



08/05/2014 03:26 PM

To Hazelwood Inquiry  
info/DPC@DTF  
cc  
bcc  
Subject Submission - Clive Stott

2 attachments



submission-hazelwood-coal-mine-fire26.4.2014.docx



HAZELWOOD-MINE-FIRE-INQUIRY-Submission-cover-sheet.1.doc

Dear Inquiry,

Submission and Cover Sheet attached...

I will give you a call to make sure it came through ok.

Thank you.

Kind regards,

Clive

**HAZELWOOD MINE FIRE INQUIRY****Submission cover sheet**

Post your submission with this cover sheet to:

Submissions Hazelwood Mine Fire Inquiry  
PO Box 3460  
GIPPSLAND MC Vic 3841Email your submission with this cover sheet to [info@hazelwoodinquiry.vic.gov.au](mailto:info@hazelwoodinquiry.vic.gov.au).

Title:Mr	First Name:Clive M.	Surname:STOTT
Organisation represented( <i>if applicable</i> ):cleanairtas		
Email address:	cleanair@cleanairtas.com	
Postal address:	[REDACTED] Tasmania. 7277	
Telephone:		Mobile:
<input type="checkbox"/> Origin and circumstances of fire: <input type="checkbox"/> Application and administration of regulatory regimes <input type="checkbox"/> Other (please state)		Response to fire by: <input type="checkbox"/> Environmental Agencies <input type="checkbox"/> Public Health Officials <input type="checkbox"/> Other Government Agencies

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Should the Inquiry consider the request for confidentiality not to be appropriate you will be provided with an opportunity to withdraw your submission or re-submit it in a form suitable for publication.

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

**OR**

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

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## Acknowledgements

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- Anonymous submission will not be accepted.
- The name or work or suburb of each submitter will be identified as apart of every published submission. Other contact details will be removed before publishing.
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Signature \_\_\_\_\_ Acknowledged by C. M. Stott and submitted  
electronically. \_\_\_\_\_

OR if sending electronically please confirm your acknowledgment by ticking by box  8/5/2014

Date

## BOARD OF INQUIRY INTO THE HAZELWOOD COAL MINE FIRE

Dear Board Members,  
Thank you for the opportunity to make a submission.

My submission addresses air quality and health related issues.

### Prior to the fire:

On Tuesday the 3<sup>rd</sup> of September 2013 it was reported by [ABC News](#):

*The Environment Protection Authority (EPA) says the health of Latrobe Valley residents is not being put at risk by pollution coming from the coal industry.*

*The results from the EPA's 15-month monitoring station set up at Morwell East found six compliance standard breaches for fine particulate, PM 10.*

*There were five breaches of the recommended advisory standard for the fine particulate PM 2.5 which is considered to be the most dangerous to human health*

*The EPA's chief executive John Merrett says this was the first time the fine particulates were monitored in the region but there are plans to set up permanent monitoring*

*Look, from the EPA's point of view these results are good news for residents in the valley, he said*

*They show that the levels of emissions that are commonly produced by coal and by burning are well below the national standards and indeed particulate levels are also very helpful as well*

*The acting Mayor of the Latrobe City Council Sharon Gibson says the report's findings prove air quality in the Latrobe Valley has improved over the years.*

*She says the council supports an EPA proposal to set up a community forum to address air pollution concerns.*

*"We would be happy to work with the EPA with keeping the residents informed and also productive in all of this" she said*

*"People on the ground see it quickly, so an avenue for them to have their concerns addressed"*

In the five odd months between 3/9/2013, and when the Hazelwood fire started on 9/2/2014, what had been done to address the above matters? Nothing?

I would not go so far to say that levels of emissions for fine particulates, "...were well below the national standards..."with 6 PM10 breaches in 15 months when the standard says 5 a year.

**Air monitoring levels do not always equal exposure.** This depends on many things, e.g. where the air monitoring station is sited in relation to the point source, wind direction, etc.

