
TRANSCRIPT OF PROCEEDINGS

The attached transcript, while an accurate recording of evidence given in the course of the hearing day, is not proofread prior to circulation and thus may contain minor errors.

2014 HAZELWOOD MINE FIRE INQUIRY

MORWELL

MONDAY, 2 JUNE 2014

(6th day of hearing)

BEFORE:

THE HONOURABLE BERNARD TEAGUE AO - Chairman

PROFESSOR EMERITUS JOHN CATFORD - Board Member

MS SONIA PETERING - Board Member

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1 CHAIRMAN: Professor Catford.

2 MEMBER CATFORD: Good morning. We begin today, the second
3 week of the hearings of the Hazelwood Mine Fire
4 Inquiry. The first week focused on the origins and
5 responses to the fire in the mine and we also
6 considered the health aspects of the firefighters.

10.09AM

7 Justice Bernard Teague, Ms Sonia Petering and I
8 are pleased that the proceedings in the first week were
9 conducted efficiently, effectively and respectfully
10 given the complexity of the issues covered, the very
11 extensive sets of information and the interests of the
12 respective parties. We thank you for your cooperation
13 and look to the good start continuing.

10.09AM

14 This week we move from the open cut mine to the
15 community of Morwell and surrounding districts. We
16 will consider the environmental, health and social
17 impacts and the responses to these, including efforts
18 to engage with the community, provide information and
19 offer assistance during and after the fire.

10.09AM

20 We have learned from the extensive community
21 consultation and stakeholder meetings in April and May
22 and from submissions from the general public that the
23 environmental, health and social impacts were severe
24 and lasted many weeks and, for some people, continue to
25 do so. Many concerns were raised about the timeliness
26 and appropriateness of the responses from relevant
27 agencies, the co-ordination between them and the form
28 that the communications took.

10.09AM

10.09AM

29 We intend to understand these issues more clearly
30 with an open mind through the statements of key
31 individuals from the principal organisations, from

10.09AM

1 members of the public and from experts that the Inquiry
2 has engaged. The overriding purpose will be to learn
3 from the events that occurred and look forward in terms
4 of developing better policies, procedures, programs, as
5 well as building stronger capacities and capabilities. 10.09AM
6 Our future's orientation to our discussions is vital if
7 we are to manage similar or related events more
8 effectively. Chairman.

9 MS RICHARDS: The first witness this week is John Merritt
10 who was the Chief Executive Officer of the Environment 10.09AM
11 Protection Authority throughout the fire. Mr Merritt,
12 would you come forward please.

13 <JOHN DAMIAN MERRITT, sworn and examined:

14 MS RICHARDS: Good morning, Mr Merritt?---Good morning.
15 I'll start by asking you to state again your full name and 10.10AM
16 your address?---John Damian Merritt and I live at
17 [REDACTED].

18 You are, I think now, nearing your first month anniversary
19 of being the Chief Executive Officer of
20 VicRoads?---That's correct. 10.10AM

21 But you were in February and March this year the Chief
22 Executive Officer of the Environment Protection
23 Authority?---That's correct.

24 And it's in that capacity that you're here today?---Yes.
25 Mr Merritt, you've made a statement to this Inquiry. You 10.10AM
26 should have a copy of it there in front of you?---Yes.

27 Are there any corrections that you would like to make to the
28 statement? I understand there was a particular issue
29 with paragraph 111 but there may be some

30 other?---You're referring to the data analysis and 10.11AM
31 monitoring strategy documents that we have subsequently

1 tabled?

2 Yes, that's right?---I understand that we've indicated prior
3 to today we have tabled additional or updated standards
4 to make a complete set of those strategy documents, and
5 that accordingly the references on those have been 10.11AM
6 amended to make them accurate as well.

7 The Inquiry's been provided with a substitute paragraph 111
8 and a fresh set of references perhaps to line up the
9 documents referred to more clearly with what's actually
10 produced?---That's right. 10.11AM

11 Apart from that correction, are there any other corrections
12 you'd like to make?---No.

13 Is your statement true and correct?---Yes.

14 I tender that, it if I could.

15 10.11AM

16 #EXHIBIT 32 - Statement of John Merritt.

17

18 MS RICHARDS: Mr Merritt, can I start by asking you a little
19 bit more about your own background. On your form
20 this year it might be safe to describe your occupation 10.12AM
21 as Chief Executive Officer, but you were at the EPA for
22 about four years?---That's right.

23 In the role of Chief Executive Officer for the entire
24 time?---Yes, I was.

25 Prior to that, you were at the Victorian WorkCover 10.12AM
26 Authority?---That's right and I was the Executive
27 Director of Health and Safety in the WorkCover
28 Authority.

29 How long were you there?---Eight years.

30 Was that the entire period of your employment at 10.12AM
31 WorkCover?---Yes.

1 Before that?---I was the Chief Executive of the National
2 Safety Council of Australia for three years.
3 You tell us in your statement that your formal qualification
4 is a Bachelor of Economics?---That's right.
5 I take it from the brief outline of your career that you've 10.12AM
6 given us, that you have developed particular expertise
7 in managing public sector agencies?---Look, since 2001
8 I have been in senior leadership roles in public
9 agencies, yes.
10 Your role at the EPA was very much that of a manager rather 10.13AM
11 than as a scientist?---That's correct, yes. I was
12 Chief Executive and therefore responsible for
13 supporting the scientists to do their work.
14 We do have doctor, is it Torre?---Torre.
15 Giving evidence tomorrow and, if at any point the questions 10.13AM
16 that I ask you are more appropriately answered by him,
17 please do say so.
18 You've provided us with a good deal of detail in
19 this statement about the role and responsibility of the
20 EPA, but I just wondered if you could talk about it a 10.13AM
21 bit. What is the EPA's overall role in relation to
22 environment protection?---The EPA is Victoria's
23 environmental regulator. It's our responsibility to,
24 primarily through its licensing or commissioning
25 regime, to set emission limits or pollution limits on a 10.14AM
26 range of major businesses throughout the State; we
27 licence in the order of 700 facilities and they're the
28 major industrial facilities of the State that can
29 impact on the environment. In addition to that, it's
30 the job of the EPA to monitor the environment in terms 10.14AM
31 of air quality, water quality of both marine and fresh

1 water.

2 We did ask you to provide an explanation of the EPA's
3 organisational structure and you've attached to your
4 statement something called a basic organisational chart
5 that I confess defeated me. There's a rather simpler 10.14AM
6 organisation chart that's provided on your
7 website?---Yes.

8 I'll just ask for a copy of that to be brought up and
9 provided to the parties and the Board. This puts on
10 one page what's provided in rather more detail in I 10.15AM
11 think it's Attachment 6 to your statement. We see from
12 this that the role of CEO, I take it that's currently
13 the subject of a recruitment process?---Yes.

14 You work with an advisory board that's chaired by Cheryl
15 Batagol?---Cheryl's the Chairman of the organisation. 10.15AM
16 Under the Act there's an Advisory Board that reports to
17 her, yes.

18 Also the Minister for Environment and Climate Change
19 oversees the organisation?---Yes.

20 Then there are three, what I might describe as operational 10.16AM
21 divisions - Environment Regulation, Strategy and
22 Support and Knowledge Standards and Assessment. Just
23 to be clear where the various people you refer to in
24 the earlier paragraphs of your statement fit, Chris
25 Webb heads-up Environmental Regulation?---That's 10.16AM
26 correct.

27 He was the EPA's representative on the State Emergency
28 Management Team?---Predominantly, yes.

29 Did someone depute for him at various stages?---Because of
30 the duration of the event, two of our directors were 10.16AM
31 off-line supporting through that role; Annie Volkering

1 was also from time to time relieving in that capacity,
2 and when neither of them was available, another senior
3 officer might be present at the State Emergency
4 Management Team meeting.

5 Then you talk about Incident Commanders who were appointed, 10.17AM
6 Elizabeth Radcliffe and Tim Bessell-Browne where do
7 they fit within this structure?---They were both under
8 the Environmental Regulation Team.

9 Dr Torre?---He's part of the Monitoring Assessment Team
10 that's part of the Knowledge, Standards and Assessment 10.17AM
11 Division.

12 If I could ask that this document be included as part of
13 Attachment 6 to this exhibit?

14 CHAIRMAN: Yes.

15 10.17AM

16 #ATTACHMENT 6 - (Addition) Organisation chart attached to
17 Mr Merritt's statement.

18 MS RICHARDS: Next I'd like to move to the EPA's role in
19 emergency management. You deal with this at
20 paragraphs 21-24 of your statement. There's only one 10.18AM
21 kind of emergency in Victoria for which the EPA would
22 be the control agency. Have I understood that
23 correctly?---That's right.

24 And that's pollution of inland waterways?---That's right.

25 That's not what we're dealing with here?---No. 10.18AM

26 The EPA's a support agency in all other emergencies. You've
27 noted later in your statement that the EPA is not
28 designated as the key support agency in relation to
29 fire events. Have I understood that correctly?---In
30 relation to bushfire events, that's right, yes. 10.18AM

31 Clearly, we're designated for the HAZMAT events which

1 may well require fire.

2 The question arises why that is so, why the EPA's not a key
3 support agency for bushfire given its role in relation
4 to monitoring and advising the community about air
5 quality standards?---In practice the EPA has been a 10.19AM
6 support agency in bushfires more so since 2009, and
7 that in part resulted in the development of the
8 protocol with the Department of Health to guide our
9 work and to establish the advisories that play out
10 there. So, whilst it wasn't identified explicitly in 10.19AM
11 the Emergency Management Manual of Victoria, we have
12 played that role in supporting bushfires in
13 recent years.

14 To put it simply, where there's fire, there's smoke and
15 where there's smoke there's usually air quality 10.19AM
16 concerns depending on proximity to populated areas.
17 Would you agree that perhaps the Emergency Management
18 Manual should be revised to identify the EPA as a key
19 support agency for bushfires?---I think there will be
20 an opportunity to review those roles in light of this 10.20AM
21 event, certainly. I think, particularly given that -
22 as we saw in the lead-up to 9 February where the
23 volume or the sheer number of fires across the State
24 was significant, and we also had the situation where,
25 particularly with the fires in East Gippsland, there 10.20AM
26 were some sustained air quality issues arising from
27 that.

28 So, is the answer, yes?---Yes.

29 Of course, the EPA is a key support agency where there is a
30 HAZMAT component to an incident?---Yes. 10.20AM

31 Clearly, you can have a fire and a HAZMAT incident happening

1 at the same time as we have in fact have here?---Yes.
2 I'd next like to ask you about some observations you make at
3 paragraph 41 and 42 of your statement under the
4 heading, "Importance of scientific rigor in emergency
5 situations." The picture that emerges from your 10.21AM
6 statement is that the EPA is an agency that is very
7 much driven by science, but there's an important
8 qualification that you identify in paragraph 42, that
9 in an emergency perfect data is not always available
10 and what matters is getting the best indicative data 10.21AM
11 that you can to inform decision-making. Have I
12 understood that correctly?---That's right.

13 So while perfection may not be possible in the early stages
14 of an emergency, it is important to get early data and
15 the best data that you can and to get that data to the 10.21AM
16 decision-makers?---Yes. I was also alluding in that
17 statement to the role that, particularly in air
18 quality, in my experience the scientists play over and
19 above the data; that data is an input to their
20 professional consideration of the issues, but there are 10.22AM
21 many instances where in fact virtually all emergency
22 response issues with an EPA scientist would be called
23 to assist in a HAZMAT incident, where their
24 professional advice to the Emergency Services would be
25 what was required and there would be no opportunity for 10.22AM
26 data at all. So, it's most unusual to have any data in
27 an emergency situation, it's just not practical.

28 And so sometimes you just have to make a judgment call based
29 on what you can see and what you can smell?---And what
30 you know to be in - and not sometimes, but almost every 10.22AM
31 time.

1 The EPA has various principles set out in its legislation to
2 guide its decision-making and one of those is the
3 Precautionary Principle. Does that principle play a
4 role in the EPA's response to an emergency?---Yes, it
5 does. We would always act - we would err on the side
6 of caution when dealing with our advice to the
7 community and/or other agencies that we worked with.

10.23AM

8 MEMBER CATFORD: Could I just ask you, what do you mean by
9 using caution, and the Precautionary Principle is
10 actually more about making the best decision for the
11 interests of the community?---The Precautionary
12 Principle is framed in the Act, and the extrapolation
13 I've articulated is in the context that there are still
14 significant emerging issues and evidence in many of the
15 areas of scientific (indistinct) that relate to the
16 environment. Again, as a non-scientist it's been
17 evident in leading the organisation that these are
18 maturing fields and we may get to some of this later on
19 when we talk about the emerging evidence around fine
20 particles and the impact on populations, and so it's in
21 that context that the Act, if I recall, frames the
22 challenge of the environment around the unknowns and
23 seeks to position decision-making in the context of
24 having incomplete or emerging or maturing evidence.
25 Does that make sense?

10.23AM

10.24AM

10.24AM

10.25AM

26 MS RICHARDS: The Precautionary Principle as it's
27 articulated in the Environment Protection Act isn't
28 perhaps directly applicable to this situation we're
29 dealing with here but it states, "If there are threats
30 of serious or irreversible environmental damage, lack
31 of full scientific certainty should not be used as a

10.25AM

1 reason for postponing measures to prevent environmental
2 degradation." My question to you is whether that's an
3 approach that is adapted to serious or irreversible
4 harm to human health?--Well, again, correct me if I'm
5 wrong, I think you're pointing to a situation where, 10.25AM
6 again, there's incomplete evidence perhaps of what
7 might be - - -

8 Yes?--- - - - and what the responsibility of the EPA under
9 the Act would be in not using that incomplete evidence
10 and not act, and I agree, the absence of a complete 10.26AM
11 picture would not be a basis on which the organisation
12 could not act even in an emergency like this.

13 I'd like to move now to standards for air quality and you
14 deal with these starting at paragraph 69 of your
15 statement. In Victoria we have two standards that deal 10.26AM
16 with air quality, they're the State Environment
17 Protection Policies or SEPPs, and one deals with
18 ambient air quality and one deals with air quality
19 management. Have I understood correctly that the
20 ambient air quality standard is the one that applies to 10.26AM
21 the air that members of the community generally
22 breath?---That's how I understand it, yes.

23 And the air quality management standard is much more focused
24 on managing emissions?---Yes, I think that's the way of
25 articulating it. Certainly the ambient air standards 10.27AM
26 were the ones most pertinent in this situation.

27 The State Environment Protection Policy for Ambient Air
28 Quality is based in turn on the National Environment
29 Protection Measure for ambient care quality?---Yes.

30 That's a document that was first adopted in 1998; is that 10.27AM
31 correct?---Yes, I believe so.

1 The focus or the basis for having adopted these standards is
2 very much about human health as opposed to water
3 standards which are much more about environmental
4 concerns?---As I understand it, the standards - that
5 is, yes, they reflect the epidemiological studies in 10.28AM
6 relation to health and flow back into the standards in
7 the SEPP and the NEPM.

8 You've provided a summary there in table 1 of the air
9 standard values. Carbon monoxide, the standard is,
10 you've given us there 9,000 ppb, it's also 9 ppm, is it 10.28AM
11 not?---That's right.

12 Which is in fact the way it's expressed in the standard,
13 over an 8 hour period, so that's an average measure
14 over an 8 hour period. Moving down the table, there
15 are two standards for ozone, one over a 1 hour period 10.28AM
16 and one over a 4 hour period. Then you've provided a
17 number of standards for particles, PM 2.5 and PM 10.
18 The State Environment Protection Policy for Ambient Air
19 Quality only sets a standard for PM 10 particles. Have
20 I understood that correctly?---The PM 2.5 standard is 10.29AM
21 referred to as an advisory standard because it has not
22 been affirmed nationally as I understand it.

23 Perhaps we can go to the State Environment Protection Policy
24 for Ambient Air Quality which is Attachment 7. There
25 is a hyperlink at the bottom of paragraph 68, it's the 10.29AM
26 first one. It should be behind tab 7 in your folder,
27 Mr Merritt?---That's the tab, yes. Are you taking me
28 to paragraph 68, sorry?

29 No, I'm taking you to the document. We are just trying to
30 get the document up on the screen as well. If you 10.30AM
31 could go to page 6 please. There's a schedule 2 table

1 there. It sets out the standards for various measures,
2 including carbon monoxide, photo chemical oxidants as
3 ozone and particles as PM 10. There's nothing in that
4 table about PM 2.5. Where do we find the advisory
5 standard expressed?---Actually, I'd rather refer to our 10.31AM
6 scientist about that rather than complicate the issue.
7 It is, as I said, referred to as an advisory standard
8 but nevertheless treated as a mainstream standard that
9 we work to.

10 What's the difference between an advisory standard and a 10.31AM
11 compliance standard?---My understanding is that the
12 advisory standard reflects a failure to achieve
13 national agreement on that level, and so in the interim
14 it's adopted as an advisory standard.

15 How does that affect the EPA's monitoring and enforcement of 10.31AM
16 that standard?---It does not have a practical effect in
17 our monitoring and reporting against it or the actions
18 that we would take.

19 It's the case, is it not, that a compliance standard
20 for PM 2.5, so particulates that are a lot smaller 10.32AM
21 than PM 10, PM 2.5, has been under consideration at a
22 national level for well over 10 years?---I believe
23 that's right, yes.

24 Really since the National Environment Protection Measure on
25 air quality or ambient air quality was first adopted in 10.32AM
26 the late 1990s?---I'm aware there's been a
27 long-standing discussion around this standard.

28 Those national measures are set by a body called the
29 National Environment Protection Council; is that
30 correct?---That's right. 10.32AM

31 Which I understand to be an inter-Governmental

1 council?---Yes.

2 A bit like a COAG but of Environment Ministers?---It's an
3 adjunct to the Ministerial Council, yes, that's a way
4 of describing it.

5 How does Victoria participate in that body?---We're a member 10.33AM
6 of that Council, as is every State, and the National
7 Environment Council has been conducting further work on
8 air quality issues under the leadership of the Council.
9 It's a Council. Is it a Ministerial Council or is it heads
10 of Environment Protection Authorities or is it a 10.33AM
11 mixture of those two things?---It's not the heads of
12 the authorities. My understanding is, when the
13 Ministerial Council meets, it meets effectively as that
14 Council as well.

15 From my own reading it would appear that in 2003 the Council 10.33AM
16 adopted the advisory standard for PM 2.5 and there has
17 been discussion since then about raising that to the
18 level of a compliance standard, most recently as last
19 month or the month before, but that no agreement has
20 yet been reached at a national level about the 10.34AM
21 promulgation of a compliance standard for PM 2.5
22 particles. Have I understood that correctly?---Yes, I
23 certainly am aware that there's been no agreement
24 reached as yet about the promulgation of that standard,
25 to uplift it from advisory to affirmed. 10.34AM

26 We do have a fair body of evidence that's been put before
27 this Inquiry to the effect that the adverse health
28 effects of fine particles, in particular PM 2.5 are
29 well-known, have been well documented and are
30 increasingly well understood. What's the block or the 10.35AM
31 barrier to the development of a compliance standard

1 for PM 2.5 at a national level?---I would articulate
2 the issue as this: There is, I think as you've alluded
3 to, there's a maturing discussion around the health
4 impacts of fine particles. The impediment to the
5 affirmation of the standard has been because the impact 10.35AM
6 of these fine particles on what are called vulnerable
7 communities is such that there may be no safe level or,
8 in the view of some scientists, there may be no safe
9 level of exposure; in other words, even a small
10 quantity of the fine particle could have adverse health 10.36AM
11 effects on vulnerable people.

12 I understand, and there may be more to it, but as
13 I understand it, it's been that difficulty about what
14 is taken from striking the standard and the message or
15 implication that might have that anything below that is 10.36AM
16 safe to all communities, and I believe that particular
17 issue has been challenging for the scientists who have
18 been working in this area.

19 Whilst I'm not a scientist and not across the
20 science, that debate has been playing out in the 10.36AM
21 United States and in Europe and indeed most developed
22 countries, particularly in those countries who have got
23 bigger issues with urban fine particle emissions.

24 And yet in the United States there's been a compliance
25 standard in place since the late 1990s, has there 10.37AM
26 not?---Their standard, I think the level, you might
27 correct me, is I think 30 or 35?

28 I'm not concerned about the level of the standard, rather
29 the existence of a standard; they've actually been able
30 to strike a standard and apply it across a federation 10.37AM
31 that's even more complex than our own. One issue is

1 the lack of scientific agreement about whether there is
2 a safe level and, if so, what it is?---Yes.

3 What I don't understand is why that should be a barrier to
4 having any standard at all, because at present it is
5 effectively unregulated, is it not?---In practice I 10.37AM
6 could not say it's unregulated. The advisory standard,
7 I think in answer to your earlier question, is applied
8 by the EPA as if it were the standard. It's the
9 standard against which we report all of our monitoring
10 data and it's the standard against which we act when we 10.38AM
11 see elevated levels above it in other areas that we
12 monitor.

13 Which again begs the question, what's the difficulty? If
14 there's no difference between an advisory standard and
15 a compliance standard, what's the difficulty in 10.38AM
16 adopting the current standard as a compliance
17 standard?---I think, as I said earlier, there has been
18 a difficulty in resolving that debate about a standard
19 setting - what is seen to be a safe level when there is
20 significant debate that there might not be a safe 10.38AM
21 level. I go back on your earlier comment about, there
22 is significant scientific evidence around fine
23 particles and the impact on health, but it is also,
24 certainly from my position in leading an organisation
25 in this field, a maturing and emerging debate as well. 10.38AM
26 There's quite a lot of conjecture around the impact of
27 this on health and particularly long-term exposure;
28 it's most evident played out obviously in Asian cities
29 where there are very high levels but also in European
30 cities where with the significant shift towards diesel 10.39AM
31 vehicles in the last decade or so, most countries in

1 the European Union have struggled to achieve emission
2 levels at or below the standard that's - in fact, I
3 don't think any country's achieving ambient air quality
4 that complies with their standard level.

5 MEMBER CATFORD: There is a compliance standard for PM 10. 10.39AM

6 Doesn't the same issues apply to that
7 standard?---Again, look, I can't comment as a
8 non-scientist, other than to say that the work and the
9 research around the larger particles is much more
10 mature. The point I'm making, I think you're quite 10.40AM
11 rightly pointing to the fact that this should have been
12 resolved and I'm not defending that situation; the
13 point I'm wanting to make and I won't repeat it, is
14 that in the absence of that being affirmed, we have
15 treated the advisory standard as if it were a mature 10.40AM
16 standard.

17 MS RICHARDS: So there's a tension, as I understand your
18 evidence, between some scientists who maintain that
19 there's no safe level for vulnerable groups, and the
20 difficulty in setting a standard that can't in practice 10.40AM
21 be attained?---The tension is about the message that
22 these standards set. I could talk at length with you
23 about the challenge of using these standards in
24 real-time community applications, because we have
25 similar situations in other urban settings in Victoria, 10.40AM
26 but it does go to the debate which is somewhat
27 circular, is that I think as you said there should be a
28 standard, what message then does that standard send to
29 everybody in the community given that some people or
30 some - there is a view that the vulnerability of some, 10.41AM
31 the elderly in particular, the young and the asthmatic

1 obviously specifically, that it might not be safe for
2 them to be exposed to lower levels of fine particles.
3 Could Victoria set its own compliance standard for PM 2.5 in
4 its State Environment Protection Policy for Ambient Air
5 Quality ahead of the resolution of that issue at a 10.41AM
6 national level?---No.

7 Why not?---Because Victoria as a part of the National
8 Council is committed to the principle of national
9 standards for environmental matters.

10 So that's a commitment given in what form?---Now, I can't 10.42AM
11 point to the specific reference to that, other than the
12 principle that there be one set of standards that
13 applies to the country is well entrenched, specifically
14 to stop individual regimes setting different standards
15 that would ultimately cause more harm than good. 10.42AM

16 Although this is a discussion that's been going on
17 periodically for 10-14, possibly longer, years at a
18 national level. It would appear from the evidence
19 that's been put before this Inquiry that it is
20 irrefutable that there are adverse health effects from 10.42AM
21 exposure to PM 2.5, particularly for vulnerable groups,
22 and yet at a national level there's been no resolution
23 of a compliance standard for PM 2.5. Why could not
24 Victoria lead the way on that issue?---Well, again, I
25 think the principle of national consistency of 10.43AM
26 environmental standards is a good principle; I would
27 not support breaching that. I would make the point
28 again, though, that the advisory nature of that
29 standard has no material impact on the way in which the
30 EPA monitors and takes action. 10.43AM

31 I'll come to that in a little while but I do want to help

1 the Board understand as best we can what is the block,
2 why is there no standard for PM 2.5?---I can only - - -
3 Everyone agrees that they have adverse health
4 effects?---Yes, there is agreement that there's adverse
5 health effect. Again, as I said earlier, there are 10.44AM
6 varying, there are different views about what, about
7 given that there are some in the community, some
8 vulnerable groups in the community who would experience
9 or could experience adverse health effects at levels
10 below the current advisory standard, the debate is 10.44AM
11 should you have standard at all and, if so, what should
12 it be and that debate's not been resolved.

13 Why not? What's the issue, what's the block? Whose mind
14 has to be changed?---It relates to, ultimately the
15 Council will take the advice of the scientists from the 10.44AM
16 different jurisdictions and they've not been able to
17 achieve a consensus on that issue.

18 So it's a lack of scientific consensus?---It's about
19 scientific debate, yes.

20 About whether there is a safe level?---And, if so, where it 10.44AM
21 should be set. I think there is a degree of consensus
22 that the advisory standard should stand as it is, but
23 there has been that reluctance, and you're right it has
24 gone on for some time, about affirming that level given
25 that - my only concession to that impasse relates to my 10.45AM
26 earlier comment; again, not being a scientist it has
27 been evident to me there is a lot of maturing in the
28 understanding of this field. You've made the point and
29 I accept, there is no disagreement about the adverse
30 health effects of inhaling fine particles. There's a 10.45AM
31 lot of emerging research, though, as to what that

1 effect is, what level of exposure that effect might be,
2 and this will come out in our debate no doubt this
3 morning, and therefore where the exposure level should
4 be set. This may well come out in discussions with the
5 scientists tomorrow but it's an emerging field. 10.46AM

6 I'm still not sure that I understand what the issue is.

7 It's a lack of scientific consensus?---That's how I
8 would paraphrase it, yes.

9 And yet we have an advisory standard that you're telling us
10 is really no different in practice from a compliance 10.46AM
11 standard?---For the purposes of an environmental
12 regulator, it's treated as an absolute standard, yes,
13 or a mature standard.

