



**Fw: Morwell Mine Fire Submission**

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cc

bcc

Subject Morwell Mine Fire Submission

Title: Mrs

First Name: Leah

Surname: Sestokas

Email address: [REDACTED]

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Mobile: [REDACTED]

Content of submission (you can choose multiple): Other (please state)

If Other please state here: It is a matter reasonably incidental to the matters specified in paragraphs 1 to 4 of the Hazelwood Mine Fire Inquiry Terms of Reference.

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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Submission-to-Mine-Fire-Inquiry.pdf

The extract from the OPI annual report of 2008/09, which is at pages 2 to 4 of this submission, can be found at:

<http://www.ibac.vic.gov.au/docs/default-source/opi-annual-reports/opi-annual-report-2008-2009.pdf?sfvrsn=6>

The 'local corporations' were the owner/operators of some or all the Latrobe Valley open cut coal mines and power stations.

The 'local industry group' is the Central Gippsland Essential Industries Group, [www.cgeig.com](http://www.cgeig.com), or its forerunner.

It is my submission that the inquiry needs to establish the facts as to:

- Which company or companies offered the free tickets?
- Who were the several other guests who accepted free tickets, particularly those from local and state government?
- How long has this been going on?
- What roles did those 'guests' play in the regulation of the companies activities and in the emergency response to the mine fire and other recent disasters, such as the land subsidence around the Morwell Open Cut that resulted in the lengthy closure of the Princes Highway

And then the inquiry needs to inform the public and let the public form its own conclusions about the conduct and motives of the company/companies, and the foolish and weak public officers, who allowed themselves and their agencies/departments to be in 'the company's pocket'.

The company or companies in question could possibly make this right if they apologise to the community affected by their behaviour, and then they should offer free tickets to The Australian Open, to the same value as these bureaucrats received, to all the residents and other people adversely impacted by the Morwell Open Cut coal mine fire.

My husband is the person who reported the Superintendent to the OPI.

# Annual Report

Financial year ending 30 June 2009

## Maintaining the highest ethical and professional standards

The renamed Professional Standards Assurance Unit has benefited from the reforms it underwent last year. More resources are now devoted to 'in depth' reviews of complaint investigations. In addition, the reform allows for the auditing of police handling of systemic complaint issues in Victoria Police stations.

The acceptance of gifts and benefits by Victoria Police members is an ongoing area of concern for OPI. As the Ombudsman stated in his 2008 report, some gifts and benefits offered to public sector employees can be 'so expensive and extravagant that they ought to be called squarely by their proper name of "potential bribes"'.<sup>2</sup> Irrespective of whether the gift or benefit has actually influenced the decision-making of a police officer, the public perception of accepting gifts can diminish confidence in the Victoria Police.

Even following the highly publicised critique of OPI's report, *Offers of Gifts and Benefits to Victoria Police employees*, some Victoria Police members have failed to identify gift or benefit acceptance as problematic.

### *Case study – acceptance of hospitality*

It came to the attention of OPI that a senior member of police in regional Victoria had attended the Australian Open tennis on a number of occasions as an invited guest of local corporations. The police member was invited because he was the former deputy chair of a local industry group. He claimed to be among several guests invited from other corporations and state and local government.

The member was asked to provide an explanation to OPI of the circumstances surrounding acceptance of this hospitality (valued at approximately \$1500). The police member advised OPI that he had "considered the Victoria Police Code of Conduct and the VPM [Victoria Police Manual] instructions prior to accepting" and that he believed that he had "not breached these guidelines". He did not however, address the question of whether he considered the gift was of more than 'token value', the guideline used in the Victoria Police Code of Conduct

2 Ombudsman Victoria, *Conflict of interest in the public sector*, March 2008, p.45

to determine whether or not a gift should be accepted. When additional information was sought from OPI, he stated that the gift was "worth more than token value". Despite this concession, the member continued to assert that he held the belief that he "was not contravening ... the Code or instructions".

Even following this request from OPI for an explanation, less than a month later the member accepted a further offer of hospitality and tickets to the Australian Open from a local business.

The matter was referred to the Assistant Commissioner who conciliated the matter.

## Educating Victoria Police and the general community about police corruption and serious misconduct

Our capacity to provide information to the community has improved. The new website is our key vehicle for engaging with the community and for providing advice and information. We have also become more visible in the community, speaking to universities, Indigenous community elders, youth workers and community legal practitioners.

## Ensuring Victoria Police have regard for human rights

OPI has undertaken a number of activities to ensure Victoria Police comply with responsibilities set out in the *Charter of Human Rights and Responsibilities Act 2006*.

### **Inaugural human rights and policing conference**

During December 2008, Victoria Police hosted the Inaugural Australasian Human Rights and Policing Conference in Melbourne. OPI supported this initiative as a major sponsor. A number of staff from OPI also participated in the program by presenting papers, copies of which are available on our website.

It was pleasing to see an enthusiastic engagement with human rights principles from people right across Victoria Police. The conference reinforced the concept that policing is not in conflict with human rights and that protecting human rights is fundamental to policing. This theme resonates in much of OPI's work with Victoria Police.