



Fw: Request to Consider Late Submission

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

15/05/2014 10:15 AM

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"Rosemary Cousin"

[REDACTED]
13/05/2014 07:04 PM

To Hazelwood Inquiry
info/DPC@DTF
cc
bcc
Subject Request to Consider Late
Submission

Dear Justice Teague and members of the Board of Inquiry into the Hazelwood Mine Fire,

Please find attached my cover sheet and submission to the Inquiry. I apologise that this submission is late. When I learnt last week of the extended hearings being conducted, I assumed, wrongly, that the date for submission was also extended.

At the Board's discretion, I ask that you please consider my late submission.

Yours sincerely

Rosemary Cousin
[REDACTED]



Allambee South Vic 3871 HAZELWOOD-MINE-FIRE-INQUIRY-Submission-cover-sheet-COMPLETED.doc



SUBMISSION TO THE BOARD OF INQUIRY INTO THE HAZELWOOD COAL MINE FIRE.docx

HAZELWOOD MINE FIRE INQUIRY

Submission cover sheet

Post your submission with this cover sheet to:

Submissions Hazelwood Mine Fire Inquiry
PO Box 3460
GIPPSLAND MC Vic 3841

Email your submission with this cover sheet to info@hazelwoodinquiry.vic.gov.au.

Title: Ms	First Name: Rosemary	Surname: Cousin
Organisation represented(<i>if applicable</i>): Grand Ridge Organics and Integra Flowers		
Email address:	[REDACTED]	
Postal address:	[REDACTED] Allambee South Vic 3871	
Telephone: [REDACTED]	Mobile: [REDACTED]	
<input type="checkbox"/> X Origin and circumstances of fire <input checked="" type="checkbox"/> X Measures by Hazelwood Coal Mine to prevent fire <input type="checkbox"/> X Application and administration of regulatory regimes <input type="checkbox"/> X Other (please state) Yallourn Open Cut Coal Mine Fire at same time as Hazelwood Coal Mine Fire	Response to fire by: <input checked="" type="checkbox"/> X Hazelwood Coal Mine <input checked="" type="checkbox"/> X Emergency Services <input checked="" type="checkbox"/> X Environmental Agencies <input checked="" type="checkbox"/> X Public Health Officials <input checked="" type="checkbox"/> X Other Government Agencies	

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Please select one of the following options

I acknowledge that my submission will be treated as a public document and may be published, quoted or summarised by the Inquiry.

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I request that my submission or parts of my submission, be treated as confidential, and not published quoted or summarised by the Inquiry, for reasons stated below

Acknowledgements

I understand that:

- I can be contacted by the Inquiry in relation to my submission.
- Anonymous submissions will not be accepted.
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Signature _____ R A Cousin

OR if sending electronically please confirm your acknowledgment by ticking by box X Date 13 May 2013

I request this submission be considered as a late submission at the discretion of the Board of Inquiry.

BOARD OF INQUIRY INTO THE HAZELWOOD COAL MINE FIRE

Justice Bernard Teague, AO, Professor John Charles Catford and Ms Sonia Petering

Submission From: Ms Rosemary Cousin, [REDACTED] Allambee South Vic 3871

Purpose

1. I write this submission as a resident of the Strzelecki Ranges, located some 30 km from the Latrobe Valley coal mines. The coal mine fires impacted regional as well as Latrobe Valley communities. My objective in this submission is to highlight evidence of systemic causes as well as consequences of the 2014 Latrobe Valley coal mine fires. To overcome the overwhelming tendency to compound our past mistakes, we must learn from our history, reconfirm our vision for the future and establish our capabilities to achieve that vision. There are many past and current mistakes to remedy.

Introduction to this submission with reference to the scope of the current inquiry

2. Sir Rupert (Dick) Hamer in the early 1970s promulgated an inspirational vision of Victoria as the Garden State. Building on Hamer's initiative, successive Liberal and Labour State Governments established a proud heritage of environmental programs and institutions with a public service enabled to protect and improve the living conditions of Victorian citizens and their environment. In this time, institutions such as the Environment Protection Authority [EPA] and the Department of the Environment (in its many guises) have regulated public health and environmental quality. But an off-mission rot began to set into Victoria's environmental governance during the 1990s which must now be given serious attention. No greater example of this decay - the downscaling of Victoria's environmental protection capabilities - is seen in the management of the Victoria's Electricity Essential Services [VEES].
3. The coal mines fires in the Latrobe Valley of February and March 2014 are the latest in a long line of fire emergencies providing evidence of systemic mismanagement of the VEES. No, I have not made a typographical error in referring in the plural to 'fires', because, let's make no mistake about it, the Yallourn Open Cut Mine as well as the Hazelwood Open Cut Mine were ablaze in February 2014.¹ On this basis my submission necessarily draws on clause 5 of your terms of reference which states the Inquiry may consider:
5. Any other matter reasonably incidental to the matters specified in paragraphs 1 to 4.
4. In this submission:
Part A: Personal impact statement
 - a. Provides a personal impact statementPart B: Examination of critical issues in the causes and consequences of the 2014 mine fires
 - b. Summarises lessons from key historic and recent fire emergency events;
 - c. Reflects on the privatisation of Victoria's electricity essential service; and
 - d. Concludes on some of the critical weaknesses in the current regulatory and emergency response regime and the consequences.