14 Just to be clear, when the advisory standard is exceeded,
15 what action can the EPA take?---The examples are, we 10.46AM
16 would then seek to find the sources of those emissions
17 and then take actions to regulate reductions below
18 them, similar as we do with the PM 10 scenario.

19 But, because it's only an advisory standard, if the source
20 of the emission is not reduced, there's no possibility 10.46AM
21 of taking compliance action?---The nature of these

22 emissions - just to illustrate, I'm just relating it to
23 a scenario that I've dealt with elsewhere where we have
24 seen elevated levels of particles. It's also the case
25 that the emerging nature of this issue doesn't see 10.47AM

26 widespread monitoring at this stage of fine particles,
27 unlike the PM 10. I think, when the scientists discuss
28 this tomorrow they will talk about the correlation
29 between PM 10 and PM 2.5, in other words one is
30 evidence of the other and so there will be a basis to 10.47AM
31 act there.

1 You didn't answer my question, Mr Merritt. I'm trying to
2 find out from you what is the difference practically
3 speaking between a compliance standard and an advisory
4 standard. There must be a difference and I'm putting
5 to you that the difference is that, if an advisory 10.48AM
6 standard is exceeded and despite the EPA's best efforts
7 the source of the emissions is not reduced or
8 eliminated, that the EPA is unable to take compliance
9 action against the emitter. Is that correct?---That is
10 correct. 10.48AM

11 Thank you?---Can I add to it? Because there is the
12 correlation between the fine particle and the larger
13 particle and there isn't a firm standard there and the
14 presence of the larger particles would be there, in a
15 practical situation that would be the basis for action 10.48AM
16 to be taken.

17 So there may be an opportunity to take enforcement action in
18 relation to PM 10 particles?---That's correct.

19 As you say, there's a correlation between the two. Then,
20 just to close off that area, your response to the 10.48AM
21 suggestion that Victoria might take a leadership
22 position and establish its own compliance standard
23 for PM 2.5 is that you would defer to the commitment to
24 national standards for air quality?---I would be
25 opposed to any State going off on its own and setting 10.49AM
26 local environmental standards.

27 MEMBER CATFORD: Could I just ask you to comment. About 40
28 years ago Victoria broke rank from the rest of the
29 nation and introduced food safety standards and
30 subsequently the Commonwealth and the other States and 10.49AM
31 Territories then adopted in essence the Victorian

1 leadership. Are you aware of that?---No, I'm not, no.
2 The point here is that there is precedent for leadership in
3 these sorts of areas.

4 MS RICHARDS: I'd like now to move to how the monitoring is
5 done in practice, and this document that we're looking 10.50AM
6 at, The State Environment Protection Policy For Ambient
7 Air Quality gives some guidance about the location and
8 number of air monitoring stations or performance
9 monitoring stations. If we could look at paragraphs 14
10 and 15 on page 4. Stations according to paragraph 14 10.50AM
11 to be sited or located in such a manner that
12 contributes to obtaining a representative measure of
13 air quality for the general population in a region or
14 sub-region. So that the aim there is not necessarily
15 to place a monitor near the worst source of emission, 10.50AM
16 it's to gain a representative sample of the air quality
17 in a particular area?---Yes.

18 Then, in relation to the number of performance monitoring
19 stations, there's a formula that is dependent on
20 population. Can you explain how that works?---No, I'd 10.51AM
21 defer to the scientists as to how they advise where the
22 weather stations should be, I'm sorry.

23 We do see that, with one exception, performance monitoring
24 stations are in metropolitan Melbourne?---Yes, they
25 are. 10.51AM

26 And the exception is the permanent monitoring station in
27 Traralgon?---That's correct.

28 There's then at the top of the next page at paragraph 2 a
29 statement that, "Additional performance monitoring
30 stations may be needed where pollutant levels are 10.51AM
31 influenced by local characteristics such as topography,

1 weather or emission sources." That would suggest that
2 a performance monitoring station in the Latrobe Valley
3 may well be in accordance with these considerations,
4 because we have several open cut coal mines, I think
5 four power stations, a number of other major industries 10.52AM
6 and it's also a valley where emissions can be
7 captured - - -?---Yes, trapped.

8 - - - and are. Is that the basis upon which we do have a
9 performance monitoring station in the Latrobe
10 Valley?---Yes, historically for the reasons that you 10.52AM
11 point out, it has significant emissions, it's also a
12 significant population centre as well.

13 Although, on raw population alone, it may not
14 qualify?---That's right.

15 For example, there's not one in Ballarat or Bendigo?---No, 10.52AM
16 the other centres - this one obviously is a prima facie
17 case for the need to monitor the air.

18 Can you explain why it is that Traralgon was chosen as the
19 location for the permanent monitoring station in the
20 Latrobe Valley?---It's probably best if the scientists 10.53AM
21 explain, but their advice was that that reflects in
22 line with the initial paragraph that you referred to,
23 that that gives a reading of the air quality that's
24 likely to be experienced by the general population in
25 the region. 10.53AM

26 The Traralgon station has been in place there for a number
27 of years and it measures a number of air quality
28 measures, but not PM 2.5?---No.

29 Why does it not measure PM 2.5?---All of our air monitoring
30 stations have not been routinely measuring PM 2.5. As 10.53AM
31 I alluded to when we were talking in the earlier

1 discussion, this is the maturing nature of this
2 science. We'd taken a decision in the last 12 months
3 to progressively upgrade the stations to have that
4 capacity. Specifically in relation to Traralgon, we
5 may get to it, but we've been conducting a separate air 10.54AM
6 monitoring program in Morwell, and it found some issues
7 of PM 2.5 which we decided to upgrade the Traralgon
8 station as a result of.

9 But that upgrade hasn't happened yet, has it?---No. No, the
10 equipment that we purchased for that ironically was the 10.54AM
11 one that we were able to deploy in Morwell East when
12 the fire started.

13 So, do I understand you correctly that at present none of
14 the permanent monitoring stations in Victoria monitor
15 for PM 2.5?---Look, I stand corrected, but I don't 10.54AM
16 think they do, no.

17 Were there a compliance standard for PM 2.5, we could expect
18 to see that monitoring in place across Victoria, could
19 we not?---Yes, it's true.

20 MEMBER PETERING: Could I just clarify, Mr Merritt. Who 10.55AM
21 makes the decision about additional performance
22 monitoring stations?---Ultimately it would be a
23 decision of the Chief Executive on the advice of our
24 scientists.

25 MS RICHARDS: Is there a great deal of additional expense 10.55AM
26 involved in upgrading a monitoring station to also
27 monitor for PM 2.5?---I'd have to take that on notice
28 as to what sort of cost is involved in the purchase of
29 that extra equipment. Equipment is always costly and
30 then there's a maintenance regime, but given the 10.55AM
31 in situ stations it's a manageable expense that I think

1 we'd calculate.

2 So you already have the infrastructure there?---That's
3 right.

4 It's a matter of, I'm guessing, installing an additional
5 piece of equipment?---Yes. 10.56AM

6 MEMBER CATFORD: I still don't quite understand; if there's
7 an advisory standard which you're saying, Mr Merritt,
8 is essentially treated as if it was a compliance
9 standard, why haven't we been monitoring
10 PM 2.5?---Because, as I understand it, in those 10.56AM

11 monitoring exercises that we've run, there's been
12 little or no instance of elevated levels of PM 2.5.
13 The decision that we took to upgrade the Traralgon

14 station was based on the 12 month monitoring period
15 that we ran in Morwell East, it concluded in May of 10.56AM

16 last year. It found, and I stand corrected, but
17 I believe there were five days where the PM 2.5 level
18 was exceeded in the 12 month period to May of

19 last year, and those five days related to one or two
20 instances of bushfires and I think three days of 10.56AM
21 planned burning.

22 The decision we took was, arising from the Black
23 Saturday recommendations, there will be significantly
24 more planned burning now and into the future. We have

25 a particular challenge around planned burning smoke or 10.57AM
26 bushfire smoke coming out of the ranges across the

27 valley, hitting the coast in certain weather conditions
28 and that smoke being pushed back, and the readings that
29 we saw in that 12 month period reflected one of those

30 situations where smoke had been trapped in the valley 10.57AM
31 for two or three days, and both on the monitoring and

1 feedback from residents was that air quality had been
2 quite poor. So, what we're trying to do is provide
3 much more evidence to be able to help us work with the
4 Department of Environment and Primary Industries in
5 planning their planned burns and develop progressively 10.57AM
6 more information about the impact of weather patterns
7 and schedule those burns so as to minimise the impact
8 on residents in the valley.

9 MS RICHARDS: You've mentioned this study that was done over
10 12 months from 2012 concluding in May 2013?---Yes. 10.58AM

11 What was the purpose of that 12 month study?---In 2011-12 an
12 application was made to the EPA regarding the
13 establishment of a coal burning facility, and in the
14 course of the consideration of that application our
15 scientists raised concerns around steps that were being 10.58AM
16 taken to mitigate, I think sulphur dioxide emissions,
17 and the need to go back and assess the emissions of the
18 existing stations, particularly Morwell, because this
19 particular facility was designed to be located around
20 the briquette works, for want of a better expression. 10.58AM

21 So the decision was taken that we needed to be
22 satisfied that the licence conditions that were being
23 imposed on the power stations in the valley were
24 adequate to the emissions, as I recall particularly in
25 regard to sulphur dioxide, and the decision was taken, 10.59AM
26 once you put in a monitor station there, let's put
27 everything in there and get an accurate read on air
28 quality in Morwell.

29 And the Traralgon station was not able to provide you with
30 that information?---The advice of the scientists is, 10.59AM
31 they wanted to get better evidence on any impact that

1 might be different to what we're seeing in Traralgon
2 that might affect the residents of Morwell.
3 Because the power stations really are clustered around
4 Morwell, are they not?---Some of them are. There's
5 those two but of course you've got Loy Yang near 10.59AM
6 Traralgon and ELW up further near Moe.
7 How was the location of this additional monitoring station
8 determined? It's near the football ground on
9 Hourigan Road, sort of on the northeast side of
10 town?---It's just up above the Morwell East footy 11.00AM
11 ground, yes.
12 We have a map. Are you able to point out on that map?---If
13 you're standing up Ronald Reserve, up here as I
14 understand it, around about this area here. I suppose
15 for bearings, if you go due south of there is the 11.00AM
16 briquette works and the power station that you were
17 referring to. Just again, Kernot Hall is almost south
18 of there.
19 CHAIRMAN: It's between Vary Street and The Boulevard, was
20 it?---I can't quite read that, judge, but it's just 11.00AM
21 up - again, the reference I would use, that if you're
22 at the Morwell East football ground which would be
23 familiar to most people in the town, it is directly
24 north up in the reserve to the north there, up slightly
25 to the eastern side. You asked how was the decision 11.01AM
26 made to locate it.
27 To site it there rather than closer to the mine?---It's a
28 recommendation of the scientists to get an area that
29 best provides an accurate measure. I think the point
30 that you alluded to earlier in the SEPP about getting 11.01AM
31 an area which is representative tends to be a matter

1 for quite a bit of scientific rigor in my experience.
2 Broadly speaking, what were the findings of that 2012/2013
3 study?---Broadly speaking there was the finding in
4 regard to those five days of 2.5 precedents but the
5 broad finding was that the air quality as measured in 11.02AM
6 the Traralgon station was reflective of air quality in
7 the valley, and also that air quality in the valley was
8 generally very good and has improved significantly over
9 the years. It was quite a positive result for the
10 community, I felt. 11.02AM
11 The days on which particular readings were of concern didn't
12 relate to emissions from industry?---No.
13 Related to bushfire and planned burning activity around the
14 valley?---Yes.
15 You met with council on a couple of occasions last year, did 11.02AM
16 you not?---Yes.
17 To discuss the study and its findings?---Yes.
18 The council have provided us with copies of some notes taken
19 at each of those meetings, one on 8 April and one on
20 2 September. If we could look at the first of those 11.03AM
21 notes. So you're there with Dr Torre and Ms Volkering
22 as well, and Dieter Meltzer, who is your Gippsland
23 Regional Manager and then there are a number of
24 councillors who participate in the discussion
25 too?---Yes. 11.03AM
26 You may not have seen this document before?---No.
27 Would you like to take a moment to read through it and see
28 if it reflects your own memory of what was
29 discussed?---Yes, certainly having read through the
30 first meeting, that's reflective of the discussion. 11.05AM
31 There was a view put to you by the councillors that they

1 would like to see more than one air quality monitoring
2 station in the Latrobe Valley?---The specific point
3 that I recall was, they didn't want the temporary
4 station to be removed when the 12 month monitoring
5 period had concluded. 11.05AM

6 They put to you that the Latrobe Valley is a special case
7 because, unlike other regional centres, it has a unique
8 industry base, and in particular the open cut coal
9 mines and the power stations. One of the conclusions
10 expressed at the bottom of that second page is that the 11.05AM
11 EPA would review the number of air quality monitoring
12 stations in the Latrobe Valley in recognition that the
13 area has a unique industry profile?---Yes.

14 That was a commitment you gave the councillors at that
15 meeting?---Yes. 11.06AM

16 You went away and conducted that review, I assume, in the
17 subsequent months?---That's right. Our subsequent
18 discussions was what led to the upgrading of the
19 Traralgon station to incorporate the fine particle
20 monitoring. 11.06AM

21 There's a second set of notes from a meeting on 2 September
22 2013 which are a little longer?---Okay. Is there
23 something specific in there you wanted to take me to?
24 To summarise them, much of the meeting was discussing the
25 findings of the 12 month study you'd done?---Yes. 11.07AM

26 Then right at the very end, the very last dot point, "EPA do
27 not see the necessity to install any other air
28 monitoring stations at this stage in the Latrobe
29 Valley. They consider Traralgon to be representative
30 of the area." Can you explain the rationale for that 11.08AM
31 decision?---Yes. The presentation Dr Torre gave was

1 able to show the air quality data for the Morwell East
2 station and the air quality data for the Traralgon
3 station and showed that they were comparable. In other
4 words, there was nothing gained by having the
5 additional station in terms of information about air 11.08AM
6 quality in the valley. I think as I said earlier, the
7 data from Traralgon is representative of the data
8 across the valley. The issue was, this impact of
9 planned burning and further fires and wanting to
10 upgrade to make sure that we were able to monitor that 11.08AM
11 better.

12 There was a decision to upgrade the Traralgon station to
13 monitor PM 2.5 as well?---Yes.

14 That having been identified as an issue in this 12 month
15 study?---Yes. 11.08AM

16 And that decision hadn't been fully implemented by the time
17 the fires burned in the mine?---No, that's right. They
18 were excellent discussions with the council because, as
19 you rightly point out, the issue of air quality in the
20 valley is long-standing and is more than just about 11.08AM
21 health impact, it's about the reputation of the valley.
22 The point of the presentation, I think we had agreed to
23 run a subsequent forum and ironically a community forum
24 was scheduled for February. The point of that was
25 that, certainly from my point of view, what we were 11.08AM
26 seeing was a significant improvement in air quality in
27 the valley and that there should no longer be a stigma
28 about that issue for people who were living there.

29 My experience in this role had been that there is
30 an enormous and growing amount of interest in 11.09AM
31 communities about the reputation of their communities

1 as they relate to their environment. We were
2 particularly keen to work with the council to begin to
3 turn around this quite understandable historic
4 perception that it's a dirty place, that you've got
5 coal dust on your washing or those sorts of issues, 11.09AM
6 that it was a dirty industrial area, when in fact the
7 evidence from the EPA's monitoring had shown dramatic
8 improvements in air quality over the journey, a lot of
9 hard work had been done and that no longer should there
10 be a stigma about air quality for this community. 11.09AM

11 Until February this year?---And that is one of the issues
12 that irks people the most. The irony was that here is
13 a community that had worked hard, industrial and as a
14 community, and has continued to work very hard on its
15 image as a place to live and raise your family. One of 11.10AM
16 the issues coming out of all of our work is how we use
17 this incident to actually educate people further about
18 what is the ongoing air quality issue, we might talk
19 about that further as the basis of our ongoing
20 monitoring. As well as health issues, the EPA is very 11.10AM
21 keen to make sure that people are better informed about
22 their air quality and that the community has an
23 accurate perception of what it's like to live there.

24 Before we leave these discussions with the council, the
25 council raised with you at the first meeting something 11.10AM
26 called the Latrobe Valley Air Monitoring
27 Network?---Yes.

28 What is that? There's just the one permanent monitoring
29 station in Traralgon?---Yes.

30 What is this network?---Dr Torre will know more about it, 11.10AM
31 but as I understand it, some of the emitters, the power

1 stations, also have emissions monitoring facilities - I
2 know there's one in Jeeralang that monitors, I think
3 it's sulphur dioxide, and there could be other issues
4 as well. Historically there is another monitoring
5 station somewhere else that they run, and historically 11.11AM
6 there might have been others. Obviously some of the
7 members of the council are well familiar with the
8 history of air monitoring in the area and they were
9 querying those facilities.

10 The message that they gave you was that they felt that it 11.11AM
11 had fallen into disuse, was not what it once was post
12 privatisation and they were looking to the EPA to take
13 the lead in re-establishing that network?---Okay.

14 Look, I can't recall the exact discussion about that.
15 I know that there are still facilities there that are 11.11AM
16 monitoring in regard to that network though.

17 The EPA's position at the end of this discussion was,
18 Traralgon is representative of air quality at least in
19 Morwell East, and so we don't see the need for another
20 permanent monitoring station?---That's right. 11.12AM

21 MEMBER CATFORD: Could I just ask, Mr Merritt, in terms of
22 your regulatory engagement with the mines and the power
23 stations, do you remember those operators to measure
24 PM 2.5 or PM 10?---No, we don't. There are emissions
25 standards out of the chimney, but I don't - look, I'll 11.12AM
26 stand corrected, but I don't think it specifically
27 relates to the fine particle.

28 Do you think that's something to consider for the future as
29 part of, in essence, their responsibility?---It may
30 well be considered. I come back to my earlier comment, 11.12AM
31 though; as presented to me the evidence of air quality

1 in the valley notwithstanding this event is that we
2 have seen a significant improvement in air quality in
3 the area and that I'm not sure that would warrant
4 further monitoring given that we've already got a
5 station, we've tested our station against a 12 month
6 program in Morwell and found them to be broadly
7 similar.

11.13AM

8 Look, I won't repeat it, but my concern is to work
9 with the community to get a more accurate understanding
10 of the air quality and begin to champion the
11 environment in the valley.

11.13AM

12 I suppose my point is about monitoring the potential source
13 of these particulates at the source. Traralgon's a
14 little way away, there's dilution occurring, but you
15 don't actually know what's coming out of these
16 operators?---Look, I can't comment specifically on what
17 we're monitoring out of the stacks at the moment, but
18 there are monitoring of those emissions from the
19 chimneys, I can find out what's being monitored.

11.13AM

20 It would be very interesting to know if there were any
21 PM 2.5 or PM 10 readings during or just preceding the
22 fire and the early stages of the fire?---Okay, I'm not
23 aware that there are, though, no.

11.13AM

24 MS RICHARDS: I'd now like to move to February this year and
25 the EPA's role in monitoring air quality in Morwell and
26 elsewhere in the Latrobe Valley. In terms of the
27 timing of the EPA's involvement, the EPA was
28 represented on the State Emergency Management Team
29 throughout the incident; have I understood that
30 correctly?---Yes.

11.14AM

31 The State Emergency Management team minutes will inform us

1 who participated for the EPA?---Yes.

2 It wasn't you, I take it?---No, it wasn't, no.

3 From 13 February when Commissioner Lapsley tells us he

4 declared that the fire was also a HAZMAT incident, the

5 EPA was a key support agency. Would you agree with 11.15AM

6 that?---Our key support work began before 13 February.

7 As a you told us, on 11 February Dr Torre was dispatched to

8 Morwell?---The decision was taken to send him, he

9 physically went down on the 12th, yes.

10 To get a picture of the monitoring that the EPA undertook, 11.15AM

11 there's a very useful table that is part of

12 Attachment 10, EPA Data Quality Management Plan, and

13 it's on the last page, page 27 of that document. This

14 identifies along the top the various substances that

15 were being measured and along the vertical axis down 11.16AM

16 the left-hand side the various site names and there's

17 an indication of when each measure commenced?---Yes.

18 If I've understood this correctly, the earliest measures

19 came from the Morwell East automatic monitoring

20 station?---Of the fine particles in CO or anything? 11.17AM

21 Of anything?---The first measures were in relation to carbon

22 monoxide which, because our scientists there and our

23 field officers had the handheld equipment, and that is

24 likely to have been on the 13th, yes; and the dust

25 track was installed on the 13th at Morwell South and 11.17AM

26 the equipment was fired up at the Morwell East station,

27 was starting to log data from there I think on the 13th

28 and 14th. The equipment was installed on the 12th I

29 think and then commissioned over the next day or so.

30 We have data logging starting at Morwell East according to 11.17AM

31 this table on the 12th. Perhaps because it was all

1 averaged over a 24-hour period the figures don't start
2 until the 13th?---There was an issue with - I do recall
3 a report, there was an issue about the modem that sends
4 the data from the station to our Centre For
5 Environmental Science which caused some delay in the 11.18AM
6 data being able available, but it was switched on on
7 the 12th and was starting to send on the 13th and 14th.

8 To get the order of events straight, Dr Torre arrived on the
9 12th, his first action was to begin re-commissioning
10 the box that was left at the Morwell East football 11.18AM
11 ground that you've identified?---Perhaps it might be
12 better if I - can I explain how that works?

13 Yes, please?---The first action is, we've already got the
14 Traralgon monitoring station up and monitoring.

15 Yes. That's not much assistance in relation to fine 11.19AM
16 particle measures or carbon monoxide in the southern
17 parts of Morwell, is it?---No, but it will be giving us
18 readings for the valley and our scientists will be
19 looking at satellite images as they do and will be
20 providing the forecasts as we've done and always do on 11.19AM
21 smoke movement for that day based on weather forecasts.
22 So, before the fire has started that work is being
23 done.

24 The role of Dr Torre as the principal air quality
25 expert is not to physically go and plug in the 11.19AM
26 equipment and get it moving, he's there on the 12th
27 assessing the situation. His team or a team of
28 probably five or six scientists and technicians are
29 working at our Centre For Environmental Science
30 preparing for what I call the interim equipment which 11.20AM
31 is Morwell East. So there's the immediate which is

1 dusk track, put it in, plug it in; there is Morwell
2 East which is an in situ station that we hadn't fully
3 de-commissioned and were able to re-commission, and
4 they're also turning their mind to what other equipment
5 we might have and might be able to use or source 11.20AM
6 elsewhere. As the principal air quality expert, he is
7 there working with the Emergency Services, making
8 assessments of the situation, relaying back to the team
9 back in Melbourne as to what we might need, what the
10 situation might be. 11.20AM

11 When he came down on the 12th, and perhaps it would be best
12 to ask him this tomorrow, did he bring with him mobile
13 equipment that could be set up?--No, I don't think he
14 had equipment with him. It was, again within the EPA
15 we separate out those that are the technicians who run 11.20AM
16 and equip our stations and do that work and the
17 scientists who use that equipment as only one input to
18 their work. They travelled down separately on the 12th
19 and they had with them the equipment for the Morwell
20 East station and then we sourced separately the 11.21AM
21 handheld carbon monoxide monitoring and the more
22 portable fine particle equipment that was subsequently
23 set up at the bowling club in Morwell, in south of
24 Morwell.

25 The handheld carbon monoxide monitors, the Fire Services in 11.21AM
26 fact had them, did they not?--No. I think you're
27 referring to their - well, they would certainly have
28 them, but we had some as well. We used their
29 equipment, their sort of portable monitoring units that
30 are in place, we subsequently used those around the 11.21AM
31 perimeter of the mine and in the town.

1 You provided an appendix, Appendix 2, I think it's in the
2 second volume behind tab 82. This is an appendix that
3 lists the various air monitoring equipment that the EPA
4 used throughout the fire, it provides us with some
5 photographs showing us what it actually was, and then 11.23AM
6 there are also some maps that I believe identify where
7 the equipment was placed?---Yes.

8 To get the chronology in order, you had the Traralgon
9 station operating, it wasn't measuring PM 2.5 but it
10 was measuring PM 10 and that provided some indicative 11.24AM
11 data from the earliest stage?---Yes.

12 Have you provided us with the data from the Traralgon
13 station from 9 February?---I don't know, I'm sorry.
14 Professor Catford and I couldn't find it attached to your
15 statement, so can we ask that that be provided?---Of 11.24AM
16 course.

17 We'll make a list and follow up, we don't expect you to
18 remember this. You would that the PM 10 readings at
19 Traralgon would be an indication, and the best
20 indication that there was in the early days of the 11.24AM
21 fire, of particular levels in Morwell?---I hate to be
22 pedantic about it, but our air quality scientists will
23 also say that they rely also on visibility assessments.

24 Yes?---And so, that's why their physical presence and the
25 assessment that they're making is also an important 11.25AM
26 input to that.

27 Although those visibility readings won't have been logged
28 and recorded in such a systematic way, would
29 they?---No, that's right.

30 Then you had two beta attenuation monitors which are 11.25AM
31 specifically for measuring fine particles, PM 2.5. The

1 first of those was installed at Morwell East on
2 12 February and the first dataset was available from
3 13 February. The second of those was installed at
4 Morwell South on the 19th with the first dataset
5 available from the 20th. 11.25AM

6 MEMBER CATFORD: Excuse me, I found the appendix - and if
7 our staff could pass this to Mr Merritt. I think this
8 is the appendix with the locations. You've got it,
9 have you?---I've got it.

10 MS RICHARDS: He has it, yes. You've provided us with a 11.25AM
11 picture of what that actually involves, which is image
12 A?---That's the image of Morwell East.

13 So that's what we will see if we go up to the football
14 ground?---That's right.

15 Were there earlier readings or earlier data than 11.26AM
16 19-20 February for PM 2.5 in the southern parts of
17 Morwell?---I understand that we had this piece of
18 equipment, I'm just trying to see if it's got an image
19 there - - -

20 Was this the dust track?---This is the dust track, that's 11.26AM
21 right, which was installed at the bowling club on or
22 around the 13th. Again, is not comparable to the BAM
23 but provides information to the scientists to help them
24 in their assessment of those fine particles.

25 The earliest data that you have about PM 2.5 levels in the 11.27AM
26 southern parts of Morwell are from that dust track that
27 was installed at the bowling club on
28 13 February?---Yes.

29 That will provide us with some data from
30 13-20 February?---It does. There is, as the scientists 11.27AM
31 explain it to me, a form of pine casting which seeks to

1 make those readings convert to some form of data
2 equivalent, so I'm not sure how those datas or those
3 numbers are comparable to the readings that are being
4 produced on the more mainstream air quality station.
5 I'll leave that to them to explain. 11.28AM

6 I appreciate it wasn't the same instrument doing exactly the
7 same measurements, but that was the only data that was
8 available for the south of Morwell prior to
9 20 February?---Yes.

