



**Fw: Morwell Mine Fire Submission**

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

14/05/2014 01:56 PM

----- Forwarded by [REDACTED]/HAZELWOODINQUIRY on 14/05/2014 01:56 PM -----



Hazelwood Inquiry info/DPC@DTF

12/05/2014 03:43 PM

To Hazelwood Inquiry  
info/DPC@DTF

cc  
bcc

Subject Morwell Mine Fire Submission

Title: Hazelwood Mine Fire - a preventable disaster

First Name: Brendan

Surname: Jenkins

Organisation represented (if applicable): N/A

Email address: [REDACTED]

Home or office phone: [REDACTED]

Mobile: [REDACTED]

Content of submission (you can choose multiple): Origin and circumstances of fire, Measures taken by Hazelwood Coal Mine to prevent fire, Application and administration of regulatory regimes, Response to fire by Hazelwood Coal Mine, Response to fire by Emergency Services, Response to fire by Public Health Officials, Response to fire by Other Government Agencies, Other (please state)

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.

Upload Submission:

<http://hazelwoodinquiry.vic.gov.au/wp-content/uploads/formidable/Enquiry-submission-12.05.14.docx>

User Information

[REDACTED]  
User-Agent (Browser/OS): Mozilla/5.0 (compatible; MSIE 10.0; Windows NT 6.2; WOW64; Trident/6.0; MATPJS)

Referrer:

<http://hazelwoodinquiry.vic.gov.au/make-a-submission/online-submissions/>



Enquiry-submission-12.05.14.docx

## Hazelwood Mine Fire – A preventable Disaster,

### Brendan Jenkins

Brendan Jenkins is a past Councilor & Mayor of Latrobe City and State MP for the Seat of Morwell. He is the Captain of the Moe South Fire Brigade. Brendan worked as an operator at Hazelwood Powers Station for a number of years and prior to that in Civil Works at Yallourn Power where he was a member of the seasonal fire crew. Brendan is a past deputy chair and member of Gippsland Water and a Board member of the Coal Corporation of Victoria. He served a number of terms as Secretary of the Gippsland Trades and Labour Council. Brendan fought fires at Yallourn and Morwell open cut during the 2013/14 fire season.

### Origin and circumstances of fire

The Morwell Open Cut Coal mine (Hazelwood Mine) has had a number of fires during its history. There have also been a number of 'hot spots' some documented, others not which have become apparent from time to time. Hot, dry summers present the greatest dangers to the open cut from ignition emanating from surrounding bush and grassland. At the same time, however, spontaneous combustion and local ignition from high voltage equipment within the mine also increases the risk of causing a coal fire on hot, dry and windy days. It would be difficult to establish whether there had been a limited number of ignition points and whether all were the result of fire travelling from outside the mine. Recent failures of power lines and switch gear in the vicinity of the mine may indicate a culture of maintenance which contributed to ignition of some areas from within the mine.

### Measures taken by Hazelwood Coal Mine to prevent fire

In order to address this question it is necessary to assume that 'Hazelwood Mine' is a single entity and that entity is responsible for all parts of the mine, its surrounding areas and infrastructure. In reality there will be varying responsibilities relating to regulatory agencies but more importantly responsibilities governed by agreement between the Victorian government and private purchasers during the sale process. It is a matter of public record that at the time of sale the then Victorian Government was seeking to maximize the proceeds from the sale of electricity generating assets in the Latrobe Valley. The greatest threat to sale prices was the apportionment of risk for older assets and existing but nonproductive infrastructure. Nowhere was this more apparent than in the actual Mines which had been extensively 'worked out' in some areas but inadequately rehabilitated. I represented the Trade Union movement in a number of forums leading up to the corporatisation and subsequent privatization of then SECV assets and the issue of risk and its capacity to impact the sale prices by tens and hundreds of millions of dollars became one of the major reasons working against the business case for wholesale sale of these existing assets. Up until now the Victorian government has pleaded 'commercial confidentiality' as one reason why they have not been willing to explain to the people of Victoria the extent to which the government directly accepted all risk for events which may impact on the capacity of generators to continue to work their mines. This may take the form of a blanket adoption

of risk emanating from older assets or a guarantee to limit the economic risk provided private owners agree to a limited set of standards relating to the protection and rehabilitation of various forms of assets. There was not then nor is there now any good commercial reason to keep hidden the apportionment of risk in relation to these assets. The responsibilities of the Victorian Government, its agencies and that of private owners and operators of the electricity assets in the Latrobe Valley need to be clarified and stated. The reaction of the Victorian Government in assuming responsibility for the management of the firefighting effort combined with the incautious and naïve comments of the then Energy Minister effectively confirming Hazelwood Power had fulfilled all their responsibilities in relation to the operation and preparation of the mine leads to a conclusion that the level of risk accepted by the State Government at sale was at the upper end of the scale. However this needs to be clarified and made public.