By all accounts the EPA could not lay its hands on air monitoring equipment when the mine fire started.....

This is what the EPA wrote to me:

*In response to your query about the availability of monitoring prior to the 18<sup>th</sup> of February please note that a simple, easily deployed visibility monitor was installed at the Morwell Bowling Club at the earliest opportunity that such an instrument could be obtained. That*

*instrument was installed on the 13<sup>th</sup> February 2014 and consequently EPA does not hold any visibility or particle monitoring data from that site prior to that date*

**This was not good news for the Valley when there was a major, fully operational, air monitoring station sitting idle in Morwell East!**

I attempted to find out just how bad the air quality had been in Morwell during the fire and sadly my questions to EPA Victoria were met with delays and stubborn resistance despite their claim, *Consistent with our values the EPA's policy is to share and make data available*

At one stage EPA Victoria wanted me to sign a Data Supply Agreement before they would release air quality information to me. If I had signed, it would have prevented me sharing the information. By not signing I was prevented from receiving the information. Either way, EPA withheld what I feel was important public information.

In the end things became so bad between the EPA and myself that it came down to the two following emails before the EPA provided me with the basic air quality information I had asked for, i.e. 24 hour daily averaged figures for PM2.5 and PM10 exceedances (of the NEPM ambient air quality standards).

The EPA was in possession of this information because they had already declared exceedances:

To: [REDACTED]  
contact <contact@epa.vic.gov.au>  
Subject: Fw: Hazelwood Mine Fire Inquiry [SEC=UNCLASSIFIED]  
Date: Wed, 30 Apr 2014 10:48:53 +1000

EPA Victoria and [REDACTED]

Dear [REDACTED]

I refer to your telephone call to me on Thursday 24th April when you advised me the the 'Mine Inquiry' had issued a directive that no more air quality information/data (past and present) was to be published on the EPA website until after the Inquiry.

Please see the email below which discounts what you rang to tell me.

I am now writing to ask for the 24 hour averaged daily readings for both PM2.5 and Pm10 for all of the exceedance days at Morwell and the other places where exceedances were recorded, and the dates and places where these exceedances occurred.

Could you please advise me by return email when I will receive this information?

Thank you.

Yours sincerely,

Clive M. Stott

**From:** [justine.stansen@hazelwoodinquiry.vic.gov.au](mailto:justine.stansen@hazelwoodinquiry.vic.gov.au)  
**Sent:** Wednesday, April 30, 2014 9:55 AM  
**To:**  
**Subject:** Hazelwood Mine Fire Inquiry [SEC=UNCLASSIFIED]

Dear Mr Stott

I refer to your email sent to the Hazelwood Mine Fire Inquiry on 28 April 2014.

I can confirm that there is no directive from the Inquiry to the EPA about publishing air monitoring data from the Latrobe Valley. The EPA is not constrained by the Inquiry in any way.

Kind regards,

Justine Stansen | Principal Legal Advisor  
Hazelwood Mine Fire Inquiry

PO Box 3460  
GIPPSLAND MC Vic 3841  
[www.hazelwoodinquiry.vic.gov.au](http://www.hazelwoodinquiry.vic.gov.au)  
P: 9223 1706 E: [justine.stansen@hazelwoodinquiry.vic.gov.au](mailto:justine.stansen@hazelwoodinquiry.vic.gov.au)

Thanks to the Inquiry staff at Morwell and the Inquiry legal team the following air quality information I had asked for back on March 7 was promptly released to me by the EPA. Already the Inquiry has had a positive effect!

I share this information provided by EPA Victoria so that all people can now see how the air quality was breached under our Ambient Air Quality, National Environment Protection Measure (AAQ NEPM) in the following locations where monitoring took place. It also highlights when and where no monitoring was taking place.