10 Again, I don't think we've been provided with that data. 11.28AM
11 Could you see that that data is provided to the
12 Inquiry?---Yes.

13 This is the PM 2.5 data from the dust track located at
14 Morwell South from 13 February?---As I say, I'm not
15 sure in what form that comes, but certainly whatever's 11.28AM
16 available we'll make available.

17 Carbon monoxide monitoring was undertaken by from an Ecotech
18 carbon monoxide monitor. There was continuous
19 monitoring that commenced at Morwell South on
20 19 February?---As part of the mobile laboratory there, 11.29AM
21 I believe.

22 Prior to that there was data being collected, was there not,
23 from handheld monitors?---And other equipment.

24 And other monitors ?---Yes.

25 What was the earliest that that data started to be 11.29AM
26 collected?---Well, they were taking readings, I think,
27 on the 14th and possibly the 13th from the handheld
28 spot checks around the town, and in addition my
29 understanding is on the 14th CFA carbon monoxide
30 monitoring equipment in the mine was relocated to the 11.30AM
31 perimeter of the mine.

1 Around the perimeter, yes?---And then on the evening of the
2 15th and into the 16th, four of those monitors were
3 moved into the southern part of Morwell to provide a
4 makeshift network there to provide readings there.
5 That's the data that would be available about carbon 11.30AM
6 monoxide levels until the mobile laboratory at Morwell
7 South comes online on 19 February?---Yes.
8 So again, we've not been provided with that data and I
9 appreciate it's not the same quality as the data that
10 comes from the mobile laboratory, but can you see that 11.30AM
11 that's made available to the Inquiry as well?---Yes.
12 MEMBER CATFORD: Could I just ask, the purpose of this early
13 monitoring obviously is to provide information for
14 advising the Department of Health and so forth, so it's
15 not speculative, it's actually a vital part of the 11.31AM
16 emergency response, that's right, and I think in fact
17 in your statement I think you actually say the validity
18 was actually very good from these things?---As advised
19 to me, I think the context, as you point out, is that
20 certainly in those early readings before the weekend of 11.31AM
21 the 15th and 16th there was very little or no carbon
22 monoxide being recorded by these handled units and that
23 changed significantly on the weekend when the fire
24 escalated. But it was about providing advice.
25 The point I think we've made in the statement and 11.31AM
26 will no doubt come out again is, the view of the
27 scientists that the principal area of concern was the
28 fine particle monitoring which you've alluded to as
29 well.
30 MS RICHARDS: Although the Fire Services were very much 11.31AM
31 focused on carbon monoxide in those early stages; would

1 you agree with that?---Firefighters are always
2 particularly concerned about carbon monoxide, they're
3 absolutely up fighting the fire in an area where
4 there's little airflow, but the experience of EPA
5 scientists is that you would rarely see levels of 11.32AM
6 carbon monoxide a distance from the fire. That was
7 what we were dealing with, part of a reflection of the
8 unique nature of this event.

9 Before we leave this appendix too, there's one image I'd
10 like to take you to, I think it's on the ninth page of 11.32AM
11 the document. There's a spatial map?---Yes.

12 And it's the only one of these that I've seen attached to
13 your statement, but it represents in a quite helpful
14 way - the number at the top is EPA 0008.001.0009. It's
15 the map in the top left-hand corner. I think this is 11.33AM
16 the only one of these that you've provided with your
17 statement, but it's a very useful way of presenting the
18 data. It shows the levels as they are distributed
19 spatially. Were these maps produced regularly
20 throughout the incident?---This is data from what's 11.33AM
21 called the travel blanket. If you look in my folder
22 you can see a picture immediately above it of a pipe
23 sticking out the window of a car in the screen on the
24 dashboard.

25 Which looks nothing like a blanket, I have to say. I had 11.33AM
26 images of something quite different?---Yes. Anyway, so
27 this is a piece of equipment which is called a travel
28 blanket which is effectively a portable monitor for
29 both carbon monoxide and the fine particles. You can
30 see each of the dots is this vehicle being driven 11.34AM
31 around the town and it gives us, as you say, a profile

1 of a dissipation of, I think looking at this photo, a
2 dissipation of the fine particles out there. So, there
3 are other images of it, and we were using it - the
4 scientists were using it to get an understanding of how
5 far the fine particles were travelling, what the 11.34AM
6 dilution rate was into the community.

7 MEMBER CATFORD: Can I say, this is very helpful. It would
8 be nice to know what the key is, what red means, what
9 green and blue means?---I can provide it.

10 Just to complete the question about giving us the datasets 11.34AM
11 for 13 February for PM 2.5, it would be helpful to know
12 when you actually provided the first information to the
13 Department of Health about levels of PM 2.5?---Okay.

14 MEMBER PETERING: Ms Richards, may I also seek
15 clarification. Mr Merritt, you're collecting this 11.35AM
16 data, and I think Professor Catford has articulated and
17 you've agreed that you then provided it to the

18 Department of Health. Why else were you collecting
19 this data?---Principally, to support the Department of
20 Health and the Incident Management Team. We have that 11.35AM
21 service role under the Emergency Management Plan to

22 assist them, they're wanting to know - it's our
23 requirement to make daily forecasts or there was a
24 requirement for us to make daily and that became twice
25 daily forecasts to help the community manage their 11.35AM
26 lives during the situation and to help the Emergency

27 Management Team. Each morning the scientists back in
28 Melbourne at our Centre For Environmental Science would
29 analyse the pollutant levels from the day before, look
30 at the weather conditions and look at how some of this 11.36AM

31 smoke was acting and reacting in the town and then make

1 forecasts which became alerts that went out to the
2 community about what they could expect in the day ahead
3 in terms of when the smoke would be worse, when they
4 could expect some relief.

5 Before we leave this spatial representation, this is, as 11.36AM
6 you've told us, the readings taken by the travel
7 blanket as it drove around Morwell of, I think fine
8 particulate matter?---Yes.

9 Were these prepared on a daily basis, these images?---At
10 least daily. Again, these were just additional inputs 11.36AM
11 to the advice that we were providing to the Department
12 of Health and Incident Control. My understanding was
13 that, and sorry I can't tell you what day this started,
14 but my understanding was that the team were driving a
15 fixed route around the suburbs and seeing how, in this 11.37AM
16 case what was happening to the dilution and dissipation
17 of the fine particles.

18 There's another view, although it seems to be cut off at the
19 bottom of that page, called a planning view?---That's a
20 two dimensional representation of the same thing. 11.37AM

21 Yes, a two dimensional representation. I'm assuming that
22 blue, there's no reading, green there's a reading but
23 it's under whatever the trigger level was and red
24 there's a reading but it's above the trigger level?---I
25 think that's right, yes. 11.37AM

26 Do these documents still exist, these maps generated from
27 the travel blanket?---I believe they would, I'm not
28 certain but I believe they would.

29 So can we add to your list a set of these, both the three
30 dimensional and the two dimensional views, and I think 11.38AM
31 it was 20 February was the first time that the travel

1 blanket started collecting data in Morwell. That would
2 be very useful to have a spatial representation of
3 where the fine particles were detected throughout
4 Morwell?---Yes.

5 Thank you.

11.38AM

6 CHAIRMAN: Could I interrupt there to say that even on, if
7 you like, a lay perception of that map that we can't
8 get into full screen for some reason, it does
9 correspond with an indication that that part of the
10 area outside the mine which is close to it is very
11 heavily impacted and that fits in with other evidence,
12 including the evidence to be given this afternoon of
13 the schools that were in the area of red couldn't
14 continue and the areas of blue, if you like, were able
15 to continue, and so even from a very uneducated point
16 of view, that travel blanket seems to give some very
17 strong indications as to levels of
18 concentration?---Yes. I drew the same conclusion
19 again. I was particularly interested in the level of
20 dissipation, and the analogy that was put to me with
21 regard to the very fine particles is that they are so
22 fine. It's a bit like putting dye into water, very
23 intense at the centre but dilutes very, very quickly
24 away.

11.38AM

11.39AM

11.39AM

25 It ties in, you've got another table that gives on a daily
26 basis where the levels are on a graph with an
27 indication of wind direction, and if you put those
28 together you're much more likely to be drawing
29 reasonable inferences than speculating about what the
30 result is or is likely to be on that particular time or
31 at any particular time when the readings were taken by

11.39AM

11.40AM

1 this travel blanket?---That's right. So as the event
2 unfolded, you're right, judge, the critical issue was
3 wind direction, it was the most profound impact on the
4 community there and you'll no doubt in your discussions
5 around the fire and when those smoke events were at 11.40AM
6 their worse you will see we had the most
7 disadvantageous weather patterns; in other periods
8 there were terrible periods for smaller periods during
9 the day and then improved later on during the day.

10 MS RICHARDS: We might go to that now. If we can return to 11.40AM
11 Mr Merritt's, statement there's a graph that you have
12 provided to us at page 23 of your statement just under
13 paragraph 124. These are the rolling 24-hour averages
14 for PM 2.5 at Morwell South. It commences from, it's a
15 bit difficult to see, but I think it's 21 or 11.41AM
16 22 February?---21st, yes.

17 Along the top you've indicated the wind direction on
18 particular days. We can see very clearly that the
19 spikes correspond with the southwesterly wind?---That's
20 right. 11.41AM

21 These are the readings taken of PM 2.5 from the mobile
22 laboratory at Morwell South, at the bowling
23 club?---Yes.

24 From when it started recording the full dataset from
25 22 February?---Yes. 11.41AM

26 We've asked you to provide what data there is south of
27 Morwell before that date?---South of Morwell.

28 We can see that for most of the period, levels of PM 2.5
29 were above and in some cases many, many times above the
30 advisory standard of 25 micrograms per cubic 11.42AM
31 metre?---Yes.

1 MEMBER CATFORD: I wonder if I can just bring in a comment
2 about the week preceding these data. Would it be
3 reasonable to assume that actually the PM 2.5s were
4 very high during that period as well?---There were
5 three peak PM 2.5 periods as I understood it. Clearly 11.42AM
6 that first weekend of the fire, the 15th and the 16th,
7 where conditions visually as reported by the scientists
8 as well as others were terrible, there would have been
9 I would assume very high peaks then, this period of the
10 21st and 22nd which is represented here, and then later 11.43AM
11 on the 26th and 27th, they were the three peaks. The
12 reduction in those peaks, again my opinion doesn't
13 matter much, but I assume it related to the progressive
14 success in controlling the fire.

15 MS RICHARDS: The gap there is really in the first week of 11.43AM
16 the fire and for information about what the particulate
17 levels in South Morwell were in the first week of the
18 fire we have to turn to what information was available,
19 and that will be from the dust track?---Some from the
20 dust track that's right . 11.43AM

21 From 13 February and whatever extrapolation we can make from
22 the Traralgon readings?---Yes, and you'll be able to
23 rely on the observations of the scientists from the
24 12th as well. What we'll find is I think - well, as
25 was reported in evidence last week - that dramatic 11.44AM
26 escalation on the weekend of 15th and 16th with the
27 unfavourable winds, and clearly that was anecdotally a
28 very dramatic situation.

29 MEMBER CATFORD: You were of course monitoring PM 10s at
30 Traralgon during this period?---Yes. 11.44AM

31 And you're going to provide the data, but from our enquiries

1 it seems as though the PM 10s at Traralgon were very
2 high on the 9th, 10th?---There were - sorry.

3 And I'm not sure, and you don't disclose this in your
4 statement, whether you actually submitted a smoke
5 advisory during that period. I think the appendices 11.44AM
6 talk about the first advisory appearing on the 12th or
7 13th, but I'm not sure if you actually issued any
8 before that based on the Traralgon findings?---I'll
9 need to check that, but my recollection was that we did
10 issue a smoke - a low level smoke advisory earlier in 11.47AM
11 the week. Sorry, I haven't got the date in front of
12 me, whether it was the 11th or the 12th, it might even
13 have been earlier than that.

14 That would be very helpful. Just a final question, is it
15 possible to ask your scientist to model, based on all 11.47AM
16 the available information, what the PM 2.5s are likely
17 to have been leading up to the 22nd when we first get
18 some accurate results?---I think it is possible.

19 I think we were very impressed with the CFA modelling
20 capability of looking at how the fire spread and what 11.47AM
21 it might have actually led to. Do you have the
22 capacity within EPA to do modelling of that nature?---I
23 think that we do, yes.

24 Thank you.

25 MS RICHARDS: That's a matter that we might ask the 11.47AM
26 scientists about tomorrow. You've summarised at
27 paragraph 125 what the graph shows and we've remarked
28 on the gap before 22 February. The existence of that
29 gap really highlights an issue, does it not, about the
30 importance of having equipment/apparatus that can be 11.47AM
31 deployed rapidly in an emergency event to obtain the

1 best readings that you can when you need them?---For an
2 incident such as this, yes.

3 It appears from reading your statement and also Dr Torre's
4 statement that a fair bit of effort went into
5 re-commissioning the Morwell East site, very rapidly, 11.47AM
6 but that perhaps a higher priority would have been to
7 get mobile equipment into the southern area of Morwell
8 as quickly as could be done?--My recollection is that
9 we were working in three parallel streams of activity:
10 Get the scientists down and get their observations, 11.47AM
11 because the initial request was I think for scientific
12 advice.

13 Again, the history of the EPA's involvement in
14 these matters has, I think with no exception I'm aware
15 of, been to provide that scientific advice as being 11.47AM
16 adequate for the event. At the same time there was the
17 sourcing of that temporary equipment such as the dust
18 track and then mobilising Morwell East, they were done
19 in parallel, and then the mine was turning to what else
20 might we need closer to the fire front as well. 11.47AM

21 So there was a lot of work being done in those
22 streams as well as of course using what we already had
23 in place, so almost the four streams. But I think the
24 point that you're alluding to is what was our
25 preparedness to quickly mobilise around this, and our 11.48AM
26 role had never been to quickly mobilise air monitoring
27 equipment for an emergency of this nature. This simply
28 was without precedent that we would have this sort of
29 event of this sort of duration; duration being the
30 critical issue, that would warrant the mobilising of 11.48AM
31 that, the sort of emergency readiness of mobile air

1 monitoring equipment.

2 But you do have two mobile laboratories at your disposal, do
3 you not?---We have three.

4 And yet, there was approximately a week between the
5 commencement of data being recorded by the Morwell East 11.48AM
6 site and the commencement of data being recorded by the
7 mobile laboratory at the Morwell South site. And it
8 was in Morwell South where the data was most needed,
9 was it not?---We certainly needed data in Morwell
10 South, yes. 11.49AM

11 More so than you needed it in Morwell East?---In terms of
12 the severity of it, yes.

13 What I'm trying to understand is the reason for that time
14 lag; a mobile laboratory appears to be something that
15 could be quickly deployed to the site of greatest 11.49AM
16 need?---No, that's not the case.

17 Why not?---The EPA has never been - well, certainly in
18 recent times, I'm not sure how far back, has never been
19 set up to provide an emergency air monitoring facility.
20 The mobile laboratories that we use are used exactly 11.49AM
21 the same way as we deployed that station into Morwell
22 East, or in the same scenario in Francis Street in
23 Yarraville over truck movement or the Brooklyn scenario
24 where the station remains. It's about looking at,
25 exactly as you referred to in the State Environmental 11.49AM
26 Protection Policy, a scenario where there is something
27 other than just a broad based population that warrants
28 investigation.

29 And we would never put a monitoring - because
30 again as a lay person, the principal impact on air 11.50AM
31 quality is weather. You've got the source, but it's

1 which way the wind is blowing and, therefore, you would
2 never deploy an air monitoring station for less than
3 12 months because you need the seasonal impact.

4 As you were touching on earlier, the decision
5 about where the station would go is a critical issue 11.50AM
6 for the scientists. Then you have issues around
7 getting access to the site, getting power to the site,
8 getting security to the site. These facilities were
9 never contemplated to be, hook it on the end of the car
10 and drag it down the valley and then plug it in; that 11.50AM
11 is just not what they were doing.

12 Now, clearly after this event, the question will
13 be, well, should we have had that? That would require
14 a level of foresight which had no historical basis. I
15 think evidence has already been tendered that - - - 11.50AM

16 Or the EPA is a support agency for emergencies and one of
17 its roles is to advise on air quality issues?---Yes,
18 and that is done by deploying an air quality scientist
19 to the scene who advises the Emergency Services. I'm
20 not suggesting there's not lessons to be learned, but 11.51AM
21 that is the situation that we deal with. We would be
22 called out in that role several times a year probably,
23 a few times already this year for events involving
24 Emergency Services who need air quality advice. I
25 mean, those events are up and down in hours, if at the 11.51AM
26 most 24 hours, and it's the advice of these scientists
27 which is critical to these events.

28 I understand the frustration about, it took some
29 time. Normally there would be at least a month lead
30 time before the decision to take some readings and to 11.51AM
31 deploy a mobile laboratory. The people moved heaven

1 and earth to get it in the days that they did and they
2 did a great effort.

3 But the equipment that was most useful, taking the learning
4 that you can from this experience, and was able to be
5 deployed quickly was the travel blanket?---It was a 11.52AM
6 very useful piece of equipment, yes.

7 And the dust track?---And the dust track was very useful,
8 yes.

9 And also portable carbon monoxide monitors?---Yes.

10 And those three things were able to be deployed very 11.52AM
11 quickly?---Yes.

12 With one of them, I think it was the dust track, the delay
13 was getting it here from Tasmania?---No, that's the
14 travel blanket.

15 That's the travel blanket?---Yes. 11.52AM

16 But in future clearly it would be useful to have a greater
17 reservoir of that kind of equipment to draw on for
18 rapid deployment in an emergency?---Look, it's
19 certainly one of the areas for examination now as to
20 what should be available. I think you've already 11.52AM
21 alluded though, and you'll see in the data the
22 limitations on that equipment in terms of, they're not
23 a substitute for an air monitoring station that streams
24 data, that provides data, but they are an adjunct to
25 the scientists in the work that they're doing. 11.53AM

26 But as we agreed at the outset, in an emergency you have to
27 get the best information you can when you need
28 it?---That's correct.

29 And those three pieces of equipment seem to be the best
30 suited for getting in there early and getting some 11.53AM
31 information at an early stage?---Yes.

1 MEMBER CATFORD: Can I just follow up then. So you don't
2 actually have a travel blanket in Victoria?---No. It's
3 a very useful tool in a Tasmanian setting because
4 there's obviously a very heavy reliance on wood burning
5 for heat, and they have particular climatic conditions 11.53AM
6 and inversions which trap those conditions, so it's a
7 tool that lends itself to providing a rapid report to
8 the community in that sense. We just don't have that
9 circumstance here that we would have regular use for
10 it, but I think, as counsel has pointed out, the 11.53AM
11 cost-effectiveness of those tools and the visual
12 benefit it was able to provide was really useful as an
13 adjunct to the scientists and something we'll look very
14 serious - or the organisation will look seriously at in
15 the future as having available. 11.54AM

16 It would be reasonable to assume that a State the size of
17 Victoria should have at least have one travel blanket
18 available for events like this, not least with climate
19 change and increased burning off and bushfire
20 risk?---It's a very practical tool to use. 11.54AM

21 Is there some sort of pool agency arrangements where an area
22 can call up a facility like this quickly? Because even
23 the travel blanket took 10 days to arrive or whatever.
24 I mean, it was a long period, it didn't get going until
25 the 21st, 22nd and you already had actioned responses 11.54AM
26 on 13 February?---There is strong cooperation between
27 the agencies. Again, the notion that it took 10 days
28 to go in implies, and I don't mean to do this, but can
29 be seen to imply that the event that occurred on the
30 15th and 16th was what was occurring on the 9th and 11.55AM
31 10th. It was not. I haven't read the exact transcript

1 of last week, but this was an event, a mine fire in
2 that first week which again in my recollection was not
3 inconsistent with mine fires that had occurred
4 previously, which I might add had no involvement from
5 the Environmental Agency at all in them because that 11.55AM
6 was the nature of the emission. Once the escalation
7 occurred everything changed dramatically on that
8 weekend and a lot of work then went into rapidly
9 escalating the gear. Fortunately there was some
10 foresight at the end of that week but clearly things 11.55AM
11 changed completely on the 15th and 16th.

12 I suppose the point I'm making is that your scientist,
13 Dr Torre, attended on the 12th, you put into process an
14 action plan which was commendable, and you were already
15 moving equipment down on the 13th. Another issue is, 11.56AM
16 given the value of the travel blanket, whether an
17 urgent call should have been put out. Indeed, the
18 question is, should Australia have reserve equipment
19 like this, that if an event occurs anywhere in the
20 country, there is a rapid response facility that this 11.56AM
21 can be mobilised?---Look, I do take your point. Again,
22 I won't over-comment on the travel blanket because I'm
23 not that familiar with its precise application here,
24 but, look, it's a very useful piece of equipment.

25 The other point that you make is about what is the 11.56AM
26 right custodian of the equipment so that it's
27 accessible to the right agencies, and that's certainly
28 one which has to be worked through now after this
29 event.

30 MS RICHARDS: Clearly the 15th and 16th is a date of 11.56AM
31 significance for you, but to summarise the evidence

1 that we heard last week, I think two propositions
2 emerge pretty clearly; one is that from the very
3 earliest days of the fire the Fire Services understood
4 that it would take at least a month to put out, and the
5 second is that people were affected by smoke in Morwell 11.57AM
6 from the outset?---Look, you're right, coal fires take
7 a long time to put out; that was certainly evident.
8 But I'm surprised that - I thought in the evidence that
9 I had seen it had been consistently said that the
10 matter escalated significantly in that first weekend. 11.57AM
11 There was a particular issue about carbon monoxide levels in
12 the southern parts of the town on the 15th and 16th,
13 but I don't think it was suggested that there were not
14 issues with smoke in Morwell from the commencement of
15 the fire on the 9th?---I agree, there was smoke during 11.57AM
16 that week, yes.
17 Just because it wasn't measured doesn't mean it wasn't
18 there?---It was there, but again, the smoke levels, my
19 understanding were dramatically worse on the first
20 weekend. The fire spread dramatically on that first 11.58AM
21 weekend, I thought, and the weather conditions were
22 particularly unfavourable.
23 Yes, they were. Just to finish off that discussion of
24 recording of fine particulates, at paragraph 126 you
25 say that there were measurements taken prior to 11.58AM
26 19 February on portable equipment and we've asked you
27 to ensure that that data is provided. Can I just be
28 clear, was the data that was being recorded on portable
29 equipment being provided to the Department of Health
30 and the Chief Health Officer?---I don't know whether 11.58AM
31 specific data was being provided or whether it was the

1 scientists providing advice to the Department of
2 Health.

3 Who do we ask to find out the answer to that
4 question?---Dr Torre should be able to answer what
5 was - he was one of the major scientists there working 11.59AM
6 with the Department of Health officers.

7 And Dr Lester also presumably will be able to tell us what
8 she was receiving?---Yes.

9 Then at paragraph 127 you say that although the PM 2.5
10 concentrations were very high, they were not unusually 11.59AM
11 high for a bushfire event. Is it usual during a
12 bushfire event in or around the Latrobe Valley to
13 record PM 2.5 levels as high as 500 micrograms?---I was
14 just relaying the advice from the scientists in that
15 regard. 11.59AM

16 The second sentence, you say there have been several
17 occasions when levels have been higher, and my question
18 is higher than what? Higher than the highest reading
19 or higher than the average?---Sorry, that was the
20 advice I was given from the team. I think they were 11.59AM
21 again making the point that in the peculiar nature of
22 this event, I think as has been discussed earlier, was
23 the duration of those higher levels. Obviously a
24 bushfire by its nature, the fuel source is exhausted
25 and there's not the sustained level of smoke. 12.00PM

26 And so while you might record high levels of PM 2.5s, it
27 would only typically be over a matter of days, not a
28 matter of weeks?---Or less, yes.

29 And that was an unusual feature of this event?---It was the
30 significantly unusual feature of this event. 12.00PM

31 I'd now like to move to carbon monoxide which is obviously

1 the other measure that was of concern throughout this
2 incident. Again, you've provided us with one of these
3 helpful graphs that correlates the wind direction and
4 the carbon monoxide readings. This is below
5 paragraph 133. Once again, these are the readings that 12.00PM
6 were taken from Morwell South. They commence, as I
7 read it, on 21 February. They're the 8 hour averages,
8 and of course as we established earlier, the air
9 quality standard in the State Environment Protection
10 Policy is 9 ppm averaged over 8 hours. We see there 12.01PM
11 that there were a number of spikes when the carbon
12 monoxide readings at the bowling club site exceeded
13 that standard. Again, that correlates very closely
14 with a southwesterly wind?---Yes.

15 You've provided us with some commentary about this starting 12.01PM
16 at paragraph 129 of your statement, and you refer at
17 paragraph 130 to the Carbon Monoxide Protocol that was
18 developed during the incident. Am I right in supposing
19 that questions about the content of that protocol are
20 matters that we should direct to the scientists and to 12.02PM
21 Dr Lester?---Anything other than the generality of it,
22 yes.

23 For a lay person like me the obvious difference between the
24 protocol and the State Environment Protection Policy is
25 that the trigger level that is adopted is three times - 12.02PM
26 the trigger level adopted in the Carbon Monoxide
27 Protocol is three times that that is prescribed in the
28 State Environment Protection Policy. Can you explain
29 why that is?---In lay terms my explanation is - - -
30 In lay terms, thank you?--- - - - is that the standards for 12.02PM
31 air quality, whether they're particulate or carbon

1 monoxide or others, are framed with regard to the
2 epidemiological studies which all relate to exposures
3 over a 12 month - or to health effects over a sustained
4 duration of a year or more. So the standards work back
5 from what number of exceedances would be healthy to
6 experience if experienced in the course of 12 months
7 because that's where all the epidemiological studies
8 relate to.

12.03PM

9 There are obviously - not obviously - there is
10 evidence about very short sharp impacts of carbon
11 monoxide, obviously it can be fatal at very, very high
12 concentrations, but there is little evidence about
13 exposures in between that period, but that's the limit
14 of my explanation of that.

12.03PM

15 Looking at the State Environment Protection Policy, it
16 prescribes the standard of 9 ppm over 8 hours and then
17 there is a goal within 10 years maximum allowable
18 exceedances of one day per year, which I understand to
19 mean that the goal is that that standard of 9 ppm
20 should only be exceeded in one day per year. Have I
21 understood that correctly?---Look, that's a reasonable
22 understanding but I would prefer that the scientists
23 explain how that example runs out and how the formation
24 of the protocol worked.

