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TRANSCRIPT OF PROCEEDINGS

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*The attached transcript, while an accurate recording of evidence given in the course of the hearing day, is not proofread prior to circulation and thus may contain minor errors.*

2014 HAZELWOOD MINE FIRE INQUIRY

MORWELL

MONDAY, 26 MAY 2014

(1st day of hearing)

BEFORE:

THE HONOURABLE BERNARD TEAGUE AO - Chairman

PROFESSOR EMERITUS JOHN CATFORD - Board Member

MS SONIA PETERING - Board Member

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1 CHAIRMAN: I'll take appearances.

2 MS RICHARDSON: May it please the Board, I appear with my  
3 learned friend, Mr Rozen, to assist the Inquiry.

4 CHAIRMAN: Yes, Ms Richardson.

5 DR WILSON: If the Board pleases, I appear with my learned 10.02AM  
6 friend, Mr Tony Burns, for the State of Victoria.

7 MR RIORDAN: With the leave of the Board, I appear on behalf  
8 of GDF Suez Australia Energy, together with my learned  
9 friends, Ms Rachel Doyle and Sharon Burchell.

10 CHAIRMAN: Mr Riordan. 10.03AM

11 MR McQUALTER: I appear for Latrobe City Council, Mr Tom  
12 McQualter.

13 CHAIRMAN: Thank you, Mr McQualter. There is the matter of  
14 applications for leave to appear. Mr Aberle?

15 MR ABERLE: Thank you, Board. My name is Dr Nicholas 10.03AM  
16 Aberle, I'm from Environment Victoria. Thank you for  
17 the opportunity to make a brief oral submission in  
18 support of our written application for leave to appear.  
19 I appreciate the Inquiry has tight deadlines so I'll  
20 keep it pretty short and won't reiterate everything 10.03AM  
21 that is in the written submission. I just want to  
22 reiterate two points today. We only request leave to  
23 appear as it relates to mine rehabilitation.

24 Secondly, as the Inquiry will have noted from our  
25 detailed written submission, we've been a leading 10.04AM  
26 representative of the public interest on mine  
27 management issues in Victoria for many years. This  
28 role is in addition to what we've mentioned in our  
29 written application. This role is further evidenced by  
30 our position on the advisory committee for Gippsland 10.04AM  
31 Sustainable Water Strategy which includes looking at

1           how mines affect the water table. We've been a key  
2           stakeholder involved in detailed consultation with mine  
3           failures at the Yallourn Mine. We've made submissions  
4           and given evidence to a Parliamentary Inquiry into the  
5           greenfields mineral exploration a couple of years ago,       10.04AM  
6           and as well as making submissions to various mine  
7           environmental statement processes, including expansion  
8           of Hazelwood in 2006.

9           CHAIRMAN: I take it that you're content that, if you're  
10          informed as to matters that relate to environmental       10.04AM  
11          issues, that that is the occasion when you would want  
12          to appear, and you're happy to liaise with Ms Richards  
13          in relation to those aspects?

14          MR ABERLE: Absolutely. We consider that mine  
15          rehabilitation is an environmental issue.                   10.05AM

16          CHAIRMAN: Yes. It may arise out of witnesses who give  
17          evidence in relation to other matters, but their  
18          evidence may be incidental to environmental matters.  
19          Do you contemplate that you will be spending the whole  
20          of the time here or simply to deal with those matters,       10.05AM  
21          and there clearly will be matters, including some  
22          expert evidence given in relation to specifically  
23          environmental matters?

24          MR ABERLE: My understanding is that most of those were  
25          going to be dealt with in the second week of the             10.05AM  
26          Inquiry.

27          CHAIRMAN: That's substantially right. Ms Richards, do you  
28          want to say anything specifically?

29          MS RICHARDS: Members of the Board, the issue of  
30          rehabilitation will be dealt with discretely in the         10.06AM  
31          third week of the Inquiry under the topic of mitigation

1 and prevention. There are environmental issues that we  
2 will explore next week but they will mainly relate to  
3 air quality. As I understand Environment Victoria's  
4 application, it focuses on the issue of rehabilitation  
5 and if leave were to be granted it is our submission it 10.06AM  
6 should be limited to the issue of rehabilitation in the  
7 third week.

8 CHAIRMAN: Mr Aberle, are you content with that course being  
9 followed?

10 MR ABERLE: That's fine with me. 10.06AM

11 CHAIRMAN: It is appropriate in those circumstances to grant  
12 leave in that limited way.

13 MR ABERLE: Thanks very much. Thanks for your time.

14 CHAIRMAN: I now propose to make a short opening statement  
15 then call upon Ms Richards, unless there's any other 10.06AM  
16 preliminary matter?

17 Welcome to a very special day, the first day of  
18 public hearings at the Hazelwood Mine Fire Inquiry.  
19 What can you, present in this auditorium, expect from  
20 today? What can the wider public expect? We hope to 10.07AM  
21 have an open public exposure of many things.

22 A week ago we were troubled about the skimpiness  
23 of information provided by the principal agencies. In  
24 the past week we have been swamped. Over the next  
25 three weeks we want you and the public generally to 10.07AM  
26 have presented in open forum the most important parts  
27 of what is now a mass of material. In our  
28 consultations over the last six weeks we have focused  
29 on three questions about the disastrous mine fires of  
30 9 February last: what caused them, what are the health 10.08AM  
31 and environmental implications now and in the future

1 for the locals, and particularly the children and  
2 younger people, and what can be done to prevent a  
3 disaster like this from happening again.

4 We have deadlines to meet. We must limit the  
5 issues that we can address and the depth of treatment 10.08AM  
6 of even those issues. My colleagues and I have chosen  
7 to each focus more strongly on different issues. For  
8 me, the focus will be on the fires and firefighters,  
9 preparation and response; for Professor John Catford,  
10 on the health and well-being of the community and the 10.08AM  
11 firefighters and the environmental and communication  
12 issues; for Ms Sonia Petering, on the assessment of the  
13 adequacy of the regulatory regime. John will not be  
14 able to sit on every day of the hearings. When not  
15 present, he will be keeping up-to-date on what takes 10.09AM  
16 place here.

17 The evidence will be presented through Counsel  
18 Assisting, Ms Richards and Mr Rozen, and we will be  
19 listening over the next three weeks with a final week  
20 for submissions. 10.09AM

21 The past six weeks have seen us listen to over 250  
22 participants at 10 community consultations in Morwell,  
23 Moe, Churchill and Traralgon. Those consultations  
24 provided us with invaluable information.

25 We have also received and read hundreds of written 10.09AM  
26 submissions, many with extremely helpful guidance.

27 We place great emphasis on openness. Our website  
28 reflects that. We encourage all to go to our website  
29 to look at three things: (1) the reports on the  
30 community consultations; (2) the submissions in which 10.10AM  
31 the media has already located several news stories; (3)

1 as from tomorrow the statements of witnesses and a  
2 transcript of their testimony.

3 Today we start the most formal process of the  
4 Inquiry, the public hearings. During these hearings we  
5 will hear evidence from firefighters, from mine  
6 workers, from experts in many fields, from community  
7 members. We plan to listen to all of them with open  
8 minds. Ms Richards.

10.10AM

9 MS RICHARDS: Thank you. Members of the Board, the abundant  
10 brown coal of the Latrobe Valley is key to Victoria's  
11 economic prosperity. It's a low cost source of  
12 electricity that powers our industry and heats and  
13 lights our homes.

10.11AM

14 While all of Victoria benefits from this ready  
15 source of energy for electricity generation here in the  
16 Latrobe Valley, there are some burdens associated with  
17 coal mining and power generation. These burdens have  
18 fallen disproportionately on those who live and work in  
19 the Latrobe Valley.

10.11AM

20 The township of Yallourn was eloquently described  
21 by Justice Stretton in his report on the February 1944  
22 fires in the Yallourn Open Cut Mine. He said, "It's a  
23 pleasant place and an asset of very great value, worthy  
24 of special fire protection by the Commission under  
25 whose sole management it lies. Here indeed the  
26 townsmen enjoys all that the heart of man may desire  
27 except freedom, fresh air and independence. He lives  
28 his life on a great many days in a fine rain of  
29 abrasive coal particles against which closed doors and  
30 windows offer no defence."

10.12AM

10.12AM

31 Much has changed in the last 70 years, including

1 the advent of local democracy in the Latrobe Valley and  
2 greatly reduced emissions from industry, but this  
3 description from 70 years ago will probably resonate  
4 with people who lived and worked in the Latrobe Valley,  
5 especially in Morwell during February and March 10.12AM  
6 this year.

7 The township of Yallourn is no longer. It was  
8 removed to make way for an extension to the Yallourn  
9 Open Cut Mine and by the early 1980s had all but  
10 disappeared. 10.13AM

11 Morwell itself might have suffered a similar fate.  
12 In 1947 the State Electricity Commission of Victoria  
13 proposed a large new open cut mine to the south of  
14 Morwell which would have seen the town removed to a  
15 proposed new Morwell. This proposal was strongly 10.13AM  
16 opposed by the shire of Morwell and was rejected by the  
17 premier. At the same time approval was given for the  
18 development of what is now the Hazelwood coal mine  
19 directly to the south of the existing town.

20 For reasons that are not known, there was no 10.13AM  
21 provision for a buffer zone between the mine and the  
22 town, and since the development of the mine began in  
23 the late 1950s residents of the southern parts of  
24 Morwell have lived cheek by jowl with an open cut coal  
25 mine. 10.14AM

26 There is at the end of Maryvale Crescent an early  
27 learning centre with a fine view over the freeway into  
28 the northern batters of the mine.

29 The Latrobe Valley community was especially hard  
30 hit in the mid-1990s by the disaggregation of the SEC 10.14AM  
31 and the privatisation of the electricity industry.

1 Over time the number of people working in coal mining  
2 and power generation and distribution fell by  
3 thousands. Unsurprisingly, unemployment rates in the  
4 Valley rose during this period to well above the  
5 national average.

10.14AM

6 By most conventional measures, the Latrobe Valley  
7 community is less prosperous and less healthy than the  
8 rest of Victoria even though the key to Victoria's  
9 economic wealth is here. Median household incomes are  
10 significantly lower here than for the whole of Victoria  
11 and there is a much higher proportion of low income  
12 households in the Latrobe Valley than in Victoria at  
13 large.

10.15AM

14 Morwell has an ageing population and the  
15 percentage of people living here who need assistance  
16 due to a disability is twice the rate for the rest of  
17 Victoria. Health outcomes are markedly worse in the  
18 Latrobe Valley. Life expectancies are significantly  
19 shorter than the state average and there are higher  
20 rates of diseases including cancer, cardiovascular  
21 disease and asthma.

10.15AM

10.15AM

22 The community of the Latrobe Valley has been  
23 particularly hard hit or particularly affected by  
24 asbestos related disease. There would be few long-term  
25 residents who do not know someone who has suffered or  
26 died from a lung disease caused by inhalation decades  
27 earlier of apparently harmless asbestos dust.

10.15AM

28 For all of this, the Latrobe Valley is a proud,  
29 strong and resilient community. It has a vibrant  
30 well-established community network and a large cohort  
31 of volunteers. These aspects of the community were on

10.16AM



1 display this year during the mine fire. They continue  
2 to be on display as the community, local business and  
3 Local Government work to clean up and recover from the  
4 fire's effects. Also on display, very clearly during  
5 the Board's consultation process, has been the  
6 community's desire for information and accountability  
7 about the mine fire.

10.16AM

8 The Latrobe Valley is located in a notoriously  
9 bushfire prone region. There are fires in the area  
10 every summer. Sometimes these fires are catastrophic.  
11 Five years ago on Black Saturday in 2006 the Churchill  
12 fire claimed 11 lives, injured 35 others and destroyed  
13 145 houses. At one stage it was feared that the fire  
14 threatened the Loy Yang open cut coal mine.

10.17AM

15 On the same day fires were also burning at Delburn  
16 and Bunyip, not far away. It's not uncommon for there  
17 to be multiple significant fires burning in the region  
18 at the same time.

10.17AM

19 Fire is a commonplace event in an open cut coal  
20 mine. The first known fire in an open cut mine in the  
21 Latrobe Valley was in 1896. Justice Stretton observed  
22 in his 1944 report on the Yallourn open cut fire that  
23 fire is an almost unavoidable concomitant of brown coal  
24 open cut mining. That fire was ignited by a bushfire  
25 that began outside the mine.

10.18AM

26 Since 1944 the operators of the Hazelwood mine  
27 have experienced numerous fires, most of them small,  
28 some of them large. There are approximately 100 small  
29 fires at the Hazelwood mine each year, usually in the  
30 working part of the mine. Measures are in place so  
31 that these fires can be put out quickly and do not

10.18AM

1 spread.

2 In 1977 there was a significant fire in the mine  
3 ignited from a vehicle exhaust. It burned for three  
4 days and prompted a review by the SEC of its fire  
5 protection measures. From that review came the Latrobe 10.18AM  
6 Valley open cut mine's protection policy that was  
7 developed as a result of the lessons learned from the  
8 1977 fire. The SEC had a dedicated mine fire service  
9 in place which endured until the SEC was broken up in  
10 preparation for privatisation in the 1990s. 10.19AM

11 While the Hazelwood mine which was for many years  
12 referred to as the Morwell open cut, while it was first  
13 developed and for many years operated by the SECV,  
14 since September 1996 it has been privately opened and  
15 operated by the Hazelwood Power Partnership. 10.19AM

16 Since September 1996 the licensee for the mining  
17 licence, mining licence 5004, has been the Hazelwood  
18 Power Corporation Limited, and that company is owned by  
19 the Hazelwood Power Partnership.

20 Through a complex ownership structure the 10.19AM  
21 Hazelwood Power Partnership is ultimately owned through  
22 various companies, including the International Power  
23 Australia Holdings Pty Ltd, by GDF Suez SA as to  
24 72 per cent, and by Mitsui & Co Limited as to  
25 28 per cent. GDF Suez Hazelwood is the custodian of an 10.20AM  
26 important state asset in the Hazelwood mine and the  
27 operator of an essential industry in the power station  
28 that generates 25 per cent of Victoria's electricity.  
29 It's a major employer and contributor to the Latrobe  
30 Valley's economy. It's also a neighbour to those who 10.20AM  
31 live on the southern side of Morwell.

1           There have been several significant fires at the  
2 Hazelwood mine since it was privatised. In the last  
3 decade, there were fires in December 2005, October  
4 2006, September 2008 and most recently in January 2012.  
5 These were all ignited from sources inside the mine - 10.21AM  
6 the 2005 and 2008 fires from a hot spot in the worked  
7 out batters of the mine, and the 2006 and 2012 fires  
8 from a hot idler on a conveyor belt.

9           Each of these fires was the subject of review  
10 which made recommendations for improved fire prevention 10.21AM  
11 and response. In light of experience, Hazelwood has  
12 updated what was the Latrobe Valley Fire Protection  
13 Policy to what is now the Mine Fire Policy and Code of  
14 Practice, which is still substantially based on the  
15 policy that was developed by the SEC in the 1980s. 10.21AM

16           The risk of fire in the Latrobe Valley's open cut  
17 coal mines has been squarely recognised for decades; by  
18 the mine operators, by the Fire Services, by regulators  
19 at state, municipal and regional emergency management  
20 planning, and yet on 9 February this year a fire 10.22AM  
21 ignited in the worked out batters of the Hazelwood mine  
22 and quickly burned out of control.

23           The fire took six weeks to put out. It could have  
24 taken much longer but for the tremendous effort of more  
25 than 7,000 people who worked long and hard in difficult 10.22AM  
26 conditions to suppress the fire. During those six  
27 weeks people who live and work in the Latrobe Valley,  
28 particularly in Morwell, had to endure the smoke and  
29 ash from the fire.

30           To quote again from Justice Stretton's 1944 10.22AM  
31 report, "The fact that on 14 February last a great fire

1 did develop in the open cut and that strenuous and  
2 prolonged efforts were necessary to be expended before  
3 it was extinguished points strongly to the fact that  
4 the protective measures which had been previously taken  
5 were not reasonably adequate." 10.23AM

6 70 years later the occurrence of the worst open  
7 cut coal mine fire in Victoria's history raises similar  
8 questions which are posed in the Board of Inquiry's  
9 terms of reference.

10 During the public hearings over the next few weeks 10.23AM  
11 the Board will be exploring these questions with a wide  
12 range of witnesses. Evidence will be given by  
13 witnesses from Victorian Government agencies, including  
14 the Fire Services, the mine regulator, the Environment  
15 Protection Authority and the Department of Health. 10.23AM

16 Evidence will also be given by GDF Suez personnel and  
17 by employees of the Latrobe City Council. In addition,  
18 the Board has engaged several experts to provide it  
19 with expert opinion on subjects as diverse as the  
20 environmental and health effects of the fires, 10.24AM  
21 communications and community engagement, mine safety  
22 and bushfire risk.

23 The Board will also hear from a number of  
24 community witnesses, people who live and work in  
25 Morwell and elsewhere in the Latrobe Valley who will 10.24AM  
26 give a firsthand account of their experiences of the  
27 mine fires.

28 During each week of the hearings the evidence will  
29 address a different theme. In this first week of the  
30 hearing the evidence will be directed to the origin of 10.24AM  
31 and the response to the fires in the mine. How did the

1 fires in the mine start? How did they become so  
2 widespread within the mine? What was the initial  
3 response to the fires, first by the mine operator and  
4 then by the Fire Services? What worked and what did  
5 not work in the effort to suppress the fires? Are the 10.24AM  
6 fires out? Most importantly, what are the lessons that  
7 can be learned for the future?

8 In a short time the Board will commence hearing  
9 evidence from the first witness, Fire Services  
10 Commissioner Craig Lapsley. He will give a detailed 10.25AM  
11 account of the Statewide preparations for the extreme  
12 fire that was forecast for 9 February, the ignition and  
13 spread of fires around Morwell leading up to and on  
14 9 February, and the Fire Service's evolving response to  
15 the mine fire. 10.25AM

16 The next witness today will be Bill Brown, a  
17 community witness who worked for many years in the mine  
18 Fire Service at Hazelwood and elsewhere. The evidence  
19 today will conclude with a presentation of a Phoenix  
20 computer simulation of the probable spread of the 10.25AM  
21 Hernes Oak Fire and the Driffield Fire on 9 February.

22 Later this week evidence will be called from the  
23 officer overseeing the Victoria Police investigation of  
24 the Hernes Oak and Driffield fires, and a number of GDF  
25 Suez employees who were involved in responding to the 10.26AM  
26 fires in the mine on 9 February and afterwards.

27 Evidence will also be called from Fire Service  
28 employees who were responsible for local incident  
29 control over the duration of the fire, and on Friday we  
30 propose to explore the discrete issue of the safety of 10.26AM  
31 firefighters responding to the fire at the mine.

1           Unfortunately, the evidence this week may be a  
2 little disjointed. Statements from GDF Suez personnel  
3 and the successive Incident Controllers were requested  
4 at the beginning of the month, on 1 May, and the first  
5 of these statements was not received by the Board until 10.26AM  
6 Tuesday last week. The last is yet to be provided. As  
7 the witness statements became available to the Board  
8 last week we found that the information provided in  
9 them was not complete and did not fully address the  
10 questions that the Board had posed, and as a result the 10.26AM  
11 Board has issued several summonses for witnesses to  
12 give evidence this week. We will do our best to stitch  
13 up the gaps between the evidence, but it may be that  
14 the flow of the evidence this week is not all it could  
15 have been. 10.27AM

16           The second week of the hearings will focus on the  
17 environmental and health effects of the mine fire.  
18 Evidence called next week will also address relief and  
19 recovery arrangements and communications and community  
20 engagement. 10.27AM

21           The witnesses to be called next week will include  
22 witnesses from the Environment Protection Authority,  
23 the Department of Health and the Latrobe City Council.  
24 The Board will have the assistance of independent  
25 expert evidence from the following witnesses: First 10.27AM  
26 Claire Richardson, an environmental scientist of Air  
27 Noise Environment, Professor Donald Campbell, a  
28 respiratory physician, and two communications experts,  
29 Professor Jim Macnamara of University of Technology,  
30 Sydney and Lachlan Drummond of Redhanded. 10.28AM

31           Witnesses will also be called from the Department

1 of Human Services and GDF Suez in relation to relief  
2 and recovery assistance provided during and after the  
3 fire, including with cleaning up the soot and ash.  
4 During next week also we will generally call a  
5 community witness each day. 10.28AM

6 The third week of the hearings, commencing on  
7 Tuesday, 10 June, will address questions of mitigation  
8 and prevention. There's no doubt that the risk of fire  
9 in the mine was identified and there are a number of  
10 regulatory schemes within which this risk is 10.28AM  
11 managed - mine regulation, Occupational Health and  
12 Safety, emergency management, municipal fire prevention  
13 and land use planning.

14 The questions that will be explored during the  
15 last week of evidence include whether the measures 10.29AM  
16 identified to control the fire risk were adequate,  
17 whether the measures identified were in fact  
18 implemented and what further measures should be taken  
19 in future in light of the lessons to be learned from  
20 this year's experience. It's during this week that the 10.29AM  
21 evidence will explore the rehabilitation of the mine  
22 and whether it's a feasible fire prevention measure for  
23 the future.

24 Evidence will be called from the mine regulator  
25 which is now known as the Earth and Energy Resources 10.29AM  
26 Division of the Department of State Development,  
27 Business and Innovation; also the Victorian WorkCover  
28 Authority, Latrobe City and GDF Suez. The Board will  
29 have expert evidence from the mine safety engineer,  
30 Professor David Cliff, and also an experienced bushfire 10.30AM  
31 consultant, Rod Incoll.

1           We propose to conclude the evidence by recalling  
2           the Fire Services Commissioner, Mr Lapsley, both  
3           wearing his Fire Services Commissioner hat and his  
4           future hat as the first Emergency Management  
5           Commissioner in Victoria to address the existing fire  
6           risk management arrangements and the scope for  
7           improving them in the future.

10.30AM

8           I call the first witness, Mr Lapsley.

9           <CRAIG WILLIAM LAPSLEY, sworn and examined:

10          MS RICHARDS: Good morning, Mr Lapsley. Welcome?---Thank  
11           you.

10.31AM

12          To begin proceedings today, can you please state your full  
13           name and your position and your professional  
14           address?---Craig Lapsley, Fire Service Commissioner,  
15           located at level 26, 121 Exhibition Street.

10.31AM

16          Mr Lapsley, you have provided a statement to the Board dated  
17           20 May 2014?---Yes, I have.

18          It's a statement of some 229 paragraphs?---Correct.

19          With, on my count, 38 attachments?---Yes.

20          Are you familiar with this statement?---I am.

10.32AM

21          You have re-read it recently?---Yes, I have.

22          Are there any corrections that you wish to make?---No,  
23           there's not.

24          Is your statement true and correct?---It is.

25          Perhaps I could tender that as the first exhibit.

10.32AM

26          CHAIRMAN: Yes. Well, that will be exhibit 1 and we'll  
27           proceed from there.

28  
29          #EXHIBIT 1 - Statement of Craig Lapsley.

10.32AM

30  
31          MS RICHARDS: Mr Lapsley, I'd like to start by asking you



1 about the responsibilities of your current role and how  
2 it evolved. These are matters that you do cover in  
3 your statement?---Yes.

4 But I just ask you to tell us about them?---In a short  
5 history it goes back that this is a new role as a 10.33AM  
6 result of the Bushfire Royal Commission of 2009. It  
7 was established in 2010 with a piece of legislation  
8 called the Fire Service Commissioner Act of 2010 and I  
9 was appointed to that position, took up the position  
10 in October but officially took up the legislative 10.33AM  
11 responsibilities on 1 December 2010.

12 The legislation is focused on reform of the Fire  
13 Services, and when I say reform of the Fire Services,  
14 that's CFA, MFB and the Department of Environment and  
15 Primary Industries. They've been known as DSC but now 10.33AM  
16 known as DEPI, and through an arrangement SES also,  
17 although not covered by the legislation, participate in  
18 the reform program, seeing that they have alignment.

19 From that it also has responsibilities to be the  
20 senior operational firefighter in the State, and I 10.33AM  
21 perform the role as the State controller for major  
22 fires. It also reaches in to ensure for the first time  
23 that we've got legislation that sees the need to issue  
24 information of relevance to communities; that is then  
25 delegated to the agency Chiefs and Incident 10.34AM  
26 Controllers, and it goes on to ensure that we've got  
27 appropriate standards in place for incident management  
28 and other practices that the Fire Services need to  
29 carry out.

30 Your own background before you came to your current role. 10.34AM

31 For many years you were involved in an operational or a

1 range of operational roles within the CFA?---Correct.  
2 26 years service with CFA, completed my service at CFA  
3 in 2007 as a deputy Chief officer.

4 Then you spent some time with the Department of Health and  
5 Human Services as it was then?---Yes, that's correct. 10.34AM

6 In a quite different role?---Yes. That was responsibility  
7 for - the title was director of emergency management,  
8 had responsibility for then reliefs, system of the  
9 State, the emergency - sorry, the emergency recovery  
10 system, and during my time there also transferred the 10.34AM

11 relief arrangements from what was being led by SES and  
12 Vic Pol across to the recovery part of the emergency  
13 management and extended into responsibilities to ensure  
14 that the Department of Human Services, so the then  
15 Health and Human Services in the old department, the 10.35AM  
16 large department, had appropriate procedures in public  
17 health and across the organisation to look at emergency  
18 management more broader.

19 You were in that role after the Black Saturday fires in  
20 2009?---Yes, I was there between 2007 to 2010, so the 10.35AM  
21 Black Saturday fires was in that period.

22 You also, before taking up that role, spent some time  
23 working in the State Emergency Service?---Yes, for a  
24 short period of time I had the responsibility to be  
25 then the acting director to take the SES from what was 10.35AM  
26 an internal Government Department to a Statutory  
27 Authority which meant that we struck legislation to  
28 enable the SES to move to what it is today as a  
29 Statutory Authority.

30 Just looking to the future. You have been appointed but are 10.36AM  
31 yet to assume the role of Emergency Management

1 Commissioner. Can you describe for the Board what that  
2 role involves and how it varies from your current  
3 role?---It's a logical next step from what the Fire  
4 Service Commissioner has done. The Fire Service  
5 Commissioner has been focused on fire obviously, and as 10.36AM  
6 I said before, in an informal arrangement with SES, SES  
7 has participated in the reform program. However, it's  
8 obviously the next step in emergency management and  
9 particularly from the flood reviews of 2010/2011 that  
10 there were issues that weren't just fire alone to be 10.36AM  
11 dealt with.

12 The Government has supported a new Emergency  
13 Management Act and in doing so establishes an  
14 organisation called Emergency Management Victoria, and  
15 the Fire Service Commissioner position will be resolved 10.36AM  
16 - dissolved I suppose in the sense that it won't be a  
17 position that is ongoing and the next position is the  
18 Emergency Management Commissioner which has  
19 responsibilities which is quite different for what we  
20 call class 1 emergencies and class 2 emergencies, so it 10.37AM  
21 picks up those natural disasters Hazmat and the  
22 emergencies that would normally be dealt with by CFA,  
23 MFB, SES, DEPI as class 1 emergencies but also extends  
24 to have the oversight over human health emergencies,  
25 animal health emergencies and other emergencies. 10.37AM

26 But the fundamental steps are a little bit broader  
27 than that because it actually starts to look at  
28 bringing the term "consequence management" into  
29 emergencies and it's legislated. I think traditionally  
30 we've seen emergency management being very focused on 10.37AM  
31 risk and hazard and not necessarily the consequence of

1 the event, so that's a fundamental step. Also have  
2 responsibility end-to-end, so from the planning, the  
3 risk, the resilience of what communities and  
4 organisations are about to the response, which is I  
5 suppose the day that we're being judged on, and then it 10.37AM  
6 extends into responsibilities for relief and recovery.  
7 So it's end-to-end across all emergencies and ensuring  
8 that we're taking the new opportunity to build  
9 consequence management.

10 I should say that Victoria are leading the world 10.38AM  
11 in that approach to emergency management, although it's  
12 ahead of us, it doesn't start until 1 July and will  
13 take some time to build all those mechanisms in but it  
14 is the new generation of emergency management, that I  
15 think this Inquiry will see has some logic, 10.38AM  
16 particularly in regards to consequence, what  
17 consequence means on a community.

18 With that background, I'd like to now move into the summer  
19 that we've just had, and in part B of your statement  
20 you spend some time providing detail about what had 10.38AM  
21 been experienced by Victoria and other Fire Services in  
22 particular in the lead-up to 9 February this year.

23 The first thing I'd like to take you to is a  
24 Bureau of Meteorology summary of significant fire  
25 weather conditions for this season which is referenced 10.39AM  
26 at paragraph 16 of your statement?---Yes.

27 Which is the first attachment, it will be behind tab 1 in  
28 that folder in front of you.

29 Yes.

30 Can you provide us with an overview of the fire weather 10.39AM  
31 conditions that had been experienced in the lead-up to

1 9 February?---Without going too far back, it is  
2 important to get the context of what was being  
3 predicted in October, November and December of 2013.  
4 It is summarised in that document which is headed,  
5 "Summary of significant fire weather conditions", on 10.40AM  
6 page 2 where it talks about maximum temperatures, it  
7 talks about rainfall, it talks about days that we are  
8 likely to experience and it goes on to see what it will  
9 mean in fire danger indexes.

10 The picture is provided month-by-month, so we have pictures 10.40AM  
11 for December and then a couple pages later for January  
12 and then for February?---If you take the pointer to  
13 what is the January and February diagrams they start to  
14 show clearly that the southern part of Victoria is  
15 below average in rainfall. 10.40AM

16 We're looking, just for the benefit of the operator?---Yes,  
17 this is page 5 and then page 7. So page 5 first, which  
18 is talks about the January forecast and obviously  
19 rainfall is one of those critical things, that there  
20 was below average forecast rain, but also on the top of 10.41AM  
21 that was above average or very much above average  
22 temperatures.

23 So that the diagram in pink is the rainfall diagram?---Yes,  
24 and the one above is the temperature diagram.

25 Which I'm sure we all remember, a very hot January?---Yes, 10.41AM  
26 very hot January. We didn't have a fire season, we had  
27 a summer season. We were clear to indicate that it  
28 wasn't just about fire. We were walking into periods  
29 of long hot periods which meant there was heatwave  
30 warnings on numbers of days through the mid-part 10.41AM  
31 of January.

1           From that, if you go to figure 5 and 6, and I'll  
2 do it in sequence this way I think. Figure 5 on page 7  
3 shows the forecast for February which again shows above  
4 average or very much above average temperatures. I  
5 might add also that that's not only maximum 10.41AM  
6 temperatures day, it's the minimum temperatures  
7 overnight. So we were being forecast for the overnight  
8 temperatures to stay high. In a fire scenario, in a  
9 heatwave scenario, that gives little respite for either  
10 the vegetation to change conditions and absorb 10.42AM  
11 moisture, or in a human sense, in a heatwave sense,  
12 that the urban population, the built up areas were  
13 retaining temperature in the infrastructure and  
14 obviously fatigue comes to those that are vulnerable  
15 community members. 10.42AM

16           Likewise, it continues to say below or very much  
17 average rainfall was expected. I haven't got it with  
18 me, but the amount of rain that fell during that period  
19 was consistent with the forecast.

20       That translated to a fairly busy summer for the Fire 10.42AM  
21 Services. If we go back to your statement on page 5,  
22 there is a diagram showing fires and incidents of  
23 interest over the summer?---Yes. Critical days, which  
24 was 15, 16 and 17 January where fires started in the  
25 Mally, Grampians and in East Gippsland due to lightning 10.43AM  
26 and the fires in the Grampians were of significance  
27 during that period and particularly on the 15th and  
28 16th where Halls Gap was actually evacuated and  
29 significant resources.

30           Those fires, although the Grampians fires was 10.43AM  
31 contained in a reasonably quick time, the Mally and

1 East Gippsland fires were in difficult country -  
2 different country in the sense one was in sandy desert  
3 country and the other one was in remote bushland which  
4 is East Gippsland. They continue to play - to be  
5 significant fires during the period of January  
6 and February.

10.43AM

7 From that, you can see there the figures at the  
8 top of hectares burnt, but I think the interesting  
9 figures for the season, 4,600 grass and scrub fires  
10 were reported for the summer season; 78 of those are of  
11 significance. You can look at that and say there's 78  
12 fires of significance that have significantly impacted  
13 on some communities but you can also look at it and say  
14 that first attack in many instances was very  
15 successful. So from an MFB, CFA and DEPI point of view  
16 there has been a high level of success about first  
17 attack and what first attack meant in areas across  
18 Victoria.

10.44AM

10.44AM

19 It also required supplementation; that is, there  
20 was resources in deep forested areas from ACT, New  
21 South Wales and New Zealand but, likewise, Victoria  
22 were also able to put resources over the border in the  
23 early part of the season in New South Wales and during  
24 the peak period in January into South Australia. So it  
25 wasn't just about Victoria, certainly the south-eastern  
26 part of Australia was dry and continued to be dry for  
27 the period. I think that's shown in a timeline on the  
28 next diagram.

10.44AM

10.44AM

29 The diagram there simply starting from left to  
30 right shows support to New South Wales in October,  
31 which is the Blue Mountains fires, and then we moved

10.45AM

1 into the first total fire ban on the first week  
2 of November, 7 November, and it extends through there  
3 to show not only fire but there's heatwave events on  
4 13-17 January and very hot weather periods all the way  
5 through. So as I said before, it wasn't just about 10.45AM  
6 fire, it needed to be taken as a summer lens in the  
7 broader sense.