#### EPA monitoring in the Latrobe Valley

Site	Address	What is measured
Morwell South	Morwell Bowling Club, 52 Hazelwood Rd, Morwell	PM <sub>2.5</sub> , CO, Ozone, NO <sub>2</sub> , SO <sub>2</sub> , Visibility Reduction
Morwell East	70 Hourigan Rd, Morwell	PM <sub>2.5</sub> , CO, SO <sub>2</sub> , and Visibility Reduction
Traralgon	130 Kaye St, Traralgon	PM <sub>10</sub> , CO, Ozone, NO <sub>2</sub> , Visibility Reduction,

Assessment criteria for key pollutants.

Pollutant	Averaging time	Standard	Origin
Particles as PM <sub>2.5</sub>	24 hours	25 µg/m <sup>3</sup>	Air NEPM (advisory)
Particles as PM <sub>10</sub>	24 hours	50 µg/m <sup>3</sup>	Air NEPM

Particles (PM<sub>2.5</sub>)

Data is daily average PM<sub>2.5</sub> in µg/m<sup>3</sup>. NEPM advisory reporting standard is 25 µg/m<sup>3</sup>. Days exceeding the advisory reporting standard have been highlighted in red.

Date	Measured	
	Morwell East	Morwell South
9-Feb		
10-Feb		
11-Feb		
12-Feb		
13-Feb		
14-Feb	15.8	
15-Feb	48.2	
16-Feb	62.2	
17-Feb	38.9	
18-Feb	19.9	
19-Feb	48.2	
20-Feb	6.2	
21-Feb	37.1	422.9
22-Feb	25.6	387.6
23-Feb	69.3	187.5
24-Feb	51.9	90.3
25-Feb	24.2	133.3
26-Feb	35.5	238.5
27-Feb	20.8	214.2
28-Feb	22.8	49.7
1-Mar	42.1	68.7
2-Mar	26.3	28.4
3-Mar	7.1	11.2
4-Mar	9.3	10.1
5-Mar	24.8	36.9
6-Mar	26.6	28.9
7-Mar	5.6	11.2
8-Mar	5.3	6.0
9-Mar	9.7	12.6
10-Mar	29.2	50.3
11-Mar	12.6	42.8
12-Mar	12.5	14.1
13-Mar	9.2	20.5
14-Mar	6.4	12.4
15-Mar	7.0	13.6
16-Mar	5.3	6.0
17-Mar	2.9	7.8
18-Mar	7.6	6.2
19-Mar	7.7	7.4
20-Mar	7.7	8.3
21-Mar	14.3	16.6

22-Mar	6.0	4.5
23-Mar	5.8	6.0
24-Mar	1.9	3.8
25-Mar	2.3	3.8
26-Mar	3.0	3.5
27-Mar	2.3	1.2
28-Mar	8.6	6.3
29-Mar	9.9	13.4
30-Mar	7.4	7.9
31-Mar	5.7	6.6
<b>No. of days</b>	46	39
<b>No. of days exceeding standard</b>	13	14

#### Particles (PM<sub>10</sub>)

Data is daily average PM<sub>10</sub> in µg/m<sup>3</sup>. NEPM advisory reporting standard is 50 µg/m<sup>3</sup>. Days exceeding the advisory reporting standard have been highlighted in red.

Date	Measured	
	Morwell South	Traralgon
9-Feb		89.1
10-Feb		31.0
11-Feb		36.3
12-Feb		58.0
13-Feb		25.8
14-Feb		27.2
15-Feb		41.6
16-Feb		28.1
17-Feb		46.2
18-Feb		26.9
19-Feb		45.3
20-Feb		8.2
21-Feb		24.9
22-Feb		17.1
23-Feb		48.6
24-Feb		51.5
25-Feb		22.5
26-Feb		15.4
27-Feb		22.9
28-Feb	98.0	18.5
1-Mar	143.4	26.7
2-Mar	66.3	26.3
3-Mar	26.7	15.4
4-Mar	27.4	17.6
5-Mar	117.4	38.9
6-Mar	79.0	29.4
7-Mar	23.6	17.2
8-Mar	13.6	14.2
9-Mar	27.2	11.4
10-Mar	118.4	24.2
11-Mar	98.7	23.1
12-Mar	34.0	11.8
13-Mar	43.9	19.0
14-Mar	41.6	19.4
15-Mar	44.3	17.1
16-Mar	12.0	8.9
17-Mar	13.3	13.6
18-Mar	18.0	12.5



