inspection by professional engineers.
Has the site been disturbed	Yes
Inspector arrived/authorised	No
Disturbed per 39(3) WHS Act	

Person who completed this report	s47F Assistant Director, Work Health & Safety s47F s47F @dewr.gov.au
Contact person for further enquiries	As Above
Person responsible for remedial action	s47F Director - Property Operations s47F s47F @dewr.gov.au



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INSPECTOR REPORT

COMCARE REFERENCE NUMBER	MC00028285
PCBU DETAILS	Name: Department of Employment and Workplace Relations ABN: 96 584 957 427 ACN:
REPORT ISSUED TO	Name: s47F Position: Assistant Director, Work Health and Safety Cc:
BACKGROUND	
<ol style="list-style-type: none"> 1. On 29/08/2022 Comcare received information regarding an incident that occurred at 50 Marcus Clarke Street, Canberra, ACT 2601 on 27/08/2022 at approximately 5:30pm. The information indicated that an air conditioning duct dropped through the false ceiling grid, shearing a sprinkler pipe resulting in flooding of level 1 and building lift shafts. There were no injuries. 2. Comcare commenced an inspection in relation to this matter on 01/09/2022 to monitor and enforce compliance with the <i>Work Health and Safety Act 2011</i> (Cth) (WHS Act) and the <i>Work Health and Safety Regulations 2011</i> (Cth) (WHS Regulations). 3. The scope of the inspection was to determine whether the steps taken, and control measures put in place were sufficient to prevent reoccurrence and eliminate risks to health and safety, so far as is reasonably practicable; and if it is not reasonably practicable to eliminate risks to health and safety, to minimise those risks so far as is reasonably practicable. 4. The risks identified during the inspection were to a person's health or safety emanating from an immediate or imminent exposure to the fall or release from a height of any plant, substance or thing. 	



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OUTCOMES

5. Based on the information reviewed during the inspection, I did not identify any non-compliance with the WHS Act/WHS Regulations with respect to the scope of the inspection.

Information and advice

6. The Department of Employment and Workplace Relations must ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable: s 17 of the WHS Act. PCBUs should have regard to Part 3.1 of the WHS Regulations and the Code of Practice: How to Manage Work Health and Safety Risks when managing risks to health and safety. The PCBU must monitor and maintain control measures, particularly any interim controls, to ensure that they remain in use and effective.
7. Learnings regarding control measures as a result of the inspection should be applied across the organisation where applicable.
8. The inspection is now closed however should an incident of a similar nature occur anywhere within the organisation in the future, Comcare will seek to confirm that the Department of Employment and Workplace Relations has ensured the control measures are, and are maintained so that they remain, effective.

COMPLIANCE ASSESSMENT

9. I determined a site visit was not necessary to examine the incident scene and sufficient information was able to be obtained voluntarily.
10. Based on the information reviewed, control measures implemented by the Department of Employment and Workplace Relations in relation to the risk were:
 - a. Maintain scene integrity and measures put in place by ACT Fire and Rescue including acro-propping of duct and isolation of sprinkler supply to maintain fire suppression to rest of building.
 - b. Removal of standing water from flood impacted work areas by contractors.
 - c. Engagement of elevator contractors to ascertain serviceability of elevators and closure of affected elevators.



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- d. Ongoing consultation with elevator contractors to provide or restrict access to whole or parts of building as required to prevent further risk to health and safety during rectification and inspection and works.
- e. Engagement of structural engineer subject matter expert (SME) by building owners, Charter Hall Holdings Pty Ltd, to determine likely cause of failure and provide expert guidance for rectification works.
- f. Closure of whole of building and consultative engagement with affected parties to establish 'working from home' arrangements and prevent exposure to further risk emanating from findings of structural engineer's report and proposed rectification works.
- g. Establish and maintain control of Level 1 where incident occurred, through restriction of access via Security Personnel.
- h. Implement and conduct rectification works in conjunction with SME and contractors.
- i. Intent to release individual floors for occupancy once works have been completed and signed off and in conjunction with Charter Hall Holdings Pty Ltd.
- j. Implement and maintain ongoing maintenance program for building services.