8 If we can move to the weekend of 8 and 9 February. You have  
9 told us in your statement that early on 7 February the  
10 Chief officer of the CFA declared a total fire ban for 10.45AM  
11 that day, that's in paragraph 27 of your  
12 statement?---Yes. For both days, yes.

13 For both days without waiting to see how the forecast  
14 eventuated. If we can just go to the State fire  
15 weather briefing for 9 February, which is at tab 10 of 10.46AM  
16 your folder and the hyperlink is in  
17 paragraph 41?---Tab 10 is the fire investigation  
18 report.

19 Is it? It shouldn't be?---Tab 9 is Sunday, 9 February with  
20 diagrams. That one there, that's it, yes. 10.46AM

21 Can you talk us through this fire weather briefing and what  
22 the significance of that is for the Fire Services and  
23 the responsibilities that you had to discharge?---I'll  
24 take you back one step. We always get seven day  
25 products from the Bureau, so on the 3rd we were briefed 10.46AM  
26 about the next seven days. Obviously that's an  
27 internal document because the Bureau normally run  
28 fairly strong on the four day forecast, seven days  
29 preliminary, four days is a forecast. We knew from  
30 that that the weekend of the 8th and 9th appeared to be 10.47AM  
31 weather of significance. So in that sense we had a



1 seven day scenario that we worked towards.

2 The products that are presented on that screen  
3 there, if I start at the bottom which is the Grassland  
4 Fire Danger Index, and the middle diagram is the Forest  
5 Fire Danger Index, there are two indexes that provide 10.47AM  
6 us with indexes of underpinning issues to do with  
7 fuels, the types of fuels, the dryness of the fuels and  
8 then it overlays weather conditions.

9 In the State of Victoria there are nine weather  
10 districts and those nine weather districts are 10.47AM  
11 described in the top diagram, so there's the Mally,  
12 Wimera, southwest right through to East Gippsland.

13 And the one we're interested in here is Western  
14 South - - -?---Western South Gippsland. The reason  
15 there's two fire danger indexes, the Mally, Wimera and 10.48AM  
16 northern country use Grassland Fire Danger Indexes to  
17 declare what is the fire danger rating because they're  
18 predominantly grassland areas. The remaining six  
19 weather districts, including Western South Gippsland,  
20 used forest fire danger. 10.48AM

21 If you look at the forest fire danger chart, the  
22 middle part of Victoria, in the Western South  
23 Gippsland - - -

24 This is the middle of the maps?---The middle diagram, and  
25 you go in there and look at the scale beside it, the 10.48AM  
26 forecast was put in for - that there was a pocket of  
27 Western South Gippsland, which I'll say it's to the  
28 eastern side of the Latrobe Valley, at 100 plus forest  
29 fire danger index. Now, that's a pocket. Across the  
30 Western South Gippsland area it had also areas that 10.48AM  
31 were severe and extreme. So the forest indexes were

1 50-74 in some areas, were 75-99 in other areas and were  
2 100 plus in parts of it. When you average that out,  
3 the figures that were published on the day said that  
4 the forest fire danger index for Western South  
5 Gippsland was 97 which calculates it to be extreme fire 10.49AM  
6 danger. If it was 101 plus, it had the potential to be  
7 code red and in my witness statement we talk about the  
8 planning for code red, but we did not declare a code  
9 red day. A code red day is not declared solely from  
10 the figures that are put on the table. I have the 10.49AM  
11 responsibility to intervene and discuss the issue of  
12 what a code red means because it sees a total change in  
13 government policy about how we operate schools, how  
14 people move around in the environment.

15 The figures were there stacked up, so the average 10.49AM  
16 across the Western South Gippsland weather district  
17 averaged out to be a forest fire danger index at 97  
18 which is hence why it was declared to be an extreme  
19 fire danger day and overlaying that is where the Chief  
20 fire officer has the legislative responsibility to 10.50AM  
21 declare a total fire ban, remembering a total fire ban  
22 is about behaviour of people with machinery equipment  
23 and restricting factors to start a fire, whereas the  
24 fire danger rating is used to warn people of what they  
25 should do and what it means to them. So there's two 10.50AM  
26 parts which are very important in Victoria. That is a  
27 fundamental change since the 2009 fires.

28 I think traditionally if you're over the age of 50  
29 in Victoria you probably look at a total fire ban as  
30 being the trigger. We are re-designing or have 10.50AM  
31 re-designed and now we need to make sure we re-educate

1 the Victorian community to understand the fire danger  
2 rating is the informative part of fire and a total fire  
3 ban is a behavioural issue about fire causation.

4 Looking at the top of the three maps, there are two blue  
5 lines across there?---Yes.

10.50AM

6 Can you explain the significance of those?---They're the  
7 forecast wind change. So in Victoria traditionally we  
8 receive winds from the north or the northwest during  
9 the start of the day, and during a bad fire day or  
10 those significant fire days we will see a wind change.

10.51AM

11 Those blue lines are indicating when the wind moves,  
12 the wind change moves across, some call it a cold  
13 front, but the wind change moves across Victoria and  
14 the line that is from Mildura to Geelong marked 11 a.m.  
15 is the wind change was predicted to move through

10.51AM

16 Victoria with that line to see the wind change from the  
17 northwest to the west and then ultimately to the  
18 southwest. Later in the evening at 5 p.m. it would be  
19 from, I'll say Yarrawonga to Mallacoota. It's a very  
20 important part of firefighting. It's a very important  
21 part to understand that the fire, if a fire is running,  
22 it will change direction, and historically we will lose  
23 more ground after the change than before the change, so  
24 the wind change is absolutely fundamental not only in  
25 fire behaviour and fire suppression, but it is

10.52AM

26 important for a community to understand the direction  
27 of the fire and what potential it will do after the  
28 change.

29 Looking at the synoptic pattern and forecast in the bottom  
30 right-hand corner of that page, there is a very large  
31 black spiky line moving across Victoria, that's the

10.52AM

1 change?---That's the change.

2 And there is a forecast of strong winds essentially at right  
3 angles to each other before and after the  
4 change?---Yes, and in this change the forecast showed  
5 that the winds stayed strong after the change for a 10.52AM  
6 period. So it wasn't simply the change, the wind speed  
7 was strong on the change. It also showed that the wind  
8 speed would be remaining strong after the change for a  
9 period.

10 That's obviously a very concerning forecast from the point 10.52AM  
11 of view of fire weather?---It is.

12 Would you agree with the assessment that it was the worst  
13 forecast since Black Saturday?---Definitely the case.  
14 Particularly in light of the hot dry summer that we'd  
15 already experienced?---That's right. The conditions 10.53AM  
16 prior to, the conditions of the two months, but in  
17 particular conditions running in for the 10 day prior  
18 showed no respite in the weather conditions at all.  
19 The fuels were dry and obviously we had weather  
20 conditions that overlaid it. 10.53AM

21 I'd like to take you to the situation on the evening of  
22 8 February which you address in paragraph 35 of your  
23 statement. There is a State situation report at  
24 6 o'clock in the evening on Saturday the 8th. Just  
25 looking for a moment at the State wide situation, what 10.53AM  
26 were you managing on that day?---I had the  
27 responsibility as a State controller to be at State  
28 level, and underneath me is eight Regional Controllers  
29 that are in place. Those Regional Controllers work for  
30 me but come from agencies, so they could be a DEPI, MFB 10.54AM  
31 or CFA employee in the main, or we have used in some

1 cases SES people if they've got fire competencies.

2 At State level I also appoint deputy State  
3 controllers and on that day I had two deputy State  
4 controllers. One was looking after the three  
5 metropolitan regions and the other one had to focus on 10.54AM  
6 the fire rural regions. The Regional Controller for  
7 Gippsland is based in Traralgon, and Brian Russell is  
8 his name, he's a CFA person, he had been in place all  
9 week so he has seven days in that responsibility, so he  
10 had the preparedness as well as walking through the 8th 10.54AM  
11 and 9th which was a good position to be in to have  
12 consistency.

13 Underneath there, there is Incident Controllers  
14 appointed and those Incident Controllers again come  
15 from agencies but are qualified, assessed and endorsed 10.54AM  
16 people, what we call Level 3 Controllers, and the  
17 example here is that the Traralgon ICC had a Level 3  
18 Controller in place. So that's what we call a line of  
19 control, that's new since 2009, it operates  
20 differently. 10.55AM

21 It's an outcome of the Royal Commission to ensure  
22 that there's one person at State level, which is  
23 myself, and there is a nominated person who has the  
24 responsibility to oversight the region on my behalf and  
25 also a nominated Incident Controller on that weekend in 10.55AM  
26 34 incident control centres across Victoria.

27 The prepared level is documented, it's consistent  
28 with the weather and the type of risk that we face, and  
29 it's very important that line of control is a new  
30 initiative and does work in something that we have 10.55AM  
31 developed to be a successful management structure

1 different than previous.

2 I'm looking at a document that I don't think you have open  
3 in front of you, I think it's behind tab (5), could be,  
4 State Operational Brief Overview?---That's it.

5 Sorry, we'll just get the right document up on the screen, 10.56AM  
6 Mr Lapsley, please bear with me. This document is  
7 referenced in paragraph 28 of your statement. What  
8 role does this document play? Is that part of the  
9 briefing to you about the Statewide situation?---It is.  
10 The planning unit within the State Control Centre has 10.57AM  
11 the responsibility to work with appropriate offices for  
12 all of those issues to be dealt. It's also broader  
13 than that. In the rear part it talks about what the  
14 agency's readiness is and it goes into some of those  
15 functions of how we deal with evacuation, traffic 10.57AM  
16 management, impact assessment, relief and recovery  
17 including fire causation. So it's about readiness but  
18 it's also about the capabilities of functional  
19 responsibilities that we ensure, and I suppose like any  
20 planning document it's the work that goes on in the 10.57AM  
21 planning and represented by a document. So the work  
22 that goes under this document is significant.

23 I don't see in this document a summary of what fires are  
24 burning as at the evening of 8 February?---No, this  
25 document would have been produced prior to the day 10.57AM  
26 itself, so it's a planning document. In here it talks  
27 about the things we will have in place, so the number  
28 of aircraft, the types of incident control centres  
29 operating and it's got some diagrams in it that shows  
30 the resources. It's a planning document, it's a brief 10.58AM  
31 that shows the level of planning for what is two days

1 of significant weather.

2 The situation report, which would be in some other  
3 location, would be the situation saying the number of  
4 fires, the types of fires, the location of fires.

5 One of those fires was the Hernes Oak Fire?---Yes. 10.58AM

6 As we've been referring to it. That was the fire that  
7 ignited on 7 February, the Friday?---Correct.

8 To the northwest of the town of Morwell and the Hazelwood  
9 mine?---Correct.

10 Northwest is a particularly significant location in terms of 10.58AM  
11 forecasting where the fire might go?---Yes.

12 Can you explain why that is?---As I explained before, the  
13 traditional winds for a bad fire day will be north or  
14 northwest. The fire will be fanned by those hot, dry  
15 winds and then obviously as the change moves through, 10.59AM  
16 the winds will move to the west and southwest. That  
17 played out on this fire.

18 So, the eastern side of the Hernes Oak Fire is of  
19 the most significant side, so the Morwell side of the  
20 fire, to ensure that containment lines are in place, 10.59AM  
21 that when it's pressured by northwesterly, westerly or  
22 southwesterly winds, that it has sufficient control  
23 lines in place to withstand the pressures that it will  
24 be put under. That does play out, the priorities of  
25 what that fire was about. 10.59AM

26 You tell us in paragraph 42 of your statement that you were  
27 at the State Control Centre early on the morning of the  
28 9th?---Correct.

29 Expecting a bad day?---Yes.

30 You say that you were briefed by agency commanders. What 11.00AM  
31 was the briefing about the existing fire conditions for

1 the Hernes Oak Fire?---The Hernes Oak Fire, that night,  
2 so Friday night, so I'll take you back a moment. The  
3 fire started at around 3.30 in the afternoon. Local  
4 resources - so this is Friday afternoon - around about  
5 5.30 or 6 o'clock additional resources were put onto 11.00AM  
6 it, including aircraft. At about 6 o'clock I  
7 personally spoke to DSDBI at State level to talk about  
8 the potential of this fire and its location because, as  
9 you've described before, it's to the northwest of  
10 Morwell and the mining infrastructure and it was a fire 11.00AM  
11 of note. Likewise, the Regional Controller had spoken  
12 to the deputy state controller in regards to the  
13 potential of the fire and what was required.

14 It was listed as contained and during Saturday it  
15 remained contained. If you look at the figures, it was 11.01AM  
16 estimated to be 150 hectares in size at around about  
17 8 o'clock or fall of darkness on the Friday night. At  
18 fall of darkness it also transferred from local control  
19 to the Incident Control Centre at Traralgon, so it had  
20 a management structure of significance and they ran a 11.01AM  
21 nightshift. It's reported at 20 - I'll say 23 00  
22 hours, but around 11 p.m. on the Saturday night to be  
23 156 hectares in size. That means the fire itself had  
24 not moved in that 24 plus hour period. There was a  
25 level of confidence about the containment. But still, 11.01AM  
26 when we say contained, that means it's got a control  
27 line around it but there's still active fire inside the  
28 fire, so there'd still be smoke showing from it and  
29 there would still be fire burning inside the contained  
30 area. 11.01AM

31 So there's a hierarchy that you use to classify a fire,



1 there's a going fire?---A contained, an under control  
2 and safe. So it's still listed as contained, and those  
3 that were in control, and obviously you'll talk to them  
4 during the week, the level of confidence was fairly  
5 strong and stayed contained. It still had impacts on 11.02AM  
6 the highway, so the Princes Highway was closed, the  
7 railway line had burnt sleepers and there was  
8 restricted use of trains, so it already had some  
9 consequences.

10 The Regional Emergency Management Team, so the 11.02AM  
11 team that is led by the Regional Controller in  
12 Traralgon, and the Regional Emergency Management Team  
13 is made up of all the other departments, so Vic Pol,  
14 Department of Health, VicRoads, all of the agencies  
15 across Gippsland. At 10.30 on the Saturday morning it 11.02AM  
16 was discussed, including with the Central Gippsland  
17 Essential Industries Group, so CGEIG, to say that this  
18 fire, although contained, had potential. If it come up  
19 with wind, if it had bad conditions on the Sunday, it  
20 had potential to move towards Morwell and could impact 11.03AM  
21 on both Yallourn and Hazelwood mines. So that group  
22 was briefed, including - - -

23 So that was a conversation between Mr Russell?---The  
24 Regional Controller, yes.

25 And somebody from the CGEIG?---There are minutes of who 11.03AM  
26 attended, I haven't got them with me, and followed up  
27 later on with the chair of the group itself which was  
28 Nick Demetrius who chairs it.

29 Who's at Loy Yang?---He's normally at Loy Yang A. So they  
30 were engaged, Hancocks were engaged about the potential 11.03AM  
31 and they were provided with the Phoenix mapping

1 products to show the potential of what may happen if it  
2 was to spot out, if it was moving in its lines.

3 I say that in the sense that I would expect that  
4 to occur. At State level we obviously talk to those  
5 State representatives, so Chief Commissioner of Police, 11.04AM  
6 Chief Operating Officer, all those, and that's called  
7 State Emergency Management Team, it meets every day.  
8 At regional level, the Regional Emergency Management  
9 Team is fully engaged under the leadership of the  
10 Regional Controller, was fully engaged, and my 11.04AM  
11 observations is that the information was there and  
12 agencies were briefed and including the industry and  
13 plantation owners.

14 To my observation, information was there, but the  
15 fire was still listed as contained all the way through 11.04AM  
16 until we got the winds picked up on the Sunday at  
17 around about 1.15.

18 I'll come back to the management of the Hernes Oak Fire in a  
19 little while, but to begin with I think it might be  
20 useful to look at an overview. There's a map that has 11.04AM  
21 been provided that's not annexed to your statement,  
22 it's called Hazelwood mine overview, FSC.0001 .001.003.  
23 This is a map as I understand it that has been produced  
24 in retrospect after the fires had burned and been  
25 brought under control but it's quite a useful map 11.05AM  
26 because it provides an overview of what was happening  
27 around Morwell. In paragraph 43 of your statement  
28 you've told us that there were three major fires and  
29 you've identified those as the Hernes Oak Fire, which  
30 we've already touched on, the Hernes Oak extension fire 11.05AM  
31 of 9 February and also the Driffield/Strzelecki highway

1 fire. Could you just talk us through each of those  
2 fires and also deal with the one to the top right of  
3 the map, and, yes, we do have a laser pointer?---The  
4 Hernes Oak McDonald Track Fire, I call it in mine as  
5 the Hernes Oak Fire. Some of us will describe it as 11.06AM  
6 the Hernes Oak McDonald Track Fire. 156 hectares in  
7 size, contained, recorded at 11 p.m. on Saturday night  
8 is that figure. That fire stays contained, the  
9 pressure point is when the winds change at 1.15.

10 The fire comes out here and travels along here. 11.07AM  
11 So it's travelling, spotting ahead of itself when the  
12 winds are the strongest at 76 kilometres an hour,  
13 travelled in towards Morwell, puts a lot of pressure on  
14 the Morwell community. With the wind change it moves  
15 around, spots into Yallourn open cut, spots to another 11.07AM  
16 fire that then runs up into this plantation and  
17 ultimately puts pressure on the Australian paper mill.  
18 So, that fire is a continuation. Hernes Oak, Hernes  
19 Oak extension and the extension continues up to this  
20 fire here. So that's one part of the fire. 11.07AM

21 The second fire, the Driffield Fire, starts out in  
22 the southern part at 13.37 it's reported. Reported to  
23 be multiple starts on roadside and travels from  
24 plantation into open grasslands. This here, some would  
25 think it's fire trucks that pull this up. Fire trucks 11.07AM  
26 make an effort, but it runs into a riverbed and slows.  
27 Fire trucks are successful in that area particularly on  
28 this road and they tidy that fire up.

29 The issues of spotting, this has got huge  
30 potentials of spotting and it did. It's also got the 11.08AM  
31 area where it's running and burnt. The potential here

1 is that this has got vegetation through parts of it,  
2 being part of the regeneration area and it's burnt.  
3 The conjecture is where this is spotted to there and  
4 also this is spotted to there and this afternoon or  
5 today you will see more modelling on what that means. 11.08AM

6 I believe it's a probability of spotting both  
7 ways, spotting from this into the mine and this from  
8 the plantations well back and the plumes that were up,  
9 the convection columns, were very significant, very  
10 significant, as in upper areas. Most would say it 11.08AM  
11 would not spot from the grass and I think that's  
12 actually fair to say. The grassland spotting would be  
13 low, but back from plantation spotting high is of high  
14 probability.

15 There was a plantation area that was burned in the Hernes 11.09AM  
16 Oak Fire, was there not?---Yes, this burn here, there's  
17 the plantation. So it burned into - they build it up  
18 by using plantation lines in here, so the plantations  
19 are the green areas and you've got plantation burning  
20 here. This is obviously a significant plantation in 11.09AM  
21 this area coming up on APM.

22 I think the most important thing out of this -  
23 this is a complex fire. Pressure on the Morwell  
24 community. As it moves in, a lot of pressure on the  
25 Morwell community. We have got a set of control 11.09AM  
26 priorities that is very clear to our controllers, that  
27 primacy of life is the number one priority and they  
28 would resource and move resources based on primacy of  
29 life. That is a significant part. We would have  
30 expected that afternoon to lose houses and they didn't 11.09AM  
31 in the western part of Morwell. We expected to lose

1 houses for the type of fire behaviour that come in.  
2 Likewise, the smoke that come off this, there would be  
3 a lot of people that would expect fire in here, I think  
4 there would have been multiple reports. The fire  
5 wasn't in there, it was actually smoke coming through, 11.10AM  
6 so there would have been a lot of fire truck activity  
7 and community activity in this area. They considered  
8 the fire was coming in but it would have been smoke.  
9 These are the final boundaries of the fires?---These are the  
10 final perimeters. 11.10AM  
11 So the area within the mine, if you can just point that out,  
12 so that's the fire that burned in the northern batters  
13 of the mine?---That's the floor.  
14 And that area is the fire to the south, in the southern and  
15 eastern batters?---Yes. 11.10AM  
16 Thank you. There was one other significant fire in the area  
17 on the day, the Jack River fire. Where is that  
18 relative to Morwell?---Jack River is near Yarram, so  
19 I'll say it's about 45 kilometres to the southeast and  
20 I might not be 100 per cent right in the 45 kilometres, 11.10AM  
21 but it's of that ilk.  
22 To return to the Hernes Oak Fire, you told us a bit already  
23 about the early stages of that fire. In terms of the  
24 origin of the fire, it's been investigated by a CFA  
25 fire investigator?---Correct. 11.11AM  
26 And you provided a copy of that fire investigator's report  
27 with your statement, I don't need to go to it, but in  
28 summary the conclusion was that the cause of the fire  
29 that ignited on 7 February was a camp fire?---A camp  
30 fire and suspicious. 11.11AM  
31 Yes. It's being treated by police as suspicious but the

1 fire investigator's initial finding was that it came  
2 from a camp fire?---Yes.

3 You outlined earlier the incident control structure that was  
4 in place for the Hernes Oak Fire and Mr Jeremiah was  
5 the incident controller for that fire at the Traralgon 11.11AM  
6 ICC on the evening of 8 February?---Correct. Now, I  
7 just might point that out, on the evening of the 8th  
8 Laurie Jeremiah was the Incident Controller that day  
9 and he had Ian Knight when he slept at deputy incident  
10 control. 11.12AM

11 Yes, Incident Controllers need to sleep as well?---Yes,  
12 that's apparently so.

13 You've explained how the risk was recognised and there were  
14 communications to essential industries in the Latrobe  
15 Valley through a peak body, if you like, the Central 11.12AM  
16 Gippsland Essential Industries Group?---Yes.

17 What were the steps that were taken overnight on the 8th and  
18 in the early hours of the 9th to contain that fire or  
19 to keep it contained?---The overnight strategy was  
20 additional resources, so they brought in additional 11.12AM  
21 strike teams into the Valley. Obviously at night we  
22 don't - we're unable to fly fire operational aircraft,  
23 we haven't got that capability, so all aircraft goes  
24 down at dusk and comes back up the next day.

25 We also moved other resources in and increased the 11.13AM  
26 air fleet because of the potential of this fire. On  
27 the Saturday it was about consolidation and holding a  
28 fire in and, as I said before, my observation is they  
29 did extremely well to hold it in during the Saturday  
30 with control lines. 11.13AM

31 The other challenging factor that you have

1 mentioned is the fact that the Jack River fire started  
2 at 10.15 or thereabouts on the Sunday morning which  
3 would have put - and that was under the control of the  
4 Traralgon ICC so one person had the oversight of the  
5 Hernes Oak Fire and the potential of it and also the 11.13AM  
6 fire down at Yarram at Jack Creek. That would have  
7 been the decision-making process of what resources  
8 stayed in the Valley and which resources went to Jack  
9 Creek, and obviously the Incident Controller has got  
10 that responsibility to do so, but there still were 11.14AM  
11 resources overnight and moving into the Sunday morning  
12 on the Hernes Oak Fire.

13 A significant part of your role at State level is to keep an  
14 eye on the allocation of aircraft resources, which are  
15 a State-wide resource?---Yes. 11.14AM

16 On a day like 9 February there can be competing demands for  
17 them?---Stretched, I think's the word.

18 Yes. You tell us in paragraph 73 of your statement that you  
19 had a discussion with Mr Russell, the Regional  
20 Controller at about 3.30 on the Saturday afternoon 11.14AM  
21 about whether there were additional aircraft needed for  
22 the Hernes Oak Fire. Then you say it was determined  
23 that there were already sufficient aircraft available.  
24 To begin with, what aircraft were available at that  
25 point?---I'd have to go to the list, but we actually 11.14AM  
26 had two helitacks which are the medium helitacks, a  
27 number of fixed wing bombers and we supplemented them  
28 with another two helitacks. They didn't come down  
29 until the Sunday morning.

30 I think it's also important that in Brian's 11.15AM  
31 responsibility he's looking after Gippsland, he has a

1 regional responsibility so he would be looking after  
2 fires that were in East Gippsland as well so there was  
3 a large fleet of aircraft in Gippsland, and we'd  
4 increased the State fleet significantly.

5 One of the discussions that was had was about one 11.15AM  
6 of the aircranes, one of the large orange aircranes  
7 coming out of Essendon to come down. That wasn't  
8 released on the Sunday. We made a very clear decision  
9 it was to say in the metropolitan area, and in  
10 hindsight we believed that worked successfully in the 11.15AM  
11 sense that we had fires at Mickleton, Warrandyte and  
12 Gisborne and we were losing houses and the crane was an  
13 important part of the interface area.

14 It's also about the types of aircraft. It's one  
15 thing to ask for helicopters, some have got tanks 11.15AM  
16 underneath them and fly and drop water; others have got  
17 long strings with buckets under them and they are used  
18 tactically different, and in forested areas and  
19 certainly in the mine it proved later on that those  
20 that have got buckets and long strings were more 11.16AM  
21 capable to do a different job. So it is about the type  
22 of aircraft, both fixed wings and rotaries, and then  
23 the distribution of them.

24 Through that discussion, by increasing the number  
25 of helitacks in the Gippsland area, I'm sure Brian 11.16AM  
26 would have liked more, but we'd come to an  
27 understanding that what was available and what he had  
28 for the risk he had in front of him was sufficient.

29 You had that discussion with Mr Russell at about 3.30.

30 Mr Jeremiah in his statement says that at about 11.16AM  
31 4 o'clock he made a request for further resources for



1 two additional helicopters to be in the Latrobe Valley  
2 by the end of the day presumably so they could fly at  
3 first light?---And we took steps to do that, so the  
4 extra two, but they never - they weren't in the Valley  
5 until either mid-morning or late mid-morning on the 11.16AM  
6 Sunday.

7 He puts their arrival at about noon?---That would be about  
8 right. So we did apply or did fly additional machines  
9 which mean we have to shuffle the State fleet but we  
10 were able to do that in looking at the risk of the 11.17AM  
11 other side of the State.

12 It is important, probably not for the outcome of  
13 this, but obviously State resources like aircraft,  
14 we've obviously got them parked in New South Wales, so  
15 some sit over the border but we use both ways, and 11.17AM  
16 likewise the southwestern side of the State. We'd done  
17 further assessments with whether to see what aircraft  
18 were needed in the southwest. Knowing the change, we'd  
19 move there through the southwest earlier in the day,  
20 not during the peak temperature periods of the day 11.17AM  
21 which allowed us to refine the strategy.

22 I think what comes out of there, initially Brian  
23 Russell, the Regional Controller, discussion. Once the  
24 Incident Controller asks for some more and we will  
25 always take any requests from an Incident Controller to 11.17AM  
26 say they've got a need, how do we do it, and  
27 subsequently we were able to shuffle the fleet to get  
28 two additional helitacks into the valley on Sunday  
29 morning.

30 With the clarity of hindsight we can say it might have been 11.17AM  
31 very useful to have the additional aircraft there on

1 the morning of 9 February. Is that something that  
2 you've reviewed in your mind, why you made that call at  
3 the time?---Yeah, look, I mean you can always look in  
4 hindsight; I think you've got to deal with what's on  
5 the table at the time and the discussion - - - 11.18AM

6 That's what I'm asking you, to explain your reasoning on the  
7 evening of the 8th for not sending those aircraft down  
8 before the winds blew up on 9 February?---The reason  
9 would have been, what do we have in the spread across  
10 Victoria, the fact that the Incident Controller asked 11.18AM  
11 for some more, we did our darnedest to make sure the  
12 Incident Controller got what he needed, and by  
13 reshuffling the State fleet we were able to do that.

14 As you said, they weren't down until late morning  
15 or close to lunchtime. What would they have done 11.18AM  
16 earlier in the day? That's probably a hindsight  
17 question and, I mean, if you have them, you would do  
18 more with them.

19 I think the other thing that's important with  
20 aircraft, once the wind speeds get excessive, aircraft 11.18AM  
21 doesn't operate either, so in some areas of fire  
22 operation we have aircraft that cannot fly either due  
23 to wind speed or smoke, so we do have other operational  
24 imperatives about how we use the air fleet. I suppose  
25 what you are putting, though, if there was more 11.19AM  
26 aircraft, what would we have done in the morning,  
27 that's a hindsight question.

28 Yes, it is. What I'm trying to understand is the rationale  
29 for not sending down that evening the additional  
30 aircraft that the Incident Controller had requested so 11.19AM  
31 that he could use them at first light?---I'd have to go

1 and look at the reasons why, but it could have been  
2 that they were deployed to other fires on the Saturday  
3 afternoon and weren't able to be moved, transported  
4 until that period, but it would be of that ilk, that if  
5 they were available, they'd go; if they weren't 11.19AM  
6 available, it means they had some other job to do,  
7 remember we still had other fires burning in the State,  
8 so I haven't got that with me and I haven't looked back  
9 on the records of exactly what aircraft were doing on  
10 the Saturday afternoon. I think the principal here 11.19AM  
11 though, the Incident Controller requested, we did what  
12 we could to ensure they got those additional machines,  
13 the two - the point in hand is, should they have been  
14 there at 8 or why were they not there at 8 and ended up  
15 there at 11 and I haven't got that in front of me to 11.20AM  
16 give you that detail.

17 We've invited you back a couple of more times in the course  
18 of the hearings so we might just return to that when  
19 you have the facts at your fingertips?---That's fine.

20 The following paragraph of your statement, paragraph 74, you 11.20AM  
21 say that Mr Russell, the Regional Controller,  
22 identified key personnel to form a coal mine division  
23 of the Traralgon IMT. What does that mean?---A  
24 division is part of the structure underneath the  
25 Incident Controller. There's a Incident Controller and 11.20AM  
26 they can put in divisions. A division will have a  
27 divisional commander in charge of it and underneath the  
28 division is sectors, so it's a management structure  
29 forming a division.

30 It sees then the divisional commander is part of 11.20AM  
31 the incident management team out of Traralgon and

1           answering to the incident controller our of Traralgon;  
2           it's not a separate incident in its own right.  
3           That was a division within Mr Jeremiah's incident management  
4           team?---Yes.  
5           Who were there specifically to deal with the coal mine fire           11.21AM  
6           should it eventuate?---Yes, that was to consider the  
7           potential of it, and Brian obviously saw the need to  
8           have that in place to think about how it would operate.  
9           I forgive you if you don't know the answer to this, but who  
10          were the people that were in that division?---I don't           11.21AM  
11          know, and again - - -  
12          We'll ask Mr Jeremiah when we see him later in the week. I  
13          would like to ask you, before we move into the response  
14          to the fire in the mine, just briefly the Driffield  
15          Fire, this also is being treated by police as           11.21AM  
16          suspicious. What is known is that it ignited at  
17          several points around the Strzelecki highway to the  
18          southwest of the mine, at almost the exact time that  
19          the wind change came through and then blew in a  
20          northeasterly direction towards the mine but was           11.22AM  
21          ultimately pulled up along the Morwell River  
22          diversion?---Yes. I'd say, just one point, suspicious  
23          is one, I would say police have still got it listed as  
24          deliberate.  
25          Yes. The map shows a fairly clear boundary to that line           11.22AM  
26          along its northeastern edge?---Yes.  
27          Are you able to tell us what resources were devoted by the  
28          CFA to pulling up that fire?---No, I'm not, and the  
29          Incident Controller would be best to give you the  
30          absolutely detail of the trucks and the strategy that           11.23AM  
31          was deployed. What I can say, though, is that one of

1 the critical things about the deployment there I think  
2 was very successful, in the sense that they were able  
3 to use - although it was a riverbed that slowed it, you  
4 only slow fires with riverbeds, you still need trucks  
5 to be able to pull it up and I think they've gone 11.23AM  
6 extremely well as a firefighting effort.

7 The next priority was that the Incident  
8 Controller, and I know this occurred, was then to  
9 assess how many trucks stayed on the Driffield part of  
10 the fire and whether those trucks were needed to go 11.23AM  
11 into Morwell, particularly the pressure that Morwell  
12 was under with both fire and smoke in the town. I  
13 think Laurie's in the best position as Incident  
14 Controller to give you the detail of the tactics of how  
15 in which they did that. 11.24AM

16 It does appear to have been a fairly short sharp campaign;  
17 that fire was contained relatively quickly on the  
18 afternoon of the 9th?---Yes, it was a good fire fight.

19 When you took us through that map earlier you said that it  
20 was possible that one of the causes, or that the cause 11.24AM  
21 of the fires in the mine was spotting from either the  
22 Hernes Oak Fire, more likely, or the Driffield Fire  
23 less likely because it was a grass fire with a smaller  
24 fuel load?---When you see the mapping this afternoon,  
25 the potential of spotting off the Driffield Fire is a 11.24AM  
26 real probability in the sense that, the forested area  
27 and the convection column that was operating both had  
28 significant convection columns and the wind speeds were  
29 significant. It will show, and I shouldn't pre-empt  
30 it, but it will show spotting in and around the mine, 11.25AM  
31 but in the worked area of the mine that was probably

1 better protected in the sense that, I would suggest it  
2 was wetter, there's water in there, and both would have  
3 been putting significant smoke into the mine, so the  
4 mine would have been covered in smoke but certainly the  
5 convection column above had the potential to carry  
6 embers some distance.

11.25AM

7 So there was the potential from both of those fires.

8 Another possible cause of ignition of the fires in the  
9 mine was a hot spot within the mine, was it  
10 not?---That's certainly a potential cause. I have had  
11 no reports to me, and I have been back through CFA,  
12 that there was no reports from the mine or anyone in  
13 the mine to CFA to say there was another fire in there.  
14 So, we've taken the assumption that it has been  
15 spotting in or the travel of fire into the mine and not  
16 hot spots. There's been no report that I'm aware of  
17 another type of fire, either a hot spot or through  
18 mechanical devices or vehicles to cause fires in the  
19 mines.

