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To Hazelwood Inquiry  
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Subject CFMEU Submission

Please see our attached submission

Thank you

Luke van der Meulen

President  
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CFMEU SubmissionHazelMineFire120514.pdf



**Submission of the Construction, Forestry, Mining and Energy  
Union (Mining and Energy Division) to the Hazelwood Mine Fire  
Inquiry.**

To: the Hazelwood Mine Fire Inquiry

Submitted via email: [info@hazelwoodinquiry.vic.gov.au](mailto:info@hazelwoodinquiry.vic.gov.au)

**14 MAY 2014**

## OVERVIEW

- 1 The Construction, Forestry, Mining and Energy Union (Mining & Energy Division) (“CFMEU”) welcomes the opportunity to provide this submission to the Hazelwood Mine Fire Inquiry (“Inquiry”).
- 2 Our submission to the Inquiry is divided into three parts. After a brief introduction to our union, we outline the issues as we see them in respect of the fire at the Hazelwood Mine. This is then followed by the series of pertinent questions about the fire and its surrounding circumstances that we believe that the Inquiry ought to seek answers to.

## THE CFMEU

- 3 A national union for Australia’s coalminers was first federally registered in 1915 as the Australasian Coal & Shale Employees Federation (although it was most commonly referred to as the “Miners’ Federation” or, simply, “the Federation”). However, coalminers’ unions had existed in Queensland, New South Wales and in several other states of Australia prior to this. In 1990, an amalgamation process led to the formation of the United Mineworkers Federation of Australia (“UMFA”). In 1992, UMFA along with several other unions including the Building Workers’ Industrial Union, the Federated Engine Drivers’ and Firemen’s Association and the Australian Timber and Allied Industries Union embarked upon a further amalgamation process which ultimately led to the formation of the CFMEU.
- 4 The CFMEU is a registered union at both federal and state levels in Australia and has over 120,000 members organised into three divisions: the Construction and General Division, the Forestry and Forest Products Division and the Mining and Energy Division.
- 5 The CFMEU, through its Mining and Energy Division, is the dominant union in the power generating industry in Victoria. It represents miners in the brown coalmines and power station workers of Victoria’s La Trobe Valley. The CFMEU is also the principal union in the black coal mining industry in Australia. Furthermore, the CFMEU represents stevedores in export coal ports on Australia’s eastern seaboard, power station workers in

most other states of Australia and miners, subject to coverage limitations, in the metaliferrous mining industry.

#### **FIRE AT THE HAZELWOOD MINE, 9 FEBRUARY 2014**

- 1 On or about 9 February 2014, we are informed, a fire started some distance from the Hazelwood Mine (“mine”), progressed into disused and rehabilitated areas - some dating back 40 years - of the mine and ignited the exposed and unprotected coal batters. The fire was eventually identified as two distinct fires in the mine - the “southern batters fire” and the “northern batters fire”, which was closest to the township of Morwell.<sup>1</sup>
- 2 The possibility that the source of the fire was not external to the mine but originated from ‘hot spot’ that ignited in the hot windy conditions should be fully investigated.
- 3 The fire has been described by the Chief Fire Officer of the Country Fire Authority (“CFA”) as ‘one of the largest, longest running and most complex fires in the State's history’.<sup>2</sup> The fire was finally brought under control on 10 March 2014.<sup>3</sup>
- 4 During the course of the fire much was made about the possibility that arson caused the original fire.<sup>4</sup> In our view, whilst ascertainment of the cause of the fire is important, it is more important to examine how the fire became established in the mine and what happened after the fire progressed in the mine and what action, inaction or omissions by GDF Suez Australian Energy (“GDF Suez”), as owner of the mine, and the Department Primary Industry, as regulator, contributed to the fire reaching the mine and the extent of the fire subsequently in the mine.

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<sup>1</sup>Hazelwood mine fire update 21/03’, *CFA News*, 21 March 2014 available at <https://news.cfa.vic.gov.au/news/hazelwood-mine-fire-update-21-03.html>

<sup>2</sup>See, *CFA News and Media Blog*, 23 March 2014: available at <http://news.cfa.vic.gov.au/blog/In-Gratitude-Hazelwood-Mine-Fire-Judicial-Inquiry.html>

<sup>3</sup>See, “Mine Fire Update”, *CFA News*, 10 March 2014: available at <http://news.cfa.vic.gov.au/news/mine-fire-update-10-march.html>

<sup>4</sup>See, for example, ‘Police believe Hazelwood open cut mine fire was started deliberately’ *Herald Sun*, 25 February 2014 available at [www.heraldsun.com.au/news/law-order/police-believe-hazelwood-open-cut-mine-fire-was-started-deliberately/story-fni0fee2-1226837051659](http://www.heraldsun.com.au/news/law-order/police-believe-hazelwood-open-cut-mine-fire-was-started-deliberately/story-fni0fee2-1226837051659)

- 5 The extensive buffer zone of land surrounding the mine (“buffer zone”) is all owned by GDF SUEZ. In our submission, it was their responsibility to ensure the fire could not and did not spread from adjacent private property into the mine proper.
  