**Recommendation 1** That the Victorian Government release sufficient of the information relating to the ongoing contractual responsibilities of Hazelwood Power and other private infrastructure owners/operators of electricity assets in the Latrobe Valley in order that the public has a clear understanding of the respective responsibilities of all agencies and legal entities for the operation, rehabilitation, protection and stewardship of those assets.

Measures taken to prevent fire - It is self-evident that the older parts of the Hazelwood mine were insufficiently rehabilitated to prevent combustion given the right set of circumstances. Essential firefighting infrastructure had been removed from sections of the 'disused' mine while they remained at risk from ignition due to their inadequate rehabilitation. The capacity to adequately prepare the mine for high fire danger days by wetting down the surface was significantly hampered by the loss of this infrastructure. This meant that firefighting and mine personnel were not able to use methods to extinguish the fire in the first instance which would have been more likely to succeed than those applied. There did not seem to be a body of knowledge about the skills, methods and strategies required to fight a brown coal mine fire and the mine did not seem to be able to access local knowledge in order to plan their firefighting efforts. There is no evidence that the mine had made any plan to access local expertise in the event of a major fire incident. If Government agencies were responsible for any major incident within the Morwell Open Cut there is also no evidence to suggest they had a specific plan for fighting a Brown Coal Mine fire or a strategy for accessing local expertise with experience in the management of a major Brown Coal Mine fire. A number of former experienced open cut Fire services managers and personnel along with mining engineers were available to consult and advise but were not contacted. The Hazelwood Mine had limited access to their own fully trained fire personnel and equipment. They were in immediate need of CFA volunteers and career firefighters from surrounding areas. Whilst many of those volunteers had knowledge of brown coal mine operations and firefighting from previous work and CFA experience, there were still areas of limited knowledge and inadequate equipment.

**Recommendation 2** That the Victorian Government ensure that there is in place an adequate Open cut rehabilitation strategy and timetable implemented in order to rehabilitate disused mine areas in order to adequately cover coal and minimise the capacity to ignite.

**Recommendation 3** That the Victorian Government ensures that there is a reinstallation of firefighting mains, equipment and sprays to all areas of Open cut Coal mines where there remains exposed Coal.

**Recommendation 4** That the Victorian Government ensures that there is an adequate plan in place for fighting fires within open cut coal mines. Further that such a plan to include a list of assets and knowledge which may be accessed at short notice in the event of a major Open Cut fire.

**Recommendation 5** That the Victorian Government ensure all CFA staff and volunteers in 'first responder' brigades be offered ongoing training in the fighting fires in and around electricity and mining assets. Further that all those personnel be adequately trained in the use of Breathing Apparatus(BA) and sufficient BA equipment to be available in the event of an Open Cut fire.

#### Application and administration of regulatory regimes

It is unclear the extent to which regulatory regimes were in place and how they impacted on the fire at Morwell Open Cut. This, along with the specific expression of responsibilities inherent in the commercial relationship between the Victorian State government, its agencies and private operators will need to be available in the public arena.

#### Response to fire by Hazelwood Coal Mine

It is again difficult to separate the response from Hazelwood Power and that of the other agencies in fighting responding to the actual fire. It is still unclear as to the degree to which Hazelwood Power was legally responsible to respond to the fire or the ensuing pollution and public health crisis. They did, however, have an obligation to keep the local community informed of the issues surrounding their response and the full situation within the mine. Hazelwood Power should have been present at all community consultations at the outset. Hazelwood Power were conspicuous in their absence. In failing to make comments about issues within the mine Hazelwood were seen by the community as trying to hide something particularly when other local knowledge was more forthcoming than the power company. If, as may ultimately be found to be the case, Hazelwood Power had limited legal responsibility for the fire or its outcomes, there remained a moral responsibility to the Morwell community to be as open as possible.