12.03PM

12.04PM

25 Because this is clearly something that needed explanation,
26 isn't it?---Yes.

12.04PM

27 Why is a Carbon Monoxide Protocol adopted that uses the
28 trigger point that's three times the State Environment
29 Protection Policy prescribed standard?---Yes.

30 And your lay understanding is that it relates to the
31 duration of the exposure?---It relates to the

12.04PM

1 epidemiological evidence that's out there about long
2 term exposure to these issues, but I'll defer to the
3 health experts as to the formation of the protocol.

4 We had some evidence last week from Mr Katsikis who was
5 Deputy Incident Controller on 15 and 16 February about 12.05PM
6 carbon monoxide readings that were of concern to the
7 Incident Controller. Did you have any involvement in
8 the discussions that took place between the Incident
9 Management Team and Environment Protection Authority
10 and Department of Health people on the 15th and 12.05PM
11 16th?---No.

12 Did Dr Torre?---I believe so, yes.

13 So it's to him we should direct questions to try to
14 understand how that decision-making process unfolded on
15 the 15th and 16th?---Him and perhaps others; it was the 12.05PM
16 EPA and it was the Department of Health officers and
17 the CFA who were involved in those discussions.

18 The Carbon Monoxide Protocol that was developed and which
19 you've provided with your statement, there was some
20 peer review done on that Carbon Monoxide Protocol, and 12.06PM
21 again the precise content of it is probably more a
22 matter for the scientists and the doctors than for you,
23 but perhaps you can tell me what was done with the peer
24 review once it was obtained?---We used the peer
25 review - perhaps I could go back. The EPA had 12.06PM
26 established a science and engineering Advisory
27 Committee as a group of eminent scientists - this
28 precedes the fire - to act as a form of governance, if
29 you like, over scientific decision-making by the
30 organisation. We saw it as a parallel to our Risk and 12.07PM
31 Audit Committee on other risk and finance issues; it

1 was chaired by Dr Stocker. In the course of this
2 process we wanted to engage those peer review exercises
3 and table them to the Committee to help them exercise
4 their questioning and challenging over the way in which
5 the organisation was discharging its function in the 12.07PM
6 intense situation that existed around this fire.

7 So there were two peer reviews obtained in relation to the
8 Carbon Monoxide Protocol, one from Professor Ross
9 Anderson who's an epidemiologist and another from
10 Dr Fay Johnston who's an environmental epidemiologist. 12.07PM

11 As I read them, they both query the appropriateness of
12 the high levels that were adopted as trigger points in
13 the Carbon Monoxide Protocol. Perhaps from a
14 management perspective you could tell us how that query
15 was fed back into the Protocol and whether this 12.08PM

16 information was shared with the Department of
17 Health?---Look, I believe it was; I don't have the
18 chain of that, but the Protocol was of course owned by
19 the Department of Health and they had commissioned,
20 I believe, a peer review as well. So I can't give 12.08PM
21 evidence as to how that was passed to the Department of
22 Health; I believe it was discussed with them.

23 Can you tell us how or by whom and when?---No, I'm sorry, I
24 can't.

25 No?---No. 12.08PM

26 Are we safe in assuming that these peer reviews that the EPA
27 obtained were shared with the Department of
28 Health?---Yes.

29 Because it was a shared protocol?---Yes. Well, ownership of
30 the Protocol is by the Department but we clearly 12.08PM
31 contributed to the formation of it.

1 There's one other measure that was recorded at levels of
2 concern during the fires and that was the volatile
3 organic compound benzene; you address this at
4 paragraph 138 of your statement. The assessment
5 criterion for benzene is 9 ppb, and there were two 12.09PM
6 sampling locations where that exceeded the standard,
7 one at the Maryvale Crescent Early Learning Centre,
8 9.2 ppb on one occasion. Can you tell us what the date
9 was and, if you don't have it off pat, you can add that
10 to the list?---I don't have it at hand but we'll find 12.09PM
11 that.

12 The other was the Morwell bowling club, there were two
13 occasions on the 26th and 27th when concerning levels
14 of benzene were recorded?---Yes.

15 What did the EPA do with that information?---It was 12.10PM
16 forwarded to the Department of Health.

17 MEMBER CATFORD: Could I ask a question about disclosing to
18 the public the results of environmental monitoring.
19 What's the EPA's view/policy about that?---Our practice
20 was to put as much data as we had available to the 12.10PM
21 community but, wherever we did, to provide some
22 explanation and some commentary around that so as to
23 make it useful. On issues such as that where there
24 were health issues around it, there was a Department of
25 Health commentary as well. 12.10PM

26 Some information we've received was that there was an
27 inordinate delay in providing the results of those
28 benzene levels. Was that consistent with your
29 policy?---There wasn't so much a delay in putting -
30 well, the process of monitoring those compounds and 12.11PM
31 then the analysis of it is quite slow. That

1 information was forwarded to the Department of Health
2 for assessment; I can't comment on the delay in that
3 coming out. But it was not our policy to delay it, but
4 it was our position to, wherever possible, make sure
5 there was some informed commentary about the data so 12.11PM
6 that people weren't left with just raw numbers to
7 analyse themselves. I think as I made the point early
8 in the statement, there was some matters for which
9 there were available standards to compare them against
10 and some that there weren't, and so the aim was to try 12.11PM
11 and make it as useful as possible.

12 MS RICHARDS: We've been focussing very much on air quality.
13 I just want to touch on water testing. There was a
14 range of testing of water quality that was done and you
15 relate this starting at paragraph 141. One thing that 12.12PM
16 I'd like to ask you about is, there was some testing
17 undertaken of a water tank in Willis Street, which is
18 of course close to the mine?---Yes.

19 On four separate occasions. Are you able to identify where
20 the results of that testing will be found?---We'll be 12.12PM
21 able to access those results, yes.

22 Could you please add that to the list?---Sure.

23 Then you say the EPA ceased that sampling when advised by
24 the Department of Health that it was unnecessary. Did
25 the Department of Health provide a reason for that 12.13PM
26 testing not being necessary?---I'm not aware of what
27 the discussion was around that decision.

28 CHAIRMAN: I take it, that extends to the doing of it
29 generally, because a number of the submissions have
30 referred to concerns of residents with water and when 12.13PM
31 they should use water from a tank and water from other

1 sources, there was just a general unease indicated
2 through the submissions?---There was a lot of unease in
3 the second week of the fire about ash, and then either
4 ash, playing in it, breathing in it or ash in the
5 water. We tested the ash in that second week and 12.13PM
6 published those results at the end of the second week,
7 I think on the 21st, to try and allay some of that
8 concern, some of that helped and some didn't.

9 MEMBER CATFORD: You can't recall what the results of that
10 water testing revealed?---I can only recall the advice 12.14PM
11 that that was not an issue of concern which was
12 consistent with the advice from the ash results
13 themselves.

14 MS RICHARDS: I think you can take that last item off your
15 list. We have identified the water sampling data. You 12.14PM
16 have already provided it at tab 19, and includes in the
17 last column, "Residential water tank at Willis Street."
18 We asked you to identify whether there were any
19 technical difficulties experienced in the monitoring
20 from 9 February and you've identified a number of these 12.14PM
21 starting at paragraph 154. I won't go through each of
22 these, there's just a couple of them I'd like to
23 highlight in discussion with you this morning. At
24 paragraph (a) you identify a number of technical
25 challenges that cumulatively resulted in a delay in 12.15PM
26 having access to the full set of data. Again, I
27 suggest to you that this perhaps highlights the need to
28 have some equipment available for rapid deployment in
29 an emergency situation.

30 Then the last item that you highlight is some 12.15PM
31 early difficulty with the transfer of carbon monoxide

1 data from the CFA to the EPA. How was that
2 managed?---When those areas, rays as they are called,
3 when they are established and feeding into the base
4 station at the police station at Hazelwood Road, I
5 understand from our staff it was very labour-intensive 12.16PM
6 to download the data off the central hub and then
7 translate that into tabular form. It was just a very
8 physically time-consuming demanding piece of work until
9 such time as the mobile laboratory was up and it does
10 that somewhat seamlessly. 12.16PM

11 In the last sentence you say, "For any future application
12 more appropriate arrangements will be made with CFA."
13 What would those more appropriate arrangements
14 with?---Clearly the way in which this network was being
15 formed for the carbon monoxide was being established by 12.16PM
16 people in real-time, and I think the advice from some
17 of our staff was that we were trying to make equipment
18 work in a way for which it wasn't specifically
19 designed. This equipment is used by the Emergency
20 Services at the scene of an emergency fire which will 12.16PM
21 be up and down again in hours, possibly 24 hours, and
22 here we were trying to create that data from four
23 different sources into a network which gave us a
24 reading on that area.

25 So the question will be in working after this 12.17PM
26 event, can that equipment be better used or more better
27 configured to be able to do that or is it fundamentally
28 unsuitable for it and is there something else that may
29 be able to do that task in the future?

30 And as you sit there today you don't have the answers for 12.17PM
31 that, but you've just identified that that's an area

1 that needs improvement, and again it comes back to
2 having this suite of equipment that can be deployed
3 rapidly in an emergency event?---We'll no doubt come
4 back to this point again, the issue which we'll be
5 weighing up around this is, what is the likelihood of 12.17PM
6 an event of this nature occurring given our experience
7 of it and what's the appropriate level of preparedness
8 that balances out those needs? I think that's where
9 the debate around this equipment - because clearly
10 carbon monoxide is such a mainstream issue for 12.18PM
11 firefighting, and the technology, like everything else,
12 is improving all the time. Is there something else
13 that we we can be working with them on that might
14 better enable us to set up such a network again in the
15 future? 12.18PM

16 The other one I wanted to ask you a little more about was
17 paragraph 160. You've identified that laboratory
18 access was an issue?---Yes.

19 I take it, this was not so much an issue with air
20 quality?---No. 12.18PM

21 As with the soil and water and ash samples?---The
22 smoke samples too; the earlier reference to the delay
23 in the benzene result. One of our learnings from it is
24 to make sure that our relationships and/or contracts
25 with external laboratories are appropriately configured 12.18PM
26 to provide for absolutely priority testing and 24-hour
27 access to these events.

28 And also having more than one laboratory to call on in an
29 emergency situation?---Indeed, yes.

30 Looking to the future, we asked you to state what 12.19PM
31 environmental monitoring the EPA proposed to undertake

1 in the Latrobe Valley in future. You've already given
2 us one answer which is to add PM 2.5 monitoring to the
3 Traralgon fixed station. Then you tell us that the
4 mobile laboratory that is set up at Morwell South at
5 the bowling club will continue for 12 months. Why 12.19PM
6 12 months?---It'll be at least 12 - again we're looking
7 for another 12 month cycle. All of our laboratories
8 run for a year in order to make sure the seasonal
9 aspects are incorporated into the results. Whether it
10 continues beyond that point will depend entirely on 12.19PM
11 what the results are; much as we took the original
12 decision about the events. If it's showing results
13 that are consistent with the Traralgon result there
14 will be arguably not much point keeping it there. If
15 it's showing anything different, then the station needs 12.20PM
16 to remain.

17 So it's a similar process to the one you went through with
18 the Morwell East site; it was there for 12 months, you
19 found no appreciable difference between it and the
20 Traralgon site so it was removed?---Yes. 12.20PM

21 With a decision to upgrade the Traralgon site to detect an
22 additional measure, and again there will be a
23 comparison between the Morwell South mobile laboratory
24 and the Traralgon site principally?---Yes.

25 And if there's any detectable difference, then there will be 12.20PM
26 a consideration of whether to put something more
27 permanent on the site?---That's right. In resourcing
28 at the time, there were really two considerations; one
29 is, there's going to be some form of long-term health
30 study going on in this area and therefore longer term 12.21PM
31 data will be important to support that, but there's the

1 other issue which I alluded to earlier which is the
2 community's confidence in the air that it's breathing,
3 and that will be a really significant issue, I think.
4 We know that communities do draw confidence from the
5 presence of these stations in their vicinity; if it 12.21PM
6 serves that purpose and in discussion with the council
7 we'll try and come to what's the best result, but at
8 this stage we've just committed for the 12 months as we
9 do for any monitoring regime.

10 MEMBER CATFORD: I'm slightly confused. So will it continue 12.21PM
11 in Morwell South or Morwell East?---Both.

12 Both?---We've committed to keeping it there for the
13 12 months and committed to both of them to consider the
14 results and make any judgment based on those results.

15 Just a final point: Surely part of the function is to be an 12.21PM
16 early warning system; the fact that you don't detect
17 something isn't a reason to get rid of a monitoring
18 station? I mean, if you're watching out for tsunamis,
19 I mean you're pleased that there aren't any, but you
20 have a facilities to pick them up when they 12.22PM

21 occur?---The forecasting facility, I suppose it is
22 rather than an early monitoring, is a function that
23 we've been using both at the Traralgon station and the
24 satellite imagery around; I'd be reliant on the
25 scientific advice as to whether that's adequate or 12.22PM
26 needed supplementing in the future.

27 Can I move now to the issue of communications which you
28 cover starting at paragraph 184 on page 37 of your
29 statement. Can you give the Board an overall
30 understanding of how the EPA's communications strategy 12.23PM
31 developed during this incident?---I suppose the context

1 for our work, certainly up until 18 February, was that
2 we were providing information to the Control Centre and
3 the Department of Health to allow them to make any
4 decisions that needed to be made and we were following
5 the Bushfire Protocol and issuing the advisories that 12.23PM
6 reflected that Protocol with the message from the Chief
7 Health Officer embedded in those, and that was the work
8 that we did.

9 It was evident, having myself and the Chairman of
10 the EPA and the Directors and several of our staff were 12.24PM
11 present at the community meeting on Tuesday evening,
12 18 February?

13 That was coincidental, wasn't it? Weren't you here to have
14 one of your regular meetings with the council that
15 you'd agree to - - -?---No, it wasn't a council 12.24PM
16 meeting. We were there to have a community forum. We
17 were doing community forums around the State and part
18 of our discussions with council last year was that we'd
19 envisage doing a forum with the community where we'd
20 have a chance to talk about air quality and have our 12.24PM
21 scientists there, so that's why we were there in the
22 town, but given the events of the previous
23 weekend - - -

24 The discussion was different from the one you'd
25 planned?---It certainly was - it wasn't so different at 12.24PM
26 our forum, but obviously it was very different at the
27 public forum at Kernot Hall that evening. There was a
28 lot of criticism levelled by different people at
29 different angles, but in summation there was a lack of
30 satisfaction with the information that was being 12.25PM
31 provided and how it was being provided, and it was from

1 that that we decided to ramp up our individual efforts
2 to communicate more, so that took the form of - there
3 was some criticism about trying to find data on our
4 website, so we built a micro site and launched that
5 later in the week. We continued to issue the 12.25PM
6 advisories and I think we issued 60-odd of them over
7 the period. We started doing more social media, I
8 think I tweeted 70 or 80 times, there was a large
9 volume of information there, and we more importantly
10 started to participate in the media conferences that 12.25PM
11 occurred almost every day from then for the next month
12 or so, and that was partly my role to participate in
13 those. We were trying to hit all of those different
14 channels.

15 In addition to the staff that we had who were 12.25PM
16 working in the Regional Control Centre, we started to
17 mobilise other staff from the organisation, and I think
18 in the course of the event about 80 of our staff came
19 down and were present at the respite centre, they were
20 on the CFA bus, they were standing on the street 12.26PM
21 corners as part of that work, they were in the support
22 centres trying to provide information each day to
23 people to meet those who didn't have access to internet
24 or weren't so mobile. We just started to, like
25 everybody I think did in that week, hit every channel 12.26PM
26 that we could to get more information to people.

27 Was this guided by the State level Communications and
28 Stakeholder Engagement Strategy?---Yes. So we were a
29 participant in the EMJPIC.

30 We've now learned what that stands for. At paragraph 184(b) 12.26PM
31 you talk about smoke advisories that were issued in

1 conjunction with the Chief Health Officer. You've
2 provided us I think with a full set of these attached
3 to your statement. There's just one that I'd like to
4 take you to, it's in the second volume, and I think
5 we've got the right second volume for you now, behind 12.27PM
6 tab 122. That's a high level smoke advisory for 1745
7 on Friday, 28 February. We're both looking at the same
8 document?---Yes.

9 Other evidence tells us that it was on this afternoon

10 Dr Lester provided advice to those in vulnerable 12.27PM
11 groups, children, the elderly, those with pre-existing
12 respiratory and cardiac conditions, to temporarily
13 relocate from the south of Morwell. I don't see that
14 reflected in this high level smoke advisory, and nor do
15 I see it in the advisory from the following day. Can 12.28PM
16 you explain that inconsistency between the advice
17 provided by the EPA and the advice provided by the
18 Chief Health Officer on 28 February?---I take your

19 point, it doesn't reference the advice. Clearly the
20 decision by and the announcement by the Chief Health 12.28PM
21 Officer that afternoon on Friday the 28th was
22 specifically aimed at the vulnerable groups living in
23 the southern part of Morwell. We were issuing
24 advisories for the entire valley community at the time
25 and the message is relevant to them, but I take your 12.29PM
26 point, it would have been better to incorporate that
27 other advice.

28 Because this high level smoke advisory is in a standard
29 format, isn't it?---It is, it's considered with the
30 protocol message. 12.29PM

31 The quotes from Dr Lester are not quotes that she gives you

1 every time you provide a high level or a low level
2 smoke advisory, they're predetermined, are they
3 not?---They are part of the protocol, yes.

4 It would have been more helpful for the community if the
5 smoke advisories between 28 February and 17 March when 12.29PM
6 her advice altered had incorporated her actual advice
7 to vulnerable members of the community?---I think
8 that's a fair point.

9 Moving forward again, and we're nearly at the end, you
10 provided some information about the EPA's role in 12.30PM
11 actually regulating the power station and the mine,
12 which is a quite separate exercise from the one we've
13 just been discussing. So the power station is licensed
14 as I understand it?---Yes, it is.

15 There is some monitoring associated with that 12.30PM
16 licence?---Yes, there are two specific emissions; one
17 is emissions from the stacks at the station and the
18 other is the discharge from the ash ponds.

19 So there's no monitoring of unplanned discharges such as we
20 experienced in February and March of this year?---No. 12.30PM

21 The very last question that we asked you is whether the EPA
22 has taken or is considering taking any compliance
23 action against GDF Suez, the occupier of the mine, in
24 relation to emissions from the fires. The answer to
25 one part of that question is, yes, there is an 12.31PM
26 investigation, and consistent with the police's
27 approach and WorkSafe's approach you're not sharing the
28 details of that with the Inquiry?---No.

29 One compliance measure that can be taken short of a
30 prosecution is the serving of a clean up notice, is it 12.31PM
31 not?---Yes.

1 Can you just explain to the Inquiry what a clean up notice
2 involves?---It's simply the capacity of the regulator
3 to require a premise to make good whatever
4 environmental damage it's done in regard to its local
5 space.

12.32PM

6 At one level this was a massive pollution event, was it
7 not?---Prima facie it is a major pollution event, yes.

8 Looking at the range of remedies and enforcement tools
9 available to the EPA, clean up notices may have been an
10 appropriate measure to take against the mine operator
11 in this instance?---The advice that I received was that
12 the test that would be applied in regard to the clean
13 up notice would be similar to that being applied in the
14 investigation and broader breach, and so the
15 recommendation was not to separate those two actions.

12.32PM

12.32PM

16 And the opportunity to serve a clean up notice has now
17 passed, has it not?---It has, yes.

18 People have done their own cleaning up?---They have.

19 You say in the last sentence that the options for statutory
20 measures, including a clean up notice, were not
21 considered practicable?---No.

12.32PM

22 Why not?---Again, the advice to me was that the test that
23 would be required to defend that clean up notice,
24 assuming it would be challenged, would see us
25 pre-empting the investigation into the prima facie
26 pollution event.

12.33PM

27 I understand that. Thank you, Mr Merritt. I have no
28 further questions for you. Do Members of the Board
29 have any further questions?

30 MEMBER CATFORD: Thank you. I'd like to address a couple of
31 issues. Just on the regulatory environment, how close

12.33PM

1 do you think people should live to an open coal
2 mine?---That's a very difficult question for me to
3 answer, particularly with any professional capacity.
4 Certainly what we have in Morwell is a situation that
5 requires serious management given the proximity of 12.34PM
6 those people, particularly along Wallace Street to the
7 northern batter of the mine, but I don't have a
8 professional view as to what an appropriate distance
9 would be.

10 So clearly this is a community very close to the mine that's 12.34PM
11 had a long legacy of environmental health issues, and
12 you think of the asbestos, mesothelioma dimension; and
13 this isn't something that's come out of the blue,
14 they've had a legacy of challenges like this, so the
15 communications strategy would really need to be 12.34PM
16 tailored to the needs of this community. Would you
17 agree with that?---It is, yes, it does require and did
18 require more specific strategies for the community,
19 Morwell and the broader valley, yes.

20 Of course one of the new developments that's occurred in the 12.34PM
21 last few years is the use of social media. You
22 mentioned you had engaged a little in that, but
23 particularly this first week when things were frankly
24 going crazy, I mean, were you engaged in monitoring the
25 social media, adding information and clarity to the 12.35PM
26 discussions that were being posted?---Again, it was not
27 my recollection that things were going crazy in that
28 first week. It was that dramatic escalation on that
29 first weekend which led to a much more heightened
30 group. We had officers attend the first public meeting 12.35PM
31 on Friday the 14th at Kernot Hall, and the feedback

1 from that was, whilst there were tensions, it was
2 nothing like what we saw subsequently on the 18th, and
3 I attribute that to the shocking conditions that the
4 community experienced on the 15th and 16th. On the
5 broader issue of social media and other issues, it's an 12.36PM
6 area for a lot of reflection after as to how we work
7 with this community.

8 I think, as you're alluding to, the challenge that
9 we faced in communicating with the community were many,
10 not the least of which is, I'm not sure it's one 12.36PM
11 community, there are many different groups there, some
12 of whom have got enormous knowledge about coal and
13 burning it having done so for their entire working
14 lives; there are other parts of the community, it's an
15 older community, and so access to technology was an 12.36PM
16 issue there. I think we recorded 120,000-odd hits on
17 our website - 14,000 in one day - so again for that
18 group the issue is then, what information was provided
19 and what level of guidance around that. I think that's
20 a lot of work to be done there. It's an area for a lot 12.36PM
21 of reflection post this event.

22 Certainly the submissions you received suggest that the
23 communication was getting way ahead of you and other
24 agencies in terms of the discussions within the
25 community, particularly on social media, and the 12.37PM
26 question is really, what capacity did your
27 communications group have to track, follow and indeed
28 intervene in those discussions?--We can track and
29 follow social media, that wasn't a challenge, we have a
30 social media officer whose job it was to do that and to 12.37PM
31 feed information to us, so that wasn't the bigger

1 challenge. I thought the more mainstream challenge
2 was, I think as was said in evidence last week, the
3 desire, I think logically, to have one issue and one
4 source, particularly on sensitive issues of health.
5 There was a commitment to do that, we tried to hold to 12.37PM
6 that message. The feedback as you've seen is that for
7 many people that was not adequate. Now, whether it was
8 not adequate because people didn't trust that message
9 and were looking for verification under it, and we
10 certainly felt that and that's why we ended up putting 12.38PM
11 so much data in real-time through to the micro site,
12 because there was a really strong need from some in the
13 community for verification; they just did not accept
14 one message, one source, they didn't believe the
15 source. 12.38PM

16 There appeared to be some satisfaction in seeing
17 the numbers that underpin that, but again, as
18 Ms Richards alluded to, there's confusion in those
19 numbers because we're reporting against standards and
20 showing peaks above them and people can't be expected 12.38PM
21 to interpret that; so again that takes you back to the
22 one message, one source and that message was not being
23 received well when people are suffering in terms of
24 eyes, throats and particularly they're under enormous
25 pressure if they're caring for people; if they're 12.38PM
26 caring for children, particularly if they've got some
27 vulnerability, if they're caring for older adults,
28 those people felt under enormous pressure and lacked
29 the trust in us to accept what was being said.

30 If I might accept what you're saying, so what sort of 12.39PM
31 proactive steps were you taking to really engage with

1 this community and understand where their concerns
2 were? It's all very well issuing smoke advisories; I
3 mean, did you have your finger on their pulse?---As I
4 said, we had at various times some 80 of our staff
5 rotating through the work, 80 out of 136 staff, so 12.39PM
6 we've got an office permanently in the valley based in
7 Traralgon.

8 But they weren't in Morwell, though, they were in
9 Traralgon?---They were out of there and moving through
10 the streets of Morwell. We were at places like the 12.39PM
11 respite centre every day, we were on the CFA bus I felt
12 nearly all of the time. We were moving through those
13 streets, and they were bringing fed back to us and some
14 of that is captured in my statement. There was a
15 frustration with us that we weren't getting enough 12.39PM
16 health messages because we were the EPA. There was
17 frustration at the message not matching their
18 experience, and then there was a whole raft of other
19 issues which came about which you picked up on in your
20 submissions as well. 12.40PM

21 In retrospect, and you're moving on from the EPA, what more
22 could have been done in terms of the public
23 communications and that community engagement
24 strategy?---I've seen reference, and I can't recall the
25 precise reports, but there was reference made on one or 12.40PM
26 other occasions to the concept of trusted sources; that
27 if we accept there are issues about taking messages
28 from Government and Government employees in these
29 situations, that's not a situation that's unique to the
30 valley or Victoria or indeed the developed world, that 12.40PM
31 a lot of work appears to have been done in

1 pre-establishing trusted sources within the community
2 who can be given significant amounts of background
3 information who people will then listen to and be able
4 to seek more assurance. I think I saw in one of the
5 reports a discussion around that and that appears to be 12.41PM
6 a contemporary trend in preparing and equipping
7 communities for emergencies.

8 Were you able to follow through on that?---Well, not during
9 the fire we weren't, and we tried, but it was not
10 something that was able to be worked up during the - 12.41PM
11 and in fact I don't think anyone ever identified who
12 those trusted sources were in the community, and
13 clearly in the midst of an emergency it's too late to
14 do that, that work needs to be done long before we find
15 ourselves in the situation that we in this community 12.41PM
16 did in February 2014.

17 Of course, this is not a new concept because the White Paper
18 on Emergency Management in Victoria that came out at
19 the end of 2013 talked about all this sort of issue,
20 about effective local communication, strong engagement, 12.41PM
21 using the networks, but it seems three, four months
22 later we weren't following through on that?---That's
23 true. We certainly didn't have those networks in
24 place. I think the volumes show that most
25 communication mediums were exhausted but they weren't 12.42PM
26 enough; they weren't enough.