11. The ductwork involved in the incident has now been reinstated in line with Sellick Consultants Engineer recommendations. Further works undertaken as verification with due diligence to health and safety have also been completed and engineers' report has been submitted.

12. Having reviewed Sellick Consultants report I note that the fixings used in initial construction are not compliant with the current Australian Standard-*AS4254.2 Ductwork for air-handling systems in buildings*, however given the building predates the current standard, I find the rectification status outlined in the report to be reasonably practicable in the circumstance.

13. Charter Hall Holdings Pty Ltd has instigated a maintenance program to monitor the condition of fixings to remaining ductwork that did not meet the threshold for immediate compliance-work over office spaces in accordance with Sellick Consultants recommendations.



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14. Sellick Consultants opinion is “that the building is safe to occupy” as outlined in their report.

15. Given the nature of the incident and the measures taken to date to ensure risks to health and safety are eliminated so far as is reasonably practicable, or if not reasonably practicable to do so, are minimised so far as reasonably practicable, the inspection is now closed.

REPORT ISSUED BY	Inspector	s47F
	Inspector ID number	240
	Email	s47F @comcare.gov.au
	Phone	s47F
	Date	15/09/2022
	Signature	s47F



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DISCLAIMER

This report contains information that may assist you to take steps regarding your obligations under the WHS Act. You must refer to the Commonwealth *Work Health and Safety Act 2011* (WHS Act) and the *Work Health and Safety Regulations 2011* (WHS Regulations) to understand your duties and obligations. Comcare's external website contains links to WHS legislation.

Comcare does not accept liability for any errors or omissions or for any loss or damage suffered by you or any person which arises from your reliance on this report or for any breach by you of your obligations under the WHS Act. Where a Comcare inspector has inspected a particular workplace, it is not a representation by Comcare that the particular workplace is in any way free of hazards.

IF YOU DO NOT AGREE WITH A DECISION

If you disagree with the outcome of this inspection, you may seek an internal reconsideration of the inspector's decision. A request for a review should be sent to statutory.oversight@comcare.gov.au including any additional information or evidence you have to support your request. Comcare will review your request and advise of the outcome in writing within 20 business days.

If you would like to clarify any aspect of this report, you can contact the inspector directly.

Comcare has a range of publications and fact sheets to help explain your responsibilities and provide guidance to make your workplace safer. The Compliance and Enforcement Policy provides guidance as to how Comcare approaches regulation. To access these, visit our website.

PRIVACY STATEMENT

Your privacy is important to us. Comcare will only collect, use or disclose personal information in accordance with the Commonwealth *Privacy Act 1988* and if it is reasonably necessary for, or directly related to, one or more of our functions, powers and/or activities. These include functions and activities under the following Commonwealth legislation: *Safety, Rehabilitation and Compensation Act 1988*, the WHS Act, the *Seafarer's Rehabilitation and Compensation Act 1992*, and the *Asbestos-related Claims (Management of Commonwealth Liabilities) Act 2005*. If Comcare does not collect personal information from you, for the purposes of its legislated functions or related functions, we may not be able to respond appropriately.

Comcare is the Commonwealth agency authorised by the WHS Act to collect personal information relevant to the exercise of functions and powers under the WHS Act, WHS Regulations and the administration and evaluation of Comcare's WHS programmes. Any personal information collected in these forms will be used for those purposes.

In exercising our functions and powers, Comcare may disclose personal information, subject to confidentiality of information provisions under the WHS Act, to the following bodies and agencies, including but not limited to:

- Comcare's internal and external legal advisers
- the Safety, Rehabilitation and Compensation Commission
- a court or tribunal
- state or territory work health and safety regulatory agencies
- personnel engaged by Comcare to conduct research related activities
- enforcement agencies or bodies
- state and territory Coroners
- Commonwealth, state or territory industry regulators
- any other person assisting Comcare in the performance of its functions or exercise of its powers, including contractors and consultants
- any other person where there is an obligation under law to do so (for example but not limited to, responding to the direction of a court to produce documentation).

For further information on how Comcare handles personal information, please read the Privacy Policy on Comcare's website. To request a change to your personal information or to make a complaint, please phone or email privacy@comcare.gov.au.

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