11.25AM

11.25AM

20 Recent history suggests that it's a possible cause of a fire  
21 in the mine. There are two instances in the last  
22 decade of significant fires being caused by existing  
23 hot spots on the worked out batters of the mine in 2005  
24 and again in 2008?---Yes, that's a fact. The other one  
25 is any moving vehicles or any other heat source that  
26 could be in and around the mine.

11.26AM

11.26AM

27 Another feature of the Hernes Oak Fire was that it did  
28 actually - - -?---I might just make one other point.  
29 If there is a fire in the mine and it's not recorded,  
30 that's an offence in its own right. It's a day of  
31 total fire ban. I would suggest that we've got a

11.26AM

1 mining organisation that takes fire very seriously and  
2 I would see no reason, no reason at all, and it's  
3 unacceptable if there was, that if there is a fire in  
4 the mine that it wasn't recorded. So I just put that  
5 as a very serious point that, if there is fires that 11.27AM  
6 hadn't been reported on a day of total fire ban, that's  
7 an offence in its own right and I would say that I  
8 don't think that we've got a mining company that  
9 operates in that way. I think they take fire very  
10 seriously. 11.27AM

11 An alternative scenario of course is that nobody actually  
12 saw where the fire ignited?---True.

13 And it's a question of working out what's the most probable  
14 explanation.

15 CHAIRMAN: When there is, as you mentioned earlier, so much 11.27AM  
16 smoke around there's all sorts of possibilities as to  
17 whether a whole fire or a machine linked fire or  
18 spotting and what you say are the convection currents  
19 and the presence of smoke make the whole question of  
20 causation in relation to fires or, if there was only 11.27AM  
21 one, the spreading of the one fire, but I take it from  
22 what you're saying, it's the most likely position that  
23 it was spotting from the Hernes Oak Fire, query  
24 spotting from the Driffield Fire, that caused the fires  
25 in the mine?---If, and I won't be able to take you to 11.28AM  
26 the exact paragraph, in my witness statement a critical  
27 time is 2.30 p.m. in the afternoon where there was  
28 people reporting fires in the mine, and other witnesses  
29 will tell you that the attempts, both successful and  
30 not successful by mine operators, so the equipment they 11.28AM  
31 had in the mine to extinguish those fires, and

1 I believe they were successful in some instances of  
2 fires as they started to be extinguished by the mine  
3 staff themselves.

4 So, I take that in a sequence and the modelling  
5 will show it out later on today that, if you've got 11.28AM  
6 13.15 Hernes Oak breaks out, 13.37 Driffield breaks  
7 out, at 14.30, less than an hour from the Driffield  
8 Fire, just over an hour from the Hernes Oak Fire that  
9 people are reporting fires in the mine, I would suggest  
10 that that has some logic about the fire activity coming 11.29AM  
11 from both fires to be - have to be contributed and seen  
12 very seriously as the cause of the fire in the mine.

13 MS RICHARDS: And your conclusion is informed very  
14 significantly by the Phoenix simulation that we'll see  
15 later today?---Yes, and you'll see that this afternoon. 11.29AM

16 Another feature of the Hernes Oak Fire is that it spotted  
17 into the Yallourn Open Cut Mine on the afternoon of  
18 9 February. That fire did not burn for six weeks, it  
19 was brought under control relatively quickly. Have you  
20 done a comparison between the two open cut fires?---My 11.29AM  
21 observation, they are different and obviously they're  
22 different mines and you need someone else better  
23 qualified than I to talk about the type of mine they  
24 are, but the area where the fires are in Yallourn is a  
25 lot shallower, it's probably got different 11.30AM  
26 rehabilitation methods to it and I'd suggest it's got  
27 different accessibility to it; that is it's more  
28 accessible. So you might see a more successful  
29 operation in an earlier stint. So, that's there.

30 I haven't done a detailed analysis of the Yallourn 11.30AM  
31 Open Cut Fires as in the detail of it, but that would



1 be my observation, they are different mines. Hazelwood  
2 is a deeper mine, and certainly for that reason has  
3 more potential exposed coal and different  
4 rehabilitation methods in some parts of it.

5 You touched a moment ago on the timing of reports of fire in 11.31AM  
6 the Hazelwood open cut mine and you address this  
7 question at paragraphs 63-66 of your statement. I  
8 think the question that we asked you was how and when  
9 the Fire Services first became aware of the fires in  
10 the mine?---It goes back to what I was saying before, I 11.31AM  
11 haven't got the actual person or persons, but the first  
12 report of it is that afternoon.

13 Let's try to introduce a bit of precision into it. You  
14 mention in paragraph 62 reports to the 000 emergency  
15 number. ESTA, the Emergencies Services 11.31AM  
16 Telecommunications Authority, maintains very detailed  
17 data about calls to the 000 number, does it not?---It  
18 does, and I think the other thing, it's interesting  
19 here, reports from the public of sighting of smoke on a  
20 significant afternoon may not see that that's exactly 11.32AM  
21 where the fire is.

22 No?---I use that example, when you go up Latrobe Road, so  
23 the western side of Morwell, there would have been  
24 multiple reports of fire, but when you look at the map  
25 there was no fire there, but it would have been seen 11.32AM  
26 that the smoke would have been the generation of and  
27 the significant amount of smoke that the fire was very  
28 close, and in some respects it was very close but it  
29 didn't burn every blade of grass in that area.

30 It is possible with ESTA's computer aided dispatch data 11.32AM  
31 usually to identify the call?---Yes.

1 Have you had resort to ESTA's data to identify whether and  
2 when the mine called in a fire to 000?---No, I haven't  
3 done that and it's not part of my statement. The only  
4 thing I have looked at the ESTA logs is where radio  
5 traffic was there about some of the issues of radio 11.34AM  
6 traffic off fire trucks, but I haven't done that; that  
7 isn't to say we can't do that but I haven't done it at  
8 this point to look into that level of detail.

9 The mine's emergency procedures stipulate that the first  
10 point of report is to be 000. So can you do that for 11.34AM  
11 us, please, can you identify from ESTA's records  
12 whether and when there was a report of fire in the mine  
13 from GDF Suez?---Yes.

14 There are obviously some other sources of information for  
15 the Fire Services on that day, and you mentioned some 11.34AM  
16 radio traffic. What were you referring to there?---The  
17 one I was looking at in particular was access and  
18 talking about access of fire trucks into the mine,  
19 where they have got security gates and the security  
20 gates are of significance. 11.34AM

21 But by that time you actually have trucks trying to respond  
22 to a fire in the mine?---Yes.

23 So presumably before that somebody knows that there's a fire  
24 in the mine and has sent the trucks there?---When you  
25 say "in the mine", I think it's about the amount of 11.34AM  
26 smoke and I think again we've got - where it's not  
27 conclusive of there's a fire in X part of the mine,  
28 it's seeing that there would be fire in there. The  
29 other part in there that I can look in the same thing  
30 is, there were strike teams moving in and out of the 11.34AM  
31 area and some of them were in and around the mine and

1 then were redirected, and Laurie Jeremiah will cover  
2 this off, about the priorities of primacy of life and  
3 property, so the priorities were moving trucks around  
4 the mine.

5 We are told by Mr Shanahan, I believe it is, one of the 11.34AM  
6 people at the mine who responded on the 9th, that there  
7 was an aircraft, small plane, that was dropping  
8 retardant in the very early stages of the fire in the  
9 northern batters. Do you have any understanding of how  
10 that aircraft was deployed to there?---No. Again, it 11.35AM  
11 would be Laurie Jeremiah. The tactical things are  
12 certainly Laurie's responsibility.

13 We should also ask him about communications directly between  
14 the mine and the ICC?---Yes.

15 So they would be the two main sources you would expect of 11.35AM  
16 information that there was a fire in the mine; a call  
17 to 000 and direct contact with the ICC?---Yes, and  
18 direct contact could be from either the mine itself, so  
19 Suez, or it could be from Fire Service personnel.

20 Are you able to say when the first of the CFA resources 11.35AM  
21 actually arrived at the mine?---No. Again, it's  
22 Laurie's. I've left the tactical one to Laurie. I  
23 haven't gone into that level of detail.

24 The evidence that's currently available to us suggests that  
25 the first significant resource was a strike team that 11.36AM  
26 was initially dispatched to the Energy Brix factory at  
27 around about 7 o'clock in the evening, and finding no  
28 fire there, observed there was a fire in the mine and  
29 then sought access?---I'm aware of that strike team.

30 I'm unsure - the bit I'm unsure about is whether there 11.36AM  
31 was resources in there before that. So, I'm aware of

1 the Energy Brix strike them and I'm aware of it working  
2 in the mine overnight to protect particularly critical  
3 infrastructure. The infrastructure they were  
4 protecting was critical to the mine operation, that is  
5 protecting pumps, electrical assets to allow the mine 11.38AM  
6 to operate successfully. I'm aware of that; what I'm  
7 not aware of is other resources prior to that strike  
8 team and what were the resources that may have been in  
9 and around the mine, which would be the  
10 operational - - - 11.38AM

11 Again that's matter we should explore with Mr Jeremiah and I  
12 understand what you say about the need for him to  
13 prioritise his resources.

14 In your statement you say that the CFA assumed  
15 control of the fire - this is at paragraph 95 of your 11.38AM  
16 statement - at about 10 p.m. that evening?---Yes,  
17 that's correct.

18 You say that it was made clear at a meeting between mine  
19 management and CFA operational personnel that the CFA  
20 was the control agency for the fire?---Yes. 11.38AM

21 Was there any doubt about that, that the CFA would be the  
22 control agency?---I don't think there was any doubt. I  
23 think it's - one of the things we do in incident  
24 control and we talk about assuming control, is to make  
25 sure that everyone is aware of the control. There's 11.38AM  
26 nothing worse than assuming that someone's in control  
27 and they're not, so this is the clarification which  
28 would be a normal process to say, this is a fire of  
29 significance and growing and therefore will be ongoing  
30 under the management of CFA. Through the day we had 11.38AM  
31 the line of control of any fire that was attended; it

1 obviously was in the management system. This was  
2 obviously a protocol issue to ensure that the mine were  
3 aware CFA had structure and what that structure was.

4 A period of about 8 hours elapses from the first report of  
5 fire in the mine at around 2 o'clock and when the CFA 11.38AM  
6 formally takes control. Again, with the clarity of  
7 hindsight that does seem like rather a long time in an  
8 environment where first response is critical. Like,  
9 the initial attack is all in a coal mine fire?---I  
10 suppose the point there is, that's a protocol issue to 11.39AM  
11 ensure that it is communicated, the management  
12 structure, and that was being established. It's  
13 correct to say, why wasn't that done at 9 o'clock,  
14 8 o'clock, 7 o'clock. The fact is, resources would  
15 have been in there. The connection between the 11.39AM  
16 industry and CFA is something that daily they work  
17 together, they've got a very good relationship, a very  
18 good working relationship, and I think you'll see the  
19 flavour; they know each other very well and they have  
20 understanding of resource and capability. 11.39AM

21 But the unknown at the moment is the extent to which there  
22 was CFA resources in the mine in that 8 hour  
23 period?---In particular, as you've asked before, what  
24 was before the fire reported at Energy Brix and the  
25 strike teams that went to Energy Brix, and the bit I 11.39AM  
26 haven't got in here, and Laurie would have it, is the  
27 tactical deployment of resources in that afternoon  
28 period, including aircraft.

29 CHAIRMAN: Could I clarify that. In paragraph 94 you refer  
30 to strike teams redeployed from Energy Brix. That 11.39AM  
31 doesn't mean that they're Energy Brix's strike team,

1           that means their strike teams of the CFA that had been  
2           in the Energy Brix area?---Yes.

3        You've got no knowledge of any reports by personnel at  
4        Energy Brix as to the problems that they perceived in  
5        their area?---No, I haven't here.       Energy Brix was a       11.40AM  
6        major concern though when that was reported, because  
7        Energy Brix in itself if it's on fire offers  
8        significant problems to, not only Energy Brix but to  
9        the Morwell community so that was of concern and of  
10       significance when that was reported of the fire in and       11.40AM  
11       around Energy Brix.

12       So there's a theoretical potential to go to personnel from  
13       Energy Brix to see what they can say, if anything,  
14       about the cause of the fire or the nature - or the  
15       course of the fire that they observed that called for       11.40AM  
16       something to be deployed to the Energy Brix  
17       area?---That's correct.   And the other thing, from  
18       Energy Brix you do get a view of the mine that is a  
19       fairly strategic position to see the mine.

20       MS RICHARDS:   Just for the sake of clarity.   Can you point       11.41AM  
21       out on the map there where the Energy Brix factory  
22       is?---It's about where your little 1 - - -  
23       So in the northeastern corner of the mine?---Yes, in the  
24       northeastern corner, yes.

25       The briquette factory is fed by a conveyor belt that       11.41AM  
26       operates through the mine?---Through the mine and that  
27       was impacted by fire and obviously there was then work  
28       arrangements put in place by Energy Brix to have - the  
29       supply of coal was done through a truck and travel, if  
30       that's the right term, instead of a conveyor belt.       11.41AM  
31       Part of the handover from the mine operator to the CFA was

1 an incident action plan that you annex - refer to at  
2 paragraph 98 of your statement, and I think you'll find  
3 it behind tab 15 in your folder?---Correct, it's a  
4 handwritten incident action plan by Senior Station  
5 Officer Ross Mal, who was an officer appointed to the 11.42AM  
6 Morwell Fire Station, so he has ongoing knowledge of  
7 the Morwell area and the industry.

8 So he was the person who had the conversation to make it  
9 clear that the CFA was now the control agency?---No,  
10 I believe it was Operations Officer Peter Lockwood that 11.42AM  
11 had the discussion in the evening, and Ross Mal as a  
12 Senior Station Officer, has the responsibility for the  
13 day shift on the 10th. So the discussion that was held  
14 on the Saturday night was with Peter Lockwood as the  
15 Ops officer, is my understanding, and this plan here 11.42AM  
16 was put together by Senior Station Officer Ross Mal for  
17 the day shift of the 10th which is the Monday.

18 He divides the fire up into sectors, having stated a number  
19 of objectives. On the fourth page of the document  
20 we'll see north sector, central sector and east sector. 11.43AM  
21 I'd just like to ask you about the strategy that was  
22 adopted in relation to the east sector. One of those,  
23 one of the steps that was proposed to be taken to  
24 suppress the fire was water bombing?---Yes.

25 Which I take to be water bombing by plane or 11.43AM  
26 helicopter?---By aircraft, yes.

27 One of the learnings from the fire in December 2005 at the  
28 mine was that helicopters did not assist in suppressing  
29 that fire. There's a note or a recommendation in the  
30 review that GDF Suez commissioned of the fire, "The use 11.43AM  
31 of the helicopter dumping water on the fire proved to

1 make the situation worse and spread the fire due to  
2 fine coal dust present along the coalfaces. Discussed  
3 with the CFA and advised the use of a helicopter is no  
4 good on a coal-fire." That was the learning from late  
5 2005.

11.44AM

6 Do you have any understanding of how that learning  
7 was fed into the CFA's own understanding of brown coal  
8 fires?---Yes. Two things here: One is, what came out  
9 of 2005, 2006, 2007 or 2008 or any learnings about the  
10 mine would all be about rotary aircraft that have  
11 tanks, so as they fly and they drop their waters,  
12 they're fine.

11.44AM

13 So rotary aircraft, helicopters?---Helicopters that have got  
14 things underneath and they fly and it drops, and you'll  
15 see that, as everyone sees, Elvis, you'll see it fly  
16 and drop water. The difference now, we use two  
17 machines which are helicopters that have got, as I said  
18 before, a long rope or what I call a long string and a  
19 bucket which means they can hover at quite higher  
20 levels and allow the water to drop in mass into  
21 locations.

11.44AM

11.45AM

22 When this was requested, that water bombing was  
23 done, I was contacted - - -

24 Just hold up a minute. The question I asked was, do you  
25 have any understanding of how that learning from the  
26 2005 fire was communicated to the CFA and incorporated  
27 in its fire fighting practice?---I don't, and the  
28 reason I don't was I wasn't - I'd left CFA, I left CFA  
29 in 2007 so I haven't got visibility of that training  
30 mechanism that occurred as a result of the 2005 and  
31 2006 fires, or the 2006 fire, and subsequently what

11.45AM

11.45AM



1 occurred in CFA. So, I'm unaware of the level.

2 I think what the point I'm making is, different  
3 aircraft. So the request that we had on Monday morning  
4 was to bring the machines that were down in East  
5 Gippsland that had these long strings and buckets into 11.45AM  
6 the Valley, to put them into the Valley operation, so  
7 it wasn't the same, it's a different learning, it's a  
8 different machine, it's a different helicopter, it's  
9 got different equipment on board, therefore it operates  
10 differently. So water bombing was critical and through 11.46AM  
11 the next number of weeks we used those bucket machines  
12 to effectively support the fire operations in the mine.  
13 They are different.

14 The aircraft that were used in the fire fight from this  
15 point on, were they all helicopters or were there also 11.46AM  
16 some fixed wing aircraft. There were some fixed wing,  
17 but in the main they would be helicopters and they  
18 would be helicopters with the long strings from the  
19 buckets, there was two of them brought into the Valley  
20 for that reason. It took a little longer to change the 11.46AM  
21 fleet around, but they were the ones that were then  
22 ideally better used in an open cut, or what I'll call a  
23 quarry environment, because the aircraft will sit  
24 normally well up, and obviously if it's in against the  
25 batters it's very difficult to fly the other machines 11.46AM  
26 effectively.

27 There is an inconsistency between the GDF prior learnings  
28 from their fires and the initial approach that was  
29 taken to fighting this fire - - -?---Yes, inconsistent  
30 but I think we're talking about a different capability. 11.47AM

31 Let me finish the proposition I want to put to you. Given

1 the prior learnings and the very definite statement  
2 that the CFA should be told that helicopters are no  
3 good in a coal mine fire, one would have expected to  
4 see some caution in the use of aircraft. It's not  
5 apparent from this incident action plan and nor is it 11.47AM  
6 apparent from the subsequent use of aircraft. Can you  
7 explain why use of aircraft was immediately adopted as  
8 a suppression method?---I think they were looking at  
9 different machines. So, as I said before, a different  
10 capability because on the Monday morning we were asked 11.47AM  
11 to release those different types of machines that  
12 weren't available in 2006, so these were ones that were  
13 seen to do a different job in a different way and  
14 therefore I don't think people would have seen the same  
15 issue of how the aircrafts fly through and create, I'd 11.48AM  
16 say turbulence in the air, compared to where they sit  
17 and drop water at long line, so it is a different  
18 operation.

19 I am surmising that from the request I had to  
20 release them, that when they said here water bombing, 11.48AM  
21 they were looking for water bombing helicopters with  
22 buckets on them.

23 That's what in fact was used by-in-large?---That's, yes.

24 You instituted some performance appraisal arrangements.

25 What can you say, having done that and having seen the 11.48AM  
26 use of these helicopters over a long fire fight, as to  
27 their effectiveness?---They were very effective in part  
28 of the operation. An aircraft won't put any one fire  
29 out; it's part of a system. You'll hear it from  
30 Incident Controllers as they talk, we developed a 11.48AM  
31 different system of work. It evolved over the first

1 few days in the sense that water is normally the  
2 weapon, is seen as the weapon. We needed to introduce  
3 foams and we needed to introduce technology to detect  
4 fire areas and we needed to introduce aircraft that was  
5 effective to work in a system of work. So use foam, 11.49AM  
6 use aircraft, and it might not be in that sequence, but  
7 how the sequence operates, so you get access to areas  
8 that were extremely hot and cover them with foam to  
9 cool them, to use aircraft from above before ground  
10 crews were put in to get close to it. Those are 11.49AM  
11 critical, but also use of thermal cameras to actually  
12 understand exactly where the heat is.

13 Unlike a fire in a house or in a building or a  
14 factory or a bushfire, normally you put water on  
15 flames. In these you're putting water on hot spots 11.49AM  
16 that's extremely hot and burning in an incomplete  
17 combustion in the wall or floor of coal. So it's not  
18 as if you've got flame standing out at you, you need to  
19 be able to detect it, understand it and be able to do  
20 it. So that system of work ultimately that was 11.50AM  
21 established there was an important part, but the normal  
22 thing is, water is the weapon and everyone looks to use  
23 water in the main and water is the best way to  
24 extinguish a fire but needs other systems - foam,  
25 aircraft and technology - to assist us to get there. 11.50AM

26 That was the suppression strategy that evolved over some  
27 weeks?---Yes.

28 In the early stages of the fire were there any reports to  
29 you of the use of aircraft having in fact spread the  
30 fire?---No, I haven't had that report and again, the 11.50AM  
31 controllers would be in a better position if that was

1 the case.

2 The 9th February was an extraordinary day for you, there  
3 were fires burning across the State, including quite  
4 close to Melbourne as well as very significant fires  
5 all around Morwell. I'm just interested in exploring 11.50AM  
6 with you the timeline that it took you and those  
7 working with you in the State emergency management team  
8 to realise the significance and likely duration of the  
9 fire in the mine at Hazelwood. We might do this by  
10 looking at the State Control Centre situation reports. 11.51AM  
11 There's one from 11 February. This is No.64 in that  
12 series. These situation reports, I think you referred  
13 to them earlier?---Yes.

14 They provide those who are managing the State Control Centre  
15 at the time with a snapshot of what is going on across 11.51AM  
16 the State. If we can move through that document, the  
17 Morwell Hernes Oak Fire is identified there but the  
18 Hazelwood fire is not identified as a separate fire at  
19 this stage, is it?---No, no, it's the bottom dot point  
20 that is still running under the Traralgon ICC. 11.52AM

21 Really the only reference to it in this document is that  
22 there has been a separate ICC  
23 established?---Established, and this is dated the - - -  
24 Eleventh?---Tuesday.

25 So it's two days after the fires ignited, there's still 11.52AM  
26 clearly a great deal going on, but from this document  
27 at least it would appear that the significance of the  
28 fire in the Hazelwood Mine hasn't really come home at  
29 State level?---I didn't see that. I from the moment,  
30 and it was reported in the media on the Monday, that 11.52AM  
31 the most significant fire in the State was the mine at

1 Hazelwood and other people commented to me to say, "But  
2 you're losing houses elsewhere, how could you say  
3 that?" I had that commented to me. The reason I said  
4 that was that I knew that the fire in Hazelwood would  
5 be at least a week, two weeks, and on past experience 11.53AM  
6 at least that.

7 Now, past experiences to me was, the last fire I  
8 was there was in October 2006, although the day was a  
9 significant day which, very strong winds, a very dry  
10 day, it was still October, it didn't have that 11.53AM  
11 pre-drying of months of a summer. So when you were in  
12 on the Monday, to the level of concern I had, I sent  
13 both the CFA Chief and the MFB Chief to Morwell to  
14 inspect and report back to me.

15 We don't normally do that, we don't normally send 11.53AM  
16 Chiefs to fires to that extent and we certainly don't  
17 send two Chiefs to fires and both of them were in the  
18 Hazelwood Mine that afternoon to come back and explain  
19 to us the extent and potential of it, versus what was  
20 happening at APN, because APN was still burning, versus 11.54AM  
21 Yallourn.

22 That is reflected in the State Control Centre situation  
23 report for the following day which I'll show you now.  
24 This is just 24 hours later. On the map there's a  
25 little less going on now and the Morwell Hernes Oak 11.55AM  
26 Fire is still shown as containing the Hazelwood  
27 fire?---I think, if you - just for a moment if you look  
28 at that map there's another fire in under there and it  
29 hasn't got a window.

30 Yes, I can see that?---And the second fire underneath would 11.55AM  
31 be the Hazelwood fire, would be my opinion, but it

1 hasn't got a window and an arrow pointing to it,  
2 whereas the next map you will see that it then  
3 identifies two significant problems.

4 If you go to the third page of the document, the Traralgon  
5 ICC is now handling the Morwell Hernes Oak Fire and the 11.55AM  
6 Jack River fire, and there's a separate ICC, Hazelwood  
7 ICC?---Yes.

8 There's a description there of the incident management  
9 structure. The second dot point, there's an estimate  
10 that the fire in the Hazelwood coal mine will burn for 11.56AM  
11 up to a month which has significant long term  
12 implications for the community?---Yes.

13 That was an assessment that had been made at State level on  
14 12 February?---Yes, from inputs of the Monday. I think  
15 the critical thing here is, like I said before, to send 11.56AM  
16 the Chiefs down was to get a very strategic  
17 understanding of what was happening not only in  
18 Hazelwood but APM, APM was still burning and had  
19 significant resources and the same with Yallourn.

20 Obviously the threat to Morwell had gone, Still 11.56AM  
21 had had hotspots around the Hernes 8 Fire and the  
22 Driffield Fire, but the fire of significant concern was  
23 APM, Yallourn and Hazelwood and we needed to get a  
24 clear understanding of the strategic resources that  
25 were needed for those three. 11.56AM

26 The estimate that was given in that situation report turned  
27 out to be fairly accurate, did it not?---Reasonably  
28 accurate, as in - - -

29 It was about a month before the fire was brought under  
30 control?---Under control was 31 days and on the 4th day 11.57AM  
31 it was classified as so. There are other reports - - -

1 And that, it will burn for up to a month estimate, remained  
2 the estimate during the first week of the fire, did it  
3 not?---Yes. Yes, there were some, if you listen to the  
4 media reports there was a number of times that I was  
5 interviewed that we were saying potentially two weeks, 11.57AM  
6 but the worst-case scenario would be a month. I can  
7 explain the progression of the fire if you wish at some  
8 point, but it certainly has got some key dates and some  
9 fire behaviour and weather scenarios that are of  
10 significance during that period. 11.57AM

11 But I'd just like to be clear that you were working on the  
12 basis at State level that the fire would burn for up to  
13 a month?---Yes.

14 At no stage during the first week did you have cause to be  
15 more optimistic take about when the fire might be put 11.57AM  
16 out?---I had some level of optimism but I do need to  
17 listen to the people on the ground that were saying it  
18 was there for a month and the reason I say that is, the  
19 first week there was some level of success with the  
20 strategies. However, the weekend of the 14th, Friday 11.58AM  
21 the 14th, Saturday the 15th and 16th, the fire actually  
22 increased in size and that then changed the whole  
23 strategy and the way in which we dealt with it. We've  
24 seen that we put a different work system in, we had to  
25 change our resourcing, we had an expert panel come and 11.58AM  
26 peer review what we were doing which is not a normal  
27 activity of fire, normally we do our reviews after the  
28 fire's been put out. So we put a team of experts in to  
29 support us and peer review us to say the strategies  
30 would work, should work, could work and they'd need to 11.58AM  
31 change if appropriate and they included inter-State and

1 international inputs to that discussion. The  
2 second - - -

3 There was a shift in the management, the structure of  
4 managing the fire around about 20 February, was there  
5 not?---There was a number of steps. The first was the 11.59AM  
6 Incident Control Centre established on the date there,  
7 which is - I'll get it wrong - - -

8 11th?---11th and 12th and I was actually more on the 12th.  
9 We actually assessed the effectiveness of that incident  
10 management team and we could see that the incident was 11.59AM  
11 going to get bigger and we moved it from Hazelwood to  
12 Traralgon later that week, so we moved it into  
13 Traralgon which gave it a better management capability.  
14 Then, as you say, the 20th was the point that we  
15 changed a number of management structures around how it 11.59AM  
16 would work within regional control and incident  
17 control.

18 I believe there was a number of inputs there. One  
19 is the fire activity of the 15th and the amount of  
20 concern. But the meeting on Tuesday the 18th, and I 11.59AM  
21 hope I've got the dates right, the Tuesday meeting of  
22 the 18th which was a community meeting in Morwell, we  
23 for the first time saw a significant outcry of the  
24 community of significance that needed to be dealt with  
25 and dealt with very quickly. The community's tolerance 12.00PM  
26 towards this fire had changed in a matter of days.

27 So the Friday night, which would be - - -  
28 The 14th?---The 14th, community meeting was reasonably  
29 placid, taking information, being able to receive and  
30 take information. The change of the fire over the 12.00PM  
31 weekend saw absolute anger in the Morwell community



1 that we had to change, not only the fire strategy, the  
2 communication strategy and the way in which the agency  
3 were operating in Morwell.

4 Can you just explain what happened over the weekend, the

5 15th and 16th?---Well, there was reasonably - it was a 12.00PM  
6 reasonably warm weekend, the winds weren't strong, the  
7 fire increased in size. When I say the fire increased  
8 in size, there was a red flag warning put out on one of  
9 the trucks, and a red flag warning is when you have  
10 fire moving in and around the firefighters, so it's an 12.00PM  
11 indication of concern. The fire had moved in size and  
12 actually moved under some of the fire operations, so  
13 the fire itself had started to increase in size. We  
14 believe that's directly related to the weather  
15 conditions of the day. 12.01PM

16 The second day that the fire had a significant  
17 move was on 25 February where the fire actually come  
18 out of the mine and threatened the Hazelwood Power  
19 Station itself and ran across upper batter and out of  
20 the mine and put significant pressure on the mine. 12.01PM  
21 That again was driven by a very dry intense fire  
22 period, so we were seeing weather impacts with no  
23 moisture in the air, seeing the coal was extremely dry  
24 and was moving around.

25 You also tell us that on, I think it was 13 or 14 February 12.01PM  
26 you made a call that the fire should have a HAZMAT  
27 overlay as well. What does that mean in  
28 practice?---Well, it means there's a different set of  
29 procedures deployed, but it goes a bit more fundamental  
30 than that. One of the concerns I had, we'd seen the 12.01PM  
31 level of CO, carbon monoxide being produced in the mine

1 to be at quite significant levels from spikes. Carbon  
2 monoxide is a product of incomplete combustion so you'd  
3 expect a mine type fire. Bearing in mind there were  
4 pockets that were holding quite tight and we had a  
5 number of firefighters off shift who would present to 12.02PM  
6 GPs and hospitals. None were hospitalised but they  
7 needed to be tested. That told me, and speaking to  
8 senior command people, that we were treating - our  
9 firefighters were treating this in a structural type  
10 fire and not using hazardous materials type procedures. 12.02PM  
11 We needed to emphasise to the firefighters the  
12 hazardous materials type nature of this, that it was  
13 generating other things than just smoke and ash - - -

14 So the HAZMAT overlay has implications for safety procedures  
15 for firefighters, and I'll stop you there because we're 12.02PM  
16 going to ask you to come back on Friday to address that  
17 subject in a discrete way.

18 In terms of the suppression attempt and the  
19 information that was provided to the community, did it  
20 have any implications?--Well, it does. If you've got 12.03PM  
21 carbon monoxide in and around the mine and it's not  
22 being vented properly, what is being vented to the  
23 community? At that time there was a limited number of  
24 detectors in and around Morwell that could give - that  
25 were carbon monoxide detectors. Those that were being 12.03PM  
26 put in were Fire Service detection equipment, so we had  
27 some mobile devices to test outside the mine where the  
28 carbon monoxide was and at what levels.

29 On Saturday there was some spikes of carbon  
30 monoxide that was detected in the community that 12.03PM  
31 prompted an emergency warning to be put out.

1 So the source of data, because at this stage the EPA weren't  
2 monitoring carbon monoxide in the south of Morwell; the  
3 source of the data on the 15th was the CFA's own carbon  
4 monoxide monitors?---Yes, so they've got a joined up  
5 detection system. The fire detectors were it. The 12.03PM  
6 reason I stop, I believe there is - Morwell Police  
7 Station has a carbon monoxide detector, so it's  
8 actually built into the police station, and I'm not  
9 sure at that time what EPA did have on the ground so  
10 I'd have to check dates and times about what they did, 12.04PM  
11 but if it was, it would be mobile devices. Mobile  
12 devices are calibrated right. The issue I have with  
13 mobile devices though is, are we seeking the same level  
14 at 10 metres high or 3 metres high from someone that's  
15 holding it? So the machinery is calibrated correctly 12.04PM  
16 and very appropriately used, but to get a network of  
17 detectors, I believe that you need some other  
18 consistencies about height, distance between and so on,  
19 which obviously EPA have that responsibility to do. So  
20 we had preliminary information to provide us 12.04PM  
21 information about firefighter safety which we normally  
22 do use at fires and we're using some of that equipment  
23 to assess the type of atmosphere that was in the  
24 community, particularly in the southern part of  
25 Morwell. 12.04PM

26 That information led to the warning that was issued using  
27 the emergency alert system on 15 February?---Yes.  
28 You deal with this a little later in your statement, we  
29 might skip forward to that, on page 27 at  
30 paragraph 162. This was a decision that was made at 12.05PM  
31 the Incident Control Centre level?---Yes.

1 To issue that emergency warning. We will have some evidence  
2 from the deputy Incident Controllers that were in that  
3 Incident Control Centre on that day. Can you tell us  
4 how the boundaries of the area that was warned were  
5 determined, or is that something I should - - -?---I 12.05PM  
6 can give you the principles. The exact boundary would  
7 be the deputy Incident Controller when he's in later in  
8 the week. Simply, what they look at here is the area  
9 that's likely to be impacted, likely to be impacted,  
10 and they're able to use an electronic system to select 12.06PM  
11 that polygon and, therefore, once selected, every  
12 landline and mobile device in the area is then sent a  
13 message. That doesn't mean to say that someone outside  
14 that boundary won't get the message, but in the main  
15 that's the boundary, because mobile phones are a little 12.06PM  
16 bit interesting how they work off towers.