R Cousin
9 May 2014

A. Personal impact statement

5. My husband and I live on an Organic farm in Allambee South on the Upper Tarwin River approx 30km south west of the Morwell Open Cut Coal Mines where the two fires began on 9th February 2014.
- 5.1 Inundated with thick acrid smoke since the fires began, on 13 Feb 2014 I lodged a complaint with the EPA [EPA Ref #182133] about toxic fumes on our farm. I was referred to the EPA and Vic Health website for air quality and related health advisories; and advised to document my concerns to the head of the EPA which I did by email on 15th Feb.
- 5.2 The Chief Health Officer of Victoria's [CHOV] public advisory notice [PAN] on 15 Feb referred only to health concerns from "mild bushfire smoke in the region." This PAN left out any reference to the contribution to regional air quality by the coal fires. Due to prevailing wind conditions we had been receiving a thick blanket of acrid smoke on our farm up to and including this date. Consequently, my husband, Richard Nankin lodged a complaint with the CHOV on 15 Feb.
- 5.3 Documentation of my EPA complaint was lodged on 15th February by email and forwarded to relevant Members of the Victorian Parliament and local federal Members and the State and Commonwealth Ministers for the Environment:

"On 13 Feb I lodged a complaint with the EPA [EPA Ref #182133] about toxic fumes on our property [REDACTED] Allambee South. As organic farmers, with crops and animals to tend, we work outside for most of the day. The toxic smoke and fumes had been occurring since the coal fires first started in Morwell, but there were no specific health warnings despite avidly listening to ABC radio broadcasts. The air around us has at many times been dense with acrid smoke - a highly unpleasant odour of coal fire which is unlike any bushfire smell. My husband and I have difficulty breathing and sleeping, our eyes sting and we experience headaches and dizziness frequently not only when working outdoors but also when in our home. I have also developed painful sores in my nose.

Prior to specifically lodging complaints about the coal mine fire pollution with the EPA, on 13 Feb I first sought advice from the EPA and Dept of Health about health implications of the smoke and fumes for ourselves, our farm workers and vulnerable members of the Mirboo North and Latrobe Valley communities. I was told by the EPA to look online at the air quality monitoring report for the Latrobe Valley, and was told the EPA bulletin of 12 Feb indicated there was "no likelihood of southerly winds". The latter information is completely irrelevant as the dominant winds we experience at this time of year on our farm are northerlies, which brings the smoke and toxic fumes from the power stations and the open cut mine fires into the Strzelecki Ranges in our direction.

I have three specific and very major concerns: Firstly, the inadequacy of EPA Air Quality Monitoring and Reporting in the region; secondly, the inadequacy of access to up to date and timely health and safety reporting and advisory information; and thirdly, more fundamentally, the inadequacy of emergency preparedness for the Latrobe Valley's open cut coal mines and power operations as one would expect to be in place for this Essential Service.

My concerns are explained in more depth below:

1. EPA monitoring of air quality in the Latrobe Valley and West Gippsland
 - 1.1 The EPA's current pollution monitoring of air quality and reporting of and response to findings is completely inadequate. The EPA only has one permanent air

quality monitoring station located at Traralgon. On 13 Feb the EPA website reported air quality in Traralgon as GOOD - According to the EPA monitoring: Visibility Reduction was reported as 42 [Good]; Particles as PM10 as 38 [Good], Ozone as 6][Very Good]; Nitrogen Dioxide as 7 [Very Good]; Carbon Monoxide [NOT MEASURED!]; and Sulphur Dioxide as 0 '[presumably excellent]. The overall Air Quality Index was 42: Good.

1.2 These results are highly implausible. While it was put to me by the EPA call centre that Traralgon is east of the Morwell fires, and therefore possibly did not have high pollution levels, this idea was contradicted by people I spoke with at Traralgon and my husband who was working in the area that day - all reported stinging eyes, rank odour and significant haze.

1.3 Unbelievably the Traralgon EPA AQ-M Station does not monitor carbon monoxide. Nor does it monitor mercury levels which Latrobe Valley Brown Coal is known to contain, or any other hazardous coal constituents.

1.4 It is essential that the EPA's air quality monitoring program be immediately expanded to include Carbon Monoxide and levels of Mercury and other harmful coal constituents and report on same on a real time and regular basis.

1.5 The number of monitoring stations must also be expanded to areas to the north, south and west of the Traralgon AQ-M Station to provide adequate coverage of the affected areas.

1.6 I specifically request that an urgent air quality assessment be done at our property and other areas within a fifty km radius of the coal fires over various weather conditions and wind directions to establish the boundaries of the zone of high impact of the toxic fumes.

2. The notification of health and safety warnings to affected communities has been completely inadequate.

2.1 The communication of early toxicity warnings was buried on the EPA website. As mentioned above, major ABC radio stations did not, either on news bulletins or via special communications, let people know of the risks of being outdoors in the toxic fumes. In asking friends in the district, I discovered that the regional ABC radio did provide a notice early in the sequence of events, however how do you know if you are not connected to one particular radio or TV station and not connected on-line?