19-Mar	26.7	23.7
20-Mar	34.5	19.3
21-Mar	56.7	30.4
22-Mar	15.9	11.3
23-Mar	21.1	12.5
24-Mar	20.9	14.0
25-Mar	11.7	10.2
26-Mar	15.8	12.9
27-Mar		6.3
28-Mar		10.0
29-Mar		17.0
30-Mar		13.6
31-Mar		11.7
No. of days	27	51
No. of days exceeding standard	8	3

#### Volatile Organic Compounds (VOCs)

VOCs are monitored weekly. With the exception of benzene no VOCs have exceeded Australian or international criteria. Benzene levels exceeded the standard on two occasions – once on 26 February and once on 27 February.

#### Benzene results received to date

Sampling Date	Unit	Air Quality Guideline	Morwell South (Morwell Bowling Club)	Maryvale Crescent (Early Learning Centre)	Morwell East (Ronald Reserve)
26-27 Feb	ppb	9	14	9.2	1.7
27-28 Feb	ppb	9	9.7	6.0	2.1
05-06 Mar	ppb	9	3.2	2.0	2.5
06-07 Mar	ppb	9	1.2	1.1	<1
12-13 Mar	ppb	9	2.3	1.2	1.2
14-15 Mar	ppb	9	1.1	<1	<1
20-21 Mar	ppb	9	1.3	1.1	<1

< = below levels that could be quantified and reported

#### Carbon Monoxide (CO)

Data is daily max (8 hour average) CO in ppm. NEPM air quality standard is 9ppm. Days exceeding the air quality standard have been highlighted in red.

Date	EPA measurements		
	Morwell East	Morwell South	Traralgon
9-Feb			
10-Feb			
11-Feb			
12-Feb			
13-Feb			
14-Feb			
15-Feb			
16-Feb			
17-Feb			
18-Feb			
19-Feb			

20-Feb	0.9	5.9	
21-Feb	1.5	14.4	
22-Feb	1.0	11.9	
23-Feb	2.0	5.4	
24-Feb	2.4	4.3	
25-Feb	1.1	5.4	
26-Feb	1.3	10.5	
27-Feb	0.6	5.8	
28-Feb	1.8	5.7	
1-Mar	2.9	4.4	0.8
2-Mar	1.3	2.5	0.6
3-Mar	0.0	0.2	0.3
4-Mar	0.1	0.2	0.2
5-Mar	0.6	1.5	0.7
6-Mar	1.8	1.5	0.3
7-Mar	0.3	0.7	0.3
8-Mar	0.1	0.1	0.3
9-Mar	0.2	0.4	0.3
10-Mar	1.7	4.3	0.4
11-Mar	0.6	4.1	0.4
12-Mar	0.3	0.9	0.3
13-Mar	0.7	1.6	0.2
14-Mar	0.1	1.1	0.4
15-Mar	0.2	1.2	0.3
16-Mar	0.3	0.4	0.2
17-Mar	0.3	0.5	0.3
18-Mar	0.2	0.5	0.1
19-Mar	0.2	0.4	0.1
20-Mar	0.1	0.3	0.5
21-Mar	0.9	1.7	0.4
22-Mar	0.2	0.2	0.2
23-Mar	0.2	0.4	0.2
24-Mar	0.1	0.4	0.3
25-Mar	0.1	0.3	0.2
26-Mar	0.1	0.2	0.2
27-Mar	0.3	0.3	0.5
28-Mar	0.3	0.5	0.4
29-Mar	0.1	0.8	0.2
30-Mar	0.0	0.3	0.3
31-Mar	0.1	0.2	0.4
<b>No. of days</b>	40	40	31
<b>No. of days exceeding standard</b>	0	3	0

### Visibility Reduction

Data is daily max (1 hour average) Visibility Reduction. SEPP air quality standard is 2.35. Days exceeding the air quality standard have been highlighted in red.