17 That area would have been - and an incident  
18 controller or deputy incident controller would explain  
19 - would have been the area that they saw as the likely  
20 place where the plume was and there would have been 12.06PM  
21 some readings in there. I know for a fact the highest  
22 readings were right on the Princes highway on the  
23 southern part. Some of these are precautionary and  
24 others are quite are directive in the community sense.

25 The message that went out was using the text warning 12.07PM  
26 system?---Yes.

27 And the message was fairly curt that people should shelter  
28 in place because of elevated carbon monoxide, to  
29 summarise it?---Yes.

30 A few hours later there was a downgrading of that message to 12.07PM  
31 advise people that they could move around outside

1 again. That's a message that caused a degree of alarm  
2 in the community. Agree?---It caused a degree of alarm  
3 in a number of places, including with me.

4 Perhaps you can explain that observation?---And the reason  
5 for that is that again, as I explained before, I was 12.07PM  
6 concerned that we were overreacting to something that  
7 was preliminary information from some detectors, not a  
8 broad set of a network of detectors because they  
9 weren't there. When I say that though, an Incident  
10 Controller, if they see the need to put it out, we will 12.07PM  
11 support them in every way, shape and form but we did  
12 have discussions with the control team about what this  
13 mean. What does this mean, will the Morwell community  
14 understand what shelter in place meant, and to be as  
15 short of that when you've only got 140 or 160 12.08PM  
16 characters, what else does it mean because it will  
17 prompt you to want to find something else, it will  
18 prompt you to try and understand why and what in  
19 detail.

20 My concern is that we didn't have the necessary 12.08PM  
21 background information or support information for when  
22 that was sent to the community. Where would they go  
23 and look, what would they find, and also, the types of  
24 building stock in Morwell, whether shelter in place is  
25 because there are well researched issues about shelter 12.08PM  
26 in place and the type of building, and that is the type  
27 of ventilation systems and type of structures they are.  
28 Obviously, an older structure are not necessarily as, I  
29 should say, air tight, if that's the right word, as  
30 what a new design might be, just in designs and a 12.08PM  
31 capability of a building.

1           There was a number of questions that were drawn by  
2 this. This prompted a number of things to make sure  
3 the Incident Controllers had a set of triggers both for  
4 dosage and exposure rates about what was needed there  
5 and significant work was then done with EPA and Health     12.09PM  
6 in a very quick period of time to come up with the  
7 right tools to support the controllers.

8       That was a protocol that was put in place after this message  
9 was sent out on the 15th?---Yes.

10       Was there any attempt to give those people who'd received     12.09PM  
11 the messages some further context or information about  
12 what the message meant?---We then move into, as I said  
13 before, in the community information, community  
14 information warnings is a field in its own right. When  
15 I say that, we put firefighters and paramedics on the     12.09PM  
16 ground to meet people. They were around Morwell, they  
17 were mobile in Morwell, they had buses in Morwell to  
18 start to better communicate and get information and  
19 awareness of all these things to a greater level.

20           Again, does the community understand that     12.10PM  
21 technical level? Question. Are they capable to  
22 understand some of the clinical and technical ways in  
23 which things are described? Also, we were using the  
24 people, rightly, firstly to defer to a website. And I  
25 say "rightly". Well, we were probably proved wrong in     12.10PM  
26 that sense in the sense that on a number of community  
27 meetings people were saying, I'm not connected to the  
28 internet, I don't get my information off a mobile phone  
29 and we changed the strategy where the letterbox, with  
30 information in the letterbox was a critical part of the     12.10PM  
31 strategy.

1 I think some would say you got it wrong. I would  
2 say we learnt as we went about the information and the  
3 types of ways to engage with the Morwell community.  
4 Mr Lapsley, you're talking more about the longer term  
5 evolution of the communication strategy?---Yes. 12.10PM  
6 My particular question was whether, after these text  
7 messages were sent out to people within that boundary,  
8 whether there was a specific attempt to give them some  
9 context within which they could understand the  
10 seriousness of that message?---No, I don't believe 12.11PM  
11 there was. Not in a comprehensive way.  
12 I was asking you about the HAZMAT overlay and what the  
13 practical effect of that was. Clearly a different  
14 paradigm for dealing with firefighter safety issues.  
15 After the 15th there were protocols in place for 12.11PM  
16 Incident Controllers to assess the carbon monoxide  
17 risk?---Yes.  
18 - - - to the community?---So if I take you back just  
19 quickly, the 12th and 13th was very much focused on  
20 firefighter safety and things were changed on Friday 12.11PM  
21 the 14th. The events of the 15th, where you're talking  
22 about the emergency alert being used, put a greater  
23 emphasis over the next 24 hours to change the triggers  
24 and the tools which were provided to the Incident  
25 Controllers about community information dealing with 12.11PM  
26 smoke and in particular carbon monoxide.  
27 Was there any other practical consequence of the HAZMAT  
28 overlay?---In a firefighter sense it's all about  
29 procedure and safety. There was a whole lot of other  
30 things about duration in the incident ground. We spoke 12.12PM  
31 to Suez, in particular their operations people, about

1 what it meant to the workers in the mine, because  
2 obviously they have the OH&S and duty of care  
3 responsibility for the mine workers and making sure  
4 that those procedures were shared and understood by  
5 Suez as well about their mine staff that were working  
6 in the area.

12.12PM

7 I want to move to the suppression strategy that the Fire  
8 Services adopted. I understand from your statement  
9 that this was a learning experience for everyone  
10 involved?---Yes. And when I say that, I think it was  
11 an evolving experience, that there was experiences or  
12 circumstances and scenarios right in front of us that  
13 we needed to be agile enough to be able to change the  
14 strategy to deal with it.

12.12PM

15 I might add, and this is not patting anyone on the  
16 back, but simply one of the most important things that  
17 I saw was the expert panel, a group of externals to  
18 come in and they were coaching and supporting what was  
19 done to make sure Incident Controllers in the mine,  
20 mine staff, were understanding what was a very complex  
21 environment of safety, the geotechnical parts, the  
22 water balance system and how in which we used fire  
23 suppression activities.

12.13PM

24 At what stage did you bring the expert panel in to provide  
25 that mentoring and external view?---On the 16th, Sunday  
26 the 16th was the phone calls to the Commissioner from  
27 Fire Rescue in New South Wales out of Sydney, and later  
28 that day or earlier the next morning Wayne Hartley, the  
29 CEO of Queensland Mines and Rescue, was contacted and  
30 we sought advice from SDBI about an engineer which was  
31 Tim Sullivan, that had in my understanding 20 years or

12.13PM

12.13PM

12.13PM



1           thereabouts of experience and understanding the  
2           stability and the geotechnical parts of the mine. They  
3           were the three primary people. They were in Morwell on  
4           the Tuesday, and I think the Monday, definitely there  
5           on the Tuesday. They flew the mine, travelled the mine     12.14PM  
6           and then were able to talk us through what was the  
7           suppression activity.

8                     A second part of that, a fellow by the name of  
9           Mark Cummins, who lives in Texas, United States, is a -  
10          I won't say a - well, a pioneer of compressed air foam     12.14PM  
11          and compressed air foam in use of foam - not only in  
12          grass and bushfires which is where it's normally used,  
13          but compressed air foam in mines and I think also in  
14          black coal and brown coal, but certainly had an  
15          understanding of that.                                     12.14PM

16                    Mark was introduced to us through social media.  
17          We spoke to him a number of times in the early hours of  
18          the morning at his time and we joined him up to be part  
19          of the second part of the expert panel. So, he wasn't  
20          on the first bit but he was on the second part to be     12.15PM  
21          able to advise us better about the use of and his  
22          learnings of what he'd championed in his career in coal  
23          mining.

24          Had compressed air foam been used to suppress a brown coal  
25          fire in Victoria previously?---Compressed air foam has     12.15PM  
26          been used in the open cuts previously. When I say  
27          that, at a very limited amount. Compressed air foam in  
28          the CFA fleet and MFB fleet is not a standard  
29          configuration of their fleet. Hence, why it was not in  
30          Victoria.   12.15PM

31                    The learnings from the bushfires in Tasmania of

1 two years ago I think, 2011 bushfires of Tasmania, they  
2 had built and only commissioned six months ago a large,  
3 very large compressed air foam capability in a truck.  
4 It had never been used in Tasmania, it was commissioned  
5 about six months ago. It had been in Victoria when it 12.16PM  
6 was built, we had seen it. We understood it was over  
7 there and when we got to that weekend where our water  
8 as the weapon strategy was not working we go over to  
9 Tasmania and said, "Can this machine come over?"

10 So this is the weekend of 15th and the 16th?---This is the 12.16PM  
11 weekend of the 15th. So when we saw the fire extension  
12 occur and that the water we had been using during the  
13 week was not as successful as we would have hoped and  
14 the fire intensity and size of the fire had increased,  
15 that's when we engaged that. That was also tested by 12.16PM  
16 the expert panel on that Monday, Tuesday and they  
17 believed it was the appropriate thing.

18 We'd also been trialling in another part of the  
19 mine another foam products during that week to see if  
20 foams would work in what is brown coal. 12.16PM

21 Just to get the answer to my question. Compressed air foam  
22 had been used to fight a brown coal fire in Victoria  
23 previously?---Very limited and - - -

24 In the 2006/2008 fires?---I'd have to get some information.

25 In the mid-2000 there's a tanker called Main Ridge 12.17PM  
26 Tanker 2, so it lives on the Mornington Peninsula and  
27 it had a trial CAFS machine on it. It had been  
28 deployed into the Valley for a previous fire and I'm  
29 unsure if there was a 2006 or an earlier fire, but  
30 there was CAFS in the Valley in the mid 2000s. 12.17PM

31 CAFS, being compressed air foam system?---Compressed air

1 foam systems, but it was a very small capability, not a  
2 large capability, so it would not have had the throw  
3 and it was a test bed for CFA. CAFS were not adopted  
4 inside CFA for other reasons than of operational  
5 reasons, so they weren't adopted. 12.17PM

6 So it hadn't previously been identified as a resource that  
7 was necessary to respond to a large scale brown coal  
8 fire?---That's correct.

9 Will it be in your artillery in future?---In my  
10 recommendation, resource management and technology 12.18PM  
11 including CAFS is a way forward, a very important way  
12 forward, but needs to be of - - -

13 That explains why it was necessary for that resource to be  
14 brought from Tasmania?---Tasmania, and the other  
15 secondary thing was there was CAFS brought out of ACT 12.18PM  
16 and again they built that as a result of the ACT fires  
17 in 2003. So this capability has been built in a  
18 bushfire environment, but could be used in coal but not  
19 primarily for coal.

20 It's interesting in the paper that Tasmania put on 12.18PM  
21 the table about the justification of CAFS. They  
22 referenced Mark Cummins, who was part of our expert  
23 panel about the use of CAFS as a secondary issue in  
24 coal fires.

25 I also wanted to ask you about the water supply within the 12.18PM  
26 mine. I think we have a map of the mine that we can  
27 use for the purpose of you explaining to us what was in  
28 place and what was added during the fire fight. That's  
29 a diagram of the mine that has been provided to us by  
30 GDF Suez. Once again, I'm afraid you can't use the 12.19PM  
31 laser pointer but if you are able to point out where

1 there was water available for the fire fighting effort  
2 and where there was a need identified for more?---Not  
3 to disappoint you, I'm actually the wrong one to show  
4 you because I don't actually tactically know the lay of  
5 the pipes. What I can tell you, and I think it's very 12.19PM  
6 important, is that there was some reticulation water in  
7 and around the worked out parts of the mine.

8 There was not an extensive lay of pipes nor  
9 sprinklers to cover that area, and obviously that will  
10 be discussed about what is the appropriate policy 12.19PM  
11 guidelines and regulatory, requirements for that. What  
12 did happen in the initial stages was, there was a need  
13 to either lay a fire hose or build infrastructure, and  
14 there are I think in Incident Controller Bob Barry's  
15 thing, there's actually photographs of the type of 12.20PM  
16 infrastructure that was employed. So the mine actually  
17 laid large diameter pipes and put additional pumps in,  
18 but there are some areas of the mine that did not have  
19 direct access to pipe work, didn't have direct access  
20 sprinklers, and that will be debated obviously about 12.20PM  
21 what's right and wrong in that area.

22 However, when we say it's worked out, I think it's  
23 really important to understand it's worked out as  
24 production of coal, but is still an area that people  
25 transverse every day because there's infrastructure in 12.20PM  
26 there as far as pumps and electrical assets. It's not  
27 a disused part of the mine, it's a worked out part that  
28 still has other parts that need to be protected and  
29 worked upon and the mines people would be in there on a  
30 regular basis. In that sense I think the best person, 12.20PM  
31 obviously Suez, and the other one is I think John

1 Haynes, one of the controllers who spent a lot of  
2 technical time or time in the technical areas to  
3 understand the reticulation area of the mine, and both  
4 those would be best to point on a map about which pipes  
5 and size of pipes, because it's not just the pipe it's 12.21PM  
6 about volume and flow of pipes to get the right water.

7 Thank you. You put a performance monitoring process in  
8 place during what was a very long-term fire fight. Can  
9 you explain how that worked and how you used it in the  
10 ongoing fire fight?---First of all, we don't normally 12.21PM

11 put a performance management system, it's not  
12 culturally or systematic in Fire Services to run a  
13 performance management system over the top of a fire,  
14 so this was new. It was risky in the sense that we  
15 were introducing a new management system over something 12.22PM

16 of people that - but it was necessary. The reason I  
17 say it was necessary, we needed it daily to capture  
18 information of what was working and what wasn't working  
19 and what were the issues to deal with as we moved  
20 forward. It was an internal reporting protest that 12.22PM

21 included the effectiveness of community engagement,  
22 success of water. There are - and I think Bob Barry in  
23 his evidence will show how they gridded the mine and  
24 put in the small parcels to collect information about  
25 the amount of heat, the amount of fire, the amount of 12.22PM

26 smoke and therefore the strategies that they were  
27 putting across it. It proved to be absolutely critical  
28 when you apply a system of work; where were you going  
29 to put foam first, where will you use aircraft, with  
30 the buckets that can drop large volumes in an area. 12.22PM

31 Where could they get accessibility or not and some

1 areas where they could not get accessibility, it was  
2 just the type of big mine it is, it's a large area.  
3 That was critical, but it was about continuous  
4 improvement and monitoring where we were going to make  
5 sure we were successful in doing that.

12.23PM

6 Some of the best products out of that was to show  
7 the reduction of heat in the wall by daily using  
8 thermal cameras to see the reduction of heat in the  
9 mine and where it was moving and what was successful.  
10 I'm into technical stuff now, but the height of the  
11 mine; you know, you can do all your work but the top  
12 bit can still burn and the 10 metres underneath you  
13 could have extinguished; and if you don't get the lot  
14 it will reignite. That's something I think people  
15 probably don't understand in the main unless they've  
16 been part of the brown coal industry, this will  
17 re-burn. Unlike a fire, normally it's black, you black  
18 it out and that's it. This stuff does have the  
19 potential to re-burn, so those complexities were there  
20 hence why the performance management system was  
21 important. It wasn't welcomed by all, but it was an  
22 absolute critical step to understand the success and  
23 what the challenges were in that mine.

12.23PM

12.23PM

12.23PM

24 There's one last thing I want to ask you about the  
25 suppression effort which is the digging out of old  
26 faithful which was done right towards the end of the  
27 fire fight. What is old faithful?---My understanding,  
28 and some of the Suez engineers might be best to talk  
29 about it, is an area of the mine in the northern  
30 batters that from time to time puts up a puff of smoke,  
31 so there's some heat under the ground somewhere. When

12.24PM

12.24PM

1 they do that, they either douse it or put clay, so it's  
2 an area. Whilst we had the gear there it was discussed  
3 and I think in a media sense we were poor in the way in  
4 which we described what it was because we didn't give  
5 any context to what it was. So people go, what's this 12.24PM  
6 thing that's been there for a number of years?

7 What they did do, though, whilst the gear was  
8 here, the big gear, particularly the aerial appliances  
9 and foam systems, was to take the clay cap off it and  
10 have a look to see whether there was something they 12.24PM  
11 could do with it. I wasn't there, so engineers from  
12 Suez and firefighters would be best positioned in the  
13 fact that they took the clay cap off it, assessed it  
14 and put the clay cap back on and resealed it.

15 That, to the Morwell community, to many members of 12.25PM  
16 the Morwell community is quite concerning, that there's  
17 this unknown heat source in the northern batters or the  
18 northern wall. I've been spoken to by a number of  
19 concerned residents about, what does this mean?

20 We haven't seen, to my knowledge, any smoke coming 12.25PM  
21 out of it. The recapping of it is appropriate and the  
22 mine's engineers were those that ran that operation and  
23 supported by fire, but I think it tells you that, no  
24 matter what you do, there's always the potential of  
25 some heat source in these mines that will put a puff of 12.25PM  
26 smoke up from time to time.

27 So old faithful was a pre-existing hot spot? It's not a  
28 product of the fire we've just had?---No, it's not a  
29 product of this fire, it's been there for some years  
30 and I would say decades. 12.25PM

31 It had been clay capped?---It's been clay capped for many

1 years and continues to put a puff of smoke up to be  
2 dealt with in that manner.

3 And it's in the northern batters of the mine and I should  
4 ask someone else precisely where it is?---Someone will  
5 point out exactly where it is. 12.26PM

6 In paragraph 138 of your statement you identify a number of  
7 challenges that were encountered in suppressing the  
8 fire, many of these we have touched on in the course of  
9 what you've already said, but there are a couple that  
10 I'd like to draw out now. Water balance and stability 12.26PM  
11 and geotechnical issues, how did they impact on the  
12 suppression effort?---They have significant impact. A  
13 balanced water system is simply the amount of water you  
14 are putting in and the amount of water you're pumping  
15 out. Obviously the mine itself generates water, so 12.26PM  
16 it's got water in the bottom of the mine that's pumped  
17 out into the Hazelwood pondage on a regular basis.  
18 It's managed daily with the type of pumps that are  
19 there and obviously the amount of water you're putting  
20 into the mine has the potential to jeopardise the 12.27PM  
21 stability of the mine.

22 So the balance water, and that's where Tim  
23 Sullivan and the expert panel was critical to give us  
24 advice in a technical sense of the types of litreage,  
25 and I'm talking millions of litres of water that 12.27PM  
26 they're calculating to put in and put out. At one  
27 point in time the strategy clearly changed, and the  
28 reticulation system was modified to do this, to ensure  
29 that the water that's in the pondage in the bottom of  
30 the mine was being used for the suppression activity, 12.27PM  
31 that they weren't introducing more water. That was



1 important to get that working. That also brought on  
2 the health and safety issues about quality of water and  
3 how it was being used and sprayed around. So for every  
4 cause there's a reaction.

5 The other thing about the geotechnical stability 12.27PM  
6 of the site is, I think everyone in Morwell knows, I  
7 think probably most of Victoria understand that there  
8 is some issues with the northern batters in the fact  
9 that it's got infrastructure that sits on the top of it  
10 with a drain and a roadway and power assets and it's 12.28PM  
11 close to the most southern back fence of Morwell. The  
12 reason I say that is that that was and has been an  
13 issue for the last number of years about the stability  
14 of the drain which is obviously still being dealt with  
15 between Latrobe City and Suez and we're very mindful of 12.28PM  
16 that and wanted to make sure we understood not only the  
17 stability of it but it's to do with safety. There's no  
18 way that I could justify firefighters and equipment if  
19 it was in an unstable environment and we buried trucks  
20 or people in that wall. 12.28PM

21 How do the concerns about stability translate to action?

22 What difference did it make to the effort to put out  
23 the fire?---Daily there was monitoring to occur of both  
24 water and stability, and daily the incident managers or  
25 Incident Controllers would meet with senior operational 12.28PM  
26 people from Suez and I think that would be 1 o'clock  
27 every day or thereabouts. They'd meet at lunchtime and  
28 talk through the plan for the day but also get feedback  
29 on the water and stability of the site.

30 I in my view, well managed, well understood, well 12.29PM  
31 built into the strategy, showed the relationship

1 between Suez operational people and Incident  
2 Controllers had a very good strong relationship, an  
3 open and honest relationship and could talk about it in  
4 a confidential way to ensure they understood the  
5 potential, and I must say that we didn't detect any 12.29PM  
6 major movement at all; there was some slippage of the  
7 mine which you would expect, but there was no movement  
8 of any significance of the stability particularly in  
9 the northern batters.

10 The question that everyone wants to know the answer to is 12.29PM  
11 whether the fire is out?---On the 31st day when we took  
12 it to "under controlled" and then on the 45th day when  
13 we took it to "safe", the definition ran - and I think  
14 I've got it in my witness statement somewhere - and the  
15 definition of "safe" is to say - - - 12.30PM

16 So we're looking at paragraph 139-141?---The Incident  
17 Controller on the day was Bob Barry. Bob documented to  
18 me with a document he signed off as the controller to  
19 use that statement there which was paragraph 141 about  
20 what "safe" means. When we say "safe", the second part 12.30PM  
21 of that paragraph's important, that there will still be  
22 somewhere in that mine a hot spot, there will be a hot  
23 spot of some kind. It won't generate to be a fire, but  
24 it will be something that puts up a puff of smoke, it  
25 will be detected as a hot spot and will be needed to be 12.30PM  
26 dealt with, and I think the mine are probably dealing  
27 with those every day of their lives about something  
28 that could be a heat source in the environment.

29 We were very careful that we needed to give the  
30 confidence to the Morwell community that it was out and 12.30PM  
31 they could move back to normal life, but also we were

1 very clear to say from to time you may see a puff of  
2 smoke, but it's not going to be a fire that sees us  
3 return to the conditions of mid-February 2014.

4 So the answer to the question is, not quite?---The answer to  
5 the question I would say is, the fire is out; it's got 12.31PM  
6 some hot spots that need to be monitored.

7 You've given us an assessment in the next part of your  
8 statement under question 13 about the things that  
9 worked well and the things that didn't work so well and  
10 the things that are in need of improvement. There were 12.31PM  
11 a number of things that worked extremely well in the  
12 course of the fire fight, not less being able to bring  
13 it under control in four to six weeks and doing that  
14 without any significant injury to any of the people who  
15 were responding to the fire. 12.31PM

16 I'd just like you to ask you to elaborate on some  
17 of the points that you've listed in paragraph 144; in  
18 particular, the integration of the Fire Services, as  
19 between Fire Services and their integration with the  
20 mine operator?---I could summarise that a little bit 12.32PM  
21 more. You've got them there. If I summarise them into  
22 these couple of things, that there's some lessons  
23 learnt, clear lessons learnt but there's also some  
24 opportunities in this. In your introduction you talked  
25 about, there's a new world. Take that out of the game 12.32PM  
26 for a moment about a new world of emergency management,  
27 there's some very basic things.

28 I've said before that Suez operational staff,  
29 Incident Controllers and the divisional staff worked  
30 extremely well. My observation is the Traralgon Fire 12.32PM  
31 Brigade, the Morwell Fire Brigade, Yallourn North Fire

1 Brigade, supported by Moe and Churchill and the other  
2 brigades, actually have good relationship. Is it good  
3 enough for the risk? I think that's something we need  
4 to look at about what we're doing.

5 In saying those things there, some of the things 12.32PM  
6 that I was impressed with was adaptive management; that  
7 is, we challenged our Incident Controllers that can be  
8 quite rigid. They're trained to operate a certain way,  
9 and in fact I was bringing in some meetings to say we  
10 have to do this, I mean adaptive management, the 12.33PM  
11 environment has to happen. Adaptive management also  
12 means that we need to listen to what is a complex  
13 environment and get it better. But to do that in the  
14 future, and I will give you some things that I think we  
15 need to improved, is integrated incident management. I 12.33PM  
16 think we've got integrated incident management between  
17 CFA, DEPI, those Fire Services and the emergency  
18 service agencies. What we need to do in the future is  
19 to get integrated incident management with the  
20 industry. For them to wander in at 1 o'clock every day 12.33PM  
21 and do what they're doing and then wander off - and I  
22 say "wander" in the nicest way - I don't think it's the  
23 model of the future. We need integrated incident  
24 management because the industry actually have a lot of  
25 the answers. They actually know the place, so that's 12.33PM  
26 what I'm saying about integration; it's worked well,  
27 but yet we've got to take it the next step. So we've  
28 got a step but there's a step yet further.

29 The picture that emerges from the evidence is that during  
30 the response phase there were quite separate incident 12.34PM  
31 control structures with a liaison point run by the Fire

1 Services and the mine operator, but we didn't have a  
2 situation where the mine personnel were integrated  
3 within the aimed structure that the Fire Services  
4 wanted?---That's correct. That has to be the next  
5 step. That has to be something we take - whether 12.34PM  
6 there's a recommendation out of this Inquiry or not  
7 that's something that I've got to take forward. So  
8 that's there.

9 I think it goes a little bit broader about the  
10 good practice guide. There's a need and I've led a 12.34PM  
11 small review of looking at the documentation that the  
12 mines use, not only Hazelwood but Yallourn and Loy  
13 Yang, and there's documents that are cited to me as  
14 being 1994 and 1995 policy guide documents. I say very  
15 clearly that that's not good enough. We need the 12.34PM  
16 latest generation guides to help us understand what is  
17 the practice or policies of how the Fire Services in  
18 the mines work and who's part of that.

19 Now, add to that an accountability model. I have  
20 trouble explaining what the regulators do, and I say 12.35PM  
21 that nicely; they're doing what they need to do but  
22 they do it in silo. So where's the new accountability  
23 model that's clearly about regulators, what I'll call  
24 the referral authorities, so who has expertise as a  
25 referral authority to offer up and support them. 12.35PM

26 These are matters that we'll return to in the final week of  
27 the hearing?---I think they're actually part of what  
28 we're actually asking. We've seen improvement and I  
29 can talk about the improvements and opportunities in  
30 some of those there, but they're actually part of the 12.35PM  
31 next step and we haven't got the solution in what I

1 describe there in totality.

2 So I think they're there and clearly the  
3 community, the community has to be involved more before  
4 during and after these events, and as I said before,  
5 we've got to understand what is the consequence of 12.35PM  
6 these. It's not just dealing with coal and fire, it's  
7 actually dealing with fire and coal that produces  
8 smoke.

9 Smoke and ash?---Smoke and ash and other things that we  
10 actually build into the plans and the plans from the 12.35PM  
11 start are about consequences. So I think they're  
12 there, and probably the last one, what I will say about  
13 planning, integrated planning between municipal plans,  
14 private plans including the mines operators, so we look  
15 at a landscape, we don't look at what is the mine under 12.36PM  
16 the regulations, OH&S regulations of 2007 separate to  
17 that of the municipal fire management plan. We need a  
18 landscape, a view, across what other plans and  
19 therefore you deal with hazard risk and consequence in  
20 a better way. 12.36PM

21 I think some of those there are what we saw as a  
22 good opportunity, we did get an agile management, I was  
23 pleased we got it. How do we take those opportunities?  
24 So they're good outcomes. How do we take them and put  
25 them into a systematic approach to the future is the 12.36PM  
26 critical part.

27 There's one other aspect of the what worked well that I want  
28 to explore with you and it's on the next page of your  
29 statement. At point 8 you identify the use of local  
30 knowledge, and then at point 10 you refer to the 12.37PM  
31 appointment of the expert panel from New South Wales,

1 Queensland and Texas as well as a Victorian mine safety  
2 engineer. There has been some disquiet locally that  
3 expertise that was built up over decades working for  
4 the SEC was not utilised by Fire Services in any formal  
5 way?---That's a fair comment by the community, a very 12.37PM  
6 fair comment, because there is a lots of expertise and  
7 lots of ownership of many, many people that live in  
8 Morwell or the Valley that understand brown coal. In  
9 particular they've got a very emotional attachment to  
10 it. I think, without having a model that shows proper 12.37PM  
11 engagement before, during and after it's very hard  
12 sometimes to bring them in in the middle of it.

13 Although I spoke to in particular one who will be a  
14 witness in this Inquiry at some point in time about  
15 understanding the past, we've also got to make sure 12.37PM  
16 they're current. That's one of the challenges, that  
17 we've got to pick up what is someone's view and  
18 understand it in today's context. I found that  
19 difficult.

20 In one point I actually had one of these ex-senior 12.38PM  
21 operations people from what would have been the SEC in  
22 the early parts of privatisation into the mine and  
23 actually saw the mine. Hadn't seen it for over a  
24 decade, and we used that person to actually give us an  
25 understanding of what was happening. 12.38PM

26 Is that Mr Brown you're referring to?---That's Mr Brown,  
27 yes, Bill Brown. That wasn't necessarily welcomed by  
28 some of the current employees of Suez, that they saw  
29 that they had the responsibility to manage the current  
30 event and they saw someone else that had previous 12.38PM  
31 history making comment. I'm past that; I needed the

1 advice to get the best result so we were using the  
2 people that had knowledge of it and we've got to  
3 respect those that have got history and knowledge and  
4 bring that forward.

5 The lesson out of this, though, is to engage with 12.38PM  
6 them in, as I said, proper community engagement before  
7 June and after. Community engagement means something,  
8 and it's not just this thing you turn on when you've  
9 got a problem, you've actually got to understand it.

10 I think it's a little bit broader than that, I 12.39PM  
11 think the Morwell community is rich of information, but  
12 we haven't had a system to engage in an effective way,  
13 and when I say "we", I say the Royal "we", it's the  
14 broad "we" of the industry and the emergency services,  
15 Local Government, and Local Government's critical to 12.39PM  
16 that. So there's something missing to be effective in  
17 that area but yet we did talk to some but not all. I  
18 know there's other people who would love to have spoken  
19 to me but I never got to them just in time, but there's  
20 some we spent some time with to understand the history 12.39PM  
21 and the knowledge of what was occurring.

22 I also need to ask you about the things that you've  
23 identified that were in need of improvement. The first  
24 one I think we can leave until Friday, health  
25 monitoring of fire fighting personnel. "Deployment of 12.39PM  
26 equipment and personnel to the mine fire could have  
27 been more expeditious." Can you expand on what you  
28 mean by that please?---Again, we talked about the CAFS  
29 machine. We were on our fourth, fifth day before we  
30 saw the absolute need for that level of - I'll say 12.40PM  
31 technology, but in some respects it's foam; foam's been



1 around in fire fighting for years.

2 We also had the deployment of aerial appliances  
3 that were coming from the metropolitan area, Melbourne  
4 as in Metropolitan Fire Brigade and also CFA, but  
5 aerial appliances out of Warrnambool and Mildura, so 12.40PM  
6 these are large. There is no plan for those vehicles  
7 to come to the Valley. The plan normally is for  
8 vehicles from Scoresby and Dandenong to come to the  
9 Valley as built into the plans. The plans were not  
10 extended past, which means intervention at our level, 12.40PM  
11 so you could see that resource management could be done  
12 and even on the ground the resource management issue.  
13 So on the ground efficiencies of running a big fire  
14 ground was challenging sometimes to get 200 people on a  
15 shift deployed effectively into in some cases the first 12.40PM  
16 time they'd been in the mine, so that entry, the first  
17 entry point; there's efficiencies in the system that I  
18 think evolved over time and were better, but resource  
19 management when you've got large resources is always a  
20 challenge to get the efficiencies out of it, and that 12.41PM  
21 includes the mine's workers as well to be built into  
22 that system.

23 I want to move to the area of communications which you deal  
24 with in the next section of your statement. What I  
25 understand from what you have told us in that 12.41PM  
26 section of your statement is that, as the incident  
27 became more complex, so did the communications need and  
28 the strategy that accompanied that need?---Most  
29 certainly. One comment that's worth predicating is  
30 this: We've changed dramatically the way in which we 12.41PM  
31 see emergency or fire information in the community as a

1 result of the 2009 fires. One of the challenges,  
2 though, is that the 2009 fires were predicated on large  
3 bushfires and we built a system to apply them to other  
4 types of emergencies.

5 A factory fire, a house fire, hazardous materials, 12.42PM  
6 they are using, the services are using very effectively  
7 that system. However, I draw a word you used before,  
8 shelter in place. Do people understand shelter in  
9 place. So the words we're using, have we educated the  
10 community in an appropriate way to understand our 12.42PM  
11 terminology? Some would say, yes, others would say,  
12 no. We were using systems, and it wasn't until the  
13 second week that Health started to use advice messages,  
14 the fire-related advice message, to better communicate  
15 to the community. So there's some lessons there about 12.42PM  
16 what is traditionally fire type messaging that's then  
17 overlaid by environmental or health type messaging. I  
18 think the integration of those was one of those things  
19 that evolved, and it got better, but by that time we  
20 had a - we did have a frustrated community that were 12.43PM  
21 too much, not enough and what are you telling me, I'm  
22 now confused in some instances. So the level of  
23 information, the targeting of information, the  
24 relevance of the information and how people access it  
25 and are supported with it is all part of the system, 12.43PM  
26 and some of it has to be face-to-face.

27 There was a Statewide communications and stakeholder  
28 engagement strategy developed. Was that developed  
29 following the angry community meeting on  
30 18 February?---I'm not sure of the exact date. I 12.43PM  
31 chaired the State Emergency Management Team and every

1 day we met, if not twice a day. The Emergency  
2 Management Joint Public Information Committee, so  
3 EMJPIC is what it's known as, are represented on that  
4 and every day we would talk about committee - it's a  
5 standard agenda item. So it doesn't bring, it's a  
6 standard item, what does EMJPIC need from the senior  
7 people and what are they giving us?

12.43PM

8 They were meeting daily, if not twice a day.  
9 EMJPIC is very good at getting connection about, you  
10 know, it's time for Rosemary as the Chief health  
11 officer and I to be together, Ambulance Victoria,  
12 whoever, so it's probably got the doing bit. The  
13 strategy bit was there but I think you'd be right in  
14 saying it's around about that second week where it gets  
15 any structure of significance around the strategy.