2.2 **The Open Cut fires are likely to take a very long time to be brought under control.** This poses an ongoing health and safety risk, which may move from community to community dependent on the condition of the fires and the wind patterns and weather conditions. A more rigorous approach must be taken for the ongoing notification of health concerns for residents and people working not only in the immediate vicinity of the coal fires, but also in the reasonably expected radius and actual impact zone of the toxic plumes. This may include notification to New Zealanders as well as Victorians.

3. My far deeper and not unrelated concern lies in what appears to be the inadequacy of emergency preparedness and disaster response on the part of the open cut mine owners/operators and Fire and Emergency Services as witnessed by their endangering the health and safety of volunteer fire fighters, as well as the residents of Morwell and the Latrobe Valley and the surrounding communities.

3.1 On 12 Feb, The Age reported 9 CFA crew - presumably volunteers - had been tested for carbon monoxide poisoning after having been sent in to fight the open cut fire. The Latrobe Valley Express reported on 13 Feb that 9 fire fighters had been discharged from hospital.

3.2 Why were inexperienced fire fighters sent in at all – let alone without adequate breathing apparatus and precautions before hand? Coal mine and power station owners/operators have their own on-site emergency response crews. Are these crews adequate for the emergency they faced? The emergency and ongoing situation they face?

3.3 Across the public and private purse, who pays for the ongoing management and extinguishment of these toxic fires?

3.4 What emergency preparedness plans were in place for the Open Cut Coal Mine, Power Stations AND Power Suppliers? If they existed at all, were they reviewed and approved by Emergency Services Authorities/the Essential Services Commission? Were these 'plans' properly enacted? What legal liability may there be for an owner/operators found to not have taken adequate actions for precautions/response/recovery?

3.5 The Latrobe Valley Express on 13th Feb stated the CFA had scaled back its fighting of the open cut fires "...as a result of the hospital admissions, with priority being placed on protecting critical infrastructure within the mine." What plans are there and what is the anticipated timeframe for putting out the fires as well as protecting critical infrastructure? How long is the regional community likely to be subject to this toxic fume crisis? What responsibility do Open Cut Mine owners/operators and the State Government have for managing any health issues arising from the toxic fires to date and in future?

In conclusion:

I have documented inadequacies in the EPA monitoring and public health and safety notifications [and Emergency Services failures to respond to these] for the toxic fires' emergency. I have set out that the open cut coal mine owners/operators and government regulators need to answer really critical questions concerning the existence and enactment of prevention, preparedness and response planning for disasters such as bush fires to protect Victoria's Electricity Essential Services and the communities around them. I have queried Fire and Emergency Services' actions in endangering volunteer fire fighters by sending them in to a highly hazardous situation; and overall have expressed concerns about the response to and ongoing management to the point of extinguishment of the toxic coal mine fires.

I request your urgent deliberation on and action to address these important issues and trust that I will receive a response to my very substantive concerns.

Yours faithfully Rosemary Cousin, [REDACTED]

5.4 Responses received to my EPA complaint:

5.4.1 The Commonwealth Minister for the Environment emailed me in reply on 15 February that he would confer with his State colleagues on the matters raised and respond. Through him I have received a response from the Victorian Premier.

5.4.2 By email on 19 February the EPA customer service centre politely thanked me for "...taking the time to get in touch". The EPA "understood" that I "...have a number of questions and concerns regarding the air quality in your local and surrounding areas." Two EPA air quality bulletins were attached and I was referred to the Department of Health 1300 number [these

documents are Attachment 1]. None of my EPA complaint concerns and questions were answered in this email. By immediate reply email I rejected this as an adequate response to my formally lodged complaint. I have had no further response to date.

5.4.3 In a letter dated 11 March 2014 from the Parliamentary Secretary to the Victorian Premier I was advised the Premier had referred my correspondence to the Minister for the Environment and Climate Change for a direct response. To date I have had no response.

5.4.4 I appreciate the Premier's establishment of this Inquiry, and look forward to a formal response to my lodged EPA complaint.

5.5 Summary of personal consequences

- Our deep concern regarding the consequences of the fire has always been for the vulnerable members of the Latrobe Valley and the surrounding region including the health and welfare of children and elderly in Mirboo North, together with safety for consumers of our produce.
- During the fires our externally housed free range chickens experienced breathing difficulties and four died of 'unknown' causes.
- Our request for advice from the CHOV about potential toxicity of ash falling on our produce, at the time, particularly wild harvest organic blackberries and organic green leafy vegetables was only answered [in part] after the fires were controlled.
- We also observed that bees and other pollinator insects disappeared from the outset of the coal smoke. There is no doubt in our mind that this resulted in a substantial reduction in our crop harvest, particularly organic pumpkins, which were flowering at the time.
- Personally, our respiratory problems diminished and my nasal lesions healed a few weeks after the fire smoke diminished.