Date	EPA measurements		
	Morwell East	Morwell South	Traralgon
9-Feb			11.15
10-Feb			3.87
11-Feb			5.72
12-Feb			21.24
13-Feb			3.97
14-Feb	2.86		2.90
15-Feb	10.78		6.31

16-Feb	6.21		2.81
17-Feb	6.90		3.76
18-Feb	2.45		2.47
19-Feb	16.50		13.07
20-Feb	0.73	20.46	0.42
21-Feb	6.37	42.47	2.20
22-Feb	3.17	31.15	1.45
23-Feb	15.95	18.34	7.50
24-Feb	11.68	12.97	10.75
25-Feb	7.52	36.28	3.52
26-Feb	4.28	23.97	1.29
27-Feb	3.57	23.47	1.48
28-Feb	13.09	27.06	0.65
1-Mar	11.55	13.47	4.39
2-Mar	4.83	7.00	2.93
3-Mar	0.86	1.76	0.62
4-Mar	1.14	1.55	1.10
5-Mar	4.60	7.80	4.12
6-Mar	7.38	4.21	2.59
7-Mar	1.57	2.83	0.93
8-Mar	0.58	0.75	0.65
9-Mar	1.07	4.16	0.66
10-Mar	7.62	12.64	1.67
11-Mar	4.77	16.12	0.77
12-Mar	1.51	2.26	0.54
13-Mar	2.34	9.93	0.63
14-Mar	0.71	6.47	0.72
15-Mar	0.67	5.17	0.65
16-Mar	1.13	1.61	0.46
17-Mar	0.68	1.73	0.47
18-Mar	1.17	1.84	0.71
19-Mar	0.93	0.88	0.73
20-Mar	0.59	1.17	0.61
21-Mar	2.89	4.71	0.97
22-Mar	0.58	0.57	0.47
23-Mar	1.10	1.55	0.49
24-Mar	0.96	1.39	1.10
25-Mar	0.40	1.11	0.44
26-Mar	0.47	0.48	0.50
27-Mar	0.44	0.56	0.49
28-Mar	1.15	1.77	1.33
29-Mar	1.12	3.66	0.80
30-Mar	0.92	1.28	0.81
31-Mar	0.63	0.66	0.62
<b>No. of days</b>	<b>46</b>	<b>40</b>	<b>51</b>
<b>No. of days exceeding standard</b>	<b>21</b>	<b>22</b>	<b>18</b>

Let me summarise when air quality monitoring commenced at Morwell East, Morwell South, and Traralgon (within 1 day):

**Visibility Reduction monitoring** commenced on or prior to 9 Feb. at Traralgon, at Morwell East on 14 Feb., and at Morwell South on Feb. 20.

**VOC samples** were not taken until 26 Feb. at Morwell South, Maryvale Crescent and Morwell East.

**CO monitoring** commenced on 20 Feb. at Morwell East and Morwell South, and at Traralgon on 28 Feb.

**PM2.5 monitoring** commenced in Morwell East on 14 Feb., Morwell South on 21 Feb. No PM2.5 monitoring was done at Traralgon.

**PM10 monitoring** commenced on or prior to 9 Feb. at Traralgon, and at Morwell South on 28 Feb.

No Pm10 monitoring was done at Morwell East.

These dates become important because the air quality results were being passed on to the Chief Health Officer to make informed decisions in relation to population health in the area. A complete inter-agency timeline needs to be produced to show what actions as a whole were taking place by each agency.

No amount of air monitoring will provide any benefit to the population if the results are not acted upon. It is one aid only and our senses are a good indication if something is harmful or not.

If people in the community had to be using, and were supplied with, free asthma reliever medication then assisted evacuations should have taken place much earlier.