There was no adequate discussion about the need, if any, to continue to produce Power from Hazelwood and how this may have impacted on the firefighting operations. Indeed Emergency Services continually claimed that the capacity to put more water on the fire was restricted due to a need to protect power production assets. There was no reference to the structural integrity of the mine itself but seemed to focus entirely on the maintenance of 'working assets' at the time the fire was being fought. There is no doubt that there was a commercial imperative for Hazelwood Power to continue to

generate electricity but early advice from the office of the Electricity generating authorities was that there was sufficient capacity in the grid to allow Hazelwood to go off line. A 'disaster' of significant proportions had struck Yallourn mine in the recent past causing that installation to be severely impacted and, whilst there was undoubted commercial implications that mine is now working again. There is no suggestion that the amount of water which could have been played on the fires in Morwell would have been anywhere near the scale of the full flow of Morwell River (as occurred at Yallourn) and there needs to be a clear explanation as to why this short term commercial imperative was allowed to restrict firefighting operations. It would be outrageous if the commercial imperative for Hazelwood was placed at a higher order than the health, safety and wellbeing of the Morwell and District community. In the absence of a desperate shortage of supply why was it necessary to preserve those assets in the short term? To what extent would the state government been liable to Hazelwood Power had the fire in the old part of the mine impacted on the company's capacity to generate?

#### Response to fire by Emergency Services

Emergency services agencies were quick to respond and seemed to do so in a coordinated manner. There were, however, difficulties at times integrating the on ground activities of volunteers and full time professional firefighters and other professionals. The extent to which the award requirements and entitlements of the professional rostered firefighters caused conflict with CFA first responder volunteers is the subject of a great deal of discussion at a local CFA level and will need to be addressed. There were instances where CFA volunteers were restricted access to facilities set up to serve all firefighting personnel.

The CFA website and other advice from their Facebook page and that of other agencies was not always consistent. When, for instance, the CFA uses their own standard terms without reference to extraneous circumstances the message became highly confusing to the community. The CFA Facebook page indicated that the Hazelwood Mine Fire was 'under control' and 'presented no immediate danger to neighbouring communities' while at the same time the Office of the Chief Medical officer and the Office of the Emergency Services Commissioner were encouraging at risk people to leave. Whilst this language can be explained, if it was standardized, it wouldn't need to be explained.

**Recommendation 6** In incidents which require a multiplicity of agencies both professional and volunteer; all their needs need to be respected and met. At no time should the contractual or award conditions of one group be permitted to reduce or impair the capacity of other agencies and personnel to have access to facilities and support.

The 'normal wisdom' that full time professional firefighters would have a natural experiential and knowledge advantage over volunteer personnel also did not necessarily apply to the Hazelwood mine fire. There is no doubt that there were a large number of CFA staff and volunteers in the Latrobe Valley whose knowledge of the behavior, challenges and risks involved in a Brown Coal Mine fire was far superior to that of some professionals who had not experienced this before. This needs to be recognized in order to allow the best command structure to be put in place to suit the circumstances.

**Recommendation 7** At incidents where multiple agencies are required to work together under the Emergency Services Commissioner, the Commissioner must be able to utilize all staff to their best ability unencumbered by notions of traditional hierarchy. A code of conduct may need to be instituted in agreement with the various agencies and industrial/professional organisations.

Emergency services response

Response to fire by Public Health Officials

The initial information provided to the community of Morwell and Latrobe Valley was inadequate. It is hard to imagine why the impacts of a brown coal fire so close to a large community such as Morwell seemed not to be taken as seriously as would be expected. While the initial concerns seemed to centre on the issue of Carbon Monoxide and the levels which may trigger a proper public health response it took community agitation and investigation to raise the issue of particulate inhalation and infiltration. The greatest Carbon Monoxide levels impacting on the Morwell community were undoubtedly experienced in the first week of the conflagration. How do we know this? Because firefighters mine workers and residents experienced the effects. What we don't have is clear data via the EPA who did not place any testing equipment near the mine for a week after the fires began. The EPA had some readings significantly remote from the mine but none which could give any surety that there were not dangerous levels present. I contacted the EPA on a number of times asking what the readings were only to be told that there were none. How then does the Office of the Chief Medical Officer make an evaluation of the conditions in Morwell and state that there is no danger to residents? At what stage does the Carbon Monoxide level become sufficient to cause a significant public health response? Residents were told to present to their local GP as part of a 'coordinated health response'. No one had told the General Practitioners. I spoke to a number of General practitioners all of whom said they had no advice from either the Department of Health or Medicare Local. No advice to doctors, no latest studies on the impacts of Carbon Monoxide exposure, no protocols for the treatment of patients presenting. No direct detailed communication whatsoever for a number of weeks. No advice on the risk to pregnant women. The advice from the Office initially referred to "Bushfire smoke" from the first alert on or around the 13<sup>th</sup> February and updated this by dropping the "bushfire" reference and included pregnant women in the 'at risk' categories for the first time a few days later. There was no detailed information re the effects of carbon Monoxide exposure up until the 4<sup>th</sup> of March when the office finally advised a relocation for 'at risk' people. It should not have been the case that at risk people such as pregnant women were able to be given two completely different sets of advice regarding staying in the vicinity depending on the capacity of their clinician to question the advice of the Office of the Chief Medical officer and/or investigate the an extraordinary situation independently.