B. Examination of critical issues

6. Privatisation of Victoria's Electricity Essential Services and disaster mitigation responsibilities

6.1 Hazelwood Power Station and coal reserve with an estimated 40 year life was sold by the Kennett Government in 1996. Before privatisation the power station was due to be decommissioned by the SECV by 2005.ⁱⁱ Hazelwood now operates as 'IPR_GDF SUEZ Hazelwood' [aka GDF SUEZ Australian Energy] an Australian public company owned by UK headquartered company International Power PLC (91.8% share) - part of the GDF SUEZ group.

6.2 In 2005 the \$400 million Hazelwood West Field development involved completing a new 7.5 km section of the Strzelecki Highway, replacing over ten kilometres of the Morwell River from an old concrete pipe into a natural open channel riverine setting, and acquiring privately owned land which was earmarked for future coal supply.' The Bracks Government in 2005 approved the West Field EES environmental effects statement allowing relocation of the road and river to access the coal allocated to Hazelwood at the time of sale.

6.3 TRUenergy Yallourn owns and operates the Yallourn Power Station and the adjacent Yallourn brown coal mine which was sold by the Kennett Government in 1995-6 to Energy Australia.ⁱⁱⁱ In 2009 TRUenergy Yallourn Pty Ltd proposed "...a small realignment to the eastern boundary of the Maryvale Field, which falls within its current mining licence." In June 2009, the "Yallourn Coal Field Re-alignment: required referral to the Commonwealth Minister for the Environment for approval under the EPBC Act 1999. Page 20 of the Executive Summary of this referral states:

"The mine infrastructure will be as currently established in the East Field Mine operations area (see Figure 4-4). The Maryvale Coal Field Mine will contain working faces for the excavation of coal and overburden. The predominant method of resource transport will be conveyors to the

raw coal bunker. There will be a series of access roads within the mine and there will be a water reticulation system for dust suppression and fire fighting.^{iv}

- 6.4 During the 2014 coal mine fires there were reports from fire fighters engaged in control of the blazes that water supply and fire fighting infrastructure and equipment plus sufficient skilled personnel from the private operators were not available to fight the fires. It was widely rumoured in the region that when the open cut mines were privatised, the companies deactivated or removed the 'top-of-bund' watering systems. Others claimed this infrastructure was removed by the SEC prior to privatisation. Given the history of fires in the open cuts and importance of the mines and nearby power stations, could this infrastructure really have been removed – if so when and by whom? Were there requirements placed upon the purchasing companies and their successors to have fire mitigation and response plans and gain State Government approval for them, and maintain to the State's satisfaction adequate equipment and trained personnel for plan implementation, throughout their operations?
- 6.5 If this infrastructure was removed or otherwise not sufficiently maintained by the private owners it would appear to make the corporation's or corporations' management liable under Section 80 of the *Electricity Industry Act 2000* (Vic.) If this infrastructure was removed under State direction or if no such conditions were imposed during privatisation or subsequent approvals of further mine developments, this suggests the management of the Victorian Electricity Essential Services is not being managed to promote the long term interests of Victorian consumers as required under clause 1 of the *Essential Services Commission Act 2001* (Vic.); and is not being conducted in accordance with the relevant health, safety, environmental and social legislation applying to the industry as required under clause 8A of the *Essential Services Commission Act 2001* –which must surely include the Environment Protection Act 1971, the Planning and Environment Act 1987; the Occupational Health and Safety Act 2004, the Public Health and Well Being Act 2008; the Energy and Resources Legislation Amendment Act 2010.

7. Lessons from relevant historic and recent fire emergencies

- 7.1 In 1939, the Yallourn South Camp (established in 1921). The Stretton Royal Commission into 'the Measures to be taken to prevent bush fires in Victoria and to protect life and property was commissioned to investigate fires that started on 13 January 1939, stated "These fires were lit by the hand of man." Judge Stretton pointed to 'a deep indifference to forest fires as a contributing cause;' but also, significantly, to poor coordination across government departments as problems within the institutional setting.
- 7.2 In 1944 the Morwell and Yallourn open cut coal mine, plant, works and buildings were damaged. The findings of the 1944 Royal Commission established to investigate the cause/s of the Yallourn open cut coal mine fire has great relevance to the 2014 coal fires. The Commission, having established that the fires were human-lit, asked similar questions as we do now: "...whether there was a general plan to protect the asset as a whole against damage by the incursion of bush fires." Judge Stretton again acting as Royal Commissioner, noted:

Fire is an almost unavoidable concomitant of brown coal open cut mining. Inflammable dust is created by the mining process and by the necessary traffic in the mine. No very elaborate internal protection against fire caused by bush fires is necessary if sufficient protection is given against the normal, industrial fire risk. A great deal has been done to safeguard the open cut against fire." (page 8). Nevertheless, Judge Stretton found "...the water pressure available to the open cut is inadequate for the quelling of major fires on the faces of the open cut."(page 9).

- 7.3 Amongst its recommendations the 1944 Commission set out a series of 'future measures' for the Open Cut, which, had they been operating in 2014 would have gone a considerable way to mitigating the 2014 fires, or, at the very least reduced the extent and facilitated faster fire-close down:

Future Measures.