12.44PM

12.44PM

16 And it was EMJPIC, and if there's a person, the chair of  
17 EMJPIC who led the development of that strategy?---It's  
18 the responsibility of the chair. There are other  
19 players obviously that are critical and obviously  
20 health is critical, EPA is critical, my office is  
21 critical to make sure that those Comms people actually  
22 understand it and drive it, but it is the EMJPIC chair  
23 that is the - - -

12.44PM

24 We'll be hearing from her next week. What I'd like to ask  
25 you specifically is about the role that the Fire  
26 Services took in implementing that strategy, because  
27 there was some quite innovative means of engaging with  
28 the community and getting the message out?---The input  
29 to the strategy was driven by a number people; one  
30 group were actually based in Traralgon, so they were  
31 part of the Regional Control Centre in Traralgon. The

12.44PM

12.45PM

1 Regional Controllers were key to it, so how to engage  
2 with the business, how to engage with education,  
3 particularly principals, how to create a community  
4 reference group was driven from Traralgon but bolted  
5 into the one strategy. So it wasn't a single person,  
6 it was a number of people that had opinions.

12.45PM

7 Without dwelling on this, the term "community  
8 development", the term "community engagement", the term  
9 "community awareness" or "community information" are  
10 all different disciplines, or some of them aren't  
11 disciplines, but if you're a community development  
12 person you see it quite differently how to engage, and  
13 there was that need to bring that together, and in  
14 particular Latrobe City Council - and Latrobe City  
15 Council has a community development officer who's well  
16 and truly developed in the area of understanding the  
17 Morwell community, so how do you connect that to  
18 getting the local understanding of current systems?

12.45PM

19 And I say you use the current networks that are there  
20 and sometimes I would say they're the trusted networks;  
21 that is, who are the trusted leaders in the community  
22 that lead groups of people that have influence and  
23 speak with authority? And they are important to engage  
24 with, and we did do that, but it wasn't in the first  
25 week. It was certainly a post second week issue about  
26 how to engage with the community. And I think, to me,  
27 the turning point was the community meeting of the  
28 18th. The amount of anger that was in that community,  
29 we had to do it different.

12.46PM

12.46PM

12.46PM

30 The trusted community networks that you engaged with, we'll  
31 have an example of that later this week from the

12.46PM

1 coordinator of the neighbourhood house?---Yes.

2 Who helped to use the neighbourhood house as a means of  
3 getting the information into the community. Were there  
4 others that were identified?---The principals of the  
5 schools, particularly the three principals of the 12.47PM  
6 schools that were relocated, were critical.

7 You've mentioned the council?---The council. The business  
8 group themselves, we actually had a breakfast for all  
9 the business leaders in town and Ken Lay as the Chief  
10 Commissioner of Police and I chaired that. I think 12.47PM  
11 that was a turning point in the sense that the business  
12 leaders of Morwell are really important in all  
13 aspects - not only about economics, but it's about  
14 connection to who they employ but who comes through the  
15 front door of their businesses. If you're the 12.47PM  
16 newsagent or you're the owner of the newsagent, how  
17 many people come through the door every day, and I know  
18 for a fact he did not necessarily have the information  
19 that he was comfortable with, let alone how he would  
20 engage with the people that come through to buy the 12.47PM  
21 paper or the Tatts Lotto ticket. I think that was a  
22 very important, when someone like that in the community  
23 stops and says, "Craig, you got it wrong", we were able  
24 to change that fairly quickly and get engagement. That  
25 may have been a little bit too late for the expression 12.48PM  
26 that he was putting forward, but nevertheless they're  
27 important and they're the opportunities of the future  
28 too, they are the ones that we've got to actually  
29 crystallise, not only for Morwell but for Victoria.

30 There's one last thing I'd like to ask you about today which 12.48PM  
31 are the lessons learned from communications and you've

1 listed these at paragraph 170 through to 172, so the  
2 things that worked well, that didn't work well and room  
3 for future improvement.

4 You've touched on the people-to-people contact  
5 already and the use of trusted networks as a way of 12.48PM  
6 getting information out to the community. Can I ask  
7 you more for the sake of time than from a desire to be  
8 critical to focus on paragraph 172 and what could have  
9 been done better?---Yes.

10 Messaging content: Is that directed in part at the message 12.49PM  
11 that went out on 15 February to shelter in  
12 place?---Yes. Yes, but it's a bit broader than that  
13 because I think, if you read the messaging, it's got  
14 fire messaging and then it will have a line about  
15 health, and although they weren't in conflict I think 12.49PM  
16 there may have been a better way that we learned from  
17 this of how we do communicating messaging.

18 I think that also tells us that we are quick to be  
19 quite fire-centric. So fire-centric not  
20 health-centric, which tells you about have we got the 12.49PM  
21 consequence at the front of our people we've trained to  
22 do these jobs? So that's important. So messaging  
23 content there.

24 And I think, and the EPA are the best to speak  
25 about it, I think EPA is very good at providing 12.49PM  
26 technical data over what's it mean. Some of those  
27 things, when you look at the information, is it  
28 technically bound and therefore you are relying on the  
29 interpretation of a community member, or is it putting  
30 a set of words that people can read and understand 12.50PM  
31 clearly, so it's about the communications of the

1 content.

2 The messaging style: Again, I said before that we  
3 default very quickly to websites and think by  
4 publishing a "www" address that everyone will go there.  
5 That's not the case and I think we're too quick to 12.50PM  
6 default to websites although they're important. And if  
7 we are going to default to websites or the internet,  
8 using places like the neighbourhood house is a classic  
9 example, that that's where people go to get information  
10 and they go there sometimes to access the information 12.50PM  
11 or be supported on how to use that information. So,  
12 those other networks might go to the neighbourhood  
13 house because the information might be there, it might  
14 be electronic, but you'll be supported in how you  
15 access and use it. 12.50PM

16 There's no doubt the connection to the community,  
17 as I said before, if we think that we're going to  
18 continue to engage only when the fire's in the sky,  
19 well, that's not the right model; it's got to be a  
20 model that is broader than that about how we connect. 12.51PM  
21 And I say, and hopefully we'll be able to put this in  
22 place one day, is that it's not Local Government's  
23 responsibility or the Fire Service, it's got to be  
24 broader than that; the connection has got to use the  
25 networks about how to engage. If you think about the 12.51PM  
26 primary care partnerships that are set up by Health,  
27 they engage with communities. We should be using them  
28 as much as we use the neighbourhood house or the Rotary  
29 or whoever, so we've got to be better at our  
30 connection. 12.51PM

31 I'm not allowed to go back to 170, but one point

1 at 170.2, if I may, people-to-people contact is really  
2 important because some people need to actually have  
3 that discussion, and just giving them information as an  
4 alliance as to how we do that, we should never, ever  
5 forget the people contact, the face, the ability to  
6 have a discussion, it's a two-way discussion and it's  
7 really important. So it doesn't matter what we do. In  
8 times of crisis you need face-to-face and engagement.

12.52PM

9 MS RICHARDS: That's a good point to stop?---Thank you.

10 We're going to ask you back on Friday from my point of view.

12.52PM

11 We'll ask you back on Friday and we'll ask you back  
12 again in the last week.

13 It's nearly 1 o'clock. Perhaps we could ask now  
14 if the Board members have any questions, and then  
15 I believe that Mr Riordan for GDF Suez has some  
16 questions for you after lunch?---Okay, thank you.

12.52PM

17 PROF CATFORD: Commissioner, John Catford, Member of the  
18 Board. Thank you very much for your submission which  
19 was very helpful. If I could return to this issue  
20 about the communication strategy.

12.52PM

21 The way your report reads is that it really took  
22 until 20 February or even later before it was agreed,  
23 and that's at least a week after the fire and even your  
24 own statement that it was a HAZMAT fire that could burn  
25 for a month, so why did it take so long to develop the  
26 strategy?---The first week with the normal  
27 communications and particularly underpinned by bushfire  
28 communications was deployed. I think there was thought  
29 processes going on behind but it was very much  
30 empowering the local controllers to use their public  
31 information officers, their information section to

12.53PM

12.53PM



1 develop it.

2 It was quite clear, and I think the turning point,  
3 and I've said it before but I'll say it again, John,  
4 the 14th and 15th is a turning point of this incident,  
5 and in a communications sense the 18th when the  
6 community showed so much concern about their health and  
7 well-being and understanding of what this incident  
8 really meant.

12.53PM

9 It wasn't as if there wasn't a strategy there, I  
10 think the elements of it were there but it wasn't  
11 documented together, and then obviously put out and  
12 published on, you're saying the 20th, but about there;  
13 it's somewhere in that week after the 18th.

12.53PM

14 The other thing that happened in there was, I  
15 think we saw a different engagement. You know, as I  
16 just finished off saying, that our traditional ways of  
17 communicating through the electronic means was not  
18 working; we weren't getting the coverage or the  
19 penetration into a community of need and it's broader  
20 than Morwell, because there's interest outside of  
21 Morwell, Churchill, Mervyn(?) North, others that needed  
22 to get this information.

12.54PM

12.54PM

23 So the strategy was important to do. We don't  
24 always put that level of strategy in and over the top  
25 of incidents. If we did, you would think of the  
26 numbers we've talked about earlier on. If we had 78  
27 incidents and we left that level of support, we leave  
28 it very much at incident control level and regional  
29 control to support it, we then reached in from State  
30 level to give very strong leadership about where this  
31 incident was going, and the structures, as was

12.54PM

12.54PM

1 indicated before, also changed at that point in time  
2 about how we had accountabilities, and even the Morwell  
3 community would have seen that Rosemary and I, or the  
4 Chief health officer and I and even the CEO of EPA were  
5 here on a very regular basis to give consistency and a 12.55PM  
6 level of authority.

7 Now, in saying that, I've also been challenged by  
8 other communities in the State of Victoria of why did I  
9 give so much attention to Morwell and not to East  
10 Gippsland or the Mally or the Grampians or the fires in 12.55PM  
11 the other metropolitan area.

12 My answer to that is, those fires in the main were  
13 contained; this fire had an overlay of complexity of  
14 significance and I think, to show credit to the Morwell  
15 community, we were and did have our eyes focused well 12.55PM  
16 and truly on the ball about Morwell. So the strategy  
17 itself was late but I think it was the evolutionary  
18 steps, if that's what I say, late 11 days in from when  
19 the incident start, I think there's logic about the  
20 evolution of the incident that gets us there. 12.55PM

21 You seem as though you're surprised by the community  
22 reaction on 18 February?---I don't think I'm surprised.  
23 I think the - well, you might say surprised. The level  
24 of concern was very concerning; very concerning in the  
25 sense -- 12.56PM

26 Do you think that was misguided?---No, I don't. No, the  
27 Morwell community, no, no. I would never say a  
28 community is misguided when it comes to emergency. You  
29 need to listen to the levels of anxiety and understand  
30 what it is and unpack it, because there's something 12.56PM  
31 that's driving it and I think we did that.

1 I think there's a lot of people probably don't  
2 understand the extent of why we did that because we've  
3 never probably had the chance to communicate it. But I  
4 in particular took a lot of interest in what the  
5 Morwell community actually is made up about; who are 12.56PM  
6 they, where do they come, where's the history, where's  
7 the ownership, what I talked about before, there's a  
8 huge ownership of brown coal and the mining industry in  
9 this community that is very deep.

10 It's also fair to say that there's a very deep 12.56PM  
11 emotional scar in this community about what those mines  
12 are today and what they were when the SEC had them, and  
13 we can't turn the clock about about what the state of  
14 the Electricity Commission was in those days. What we  
15 do have to do is to be able to manage in the best way 12.57PM  
16 to have an integrated approach in the future and part  
17 of that is a communication strategy that's before the  
18 event.

19 In paragraph 168 you list a set of principles for the  
20 strategy. It's my understanding that at that point 12.57PM  
21 then all the agencies would be seeking to achieve those  
22 principles?---Yes. One of the things that the State  
23 Emergency Management Team, the Regional Emergency  
24 Management Team and the Incident Controllers is to get  
25 a set of principles joined up. 12.57PM

26 I'm very pleased to say that our Incident  
27 Controllers and Regional Controllers do sponsor a  
28 joined up approach. We use a term, "we work as one", a  
29 very simple term but it's a very effective term. I'm  
30 sure there will be an example where someone will say to 12.58PM  
31 me "but they weren't working together". We have moved

1 the paradigm to be significantly different in the last  
2 three or four years about how these agencies do work  
3 together.

4 On the same token there's a set of principles that  
5 I've also said that some of our messaging and content 12.58PM  
6 wasn't as joined and, if we do end up there being  
7 joined, how do we keep that as a sustainable way of  
8 working is, I think the challenge out of this event in  
9 what you present as an Inquiry and what we know as  
10 internal processes and things to fit. 12.58PM

11 So, although I say there's a set of principles  
12 that people work do, they do, but we've got to make  
13 sure we overlay it with strong leadership management  
14 systems and get the skill sets and the supporting tools  
15 to make it work in a sustainable way. 12.58PM

16 So for instance, if you know it, tell the community - that  
17 was a principle clearly that all the agencies agreed  
18 that they would follow through on?---That was the  
19 principle we've got to honour.

20 Yes. Just one final point. In paragraph 150 you draw 12.58PM  
21 reference to the notion of "one source, one message".  
22 Do you think that's something we should be thinking  
23 about for the future in terms of coordinating all the  
24 public communications under one source?---Yes, it is;  
25 it is. When I say that - again one source, one message 12.59PM  
26 has been driven from the 2009 fires, so it's had a very  
27 strong fire overlay, easy to adopt in other hazards,  
28 particularly in the natural hazards, so flood, storm.

29 What I do need to understand a little bit better  
30 is how it would be in an emergency for human health or 12.59PM  
31 animal health, but the principle's solid; it's about

1 then the application of what it means.

2 The reason I say that is, a pandemic is different  
3 from a flood or a fire; you've got something that's  
4 geographically based and a pandemic can actually move  
5 in a community societal sense quite differently, and 12.59PM  
6 you would know that. So we've got to be careful we're  
7 not applying systems that don't match the type of  
8 complexity that we're trying to fix.

9 So the principle, absolutely, but I think we'd  
10 have to take some strong advise by Health and 01.00PM  
11 Agriculture about what it would mean in a human or  
12 animal health knowledge.

13 Certainly earlier on in your statement you refer to three  
14 separate public information teams, and indeed your  
15 concerns about what we could do better implies an 01.00PM  
16 element of confusion or disconnection in terms of the  
17 public messaging?---Yes, I think that's right. I think  
18 it is right and we always will be challenged about how  
19 multiple agency put information up on their websites or  
20 what they publish to ensure that it is consistently in 01.00PM  
21 a timely way.

22 That is a something which is about a quality  
23 assurance system but is also about making sure we see  
24 the same common view of the incident and therefore our  
25 communication is consistent. So the common operating 01.00PM  
26 picture scenario is something that's really important.  
27 Shared understanding of the scenario leads to better  
28 management strategies but better communication  
29 strategies.

30 Just finally, do you think there should be for the future a 01.01PM  
31 different governance approach in terms of public

1 communication?---We would be foolish not to review our  
2 current governance approaches to public information.  
3 If the review was to confirm the bits that work well,  
4 that's fine, but it is a time to look at the way in  
5 which the governance works around it, which means 01.01PM  
6 you've also got the ownership contribution and  
7 ultimately the content.

8 And clearly, your new agency potentially has a great role to  
9 play there?---Yes. So we've got an opportunity ahead  
10 of us, but we still need it to be clearly articulated 01.01PM  
11 that that is the opportunity we should pursue.

12 Thank you very much.

13 CHAIRMAN: Resume at 2 o'clock.

14 <(THE WITNESS WITHDREW).

15 LUNCHEON ADJOURNMENT 01.01PM

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1 UPON RESUMING AT 2.05 P.M.:

2 MS RICHARDS: I was reminded just before we broke that I  
3 should have tendered those three documents that I took  
4 Mr Lapsley to.

5 02.05PM

6 #EXHIBIT 2 - Hazelwood Mine overview map.

7  
8 #EXHIBIT 3 - Two situation reports for the State Control  
9 Centre for 11 and 12 February consecutively.

10 CHAIRMAN: Yes, Mr Riordan.

02.05PM

11 <CRAIG WILLIAM LAPSLEY, recalled:

12 <CROSS-EXAMINED BY MR RIORDAN:

13 If the Board pleases. Commissioner, my name's Riordan, I  
14 appear on behalf of GDF Suez. I have some questions  
15 for you principally about events on that weekend of 8  
16 and 9 February. If I could first establish the  
17 proposition that you're aware that the CFA has a  
18 statutory responsibility for the prevention and  
19 suppression of fires in the country area of Victoria,  
20 which includes the electricity generating authorities  
21 such as Hazelwood. Is that correct?---That's correct.

02.06PM

02.06PM

22 Are you aware in the Emergency Response Plan of the  
23 Hazelwood Mine there is quite detailed provisions for  
24 interaction with the CFA?---I'm aware of it but not in  
25 the description of the detail of that plan.

02.06PM

26 You're aware that CFA and the Hazelwood Mine have joint  
27 exercises for the purpose of preparing for emergencies  
28 and, in particular, fires?---Yes, I am.

29 I do want to put to you something of the chronology from the  
30 mine's perspective of the fire which occurred on the

02.07PM

31 9th, and ultimately I'm wanting to ask you some

1 questions about how the decisions that were made to  
2 apply the resources, stretched as they were, led  
3 effectively to the Hazelwood Mine getting no support  
4 during the course of the night from the CFA.

5 If I could suggest to you that we know that at 02.07PM  
6 some time in the middle of the day the Hazelwood Fire,  
7 which had been contained overnight, broke away?---The  
8 Hernes Oak.

9 The Hernes Oak Fire, I'm sorry, broke away; it broke its  
10 containment lines?---Yes. 02.07PM

11 In your statement you suggest that's at about  
12 1.15 p.m.?---Yes.

13 At that point in time do we actually know what resources had  
14 been deployed for the purposes of ensuring that that  
15 didn't occur?---I don't, but later in the week the 02.08PM  
16 incident controller of the day will appear. As far as  
17 the tactical side of that, that's not my oversight. I  
18 understand the strategic part of it, not the actual  
19 resources by minutes by 30 minutes by hour.

20 So neither do you know how it was reported that the fire had 02.08PM  
21 broken its containment lines?---No.

22 Your statement of it occurring at 1.15 p.m. is on the basis  
23 of some information you had received?---Yes.

24 Somewhere between 2 and 2.10 p.m. there is fire spotting on  
25 the southern batters of the mine. You're aware of what 02.09PM  
26 I'm referring to when I refer to the southern  
27 batters?---Yes, I do understand the southern batters.

28 That was, it appears, the first observation of a fire in  
29 which it's thought it's come from an ember from the  
30 Hernes Oak Fire. I think you're comfortable with the 02.09PM  
31 idea that is perfectly consistent with the



1 circumstances of the day that an ember could have  
2 started that fire from the Hernes Oak Fire?---I am.  
3 The timing I'm not aware of. The first in my statement  
4 I talk about is 14.30, so obviously that period before  
5 14.30 could be correct and obviously others would know 02.09PM  
6 and present that evidence.

7 I think 14.30 might be by the time the CFA's become aware of  
8 it?---Yes.

9 At 2.20 p.m. there's a second fire that breaks out in the  
10 overburden dump which is on the floor of the mine. 02.10PM  
11 You're aware of the fact that there was a fire that  
12 broke out on the floor of the mine?---I was aware there  
13 was fires in the batters and the floor as a result of  
14 what was described to me as spotting activity.

15 At the same time at 2.20 p.m., only a little more than an 02.10PM  
16 hour when it appears that the Hernes Oak Fire has  
17 broken its containment lines, there's also a fire  
18 spotted on the northern batters?---Yes.

19 You're aware that each of these fires ultimately become  
20 substantial fires and really are the main part of the 02.10PM  
21 fires which exist for the balance of the 30 to 40  
22 days?---I would presume so, unless they were  
23 extinguished prior to.

24 By 2.50 they observed that there's ash falling from what  
25 they call the Yiner side of the location which is 02.11PM  
26 coming from Driffield, so it's now 10 to 3. Three  
27 fires have broken out, and of course you're aware that  
28 by that stage the Driffield fire had broken out?---Yes.

29 The Driffield fire broke out in a direction broadly  
30 southwest of the mine?---That's correct. 02.11PM

31 At that stage, whether by bad luck or bad intentions, at

1           that stage that's precisely the direction that the wind  
2           was blowing the Driffield fire; that is, by that stage  
3           in a northeasterly direction, straight towards the  
4           mine?---Yes.

5           And that's a mine where there's some suggestion that it may           02.12PM  
6           have been deliberately lit?---Yes, that's correct.

7           Your understanding is also that it may have been that the  
8           Hernes Oak Fire could have been deliberately lit; that  
9           hasn't been excluded as yet?---It hasn't been included,  
10          but obviously investigations will take us there.           02.12PM

11          So at 2.50 they're noticing embers coming across from  
12          Driffield which is consistent with your earlier  
13          evidence that you thought that the Driffield fire was  
14          quite capable of effectively being the source of ember  
15          attack into the mine?---That's correct.           02.12PM

16          At 4.45, nearly two hours later, the Hernes Oak Fire has  
17          reached the northern portion of the mine licence area,  
18          but I'm talking outside the perimeter of the open cut,  
19          if I can refer to the open cut. You're aware, are you  
20          not, that the front of the fire did reach the northern           02.13PM  
21          perimeter above the open cut?---Yes, I am.

22          CHAIRMAN: What time was that?

23          MR RIORDAN: That's at 4.45. These times are, at best, an  
24          approximation, of course.

25          CHAIRMAN: I understand, yes.           02.13PM

26          MR RIORDAN: At that point in time they provide a direct  
27          attack on what's referred to as MWN, the "N" standing  
28          for "northern", it's the power station on the northern  
29          side of the mine; a substation on the northern side of  
30          the mine?---When you say "they" I don't understand who           02.13PM  
31          "they" are.

1 Are you aware that MWN - sorry "they" being in fact the  
2 CFA - were involved in that? It was the first CFA  
3 involvement together with the firefighting team from  
4 the mine?---I was aware, not in detail, and not by  
5 exact location, but I was aware that there were joint 02.14PM  
6 operations and there was communications between fire  
7 crews and mine workers.

8 You're unaware whether that was a result of the strike team  
9 from the CFA being sent there to assist the mine or  
10 whether they were just following the front of the fire 02.14PM  
11 as best they could at that time?---I'd be unaware  
12 exactly, that's a tactical thing of whether they  
13 stumbled or were directed there. The fact they would  
14 have been working fairly hard, because it was a very  
15 difficult fire fight at that point in that area. 02.14PM

16 Plainly. They were successful in protecting the substation,  
17 but you're aware that that part of the fire ultimately  
18 damaged some SP AusNet facilities which supplied a main  
19 line of power, one of the main lines of power into the  
20 mine. Were you aware of that?---Yes, and I was aware 02.15PM  
21 of infrastructure; I was unaware of exactly what it did  
22 as far as the line that went into the mine but I was  
23 aware that there was impact on the infrastructure.

24 You're also aware that that strike team had to be diverted  
25 away from protecting mine assets, presumably because of 02.15PM  
26 the threat to the township of Morwell?---Yes, I am  
27 aware of that.

28 At 4.30, after observation of further embers coming from the  
29 direction of the Driffield fire, there was a spot fire  
30 on the operating face of the mine which is in the west 02.15PM  
31 field. You understand what I'm referring to as the

1 operating face of the mine in the west field?---I do  
2 understand that, but I was not aware of a fire that was  
3 in the operating part of the mine.

4 That operating fire, I'll suggest to you, was in fact able  
5 to be contained and then put out by the firefighting 02.16PM  
6 team within the mine?---Yes.

7 But plainly again it was another matter which required the  
8 attention of the mine firefighting team and other  
9 employees. But you weren't made aware of the ember  
10 attack from the Driffield fire on the operating face of 02.16PM  
11 the mine?---It's obvious that ember attack would be on  
12 the working part of the mine in the sense that, if it's  
13 going to make it past there, there's obviously a  
14 probability it will drop in. What I wasn't aware of,  
15 that there was a fire that was extinguished in the 02.16PM  
16 working part of the mine.

17 You were aware that the CFA were operating on the Driffield  
18 fire?---Yes.

19 Those operations were conducted on the western side of the  
20 river?---Yes. 02.17PM

21 The river diversion; is that correct?---Yes, that's correct.  
22 Were you aware that there were a number of the mine  
23 employees on the mine side, the eastern side of the  
24 river, attempting to protect the fire spotting over the  
25 river in the perimeter, in the mining licence area 02.17PM  
26 above the open cut? Were you aware of that?---No, I  
27 wasn't, but you'd expect in logic that that would be  
28 one of the strategies that they would deploy.

29 Their evidence is that at that point in time there was a  
30 deep concern by those employees that the Driffield 02.17PM  
31 fire, if it got over the river, would move into the

1 mine and possibly completely destroy the mine?---I  
2 think that's a reasonable assumption.  
3 A justifiable concern at the time?---That's right.  
4 But it was a further distraction, if I can put it that way -  
5 no, that's not appropriate, but a further task that had 02.18PM  
6 to be undertaken in this afternoon?---Yes.  
7 Plainly, the impact of the second fire in precisely the  
8 wrong position at the wrong time, from a firefighting  
9 point of view, is a worst-case scenario event, isn't  
10 it?---Most certainly. It's not a desirable fire in any 02.18PM  
11 sense due to the conditions, the fuels, but most  
12 particularly the location as you've described.  
13 The location, being mentally downwind and therefore the wind  
14 was pushing it directly towards the mine?---Yes.  
15 Then at about 5.30 there is a grass fire on the eastern 02.18PM  
16 batters which is over near Energy Brix?---Yes.  
17 You are aware of that fire?---Yes.  
18 At about 6.45, it appears, some CFA tankers arrived to  
19 assist the mine staff in fighting that fire. You're  
20 aware of that?---I am, probably in not the exact time 02.19PM  
21 as you've described but I was aware that a strike team  
22 was in Energy Brix.  
23 And did provide some assistance?---Yes.  
24 In that area which is, again, above the open cut?---Yes.  
25 That particular fire ultimately burnt out, I think the 02.19PM  
26 conveyor that conveys the coal from the mine through to  
27 Energy Brix?---Yes.  
28 You're aware of that damage to infrastructure?---I'm aware  
29 of it, yes.  
30 Then I think your statement suggests that the CFA arrived at 02.19PM  
31 the mine to take control at about 10 p.m. That's your

1 information?---That's correct, that's when the formal  
2 CFA officer spoke to the mines management.

3 Also isn't it fair to say that that's the first time that  
4 the CFA was able to start to lend any assistance at all  
5 with respect to the fires which had started within the 02.20PM  
6 mine and ultimately became the Hazelwood Fires?---Yes.  
7 However, as I indicated this morning, I'm unclear of  
8 the actions between the mid-afternoon and that period,  
9 of whether there were other resources in and around the  
10 mine and how and which they do - which is obviously a 02.20PM  
11 question that we're asked to provide further follow-up  
12 information about.

13 Yes. That's why I'm putting these facts to you, to suggest  
14 to you the extent to which there was assistance from  
15 the CFA. And something else to add to it, I put to you 02.22PM  
16 that there was no intervention by the CFA up until that  
17 time, quite late in the evening on Sunday, 9 February  
18 by the CFA, although there was an occasional dropping  
19 of water by aerial support, apparently the evidence is  
20 by aerial support giving support to the front from the 02.22PM  
21 fire that was coming in and threatening Morwell?---Yes.

22 Were you aware of that?---I am and it's also important to  
23 understand that the control priorities principally put  
24 in place is primacy of life is No.1 and Incident  
25 Controllers would have needed to build that into their 02.22PM  
26 strategy, the primacy of life, and when we've got a  
27 fire that is moving very fast, very intense, then  
28 certainly the Morwell community would have certainly  
29 been at the front and forefront of their strategy,  
30 particularly that afternoon, and I think that well and 02.22PM  
31 truly will come out in the Incident Controller

1 statements in regards to the employment of aircraft and  
2 resources.

3 It's by reason of that priority that you effectively had to  
4 leave the mine to fend for itself at least until late  
5 on Sunday night?---When you say leave the mine; I'm not 02.22PM  
6 aware of the resources that were in the mine to leave  
7 the mine. I suppose that's why I'm saying there's a  
8 gap in my knowledge to understand, when you say "leave  
9 the mine."

10 I didn't mean it that way. It's a poor question, I might 02.22PM  
11 ask it again. Accepting the manner in which I've  
12 indicated, which I can indicate again for you, that  
13 there was some support on the northern side outside the  
14 open cut, if one likes between the northern side of the  
15 Morwell township for a period during which the CFA were 02.22PM  
16 able to assist the mine staff in fighting the Hernes  
17 Oak Fire as it threatened electrical installations and  
18 the open cut itself (1); (2) there was assistance for a  
19 limited period of time on the eastern portion of the  
20 mine licence area, again above the open cut, in both of 02.23PM  
21 those occasions the CFA strike teams had to be  
22 redeployed away from the mine fire by reason of the  
23 priority you've identified; together with some  
24 assistance on the other side of the river for the  
25 Driffield fire, other than that the CFA were unable to 02.23PM  
26 provide effective support for the Hazelwood Mine during  
27 the fire attack on the 9th until late in the  
28 evening?---And like I said, to my knowledge that's not  
29 comprehensive in my understanding; we'd need to get  
30 what was the resource allocation in the afternoon and 02.23PM  
31 early evening.

1 You don't know any other instances than the ones I've  
2 mentioned of the CFA providing support to the mine on  
3 Sunday the 9th?---That's correct.

4 And you say, if I might say so with respect quite properly,  
5 your understanding is that was because the resources  
6 required priority be given to life and property, being  
7 the Morwell township?---Certainly, that's correct.

02.24PM

8 That's very much about the primacy of life and second  
9 to that is then property, and property in itself could  
10 be critical infrastructure, residential property and so  
11 on.

02.24PM

12 CHAIRMAN: Mr Riordan, I don't want to interrupt. There is  
13 a question of the gates to which there were keys were  
14 not - and I don't know whether that ties in with what  
15 you're saying or not. Are you familiar with what I'm  
16 talking about?

02.25PM

17 MR RIORDAN: I think there's some evidence about, with the  
18 attempt that came on the eastern - - -

19 CHAIRMAN: Mr Lapsley has referred to, if you like, a  
20 problem with not having the keys back in Morwell, I'm  
21 not sure whether that may fit in with the WMN.

02.25PM

22 MR RIORDAN: I think that might be the eastern fire. Are  
23 you able to help us with that, Commissioner?---In my  
24 statement, and I'll take you to this, bottom of 94 is  
25 at page 15. I make reference and I was questioned  
26 about the Fire Service access to the mine through the  
27 main gate, and the main gate is obviously the Hazelwood  
28 main gate where the administration is and it is at the  
29 base of the power station, and that the strike teams  
30 deployed from Energy Brix, and you're referring to them  
31 but I haven't got the exact time here, to the mine were

02.25PM

02.25PM



1           unseen and the swipe card to the gate was required to  
2           be then forwarded or couriered, transported from  
3           Morwell Fire Station because all those vehicles did not  
4           have the necessary access swipe card, so that was an  
5           indicator and that comes off a radio record that shows       02.26PM  
6           when that occurred.

7           And that may have caused some delay, it looks like, to the  
8           assistance fighting the fire on the eastern batters in  
9           the Energy Brix?---On the eastern batters, and it goes  
10          on to talk about the gates which are on the - I'll say       02.26PM  
11          on the northern, the northeastern side of the mine, and  
12          in Miners Way. In you look on the map, Miners Way  
13          comes to be that very northeastern corner of the mine  
14          and there's some large security gates there as well  
15          where access was difficult to achieve through               02.26PM  
16          firefighting resources.

17          If I was to suggest to you that the lack of the access key,  
18          because it was held back in Morwell, didn't  
19          substantially delay the entry because they cut the  
20          fence to get in, would that be consistent with your       02.26PM  
21          understanding?---That would be a tactic of a Fire  
22          Service to do so.

23          Normal procedure, wouldn't it?---Yes, normal procedure.  
24          In very short summary, that will be the position that the  
25          mine found itself in on that day. You would agree,       02.27PM  
26          would you not, that that position is a product of what  
27          was an extraordinary day, or certainly an extreme fire  
28          danger day and extreme fire danger presented by these  
29          two fires?---True. That's correct.

30          Asking you to assume for the moment that in broad terms the       02.27PM  
31          level of assistance that the CFA was able to provide is

1 as described, that plainly enough is an unsatisfactory  
2 situation for all parties involved to be left  
3 with?---It's interesting you used the term  
4 "unsatisfactory" because in the state of Victoria, and  
5 I'll take you to your own property, or my property, 02.28PM  
6 there is no guarantee to have a fire truck at your  
7 letterbox or my letterbox on a day of extreme fire  
8 danger. I think it comes to how you see the term  
9 "satisfactory" in the sense of the mine. The mine have  
10 their resources, are well trained, are well resourced, 02.28PM  
11 have ex-CFA fire trucks in their fleet, have  
12 capabilities that you described as being very large  
13 tankers and are an important part of an integrated  
14 team.

15 I suppose I'd put it back to say that the Suez 02.28PM  
16 fire team is part of the bigger team and they're not  
17 seen in separate, in isolation, nor should they be.  
18 So, in that sense it's an integrated force that  
19 obviously CFA or the Fire Service would be looking to  
20 see that Suez is able to deploy their fleet, their 02.29PM  
21 trained firefighters to deal with it. If there's an  
22 unsatisfactory situation, maybe it's the lack of  
23 communications between the miners, the mine operations  
24 people and the CFA during a very dynamic afternoon.