The community was left wondering what had changed. What had got so much worse? At various times emergency services and/or health officers were referring to a 'level' which had or had not been reached but were unable to describe with any clarity or consistency what that level was and why it had been adopted. I have been unable to find out what the process was for the decision regarding an appropriate

level of exposure except that 9ppm for an limit eight hour shift in an industrial setting (as per a FAQ published by the CFA on the 18/02/2014) may be able to be extrapolated to 27ppm over 24hours (if you extrapolated it backwards). On that information the figure for 24 hour exposure would be an average of much lower than 9ppm. I have no knowledge of any other industrial health officials who were part of a process to evaluate the safe levels of exposure to Carbon Monoxide or other particulates. In any case there was insufficient and inconsistent advice given to the community. The extent to which this could all be sheeted back to the lack of specific testing local to the mine by the EPA is arguable; however the EPA response was neither timely nor adequate.

**Recommendation 8** That the Office of the Chief Medical Officer provide the most recent information possible to GPs and other Health professionals when a 'coordinated response' is required. Further that the Office also publish for general community advice all the information relevant to a pending decision. That the Office consult widely with those experts in the field prior to declaring an incident 'safe'.

**Recommendation 9** That the Office of the Chief Medical Officer adopt a precautionary approach to the issuing of hazardous exposure and outline any shortcomings in available information prior to declaring incidents 'safe'.

**Recommendation 10** The EPA institute and maintain a readiness to locate monitoring equipment immediately on the outbreak of an incident which may include dangerous emissions.

#### Response to fire by Other Government Agencies

The Department of Education has the responsibility for the safe operation of State Schools. As such they had the responsibility to investigate issues and make decisions relating to schools in Morwell, in particular those in the vicinity of the Morwell mine fire. It had become obvious to many parents that the air quality at Commercial road primary School was an issue. It took too long for the Department to act. When the Department was asked about this extended period said they had been 'waiting for advice from the CFA'. It should not be the responsibility of the CFA to advise all Government agencies of the health issues relating to their clients, workers or students. Many parents of commercial Road Primary students feel aggrieved that the decision to relocate the students took so long.

**Recommendation 11** Authorities and Government agencies need to ensure they accept their responsibility for maintaining and implementing policies in case of incidents and emergencies. They must seek to avoid placing responsibility onto another agency which is not directly responsible to them.

Some Assistance packages were made available to some residents and not to others for relocation and clean up. The relocation packages were reactive and arrived after the period of greatest exposure. Whilst the packages may have been adequate for those who qualified they seemed to be a begrudging afterthought. They demonstrated no recognition by the Government that decisions and policies of The State Government in relation to the oversight and implementation of rehabilitation and management of the Latrobe Valley electricity assets had been partially to blame for the Morwell mine and the danger being faced by the community in and around Morwell. Regardless of arguments about privatization, the 2014 Morwell mine fire was not a simple 'natural disaster'. The regulatory regime and failure to make

safe the old workings were not the responsibility of the Community of Morwell but were the responsibility of the Victorian Government and its agencies. Any legal protection the Government may have afforded itself through statute should not allow it to avoid a moral culpability for making good the damage caused by the most extended mine fire seen in Latrobe Valley in living memory. Arbitrary lines such as the railway which divided eligibility for assistance in some cases were unfair and illogical. Means testing does not recognize the loss in value many home owners have felt in their properties since the fire.

**Recommendation 12** The State government needs to institute a financial compensation scheme to assist home owners and residents alike for the losses they have incurred as a result of the fire and the cleanup. This may take the form of a retrospective reimbursement or prospective payment where there is still work to be done.