27 Thank you.

28 MS RICHARDS: Before I sit down and let Dr Wilson have a
29 turn I should tender those notes that the council has
30 provided of those meetings in April and September 2013. 12.42PM
31 It's been suggested that I tender them as exhibit 31

1 because we seem to have skipped a number.

2 CHAIRMAN: I thought 31 was Mr Kelly Friday.

3 MS RICHARDS: I think we might have skipped a number.

4 That's exhibit 33.

5 CHAIRMAN: Exhibit 30 is Tracie Lund, exhibit 31 is Kelly 12.42PM

6 because he came after, and exhibit 32 was Merritt.

7 MS RICHARDS: If exhibit 33 can be these two sets of notes.

8

9 #EXHIBIT 33 - Latrobe City Council notes of meetings with
10 EPA Victoria on 8 April 2013 and 2 September 2013. 12.43PM

11 MS RICHARDS: Dr Wilson has some questions for you,

12 Mr Merritt.

13 <CROSS-EXAMINED BY DR WILSON:

14 Mr Merritt, is it fair to say that prior to 9 February 2014

15 there was no prior experience here or elsewhere around 12.43PM

16 the world of an incident involving a brown coal mine

17 fire burning for so long and impacting a community in

18 the way this fire did?---That's correct.

19 For all the wrong reasons this particular mine fire was the

20 world's first in terms of prolonged adverse air 12.43PM

21 quality. Do you agree with that?---That's correct.

22 The short point is, there was no precedent on which to draw

23 by which EPA could be guided in terms of its work prior

24 to this fire?---No. In fact, previous fires had led us

25 perhaps into a false sense of the impact of a mine fire 12.44PM

26 on the town.

27 Professor Catford asked you about monitoring and preventive

28 measures taken by EPA prior to the fire in and around

29 the vicinity of Morwell. Is it fair to say that the

30 smoke stacks at the power station are filtered as best 12.44PM

31 you know?---Yes, they have precipitators on them.

1 Indeed, EPA insists on the filtration of those, the
2 by-product of which is ash taken to the Hazelwood ash
3 retention area?---The ash pond, yes.

4 Going back to your timeline, I'll develop this in a bit more
5 detail in a moment, but Dr Torre arrived in Morwell on 12.44PM
6 12 February. Do you recall that?---Yes.

7 He will say that prior to his departure from Morwell he
8 arranged for a dust track and a travel blanket to be
9 sourced from Tasmania. Does that accord with your
10 recollection?---Yes, I am aware that he made contact 12.45PM
11 with Tasmania earlier on.

12 But that nonetheless accords with your recollection of
13 events?---Yes.

14 You were asked about the desirability of the introduction of
15 national standards in respect of PM 2.5. Do you recall 12.45PM
16 being asked about that?---Yes.

17 Is it your evidence that the EPA Victoria anyway supports
18 the introduction of national standards?---Yes, we do.

19 Whether such standards are in fact introduced depends on an
20 array of issues beyond your control and those of the 12.45PM
21 EPA?---That's right, we are one participant in that
22 process.

23 Your witness statement, long and detailed as it is, contains
24 a number of dates and events but may we draw from it a
25 couple of key dates and would you mind walking me 12.45PM
26 through those: On 11 February the EPA received a
27 request to become involved; is that right?---It was a
28 request for additional assistance, yes.

29 That was on the 11th?---Yes.

30 And you allocated about 10 people to the task on that 12.45PM
31 date?---Yes, there was, in addition to the principal

1 expert, there was the team of technicians and also
2 staff from our Traralgon office.

3 On and from that day EPA began issuing smoke advisory
4 notifications?---That's right.

5 The next day, 12 February, handheld monitors were being used 12.46PM
6 by CFA and MFB personnel on site. Have I got that
7 right?---I'm not aware of what they were doing on site;
8 they would have been, yes.

9 On that date logging at East Morwell commenced?---East
10 Morwell was commissioned and was gathering data, yes. 12.46PM

11 On that day dust track was accessed?---Yes, that's correct.
12 As we've mentioned before, on that day Dr Torre arrived;
13 have I got that right?---That's right, on the 12th.

14 On the 13th the EPA got its first 24-hour reading?---From
15 the dust track in Morwell? 12.46PM

16 Yes?---Look, my understanding was the 14th was the first
17 24-hour reading.

18 We'll move to the 14th, on that day EPA began transmitting
19 reliable data?---Yes.

20 From that day you engaged in the one source, one message 12.47PM
21 concept?---We had been engaging in that throughout,
22 yes.

23 Throughout, from the 11th?---From the 11th and in fact
24 throughout the bushfire season, but throughout this we
25 maintained that work. 12.47PM

26 On the 15th fire escalated due to unfavourable winds
27 resulting in a watch and act being promulgated; is that
28 right?---That's right, by the CFA.

29 On the 15th you also deployed monitors into the main streets
30 of Morwell; have I got that right?---We begin building 12.47PM
31 using those CA monitors into the network in the streets

1 to the south of Morwell.

2 On the 18th the MoLab arrived?---Is that right?---Yes.

3 A public meeting was held; is that right?---That night, yes.

4 And on and from the 18th you had a change of the

5 communication strategy that you adopted to reflect the 12.47PM

6 information given to you by the public at the

7 meeting?---Yes, we significantly increased that.

8 On the 21st and 22nd another spike in adverse weather

9 conditions took place with prevailing winds from the

10 southwest?---That's correct. 12.48PM

11 On the three days that then followed, 23, 24 and

12 25 February, the fire receding?---The air quality

13 conditions improved. Rather than being constant

14 throughout that day, there were patches during the days

15 and patches of respite. 12.48PM

16 On the 26th another spike in adverse conditions occurred

17 with southwesterly winds; is that right?---Yes.

18 Leading again to the presence of a deteriorated air

19 quality?---That's right.

20 Then on the 28th, that is to say two days later beyond the 12.48PM

21 26th, the CHO gave the relocation advice?---That's

22 right.

23 Every day between 11 February and 28 February is it correct

24 to say that you and the Chief Health Officer were in

25 touch on a day-to-day basis about matters of public 12.48PM

26 health?---Yes, I'm not sure that it was every single

27 day but it felt like every day.

28 It was suggested that it took a little bit of time to

29 enliven the MoLabs; do you remember being questioned

30 about that?---I do. 12.49PM

31 I may have not heard you correctly, but did you say there

1 were three only on which to draw?---We do have three of
2 them; one is currently deployed in Brooklyn so it
3 wasn't available to be used.

4 Even if you had resourced all three, the net effect of that
5 obviously enough would not have altered the air quality 12.49PM
6 that you measured, it just would have meant that you
7 got readings from an additional number of
8 locations?---That's right.

9 And even then you couldn't be sure that the air quality that
10 you measured at those different locations would be 12.49PM
11 markedly different, one to the other?---No.

12 You agree with me in other words?---I do, yes.

13 While it's true that the MoLab may not be a substitute for
14 air monitoring stations, did the time in getting the
15 MoLab to site adversely affect your ability to provide 12.49PM
16 its response and its support?---No, I don't believe it
17 did. We were reliant, as we always are, on the
18 technical knowledge of our scientists and their
19 observations and other equipment to play our support
20 role in the Emergency Management Plan. 12.50PM

21 Is that another way of saying you couldn't have done
22 anything different any quicker?---I don't believe we
23 could have acted any faster than we did.

24 Before I sit down, may I indicate to the Board that our
25 learned friends have asked for three documents. 12.50PM
26 According to our records they have already been
27 supplied, but nevertheless we'll speak to our friends
28 over the luncheon break to make sure they have what
29 they need. Thank you, Mr Merritt.

30 MEMBER PETERING: Mr Merritt, who notified you on 12.50PM
31 11 February and requested assistance?---The request

1 came through the SEMT, our officer there at the time on
2 the phone was Liz Radcliffe and she then advised Chris
3 Webb who brought that information to me and we convened
4 our Executive Management Team as we're required to do
5 under our Emergency Management Protocol. 12.50PM
6 The request was for data monitoring?---I think the initial
7 request was for technical advice.
8 Thank you.
9 CHAIRMAN: Mr Riordan?
10 MR RIORDAN: No, I don't have anything for this witness, 12.51PM
11 sir.
12 CHAIRMAN: Thank you. Yes, Ms Richards.
13 MS RICHARDS: Just one question arising out of what
14 Dr Wilson asked you.
15 <RE-EXAMINED BY MS RICHARDS: 12.51PM
16 Dr Wilson put to you that quicker deployment of the mobile
17 laboratory to South Morwell would not have changed the
18 actual air quality, it would have given you a stream of
19 data at an earlier point. It is the case, however,
20 that the air quality readings as between South Morwell 12.51PM
21 and East Morwell were markedly different?---Yes.
22 Readings of both carbon monoxide and fine particulate matter
23 were much higher in the south of Morwell than they were
24 at the Hourigan Site, were they not?---Yes.
25 It would have been of assistance to have better quality data 12.52PM
26 being recorded automatically in the south of Morwell at
27 an earlier stage?---The question related to, did it
28 compromise our ability to advise the Incident Control
29 and I don't think it did. We were better assisted by
30 having the station because the station has the ability 12.52PM
31 to stream the data into our Centre For Environmental

1 Science, so it's much more efficient, but the advice
2 from the scientists was that they didn't feel
3 compromised without it.

4 We've identified the sources of data that were available and
5 we'll try and identify exactly where those are prior to 12.52PM
6 those automatic stations coming online?---Thank you.

7 Thank you. May Mr Merritt be excused?

8 CHAIRMAN: Yes, thank you Mr Merritt, you are excused.

9 <(THE WITNESS WITHDREW)

10 CHAIRMAN: We adjourn now until 2. 12.52PM

11 MS RICHARDS: Yes, and we have Simon Ellis as a community
12 witness after lunch.

13 HIS HONOUR: Mr Riordan wants to say something.

14 MR RIORDAN: Can I just take a couple of minutes to hand up
15 the maps that you called for. 12.53PM

16 CHAIRMAN: Yes, that was asked for on Friday.

17 MR RIORDAN: What's been prepared is some A3 maps with the
18 positions marked. We've also produced some A1 maps
19 which are obviously larger and a bit easier to see, but
20 will not be as convenient for the purposes when you're 12.53PM
21 in the Inquiry. We have some display maps available as
22 well. We'll just at this stage wait until somebody
23 says that they'd like to see those. Plainly enough, I
24 thought I'd give those to you now in case there is
25 anything there you are able to observe, but it should 12.53PM
26 show the licence area and all of the items that were
27 mentioned.

28 CHAIRMAN: At this stage all I plan to do was to hand them
29 over for recording purposes and we'll have some further
30 discussion as appropriate. 12.53PM

31 MS RICHARDS: I'm advised by Mr Riordan and those who

1 UPON RESUMING AT 2.05 P.M.:

2 MS RICHARDS: May it please the Board, the next witness is

3 Simon Ellis, a community witness. Mr Ellis, could you

4 please come forward.

5 <SIMON DAVID ELLIS, sworn and examined: 02.08PM

6 MS RICHARDS: Good afternoon, Mr Ellis, thank you for coming

7 this afternoon. Can I start by asking you your full

8 name and your address?---Yes, it's Simon David Ellis,

9 109 Comans Street, Morwell, Victoria.

10 You've moved to Morwell relatively recently. When did you 02.09PM

11 arrive?---18 months ago.

12 You've made a statement to the Inquiry which you have in a

13 folder there before you. Have you re-read it

14 recently?---Yes.

15 Are there any corrections that you would like to 02.09PM

16 make?---Just one correction which was I believe

17 paragraph 34.

18 Paragraph 35, I think?---Paragraph 35, that's correct.

19 On page 4?---It says, "At the time of writing this I was the

20 President of Voices of the Valley." Since then, a 02.09PM

21 matter of weeks ago, I just stepped down as President

22 because of my health. We've had an AGM and a new

23 President has been put in place.

24 Who is the new president?---Wendy Farmer.

25 So that should read, "I am the immediate Past President of 02.10PM

26 Voices of the Valley"?---Yes.

27 And Wendy Farmer is now the President. With that

28 correction, is that statement true and correct?---Yes,

29 it is.

30 02.10PM

31 #EXHIBIT 35 - Statement of Simon Ellis.

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MS RICHARDS: A little about yourself first, Mr Ellis.

You've told us you've lived in Morwell for about
18 months, came here in early 2013?---Yes.

What brought you to the Latrobe Valley?---I bought a hotel.

02.10PM

But you're not running that hotel any more?---No, no longer,
no.

Now you're working as a security guard?---Yes, security
guard and also have an entertainment business which me
and my brother run.

02.10PM

I'll take you now to events of 9 February and approximately
1 o'clock. Where were you?---At 1 o'clock in the
afternoon I was standing on the veranda of my house
with my brother and my daughter, we were enjoying the
beautiful weather.

02.13PM

It was very warm that day?---It was indeed, another day of
40 degrees and above.

You saw some smoke?---Yes. We noticed on the hill towards
the Strzelecki Highway, just over the Strzelecki
Highway as I'm looking at it, a plume of smoke appear
from the ground, from the tree line, and already
knowing that it was a total fire ban day and a day of
over 40 degrees, that you were to report any fires that
you see, so I called 000 at 3 minutes past 1 in the
afternoon and reported the fire that we saw.

02.13PM

02.13PM

With your submission that you've attached to your statement
you've provided some photographs that you took that
afternoon?---Yes.

Could we look at the first of those please. This is behind
tab 1 in that folder that you have?---Yes, No.1.

02.13PM

We'll just wait until we have the photograph up on the

1 screen. That's sitting on your veranda looking in what
2 direction?---So that's looking, so just in front of
3 where the plume of smoke is, probably about 200 metres
4 is the actual Strzelecki Highway. If you go to your
5 left you're heading towards Leongatha and the 02.13PM
6 Strzelecki Highway that goes up and around the hills
7 there.

8 What we might do is get the map of Morwell up and ask you to
9 identify where you were and what direction you were
10 looking?---No problem. 02.13PM

11 So Comans Street runs between, I think to the left where the
12 hand is pointing there?---So my house is here
13 looking - - -

14 Just near McDonald Road?---Yes. No, sorry, my apologies,
15 here, sorry. By Reservoir Road, I'm the third house in 02.13PM
16 from Reservoir Road looking straight across Morwell,
17 which is, Morwell's that way, yes.

18 So you were looking towards the southwest when you took that
19 photograph?---Yes.

20 You time it at just after 1 o'clock?---I looked at my phone 02.13PM
21 at the time I called CFA - sorry, 000 which was
22 3 minutes past 1.

23 Then you've taken a series of photographs which we won't go
24 to in detail, but they show the development of the fire
25 over that afternoon?---Yes. I got a new camera for 02.13PM
26 Christmas and so I just grabbed it and said this was
27 the opportunity to use the camera, and just, every
28 couple of minutes took a photo, took a photo, but moved
29 around so you'll see one which is a little bit to the
30 left of the power pole where there's two trees and in 02.14PM
31 between the two trees you actually see Hazelwood Power

1 Station clearly.

2 Let's see if we can get that one. Tell us what
3 number?---No.30. Now, you can't see the power station
4 right now in that one, but between them two trees is
5 actually the power station just behind there. There 02.14PM
6 are some later photographs which are taken where it's
7 clearer where you can see the power station clearly
8 behind it.

9 So that's No.30 in the bottom right of that page?---The
10 power station is pretty much just there. 02.14PM

11 So as we can see there's very extensive smoke on that
12 afternoon?---Yes.

13 At about what time was this photograph taken?---Any time
14 between 2 and 3 o'clock.

15 And that's from your veranda?---Yes. 02.15PM

16 Looking towards the power station?---Yes, and the mine
17 literally goes - is this way.

18 You received a text message from the CFA with a warning
19 advice that afternoon?---Yes, on the afternoon we
20 received a text message. I can't remember the time off 02.15PM
21 the top of my head, I'm sure it's in here somewhere,
22 saying - 3.44, there you go, received a text message,
23 "Bushfire warning emergency, CFA, Hazelwood, Yinnar,
24 Driffield and surrounding areas, seek shelter now,
25 check radio or CFA." So we actually turned ABC radio 02.15PM
26 on on my stereo and ABC TV on our TV so had them both
27 running simultaneously to find out what was happening,
28 what we needed to do.

29 You recall hearing a spokesperson from the mine on the radio
30 that afternoon?---Yes. We were standing in and we 02.16PM
31 heard it, Trevor Rowe came on saying that the power

1 station was fine, there was no fire in the mine and
2 immediately after hearing that we were staring at the
3 mine; I can see one edge of the mine from my house and
4 you can actually see the batters from my house, and you
5 could clearly see they were on fire.

02.16PM

6 Then you say in the next paragraph of your statement, if we
7 can return to the statement now, on the second page,
8 you heard and saw a number of explosions from the
9 direction of the mine. Can you describe what you heard
10 and what you saw?---There was four explosions in total
11 and they were to the left-hand side of the mine. So,
12 if you're looking at the picture with the two trees
13 again, the left-hand tree, that whole tree lit up and
14 there was a loud bang. We managed to record, and I
15 think the video footage has been made available to that
16 and photos of it as well. I think just after that
17 there was then another - somebody from GDF Suez came on
18 the radio or TV saying words to the effect of, "There
19 was no explosions in the mine." But we could clearly
20 visibly see it and I think a lot of other people saw
21 the same.

02.16PM

02.17PM

02.17PM

22 I want to ask you about the smoke levels in the town over
23 the next week or so. You've shown us a photograph that
24 shows a very large amount of smoke and reduced
25 visibility on the afternoon of the 9th. What was it
26 like the next day?---It was terrible. We stayed up all
27 night on the night of the 9th, we didn't sleep, our
28 neighbours across the road and our other neighbours all
29 came and joined us to see what was going on and to find
30 out; we stayed awake to obviously monitor our houses,
31 make sure our houses were safe, our children, make sure

02.17PM

02.18PM

1 our children were safe.

2 The smoke had surpassed our house, so there's one
3 photo you can see where our street is completely filled
4 with smoke and we were this side of the invisible wall
5 at Morwell South train line.

02.18PM

6 If you can try to describe the progress of the smoke
7 throughout that week?---Yes.

8 Were there days when it was clearer than other days?---At
9 parts, if you're looking from my house perspective, I
10 actually had monitored - we'd done a measurement of a
11 tree which was rather prominent and also the Sacred
12 Heart College cross which stands in the air and we
13 measured how far away it was, and once we'd seen that
14 disappear we knew that the smoke was creeping in
15 towards us.

02.18PM

02.19PM

16 There were days where - pretty much every day for
17 the next few weeks where you could very rarely see the
18 cross or very rarely see that tree which is by the
19 Sacred Heart school, so that meant it was less than
20 a kilometre from us, it was approximately 600 metres
21 away from us.

02.19PM

22 You went to the first community meeting at Kernot Hall on
23 14 February?---Yes.

24 Can you tell us about that meeting ?---There was probably
25 about 300 people there at a guess. Craig Lapsley was
26 there from the Fire Department, there was Department of
27 Health, the EPA, I think there's Ken Lay from the
28 Police Department was there, and there was a few other
29 people there as well from the CFA.

02.19PM

30 When you first walked in there was a table which
31 was set out with, I don't know how much pieces of

02.19PM

1 information, I gathered it all and to be honest a lot
2 of it didn't make any sense or was not relevant to any
3 situation that we needed. The information given from
4 the CFA was good. The information from the EPA - at
5 the end of the meeting there was time to talk to 02.20PM
6 members of either EPA or Department of Health, and so a
7 few of us had gone down to speak and ask, because my
8 daughter attends Morwell Park Primary School and I
9 wanted to know, you know, are we going to be okay, are
10 our kids safe, are our children being looked after or 02.20PM
11 are they just going to be left to run around and play
12 in the smoke as well?

13 We questioned and something that was put to us was
14 the density of the smoke. So when you're looking at
15 the smoke, if you can't see a kilometre in front of you 02.20PM
16 or things like that, that there was warnings given on
17 how you should act and I said to the lady, I said, "To
18 be honest, I can't see across the road through the
19 smoke." She goes, "Oh". I don't think she realised
20 how bad it was until she hears something like that. I 02.20PM
21 said, "What should we be doing?" And she said, "Well,
22 you shouldn't be there then." But still we were there.

23 Over that weekend of 15 and 16 February was there a notice
24 of a worsening in the levels of smoke?---Yes, there
25 was. At one point it got really thick, it had crept 02.21PM
26 right over and to go outside - like, the smoke on some
27 of the days you didn't taste much, but there were days
28 where you'd walk out and it was like you were breathing
29 in something different, it wasn't a taste that you
30 enjoyed, made us sick to our stomach. On one day my 02.21PM
31 daughter had a nose bleed and that's when you start

1 panicking when your 7-year-old daughter has a nose
2 bleed for absolutely no reason when she's in perfect
3 health.

4 You were one of the people on the afternoon of 15 February
5 that received a text message to shelter indoors. 02.21PM
6 did you make of that text message and the later
7 downgrade?---When we received it, we were sort of like,
8 okay, are they actually making a move to do something,
9 are they gonna tell us what to do next? What we did,
10 we'd already done, was to turn off our air conditioner 02.22PM
11 and to put on the normal fans on our ceiling and to
12 close the doors and cover the vents, we'd already done
13 that, because we weren't going to breath this in from
14 the five days, six days previous. So when we got told
15 this it was already common knowledge and most people 02.22PM
16 had already done that anyway.

17 Then to receive on that evening at 5.44 to receive
18 a downgrade, it was rather disturbing to say that they
19 think that it's only lasted a matter of four hours, and
20 by the way you can go out and breath now. 02.22PM

21 As far as you can see had there been an improvement in
22 conditions - - -?---No.

23 - - - by 5.44 that evening?---No.

24 I'd just like to ask you about your daughter. You've
25 mentioned that she attends Morwell Park Primary School 02.22PM
26 and I think you've said she's 7 years old?---She is,
27 yes.

28 If we can return to the map of Morwell and I'd just ask you
29 to point out where Morwell Park Primary is
30 located?---It is right here. Here's Morwell Park 02.23PM
31 Primary School here, on the corner of Vary Street and

1 Hourigan Road, right opposite the EPA monitoring site.
2 So that's not one of the schools that was relocated during
3 the fire. How did her school manage the effects of
4 smoke on the students?--I'm actually on the Parents
5 Committee of the school and so I approached the school 02.23PM
6 on the 15th after the first community meeting and I
7 said to the school, are we making measures, taking
8 measures, are we moving the school, are we not? They
9 said they were given the opportunity to, but they said
10 no, instead we were going to locate the children to 02.23PM
11 different areas, so I think a couple of days later we
12 went to Inverloch Beach, took the entire school to
13 Inverloch Beach for the day. Then there was about
14 three or four visits where we took them out of town so
15 they could play outside and have some fun as normal 02.24PM
16 kids should.
17 So they didn't relocate the entire school but they arranged
18 for a number of day trips to give the kids some relief
19 from the conditions?---Yes.
20 Can I ask you about your own health? You tell us over the 02.24PM
21 page starting at paragraph 25 that you're an
22 asthmatic?---Yes, had asthma all my life, I was born
23 with it.
24 How have you managed that before February
25 this year?---Pretty good. All my life I've managed it 02.24PM
26 and never had a problem. I think when I was 10 years
27 old I had one problem where I was hospitalised but
28 apart from that I was - yes, perfect health for my
29 asthma, I've had an asthma management plan and I know
30 how to use my inhalers and what to do if I have 02.24PM
31 breathing difficulties, but very rarely do until a

1 couple of months ago.

2 During the fire did your asthma change?---Yes, dramatically.

3 Can you describe what happened?---At one point I woke up

4 coughing and wheezing and wondering what was going on.

5 I thought maybe it was the onset of a cold or 02.25PM

6 something. I went to my doctor and he prescribed me

7 with a new has asthma inhaler, which is one of the

8 strongest one, 500 by 50 milligrams, and put me on two

9 Prednisone tablets per day as well. I was then

10 hospitalised, I was in hospital for a day because I 02.25PM

11 couldn't breath.

12 You tell us this was on 11 April, so that was after the fire

13 has been declared safe?---Yes.

14 After the smoke levels reduced in Morwell, have you noticed

15 any improvement in your condition?---There's been a bit 02.25PM

16 of improvement now. I'm off the Prednisone tablets now

17 and, yes, I breath a lot easier. I still have a small

18 wheeze and I went to my GP and I have asked him the

19 question of, what is it? And his answer was, "It's the

20 environment we are living in." 02.26PM

21 Were you able to take some time out of Morwell during the

22 fire?---Yes, I went to Melton to visit my aunt for a

23 couple of days, went away for two days, then I also had

24 five days work in Warrnambool so I went to Warrnambool

25 for five days as well. 02.26PM

26 There will be evidence this week about the advice by the

27 Chief Health Officer for people south of Commercial

28 Road who have, in your case a pre-existing condition,

29 to consider temporarily relocating. Was that advice

30 that you were aware of at the time?---Well, we'd heard 02.26PM

31 Rosemary Lester make the comments about it, saying if

1 you're south of the train line of South Morwell to
2 relocate, but because I wasn't south of the train line,
3 you know, it was either relocate, especially when
4 you're renting a property, a lot of us had problems if
5 you're renting. There was no help on, you can go but 02.27PM
6 you still have to pay your rent; some people still have
7 to work and some of us have businesses to run.

8 So, apart from those occasions when you had a short stay in
9 Melton and then another stay in Warrnambool, there's no
10 relocation for you?---No relocation. 02.27PM

11 Did you explore the question of assistance?---Yes. Because
12 I'm a single parent, we did get a \$500 assistance,
13 that's what helped us to go to our first couple of days
14 away in Melton.

15 I'd like to ask you now about Voices of the Valley. You 02.27PM
16 were involved in the formation of this group. How did
17 it start?---It started, a young lady called Naomi
18 Farmer put a piece on Facebook about disaster in the
19 valley, which is what we first nicknamed it, Disaster
20 in the Valley; from that many other people from 02.28PM
21 different parts of the valley started joining and
22 started having their say.

23 So at that stage it was a Facebook group?---Yes, it was just
24 set up as a Facebook thing, Facebook page, yes.

25 You met Naomi at a press conference?---No, I didn't meet 02.28PM
26 Naomi straight away. I met Nerissa, Heather and
27 somebody else, I forget who else it was, but there was
28 three ladies there, and we were at a press conference
29 in Traralgon where Craig Lapsley was speaking and then
30 Rosemary Lester. 02.28PM

31 Then you got talking about the need for another

1 meeting?---Yes, we got together and decided we were
2 going to meet, so we met that evening at a cafe in
3 Traralgon and anybody else who wanted to become
4 involved in community work to do something or to inform
5 people in the community of what was happening, because 02.28PM
6 that was the idea at first, is we need to get the word
7 out what's happening, we need to tell people what they
8 need to know and how they need to do it. So we had
9 that meeting, got together and said, okay, our next
10 step is 2 March. 02.29PM

11 What happened on 2 March?---2 March we called, as we called
12 it, a protest, which is called Disaster in the Valley.
13 We had an open meeting first where we had some guests
14 come and then we a march straight down the Princes
15 Highway to the Mid Valley Shopping Centre where we had 02.29PM
16 over 1,300 people in attendance.