25 I wasn't really putting to you anything more than, given 02.29PM  
26 these two fires, it would be vastly preferable for  
27 there to be sufficient firefighting resources to  
28 protect both the Morwell township and the mine?---And I  
29 think that's the challenge of the day; the day was, as  
30 you've described, an extreme day with extreme fire 02.29PM  
31 intensity, with multiple fires and multiple priorities

1 and obviously the primacy of life priority has won and  
2 we didn't lose life. I think that's important to put  
3 on the table; there was not loss of life and there was  
4 the potential to lose life on the western side of  
5 Morwell.

02.30PM

6 Absolutely. Your proposition that the mine staff had to  
7 take on the responsibility to fight the fire was a  
8 responsibility they took on on the day as you would  
9 expect them to?---Absolutely, and I think to what I can  
10 understand they've done extremely well, not only in the  
11 deployment of their resources but in the way in which  
12 they handled themselves during the day.

02.30PM

13 Is it also fair to say that in the circumstances, and again  
14 I'm not attributing fault here to the CFA in this point  
15 in time for the reason of them protecting Morwell  
16 township, I'm not challenging that at all, but in the  
17 circumstances where the CFA were obliged to give their  
18 first priority to the protection of life in the Morwell  
19 township, and the circumstances where there was a  
20 double fire attack on what is on any view a most  
21 extreme day, it is entirely unsurprising that the mine  
22 was unable to extinguish all of the fires from the  
23 double-sided ember attack?---I think that's a fair  
24 proposition, in the amount of fire that was in the area  
25 and the type of wind conditions and the amount of  
26 airborne embers, therefore spot fire potential was very  
27 significant.

02.30PM

02.31PM

02.31PM

28 I think you've already been good enough to say that you've  
29 seen enough of the mine to accept that the mine does  
30 have a professional approach to fire prevention and  
31 suppression, at least up until the time,

02.31PM

1 state-of-the-art policies for that purpose?---Yes. Not  
2 only that, I think they take it very seriously and I  
3 think they understand the potential of fire in their  
4 every day working life, and they do know and I know for  
5 a fact they do understand what it means for that mine 02.32PM  
6 to have fire in it which has at times catastrophic  
7 outcomes.

8 Just so the chain of command is understood, because I'm  
9 going to ask you some questions you may not be able to  
10 answer for me, in paragraph 32 you say that you did 02.32PM  
11 accept and maintain overall control for the response  
12 activities in the State for that weekend?---Yes, that's  
13 correct.

14 And so, in that sense you were ultimately in charge of the  
15 fire effort?---Yes. 02.32PM

16 You were aware of the Hernes Oak Fire?---Yes.

17 It was one of the fires on the radar?---Absolutely.

18 One of the fires which had to be considered among all of the  
19 fires and the division of the resources as they were  
20 available and current location and all of the other 02.32PM  
21 logistical matters. Is that correct?---That's correct.

22 At paragraph 35 you talk about the 25 fires listed and you  
23 attach the situation report at 6 p.m. on the Saturday  
24 and the bolstering of aviation resources and the like.  
25 Can I ask you this question: Is it your position, 02.33PM  
26 where you have to make judgments as to where the  
27 resources should be placed taking into account the  
28 dangers presented by the particular fires that you're  
29 aware of at the time?---That's correct. I think it's a  
30 little bit more sophisticated than just judgment. 02.33PM

31 I'm sure it is and I wasn't meaning to downplay it. There

1 is plainly judgment involved as well as other  
2 factors?---Yes.

3 I'm sure there's plenty of science to it as well. That  
4 really goes to the question I wanted to ask. The  
5 Hernes Oak Fire, can I suggest to you, presented with 02.33PM  
6 some distinct features. Essentially those features  
7 were that it sat northwest of the Hazelwood Mine and  
8 the Morwell community?---Correct. It also sits - - -  
9 Pretty close to Yallourn too?---I was going to say.

10 And so for that reason it's on any view a dangerous position 02.34PM  
11 close to a township, an important State  
12 infrastructure?---That's correct, not only in a  
13 strategic sense; you described before the Driffield  
14 fire being quite strategically positioned and this has  
15 equal importance to the position of it, the type of 02.34PM  
16 wind and fire conditions expected.

17 That's really my question, Commissioner: You were aware on  
18 the Sunday northwesterly winds were expected?---Yes,  
19 that's correct.

20 And that they had the potential to take that fire on a line 02.35PM  
21 which would directly threaten Morwell township and the  
22 mine, the Hazelwood Mine in particular?---Technically,  
23 if it was a northwesterly wind and stayed a  
24 northwesterly wind it would not be a significant issue  
25 to Yallourn nor Morwell. The forecasted weather was 02.35PM  
26 for a northwesterly wind at 1 o'clock in the afternoon,  
27 that was the maximum temperature. The lowest humidity  
28 and the wind forecast was showing it was actually more  
29 westerly than northwesterly. That actually is a worse  
30 scenario because it actually pushes it into the west of 02.35PM  
31 Morwell. So, if it's a west northwesterly, not a

1 northwesterly, it's a more significant wind in the  
2 position of the fire and how it travels.  
3 In fact you had some modelling undertaken, did you not, with  
4 respect to this?---Yes.  
5 I think you will have seen these before, but if I can 02.36PM  
6 possibly hand to you, we have limited copies. I don't  
7 know whether the Board's got capacity, this is in fact  
8 exhibit 7 to Mr Harkins' statement, but I'm assuming at  
9 the moment that we can't bring that up on the screen?  
10 CHAIRMAN: It's a bit hard because of the facilities we've 02.36PM  
11 got. There's things upstairs and things in Melbourne.  
12 I think we've just got to do the best we can.  
13 MR RIORDAN: I've got a number of copies. Commissioner,  
14 would you prefer to have a hard copy? One's being  
15 handed to him. 02.37PM  
16 CHAIRMAN: I think the rest of us have got the screen, so  
17 it's working.  
18 MR RIORDAN: I'm handing to you an email chain which has two  
19 emails, or three emails on Saturday, 8 February  
20 originally from Nick Demetrios to Alan Roach and Mark 02.38PM  
21 Nash at 4.29 on Saturday and that's forwarding on one  
22 from ICC Traralgon. It says at 5.24, but we may have a  
23 daylight saving glitch there. Then that gets forwarded  
24 from Alan Roach at 5.35, ultimately to Steve Harkins at  
25 6.41 p.m. Do you have that email in front of you. 02.38PM  
26 Yes, I do.  
27 I think you gave some evidence, didn't you, about the  
28 Phoenix modelling that was available?---Yes.  
29 That was made available to ICC or by ICC Traralgon?---Yes,  
30 that's correct. 02.39PM  
31 Do they actually undertake the modelling or is that

1       undertaken somewhere else?---No, it's undertaken - if  
2       they've got fire behaviour analysis in Gippsland it  
3       could be done there but the main work, in this case it  
4       was done in the State Control Centre and distributed.  
5       So this, it appears, was probably sent through at some time 02.39PM  
6       like 4.24 and ultimately got through to Steve Harkins  
7       at 6.41 and it attaches modelling of the fire as  
8       predicted for the following day based on the  
9       assumptions that the model has?---Yes.

10      Correct?---Correct. 02.39PM

11      That is said to be the worst-case scenario. Is that  
12      consistent with your understanding of the way in which  
13      the weather conditions were likely to have taken the  
14      fire, which was along in a southeasterly direction for  
15      a time and then with the change of wind would move 02.40PM  
16      along as it's shown, the northern edge of the mine and  
17      towards Morwell?---My, and this may need some technical  
18      advice, my observation of this is a little different  
19      than you've described. When this was done the Hernes  
20      Oak Fire, the original fire which I spoke this morning 02.40PM  
21      about of 156 hectares, which is in this diagram and you  
22      can't see it there, is this end, where the purple bit  
23      is up in the western end, is the original Hernes Oak  
24      Fire that started on Friday the 7th.

25      And the purple bit was the contained section; is that 02.40PM  
26      correct?---Yes, it's the cooler section of it, and  
27      obviously it's got hotter spots in there by the  
28      different colours. This scenario shows the escape of  
29      the fire coming out in the southeastern corner of the  
30      fire, not in the northeastern corner of the fire. So 02.41PM  
31      the fire escaped in a different spot. The scenario

1 here has got it coming out in the southeastern corner  
2 of the fire.

3 That's where you'd expect with a northwesterly wind,  
4 wouldn't you?---Well, yes and no. That side of the  
5 fire, the eastern side of the fire, is the important 02.41PM  
6 side of the fire for the firefighters to actually put  
7 good lines in because of the pressure of anything going  
8 northwest or west. The hot spot on the Saturday  
9 afternoon was in the very southern part of it. It was  
10 in bushland and it was very difficult to control and 02.41PM  
11 there was a lot work put into that to ensure that that  
12 was wrapped up. When I say wrapped up, that it would  
13 withstand the pressure of a change of wind the  
14 following day, so that was Saturday.

15 The fire had actually come out in the northeastern 02.41PM  
16 corner, and when you see the maps you'll see that it  
17 comes out and travels the Princes Freeway and travels  
18 along the Princes Freeway.

19 You're talking about this modelling or what actually  
20 happened?---The actual. So the model's showing the 02.42PM  
21 fire coming out in the southeastern corner which had  
22 true potential, and that was one of the concerns on the  
23 Saturday, that if it come out it was likely to come out  
24 in the southeastern corner. That model's showing it so  
25 where the orange bit is, the hotter bit, it comes out 02.42PM  
26 and that's using what I said before was the west  
27 northwesterly wind which was in the forecast. So the  
28 forecast didn't talk about a northwesterly, it talked  
29 about at 1 o'clock in the afternoon the hottest time,  
30 the driest time and the wind would be west northwest at 02.42PM  
31 a wind speed between 50 and 70 kilometres, that was the



1 forecast. So that model is a good planning model.

2 However, the reality is, the bottom corner where  
3 they modelled off this held the line, it didn't break  
4 out at the bottom, it broke out in the northeastern  
5 corner where the Princes Highway meets, I don't know 02.42PM  
6 what the road is, but the road that goes to Yallourn,  
7 the Yallourn road. I think that's important, this is a  
8 model to give a planning heads-up of the potential. I  
9 think what that shows here though is that in the pure  
10 sense of the model, and the behavioural analysis would 02.43PM  
11 be able to take you through it, is that you've got a  
12 fire sitting south of Yallourn, not impacting directly  
13 here, but it's a model so it doesn't show that there  
14 could be spotting over the top of this, but definitely  
15 Morwell is a direct hit in this model. 02.43PM

16 And uncomfortably close to the Hazelwood Mine as  
17 well?---Absolutely.

18 That leads to this question: If that was the threat on that  
19 occasion, was the fact that this fire looked like there  
20 was a real threat, it could provide a real threat with 02.43PM  
21 the predicted winds to Morwell and the mine, factors in  
22 determining what resources were applied to containing  
23 it?---That's correct, but again the Incident  
24 Controller's in a better position, but the Incident  
25 Controller's resources on Friday night, Saturday, 02.44PM  
26 Saturday night were enhanced. So there was an absolute  
27 focus on containment of this fire and keeping it back  
28 behind containment lines.

29 My question was a different one. In determining the  
30 resources that would be applied to this fire, was it 02.44PM  
31 taken into account, by you, that this fire had the

1 potential to provide a real threat to Morwell and the  
2 Hazelwood Mine on the next day, Sunday the 9th?---Yes.

3 Did you have any input into the Incident Controller's  
4 application of resources to prioritise the containment  
5 of this fire for that reason?---Not in a tactical 02.44PM  
6 sense, but the example was given this morning in  
7 evidence where the Incident Controller on the Saturday  
8 afternoon requested additional aircraft, and although  
9 we'd had a previous discussion with the regional  
10 controller to say what you've got is probably 02.45PM  
11 sufficient, once the Incident Controller requested more  
12 we altered the State priorities to give them more.

13 There was also in the 8th and 9th State strategic  
14 plan that was presented this morning as exhibit,  
15 whatever, it's in my submission, there was a clear 02.45PM  
16 understanding of the movement of fire trucks, as in  
17 strike teams, bolstering of aircraft and the movement  
18 of aircraft across the State that saw additional  
19 resources in Gippsland and in and around the Latrobe  
20 Valley. 02.45PM

21 But you don't know how the Incident Controller applied them  
22 and whether he gave the priority to this fire that it  
23 might deserve by reason of the threats this fire  
24 provided?---I don't know the tactical stuff, but I know  
25 State, myself, the Regional Controller and the Incident 02.46PM  
26 Controller knew the potential and the priority of this  
27 fire. It was noted by all of us to be a fire of  
28 potential significance.

29 You would be surprised, wouldn't you, if in fact the  
30 relevant Incident Controller and other CFA officials 02.46PM  
31 didn't ensure that the mine at least was contacted and

1 told that this fire presented this threat on the  
2 following day?---I would have assumed that this, what  
3 you're presenting, was actually emailed or communicated  
4 to the Hazelwood Mine.

5 As you can see, it was done so but indirectly and after a 02.46PM  
6 couple of hours. The first contact is to  
7 Mr Demetrios?---Who is the Chair of the Central  
8 Gippsland Essential Industries Group.

9 I'm suggesting to you that's not an adequate notification  
10 for the mine, is it?---I suppose that could be debated. 02.47PM  
11 I'd have to understand before I make that judgment call  
12 about what is the network, and I've seen that the  
13 operatives through the Central Gippsland Essential  
14 Industries Group to be a very close-knit group within  
15 the industry, so I, without knowing email addresses I 02.47PM  
16 gather - I know Mark Nash is Yallourn, Alan Roach is  
17 and Stephen is; are they Hazelwood employees or another  
18 mine?

19 They're Hazelwood employees. No, Mark Nash is not?---Not  
20 Mark Nash, but the others are. 02.47PM

21 The others are?---So I would have seen them and I would have  
22 expected that the engagement through Nick, who is a  
23 very competent individual, in communicating to his  
24 constituents as the Chair of CGEIG, this may be a  
25 normal practice. I'm unaware of the normal practice, 02.48PM  
26 but face-to-face engagement is important and engagement  
27 across the industry. I haven't got the information to  
28 know whether that was done and to what extent, except  
29 that I know that this was communicated to both Yallourn  
30 and Hazelwood Mines. 02.48PM

31 Can I leave aside the communication question and go back to

1 the fire for the moment. This fire presenting this at  
2 least dual threat, you say in paragraph 77 of your  
3 statement that having reflected on matters you consider  
4 that the response was commensurate with the threat  
5 posed by the fire?---Correct.

02.48PM

6 Your evidence is that in terms of the actual resources  
7 applied to the containment of this fire we'll need to  
8 talk to other witnesses; correct?---That's correct. I  
9 think it's important, though, the scenario that they  
10 had placed against them and the risk assessment that  
11 the southeastern corner was the most highly risky part  
12 of this fire, being in bush. This model was done on  
13 that; the fire never come out of the southeastern  
14 corner. That has to be something that - they did have  
15 resources and they did deploy the resources to manage  
16 to contain the fire. The fact that it came out on the  
17 northeastern corner, you'll certainly need to - the  
18 Incident Controller rather would be better able to  
19 describe that.

02.49PM

02.49PM

20 We'll have to deal with that because it's not a matter I  
21 gather that you can touch on. The fact of the matter  
22 is that this fire, although it's contained at mines, it  
23 appears at about 1.15, and within an hour it was  
24 spotting fires into the mine. My question to you is a  
25 general one: That doesn't indicate, does it, that  
26 there were sufficient resources applied in the  
27 circumstances of predictable extreme weather to contain  
28 this fire?---The fire stayed contained until it had  
29 pressure put on it from significant winds. Now, the  
30 proposition you put, a reasonable proposition, however  
31 the resources they had I'm not sure any further

02.49PM

02.49PM

02.50PM

1 resources would have changed the outcome.

2 It was also predictable, wasn't it, that if this fire did  
3 break its containment lines it would present a dual  
4 threat to the mine and in Morwell - - -?---And, as  
5 we've said before, Yallourn. 02.50PM

6 And possibly Yallourn, and so there was, because of that  
7 conflict, a real risk that the mine would have to be  
8 given second priority, let's say?---If you take the  
9 decision of the Incident Controller to apply the State  
10 controlled priorities, that's yes; primacy is of life 02.50PM  
11 is paramount.

12 No, my question was a different one; that it would have been  
13 predictable that the problem that did occur would  
14 occur. If the fire breaks its containment lines, then,  
15 unless you've got an abundance of resources, they're 02.51PM  
16 going to be applied to the Morwell township and not to  
17 the mine; correct?---If it breaks the containment lines  
18 at the peak time, maximum temperature, maximum wind  
19 speed, yes.

20 Which is exactly what you hope it doesn't do but what it's 02.51PM  
21 most likely to do?---That's right, and I think there's  
22 been assessments to say, with the containment sitting  
23 for greater than 24 hours at 156 hectares, the Incident  
24 Controller, the Regional Controller had communicated  
25 the likelihood of it was low, but if it did it would be 02.51PM  
26 catastrophic if it did break. That was the fact that  
27 they put sufficient work in to establish it, it hadn't  
28 moved, it hadn't moved in size or direction for hours,  
29 and the longer that you have a fire not moving means  
30 hopefully the cooler the fire is and there you've got a 02.52PM  
31 greater level of success, and that's described by the

1 Regional Controller that he believed likelihood was low  
2 but, if it did come out, it would be catastrophic.  
3 Didn't he assess it only at something like 60 per cent of  
4 holding it overnight?---Yes, but they had resources in  
5 there and kept the resources in. 02.52PM  
6 The answer to my question is that, despite the danger that  
7 ultimately arose from the fire, you would say one can't  
8 infer that there was inadequate resources applied to  
9 the containment of the fire?---My opinion - I go back,  
10 it's important to see that the resources that were put 02.52PM  
11 in over there for a long period of time held it and  
12 contained it. It was only when it had excessive  
13 pressure put on it from wind speeds that were - very  
14 excessive wind speeds that it came out.  
15 I was going to move on, Commissioner, but it seems that on 02.53PM  
16 Sunday the 9th at about midday when the temperature got  
17 up it was the very time it was likely that this fire  
18 would break its containment lines; isn't that the  
19 case?---And there was additional resources put in  
20 there; the two additional helitacks were in the Valley 02.53PM  
21 by lunchtime.  
22 You don't even know that they were being applied to this  
23 fire, do you?---We weren't, but they were available for  
24 deployment to the fire.  
25 They were at the Incident Controller's 02.53PM  
26 discretion?---Discretion.  
27 There was this other fire, Jacks River Fire; is that  
28 correct?---That's correct.  
29 You in your statement say that diverted resources  
30 away?---Yes. 02.53PM  
31 The short point, Commissioner, is I'm probably asking the

1 wrong person. You're unable to say whether these  
2 resources that were available, finite as they were,  
3 were properly applied and proper consideration was  
4 given to the threats by this fire to the township and  
5 the mine?---When you say "finite as they are", the CFA 02.54PM  
6 network and DEPI resources and additional MFB resources  
7 were all in the Valley and there were resources  
8 throughout Gippsland that still weren't deployed, so it  
9 wasn't as if every fire truck in the greater Latrobe  
10 Valley and the greater Gippsland area were committed to 02.54PM  
11 fires. There was still capability to go onto many  
12 other calls, which they did. I think what you've got,  
13 and the Incident Controller is in the best position, is  
14 that the controller requested and received the  
15 resources that they believed necessary, and they I 02.54PM  
16 think did a fantastic job to control, contain a fire  
17 that had potential, and as you said overnight it had a  
18 60 per cent chance of coming out. It didn't come out  
19 overnight so their success overnight was of  
20 significance. I think it's very important to 02.55PM  
21 acknowledge the efforts of our firefighters with  
22 something which we shouldn't misunderstand because they  
23 were very committed to what they do and they do not  
24 take this very lightly, to have a suggestion that they  
25 are inadequate in what they do, if that is what you're 02.55PM  
26 suggesting.

27 That wasn't what I was suggest suggesting. I was in fact  
28 going to suggest you might want to answer my question  
29 now that you've finished that?---That's all right.

30 My question was you are not in a position to tell us, given 02.55PM  
31 the resources that were available, whether sufficient

1 were applied to this fire given the particular risks it  
2 provided?---Correct, the most appropriate person is the  
3 Incident Controller. However, what the Incident  
4 Controller requested, he received.

5 I was unable to find any reference in any of the reports 02.55PM  
6 or minutes to the particular risks or particular  
7 threats which this fire presented. Are you able to  
8 assist me in that regard?---No, not in the detail, but  
9 again the Incident Controller has made comments about  
10 the likelihood and consequence of this event, so I 02.55PM  
11 think there's been some assessment done, certainly by  
12 the Incident Controller, either in a verbal table top  
13 exercise to understand what it is.

14 Do you say there's something written which indicates that he  
15 was aware - - -?---No. 02.56PM

16 - - - of the threat by this fire to the Morwell township  
17 and the mine?---Well, the prediction modelling that  
18 he's got is part of that.

19 This?---Yes.

20 This is a model, but whether or not he applied that in the 02.56PM  
21 application of resources we don't know?---No. You can  
22 ask him.

23 We can ask him. From that time, again we need to direct  
24 questions to him about what capacity may have existed  
25 to provide some assistance to the mine during the 02.56PM  
26 course of the afternoon. You're not in a  
27 position- - -?---No, that's the Incident Controller's  
28 decision.

29 Again, you're not able to say on the state of his resources,  
30 whether it was predictable that the mine would not be 02.57PM  
31 able to get any real assistance from the CFA if the



1 township was also threatened?---Best if the Incident  
2 Controller answers that in the tactical sense.  
3 However, I think it's what I mentioned before, that  
4 there's no guarantee that you'll have lines of fire  
5 trucks to go into any of those areas when you've got 02.57PM  
6 fast running fires in open scapes and also threatening  
7 communities.

8 Let me just ask you this then: Accepting the primacy of  
9 life principle, these mines do provide or present  
10 particular problems, don't they, being twofold; one is, 02.58PM  
11 their critical state of infrastructure, in the case of  
12 Hazelwood providing something in the order of a quarter  
13 of the State's power?---Yes.

14 The second feature is that they are coal mines and therefore  
15 they burn and are extremely volatile in that sense; 02.58PM  
16 correct?---Correct.

17 And so, you would agree with this proposition: The fact  
18 that a major fire may cause the CFA not to be able to  
19 assist in defending such an important asset is a  
20 problem?---You might describe it as a problem but I'll 02.59PM  
21 take you back to what the State control priorities are.  
22 First is primacy of life, and that is any Victorian  
23 anywhere; the second one is information to the  
24 community; the third one is protection of critical  
25 infrastructure, essential infrastructure and community 02.59PM  
26 infrastructure. So what you're describing is actually  
27 covered clearly in the State control priorities for  
28 Incident Controllers to deploy. So the third one is  
29 that about critical infrastructure, essential  
30 infrastructure, and what is community infrastructure; 02.59PM  
31 and then the fourth one is actually residential

1 property.

2 So it's interesting that - I don't believe that  
3 the proposition you're putting forward is actually  
4 sound at all in the sense that we have been very clear  
5 in the State control priorities that critical 02.59PM  
6 infrastructure, essential infrastructure which is in  
7 the valley and is the producer of power for the State  
8 is a significant consideration that our controllers  
9 consider on a daily basis.

10 Yes, but my question in fact was putting an additional gloss 03.00PM  
11 on that again. Given that it's significant  
12 infrastructure with the State, but it has a further  
13 impact, doesn't it, and that is that this particular  
14 piece of infrastructure will burn and burn badly and  
15 will impact on, as it did in this case, the Morwell 03.00PM  
16 township. That's a further factor, isn't it?---That's  
17 a further factor.

18 I'll reserve some other questions for the Incident  
19 Controller, Commissioner, but I was wondering if you  
20 might be able to help me with a couple of other 03.00PM  
21 features. In terms of communication, the control of  
22 this fire was taken over by the CFA in accordance with  
23 proper protocols and procedures?---Correct.

24 That control includes communications with respect to the  
25 fire?---Correct, yes. 03.00PM

26 I think you were talking about it this morning in response  
27 to a question about the need for one source and one  
28 line of communication.

29 Yes, that's correct.

30 For that purpose the Hazelwood Mine had to subordinate their 03.01PM  
31 position and allow the CFA to conduct communications

1 with the community?---Yes, that's what we would do in a  
2 normal emergency is look to the authority, so the  
3 authority being the Fire Service, to lead that and it's  
4 also legislated.

5 It's the proper manner in which to do it, isn't it?---I 03.01PM  
6 think it is. It's sound.

7 Not only is it sound in your judgment but also it's the  
8 current method which is in statute required to be  
9 employed?---Exactly.

10 The fact that the community may get the impression that the 03.01PM  
11 Hazelwood Mine is not sending sufficient communications  
12 out to them is just an unfortunate by-product of that  
13 policy?---I'm unaware of whether the community think  
14 that or not. I think the fact is that we are very  
15 clear in this State that there needs to be an 03.02PM  
16 authority, the authority is the Fire Service and they  
17 have got the responsibility for the first time in the  
18 last three years to have legislation to do so.

19 Certainly whether or not you know of the criticism, you  
20 think that any criticism of the mine authorities for 03.02PM  
21 not establishing its own line of communication with the  
22 community at the same time as the CFA would not be  
23 justified?---I think it would be confusing.

24 Just a couple of questions about suggestions by Mr Brown.  
25 You're aware Mr Brown had an inspection of the 03.02PM  
26 site?---Yes.

27 In his statement he made some suggestions. Did he actually  
28 communicate to you any recommendations as to things  
29 that he thought should be done following the  
30 inspection?---No, I haven't seen his witness statement. 03.03PM

31 I'm sorry, my question's a bad one. At the time after his

1 inspection did he make any recommendations that you're  
2 aware of?---I wouldn't call them recommendations, I'll  
3 call them observations, his observations from previous  
4 that he thought there would be a more extensive network  
5 of pipe work and sprinklers, particularly in the closed 03.03PM  
6 part of the mine or the worked out part of the mine,  
7 and those discussions that I've had with Mr Brown have  
8 not gone to what you will be describing and I would  
9 describe as recommendations. I think there's been  
10 observations and comments that he's made to me about 03.03PM  
11 that.

12 And that's after his inspection?---Before and after. He's  
13 fairly strong in his opinion as to what were the 1994,  
14 1995 documents that show types of those reticulated  
15 systems as being an appropriate way of protecting the 03.03PM  
16 worked and worked out area of the mine.

17 I might take that up with him. He suggested that he would  
18 have used bulldozers to bulldoze clay onto the fire.  
19 Is that something you considered?---In his observation,  
20 yes, but obviously any solution like that would be a 03.04PM  
21 joined up solution between the Incident Controller and  
22 the operations manager of the mine, because it's  
23 obviously got other consequences apart from just  
24 putting the fire out. So that may be comments by  
25 multiple people, but ultimately it was the - the 03.04PM  
26 strategy of extinguishment was developed with the Fire  
27 Services leading and obviously the mine people were  
28 contributing too.

29 Ultimately you considered that strategy to be, as it  
30 developed, an effective strategy?---Our extinguishment 03.04PM  
31 strategy, yes. Yes, it was.

1 He makes some comments about helicopters. I think you've  
2 already commented today you think those comments are  
3 misconceived, I take it?---I don't know what Mr Brown's  
4 comments are, but I'll go back to say that the use of  
5 helicopters that have got long strings and buckets on 03.04PM  
6 them is a more effective way than using helicopters  
7 that fly in and drop loads. So in that sense, if  
8 that's what you're referring to, that's consistent with  
9 what I said this morning; different types of  
10 helicopters will do a different job. 03.05PM

11 The types with the long strings and the buckets, you say,  
12 were able to work very effectively despite the  
13 particular nature of these mines; the batters?---I've  
14 got no evidence to suggest they weren't and, if there's  
15 something comes out of the operational debrief about 03.05PM  
16 how they were deployed at certain times I'd be  
17 interested to hear that. From my observation the long  
18 string bucket helicopters worked.

19 Thank you, Commissioner. Will - is Mr Wilson.

20 <CROSS-EXAMINED BY MR WILSON: 03.05PM

21 If the Board pleases. Mr Lapsley, what might seem a long  
22 time ago you were asked by our friend, Ms Richards,  
23 about the events on 8 February and the state of fires  
24 burning on that date in the context of the State  
25 operating brief, tab 5 to your statement. Do you 03.06PM  
26 recall being questioned about that?---I do.

27 Just so that we can put your answers in context, how many  
28 fires were in fact burning State-wide on the day,  
29 8 February?---In the 24-hour period from 8 February to  
30 9 February, 955 fires were reported. 03.06PM

31 Over how many?---950 fires.

1 More locally in Latrobe Valley, how many fires were ablaze  
2 in the same period?---I'd have to read it here and I  
3 can't find it, but we had East Gippsland burning of  
4 significance with numbers of fires. I haven't got the  
5 exact number here that I can recall. 03.07PM

6 Are you able to recall that number to mind or would you need  
7 to look at something? If it's the latter we can pursue  
8 this when you're next before the Board?---Yes, I would  
9 need to give you the exact number.

10 You also gave evidence in answer to a question from our 03.07PM  
11 friend, Ms Richards, this morning about the Hernes Oak  
12 Fire being contained on 8 February but that you had a  
13 conversation with representatives of CGEIG about the  
14 potential that might present itself thereafter. Do you  
15 recall being asked questions along those lines?---Yes. 03.07PM

16 When you spoke before about the potential, what were you  
17 talking about?---The potential of the fire, so the  
18 potential of the fire is clear about, not only what it  
19 will do in a fire behaviour sense, but where it will go  
20 and what it will travel, including spotting activity. 03.07PM

21 So the fire potential had the ability to move,  
22 move very fast and be very intense and impact obviously  
23 on Morwell and other infrastructure.

24 What did you tell the members of the CGEIG about this  
25 potential?---It wasn't me; it would have been the 03.08PM  
26 Regional Controller that did that.

27 Presumably, he informed you of such conversations?---Yes.

28 What was the substance as best was reported to you of this  
29 discussion?---That it had the potential not only for  
30 the mines, including Yallourn and Hazelwood, but 03.08PM  
31 Hancock Plantations were also briefed to say that this

1 had potential to move and have catastrophic impacts on  
2 the infrastructure.

3 Have you heard of a man called Nick Demetrios?---Yes, I do  
4 know Nick.

5 He was a fellow who was mentioned in an email that 03.08PM  
6 Mr Riordan took you to a minute ago. What role does he  
7 have in the context of the CGEIG as far as you're  
8 aware?---He's the Chair.

9 As best your expectations might be, by telling him in his  
10 capacity as a member of the CGEIG, where would the 03.09PM  
11 information go and for who's benefit would that  
12 information be given?---Well, I'd expect that he would  
13 distribute that to that of the membership of the group  
14 itself and, if I'm right by reading that email that was  
15 handed up, they are the Yallourn and Hazelwood 03.09PM  
16 representatives that was distributed to. I'm unaware  
17 of what conversations he would have, but I would  
18 suggest that, being the type of person he is, a very  
19 collaborative individual, that he would have spoken to  
20 those representatives. 03.09PM

21 Just to remind us of the dates again, that information was  
22 given to him on the 8th, is that what you tell  
23 us?---Yes, the 8th and it's late in the afternoon.

24 Do you know him also in his capacity as a member of the  
25 Regional Emergency Management Team?---Yes, he would 03.09PM  
26 participate in the Regional Emergency Management Team  
27 and obviously would have responsibilities to  
28 communicate those issues and engage with others as and  
29 when necessary.

30 And once again, communicate to him you hoped would be 03.10PM  
31 communication through which body?---Back through his

1 own, so he works through Loy Yang A so he would  
2 communicate back through Loy Yang A and then he'd go  
3 back through the network of the Central Gippsland  
4 Essential Industries Group.

5 Ultimately reaching which entity relevant to our purposes 03.10PM  
6 here?---Hazelwood and Yallourn Power Stations.

7 You described the Hernes Oak Fire as being a complex fire;  
8 that was the description you gave it this morning.

9 What do you mean by a complex fire?---In the sense that  
10 a complex fire is necessary - complex, not in a complex 03.10PM  
11 of fires, but that it's got plenty of potential and, if  
12 not managed appropriately, will run and run far.

13 I think the context is a little bit broader  
14 though. The fires that were in the Valley were a  
15 complex group of fires in the sense that they engaged 03.10PM  
16 and were positioned in locations that put pressure on  
17 the infrastructure in the town and engaged multiple  
18 players that actually had firefighting resources. So  
19 there was privates fires, that's in Hancocks, in  
20 Yallourn, in Hazelwood, in Loy Yang, in APM. So not 03.11PM  
21 every part of Victoria has significant industry  
22 capabilities. There adds a level of complexity about  
23 how in which it all operates, and all of them have  
24 capabilities that contribute to the overall  
25 firefighting capability. 03.11PM

26 In answer to a question from our friend Ms Richards this  
27 morning you mentioned that aircraft were being  
28 resourced to deal with the Hernes Oak Fire. Do you  
29 recall giving evidence along those lines?---Yes.

30 How many aircraft as best you are aware were resourced to 03.11PM  
31 deal with the situation in the Latrobe Valley by late



1 8 February 2014?---The aircraft in the Valley, and  
2 there is some information that we hand up as a result  
3 of those questions this morning, in Gippsland was nine  
4 helicopters, five fixed wing bombers were in Gippsland.  
5 Again, we need to go to the Incident Controller exactly 03.12PM  
6 what assets, as in aircraft assets, that Laurie was  
7 actually looking after.