- 6 The fire blanketed the town of Morwell in choking smoke and ash. It quickly became apparent that the smoke contained high levels of carbon monoxide (“CO”) and r2.5 dust levels regularly measuring 400/1000 units.<sup>5</sup> ‘Safe’ levels of CO exposure levels are *significantly* less.<sup>6</sup>
  
- 7 In our assessment, this fire was completely preventable.

#### ***A FAILURE TO LEARN***

- 8 Institutional knowledge within the CFMEU suggests that there have been regular fires at the Hazelwood Mine: coal batter, coal dredge or conveyor system fires, since 1977. For example, in 2008 the southern (sometimes referred to as the ‘south eastern’) coal batter caught fire. We have no specific knowledge whether there was an inquiry after that fire, but we presume there was and recommendations were made to prevent its reoccurrence. This latest fire, damaged electrical infrastructure and disabled electrically driven pumps and this initially restricted or prevented vital water pumping capabilities (there were no back up diesel pumps).
  
- 9 A number of other incidents have occurred at the mine and the mines adjacent in the post-privatisation period. Recent incidents include:
  - a. Yallourn Mine northern batter collapsed in 2007 causing the entire flow of the Latrobe River to flow into the mine

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<sup>5</sup>‘Air monitoring results’, *Environmental Protection Agency* available at <http://www.epa.vic.gov.au/air-quality-latrobe-valley-mine-fire/sampling-results/air-monitoring-results>

<sup>6</sup>See, ‘Guidance on the interpretation of workplace exposure standards for airborne contaminant’, *Safe Work Australia*, April 2012, pp17-18.

- b. Hazelwood Mine northern batter collapsed in February 2011 closing the Princess Freeway for several months;
- c. Morwell River Diversion collapsed in the Yallourn Mine in 2012.<sup>7</sup>

10 In response to these incidents, the CFMEU sought to raise concerns about the lack of regulation governing mining operations in the LaTrobe Valley and the real causes behind these mine failures. It was very difficult to get anyone to listen. Although, ironically, the Victorian Government identified 'mine failure' as part of its state emergency risk assessment without proposing more broadly to do anything proactive to prevent it.<sup>8</sup>

#### *FIRE SUPPRESSION*

- 11 In general terms the disused, un-rehabilitated areas of the mine constitute up to approximately 90% of the mine's surface area. Fire prevention and fighting infrastructure such as pipes, hydrants, sprays and pumps to protect the exposed northern and southern coal batters from fire were completely missing, inadequate or stripped-out in the post privatisation period.
- 12 Whilst water mains do pass through disused, un-rehabilitated areas of the mine, they do so only in respect of servicing the operational sections at the western end of the mine and, as such, do not protect the disused, un-rehabilitated and exposed sections of the mine from fire.
- 13 It is our understanding that a water pipe line and hydrants system was hastily constructed in the area of the northern coal batter fire only after this fire was well established. However, we lack the requisite knowledge to know how extensive this infrastructure is or how effective it might be as fire suppression.

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<sup>7</sup>This was an engineering project that won several engineering excellence awards. It was reportedly designed to withstand a 1 in 100 year flood. It collapsed during a normal winter.

<sup>8</sup>See, 'Emergency Risks in Victoria: Report of the 2012-13 State Emergency Risk Assessment', *State Government of Victoria*, February 2014, pp37-38.

- 14 In our view, mine management and the immediate fire fighting capability deployed were wholly inadequate to deal with the fire. We believe the initial focus, at least, was more on the maintenance of coal delivery to the Hazelwood Power Station than on fighting the fire.
- 15 This fire that was totally preventable. Had adequate fire prevention and fire fighting infrastructure been in place in the disused, un-rehabilitated areas of the mine, this fire would have been prevented or drastically minimised.
- 16 Fire prevention and firefighting infrastructure must be immediately installed and maintained until the mine is rehabilitated. Mine rehabilitation is a very costly process but given the proximity of these mines to major Latrobe Valley towns and populations of Moe, Morwell, Churchill and Traralgon, coupled with the real possibility of more extreme climate events (hotter and dryer summers) and the regular occurrence of mine fires makes rehabilitation essential and the only long term fix.