(a) Disposition of Equipment.-...better provision ought to be made for the better tactical distribution of equipment to the various parts of the mine during a time of emergency so that the changing and unpredictable vagaries of the fire may be better opposed...

(b) Revision of Reticulation.-It is recommended that a more constant, running revision of the main and sprinkler system be maintained in future so that the service which it is intended to convey shall be closely and efficiently available to all parts of the berms and faces. It is emphasized that the reticulation system in the berms is fixed and stationary, whereas the faces are continually receding as their surfaces are scraped away by the dredges.

(c) Water Pressure.- It is recommended that the water pressure be improved so that a greater volume and jet may be available for the suppression of fires on the faces and also for the purpose of wetting the berms more widely and thoroughly when necessary. It is suggested that there should be variable control of the pressure so that production need not be adversely affected in times of normal danger.

(d) Training of Fire-Fighters.-It is recommended that a large proportion of men employed in and about the open-cut be systematically trained in the use of equipment and in the tactical disposition of it. [page 9]

In regard to *Water Reticulation*:- It is suggested that standing hydrants be substituted for ground level hydrants. It is recommended that the A.R.P. dams or earth tanks be kept filled during possible danger periods.[page 11].

Other recommendations made by Judge Stretton in 1944 including protections for the power stations and town also warrant reconsideration.

7.4 Recent fires in Hazelwood and Yallourn open cut mines and surrounds and who has paid costs

- 7.4.1 2005 Yallourn Power Station fire: According to the *CFA Annual Report 2005-2006* Table 4 the CFA responded to a structural fire in the Yallourn Power Station which occurred in December 2005 with an estimated cost of \$2 million.

Extract TABLE 4. SUMMARY OF MAJOR INCIDENTS 2005/06

Date	Incident Type	Location	CFA appliances	Fire Size (hectares) or Cost
17/12/2005	Structure	Yallourn Power Station	5	\$2,000,000

Source: Country Fire Authority Annual Report 2006 : p25

It is not stated who paid these costs.

- 7.4.2 2006 Hazelwood and Yallourn North open cut fires: In October 2006 The Age reported fires in both Hazelwood and Yallourn North open cut areas, threatening power supply. ^v These fires became known as the 2006 Morwell Open Cut Mine Fire and were reported in the 2006-2007 Annual Report of the CFA as follows:

Extract TABLE 5. SUMMARY OF MAJOR INCIDENTS 2006/07

Date	Incident Type	Location	CFA appliances	Fire Size (hectares) or Cost
12/10/2006	Other	Morwell (Open Cut Mine)	5 9	\$30,000,000

Source: Country Fire Authority Annual Report 2006 : p30

It is not stated who paid these costs.

- 7.4.3 The CFA’s 2006-2007 Annual Report also outlines a series of “projects to improve preparedness” – a key project amongst which was: “Latrobe City Electricity Industry Joint Agency Business Improvement” which is described as follows:

“The energy sector based in the City of Latrobe is the largest concentration of energy infrastructure in south-eastern Australia. CFA’s Gippsland Area is facilitating the development of **a comprehensive Emergency Management Plan to address the risks within the critical infrastructure of the Latrobe Valley so that stakeholders are prepared, risks are minimised or mitigated, response is rapid and effective, and recovery is made with minimum impact on the community and productivity of the State.** A project steering group has been established with representatives from CFA and Latrobe City Council. The power generation industry was involved through both direct consultation and active participation with the Central Gippsland Essential Industry Group.”^{vi} A range of organisations including WorkSafe, Gippsland Water and SP Ausnet were also consulted, and contacts established with the Federal Attorney General’s Department to identify issues in relation to Critical Infrastructure Protection. A guideline addressing the minimum requirements for Incident Control Centres within the power generation industry is now being drafted. (Country Fire Authority (CFA) Annual Report 2007: P27)

Looking at the 2014 coal mine fires, the criteria established by this Joint Agency Business Improvement were clearly not met. One must question whether any regular joint agency practice days have ever been held, and if so what is this group’s ‘self assessment’ of their performance?

- 7.4.4 The CFA Summary of Major Incidents 2007-2008 Table 12 (CFA Annual Report 2007-2008 pp35-36) had no reports of fires in either Hazelwood, Yallourn or Morwell open cut mine/power station areas attended by the CFA in that financial year. However, in clarifying details in Table 10: Total Number of incidents 2001 to 2008, explanatory notes state:

“The high number of incidents shown as ‘Incomplete’ in 2005-06 was impacted by industrial bans on reporting. Part of the increase in annual number of incidents in 2006-07” [from 36,630 in 2005-06 to 41,252 in 2006-07] “...can be attributed to the implementation of Computer Aided Dispatch (CAD) and EAS paging across the state, which automatically generates a Fire Report for every incident paged. Due to amended reporting conditions on the automatic Fire Reports, this also added a significant proportion of the incidents shown as “Incomplete” in 2006-07.” (p35)

- 7.4.5 2008 Hazelwood Open Cut Fires:

Table 5. Summary of Major Incidents 2008–09 (other than February 2009 bushfires)

Date	Incident Type	Location	CFA appliances	Fire Size (hectares) or Cost
14 September 2008	Non-structure Fire	Hazelwood North	61	Coal Fire burnt in non-operational areas of the Hazelwood open cut coal mine. Total area involved approximately 1,300 meters of batter across three levels.