17 Did all of those people join Voices of the Valley?---No, no,
18 no, not everyone joined Voices. At that point we
19 hadn't come up with the name Voices of the Valley. It
20 was, we would have this meeting and we said that we 02.29PM
21 need to do something about forming more as a community
22 group, and so what we did - after obviously 2 March we
23 then became an incorporated association, but obviously
24 2 March was our big stepping stone where we got a lot
25 of people interested and saw more people come to a 02.30PM
26 meeting which we'd organised in the community to, you
27 know, the community meetings that had been organised by
28 the Government or CFA or whoever organised them or
29 council.

30 So this was a meeting and it was a very large meeting, you 02.30PM
31 had more people than you could fit in Kernot

1 Hall?---Yes.

2 So Commissioner Lapsley and Senator Di Natale attended and
3 addressed the audience?---Yes.

4 Are you able to say how your very new group got in touch
5 with them and got them to come along?--We'd obviously 02.30PM
6 formed like a little committee. Heather Dawes was our
7 secretary, myself as President, then we had
8 Vice President, Robert Corser, and our treasurer which
9 is Deb Hollis, so we put it about that we would all
10 make contact with different people and we put out the 02.31PM
11 contact - Heather Dawes was the lady who contacted
12 Craig Lapsley and had a good communication network with
13 him, so we left her to do all the communicating with
14 Craig.

15 We invited all of the councillors, we invited 02.31PM
16 other people in the community to come along, people who
17 had been affected, people who lived in houses in
18 Wallace Street who had been affected because we wanted
19 to get the word out to the people outside of the
20 valley - knew what was going on because it was a 02.31PM
21 tendency we found that people outside the valley
22 thought it was just a little thing and nothing major
23 was happening, and we felt that we needed to inform
24 people correctly of what really was happening, how we
25 were being treated and how we were being looked after. 02.31PM

26 What was the mood at that first meeting like?---A lot of
27 anger. There was a lot of anger in a lot of the
28 people. For ourselves, we were happy, the first part
29 of the meeting was a one hour informative session where
30 we heard questions or we heard comments from obviously 02.32PM
31 Craig Lapsley which was very informative and he brought

1 in a lot of information in regards to maps, heat
2 signatures and that which was really needed.

3 We invited GDF Suez who didn't come. We invited
4 councillors who - the Mayor as well; the Mayor didn't
5 turn up but I was later told that the Mayor appeared, 02.32PM
6 not dressed as a Mayor but was sat in the crowd and
7 didn't even make notice to anybody that she was there
8 apart from a couple of our members who noticed that the
9 Mayor had snuck in.

10 Also at this meeting you collected some information from 02.32PM
11 attendees?---Yes.

12 You had a questionnaire that you asked people to complete,
13 and you had 650 responses to that?---Yes.

14 You've provided the Inquiry with that data, and a summary of
15 those results?---Yes. 02.33PM

16 Why did you take that step at that meeting?---Actually it
17 was the night before that we decided to do that. All
18 of a sudden we were like, we've going to have we don't
19 know how many people, we had no idea of how many
20 people, apart from the Facebook event which we said set 02.33PM
21 up which said about 600 people were coming. So we had
22 planned, okay, 600 are going to come, we've got a good
23 number to work with. So that night a couple of the
24 members got together and we printed 1,000 of these
25 health questionnaires as quick as we could out of our 02.33PM
26 own pockets and we said, let's have them as they walk
27 in the door filling these out so we can hear how people
28 are being hurt with health, how people are being hurt
29 with their finances and other stuff.

30 There'd been other efforts to collect information from your 02.34PM
31 membership and the people who follow Voices of the

1 Valley. One of those was a survey that one of your
2 other members, Ron Ipson, conducted; you mention that
3 in paragraph 46?---Yes.

4 Mr Ipson's provided this information separately to the
5 Inquiry but it was an online survey that identifies 02.34PM
6 that people up and down the valley were experiencing
7 symptoms as well as people in Morwell?---Yes. Also
8 something that we later set up after finding is a
9 website builder called NationBuilder which incorporates
10 petitions, and then it gave us information as to where 02.34PM
11 people were filling out the information which was a big
12 help as well, so it told us people as far as Warragul
13 were feeling the effects of the smoke and people as far
14 as Sale and Bairnsdale were feeling the effects of
15 smoke as well. 02.34PM

16 There was a protest march in Melbourne on 11 March; tell us
17 about that?---Yes, there was. We said, this is before
18 the Inquiry was actually called, one of the things that
19 we were petitioning for was for an Inquiry to be done.
20 We looked at many different ideas, whether it should be 02.35PM
21 a Royal Commission, a judicial Inquiry, whatever
22 Inquiry it was to be, but we said that we wanted
23 something to be done about it, and until something was
24 done about it, it was not going to stop. So on
25 11 March we called that we were going to go to GDF Suez 02.35PM
26 headquarters in Melbourne at the Rialto Towers. We
27 were going to meet there for a brief rally and then we
28 were going to walk up towards Parliament House where we
29 had organised a press conference at 1 p.m., and at
30 1 p.m. we then protested on steps of Parliament House 02.35PM
31 where we were joined by Greg Barber from the Greens,

1 Senator Richard Di Natale, Colleen - I can't remember
2 her surname, sorry, from the Greens also, Don Nardella
3 from the Labor Party and a few other members from the
4 Labor Party who also came and joined us to stand with
5 us.

02.36PM

6 Aside from all of the politicians, how many people attended
7 the protest March?---I think at the beginning we had
8 probably about 30 or 40, but by the end of it when we
9 got to Parliament House I think there was between about
10 60 and 80 people.

02.36PM

11 You held another significant meeting on 23 March?---Yes.
12 At Kernot Hall. Approximately how many people came to that
13 meeting?---I think we had about 200.

14 By this time the smoke had diminished?---Yes.

15 And the fire was controlled, if not quite safe?---Yes, and
16 this was another confusing part on the response of, you
17 know, being told what was happening, is contained,
18 controlled, safe, but still not being told is it out
19 and that's what a lot of people - they heard
20 "contained" and they thought it was out. Then they
21 heard "controlled" and they thought it was out. Then
22 they heard "safe" and people think's out, and it wasn't
23 until we questioned and we did some digging ourselves
24 to find out that "safe" still doesn't mean it's out.

02.36PM

02.36PM

25 Although according to Mr Lapsley, it means that it's not
26 producing smoke any more?---Yes.

02.37PM

27 You also collected some information at this meeting on
28 23 March?---Yes.

29 You had a blank affidavit that you asked people to
30 complete?---Yes.

02.37PM

31 And had Justices of the Peace ready to witness their

1 affidavits?---Yes.

2 You've provided those 67 affidavits and a summary of results
3 to the Inquiry?---Yes.

4 Where to now for Voices of the Valley now that the fire is
5 out and the smoke his dissipated?---Voices of the 02.37PM
6 Valley alongside - have joined in and said that we'd be
7 part of a march called Cap the Coal which is happening
8 actually this Sunday, sorry for the plug, it's already
9 out there so it's no secrecy. That's one thing that
10 people have been very wary of with Voices of the 02.38PM
11 Valley, they thought that we were crazy protestors and
12 that we were wanting to be closing the mine. Our
13 intention is not to have the mine closed. We know that
14 the mine creates jobs and creates power, so we're
15 wasting our time completely by doing that. Our aim is 02.38PM
16 that we want to see the job that should have been done
17 at the beginning done, the rehabilitation of the mine,
18 the clean up, decontamination of peoples' homes which
19 we feel is the responsibility of GDF Suez to be done,
20 and so by Cap the Coal we're doing, as a lot of people 02.38PM
21 have said, is that they should rehabilitate the disused
22 part of the mine. If it's not being used any more,
23 then they should cover it up, do their job.

24 Mr Ellis, thank you, I have no further questions. Do
25 Members of the Board have any questions? 02.39PM

26 MEMBER CATFORD: Simon, thank you very much for your
27 statement and for meeting us on previous occasions.
28 Can you just tell us a bit about what was happening in
29 the information space in that first week and what role
30 you and the Voices of the Valley were taking in terms 02.39PM
31 of helping people come to terms with what was going

1 on?---What we did as Voices of the Valley, within the
2 space of less than 24 hours we set up a website.
3 Everyone else was running around trying to figure out
4 how they were going to get information out and I just
5 said, we can set up a website, we can set it up in less 02.39PM
6 than 24 hours and we were posting everything that came
7 in, whether it came from Government, whether it came
8 from GDF Suez or whether it came from CFA or the police
9 we posted it up so people could read it. We also had
10 the Facebook page and the Facebook group which are 02.39PM
11 still running now which in total have over 1,000
12 members on that and still continuing today informing
13 people. We're upstairs recording one of these sessions
14 and we're putting it out to people who want to hear
15 about it, want to know about it, giving them the 02.40PM
16 information that wasn't given to them by the
17 government, by the CFA, by the EPA, finding - doing our
18 own test results, doing our own testing, paying for our
19 own testing to be done.

20 I think the gentleman before said that they made 02.40PM
21 their information available; well, they didn't to be
22 honest. The information wasn't fully available, it
23 wasn't given to people that needed it. After speaking
24 we invited CAG, the Community Advisory Group, to Voices
25 of the Valley meeting which we meet weekly, and the 02.40PM
26 gentleman, Mike Potter I think his name is, who is in
27 charge actually apologised to us at our meeting,
28 saying, "We're sorry we didn't actually get you
29 involved, we're sorry that we didn't come to you
30 earlier to do stuff." We wasn't interested in becoming 02.40PM
31 part of everything else, we wanted to get the

1 information out to people and that's still what we are
2 today. The mine is one aspect of Voices of the Valley.
3 Next week something else might happen and Voices of the
4 Valley will continue on and we'll help and we'll push
5 out the information for the next thing that happens. 02.41PM

6 So you became really quite an important diffusion point, to
7 use a bit of a jargon term, in terms of passing
8 information around. Did any of the Government agencies
9 approach you to help you with that or say, look, you
10 haven't quite got this right or could you help us get 02.41PM
11 this information out? Was there any contact in that
12 sort of way?---None of them. We ourselves, Julie
13 Brown, she made a lot of contacts, calling the EPA a
14 lot, some other members called up EPA and also I had
15 made contact by going down to the CFA station to get 02.41PM
16 information, but no-one actually made contact with us
17 and said, hey, we would like this to get out. We
18 created our own newsletter as well which we sent out
19 and did our own door-to-door delivery, we did our own
20 door-to-door knocking so that people could get the 02.42PM
21 information that they needed that wasn't being passed
22 out.

23 Just finally, do you think anything you were saying was
24 somehow sensational or were you trying to stir things
25 up or were you trying to keep sort of level-headed and 02.42PM
26 calm about this?---A lot of people had said that.
27 Firstly, are you trying to cause trouble? And we said
28 to them, no, we're not here to cause trouble. Some
29 people obviously have their own agendas and we tried to
30 bring them back down to earth as they tried to do 02.42PM
31 things, but our main objective was always and always

1 will be to inform people of the correct information
2 that they need, to give them the correct information
3 that they need and to try and wean out the unimportant
4 stuff, so stuff that might come in - like, we had a
5 gentleman on our Facebook page at 2 o'clock in the 02.42PM
6 morning every morning would post 11 posts which were
7 completely left of field of what we were doing so I
8 would delete them, I would sit up and wait and delete
9 them because it's not important enough that we need to
10 be following a political agenda. 02.43PM

11 We smoke with Russell Northe at one point where we
12 filled out letters, got people to sign letters for
13 Russell Northe and we'd taken some comments from him,
14 we asked him what's the next thing for us to do? He
15 said if you get everyone to write a letter, send it to 02.43PM
16 me and I'll table it in Parliament. I spoke to a few
17 of my friends in Parliament who I know and they'd said
18 to me, "tabling" just means, it gets put aside and
19 never gets spoken of again so we ditched it. We said
20 it's not worth doing that, it's not worth doing 02.43PM
21 something which is going to waste our time and effort
22 of doing it; we need to be doing something which is
23 more constructive, which is our aim all the time.

24 MS RICHARDS: Thank you, Mr Ellis. Mr Riordan, who is
25 counsel for GDF Suez, has two minutes of questions for 02.44PM
26 you.

27 <CROSS-EXAMINED BY MR RIORDAN:

28 Mr Ellis, just a couple of clarifying questions. I might
29 hand up to you, if I could, two documents. In
30 paragraph 12 you mention how on the 9th you heard 02.44PM
31 Trevor Rowe on ABC radio. Do you recall that?---Yes.

1 Mr Rowe did give an interview on that day and this is the
2 transcript of it. I'm just wondering whether you could
3 have a look at it and see whether you are able to
4 recognise it as best you can as what you heard him say
5 on the 9th?---So, what was the question on that one? 02.45PM
6 Are you able to recognise that as being the transcript of
7 the interview that you heard on the 9th?---I didn't
8 hear the whole interview, I will just say though, I
9 mean I only heard that Trevor Rowe was mentioned and
10 that's when we rushed in and said let's see what's 02.46PM
11 happening. The part that I remember hearing was
12 probably from about, I just saw it a second ago - yes,
13 it would be the third statement, is it, there on
14 page 2, "There has been some reports that Hazelwood
15 Power Station has been threatened by fires, that's not 02.46PM
16 the case." That's probably where I heard it from.
17 What he actually said, wasn't it, that the fire wasn't in
18 the power station and it wasn't in the operating area
19 of the coal mine. Is that correct?---That's correct,
20 yes. 02.46PM
21 Could I tender that, please.
22 CHAIRMAN: Yes, 35.
23
24 #EXHIBIT 35 - (Addition) Transcript of radio interview with
25 Mr Trevor Rowe. 02.47PM
26 MR RIORDAN: Within a couple of days GDF Suez stopped making
27 statements and, as you pointed out, they didn't go
28 along to the public meetings. That was, if I can ask
29 you to accept, as a result of the fact that there is a
30 policy that they fall in line behind the CFA in 02.47PM
31 particular who give the one line of communication in

1 matters relating to the fire. I want to give you the
2 opportunity whether you think from the point of view of
3 a resident that's a good policy that there should be
4 the one line of communication, or do you feel like
5 there should be multiple lines, including the company
6 communicating to you?---I agree that there should be
7 one line of communication, but that one line of
8 communication needs to be communicated properly.

02.47PM

9 You've got no objection to GDF Suez holding their tongue, as
10 it were, and allowing the CFA to take responsibility
11 for the line of communication. Your query is as to the
12 quality of the communications made to you?---I agree in
13 part. I would say that, if my house was causing a
14 disturbance with my neighbours and that the police
15 weren't doing their job, that I would then - you know,
16 let's say for argument's sake that I'm the boss of GDF
17 Suez and I've put out some information about a fire and
18 the CFA or the Government has not done their job right,
19 then I would feel that it would be my responsibility,
20 as GDF Suez, to then inform the people correctly of
21 what's happening.

02.47PM

02.48PM

02.48PM

22 The next document relates to paragraph 31 of your statement
23 which is a visitor gate pass for 28 February with
24 respect to, requested by R Locke. Do you see that
25 document there?---Yes.

02.49PM

26 It talks about that being for Diamond Protection. Is that
27 the occasion when you were inducted by Diamond
28 Protection?---Yes, it was, yes.

29 Just so it's clear, it's right, isn't it, that it was
30 Diamond Protection that took you on as a casual
31 worker?---Yes, Diamond Protection employed me to be a

02.49PM

1 secured guard, yes.

2 You understand that Diamond Protection was a contract role
3 but it's not GDF Suez?---No, I didn't know that.
4 You didn't know that?---No.

5 You do mention, though, that somebody called Travis had some 02.49PM
6 role, you were told - - -?---I was told Travis from
7 Melbourne, which I'm guessing is GDF Suez, had called
8 up and spoken to Robert Locke and said to Robert Locke
9 that, "He is not to work here".

10 Can I suggest to you that there is a no Travis in the 02.49PM
11 management of GDF Suez, but there is a Travis Burns of
12 Diamond Protection; you would agree that it's probably
13 that Travis that was being referred to?---It could
14 quite possibly be that; without knowing the other
15 person I wouldn't be able to say yes or no. But I'm 02.50PM
16 sure, if it was Travis from Diamond Protection, I'm
17 sure he would have got some information or
18 communication from GDF Suez.

19 The last matter I wanted to raise with you was Fusion Foods,
20 they supplied food to the CFA firefighters, didn't 02.50PM
21 they?---Well, no, they didn't supply food for the CFA,
22 they provided food where CFA, the nurses and also GDF
23 Suez employees partook of.

24 Did you know that they were contractors to the CFA?---On
25 discussion with the owner of Fusion Foods I was told 02.50PM
26 that his role is that when a bushfire happens, wherever
27 it is, that they are called in after a certain period
28 of time to provide food and drinks and things like that
29 for the CFA or for Emergency Services.

30 You say that you were told after the protest on 11 March 02.53PM
31 that you could no longer return to Hazelwood Mine to

1 cook. Who told you that?---I received a phone call
2 from a friend of mine who is still a security guard at
3 GDF Suez and this person called me and informed me
4 that, "They have been told not to let you on the site."

5 Did Fusion Foods not ask you to come back on to the
6 site?---I couldn't get in contact with Fusion because I
7 didn't have contact details; all the details I had was
8 WorkforceXS, which was the recruitment agency or
9 employment agency who were finding the chefs for the
10 work.

02.53PM

02.53PM

11 Thank you very much, Mr Ellis.

12 DR WILSON: No questions, thank you.

13 MS RICHARDS: I have no re-examination. May Mr Ellis be
14 excused?

15 CHAIRMAN: Yes. Thank you, Mr Ellis, you are excused.

02.53PM

16 Mr Rozen will take the next witness.

17 <(THE WITNESS WITHDREW)

18 MR ROZEN: The next witness is Mr Nicholas Pole. I call
19 Mr Pole.

20 <NICHOLAS JOHN POLE, sworn and examined:

02.53PM

21 MR ROZEN: Good afternoon, Mr Pole. Can you confirm for us,
22 please, that your full name is Nicholas John
23 pole?---Yes.

24 P-O-L-E for the transcript?---Yes.

25 Your work address is 2 Treasury Place, Victoria?---Yes.

02.53PM

26 Mr Pole, you hold the position of Deputy Secretary, Regional
27 Services Group, Department of Education and Early
28 Childhood Development?---That's correct.

29 That's a position you have held since April 2012?---That's
30 correct.

02.53PM

31 For the purposes of the Inquiry, Mr Pole, have you made a

1 statement dated 26 May 2014?---Yes, I have.
2 Have you had an opportunity to read through that statement
3 before coming along and giving evidence today?---Yes, I
4 have.
5 Is there anything in the statement that you would like to 02.54PM
6 change?---No.
7 Are its contents true and correct?---Yes.
8 I'll tender the statement.
9
10 #EXHIBIT 36 - Statement of Nicholas Pole. 02.54PM
11
12 MR ROZEN: Mr Pole, a little bit about your background and
13 then I'll ask you about the contents of the statement.
14 You hold the qualifications of Bachelor of Education
15 and Masters of Business Administration?---That's 02.54PM
16 correct.
17 Prior to commencing employment with the Department, if I can
18 call it that - a bit of a mouthful your Department's
19 name - you held a similar position in the New Zealand
20 Ministry of Education?---That's correct. 02.54PM
21 You had responsibility of particular relevance to us for the
22 New Zealand Government's education recovery response to
23 both the 2010 and 2011 Christchurch
24 earthquakes?---That's right.
25 That included the relocation of 18 schools and 7,000 02.55PM
26 students?---Yes.
27 The group within which you work, the Regional Services
28 Group, as you say in paragraph 4 of your statement, has
29 oversight of the operation of early childhood services
30 and Government schools; is that right?---That's 02.55PM
31 correct.

1 You also refer, before leaving the departmental structure,
2 to the Emergency Management Division. Can you tell us
3 a little bit about the role played by the Emergency
4 Management Division of the Department of
5 Education?---So, the Emergency Management Division has 02.55PM
6 two core functions; one is training and developing
7 support materials to be used by schools and a regional
8 group in response to traumatic incidents and major
9 emergencies, and then secondly to coordinate and
10 facilitate our response on the ground. Education is 02.56PM
11 always a secondary organisation, so we take our
12 instruction and direction from CFA, or depending on
13 which event we are working with.

14 As I understand it, that's a point you seek to make in
15 paragraph 12 of your statement about not being a first 02.56PM
16 response agency; is that right?---That's correct.

17 As you say there, the Emergency Management Division provides
18 policy and operational direction for all Government
19 schools and childrens services. At paragraph 13 you
20 make reference to an MOU which I should ask you about, 02.56PM
21 a Memorandum of Understanding, which you've got
22 attached to your statement. I don't need to take you
23 to it at the moment, but it's an MOU signed by the
24 Department with the Catholic Education Commission and
25 Independent Schools Victoria and the Municipal 02.57PM
26 Association of Victoria in September 2012 so that those
27 four organisations can work collaboratively in the
28 event of emergencies such as bushfires, floods and
29 other such disasters that might affect childrens'
30 services?---That's correct. 02.57PM

31 I take it the idea, and it's apparent from reading the MOU,

1 the idea is that there be consistency of approach
2 across the education sector, so whether it's a
3 Government school, a Catholic School, an independent
4 school or a Local Government run educational
5 institution, that there is consistency of
6 approach?---Absolutely.

02.57PM

7 I will return to that question in a moment, but your
8 statement addresses a number of questions that you were
9 asked by the solicitors to the Inquiry and you set out
10 those questions in paragraph 8 of your statement.

02.57PM

11 They're essentially concerned with how the Department
12 responded to the fire that commenced in the Hazelwood
13 Mine on 9 February 2014, particularly in relation to
14 the protection of children in schools and other
15 educational institutions in Morwell?---That's correct.

02.58PM

16 That's right, isn't it, and that's what your statement deals
17 with. Perhaps if we can start by getting some idea of
18 the numbers of students that we're talking about and
19 you've very helpfully included a table for us behind
20 Annexure 2 to your statement, if we can go to that. We
21 can see under the heading, "Morwell area facilities."
22 We've firstly got a list of 10 schools, primary and
23 secondary; is that right?---Yes.

02.58PM

24 If my maths is right, and it often isn't, but I've got 2,162
25 students. I'd ask you to accept that that's the total
26 of those 10 numbers there?---That's pretty close.

02.59PM

27 So we've got just over 2,000 school students. Then there's
28 a list of early childhood services. If we could just
29 scroll down we see there are nine early childhood
30 services. They're early learning centres and
31 kindergartens. Is there a difference between an early

02.59PM

1 learning centre and a kindergarten?---So, a
2 kindergarten will typically be older children, so
3 between 3-5 years of age, whereas an early learning
4 centre will have younger children from babies right
5 through. 02.59PM

6 Right through to that top end of that age group, up to about
7 4 or so?---Up to about 4; prior to starting school.
8 My maths tells me there's 377 children in those various
9 services under the heading, "Early childhood services."
10 Then at the very bottom of the page under the heading, 03.00PM
11 "Higher education", there's a very large TAFE campus in
12 Morwell, the Central Gippsland Morwell Campus No.3 and
13 there's 2,229 students there; is that right?---That's
14 correct.

15 So we've got a total of 4,774 students and children 03.00PM
16 attending those various services. Behind tab 16 of
17 your statement there is a map which helps us understand
18 the distribution. It's paragraph 54. Just to
19 orientate ourselves, the purple snake at the bottom
20 there is the Princes Freeway?---Yes. 03.01PM

21 Then we've got Commercial Road, we see there's a number of
22 facilities located south of Commercial Road and I'll
23 ask you about those. Starting from the left-hand side
24 as we're looking at that diagram, there's the Vary
25 Street school which is south of Commercial Road?---Yes, 03.01PM
26 that's correct.

27 Further south again is the Maryvale Crescent Kinder.
28 There's evidence that's been presented to the Inquiry
29 that of all the facilities that fall under the
30 responsibility of the department, the Maryvale 03.01PM
31 Kindergarten, also referred to as an early learning

1 centre, that's the closest location to the mine; is
2 that right, Mr Pole?---Yes.

3 Obviously it depends where you measure it from, but in the
4 submission that the State of Victoria's provided to the
5 Inquiry, that's said to be some 800 metres from the 03.02PM
6 mine. Do you accept that that's a generally accurate
7 figure?---Approximate, yes.

8 You seem to be hesitating a little bit; do you think it's
9 more or less than 800 metres?---I'm not sure of the
10 exact distance. Within a kilometre, yes. 03.02PM

11 We also have two other facilities. Just looking at that map
12 which you refer to in your statement, we can see that,
13 as the heading shows, this is a snapshot as of 4 March,
14 isn't it? That's the information you're seeking to
15 convey to us?---Yes. 03.02PM

16 The key at the very bottom shows us that the names that are
17 written in yellow or gold are facilities that had
18 closed as at 4 March and the students had either been
19 relocated or were in the process of being relocated; is
20 that right?---That's correct. 03.03PM

21 Then we see a number of facilities identified in green
22 writing and they're facilities that were not closed as
23 at 4 March; is that right?---That's correct.

24 In fact, they weren't closed any time after 4 March
25 either?---Yes. 03.03PM

26 Am I understanding that correctly?---That's correct.

27 If I can ask you a little bit about the Department's
28 response so that the Inquiry can get some understanding
29 of how it was that by 4 March some facilities are
30 closed and other facilities had not. As I understand 03.03PM
31 your statement, you indicate that the issue of the

1 impact of the fire on these facilities, on schools and
2 early learning centres in Morwell, was quite quickly
3 brought to your attention and the Department's
4 attention soon after the fire started on 9 February; is
5 that right?---That's correct.

03.04PM

6 When was the first occasion on which the issue was on your
7 desk, if I can put it that way, when the matter arose
8 for you?---Early Monday-Tuesday.

9 That's Monday the 10th, Tuesday the 11th?---Yes.

10 How did the issue arise for you?---The feedback came from
11 our team. So, in the first week of this event, the
12 event was managed from our regional team located here
13 in the southeastern region of the Department and it was
14 report backs from them and reports from principals to
15 our senior staff here in the Department on the ground.

