



Sub SI0143

info to: [REDACTED]
Sent by: info@hazelwoodinquiry.vic.gov.au

15/05/2014 01:51 PM

I spoke to John today and he is happy for his submission to be made public

Cheers

Tracey

----- Forwarded by [REDACTED] HAZELWOODINQUIRY on 15/05/2014 01:49 PM -----



Hazelwood Inquiry info/DPC@DTF
09/05/2014 02:41 PM

To Hazelwood Inquiry
info/DPC@DTF
cc
bcc
Subject Morwell Mine Fire Submission

Title: Mr

First Name: John

Surname: Ellingham

Email address: [REDACTED]

Home or office phone: [REDACTED]

Mobile: [REDACTED]

Content of submission (you can choose multiple): Measures taken by Hazelwood Coal Mine to prevent fire, Application and administration of regulatory regimes

Upload Submission:

http://hazelwoodinquiry.vic.gov.au/wp-content/uploads/formidable/JOHN-E_976656_157.pdf

<http://hazelwoodinquiry.vic.gov.au/wp-content/uploads/formidable/JE2-509143808-0001.pdf>

<http://hazelwoodinquiry.vic.gov.au/wp-content/uploads/formidable/JE1-509143737-0001.pdf>

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Gecko/20100101 Firefox/28.0

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JOHN-E_976656_157.pdf JE2-509143808-0001.pdf JE1-509143737-0001.pdf

Mr John Ellingham
[REDACTED]
MORWELL VIC 3840

9 May 2014

Dear Sir / Madam,

RE: HAZELWOOD FIRE MINE INQUIRY

I wish to make the following submission to the inquiry.

Following the fire I did some research into the requirements of the private operator at the time of the original sale of the Hazelwood Power Station & its open cut. I discovered as part of the sale that a Government gazetted an order (the document can be found at <http://gazette.slv.vic.gov.au/images/1996/V/S/104.pdf>).

In part the order established an Environmental Review Panel (ERC) which provided for up to two community representative appointed by the Latrobe Council.

I wrote to the Latrobe Council on the 10 April 2014 requesting details of who the representative were and copies of the 6 monthly reports. (copy of my correspondence is attached marked JE1).

After much delay the Latrobe Council wrote back to me on the 1 May 2014 advising me who the representative was but told me all "agendas and minutes received by Latrobe City Council, and reports to Council regarding ERCs, are considered commercial-in-confidence and are not made available to the public". (copy of their correspondence is attached and marked JE2).

I'm asking how a committee set up under a gazetted Government order providing for community representative can be turned into a private committee with the public having no right to know what reviews were done, if any what progress occurred to implement the requirement of the original order?

Why is the public not allowed to see this information it suggests there is something to hide.

How did this committee become owned and run by GDF SUEZ Australia Energy?

I would like the inquiry to obtain copies of all agendas minutes and reports of the ERC and make them available to the public so we can inform ourselves as to whether the Government gazetted orders were complied with.

In a discussion I had with the current Latrobe Council community representative he indicated the only matters discuss at review meeting were air quality and the river diversion. Now I understand he may not have been on the ERC from the beginning but it difficult to prize much information out of Latrobe City Council. I had to complaint to a Councillor just to force the Council to respond to my original correspondence.

Mr John Ellingham

- 2 -

9 May 2014

I am left to wonder what is so secret about the agenda of the ERC and why the community is not allow to know what was and is being done to rehabilitate the old part of the mine.

I'm unable to make any further submissions on the rehabilitation of the mine as it seems I'm not allow to know what has been or has not been done (as the case may be).

A handwritten signature in cursive script, appearing to read 'J. Ellingham', written in dark ink.

Yours faithfully
John Ellingham

JE2



Latrobe City

a new energy

Our Ref: CW:JL

1 May 2014

Mr John Ellingham
[REDACTED]

MORWELL VIC 3840

Latrobe City ABN 92 472 314 133

Telephone 1300 367 700

Facsimile (03) 5128 5672

TTY (NRS) 133 677

Post to PO Box 264 Morwell 3840

Email Address latrobe@latrobe.vic.gov.au

Internet www.latrobe.vic.gov.au

AUSDOC DX217733 Morwell

Dear Mr Ellingham

HAZELWOOD ENVIRONMENTAL REVIEW COMMITTEE

Thank you for your email received 10 April 2014 in reference to the Environmental Review Committee (ERC) for Hazelwood GDF SUEZ Australian Energy.