Source: Country Fire Authority Annual Report 2009: p20

About this fire, the CFA Annual Report 2009 states: “...in September 2008 a significant fire occurred at the Hazelwood Mine involving the deployment of resources from 98 brigades involving six CFA Regions as well as State support.” (p22). Other than the Black Saturday Feb 2009 bushfires, the 2008 Hazelwood North fire was the second largest involving CFA

Appliances in 2008-2009. It is not stated what the total cost of this event was, nor who paid/contributed to the fire fighting efforts.

- 7.4.6 Response to the 2009 Bushfire Royal Commission. The Victorian Bushfires Royal Commission was established on 16 February 2009 to investigate the causes and responses to the devastating bushfires that swept through parts of Victoria in late January and February 2009. The Commission delivered its Interim Report on 17 August 2009 with a Final Report in July 2010. Under the heading "Planning for 2009–10 Fire Season" the CFA's 2009 Annual Report states the following:

"At the end of the year, the Premier announced key improvements would be made to Victoria's preparations and responses ahead of the 2009–10 fire season, advising the Royal Commission that the Government would take action to deliver improvements before the fire season. The Government's submission to the Royal Commission outlined more than \$50 million of new initiatives, subject to further consideration following the recommendations in the Royal Commission's interim report. Progress against these initiatives will be subject to close scrutiny during 2009–10 including a review by the Royal Commission after the fire season, and the outcomes of the program will be reported by CFA in next year's Annual Report." (*Country Fire Authority Annual Report 2009*: p21).

The CFA Annual Report 2010 in reporting on its response to the Bushfires Royal Commission reports on the establishment of a **Victorian Fire Risk Register**:

"IMPROVEMENTS TO COMMUNITY BUSHFIRE PREPAREDNESS

Victorian Fire Risk Register: CFA developed the Victorian Fire Risk Register (VFRR), as a systematic process to identify assets at bushfire risk. It was rolled out across 22 municipalities identified as high risk. The benefits of its collaborative approach are now recognised by municipalities and other emergency services organisations, in particular its high level of multi-agency and community." (p6)

- 7.5 Immediate cause of the Feb 2014 fires - Arsonist or bad luck? That there is a deep and worrying urge amongst a small number of citizens, for whatever reason, to light bush fires - especially on days of highest fire danger, has been noted by many Victoria's bushfire Royal Commissions and inquiries. I urge the 2014 Inquiry to make a recommendation about the need to conduct a campaign about the public's general role in fire mitigation and control of arson.
- 7.6 From the above brief look at the privatisation of the Victorian Electricity Essential Service and the history of fire emergencies affecting the Yallourn and Hazelwood open cut mines and power stations, I urge the 2014 Inquiry to probe more deeply into and make recommendations relating to three issues: (i) Were the fire and other disaster mitigation and response plans of individual public agencies and across the public sector, by the private owners/operators; and jointly by public and private managers of the Victorian Electricity Essential Service in place and sufficient to meet the challenges faced by the VEES? (ii) Were agency responses to the immediate crisis sufficient?; and (iii) who should take responsibility and pay for the short and long term consequences and the specific response and recovery for the 2014 Latrobe Valley coal mine fires?

It is beyond the scope of this submission to establish whether GDF Suez or TRUenergy had adequate fire and emergency mitigation and response plans for their power station and open cut mines. I highly recommend that the 2014 Inquiry establish that for their own satisfaction.

It is also beyond the scope of this submission to establish whether conditions of the West Field EES, the Yallourn Coal Field Re-alignment Approvals and the Mining Licenses governing both private mine operations were sufficient requiring rehabilitation and maintenance of the mine sites to protect the resources and power generating facilities from fire disasters and if so whether these have been appropriately implemented. I highly recommend that the 2014 Inquiry establish that for their own satisfaction.

7.7 While there certainly was evidence of multiple State agencies working together towards the end of the 2014 crises, it was to us, clearly not the case in the early stages. As we watched events unfold, it appeared that across public agencies *and* private parties [GDF Suez for Hazelwood and TruEnergy for Yallourn open cut] not only underestimated the extent of the and seriousness of the fires and impacts on the surrounding community, but clearly lacked preparedness to an extent unfathomable given the frequency of fires in and around the Latrobe Valley coal mines. Everybody appeared to be caught flat footed!

8. Recommendations

In addition to matters raised in the body of this submission I urge this Inquiry to make recommendations on the following matters.

Adequacy of the EPA monitoring of air pollution in and around the Latrobe Valley

The EPA undertook a brief air pollution monitoring program when further sale of coal reserves was proposed. By public pressure, the EPA released this air quality report. Despite the report demonstrating ongoing air quality concerns with unexplained prolonged levels bordering on State and National Air Quality Standards, the air quality monitoring station in Morwell was abandoned in 2010. ^{vii}

- **Recommendation:** private operators in Victoria's Electricity Essential Services should be required to monitor and regularly report on emissions and maintain air quality.