8 Again in the context, you may have already answered this,  
9 but in the context of fires across the State of  
10 Victoria, these resources were being deployed to the 03.12PM  
11 Latrobe Valley, but how many other fires could have  
12 benefitted from these resources at the time?---Well, in  
13 the day and, as I said before, there was 950 fires  
14 reported between 5 o'clock on the 8th and 5 o'clock on  
15 9th so we had 950 fire reports. All of those were 03.12PM  
16 treated by either aircraft or ground resources and some  
17 aircraft do multiple fires as they fly because they get  
18 a bird's eye view obviously. Some in that. It is  
19 interesting, though, out of the nine helicopters and  
20 the five fixed wing bombers, so it's 14 were in 03.12PM  
21 Gippsland out of 54. Do your percentages about where  
22 we've got it, there's a reasonable cut of the fleet in  
23 Gippsland.

24 You mentioned in answer to a question from our friend,  
25 Mr Riordan, of the events at 10 p.m. or thereabouts on 03.13PM  
26 9 February when CFA became the control agency in the  
27 mine. Do you recall giving evidence along those  
28 lines?---Yes.

29 What role did the mine operator have once CFA assumed  
30 control?---To work with and in an integrated way with 03.13PM  
31 CFA. So it's work with and not to drop the ball and

1 think that it's time to go home and back the trucks in  
2 the shed, it's actually a joined approach with the  
3 industry fire brigades.

4 What expectations did you have of the mine operator in this  
5 case even though CFA had assumed control at that time  
6 on that day?---To remain integrated and to continue to  
7 man their crew, crew their vehicles and provide the  
8 advice, technical advice to the Incident Controller.

03.13PM

9 In addressing the subject of water bombing activities early  
10 in the fight, you referred to a machine called Elvis  
11 and you were stopped in the answer that you wanted to  
12 give. What did you want to tell us?---We haven't got  
13 Elvis, but the like machine of Elvis that everyone  
14 sees, the big orange crane, we've got two of them. At  
15 one point in time we looked to deploy it in the Latrobe  
16 Valley where it was requested of us and we didn't  
17 deploy it. The reason we didn't deploy it, it is again  
18 a weapon in itself as far as the interface of Melbourne  
19 and is extremely successful in those tight wooded  
20 interface pure urban environments. Elvis would not be  
21 in an open grass bushfire environment, would do  
22 reasonably well in Gippsland, would not be the type of  
23 machine you would fly over the mine to use it as in the  
24 downdraft, which is what is being communicated, would  
25 be so significant that it would spread, potentially  
26 would spread fire. So Elvis or its equivalent, the  
27 crane, was not deployed down to Gippsland that day, it  
28 stayed in the metropolitan and was very successful in  
29 the metropolitan area.

03.13PM

03.14PM

03.14PM

03.14PM

30 It was suggested in other questions put to you that there  
31 was an inconsistency between the GDF learning and the

03.14PM

1 initial firefighting techniques that you applied. Do  
2 you recall being questioned along those lines?---When  
3 you say "the learning"?

4 Yes?---Take me there? The aircraft learning, yes.

5 Yes, special reference to aircraft?---Yes, as I've said 03.15PM  
6 before, I think the learning is about a certain  
7 capability of an aircraft. We use a different one  
8 these days, and therefore the learning, I think and  
9 when I see what they've requested, the incident action  
10 plan of the 10th was asking for water bombing machines 03.15PM  
11 and they would have been looking for the certain ones  
12 that were the best operation in mine environments which  
13 were those helicopters that have got the long string  
14 and the buckets.

15 In answer to another question you told us that in order to 03.15PM  
16 effectively fight the fire in this case you needed to  
17 use a combination of things, foam, aircraft and thermal  
18 cameras. Do you recall giving evidence along those  
19 lines?---Yes.

20 When did it become apparent to you that you needed those 03.15PM  
21 techniques and when in fact did you apply them?---Water  
22 was the weapon for the first number of days without a  
23 date and obviously with the fire extinction on the 15th  
24 it was obviously that the system of work needed to be  
25 supplemented, so the water strategy needed to be 03.16PM  
26 supplemented with foam and foam that could be managed  
27 in height, so with compressed air foam with a special  
28 capability. Increased thermal cameras, which is  
29 consistent with the performance management system we  
30 were putting in to make sure we knew where the heat and 03.16PM  
31 where the priorities were and whether we were

1           successful or not. And obviously aircraft, with the  
2           big bucket of machines that come in and hover and drop  
3           water in a consistent way and not spray water was  
4           important.

5           When did you achieve all those three things?---That all           03.16PM  
6           kicked off, was talked about on the 14th in a plan, was  
7           achieved on the Monday. So that would be the 17th  
8           moving into the 18th.

9           You've told us earlier that on 10 February you knew that a  
10          fire in an open cut mine of this sort would take one or           03.16PM  
11          two weeks' duration. You were then going to move on to  
12          key dates, do you recall, but you were stopped?---Yes.

13          What did you want to tell us in the way of key dates?---I  
14          think the fire isn't a consistent fire over the first  
15          45 days. You've got the first few days where initial           03.17PM  
16          attack was deployed, challenged, the weekend of the  
17          14th and 15th was a very challenging period as far as  
18          fire extinction and what it did over the Morwell  
19          community as far as smoke, ash and the production of  
20          carbon monoxide. I did mention this morning the fire           03.17PM  
21          on the 25th that had come out of the open cut and  
22          threatened the Hazelwood Power Station itself, and  
23          those three days there, 25th, 26th and 27th were  
24          significant fire weather days across the State and  
25          there was special plans put in place to support the           03.17PM  
26          fire operations about that scenario, that fire could  
27          come out or new fires could start around the mine and  
28          go into the mine, so we could have the threat of other  
29          fires.

30                 Then obviously the weekend, the long weekend           03.17PM  
31          in March, 10 March, was a critical period where we took

1 it to under control and then 14 days later to safe, so  
2 there are progressions. The week starting the 17th was  
3 a significant week for the Morwell community because it  
4 was the week where the most smoke in my observations  
5 was placed day and night over the town. 03.18PM

6 Just before we move to that point; if someone were to  
7 suggest that the fire burned for 45 days, do you see it  
8 in those terms?---In a simple sense to a community  
9 member they would probably see it as 45 days.

10 How do you see it?---No, it's got peaks in it of what the 03.18PM  
11 fire intensity was and the behaviour of the fire.  
12 Certainly there was a two week period starting the  
13 weekend 14th/15th when it moved. To me the next two  
14 weeks were absolutely critical and then we saw it drop  
15 off and, depending on weather conditions, what it did 03.18PM  
16 over the next number of weeks after that.

17 You mentioned that on 15 and 16 February the fire took on a  
18 different behaviour. Do you recall giving evidence to  
19 that effect?---Yes.

20 What changed and why?---The fire intensity increased. Now, 03.18PM  
21 fire intensity is driven by available fuel, dryness of  
22 fuel and weather conditions. Certainly we saw the  
23 weather conditions were conducive to see fire extension  
24 and that happened on not only the weekend of the 15th  
25 but again on the 25th. So fires are very, especially 03.19PM  
26 fires on the landscape, are conducive to the weather  
27 conditions around it and the dryness of both day and  
28 night and we had very dry nights on a number of those  
29 occasions, so the dryness of the air and the fuels was  
30 critical. 03.19PM

31 With what consequence to your activities?---Well, increases

1 the fire intensity, therefore the job's bigger to deal  
2 with.

3 You mentioned that community tolerance to the fire changed  
4 on the second Tuesday, do you recall giving that  
5 evidence?---Yes.

03.19PM

6 In what way was it different and what information did you  
7 give to try and inform the community to better  
8 understand what was going on?---As far as the  
9 community, in my observation of the community, and they  
10 will present their own frustrations through this  
11 process, but it was clear to them that we had  
12 communicated that the fire was not going out and there  
13 was an increased level of smoke and the irritant of  
14 what that smoke meant to them. Obviously those health  
15 and well-being concerns were coming forward, so the  
16 level of anxiety in the community was, I think,  
17 justified and probably even in some respects  
18 predictable.

03.20PM

03.20PM

19 The strategies to get to letterboxes, to get  
20 people on trains, to travel the trains and talk to the  
21 people, to give them that ability to talk about what  
22 this was and what they were experiencing and where  
23 would this go was important and that was done in  
24 multiple ways.

03.20PM

25 There certainly was a change of the communications  
26 and engagement strategy at the incident level, and we  
27 changed the team around to the significance where it  
28 was then run from Regional Control and Incident Control  
29 was focused just on managing the incident. So we  
30 actually put a team that was quite strategic about how  
31 to do that and connect across all the agencies, and it

03.20PM

03.20PM

1 was connecting of the agencies to get the trusted  
2 network and I think we went through that this morning  
3 to some degree.

4 You mentioned a particular significant event on the 25th,  
5 just remind us what was special on that day?---That was 03.21PM  
6 a day of significance, a dry, hot and windy day and the  
7 fire actually came out of the mine. It spat out of the  
8 mine into grasslands and put fire all around what is  
9 the Hazelwood Power Station itself and burnt some  
10 disused conveyor belts, and actually, it was a 03.21PM  
11 significant fire fight in its own right. The concern  
12 there was, one of the priorities was to make sure that  
13 power generation continued to operate the whole time  
14 that we were in there, and that had the potential to  
15 stop power generation, had the potential to be in the 03.21PM  
16 bunker, and therefore saw that production of the power  
17 station could have ceased as a result of that fire.

18 This may be to ask the bleeding obvious, but with what  
19 consequence if power production comes to a  
20 halt?---Well, it's significant. It's significant when 03.22PM  
21 Hazelwood produces 25 per cent of the overall power to  
22 the State.

23 How does that bear upon the State's activities?---Well,  
24 that's got consequences that need to be understood and  
25 managed downstream that are quite significant. It also 03.22PM  
26 depends on what power supply is on that day, but the  
27 fact is losing - to turn of a power generator for  
28 greater than a short outage has down-flow consequences  
29 that we would suggest would be significant. That's why  
30 in our State control priorities we've got critical 03.22PM  
31 infrastructure, essential infrastructure, as the third

1 priority.  
2 Ranking them, is it, straight after primacy of life?---Yes,  
3 primacy of life, information to the community and then  
4 it's about infrastructure.

5 You were asked about and you told us this morning about the 03.22PM  
6 suppression activities and the strategy that you  
7 adopted, during the course of which you told us of an  
8 expert panel being assembled which you found  
9 beneficial. Do you recall telling us evidence along  
10 those lines?---Yes. 03.22PM

11 What did the panel do and what advice was it giving to  
12 enable you to better take on this very serious issue  
13 that was then emerging?---Well, the panel's  
14 construction is important to understand, an engineering  
15 person that understands the Hazelwood Mine as far as 03.23PM  
16 the geotechnical sides of it, both in water and  
17 stability, a well-established Commissioner of Fire in  
18 an urban sense. So Fire Rescue New South Wales is the  
19 biggest urban Fire Service in Australia and stacks up  
20 in the top 10 in the world in its urban capability and 03.23PM  
21 specialist responses, and also to pick someone up that  
22 has a fire understanding but from a coal industry which  
23 is Wayne Hartley, the CEO, and also the mines experts  
24 themselves. In that sense it was important to bring  
25 them in but it was important to peer review the 03.23PM  
26 strategies and show success and offer up different  
27 solutions and test what we were saying in an open forum  
28 that allowed frank discussions to say what was the  
29 successful way.

30 What was the expert panel telling you about issues 03.23PM  
31 associated with water balance in the mine?---That was



1 one of the most significant issues that needed to be  
2 managed.

3 Tell us about that?---Most firefighters do not understand  
4 how the mine operates as far as, pour water in, more  
5 water is better, water is the weapon, but put too much 03.24PM  
6 in at the wrong time and don't have the balanced system  
7 of pumping water out could be catastrophic in  
8 compromising the stability of the mine. That was  
9 certainly a lesson to all of our people, although some  
10 people that know the mine well understood it but not 03.24PM  
11 the criticality of what it was meaning in that fire  
12 operation. When you're dropping millions of litres of  
13 water a day into a fire, which is what they were doing,  
14 or pumping it in, if it's not managed the other way in  
15 an engineering sense, and that's obviously where Suez 03.24PM  
16 are experts in and needed support to do that, but it  
17 was also an understanding that sometimes water was  
18 being minimised, so some days to get the balance right  
19 you couldn't use full capability of the water which  
20 means that's why they were using foam and other ways to 03.24PM  
21 manage it and thermal cameras to set the priorities of  
22 where they would do it.

23 Expressed in basic terms, what was the consequence of  
24 pumping too much water onto a mine fire?---It  
25 potentially compromises the stability of the mine. 03.25PM

26 What would happen if that happened?---You could get  
27 collapse, you could see firefighters or mine workers  
28 being buried in coal, ultimate death, loss of  
29 equipment, breaking the infrastructures which are so  
30 critical, and some of the infrastructure that were 03.25PM  
31 being built needed to be protected because it was a

1 different style of infrastructure so it needed  
2 protection from fire so you actually compromise the  
3 whole strategy if it's not done.

4 What advice was the expert panel giving to you about the use  
5 of foam as a successful method of combating the 03.25PM  
6 fire?---We used Mark Cummins from Texas who was  
7 well-known in, as I call it, the pioneer of A class  
8 foam utilisation, and it was about the use of it in  
9 conjunction with water to reduce, not only the heat to  
10 allow us to get closer, but in some days they were 03.25PM  
11 using foam to lay over to stop ash being picked up by  
12 wind and being put into the southern part of Morwell.  
13 So it was not only just about putting a blanket of foam  
14 over that allows firefighters to get closer to it to be  
15 able to use water and other methods, it was actually 03.26PM  
16 also on some days simply laying foam over to ensure  
17 that the impact on the community was reduced.

18 As best as you can recall, when did you get advice about the  
19 desirability of using foam in your fighting strategy of  
20 this fire?---It was the weekend of the 14th and 15th 03.26PM  
21 that we knew that water was not being successful and  
22 that we needed to supplement it.

23 You were asked about the availability of water in the mine  
24 so as to prevent re-burning, in answer to which you  
25 spoke of volume and flow being important. Do you 03.26PM  
26 recall questions and answers along those lines?---Yes.

27 Of what relevance is the configuration of water from pipes  
28 in the mine to prevent re-burn?---It is complex and, as  
29 I said this morning, there's other people that could  
30 better speak about the reticulation system. 03.27PM

31 Well, I'm asking you from your experience as the head fire

1 officer?---So in that sense there wasn't large amounts  
2 of a network of reticulation that allowed sprayers to  
3 be operating. So it had what I'd call a base level of  
4 infrastructure of pipe work that needed to be worked  
5 off as far as fire trucks laying hose, but it was also 03.27PM  
6 supplemented by the mines to put additional large  
7 volume pumps and large diameter pump work through the  
8 mine to give the volume and the flow required to be  
9 successful. So there was supplementation over days of  
10 works that was added to the mine, and obviously the 03.27PM  
11 mine's engineers knew the best way to do that and to  
12 bring the gear in to achieve that.

13 When you came to the mine, what was that state of  
14 configuration of pipe work and so on?---There is pipe  
15 work in there but it's not the extensive pipe work 03.27PM  
16 covering all parts of the batters in the unused or  
17 worked out part of the mine.

18 Had it been more sophisticated, what do you say about your  
19 role in controlling the fire?---A more sophisticated  
20 network means you get water onto coal in a quicker way 03.28PM  
21 which would suggest that you've got a better chance of  
22 suppression earlier.

23 You used an expression in answer to a question this morning  
24 that I wrote down along these lines, "Integrated  
25 incident management must be achieved with the 03.28PM  
26 industry." Do you recall giving evidence along those  
27 lines?---Yes, I do.

28 What was the state of affairs in terms of integrated  
29 incident management and what, had industry been  
30 involved, could better have been achieved?---The 03.28PM  
31 opportunity is to have an integrated incident

1 management system that the industry is complied to and  
2 obligated to be part of and that's not just Hazelwood,  
3 that would be a model that would operate anywhere. The  
4 relationship between Suez workers, the operations  
5 people, is very good with the Fire Services. However, 03.28PM  
6 it is still a relationship that there's two parts  
7 working and they come together at a time, predetermined  
8 time, in these it was 1 or 2 o'clock in the afternoon  
9 and talk about their things. I think the opportunity  
10 is for it to be an integrated incident management 03.29PM  
11 system where they are together and they set the  
12 strategies together; that's the opportunity. That's  
13 not to say that - that's not a criticism of any of the  
14 workers from either the fire or the mines now. That's  
15 the opportunity that we need to take to improve. 03.29PM

16 Accepting that primacy of life was your first imperative in  
17 approaching this fire, as at 10 p.m. on 9 February  
18 where were CFA resources deployed in relation to the  
19 mine itself?---That's an Incident Controller's  
20 discussion. 03.29PM

21 You were given information about that; what were you  
22 told?---If you take it through what I've got, is that  
23 there was resources went to Energy Brix and Energy Brix  
24 then, once they left there they were deployed into the  
25 mine and provided overnight support in the mine, 03.29PM  
26 particularly dealing with critical infrastructure and  
27 protection of critical infrastructure in the mine; that  
28 is power lines and pumps.

29 Prior to 10 p.m. on the 9th how many separate incidents in  
30 and around the Hazelwood Mine was CFA dealing 03.30PM  
31 with?---You've got the fires, you've got the Hernes Oak

1 Fire, you've got the extension of the Hernes Oak Fire,  
2 you've got the fire in and around the APM, you've got  
3 the fire in and around Yallourn Open Cut, Hazelwood,  
4 and Driffield Fire, so there's quite a dynamic, let  
5 alone what fire had already entered the town. 03.30PM

6 In answer to a question from Mr Riordan about the spotting  
7 into the mine on the 9th, you said words to the effect  
8 that you were not sure any other resources and the  
9 direction of them would have changed the position. Do  
10 you recall answering along those lines?---I do. 03.30PM

11 What were you conveying by that?---Well, it goes back that  
12 the Incident Controller believed overnight that they  
13 had a 60 per cent chance of holding the fire and they  
14 held it, so that means I think they had resources to  
15 achieve an outcome in the Hernes Oak Fire. During the 03.31PM  
16 day, and as we've discussed there was resources that  
17 needed to be deployed to the Jack River Fire, but there  
18 was also additional resources to come into the Valley  
19 area. From that I believe they've done a reasonably  
20 successful job, however the pressure of the wind on the 03.31PM  
21 eastern side of the fire, and ultimately in the  
22 northeastern side of the fire come out. That we don't  
23 fully understand about how it come out and what exactly  
24 was it, an ember from a tree, how it was helped to come  
25 out, but it came out and was in a terrible position to 03.31PM  
26 put pressure on the township and the two mines.

27 Just to pursue that: Being the most senior fire person in  
28 the State, how appropriate do you say was the decision  
29 to divert resources to deal with the Jack River  
30 incident on 9 February?---That's a decision the 03.31PM  
31 Incident Controller needs to make and we'll always

1 support the Incident Controllers in what they do and  
2 the priorities they've got in front of them.  
3 Just remind us, what threat was being imposed by that Jack  
4 River Fire to life in for example Yarram and  
5 surrounding areas?---It had that potential and it 03.32PM  
6 actually grew to just under 2,000 hectares in size in a  
7 fairly quick period and was doing all the things that  
8 needed the initial tack to be appropriate, otherwise it  
9 would have been such a larger fire.

10 If the Board pleases. Thank you, those are the questions in 03.32PM  
11 re-examination.

12 MEMBER PETERING: Commissioner, I appreciate you've been  
13 here all day so it's probably tiring on you. You  
14 mentioned before the communications by the mine owner  
15 and whether or not that was appropriate and I think you 03.32PM  
16 mentioned it was legislated that the CFA had to make  
17 those appropriate communications. I just put to you,  
18 that wouldn't prevent them from expressing concern,  
19 compassion or empathy for the community?---No, not at  
20 all. I didn't go there, I think we need to be very 03.33PM  
21 clear about what is community information and warnings  
22 and then what is supplementary information that the  
23 shire owners/operators of major things could or should  
24 communicate. So I think you're right, it's got the  
25 level of authority about warnings and information and 03.33PM  
26 then what might be another Comms strategy that deals  
27 with other issues. However, I would go as far as to  
28 say that shouldn't be done in isolation, it should be  
29 considered and connected and that's why I say  
30 integrated incident management with the mine operators 03.33PM  
31 and owners is important in the future.

1 And also presence at the community engagement  
2 meetings?---Yes. I think obviously the community are  
3 very interested in those local leaders and obviously in  
4 the valley the industry is a very important part of  
5 that network, that community.

03.33PM

6 Thank you.

7 <RE-EXAMINATION BY MS RICHARDS:

8 Mr Lapsley, just to develop that last point that Ms Petering  
9 was asking you about, the statutory duty that you were  
10 referring to is your duty under s.24 of the Fire  
11 Services Commissioner Act?---Commissioner's Act.

03.34PM

12 And that is to issue warnings and provide information to the  
13 community in relation to fires in Victoria for the  
14 purposes of protecting life and property?---And  
15 property, yes.

03.34PM

16 So that's a very specific - - -?---So it's got a boundary.

17 - - - specific duty with boundaries. That would not  
18 prevent GDF Suez in this instance from engaging with  
19 the community in which it operates and which it is  
20 affecting?---That's correct, and also to engage with  
21 what is led by the Fire Service or the emergency  
22 services in the engagement, so it doesn't necessarily  
23 need to be in parallel, they could be joined.

03.34PM

24 The legislation you've described is a very  
25 particular piece of legislation that's delegated into  
26 the Chief Officers, and we ensure that that is about  
27 information and warnings but, supplementary to that, to  
28 give other information, detailed information, technical  
29 information can be done through community engagement  
30 and that community engagement could be aligned with  
31 what is already being conducted by the Incident

03.35PM

1           Controllers.

2       You mentioned this morning a State level communications and  
3           engagement strategy. Did GDF participate in  
4           that?---Not to my knowledge.

5       Do you know whether they were invited to?---There was           03.35PM  
6           certainly discussions with their communications people  
7           that were available and willing to participate, but I'm  
8           not sure, and I'd have to take advice, of the level of  
9           formality in that. But there were Suez people, in  
10          particular their Comms people, that were available,           03.35PM  
11          connected and across the issues and very complimentary  
12          to the way in which it was operating, but I'd have to  
13          check the formality of that.

14       I just want to take you back, before I release you for the  
15          moment, to a series of questions that Mr Riordan asked           03.35PM  
16          you about the break out of the Hernes Oak Fire on  
17          9 February. As I understood your evidence, it was that  
18          the scenario that was planned for was that the  
19          southeast corner would break out?---That was the most -  
20          in the assessment that was done, that was the most           03.36PM  
21          likely place to see a fire break out from.

22       What in fact happened was that there was a break out on the  
23          northeastern corner of the fire?---Northeastern.

24       At paragraph 43 of your statement, if we could turn that up  
25          please, you list three fires?---Yes.                           03.36PM

26       The Hernes Oak Fire, the Hernes Oak Extension Fire and the  
27          Driffields Strzelecki Highway Fire. Just to be  
28          absolutely clear, the police are treating each of those  
29          three fires as suspicious, are they not?---I believe  
30          that's correct.   03.36PM

31       So not only the ignition of the Hernes Oak Fire on the 7th,



1 but the break out on the 9th?---The point of break out  
2 is a point of investigation.

3 And of course, if that break out was as the result of arson,  
4 no amount of resources could have prevented that?---If  
5 there is the intention of the human hand to help that 03.37PM  
6 fire, you're right.

7 That said, you gave evidence in response to Mr Riordan that  
8 what the Incident Controller requested, he received.  
9 That's not exactly what Mr Jeremiah says in his  
10 statement. He says that he requested aircraft 03.37PM  
11 overnight, and I think you agreed with me this morning  
12 that they didn't arrive until about noon?---Yes, that's  
13 a fair comment. I think I look at what he requested  
14 and the timing mightn't have been what he wanted but he  
15 ultimately got the resource. 03.37PM

16 He also says he requested three strike teams and was only  
17 allocated two?---Two.

18 And that's a decision that's taken at regional level, I take  
19 it?---Regional level, yes, about resource availability  
20 and, as I said, every endeavour would be to give the 03.38PM  
21 controllers what they want when they need it and  
22 obviously resourcing is crucial.

23 And timing can be crucial?---And the timing; time and space.  
24 Thank you again Mr Lapsley, we will see you again on Friday.

25 Mr Rozen will take the next witness. 03.38PM

26 <(THE WITNESS WITHDREW)

27 MR ROZEN: I call William Brown.

28 <WILLIAM EDWARD BROWN, sworn and examined:

29 Mr Brown, can you confirm for us that your full name is  
30 William Brown?---Yes, that's correct. 03.40PM

31 Your address is 19 Howard Avenue, Churchill?---Yes, correct.

1 Mr Brown, you have for the purposes of the Inquiry made a  
2 witness statement with a number of attachments. Is  
3 that correct?---That's correct.

4 Do you have a copy of your statement in front of you?---Yes,  
5 I do. 03.40PM

6 Mr Brown, could I just confirm that's a statement of  
7 49 paragraphs, if you turn to the eighth page?---That's  
8 correct, yes.

9 Can you confirm for us please, Mr Brown, that that's the  
10 statement that you have made in these 03.41PM  
11 proceedings?---Yes, this looks like the statement I've  
12 made.

13 Are there three changes that you would like to make to that  
14 statement?---That's correct, yes.

15 I'll take you through those. Two of those are minor and one 03.41PM  
16 is more substantial. Is that right?---That's correct.

17 We'll deal with the minor ones. If you look firstly at  
18 paragraph 4 on the first page, the second line, do you  
19 see there's a reference to, "16 men in the  
20 crew"?---Yes, I do. 03.41PM

21 Would you like to change that "16" to "20"?---Yes.

22 I make that change. Then if you turn please, sir, to page 6  
23 of the statement?---What number is that?

24 There should be a heading, "My experience with the Hazelwood  
25 Mine Fire in 2014." Paragraph 34 towards the top of 03.42PM  
26 the page. At the very bottom of that page you'll see  
27 paragraph 39?---Yes.

28 The very last sentence in the last line starts, "He came and  
29 met with me." Do you see that?---Yes.

30 Then it goes over to the next page, "The next day on Friday 03.42PM  
31 14 February 2014"?---Yes.

1 That's a reference to a meeting you had with Mr Lapsley  
2 which I'll ask you about in a moment. Then you go on,  
3 "He offered to take me out to the Hazelwood Mine." Do  
4 you see that?---Yes.

5 Would you like to add the words "for an inspection of the 03.42PM  
6 fire"?---"For an inspection of the fire".

7 The third change that you would like to make, as I  
8 understand it, is you would like to replace  
9 paragraph 41 on that same page in its  
10 entirety?---That's correct. 03.43PM

11 You have before you a document which you provided to the  
12 Inquiry this morning which has a replacement  
13 paragraph 41; is that right?---Yes.

14 Can you confirm that we're talking about the same document.  
15 The new paragraph 41 that you would like to insert, I 03.43PM  
16 won't read it all, but it starts, "When I was taken  
17 around the Hazelwood Mine I noticed numerous spot fires  
18 burning in the bottom of the mine and giving off a lot  
19 of smoke"?---Yes, that's correct.

20 Is the final sentence in the new section that you would like 03.43PM  
21 to insert, does it read, "Helicopters may be more  
22 suitable for coal level fires, not batter  
23 fires"?---Yes, that's correct.

24 You would like to replace what's in your - if I can call it  
25 the original statement, paragraph 41, with what is on 03.43PM  
26 the separate piece of paper that I've handed up to  
27 you?---That's correct.

28 With those changes being made, Mr Brown, are the contents of  
29 your statement true and correct?---Yes.

30 I tender the statement and perhaps the additional page could 03.44PM  
31 form part of the exhibit.

1 CHAIRMAN: Yes.

2

3 #EXHIBIT 4 - Statement of William Brown together with  
4 additional amending page.

5 MR ROZEN: Mr Brown, you have lived in the Latrobe Valley 03.44PM  
6 all your life, is it?---Basically most of my life.  
7 You, for many years, worked for the SEC?---That's correct.  
8 You started working for them in 1969, initially as a  
9 labourer?---That's correct.

10 And over the years you joined the, what was then the 03.44PM  
11 Hazelwood Mine Fire Service in the Hazelwood  
12 Mine?---That's correct.

13 Ultimately, you found yourself in the position of the head  
14 of that service, the Fire Service Officer?---That's  
15 correct. 03.45PM

16 You explain in your statement that the Fire Service, or  
17 rather there was separate Fire Services in each of the  
18 three mines in Latrobe Valley, the three open cut  
19 mines?---They were dedicated Fire Service groups.

20 Your predecessor as Fire Service Officer in the Hazelwood 03.45PM  
21 Mine was a gentleman known as John Lee?---That's  
22 correct.

23 And, in turn, his predecessor was Charlie Strong?---That's  
24 correct.

25 Can you tell me briefly, Mr Brown, the work that was done by 03.45PM  
26 the Fire Services in the mines?---We looked after all  
27 the fire protection and fire suppression systems, we  
28 looked after a very comprehensive reticulation system  
29 which covered the whole mine. There was a lot of work  
30 looking after that because, as you can imagine, there 03.45PM  
31 was a lot of leaks and you often had to shift those

1 pipes clear of dredge or operation, so it did take up a  
2 lot of our time, a lot of our work.

3 Also, we used to look after all the fire  
4 protection equipment such as extinguishers, hoses and  
5 so forth, so it was a fairly busy, very busy - also 03.46PM  
6 pumping. We had pumping systems that we had to look  
7 after which supplied water back to the mine in the days  
8 of spraying operations and de-watering as well, so it  
9 was a fairly busy section.

10 As I understand your statement, once control of the mine, 03.46PM  
11 the Hazelwood Mine passed from the SEC into private  
12 hands in 1994 - looking at paragraph 7 of your  
13 statement - the role you'd had for the previous six  
14 years as Fire Service Officer changed to a different  
15 role as Support Services Manager?---Yes, it changed. 03.47PM

16 Did fire prevention and suppression still form part of your  
17 royal?---Yes, it did, still the same as it always has  
18 been over the last 80 years through to the SEC run  
19 mines; no different, but all I had to do now was to  
20 carry on other tasks to keep the operations going, 03.47PM  
21 mainly the dredger coal winning in the mine, so I had  
22 two tasks now.

23 Two jobs in one?---Yes, and also, the group went up to about  
24 30 personnel.

25 From the previous number?---Yes. 03.47PM

26 Paragraph 14 of your statement on the third page, you say  
27 that the, "The Fire Service section worked out of a  
28 depot on the northern batters with an office which  
29 housed the Fire Service foreman and an office worker  
30 who carried out daily administration requirements, he 03.47PM  
31 also took fire calls and directed Fire Service crews to

1 fire incidents." You go on to say, "The office had a  
2 good view of the mine and its operations."

3 I just pause there for a moment. What period are  
4 you talking about there? Was that in the 1990s before  
5 you retired?--Yes, that was right through from when I 03.48PM  
6 started in probably 1969, there was always a dedicated  
7 office worker situated in the office whose job was to  
8 do exactly that, to answer telephones, take fire calls  
9 and general administration work, and that went right  
10 through to when I retired; they still had a dedicated 03.48PM  
11 office worker in the Fire Service office.

12 Perhaps if I could bring up a map of the mine if we could  
13 please and I'll ask you to identify, if you can for us,  
14 the location of that office on the northern batters. I  
15 think there might be a ruler?---Where we were 03.48PM  
16 originally was up on there, around here somewhere, in  
17 that area.

18 At that time, was that an operational part of the mine or a  
19 worked out part of the mine?---Yes, it's still  
20 operational. 03.49PM

21 We've heard a number of references to the operational area  
22 and perhaps if you could point that out. The current  
23 operational area is the western part of the  
24 mine?---Yes, that's all the new area. This happened  
25 since I've been gone but we were operating in this area 03.49PM  
26 here.

27 Yes, I see. I want to ask you about a different topic for  
28 the moment, that is the auditing of the fire system.  
29 If you turn please to the fourth page of your  
30 statement, paragraph 21, you say that during the period 03.50PM  
31 of the SEC an external auditor, at least external to

1 the mine, would come in, what, on an annual basis and  
2 check up on you? Is that the - - -?---Yes. When you  
3 say external, he was actually Dr Hutchins, he was an  
4 employee of the mine but he'd come from the head office  
5 in Melbourne from the SECV. Every year he would come 03.50PM  
6 up and he would undertake the fire audit.

7 He'd go through the fire instructions - or this is  
8 before the fire instructions - but he would go through  
9 the mine and make sure that all the pipe work was in  
10 position, all the fire breaks had been carried out, 03.50PM  
11 everything to do with fire suppression, pumping.

12 What we used to do with our pumps, all our major  
13 pumps, we used to try and get a maintenance done on  
14 them during the winter months so that all our critical  
15 pumps were all available during the summer months. He 03.51PM  
16 would check on all that sort of thing and he was a  
17 very, very tough man if you didn't fulfil the fire  
18 audit.

19 We'd also do a wet test as well after we'd done  
20 all the fire audit, we would then go out to put on the 03.51PM  
21 sprays and everything and he would take a look to see  
22 where the coverage was or wasn't and make some comment  
23 as to fix up by putting portable sprays in those  
24 positions and cover dry areas.

25 You say in paragraph 22 that such audits ceased after 03.51PM  
26 privatisation and you don't know whether currently  
27 there are external audits along those lines?---No, they  
28 ceased after the SEC. I used to carry out the  
29 Hazelwood Power one in-house. I did it to the fire  
30 policy because I was still responsible for it, so it 03.51PM  
31 was still carried out as per, Dr Hutchins would have

1 done it.