03.04PM

03.04PM

16 The Department has representation on the State Emergency
17 Management Team?---That's correct.

18 And did have in relation to this fire. You have attached to
19 your statement a number of situation reports that came
20 out of the SEMT. If I can take you to the first of
21 those, please, which is behind tab 41. Paragraph 82,
22 the first of those, do you have in front of you a
23 situation report dated 13 February 2014?---Yes, I do.

03.05PM

24 If you turn to the second page of that document, please,
25 page 2 of 11, there's an executive summary at the top
26 of the page. We can see in the fifth paragraph there,
27 "DEECD report". Do you see that?---Yes, I do.

03.05PM

28 Do you know if you attended this meeting or was it the
29 emergency management manager?---It was the manager of
30 emergency management within my group.

03.06PM

31 I won't attempt to pronounce her name but I'm sure you

1 know?---Jenny McKeagney.

2 The report that we see in the executive summary of the
3 report is that the Department was reporting a
4 significant reduction in closures of schools. I'll
5 just stop there. That's a reference to schools in East 03.06PM
6 Gippsland, is it, not affected by fires in the region
7 of Bairnsdale?---Across the State.

8 Was it principally in East Gippsland that schools were
9 affected at that time?---Yes. So we had one school on
10 two locations, Tubbut and Goongerah which were closed. 03.07PM

11 We needn't be too concerned about that, it's the next
12 sentence I wanted to ask you about, "In response to
13 smoke issues arising from the Morwell Mine Fire smoke
14 advisory notices developed by EPA and DH..." That's
15 the Department of Health?---Yes. 03.07PM

16 "... have been distributed to affected schools and early
17 childhood facilities." Before leaving that document,
18 could we go to page 8, please, page 8 of 11. There's a
19 heading, "Education" at the top of the page, and does
20 this summarise the contribution to the meeting of 03.07PM
21 Ms McKeagney? Is that right?---That's what's being
22 reported to me and reported here.

23 But it reported to the SEMT; is that right?---Yes.

24 Which presumably was by Ms McKeagney; is that right?---Yes.

25 There's a heading, "Emergency issues", and I ask you about 03.08PM
26 the second dot point there, "Air quality issues remain
27 for schools (3) and early childhood facilities (6)
28 located within 2 kilometres of the Morwell Mine." That
29 was information that was being fed to you and
30 Ms McKeagney from the region that you were describing; 03.08PM
31 is that right?---That's correct.

1 Air quality issues could mean a lot of things. What
2 specifically was being referred up the chain, if I can
3 put it that way, from the region?---My understanding at
4 the time was, smoke. Smoke from the fire and from the
5 mine. 03.08PM

6 Impacting, presumably, on the quality of the educational
7 service that was being provided at the facilities, was
8 it?---On the quality of the air at the facilities.
9 If we turn to the second situation report that you've
10 attached which is behind tab 42. It's also in the same 03.11PM
11 paragraph. Do you have that in front of you,
12 Mr Pole?---I do.

13 I won't trouble you with the very small font in the
14 executive summary, but if we go over to I think it's
15 the fifth page with the code .0439 in the top 03.11PM
16 right-hand corner, do you see the heading, "Education."
17 At the top of the page there?---Yes, I do.

18 The third dot point there reads, "Frustration regarding lack
19 of clear advice on air quality issues directed at DEECD
20 regional staff by some Morwell facilities." Were you 03.11PM
21 aware as at this date, 13 February, that there was
22 frustration being directed to regional staff by Morwell
23 facilities?---Yes, I was.

24 Who specifically was raising or complaining of their
25 frustration? Was it the principals of schools?---It 03.11PM
26 was the principals of schools, yes.

27 So they were going to their regional departmental
28 representatives?---Yes.

29 And complaining about something; what was the
30 frustration?---It involved clearly smoke through their 03.11PM
31 schools and frustration in regard to, firstly, the

1 impact of that on the operation of the schools. So, in
2 effect, schools were keeping kids inside, so
3 essentially an ongoing - in education we call it the
4 rainy day arrangements, so we have kids inside in
5 classrooms through the entire day to keep them out 03.11PM
6 of - - -

7 Kids don't tend to respond terribly well to those
8 arrangements?---And in particular at this time of
9 the year where it was quite warm; summer, where they're
10 used to being out in the fields running around. 03.11PM

11 Sorry, I cut you off there. So they were complaining about
12 these arrangements and what else?---And in addition
13 concern or a lack of knowledge and information about
14 the potential health impacts of the smoke.

15 The next sentence, not surprisingly, reads, "Need for prompt 03.12PM
16 and meaningful advice is critical to community
17 confidence." As far as you were concerned at this
18 time, firstly I assume that you accepted that there was
19 a need for prompt and meaningful advice?---Yes,
20 absolutely. 03.12PM

21 Where was the advice to you coming from at this time? Who
22 was advising you on those issues, the effect on health
23 and the smoke and so on?---So, through the SEMT, the
24 advice around these events was worked through with both
25 the Chief Health Officer and, as Incident Controller, 03.12PM
26 Craig Lapsley.

27 Was the information that you were getting - "you" I mean the
28 Department, and also "you" specifically - from those
29 sources was that sufficient to enable you to meet the
30 demand that was coming from the principals in 03.13PM

31 Morwell?---At that time and through the week we put out

1 a range of advices to schools about managing in
2 response to the smoke events.

3 You've attached a number of those advices and I won't take
4 you to them specifically, but the advices continued to
5 talk about keeping the children indoors and also raised 03.13PM
6 the possibility of taking them on excursions; is that
7 fair?---That's correct, yes.

8 Did that meet or reduce the level of frustration in
9 Morwell?---Clearly not, so in our response we built
10 over time a capacity to monitor the air, so we put in 03.13PM
11 place our own air monitors in order to assess - well,
12 the times at which principals could with some
13 confidence allow children to go out and play and when
14 to ventilate classrooms and any spaces (indistinct).

15 I don't want to interrupt, but it's correct, isn't it, 03.14PM
16 Mr Pole, that the Department, in taking that action of
17 putting its own monitoring arrangements in place,
18 didn't occur until after your trip to Morwell the
19 following week?---That's correct.

20 For the moment I just want to focus on the position that 03.14PM
21 faced you during, if I can call it the first week of
22 the fire, we'll come to what happened after you went to
23 Morwell in a moment. If we go to the previous page of
24 that situation report there's heading, "Health". I
25 take it, this is a report - in fact it says, it's 03.15PM
26 provided by Department of Health and Department of
27 Human Services to the State Emergency Management Team;
28 is that correct?---That's correct. Well, as I
29 understand it.

30 Without reading through all of it, there's a reference in 03.15PM
31 the fifth line of that paragraph towards the end, it

1 says, "Air monitoring is continuing in the area." Do
2 you see that?---I do.

3 As you understood it as at 13 February 2014 what air
4 monitoring was taking place in Morwell?---That's a
5 question clearly for the EPA. 03.15PM

6 We have heard from the EPA about that. My question's
7 slightly different; what did you understand was
8 happening from your participation and the Department's
9 participation in this Emergency Management Team?---That
10 there was some monitoring by the EPA across Morwell. 03.16PM

11 What information was coming to you about the results of that
12 monitoring to inform the advice that you were able to
13 provide to people in Morwell?---I didn't see our
14 position as taking information on the quality of air,
15 or the technical aspects of the air monitoring, but 03.16PM
16 relied on the Chief Health Officer in terms of that
17 assessment as to the health and well-being of children
18 and the community.

19 If I understand you correctly, you're saying you were
20 looking to the Chief Health Officer for qualitative 03.16PM
21 analysis of any data rather than actually providing you
22 with the numbers; is that right?---Absolutely.

23 Were you receiving that at that point in time?---There was
24 ongoing dialogue and discussion with Dr Lester.

25 Is that dialogue documented? I know we get a written advice 03.17PM
26 from Dr Lester on, I think it's 18 February which I'll
27 ask you about, but prior to that time what was the
28 nature of the dialogue that was taking place?---It was
29 essentially attempting to get an assessment of the
30 impacts of the smoke on health and well-being of the 03.17PM
31 community, and in particular the children and young

1 people in education programs.

2 You were no doubt aware from discussions and from reading
3 the general advice that had been produced by the EPA
4 and the Chief Health Officer that young children were
5 identified very early on as a particularly vulnerable 03.17PM
6 group in relation to the inhalation of smoke?---That's
7 correct.

8 People with pre-existing respiratory and cardiac conditions
9 was another vulnerable group?---Yes.

10 Certainly as far as asthma is concerned there can be an 03.18PM
11 overlap, can't there? It's quite common to have young
12 children that suffer from asthma - - -?---That's
13 correct.

14 - - - in schools. Did you have any data available to you
15 that identified the extent to which there was such 03.18PM
16 children in these schools and early learning centres in
17 Morwell?---No, I didn't.

18 But that was something presumably that school principals
19 would be aware of in their particular
20 schools?---Absolutely. A kid with chronic asthma or 03.18PM
21 heart or lung concerns, that would be core information
22 that's held on a student's record.

23 The requirement to have an asthma management plan and so
24 on?---Yes, absolutely.

25 As I understand your statement, the issue of closing schools 03.18PM
26 and relocating students/children in these facilities
27 really only arises in the following week commencing on
28 18 February?---That's correct.

29 Specifically at paragraph 51 of your statement, if we can go
30 back to that, you say, "The Department commenced 03.19PM
31 planning for the possible relocation of schools and

1 childrens' services on 18 February 2014." That's day
2 10 of the fire; would you agree with that?---Yes.
3 What does "commence planning" mean?---It involves assessing
4 alternative locations, looking into issues such as
5 transport to take students to other locations. 03.19PM
6 What was the trigger that led to the commencement of
7 planning for relocations?---The assessment that I was
8 presented with on the 17th was that there'd been a
9 particularly bad weekend in terms of smoke events
10 across the community. 03.20PM
11 Then, secondly, the discussion or information coming from
12 Craig Lapsley that in fact the event was likely to take
13 somewhat longer than a couple of weeks to get under
14 control.
15 The Inquiry heard evidence last week from Mr Lapsley and its 03.20PM
16 documented in the minutes of the State Emergency
17 Management Team, that from a very early stage he was of
18 the view and it had been communicated, certainly at
19 least at that level, that this was a 30-plus day event.
20 Do you recall receiving that information in the first 03.21PM
21 week of the fire?---No, I don't.
22 If I understand the evidence you're giving, you're saying
23 that around about 17 February you understood from
24 Mr Lapsley that - I don't want to put words in your
25 mouth - but that it had another, what, at least two 03.21PM
26 weeks to run?---Yes, through my team attending the SEMT
27 meeting, and then alongside that discussions with
28 Dr Lester regarding the health consequences, in
29 particular for those living south of Commercial Road,
30 and that in one centre there had been some indications 03.22PM
31 of smoke impacts on children or alleged smoke impacts

1 on children.

2 I want to ask you about that, you deal with that at
3 paragraph 87 of your statement. As I understand it,
4 this report had a significant effect on your thinking
5 and it seems also on Dr Lester's views about 03.22PM
6 relocation; is that correct?---Absolutely.

7 You say at paragraph 87 that, if we get the chronology
8 right, there was a SEMT meeting which we know occurred
9 in the morning from the minutes. Then there was a
10 meeting between yourself and Dr Lester; is that 03.22PM
11 right?---Between Jenny McKeagney and Dr Lester; is that
12 right?---I also spoke with a Deputy Secretary colleague
13 at Health.

14 Yes, I'm sorry, you were told about the meeting between
15 Ms McKeagney and Dr Lester. What was discussed at that 03.26PM
16 meeting, amongst other things, was a report that had
17 been received from a children's service of children
18 exhibiting hyperactivity, headaches, flushed faces and
19 longer sleep times is that right?---Yes.

20 Is that a report that was written?---No. 03.26PM

21 So it was a verbal report provided to the Department of
22 Health; is that right?---That's correct.

23 Do you know which children's service was the subject of that
24 report?---Not directly at this minute.

25 I understand that. Is that something that you might be able 03.26PM
26 to inform the Inquiry about?---Yes, I can come back to
27 the Inquiry with that.

28 Is there any documentation in existence in which that report
29 is described?---No, there's not or not to my knowledge.

30 Can I just ask you to double-check that as well too, please, 03.27PM
31 Mr Pole?---Yes.

1 If we continue on in that paragraph, you say, "I am informed
2 that at the meeting Dr Lester indicated that these
3 symptoms may be consistent with carbon monoxide
4 exposure." Is that right?---(No audible response).
5 Were you aware before this meeting that carbon monoxide was 03.27PM
6 one of the by-products of the fire in the mine, that
7 the smoke contained carbon monoxide?---Yes, I was from
8 the events of Friday the previous week.
9 What specific events are you referring to there?---The
10 reports in terms of the firefighters. 03.27PM
11 That's the report of, is it the 15th, that you're talking
12 about?---Yes.
13 That report came to your attention through the SEMT, did
14 it?---Through the media.
15 You would have been greatly concerned, I take it, about 03.28PM
16 children suffering from symptoms that may be consistent
17 with carbon monoxide exposure?---Or equivalently carbon
18 dioxide.
19 Can you just explain that please, Mr Pole?---We have a
20 number of children in a contained space, classroom, 03.28PM
21 with lots of activity and breathing and so on.
22 Exhaling carbon dioxide like we all do?---Exhaling carbon
23 dioxide, and so, because we weren't ventilating
24 classrooms in spaces, there was a build up in carbon
25 dioxide. 03.28PM
26 Is that just from your general knowledge or was there some
27 monitoring results that told you that?---This is some
28 of our monitoring from our hygienists.
29 That didn't occur until after the day that we're talking
30 about, did it?---That's correct. 03.29PM
31 Just going back to this meeting, and I do need to press you

1 on this because it's important for the Inquiry, was
2 Dr Lester's advice that those symptoms were consistent
3 with both carbon monoxide exposure and carbon dioxide
4 exposure?---No, just carbon monoxide at that time.
5 That would obviously be of concern to the Department?---Yes. 03.29PM
6 Dr Lester provided advice, both in that meeting and then
7 confirmed it in writing based on that information, did
8 she not?---That's correct.
9 Can I take you to that advice. You will find it behind
10 tab 45 of your statement. This was an email from 03.29PM
11 Dr Lester addressed to both yourself and Ms McKeagney
12 with copies to a number of other people at the
13 Department of Health; is that right?---That's correct.
14 Dr Lester firstly, "Dear Nick/Jenny", I confirm our
15 discussion this morning...", and then goes on, "At this 03.30PM
16 stage we have clear data from EPA on the level and
17 intensity of bushfire smoke. This has resulted in
18 higher level bushfire warnings over several days,
19 however today the air is of better quality. We have
20 more limited information about CO levels." Can I just 03.30PM
21 stop you there, did you query with Dr Lester what the
22 information was that was available to the Department of
23 Health about carbon monoxide levels?---No, I didn't.
24 She went on in the email, "However on the basis that some
25 children from one of your early learning centres have 03.30PM
26 reported symptoms which would be consistent with smoke
27 exposure and the fact that our recommendation has been
28 for the past couple of days for vulnerable people to
29 spend time out of the smoke if possible, we would
30 advise that your facilities south of Commercial Road, 03.31PM
31 ie nearest to the mine, are closed and/or have

1 provision for temporary relocation of the children out
2 of the smoke." Then there's the offer to discuss
3 further. Are you able to tell the Inquiry whether the
4 particular facility that was the subject of the report
5 was south or north of Commercial Road?---South of 03.31PM
6 Commercial Road.

7 Did you, before taking action to inform people in Morwell
8 about this advice, did you discuss with Dr Lester what
9 the thinking was behind the division of Morwell into
10 south and north of Commercial Road?---No, I didn't. 03.31PM

11 Do you accept that it's a fairly arbitrary line, isn't
12 it?---Yes.

13 From the map we looked at before there are schools and early
14 learning centre facilities that are just north of
15 Commercial Road, aren't there?---There are. 03.32PM

16 I suggest to you it's difficult to justify a decision to
17 take the significant step of relocating south of
18 Commercial Road but taking no particular action beyond
19 the general advice that was given to facilities north
20 of Commercial Road?---It's not correct. So, north of 03.32PM
21 Commercial Road we took actions which provided respite
22 and opportunities for those schools to have time out of
23 Morwell.

24 That was the position in the previous week as well, though,
25 wasn't it, Mr Pole?---It was, but it was geared - it 03.32PM
26 was ramped up in the week beginning the 17th.

27 Perhaps if we can go back to the map, if we could, behind
28 attachment 16. Can I draw your attention to two
29 facilities just north of Commercial Road in the
30 vicinity of Latrobe Road. As we're looking at the map 03.33PM
31 they're on my left just north of Commercial Road, do

1 you see, Dala Liji - Woolum Bellum Kinder, do you see
2 that?---I do.

3 Immediately above that on the map is the Kylie Early
4 Learning Centre. From information that's been provided
5 to the Inquiry in the State of Victoria's submission, 03.34PM
6 both those facilities are 2 kilometres from the mine.
7 I'll ask you to accept that?---Yes.

8 They're both catering for similar cohorts; one's an early
9 learning centre so on your description earlier it's
10 probably got younger children than the kinder; do you 03.34PM
11 agree with that?---That's correct.

12 One facility, council run, was closed around about
13 25 February and the children relocated. Does that
14 accord with the information you have got?---Yes.

15 The other facility, the Kylie Early Learning Centre, was not 03.34PM
16 closed at any time. Can you explain the difference in
17 approach?---Firstly, I would say that the Department
18 doesn't have, relative to State Government schools, a
19 directive power in terms of opening and closing status.
20 Secondly, I would also say that closure of an early 03.35PM
21 learning centre doesn't necessarily mean that you are
22 taking children out of exposure or vulnerability.

23 What do you mean by that latter comment, Mr Pole?---I mean,
24 it depends on the residents of where these children who
25 are going to that centre come from. 03.35PM

26 The explanation, I suggest to you, for why some facilities
27 north of Commercial Road, as we can see on this map,
28 were closed and others were not; the ones that were
29 closed are all council run facilities, are they
30 not?---That's correct. Well, Dala Liji Childcare is a 03.36PM
31 cooperative.

1 The facilities that we see in the northern most area of this
2 map, the Elizabeth Wilmot Kinder and the Parklands
3 Kinder, they're both council run facilities, aren't
4 they?---They are.

5 The decision to close those and relocate the children was a 03.36PM
6 decision that was made by the council; do you agree
7 with that?---Yes, I do, as the owner of those
8 facilities.

9 Was there any consultation with the Department about that
10 decision?---Yes, there was. 03.36PM

11 What was the nature of that consultation?---I actually
12 visited the centre when they did relocate but to within
13 Morwell, and then subsequently discussions about
14 support that we could provide to those centres in their
15 relocation. Then subsequently in terms of the return, 03.37PM
16 whether or not the Department could support and
17 facilitate cleaning.

18 Just while we're looking at the map, if I could direct your
19 attention back to the Maryvale Crescent Kinder, the
20 facility we talked about earlier as closest to the 03.37PM
21 mine, do you see that in the very south near the
22 freeway?---Yes.

23 I just want to try and understand when that facility was
24 closed. What's your understanding of when the facility
25 was closed during the period that we're talking 03.38PM
26 about?---Very early on in the proceedings.

27 The Inquiry's been provided with a submission from the State
28 of Victoria. Without bringing it up unless it is of
29 particular assistance to you, it includes a table of
30 when various educational facilities were closed and 03.38PM
31 advises the Inquiry that the date the Maryvale Crescent

1 Kinder was closed was 17 February. For the benefit of
2 others in the room it's at page 195 of the State's
3 submission. Does that accord with your present
4 understanding of when the kindergarten was
5 closed?---Yes.

03.38PM

6 The Inquiry's been provided with a statement in addition to
7 that from Mr Mitchell, the acting CEO of the Latrobe
8 City Council. Although it is not entirely clear, it
9 would seem that Mr Mitchell is advising the Inquiry
10 that the facility closed on 10 February - that is, the
11 day after the fire. He says it closed on that occasion
12 because of problems associated with roadblocks and
13 staff being able to get to work, and then that it did
14 not reopen until some time in March?---When it was
15 relocated. My understanding was, the children were
16 relocated, or those children whose parents still
17 required childcare relocated and were absorbed into
18 another centre or service.

03.39PM

03.39PM

19 Maybe we're at cross-purposes here, Mr Pole. Were children
20 at the facility during the week commencing 10 February
21 2014 as you understand it?---No, I don't believe they
22 were.

03.39PM

23 So the children weren't there, but the formal decision to
24 relocate them was when, do you say?---The 17th.

25 We can probably get to the bottom of this and maybe I
26 shouldn't be troubling you, but the submission from the
27 State says that it was relocated on the 24th. Does
28 that sound right or are we - - -?---I'll have to go
29 back to our early notes on this.

03.40PM

30 The Inquiry will hear from Mr Mitchell, it may be that all
31 this can be put to bed with him. Just before leaving

03.40PM

1 the question of the local council, I'll give you an
2 opportunity to comment on this, but it seems to me
3 anyway that there was not consistency of approach
4 between the council and its approach to its facilities
5 and the Department in relation to other facilities. Do 03.40PM
6 you think that's a fair comment?---I think all
7 facilities received the same advice and information.
8 How owners chose to operate was determined by those
9 operators, so the council facilities as a single owner
10 was able to choose to relocate and consolidate those 03.41PM
11 programs that they were running.

12 Do you say that the Department has less authority to achieve
13 that outcome in relation to its facilities than the
14 council has?---Sorry, the other facilities are not
15 owned by the Department, so State Government schools we 03.41PM
16 can direct. With our Memorandum of Agreement which you
17 referred to earlier in regard to the Catholic schools,
18 we've agreed to work in alignment; that's not the case
19 in privately or not-for-profit owned early childhood
20 services. 03.42PM

21 You can merely recommend to them?---We can, unless there is
22 a breach of their regulatory or registration status.

23 I just want to tease that out, if I could. Let's take those
24 two facilities, the Kylie Early Learning Centre and the
25 Dala Liji - Woolum Bellum Kinder. Who is the owner of 03.42PM
26 the Kylie Early Learning Centre?---I'll have to come
27 back to you with that.

28 But at no point did the Department recommend to the
29 operators of that facility that they close it and
30 relocate the children?---No. 03.42PM

31 And yet right next door, same distance from the mine you've

1 got a kindergarten operated by the Uniting Care which
2 was closed?---That was a decision of those owners.
3 From the perspective of someone who was taking their
4 children to the one that wasn't closed, would you
5 accept that there could be a degree of confusion about 03.43PM
6 why the neighbouring facility is closed due to health
7 concerns and yet their facility is not?---Yes.
8 You mentioned in your statement that there was a central, I
9 think it's a Central Office Incident Management Team;
10 is that right?---Yes. 03.43PM
11 I think that was set up, you say, shortly after your trip to
12 Morwell on 18 February?---It was set up on the same
13 day.
14 Do you think it should have been set up earlier to inform
15 the Department's response to these issues?---The 03.44PM
16 Department's response? So, the Department's response
17 started from the 9th. Essentially the central IMT was
18 set up to coordinate from the centre as opposed to
19 regionally or locally.
20 What's the answer to my question? Should that have occurred 03.44PM
21 earlier, looking back on it now?---No, I don't think it
22 would have influenced the decisions or the timing of
23 the decisions that we took.
24 I just don't understand why it wasn't set up until, what, 10
25 days after the fire started? Why isn't that something 03.44PM
26 you would have done immediately the State Emergency
27 Management Team was receiving reports about frustration
28 and concerns in Morwell?---We continued to work through
29 our regional team and provide a conduit between the
30 SEMT and the team on the ground. 03.45PM
31 I'm just trying to understand why the change, what is it?

1 Was that head office taking over essentially setting up
2 the IMT, is that how you understand it?---Yes, that's
3 how you understand it. So the traffic is directed from
4 the centre as opposed to locally.

5 Why the upgrade in that response?---The core upgrade was 03.45PM
6 around the nature of the response, so marshalling
7 resources to put on buses, relocate a school, provide
8 respite programs, which are more challenging to access
9 and more financially difficult at a regional level.

10 Just staying on the subject of the IMT, the Incident 03.45PM
11 Management Team, you were a member of that team, is
12 that right, or the Executive Board Task Force?---Of
13 both.

14 You say at paragraph 24 of your statement that, in
15 accordance with the MOU, I'm reading from the second 03.46PM
16 line, this is the MOU we talked about earlier, "In
17 accordance with the MOU the Catholic Education Office
18 and Independent Schools Victoria reps were invited to
19 join that central office IMT." That's correct.

20 The MAV seems conspicuously absent from the IMT, the 03.46PM
21 Municipal Association of Victoria. Is there any reason
22 why they weren't invited?---So they're working through
23 the SEMT.

24 Sorry, you'll have to explain that?---Sorry, MAV is sitting
25 around the table with the group managed by the Incident 03.46PM
26 Controller, Craig Lapsley, and so are informed of
27 actions that have been undertaken by education through
28 our report backs into the SEMT.

29 So it would have been duplication to have them on the
30 EMT?---Would have been duplication, yes. 03.47PM

31 I just wonder about the difference in approach that we were

1 talking about earlier between the way that the Latrobe
2 Council approached its facilities; basically it closed
3 them all whether they were north or south of Commercial
4 Road, didn't it?---Yes.

5 I'm wondering about that difference of approach when 03.47PM
6 compared to the approach the Department took, which was
7 to only concern itself with relocating - - - ?---Sorry,
8 the Department didn't take a decision either way in
9 regard to services that it does not own.

10 The Sacred Heart Primary School, that was closed and 03.48PM
11 relocated, was it not?---That's correct.

12 So, in terms of bringing in the Catholic education into the
13 IMT, we aligned the process for the closure of
14 Commercial Road and Sacred Heart Primary School, and
15 equally in terms of the other Catholic School, aligned 03.48PM
16 the program of respite.

17 But the Department was the driving force, wasn't it, behind
18 the decision to relocate all facilities south of
19 Commercial Road?---Yes.

20 The Department received the advice from Dr Lester?---Yes. 03.48PM
21 Informed the Catholic Education Office of that advice and of
22 the Department's recommendation to its facility to
23 Commercial Road Primary School to be relocated?---Yes.

24 The Department's approach was very much to divide Morwell
25 into two with certain advice being provided to 03.49PM
26 facilities south of Commercial Road and different
27 advice being provided to facilities north of Commercial
28 Road. Do you accept that?---Yes.

29 The council on the other - - -?---Different action.

30 Different action and different advice. The council on the 03.49PM
31 other hand did not distinguish between facilities north

1 and south of Commercial Road; do you agree with
2 that?---Yes.

3 And so I come back to the IMT. Do you think that, if the
4 council had been represented on the IMT through the
5 Municipal Association of Victoria, that there would 03.49PM
6 have been a greater consistency of approach between the
7 actions of the Department on the one hand and the
8 council on the other?---No.