It is wrong for the Asthma Foundation to advocate putting people on asthma medication and for the people to continue to be exposed to smoke at the source. Further, every COPD attack causes the disease to progress.

Smoke is a trigger and our airways narrow. These medications are designed to open up the airways so people can breathe in an emergency but it allows any fine particulates to travel deeply into the lungs and stay there!

**Chief Health Officer (Dr Rosemary Lester):**

Dr Lester would have been aware of the World Health Organisation's recent findings:

*"Outdoor air pollution a leading environmental cause of cancer deaths." - IRAC 17/10/2013. The specialized cancer agency of the World Health Organization, the International Agency for Research on Cancer (IARC), announced today that it has classified outdoor air pollution as carcinogenic to humans (Group 1).*

*After thoroughly reviewing the latest available scientific literature, world leading experts convened by the IARC Monographs Programme concluded that there is sufficient evidence that exposure to outdoor air pollution causes lung cancer (Group 1). They also noted a positive association with an increased risk of bladder cancer.*

*Particulate matter, a major component of outdoor air pollution, was evaluated separately and was also classified as carcinogenic to humans (Group 1)*

And yet up until the 26/2/2014 Dr Lester maintained:

26 February 2014, 3:32pm AEDT [ABC News](#): *Chief health officer Rosemary Lester says an evacuation plan has been prepared in case Morwell residents have to be moved but carbon monoxide levels in the town would have to rise to worrying levels.*

*"We need to look at a particular level over a period of exposure before we would need to think about evacuation," she said.*

*"We are constantly monitoring that and we haven't gone anywhere near what we would regard a level to trigger talk about evacuation."*

*"There is no evidence of any long term health effects from this sort of smoke and ash for this type of short term exposure."*

There is evidence, and further evidence to what is stated by the WHO above:

The U.S. Environmental Protection Agency has determined that any length of casual exposure to particle pollution poses serious health risks, such as early death, cancer and cardiovascular and respiratory harm.-(American Lung Association). And,

Health effects from particulate matter occur after exposures of 2-4 hours or less in duration of wood smoke at the 12 - 29mcg/m<sup>3</sup> range (Koenig et al. 1993)  
(wood smoke consists mainly of fine particulate matter that was being monitored from the Hazelwood fire by the EPA)

Recent epidemiological research suggests that there is no threshold at which health effects do not occur. – Australian Government, Dept. of Environment - National Pollution Inventory (NPI).

I believe it was clearly wrong of Dr Lester to rely solely on carbon monoxide levels and to ignore harmful PM levels when discussing evacuation.

It was not up until the 28<sup>th</sup> of February that Dr Lester moved on evacuations for some of the people in Morwell South.

This was 19 days after the fire started. It was after 9 days of PM<sub>2.5</sub> exceedances being measured in Morwell East together with elevated readings in between. It was after 7 days straight of very high PM<sub>2.5</sub> exceedances in Morwell South. It was after many days of breached visual reduction standards in Morwell.

Further, prior to air monitoring commencing in Morwell as a result of the Hazelwood fire, it is highly likely from anecdotal evidence that people were exposed to similar high levels of particulates (exceeding NEPM standards and reporting standards) from the 9<sup>th</sup> or 10<sup>th</sup> of February onwards.

It is reasonable to assume there would have been additional smoke from the fires that started the Hazelwood fire as well (for people to inhale) that was not measured or recorded.

28 February 2014 –The Age: *The state's chief health officer, Rosentata Lester, has advised its clients aged over 65, under five, those who are pregnant, and people with persisting heart or lung conditions who live or work in South Morwell to leave*

Dr Lester in an email said the following fact sheets were first uploaded to the Health website between the 17<sup>th</sup> and 21<sup>st</sup> of February: Ash fall-out Smoke and your health Face masks - Q&A Rainwater tanks Coal ash and smoke in the house Carbon monoxide

These fact sheets were changed as time went on.