Adequacy of the Health Department's response to exposure to toxic fumes for the surrounding and all affected communities

- **Recommendation:** Previous Baseline health studies for the Latrobe Valley must be reviewed, and new baseline health data gathered across the widely affected communities.

Adequacy of protections for professional, volunteer and company fire fighters and those workers who remained in the mine and power station to keep the mine and Power Station operational for the entire duration of the fires.

- **Recommendation:** Baseline health studies be extended to mine and power station employees.

Adequacy of measures set in place in the privatisation of the State's Electricity industry

- In 1996 the Kennett Government sold Hazelwood Power Station and coal resources in the open cut coal mine to GDF SUEZ aka Australian Energy or International Power. The Yallourn North Power Station and coal reserve in the open cut mine was also sold in 1996. Truenergy are now the owners of the Yallourn North complex.
- **Recommendation:** The 2014 Inquiry review the privatisation documentation to determine the at-sale condition of fire safety equipment and establish what contractual obligations were placed on 'the owners' with regard to disaster mitigation and emergency management.

- **Recommendation:** The 2014 Inquiry recommend to Government that a **Statement of Obligations for the Electricity Industry be issued by the State Government** to organisations involved in the provision of electricity essential services , including coal mines supplying the EES to impose obligations irrespective of public or private ownership . An example is the Statement of Obligations issued to Water Corporations and Authorities under the *Water Act 1989* and *Water Industry Act 1994*.
- **Recommendation:** I request the 2014 Inquiry recommend to Government that the cluster of legislation governing the Victorian Electricity Essential Services be reviewed to ensure specification of roles and responsibilities for ensuring the adequate preparation for, mitigation of, response to and recovery from fire and other disasters in and around electricity essential services areas.

End Notes

ⁱ The CFA's Mine fire newsletter 14/2/14 states there are two fires not yet under control in the Latrobe Valley at the Hazelwood and Yallourn open cut mines: **Hazelwood Open Cut Mine Fire:** The fire is burning in non-working sections of the Hazelwood Mine (411ha). The fire continues to burn along three levels of batter and is estimated to be three kilometres long. Alongside mine personnel, more than 170 CFA and MFB firefighters are using a broad range of equipment including aerial appliances (ladder trucks), helicopters, and water cannons... While progress is being made to contain the fire, there is still at least several weeks of work ahead; and **Yallourn Open Cut Mine Fire:** The fire is burning in non-working sections of the Yallourn open cut mine and is estimated to be 2.5 kilometres long. A SkyCrane is being used to suppress 30 hectares of fire on the mine floor.

ⁱⁱ Costar, Brian and Economou, Nicholas (Eds) (1999) *The Kennett Revolution: Victorian Politics in the 1990s* UNSW Press "Hazelwood Power Station and coal reserve with an estimated 40 year life was sold for \$2.4 billion by the Kennett Government in 1996." "With the mechanism for the privatisation of the former SECV established by early 1995, its component parts were progressively sold off over the next few years. Following the sale of United Energy, the other distribution/retail corporations—Solaris, Eastern Energy, Powercor and Citipower—were sold for prices ranging from \$950 million to \$2.15 billion. Then followed the sale of the generation corporations—Yallourn Energy, Hazelwood/Energy Brix, Loy Yang A, Loy Yang B and Southern Hydro—for a combined total of \$11.115 billion. Finally, the transmission (high voltage wires) sector, PowerNet, was sold for \$2.555 billion.

ⁱⁱⁱ The Age January 31 2004 'Yallourn deal plays into CLP's sale plan' By Rod Myer

"Deutsche Asset Management has sold its 8 per cent of Yallourn Energy to CLP Power, the majority owner of the power group, at an undisclosed price. The deal is subject to Foreign Investment Review Board approval.

CLP, which is trying to reduce its 92 per cent holding in Yallourn, put a 42 per cent stake up for sale several months ago. As a result of the Deutsche transaction, CLP will now boost its sale stake to 49.9 per cent.

While Deutsche was holding 8 per cent, CLP could not risk selling more than 42 per cent for fear that another party could gain control of Yallourn.

Yallourn was privatised in 1996 for \$2.4 billion, with British group PowerGen the principal buyer. CLP, a Hong Kong-based utility that is part of the Kadoorie family investment stable, bought a 72 per cent stake in December 2000 and increased that to 92 per cent when PowerGen completed its exit a few years on.

PowerGen is believed to have sold out of Yallourn at a large loss while Deutsche made a profit.

Deutsche's sale represents a change of plans for the investment bank. Last year the group said it might buy more of Yallourn and join with CLP to invest in other Australian utility assets.

Three or four interested buyers, including ANZ, are believed to be doing due diligence on Yallourn. CLP is said to be looking at prices between \$2.5 billion and \$3 billion including debt, which stood at \$1.6 billion in December 2002. Deutsche is likely to have sold for a lower figure under a pre-emptive agreement that gave CLP first rights over Deutsche's stake.