9 Why not?---So, you're essentially talking to a core that
10 would have had 2,000-odd students relocated out of 03.50PM
11 Morwell.

12 Had all Departmental facilities been - - -?---Had all our
13 schools been closed or relocated.

14 I understand that last comment to be raising a very
15 significant practical issue; is that right?---Yes. No, 03.50PM
16 I'd say it's twofold: The first is that our primacy as
17 an Education Department is clearly the education and
18 learning for children in the community of Morwell, so
19 closure would detract from that, or in fact relocation
20 equally potentially reduce learning outcomes for a 03.50PM
21 group of students in the community.

22 Because of the limited number of alternative places?---No,
23 that was not a consideration. It was the disruption,
24 potential disruption to the operation of those schools,
25 and these were matters which were discussed with the 03.51PM
26 principals on the ground here.

27 MEMBER CATFORD: I wonder if I could just ask a question.
28 Would you accept, though, that trying to learn in a
29 very smoky environment is quite hard for children and
30 students, and wouldn't their education actually have 03.51PM
31 been enhanced by going to an area as being advised by

1 the Chief Health Officer which was free of
2 smoke?---Yes, but, I mean, we were containing within
3 classrooms, as I said earlier, rainy day programs, and
4 so the respite activity allowed kids to get out of
5 Morwell and experience a non-smoky environment, and 03.52PM
6 equally an opportunity to run around and do the sort of
7 things that kids do. So the intention through that
8 program was for schools to front load the excursion
9 programs for the term or first two terms into that
10 period. Over the course of the four week event I think 03.52PM
11 there was something of the order of about 44 excursions
12 out of Morwell by either whole school or syndicates
13 within schools.

14 MR ROZEN: I understand, Mr Pole, you're saying that to be
15 considerably more excursions than would otherwise have 03.52PM
16 been the case but for the fire?---Absolutely.

17 Can I take you to a slightly different topic and that's the
18 question of the Department conducting air monitoring at
19 facilities. This is at paragraph 96 of your statement.

20 MEMBER PETERING: Just before you go on, Mr Rozen, I think, 03.53PM
21 Mr Pole, you were saying there were a couple of reasons
22 why you didn't relocate the 2,000 students, one was the
23 primacy of education. Was there a second point?---It
24 is highly disruptive to a group of teachers and
25 students to be relocated. 03.53PM

26 Okay. Sorry, I thought there was more points than that.

27 MR ROZEN: I'll ask you about air monitoring. Whose
28 decision was it, who at the Department decided for the
29 Department itself to conduct air monitoring in schools
30 and childrens services?---This was a decision by the 03.53PM
31 Executive Board.

1 That came out of the establishment of the Incident
2 Management Team, did it, on 18 February?---It came out
3 of a briefing that I did of the Executive Board on the
4 very first thing on the morning of the 18th.

5 Were you concerned about the level of monitoring that was 03.54PM
6 occurring in schools and children's facilities in
7 Morwell?---I was concerned in terms of the capacity of
8 the information to assist the decisions on the ground
9 at each of the facilities.

10 Up until that time, I think you already told us you were 03.54PM
11 reliant on EPA and the Department of Health in relation
12 to monitoring and providing you with the information
13 about the results of that monitoring?---That's correct.
14 Did you raise with either of them a concern about the amount
15 of monitoring, if I can put it that way?---No. 03.54PM
16 You just thought the Department ought to do additional
17 monitoring over and above what they were
18 doing?---Absolutely, at each of the early childhood and
19 schools, and that monitoring, when we moved to fixed
20 monitors, was inside classrooms and inside the school 03.55PM
21 facilities as opposed to outside.

22 When did the actual monitoring start?---That week of the
23 18th. It was initially by the use of handheld devices;
24 is that right?---Yes, it was.

25 Hygienists were engaged by the Department to do that air 03.55PM
26 monitoring; is that right?---Yes.

27 How many hygienists were engaged?---I don't have the details
28 with me.

29 I notice that the monitoring, you say this in paragraph 97,
30 gave an instantaneous reading of carbon dioxide, carbon 03.55PM
31 monoxide, and air particulates PM 10. This might be a

1 technical question for you, Mr Pole, but PM 2.5 was not
2 measured; is that your understanding?---It wasn't
3 formally measured but I understand that physical units
4 could measure at PM 2.5.

5 Why wasn't it formally measured?---On advice from the 03.56PM
6 hygienists and the hygienists' company, this was a
7 measure against the Australian Standard, as I
8 understand it, but I'm not a technical person in this
9 matter.

10 I understand that. PM 10 has a standard, PM 2.5 does not; 03.56PM
11 is that your understanding?---That is my understanding,
12 yes. I would add to that, that the PM 2.5 readings
13 were reported by our hygienists as being highly
14 correlated with the measures that they got at PM 10.

15 At paragraph 100 you say that principals and the children's 03.57PM
16 services director were briefed and trained to read the
17 data; proof that school principals can multi-task,
18 Mr Pole?---Yes.

19 What was the nature of the training that was provided to
20 them?---We had a hygienist on the ground that showed 03.57PM
21 principals and service directors how to take the
22 reading from the display unit and compare that against
23 the standards as I referred to before. Hygienists also
24 regularly visited schools to deal with queries,
25 concerns and so on. 03.57PM

26 As you explain in paragraph 100, it meant that from that
27 time onwards there were data and there were reports
28 which could inform decision-making at the Departmental
29 level about what to do in particular schools?---Yes,
30 but more particularly the air monitors were to assist 03.58PM
31 principals in their decisions about having children go

1 outside classrooms and to ventilate classrooms and
2 classroom spaces.

3 Do you think it would have been beneficial for that data in
4 those reports to have been available to the department
5 earlier in the course of the fire, as in the week 03.58PM
6 commencing 10 February?---In retrospect, yes.

7 MEMBER CATFORD: I wonder if I can ask a couple of
8 questions. There is a paucity of information before
9 the 22nd, although we're trying to find out more from
10 the EPA, so it would be of interest to know what the 03.58PM
11 findings were in these schools. Can you provide that
12 information to us?---We can provide information from
13 our contracted service provider, yes.

14 Particularly Gippsland TAFE which was fairly south and that
15 was still operating throughout this process, 03.59PM
16 particularly the particulates in carbon monoxide, so I
17 think that data would be very helpful. What advice
18 were you giving the principals about how to interpret
19 these results and what protocols did you develop and
20 who was advising you on those protocols?---So, that was 03.59PM
21 the hygienists working with the principals, but it's
22 fair to say in education this is an extremely abnormal
23 event. I don't think it's occurred across a school in
24 this way to my knowledge.

25 Obviously the Department of Health at the same time is, and 03.59PM
26 we'll hear later probably in a couple of days' time,
27 developing a protocol for intervention which in fact
28 came much later than you were applying some form of
29 rubric to intervene. I'm just wondering what the
30 validity of those thresholds were and were you seeking 04.00PM
31 advice from your own medical advisors or the Department

1 of Health about whether those criteria were appropriate
2 to allow children for instance back into the playground
3 and so on?---That advice was taken from the Department
4 of Health and - - -

5 But they didn't come with any advice at that stage, did 04.00PM
6 they?--- - - - taken from the Department of Health and
7 the hygienists.

8 Just to allay the point, were those protocols written down?
9 Could we have some details about - - -?---I can give
10 you details that the hygienists that we worked with 04.00PM
11 provided.

12 Just a final point: So was there a consistent policy then
13 applying across all these schools that were monitoring
14 about how to respond to particular readings that was
15 uniform, or was this a bespoke thing between a 04.01PM
16 hygienist and a particular school?---The hygienists
17 were from the same team and rotated around the schools,
18 so the advice was consistent through those hygienists
19 and it was compared against the standards that I
20 referred to before. 04.01PM

21 Could I just repeat, it would be very helpful to have the
22 protocols for those interventions?---Yes.

23 MR ROZEN: You were discussing earlier about the advice that
24 was provided by Dr Lester on 18 February and I
25 neglected to ask you about the information that was 04.01PM
26 provided to Mr Lapsley based on that advice. It's
27 behind Attachment 46 of your statement, if I could ask
28 you to turn to that please. This is an email that was
29 provided to Mr Lapsley from Ms McKeagney the day after
30 the written advice was received from Dr Lester. 04.02PM

31 Without reading through all of it, it was information

1 to Mr Lapsley about what the Department was doing
2 following that advice. I want to draw your attention
3 to the final paragraph on that first page and see if we
4 can understand it.

5 Ms McKeagney wrote, and this was copied to you, 04.02PM
6 "DEECD is conscious of how the community may perceive
7 this action, however it is the Department's view that
8 this action is consistent with the public messaging
9 from Health to find opportunities to take a break from
10 the conditions in Morwell." To take this in context, 04.03PM
11 the action is the advice to relocate students from the
12 facilities south of Commercial Road, that's right,
13 isn't it?---Yes.

14 What was the concern of how the community may perceive this
15 action? What's that a reference to?---The potential 04.03PM
16 that this was signalling the wholesale evacuation of
17 Morwell, at its extreme I believe. But this was an
18 email that was copied into me; I wasn't the drafter of
19 it.

20 Had you discussed the contents of the email before 04.03PM
21 Ms McKeagney sent it?---I can't confirm or deny that.
22 I knew that she would be informing Mr Lapsley as
23 Incident Controller of our decision.

24 Was it a matter that Ms McKeagney had discussed with you -
25 that is, the consciousness of how the community may 04.03PM
26 perceive it?---Yes.

27 Did you share that concern?---Can you repeat that?

28 As I understand it, the concern is that the community might
29 see this as being a somewhat mixed message, that
30 they're being told that health concerns are significant 04.04PM
31 enough for what is on any view a quite major decision

1 to relocate schools south of Commercial Road, but at
2 the same time the message is, other than identified
3 vulnerable groups there's no particular reason to leave
4 Morwell. Have I summarised the concern?---Yes.

5 That's a reasonable concern on the part of the community, 04.04PM
6 would you say?---Yes.

7 I neglected to ask you, and I should do so, to tell the
8 Inquiry about the initiatives you put in place in
9 relation to cleaning schools. You do mention it in
10 your statement, this is at paragraph 63. Can you tell 04.05PM
11 the Inquiry what directions you gave in relation to
12 school cleaning and financial assistance for the
13 cleaning of schools?---For those schools continuing to
14 operate, our advice was that we would support schools
15 to undertake extended cleaning of surfaces. The 04.05PM
16 program was to have the school's cleaning contractors
17 spend more time working through the school cleaning
18 those surfaces on a daily basis.

19 I think you're being unnecessarily modest, Mr Pole. There
20 was quite a significant investment, was there not, by 04.06PM
21 the Department in achieving that?---So subsequent to
22 that there was a major - so at the end of these events
23 a major cleaning undertaking, and we provided schools
24 either funding to use their own contractors or we
25 facilitated contractors to come in to schools and to 04.06PM
26 support them with their cleaning, or indeed early
27 childhood centres.

28 I want to conclude by raising with you some broader
29 questions about, essentially looking back on these
30 events and seeing what lessons we can all learn and the 04.06PM
31 Inquiry can learn from this experience. If I can start

1 by going back to where we started - that is, your
2 experience of the way that the Christchurch earthquake
3 impact on schools was managed. Are schools the
4 responsibility of Local Government or Central
5 Government in New Zealand, or is there a sharing of 04.07PM
6 responsibility?---All Central Government.

7 And you were working for the Central Government at the
8 relevant time?---Yes.

9 Are there lessons that can be learnt for Victoria from that
10 experience? I mean, no doubt it informed your personal 04.07PM
11 response to these issues?---It was a very different
12 event.

13 I accept that?---So across Christchurch the earthquakes
14 impacted some 280 schools, and those that we relocated
15 were in fact closed for around a month prior to us 04.07PM
16 finding a suitable place to relocate them to or build
17 new facilities in order to accommodate the student
18 population.

19 Are you saying that the scale of the Christchurch event and
20 the very different nature of the emergency is such that 04.08PM
21 there's not a great deal that we can learn from
22 it?---There are - I mean, I think our response in some
23 of the relocation and respite activity drew on my
24 experience in Christchurch.

25 The last matter I want to ask you about really follows on a 04.08PM
26 question that Professor Catford asked you. Do you
27 recall that you were asked when the Department started
28 its own monitoring and was providing advice to schools
29 about appropriate responses, you were asked what
30 protocols were being followed in providing that advice. 04.08PM

31 As I understood the evidence you gave, it was matter of

1 taking the advice of the hygienists and trying to pass
2 that advice on to each individual facility as seemed
3 appropriate?---Yes, so that principals could take
4 decisions around the operation of their schools.

5 There were no particular trigger points, so for example 04.09PM
6 a PM 10 reading over X meant that children wouldn't go
7 outside or would?---So they had the standard schedule
8 around PM 10 measures and what is the safe areas or the
9 areas that would be of concern and so on, so all
10 principals had that chart available to them. 04.09PM

11 I'm not sure I know what chart you are referring to. That
12 was a document prepared by the hygienists, was
13 it?---Yes, sorry.

14 I think you already said that would be provided to the
15 Inquiry?---Yes. 04.09PM

16 I want to ask you a broader question. The Inquiry's
17 attention has been drawn to a Guide For Public Health
18 Officials which, as we understand it, is a Californian
19 document, I just want to ask you briefly about it. It
20 is in the tender folder for week 2, and I think we have 04.10PM
21 copies here, perhaps if they could be distributed to
22 the parties. Just whilst that's being done, I know
23 you're not a public health official, Mr Pole, but it
24 does seem to have particular relevance for education
25 officials; I just want to ask you about a couple of 04.10PM
26 things in it and we will ask other witnesses who are
27 public health officials later in the week about it.

28 If I could ask you to accept that it's a document
29 that was prepared in 2008 by the Californian Department
30 of Public Health with input from a wide range of other 04.10PM
31 American, State and Federal authorities. If you could

1 turn to page 4 under the heading, "Introduction",
2 please. You will see the first paragraph is written in
3 a somewhat folksy manner that one finds in American
4 publications like this, but nonetheless if you perhaps
5 read that to yourself, Mr Pole, it might resonate with 04.11PM
6 you about the position you found yourself in
7 in February of this year. You, too, were a school
8 official wanting to know what the appropriate response
9 was to the smoke in Morwell, were you not?---Yes.

10 You see in the second paragraph there that, "The document is 04.11PM
11 prepared as a guide to provide local public health
12 officials with information they need when wildfire
13 smoke is present so they can adequately communicate
14 health risks and precautions to the public."

15 I just want to ask you about one aspect of it 04.12PM
16 which starts on page 26 of the document, if you could
17 turn to that please, there's a heading, "Public
18 advisories and protective measures." In particular on
19 the following page there's a reference in the third
20 paragraph on page 27 to "Table 3". Do you see just 04.12PM
21 halfway down page 27, Mr Pole?---Yes.

22 It says, "Table 3 provides guidance to public health
23 officials regarding measures that can be taken to
24 protect public health at different air quality index
25 categories and the corresponding PM levels for several 04.12PM
26 averaging times." "PM", you'll understand, being a
27 reference to particulate. "This information is
28 intended to help health officials, the media and the
29 general public make decisions regarding appropriate
30 strategies to mitigate exposure to smoke." 04.12PM

31 If you turn over to Table 3, you will find it on

1 page 31 of the document. I won't ask you about
2 technical aspects of this, it's probably for other
3 witnesses, but you'll see that the first four columns
4 concern particular measures of air quality, if I can
5 use a general expression, the first four vertical 04.13PM
6 columns. The very final column on the right is headed,
7 "Recommended actions." If I can draw your attention to
8 the fourth entry which is, you see it says, "Unhealthy"
9 on the very left-hand side, with a measure of 151-200
10 for air quality index?---Yes. 04.13PM

11 Then there are corresponding readings for PM 2.5 and PM 10.
12 Then on the very right-hand side the recommended action
13 is, "Consider smoke day for schools, ie no school that
14 day, possibly based on school environment and travel
15 considerations." As one work's one's way down the 04.14PM
16 table to progressively higher levels, particularly of
17 PM 2.5, and the descriptors "very unhealthy and
18 hazardous", we can see that the response under the
19 heading "Recommended actions" increases so that the
20 second bottom column is "consider closing some or all 04.14PM
21 schools", and then the final reading, "Close schools
22 where PM 2.5 levels exceed 300 for an 8 hour average."
23 Do you see that?---Yes.

24 There's no similar guidance for public health officials or
25 school officials in Victoria presently. Without 04.14PM
26 commenting on whether the settings are right, do you
27 think it would be a valuable thing to explore the
28 development of this type of guidance to apply in the
29 Victorian setting?---I think something similar, however
30 I would go in terms of the events that we're talking 04.15PM
31 about and would actually question some of the

1 recommended actions because you just are merely
2 displacing an element in your community from school to
3 potentially even more exposure.

4 Depends where you send them, I suppose, doesn't it?---Yes.

5 But if you were taking the decision to close, where do 04.15PM
6 your students go to? They go home. Is the environment
7 any different at home? That's the question we've got
8 to look at.

9 Of course it is, and each case is different, isn't
10 it?---Yes. 04.16PM

11 But my question is, operating at a more general level and
12 that is, if we look back on the events of
13 February-March and we think about the recommendation
14 that was made by the Department on 19 February, it was
15 made essentially on the back of one report of students 04.16PM
16 being affected by what may have been carbon monoxide
17 exposure, but in the absence of any hard data, as the
18 evidence you've given would seem to suggest?---Yes.
19 That's correct. I'd say the data extended also to what
20 the staff and principals were relaying to us at that 04.16PM
21 time.

22 It's not just that event, you need to go back to the
23 information that you were receiving early on in the
24 piece from the principals?---Yes.

25 But do you see a benefit in there being in existence as a 04.16PM
26 guide some type of trigger level for particular sorts
27 of action?---Yes.

28 As I say, the Inquiry obviously needs to explore that with
29 others, including public health officials but we value
30 your input, Mr Pole. They're the questions that I 04.17PM
31 have, Mr Pole, unless Members of the Board have any

1 other questions?

2 MEMBER CATFORD: Mr Pole, you seem to have had a very
3 proactive engagement with the schools. I was really
4 just wondering about the feedback that your principals
5 were giving you and how you might have been 04.17PM
6 transmitting that to other agencies, picking up this
7 point we've heard today and in submissions about
8 community concern about confusion, misinformation,
9 feeling that no-one is caring for this community. Were
10 you picking that up from your principals?---I think 04.18PM
11 through the course of the first week principals were
12 getting increasingly frustrated by the event. There's
13 two parts to your question, I think. So that was
14 clearly part of the trigger for the Department to take
15 a much more aggressive approach to what was being 04.18PM
16 reported to us from schools.

17 The second part is we also saw the role of
18 principals in informing their parent communities of the
19 available information that we had from Health and EPA
20 via the Incident Management Group, so you will see we 04.18PM
21 translated a lot of that information in a way that
22 principals could use through their newsletters and
23 other distribution channels, but also gave principals
24 advice so they could see where to go to should parents
25 be asking them or asking their teachers about 04.19PM
26 additional information or resources.

27 So I certainly understand that you and the Department was
28 very engaged. I'm just wondering whether you feel the
29 principals, as a key dissemination point into the
30 community with standing and networks, were fully 04.19PM
31 utilised by other agencies, again returning to this

1 theme about community engagement and mobilising
2 important opinion leaders. I mean, principals are
3 right out there right across the spectrum of the
4 community. Were they being engaged sufficiently
5 well?---I think we could always ask for greater levels 04.19PM
6 of engagement. At the end of the day in a school, a
7 school is a very busy place any day of the week, but
8 when you have the challenges of this event, we were
9 actually looking to our principals to lead their
10 schools, support their teachers and support the 04.20PM
11 students in their care.

12 I absolutely agree. So, how were they being
13 informed/equipped?---That came from information that we
14 distributed to schools, it also came from very regular
15 meetings with our senior staff with the principals and 04.20PM
16 down to on four occasions I visited with principals,
17 either one-on-one or as a group to firstly work through
18 what information they were looking for, what supports
19 they were looking for and how we might respond to that.

20 I'm sure that was very helpful. Could you just give the 04.20PM
21 Inquiry an example of perhaps one of your
22 communications for us to get a feel about the tone and
23 the quantum of the information?---I've provided to the
24 Inquiry examples of that; essentially we tried to use
25 as little technical information as possible, we tried 04.21PM
26 to simplify messages, and we tried to make it in a way
27 self-contained so principals could pick it up and
28 distribute it in whichever channels they were working
29 with.

30 So if we asked the principals here in Morwell, would they 04.21PM
31 say that you had supported them well, do you think?---I

1 would hope so, and we've had some principals in schools
2 who have come back and said thank you for the support
3 that they received through the event.

4 Thank you.

5 MR ROZEN: Just on that topic, Mr Pole, for completeness and 04.21PM
6 for the record, from tab 25-36 there are copies of
7 advices that were provided at both regional and central
8 level to schools, and for what it's worth, Members of
9 the Inquiry, I can inform it that I've looked at
10 websites of a couple of the schools and the newsletters 04.22PM
11 certainly seem to incorporate that information into the
12 information that was then passed on to the school
13 community, so that process certainly seemed to be
14 working in that regard. I don't know if there's
15 anything you would want to add to that, Mr Pole?---I 04.22PM
16 would just add, you can't look past the concerned
17 parent that comes into the school picking up their
18 child at 3.30 having a conversation with the principal
19 or one of the senior staff, and I think that is as
20 powerful. 04.22PM

21 Principals were also very aware that some
22 communication channels were more - well, less
23 appropriate to certain groups within the community; for
24 instance, those who have English as a second language
25 or very poor English. 04.23PM

26 Thank you. I have no further questions for Mr Pole. I
27 should, though, tender that Guide For Public Health
28 Officials, the California document. If that could be
29 marked as a separate exhibit.

30 04.23PM

31 #EXHIBIT 37 - California Guide for Public Health Officials.

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MR ROZEN: I understand Mr Burns has got two minutes of questions for Mr Pole.

<CROSS-EXAMINED BY MR BURNS:

Mr Pole, you were asked a lot of questions about the decision to close some schools, particularly those south of Commercial Road and not others. Were you guided in that regard by the advice of the Chief Health Officer?---Yes, I was.

04.23PM

For those schools that didn't close, was there information available to the parents about why they weren't closing?---Yes, there was.

04.24PM

Did those patients nonetheless still have the right to take their children out of school if they felt uneasy about that?---They did, and we provided advice to all schools across the entire State for parents who chose to relocate anywhere, and equally produced homework packs to be sent home for children who didn't come to school.

04.24PM

In terms of key dates, was your Emergency Management Division working with the region, the southeast Victoria region, from 9 February?---Yes, that's correct.

04.24PM

Over the course of the next nine days were you working with the principals at each of the schools to assist them to assist the children and the teachers under their care?---Yes, we were.

04.24PM

On 18 February you made the decision to obtain independent monitoring equipment; that's right?---Yes.

Was that specifically in relation to the internal environment in the school?---It was both.

04.25PM

Was that so that you could again support the principals who

1 up until that point had been frustrated?---Yes, that
2 was the core reason, so we weren't attempting to take
3 over from the EPA or any other air monitoring; it was
4 to support principals in their decisions on a daily
5 basis.

04.25PM

6 The EPA was providing ambient air quality information, but
7 your principals wanted far more specific information
8 specific to their own school?---To their location and
9 to the key decision around ventilation and allowing
10 kids to go outside.

04.25PM

11 Was that information then used by the principals to assist
12 them in making decisions about whether the children
13 would be relocated or about the activities that they
14 would undertake?---It was about the activities that
15 they would undertake.

04.25PM

16 You were asked about the decision to plan for relocation,
17 you were doing that as early as 18 February. You
18 didn't know at that stage whether you would
19 relocate?---No, we didn't.

20 You were just making yourself well prepared if that became
21 necessary?---Yes.

04.26PM

22 In terms of the event itself, was this an unprecedented
23 event?---I think it's absolutely unprecedented.

24 The last question about the clean up phase and the cleaning
25 contracts that were allocated to assist the schools to
26 clean up, did you make a conscious decision to provide
27 the work to local businesses to support the
28 community?---Our intention through all our decisions to
29 the extent that they could be delivered on was to
30 support the local economy and local businesses.

04.26PM

04.26PM

31 Thank you, Mr Pole.

1 MEMBER PETERING: Mr Pole, could I just ask you, was there
2 any additional services provided to students doing
3 Year 12 or VCE in that period? Because if you're not
4 at school for that period of time, that's a significant
5 disadvantage for them?--We were very aware of the 04.27PM
6 Year 12 students, remembering this was the very start
7 of the year, so that assistance included a waiving of
8 the first school internal assessment, what Year 12
9 students commonly call the SACS and equally those
10 students on a case-by-case basis can seek compensation 04.27PM
11 at the end of the year.

12 The other thing I would say is that the Year 12
13 students are enrolled in a campus outside of Morwell,
14 but their family circumstances would have been impacted
15 potentially living inside Morwell. 04.27PM

16 Thank you.

17 MR ROZEN: There's no re-examination of Mr Pole. If he
18 could please be excused.

19 CHAIRMAN: Yes, thank you, Mr Pole, you are excused.

20 <(THE WITNESS WITHDREW) 04.28PM

21 MR ROZEN: Thank you, Mr Pole, and that concludes the
22 evidence that we have today.

23 CHAIRMAN: Perhaps you could give an outline of what's
24 happening tomorrow.

25 MR ROZEN: I'll let Ms Richards do that? 04.28PM

26 MS RICHARDS: We have a reasonably busy day planned
27 tomorrow. We have evidence from Dr Paul Torre, the air
28 quality scientist we heard about this morning from
29 Mr Merritt. It's proposed that he gives his evidence
30 in two parts; first alone as a participant in events, 04.28PM
31 and then secondly concurrently with Claire Richardson

1 who the Inquiry has engaged as an environmental
2 scientist to give evidence about the content of the
3 standards, the reasons underpinning the standards, the
4 appropriateness of the Carbon Monoxide Protocol and the
5 PM 2.5 Protocol that we heard about this morning and a 04.29PM
6 range of other issues. That, I anticipate, will take
7 up most of the morning.

8 We have two community witnesses, both of them
9 associated with Gippsland Asbestos Related Disease
10 Society. The first is Vickie Hamilton who is, 04.29PM
11 I believe, the President of the Society and the second
12 is a member, Ray Whittaker, and then we have Professor
13 Chris Brook, the State Health and Medical Commander
14 from the Department of Health.

15 CHAIRMAN: Thank you. Adjourn now until 10 o'clock tomorrow 04.29PM
16 morning.

17 ADJOURNED UNTIL TUESDAY, 3 JUNE 2014