#### *REHABILITATION*

- 17 The mine began operations in the late 1950s. Since that time, first under public and then, subsequently, private ownership some rehabilitation work was undertaken. Indeed, those areas of the mine that had been rehabilitated were the only disused areas of mine **not** to catch on fire during this fire event.
- 18 GDF Suez (and its predecessor, International Power) did undertake rehabilitation work. However, this work was halted, as we understand it, largely due to cost. In any event, regardless of the cost associated, it seems any rehabilitation obligations and efforts the private owners were required to comply with were far from onerous or particularly significant. Indeed, the Minister of Energy and Resources, Nicholas Kotsiras has confirmed that GDF Suez had complied prior to the fire with its rehabilitation requirements set out in its 'works plan' approved by the Department of Primary Industries in 2009.<sup>9</sup>

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<sup>9</sup>Nelson, L 'Exposed Coal batter ticked off by state' *Latrobe Valley Express*, 6 March 2014.

19 If the Inquiry recommends the introduction of fire prevention and fire fighting infrastructure in all the disused, un-rehabilitated areas of the mine and not also rehabilitation, an essential question needs to be answered: who will pay for the indefinite installation, maintenance and operation of this infrastructure long after the private power companies have abandoned these mines? In our assessment, rehabilitation is the best and only long-term workable solution. Whilst rehabilitation has its detractors and is presented as totally impractical, we say there are many fine examples of rehabilitation in the Latrobe Valley where batters have been in filled with overburden and topsoil. Rehabilitated mining areas could become very useful recreational, sporting or nature reserves for the residents of the Latrobe Valley and the wider Victorian community.

#### **IMPORTANT QUESTIONS TO BE ANSWERED**

20 In our view this latest Hazelwood Mine Fire raises a number of questions that the public is asking. The Inquiry ought to seek answers to these questions and is the only body that can do so. We believe regulators and authorities have failed the community by not asking such questions and by not adequately regulating the mines thus far. These questions, in no specific order, are:

- a. Did GDF Suez Hazelwood properly manage their buffer zone?
- b. What is the fire history of the Hazelwood mine?
- c. What GDF Suez sponsored personal and mobile fire fighting resources were historically available and what resources did GDF Suez Hazelwood have available on 9 February 2014 at the mine?
- d. What emergency fire response systems were historically in place and what systems were in place on 9 February 2014 at the mine?
- e. What fire prevention and fire fighting infrastructure, such as pipes, hydrants, sprays, pumps and emergency supplies, were in place at the mine historically and then on 9 February 2014 before this fire?
- f. As results of previous fires, what inquiries were conducted, who conducted the inquiries and what recommendations were made and adopted?
- g. What immediate (brown coal) fire fighting capability did the CFA have before the fire?
- h. Is GDF Suez Hazelwood fire protection effectively 'operational' thus abandoning the disused areas and in turn the Latrobe Valley community?



- i. What fire prevention and fighting infrastructure was installed at the mine after this fire started?
- j. What rehabilitation had been undertaken at the mine before the fire and what, if any, further work was proposed to be undertaken?
- k. Who is or who is going to be responsible for the eventual rehabilitation of the mine?
- l. Did International Power or GDF Suez Hazelwood stop rehabilitation work at the mine due to cost considerations?
- m. What has been the role of the regulators, particularly the Department Primary Industry and the CFA, in respect of this fire, previous fires and fire prevention more generally including rehabilitation work at this mine?
- n. What air quality/fire emission (r2.5) monitoring was in place and what should be in place into the future?

## CONCLUSION

- 21 We welcome this opportunity to provide this submission to the Inquiry. In our view, this fire that was totally preventable. The warning signs had been illuminated for many years but Department of Primary Industry, the CFA or GDF Suez were not prepared to do anything about it.
- 22 We have raised a number of questions in the course of our submission which believe need to be answered in order to get to the bottom of what has occurred at the mine and to prevent further reoccurrences.
- 23 In our respectful submission, this Inquiry must recommend a long-term solution to the possibility of mine fires and mine failures in the LaTrobe Valley. In our view, rehabilitation is that long-term solution and the only one that is permanent. Anything else is a stopgap measure on the way to the inevitability of rehabilitation.

Luke van der Meulen  
**President**  
**Victorian District**