2 What do you say to the Inquiry about the value or otherwise  
3 of an external audit along those lines?---I believe  
4 that, even when I was doing it, I didn't think that was  
5 probably the right way to do these things; I think 03.52PM  
6 there needs to be an independent that comes in and does  
7 do the audit themselves. I don't think it's right that  
8 we do it in-house.

9 The next topic that you address in your witness statement is  
10 the 1977 fire which we've heard a little bit about this 03.52PM  
11 morning and its aftermath. You were involved in the  
12 suppression of that fire?---Yes.

13 And, as you explain, it was put out with the assistance of  
14 200 or so men from the local, the then local RAAF Base  
15 in Sale?---That's right. 03.52PM

16 Coming out of the Inquiry into that was a document you refer  
17 to as "the bible"?---Yes, the Fire Service Policy and  
18 Code of Practice.

19 You have attached to your statement as annexure WB-2 a copy  
20 of that Fire Service Policy and Code of Practice that 03.53PM  
21 you've kept since the time you finished working at the  
22 mine?---That's correct. I think it was last revised by  
23 myself in 1995.

24 You're certainly there as the author on the bottom of the  
25 page?---That's not supposed to be there. What happened 03.53PM  
26 was, I used to give it to the girl in the office to  
27 type it all up and get it all fixed up and she put my  
28 name down as author. I certainly wasn't the author.

29 As we understand it, Mr Brown, that's a Code of Practice  
30 which is a version of this document based on the work 03.53PM  
31 that came out of the review of the 1977 fire?---Yes.



1 After the 1977 fires the SEC in Melbourne started a  
2 review of the fire from all the lessons learnt from the  
3 1977 fire right through to the fires back into the  
4 1940s, and they come up with this policy or lessons  
5 learnt, so they come up with policy hopefully to 03.54PM  
6 correct all those things and give us the infrastructure  
7 to protect the mines in the future and I believe it  
8 still is a very good policy.

9 I used it for all the years I was a fire officer  
10 and it served me very well, because I never had a lot 03.54PM  
11 of major fires, not that that couldn't happen, but  
12 I believe that, if you follow the policy, it'll at  
13 least mitigate any fires you do have.

14 I want to ask you about one part of it, it's on page 33 of  
15 your statement. The bottom page is page 20 of 03.54PM  
16 98?---Yes, I've got page 20.

17 Do you have a heading, 3.4, "Worked out batters"?---Yes.  
18 We've already heard some evidence about batters being a part  
19 of the mine that had previously been the operational  
20 area?---Yes. 03.55PM

21 A batter is essentially a cliff, a coal cliff?---Yes, a  
22 steep face, yes.

23 A steep face of coal, and a worked out batter is one that  
24 had previously been mind, no longer operational?---Yes.

25 The code sets out what are described as "Minimum 03.56PM  
26 requirements for fire protection in worked out  
27 batters". Do you see that at 3.4?---Yes.

28 There's a reference to benches and berms, B-E-R-M-S.  
29 They're parts of the worked out area that are flatter  
30 than the rest of the batter; is that right?---A berm is 03.56PM  
31 just - I think it's set there to stabilise the batter a

1 bit. It's only a very small, it's just a small face, a  
2 small bench. It's not a big bench, it's just a small  
3 bench as far as I take it and it's there to stabilise  
4 the face of the batter. Not being a geologist, but I'm  
5 pretty sure that's what a berm is supposed to be for, 03.57PM  
6 and they used to do catching coal in them.

7 Are you able to say, Mr Brown, whether the stipulations,  
8 what are described as the minimum requirements for fire  
9 protection in worked out batters, whether that was done  
10 in your time with SEC with worked out areas?---Yes. We 03.57PM  
11 still had pipelines top and bottom of those batters,  
12 even up until the day I left, we still had pipelines.

13 Actually, there was one pipeline on I think it was  
14 the east side of one level where they decided to  
15 rehabilitate or take risk management. They took the 03.57PM  
16 pipes out, clayed the area, but I wasn't happy with it  
17 because there was a big steep face on the other side,  
18 so I put a pipe back in to protect the batter, I wasn't  
19 happy with it just being left like, left clay.

20 The final matter I want to ask you about, Mr Brown, is your 03.58PM  
21 experience of this year's fire. You talk about that  
22 starting at paragraph 34 on page 6 of the statement,  
23 the sixth page?---I have it here, yes.

24 You say that you were living in Churchill during the course  
25 of the fire?---That's correct. 03.58PM

26 But you have a relative in Morwell; is that right?---Yes,  
27 just in the street behind actually.

28 Behind where we're sitting?---Yes.

29 You, like everyone else here, was aware on 9 February that  
30 fire had got into the mine?---Yes. 03.58PM

31 You say that a couple of days after it started, on Tuesday

1 the 11th, you made some contact with the operator of  
2 the mine. Can you tell the Inquiry why you did  
3 that?---I was concerned about the smoke. I realised  
4 that the mine - well, I thought the mine fire was out  
5 of control because of the smoke and it was getting off. 03.59PM  
6 So I rang the mine, I think it was a couple of days -  
7 as you said, a couple of days later, and I got in touch  
8 with one of the mine engineers there, Mine Manager - or  
9 I don't know what position he holds - but I asked him  
10 "Do you need any help?", I was quite willing to come in 03.59PM  
11 and offer my assistance, but I was told that everything  
12 was under control and I wasn't required.

13 You weren't happy with that response?---Well, it wasn't that  
14 I wasn't unhappy, but I thought that I had something to  
15 offer because I'd been in the 1977 fires and this 03.59PM  
16 looked very similar to the 1977 fire with the amount of  
17 smoke it was giving off and I thought that, even I  
18 could have helped around the big pumping stations which  
19 are critical in these big fires. So, I wasn't unhappy,  
20 but I thought that I could have helped. 04.00PM

21 Your next step, after unsuccessfully trying to get onto the  
22 local radio, was to contact the ABC in Melbourne,  
23 specifically the John Faine program?---John Faine, yes.  
24 I was getting a bit worried about the amount of smoke  
25 that was coming over to town and I had some worries 04.00PM  
26 with my nephews and relatives that lived in Morwell, I  
27 wasn't sure what the long term effect of this coal and  
28 ash was going to be on them, so I decided to ring John  
29 Faine to see if there was something he could do to help  
30 us out and basically he told me that he would be 04.00PM  
31 getting in touch with Commissioner Lapsley and that's

1 where it finished up.

2 Then on the 14th, the Friday of the first week of the fire,  
3 you were actually contacted by Mr Lapsley subsequent to  
4 being on the radio with Mr Faine?---Yes, Commissioner  
5 Lapsley come up and met with me in Morwell and we had a 04.01PM  
6 bit of discussion and I think what come out of it then  
7 was, he was going to take me around the mine and show  
8 me the inspection of the mine, and that happened about  
9 a week later, I think, from memory.

10 In your statement at paragraph 40 you say you went on that 04.01PM  
11 tour of the mine on Friday, 21 February?---Yes.  
12 So the fire had been burning for just shy of a fortnight at  
13 that time?---Yes, it's about a fortnight, yes.

14 How long did you spend in the mine?---I spent in the mine -  
15 I didn't go around with Commissioner Lapsley, he was 04.01PM  
16 called away to a meeting. I went around with a Senior  
17 CFA Officer and also an employee of the mine and also  
18 the pilot.

19 I spent about 25-30 minutes in the mine. As we  
20 were heading down into the mine I noticed three or four 04.01PM  
21 spot fires burning on the eighth level and I mentioned  
22 to the two people in the car with me, the CFA and the  
23 pilot of the vehicle, I said, "How come these fires are  
24 still burning?" And he said that they didn't have  
25 enough people to put them out. I said, "It's pretty 04.02PM  
26 risky doing that, because you could get a change of  
27 wind which could blow those fires back into the  
28 southern batters and you've got another extension of  
29 your fire." And all he said then was - the pilot  
30 actually answered and said was, "Well, as I said 04.02PM  
31 before, we haven't got enough people to put the fires

1 out."

2 In the new paragraph that you inserted today you make some  
3 reference to the use of helicopters and I just wanted  
4 to ask you briefly about that.

5 Firstly, as I understand your evidence, you did 04.02PM  
6 see a helicopter being used to drop water on the fire  
7 in the mine?---Yes. On the way, after I'd noticed the  
8 spot fires burning in the mine, we were on our way up  
9 to 3 Level on the northern batters and I noticed a  
10 helicopter dropping water on a higher level. We 04.03PM  
11 stopped in it at I think 5 Level and I noticed two CFA  
12 units putting a fire out there but I was a bit  
13 surprised that a fire was so big, it only had the two  
14 units there, but I couldn't explain why that was so.  
15 But I did think at the time that the only way to fight 04.03PM  
16 these fires is plenty of water and plenty of manpower  
17 such as we did in 1977.

18 Because I believe that's why the fire burnt so  
19 long, because the helicopters might be successful  
20 bushfires and so forth, but I didn't believe that 04.03PM  
21 batter fires suited them and they'd be more efficient  
22 fighting coal fires on levels more so than in batters.  
23 I did believe it would be more successful with  
24 manpower, water and the reticulation system; I think  
25 would have done probably a better job and probably put 04.03PM  
26 the fire out a lot quicker.

27 Can I just ask you, from your experience and in your  
28 opinion, what's the difference between the use of a  
29 helicopter to drop water on a level fire as compared to  
30 a batter fire?---The observations I got from the other 04.04PM  
31 helicopters dropping fire was that it was coming down

1 hitting the batter and splashing off; whereas with a  
2 coal fire on a level, it's hitting the whole level,  
3 it's on a level, not on a vertical plane.

4 I know they had them on the ropes and it was  
5 hitting the face, but I still think that they would 04.04PM  
6 probably be more efficient on a coal level fire than on  
7 a batter fire.

8 I think you probably anticipated my next question. Were you  
9 in the hearing room when the previous witness,  
10 Mr Lapsley, was giving evidence about the use of 04.04PM  
11 helicopters with low hanging buckets as compared to  
12 helicopters with tanks?---Yes; I was, yes.

13 You heard that evidence. Did that change your view about  
14 the efficacy or otherwise of using helicopters on  
15 batter fires?---It does to a certain little bit, but I 04.05PM  
16 still don't believe they're efficient enough as  
17 compared to manpower, good reticulation system, and  
18 that's my view of it.

19 For 80 years the mines have fought fires, and I  
20 know we've got to change if it's necessary, but for 04.05PM  
21 80 years we've been fighting fires like this in the  
22 mines and we've been very successful. With the Morwell  
23 1977 fire, we put out in three days, four days to mop  
24 up, but that was very successful with the manpower and  
25 the reticulation system. Even though in the 1977 fire 04.05PM  
26 it was depleted a little bit due to the fitters strike,  
27 that caused us a bit of problems because we didn't have  
28 all our pipes in it at that time, but we still had the  
29 fire out in three days.

30 One final matter, Mr Brown. In paragraph 43 of your 04.05PM  
31 statement you make reference to seeing mine staff

1 frantically building a second pipeline to put out the  
2 fire?---Yes.

3 We can bring up the map if we have to, but can you tell us  
4 where that work was being done?---It was down on  
5 7kLevel. As we come into the cut - I think I can show 04.06PM  
6 it. It's all pretty new to me, but I think it was  
7 coming down, they were drilling it down on one of these  
8 levels here, I think. It was somewhere down the middle  
9 here, I think they were building it onto the roadways.  
10 It's pretty different to me now; this mine has changed 04.06PM  
11 a lot.

12 You're pointing to the, how would we describe that, the  
13 southwest part of the mine?---Yes, somewhere down in  
14 the middle here anyway and they were building it down  
15 around here somewhere. This is all new to me, this 04.07PM  
16 mine part here, but I'm sure it was down in here  
17 somewhere. There we go, down there, they were building  
18 along there I think.

19 You're pointing towards?---Where the stacker was.  
20 The southwest area where the working part of the mine where 04.07PM  
21 the stacker is?---Yes, down there somewhere, yes.

22 There is just one final matter for completeness. You make  
23 reference to a document which was provided to you by  
24 the Inquiry staff, this is in paragraph 45, a GDF Suez  
25 document entitled, "Mine Fire Policy and Code of 04.07PM  
26 Practice May 2013"?---Yes, I did read that.

27 You've had an opportunity to have a look at that?---Yes, I  
28 have.

29 What do you say about that document as compared to the  
30 document you identified earlier as the 04.07PM  
31 bible?---Basically, it's exactly the same, it's just a

1 photocopy. I didn't see any changes in it at all.  
2 In fairness, there would seem to be some changes of the  
3 positions of people but - - -?---Yes, I think they call  
4 them now - they've got different names for the  
5 different people in charge. 04.08PM  
6 But the substance of it, you say, is essentially the  
7 same?---Yes, still the same.  
8 As I understand your evidence, you advocate that being fully  
9 implemented and that there being external audits to  
10 ensure that it's been fully implemented?---Yes. 04.08PM  
11 I believe the Fire Service Code of Practice must be  
12 reinstated, if it's not already reinstated, but it must  
13 be put back into position and, if that's followed,  
14 I believe, you'll get fires, it's not going to stop a  
15 fire, but it will mitigate the circumstances of a fire 04.08PM  
16 and I believe that must come back in. I also believe  
17 that you must have an external audit of the Fire  
18 Service and Code of Practice and also about, the mines  
19 have a wet test and all that sort of thing.  
20 Yes, thank you Mr Brown. They're the questions that I have 04.09PM  
21 for Mr Brown. Do members of the Board have any  
22 questions? No. If you just stay there, Mr Brown,  
23 you'll be asked a few more questions.  
24 MR WILSON: I don't have any questions, if the Board  
25 pleases. 04.09PM  
26 CHAIRMAN: Mr Riordan.  
27 MR RIORDAN: I do, if the Board pleases.  
28 <CROSS-EXAMINED BY MR RIORDAN:  
29 Mr Brown, my name is Riordan and I appear for GDF  
30 Suez?---Yes. 04.09PM  
31 I have a just have a few questions to ask you. In terms of



1           your statement, do you have it in front of you?---Yes,  
2           I do.

3           In paragraph 7 you're saying that in 1994 the mine was taken  
4           over by Hazelwood Power; is that correct?---That's  
5           correct, yes. 04.10PM

6           Was that in fact a State corporation that took place prior  
7           to privatisation?---No, I think that was GenVic that  
8           took over before Hazelwood Power.

9           It wasn't privatised until 1996, was it?---I couldn't argue  
10          on that. I always thought it was privatised in 1994, 04.10PM  
11          because I signed a contract with Hazelwood Power and I  
12          thought it was 1994, but my memory might be a little  
13          bit - - -

14          And Hazelwood Power may not have been GDF, it may well have  
15          been a State instrumentality that took it over in 04.10PM  
16          preparation for privatisation in 1996; you wouldn't  
17          argue with that?---No, I thought it was earlier, that's  
18          all.

19          These new policies were brought in by that State  
20          instrumentality rather than by the privatised company 04.10PM  
21          that took over in 1996?---Yes - well, if you say that's  
22          what it is. But the Policies and Code of Practice in  
23          the SEC days, we just followed that straight through,  
24          so I always thought that it was still in vogue.

25          My question was in relation to this change of the dedicated 04.11PM  
26          fire team, that you were still employed during that  
27          change, weren't you?---Yes.

28          Certainly, the Fire Code of Practice, Policy and Code of  
29          Practice, that continued on didn't it?---Yes.

30          You produced your one in 1995?---Beg your pardon? 04.11PM

31          You produced the one which has your name on it in

1 1995?---Yes, every year it was updated.  
2 You have seen one of the recent ones anyway, if not the  
3 current one, and you've identified that those practices  
4 and policies are still in place?---Yes, the policy,  
5 yes. 04.12PM  
6 And you're pleased about that because you think it's a very  
7 good policy?---Yes, I do.  
8 If in fact the evidence is that that policy is still fully  
9 implemented, then you'd say that was a good  
10 thing?---Yes. 04.12PM  
11 On paragraph 9 you talk about, before privatisation all  
12 three mines in the Latrobe Valley had a dedicated Fire  
13 Service. That would be subject to the same exception,  
14 wouldn't it, that that was until 1994 when the State  
15 Government changed it from the SECV to Hazelwood Power,  
16 a state-owned instrumentality?---Yes. 04.12PM  
17 In paragraph 11 you set out a number of features of the fire  
18 fighting infrastructure which was in place in your  
19 time; correct?---Yes.  
20 You do that in paragraph 11, in paragraph 12 and in 04.12PM  
21 paragraph 13 you set out all the sorts of features that  
22 were present at the time with respect to the water  
23 system which was duplicated, it was in fact  
24 triplicated?---Yes.  
25 And other features about the rotating sprays and hydrants 04.13PM  
26 spread over 55 metres and all in accordance with the  
27 Policy and Code of Practice?---Yes.  
28 The evidence will be that in fact all of those things are  
29 still in place and still rigidly adhered to by the  
30 current owner of the mine, and you would say that was a 04.13PM  
31 good thing?---Yes, I would.

1 In fact, these days they have a bit more equipment because  
2 they've now got these 30,000 litre tankers that they  
3 can put on for firefighting. They didn't have those in  
4 your day, did they?---We did have two big water  
5 tankers, yes. I can't remember what capacity they 04.13PM  
6 were, but they were large tankers; we had two.  
7 Were the ones in your time 3,000 litre, the truck that those  
8 firefighting- - -?---No, no, they were bigger than  
9 that.  
10 Bigger than that, were they?---Yes. 04.14PM  
11 You don't know whether they were as big as 30,000  
12 litres?---No, I would have thought they were getting up  
13 into that area because we did have small tanks that we  
14 had; slip-on tankers.  
15 On the question of the annual audit, you said how you 04.14PM  
16 undertook that when it became your duty in 1994, wasn't  
17 it?---Yes.  
18 Until you retired in 1998?---Yes.  
19 I take it, you did it diligently and made sure that all of  
20 the things were attended to?---Yes. 04.14PM  
21 I won't take you through this document just to save  
22 everybody the time, but this is the 2013 audit which  
23 will be going into evidence. Does the size of that  
24 look something like the size of the audit you  
25 undertook?---As per this policy, you mean? 04.15PM  
26 Yes?---Yes, it's the same.  
27 And so, you'd be pleased to hear if the evidence is, as it  
28 will be, that that audit's still undertaken rigorously  
29 by the current owner each year?---Yes. In-house, is  
30 it? 04.15PM  
31 Yes?---Yes. Well, I'm not happy with that, but - - -

1 As long as it's done properly, that's all you'd be concerned  
2 about, wouldn't it?---Yes.

3 Is that right?---Yes.

4 One of the things I wanted to ask you about was that you had  
5 the experience in the 1977 fire, didn't you?---That's 04.15PM  
6 correct.

7 Your view was that that was able to be brought under control  
8 in a few days and, therefore, you thought this fire  
9 should be too. Is that correct?---Well, if the  
10 manpower was there and the reticulation system was in 04.16PM  
11 place, I'd say, yes, I would have thought it could have  
12 - would have been or could have been.

13 Were you in court when I described to the Commissioner the  
14 nature of the ember attacks and the number of fires  
15 that started on 9 February 2014?---Yes, I believe I did 04.16PM  
16 hear some of that.

17 In 1977, I think it was, one fire started from the exhaust  
18 from a vehicle; is that correct?---That's correct, yes.

19 You'd agree a very different proposition to what they faced  
20 with these two bushfires last February?---Yes, it's a 04.16PM  
21 different scenario, but could I answer that? I believe  
22 that when you you're saying about the embers floating  
23 around, on the day of that fire in February the 9th, if  
24 it had have been myself - and I don't know if this did  
25 happen or not in the mine - but precautions would have 04.17PM  
26 been taken early in the morning. We used to always get  
27 a Fire Service - sorry, we get a forecast the day  
28 before and I would have known that there was a bad day  
29 coming up on 9 February. I would have brought people  
30 in early in the morning to start spraying the open cut, 04.17PM  
31 especially with the wind direction the way it's coming.

1           These batters would have been all wet down to mitigate  
2           the chances of a fire, serious fire actually starting  
3           in those batters. So, that's the only thing I would  
4           say to that.

5           You'd be pleased to know, wouldn't you, that in fact in           04.17PM  
6           these days they have a documentary requirement on these  
7           sorts of occasions to do all of those things because of  
8           the higher fire danger and they actually put it down in  
9           writing which are fire preparedness plans that they put  
10          out and make sure that the wetting down's done?---Yes,           04.18PM  
11          I've heard of that.

12          And the trucks are available and they're appropriately  
13          filled and positioned in the right places?---Yes, well,  
14          we used to do that as well.

15          And there's no maintenance going on down on the operating           04.18PM  
16          levels to avoid all those risks?---On the fire alert  
17          days, yes.

18          And so that they did it and all of those things were in  
19          place, so you'd be pleased to hear about, that they'd  
20          done all of those things; that's what you would have           04.18PM  
21          hoped for?---Yes.

22          Not only do they do them, but they write them all down so  
23          there's no confusion about anybody knowing their  
24          responsibilities, because there's large numbers of  
25          things that need to be attended to on these large           04.18PM  
26          higher fire danger days, isn't there?---Yes, there is,  
27          but in the days when we had our fire alert, everybody  
28          knew their responsibilities under a fire alert system.  
29          We used to have training in it, training all the time  
30          with fire training and that was all fairly well           04.19PM  
31          documented, so I still believe that the system we had

1           was still quite good as well.

2           I'm sure it was, but you'll be pleased to hear that these

3           days they at least carry on the same systems?---Yes.

4           But unfortunately and that, as you're aware, fire is a very

5           prevalent risk in the coal mine, isn't it?---Yes, it           04.19PM

6           is.

7           It's something they deal with really almost on a daily

8           basis?---We used to average I think about 200 fires

9           a year, that's through vehicles and a lot of lighter

10          fires and so forth, so yes, they're a very big risk.           04.19PM

11          But you would accept, wouldn't you, that what occurred or

12          what you've heard occur on this day, 9 February, was

13          extraordinary circumstances?---Yes.

14          Can I just ask you about your experience. You were keen to

15          go on so you could see whether you could be of some           04.19PM

16          assistance and so you offered yourself to go on; you

17          say you had about 25 or 30 minutes down in the

18          mine?---Yes.

19          Did you actually take any notes while you went in

20          there?---No, I didn't take any notes because I didn't           04.20PM

21          know - I was only going to go in for a look around so

22          it was just observations that I had on the day.

23          Those observations, to the extent that you can recall them,

24          are all in your statement, are they?---Yes.

25          There's nothing else you saw going wrong that you didn't put           04.20PM

26          in your statement?---No, I didn't see nothing else; I

27          didn't really get much of a chance to see too much.

28          Was that the first time you'd been in the mine for some

29          time?---Yes, it had.

30          How many years since you'd been in the mine?---14 years.           04.20PM

31          As you say, it had changed a lot since the last time you'd

1           seen it?---Yes, it had.

2           Very different looking. Speaking as somebody who had a look  
3           for a first time in a long time ago, it was a massive  
4           cut, wasn't it?---It had, it had had grown very  
5           considerably. 04.21PM

6           There were large numbers of people, both CFA and mine  
7           workers there?---I didn't see a great deal of people.  
8           When I come into the staging area with Commissioner  
9           Lapsley, I seen a lot of CFA vehicles at the staging  
10          area and when we went down the cut I only seen the two 04.21PM  
11          fire trucks on the 5 Level, they only went up to that  
12          level so I don't know what was above. But I'd only  
13          seen the two CFA trucks and I think one maintenance  
14          crew from mooring working on a hydrant I think.

15          Do I take it that in terms of strategy that had been adopted 04.21PM  
16          by the CFA and the mine firefighters, you didn't have  
17          the opportunity to actually discuss with anybody what  
18          the strategy was that was being adopted?---No, I  
19          didn't.

20          That wasn't something that you thought was appropriate to do 04.21PM  
21          at that time?---No. Well, I didn't really. I did  
22          speak to (indistinct) but didn't really get a lot of  
23          time to actually talk.

24          You did mention one thing in your statement in paragraph 42  
25          about something about not understanding the policy that 04.22PM  
26          they could inadvertently connect into the high pressure  
27          mains?---Yes. What had happened, that probably needs a  
28          bit of explaining. What happened was, when there was a  
29          fire in the mine in 2012 - I think it was Suez's mine  
30          then - there was a dredger burnt. I got a call from 04.22PM  
31          one of the engineers from the mine saying that, did I

1 hear about the fire on 11 dredge that did serious  
2 damage? I said, "I did hear about it, how did that  
3 happen?" He said to me that the pumps failed. I said,  
4 "Oh, okay, but you still should have got water back  
5 from System 3 which is a low quality water supply", and 04.23PM  
6 he said to me, "Well, I don't think they knew about  
7 that."

8 Then it was about three days later that I did  
9 speak to a couple of fitters that worked in there and  
10 they said to me that the Fire Service is now depleted 04.23PM  
11 and the people that they've got there now, there's  
12 only - don't really know the complexities of the Fire  
13 Service system, so that's where I - - -

14 Your opinion, that's people talking to you about it?---Yeah,  
15 it's not just - it's a fair few people talking about 04.23PM  
16 it. But what happened was, then I was a bit concerned  
17 that, if they weren't sure of the Fire Service system,  
18 that maybe someone could connect in on the wrong side  
19 of the high pressure side of the main and maybe get  
20 themselves injured or maybe killed; that was the - - - 04.23PM

21 That was the concern. You will be pleased to hear that the  
22 evidence will be that in fact that risk doesn't exist  
23 at the moment, you can't connect in at high pressure  
24 levels, so you'd be pleased to hear that, would  
25 you?---I'd be pleased, yes. 04.24PM

26 You also know that the water pipes didn't seem to have a  
27 connect to the head and tail to maintain the integrity  
28 of the ring water system. Could you explain that one  
29 for us?---Yes. Each conveyor has a head-in supply and  
30 a tail-end supply and it's very important that this 04.24PM  
31 water flows through the system and comes out the other



1 side, the integrity of the hydraulic system of the  
2 water pipes. When I was driving around with the pilot  
3 I did notice - well, it looked like there was a couple  
4 of tail connections missing, and there are times when  
5 they come out but they should be put back in as soon as 04.24PM  
6 they can.

7 This was in the operating area itself?---Yes.

8 And so, did you point those out at the time?---No, I did  
9 mention I think to the pilot that, "Could I have a  
10 further look at the pipe work?" And he said, "No, 04.24PM  
11 we've got to go."

12 Who was the pilot?---Do I have to mention his name?

13 You do know his name, do you?---I do. Peter, I think his  
14 name was.

15 So you didn't seek an explanation as to whether there was 04.25PM  
16 maintenance being undertaken or something?---I mean,  
17 with tailing connections, there is a reason why they're  
18 out, sometimes to let a dredge travel through; it's not  
19 a rare thing, but what I'm saying is, they do need to  
20 go back in quickly to actually see you don't compromise 04.25PM  
21 the hydraulic system of the mine.

22 You do say in paragraph 44 you observed there were a lot of  
23 firefighters around, however there did not appear to be  
24 any co-ordination of the firefighting efforts. Why did  
25 you draw that conclusion?---Over the years we've had a 04.25PM  
26 lot to do with the CFA and we've always found that the  
27 CFA tend to be very fixated on fire units and there  
28 could be a reticulation system around but they don't  
29 seem to hook up, they seem to always work off their  
30 fire tankers instead of using the pipe system that's 04.25PM  
31 there. I thought on the day I went in with the Senior

1 CFA guy, I thought that was the same thing, they had  
2 pipe work there but they were using the tankers and  
3 there just didn't seem to be any co-ordination or  
4 leadership at that point.

5 This, lot of firefighters around?---I saw a lot of 04.26PM  
6 firefighters at that time at the staging area, and  
7 there could have been firefighters in the above level  
8 but I didn't see them because I was down on the level  
9 below.

10 Did you enquire as to whether there was carbon monoxide 04.26PM  
11 questions with the firefighters and other health and  
12 safety questions and fatigue policies? Are they things  
13 that you had in your days or are they?---I guess we did  
14 have them and I just didn't recognise them or didn't  
15 worry me, I don't think. But there was smoke around 04.26PM  
16 that day that I was in there with the Senior CFA guy  
17 and the pilot, there was smoke around that day  
18 actually, and that's one of the reasons why I think he  
19 wanted to get out, the pilot wanted to leave.

20 On the question of the use of helicopters, when you were the 04.26PM  
21 fire officer did they have helicopters available for  
22 fighting fires?---Yes, I have used them before.

23 Have you?---Yes, we had a fire out at stacker dump, the old  
24 stacker dump, it's now rehabilitated but we did have a  
25 fire out there on a couple of occasions, I think I used 04.27PM  
26 them twice. Because you couldn't get into that,  
27 because it was so rough, there was coal in amongst it  
28 all you couldn't get in with a vehicle, so I did get a  
29 chopper in at that time.

30 Did you use them with long leads and the buckets like they 04.27PM  
31 do now?---I can't recall, it was a fair while ago.

1 You heard the evidence of the Commissioner?---Yes.  
2 I take it, you'd defer to his opinion as to the usefulness,  
3 wouldn't you?---Yes.  
4 You do make one other suggestion that, using bulldozers to  
5 bulldoze clay into the fire. The evidence will be that 04.27PM  
6 that was attempted in a few spots but this, as you  
7 understand, was 6.1 kilometres of fire that they were  
8 dealing with here, weren't they?---Yes. I think what  
9 the point I was trying to make there was that going  
10 back - the point I'm trying to make there is that 04.28PM  
11 dozers have got a place in open cut fires.  
12 I was going back to an incident at Yallourn when I  
13 got called over there, I think it was in 1977 or might  
14 be early 1980, when there was a fire burning on  
15 probably a 300 or 400 metre batter and we got called in 04.28PM  
16 to fight that fire. What I did when I got there, we  
17 spread our people over the length of the batter.  
18 Because it was sending embers off the top of the  
19 batter, I got a dozer to come in on the top and to cut  
20 a metre so of the face down to clean coal so that all 04.28PM  
21 the fire was dozed off and pushed into the bottom of  
22 where we were fighting the fire and it stopped the  
23 embers blowing away and also we could fight the fire  
24 more easily.  
25 A bit like they use the foam for now to cool it down to give 04.29PM  
26 you access?---We actually washed it all down and it was  
27 actually very successful, and that's probably where the  
28 got the idea that dozers have got a place in fire  
29 protection.  
30 You'll be pleased to hear that the evidence will be that in 04.29PM  
31 fact dozers were contemplated, but over 6.1 kilometres

1 it wasn't the only panacea for this fire?---No. I  
2 think the point there I was trying to make is that  
3 dozers have got a place in open cut fires.

4 Thank you, Mr Brown.

5 <RE-EXAMINED BY MR ROZEN:

04.29PM

6 Just one final matter, Mr Brown. Earlier on I asked you  
7 about the Fire Service office; you recall giving  
8 evidence about that?---Yes.

9 I'm looking at paragraph 15 of your statement where you say  
10 that it had a good view of the mine and its  
11 operations?---Yes.

04.30PM

12 Was it a building that was elevated in some way, other than  
13 being on the batters?---If I could just divert for a  
14 sec: We shifted our Fire Services offices about three  
15 times over the times I've been in the cut and each time  
16 we positioned it to get a better view of the mine. So  
17 we might have it here, but when a section was cut out  
18 we'd move it across to the other side or we'd move it  
19 to where we got the best view.

04.30PM

20 Why was that, why did you need a good view?---The guy in the  
21 office on the telephone, he was basically a permanent  
22 spotter, he could keep his eye open all the time and it  
23 was just a spot where you could take in the whole mine  
24 except the part below that. How we used to cover that  
25 was that at dinner times and times of bad visibility we  
26 would have patrols out that would patrol the mine to  
27 make sure that nothing happened in the period that  
28 there was no-one in the cut.

04.30PM

29 Is the point you're making that the office, the location of  
30 the office meant that could be used as a lookout to  
31 pick up fires when they started or soon after they

04.31PM

1 started?---Yes, that's part of the positioning of the  
2 office, yes.

3 Thank you. No further questions of Mr Brown.

4 CHAIRMAN: Thank you, Mr Brown, you're excused.

5 <(THE WITNESS WITHDREW)

04.31PM

6 MS RICHARDS: We've reached the scheduled end of the day.

7 I've spoken briefly with Mr Norris who is available to  
8 give evidence tomorrow morning to do the Phoenix  
9 simulation.

10 CHAIRMAN: That's the best way of balancing it, is it?

04.31PM

11 MS RICHARDS: The order of proceeding for tomorrow, and this  
12 may change overnight, but the way things stand at the  
13 moment, after Mr Norris's evidence and the Phoenix  
14 simulation it's proposed to call Detective Inspector  
15 Michael Roberts of the Victoria Police then David  
16 Shanahan, Services Superintendant from GDF Suez,  
17 followed by James Mauger, I think you pronounce it,  
18 also from GDF Suez and they give firsthand accounts of  
19 the very earlier stages of the fires in the mine.

04.32PM

20 The next witness it is proposed to call is  
21 Mr Harkins, Steven Harkins who is the Director, People  
22 Culture and Environment at GDF Suez. There are then  
23 two employees of GDF Suez who have been asked to attend  
24 on summons, and there will be some discussion overnight  
25 as to whether we call on that summons tomorrow or at a  
26 later stage and the community witness tomorrow will be  
27 Graeme Freshwater.

04.32PM

04.32PM

28 CHAIRMAN: Okay. We'll adjourn now until 10 o'clock  
29 tomorrow morning.

30 ADJOURNED UNTIL TUESDAY, 27 MAY 2014

04.33PM

31