Within Latrobe City Council, current responsibility for environment sustainability issues rests within the Statutory Planning department, which reports to the General Manager Planning and Governance.

Latrobe City Council has two representatives on the Hazelwood ERC; Cr Darrell White as the Councillor delegate and the Manager Natural Environment Sustainability (or delegate) as the officer delegate. The officer delegate position is currently being filled by Fiona Fullard, Environmental Planner. These delegations were adopted by Council on 19 November 2012 and amended pursuant to Council Resolutions of 4 February 2013, 4 March 2013 and 19 September 2013.

We do recognize that the gazetted mining Licence No. 5189 8/5/1997 for Hazelwood GDF SUEZ Australian Energy states, "*The community shall also be represented, with nominations to come from the Latrobe Council.*" However, we are unable to provide the names of other representatives on the Hazelwood ERC, community or otherwise, as this is not a committee of Council. The Hazelwood ERC is an external committee run by a private operator, GDF SUEZ Australian Energy, and regulated by the Department of State Development Business and Innovation. Agendas and minutes received by Latrobe City Council, and reports to Council regarding ERCs, are considered commercial-in-confidence and are not made available to the public.

Enquiries regarding the current membership of the ERC, and requests for information about the ERC, should be directed to either GDF SUEZ Australian Energy, or the regulator, the Department of State Development Business and Innovation:

- David Froud, Chemical and Environment Manager, Hazelwood GDF SUEZ Australian Energy on [REDACTED] or via email
[REDACTED]

- Neil Allen, Senior Inspector, Earth Resources Regulation Victoria, Department of State Development Business and Innovation on 136 186 or via email
[REDACTED]

If you require further information from Latrobe City Council please contact Debbie Tyson, Manager Statutory Planning on [REDACTED] or via email
[REDACTED]

Yours sincerely



CHRIS WIGHTMAN
Acting General Manager Planning and Governance

cc: Cr Graeme Middlemiss

John Ellingham

From: John Ellingham
Sent: Thursday, 10 April 2014 11:34 AM
To: 'latrobe@latrobe.vic.gov.au'
Cc: 'Graeme.Middlemiss@latrobe.vic.gov.au'
Subject: Electricity Industry Act 1993 - Environmental Review Committee (ERC)

Saved: 0

Dear Sir/Madam

In undertaking some research into the Hazelwood Mine Fire I have become aware that in the order granting a mining licence to Hazelwood Power Corporation it established an Environment Review Committee (ERC). The Latrobe Council had a position on this committee and it also nominate 2 community representatives.

I looked on your website to see which General Manager had responsibility for "environmental issues" and was very surprised to find that responsibilities for the environment does not reside with any of the General Managers. I would have thought given the importance and potential impact of the environment to both the business needs of the community and the health and welfare of the residents of the community it would have been seen as important enough (by the Latrobe Council) to allocate responsibilities to it least somebody at the General Manager level.

Nevertheless I accept the Latrobe Council does not see the environment as that important. I believe that to be a huge mistake but then again it is the Latrobe City.

Could the person who does have some responsibility for environmental issues (if in fact there is anyone) please advise me as to who the Latrobe Council representative and the two nominated representatives were, at the time on the Environmental Review Committee.

Could you also provide me with all reports provided to the Council in relation to the six monthly meetings of the committee.

I would like to know who the reports were provided to and to what extent they were provided to the community of Latrobe Council.

I have provided an extract (below) of the relevant sections of the order, if you require a complete copy of the order it can be found at: <http://gazette.slv.vic.gov.au/images/1996/V/S/104.pdf>

Regards

John Ellingham
[REDACTED]

Morwell
[REDACTED]

An Environmental Review Committee (ERC) shall be formed, comprising appropriate representatives from the Department of Natural Resources and the Environment (DNRE), representatives of the licensee, the Environment Protection Authority, the responsible water authority and a representative of the Minister responsible for the Water Act 1989, the LaTrobe Council and any other relevant agency with an interest or control over the site or operations. The community shall also be represented, with nominations to come from the LaTrobe Council. Up to two community representatives may be selected for renewable fixed terms. The ERC shall be convened at least once in every 6 months to review environmental effects of the project.

MINISTER FOR AGRICULTURE AND RESOURCES

ELECTRICITY INDUSTRY ACT 1993

**ORDER GRANTING MINING LICENCE PURSUANT TO
SECTION 47A**