Yallourn was a difficult investment in the years following privatisation. Interest on the high privatisation price and subsequent industrial problems have caused its accumulated losses to reach \$276 million.

Its hardline industrial approach has given it cost advantages that competitors will have to look at when renegotiating enterprise agreements. Loy Yang A will renegotiate later this year and Hazelwood in 2006.

Yallourn has also spent considerable money upgrading its plant and has another \$100 million scheduled for works that include diverting the Morwell River to expand the coalmine. Yallourn Energy has three major assets. The 1450-megawatt Yallourn W power station, the adjacent brown coal mine and a significant power retailing operation, AusPower.

Elsewhere in the power industry, the Australian Competition and Consumer Commission will announce on Monday whether it will appeal against the Federal Court's decision in December to overturn its ban on Australian Gas Light buying 35 per cent of Loy Yang A. Market sources believe the ACCC will not appeal.

<http://www.theage.com.au/articles/2004/01/30/1075340842293.html>

^{iv} Document viewed at URL = <http://www.yallournmine.com.au/>

^v The Age October 14, 2006

^{vi} The CGEIG website states the following: "CGEIG is focused on events that have industry wide implications, rather than those which can be isolated to one production Site. The CGEIG take a regional approach to major incidents and recognises the strategic importance of these facilities to Gippsland and the State of Victoria. The group provides a forum for Industry, Emergency Service Agencies and Key Government bodies to liaise and cooperate on Emergency Management and Security issues."

^{vii} **Adequacy of Air Quality Monitoring in West and Central Gippsland**

The EPA hourly monitoring station reports are provided to the public at <http://www.epa.vic.gov.au/our-work/monitoring-the-environment/air-quality-bulletins/hourly-air-quality-interactive-map>. A Morwell East Air Quality Monitoring Station (AQMS) is now in place as of 12th Feb 2014. The background and current status of EPA Air Quality Monitoring in West and Central Gippsland is set out below:

- The EPA conducted short term monitoring at Morwell East [and Traralgon] against State and National Air Quality objectives between 2012 to May 2013.
- This monitoring included sulphur dioxide and nitrogen dioxide, and PM10 and PM2.5.
- Following community concern the EPA was forced to release the monitoring report on 2 Sept 2013 – see Report and EPA Director's Release attached.
- The Morwell East station was decommissioned in May 2013 despite identifying several peak and high ongoing level pollution events. The monitoring report showed extreme exceedence of both State and National Air Quality objectives for PM10 on 6 May 2013 - the final day of the short term monitoring reported for this constituent. The report claimed the spike in PM10 on 6 May 2013 was from a planned burn: "There were 6 days out of the 15 months of monitoring at Morwell East that exceeded the daily average objective (21 and 25 January 2013 and 9, 10, 11 and 12 May 2013). These were due to smoke from a bushfire in the Aberfeldie region (21 to 25 January 2013) and planned burns (9 to 12 May 2013)." Given that the burns took place from 9 to 12 May, by their own report the 6 May peak appears unrelated to these planned burns.
- For PM2.5 State and National maximum levels were exceeded on 1 May 2012, and from then until 30 July 2012 levels were very close to the maximum allowable. On 6 Jan 2013, 26 Jan, between 27 March and 16 April 2013, on 6 May 2013 and between then to 26 May 2013 maximum allowable limits were reached or exceeded. The report provides no explanation for the 2012 levels, nor explain the March to April 2013 high levels. The report does provide some explanation for the Jan and May 2013 levels: "the limit was exceeded for seven days due to bushfire smoke impacts in the area (21 January 2013) and smoke from planned burning (1, 9 to 12 May, and 21 to 22 May 2013)."
- By stating average limits for PM 10 and 2.5 are below the annual reporting standard, it glosses over these worrying peaks and close to limit levels experienced.
- Overall, the EPA's public release about this report and the report itself plays down these ongoing high levels – presumably to justify not continuing with the monitoring station at Morwell East.

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- Morwell East AQ-M Station was recommissioned a few days after the latest coal-fire started. HOWEVER, this AQ-M Station is only monitoring VISIBILITY REDUCTION – IT IS NOT MONITORING PARTICLES AS PM10, LET ALONE PARTICLES AS PM2.5, OZONE, NITROGEN DIOXIDE, CARBON MONOXIDE OR SULPHUR DIOXIDE.
 - Of course, there was no active coal fires at the open cut mines during this period. So the situation is that much more serious now.

Victoria's Chief Health Officer on 17th February, with minor updates to an advisory of 13 February 2014 stated:

"The Environmental Protection Agency (EPA) has issued a high level smoke alert for LaTrobe Valley and other areas of Gippsland for Monday 17 February. This smoke is resulting from bushfire activity. "

This important advisory notice makes no reference to the Coal Fires. Nor does it indicate whether a health management plan has been prepared to respond to the coal fires for the communities of central and west Gippsland.

Taken together with the above lack of duty of care for air quality monitoring, the Victorian Health Officer has some serious questions to answer:

- How can the community advisory notices for health and safety be properly framed without the adequate air quality monitoring?