People were advised to stay indoors. This was the wrong advice. People should have been evacuated much earlier:

The following information and more on indoor air quality can be found at

<http://www.cleanairtas.com/indoor-air-quality>

*"Protection indoors is hard to generalise as it varies with the type of house - for episodes of just a few hours it could be very helpful. For fine particulates indoor air will eventually equilibrate with outdoor air" -10/12/2013 email advice from [redacted] to [redacted]*

*This information will be of interest to the people of Morwell in Victoria who were told to stop in their homes during the Hazelwood coal mine fire that lasted for 40 something days!  
All indicators point to the fact that people should have been evacuated earlier. Their cries for help were not listened to.*

Dr Lester has announced a 10 year health study. Current knowledge appears to show a latency period of up to 20 years for some health effects to show after being exposed to fine particulate matter, e.g. smoking, wood heater smoke.  
I believe the people of Morwell deserve a 20 year health study following their exposure.

#### **Latrobe City Council – Correct Respirator Masks.**

I was advised by the Chief Health Officer to contact the Latrobe City Council for answers in relation to respirator half-face masks that were issued to the community during the fire.

The following pictures appeared in news reports and are of people trying to avoid the smoke.



Masks: none; wrong type; wrong size; wrong fit?

Some questions I asked Latrobe City Council in relation to respirator masks have not been answered:

- i) **Make:** Thank you. Latrobe City passed on Drager and 3M P2 dust masks.
- ii) **Model #'s:** Model #'s of the masks that Latrobe City passed on? Not answered.
- iii) **Size:** Thank you. One size fits all.  
**Quantity:** How many masks did Latrobe City pass on to be issued by these other agencies please? What quantity? Not answered.
- iv) **Date of issue:** What date/s were these masks passed on by Latrobe City to other agencies and organisations for issue to the community? Not answered.

I have learnt that some masks were out of date. Some were not suitable for CO.  
Some people appeared to be wearing incorrect, or incorrectly fitted, masks for coal fire smoke.

It appears after the smoke started people had to do what they could in relation to respiratory protection and at the same time they were being advised the air quality was fine when it clearly was not. People should have been able to trust the authorities to provide them with correct information.

I tried to get answers to these questions by telephone and email to the Latrobe City Council but have had no further response from them since the 8<sup>th</sup> of April; see a list of my email attempts below:

These questions really need to be answered. It is people's health we are talking about.

Subject	Date
For: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to the people of Morwell	8/03/2014 4:25 PM
AUTO RESPONSE: For: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to c...	2/04/2014 12:14 PM
Re: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to c...	2/04/2014 12:14 PM
AUTO RESPONSE: For: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to c...	2/04/2014 11:27 AM
For: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to c...	2/04/2014 11:27 AM
Re: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to c...	1/04/2014 12:32 AM
Re: Morwell Mine Fire 2014 - request for information from Clive Stott regarding face masks provided to c...	31/03/2014 3:37 PM
AUTO RESPONSE: For: Morwell coal fire - respirator masks. Urgent information please	28/03/2014 3:25 PM
For: Morwell coal fire - respirator masks. Urgent information please	28/03/2014 3:24 PM
AUTO RESPONSE: For: Morwell coal fire - respirator masks.	28/03/2014 12:11 PM
For: Morwell coal fire - respirator masks.	28/03/2014 12:11 PM
AUTO RESPONSE: For: Morwell coal fire - respirator masks.	21/03/2014 11:03 PM
For: Morwell coal fire - respirator masks.	21/03/2014 11:04 PM

This submission needs to be read in conjunction with <http://cleanairtas.com/air-monitoring/morwell-coal-fire.html>

Today I contacted the Department of Primary Industries, Parks, Water, and Environment in Tasmania (DPIPWE) in relation to a Right to Information (RTI) request I submitted (14/4/2014) for air monitoring data gathered whilst Tasmanian EPA staff were in Morwell and surrounds at the time of the mine fire.

They advise me their Decision will not be released until the 20<sup>th</sup> May 2014 which is after Inquiry written submissions close.

It is possible this information will be of interest to the Inquiry.

I trust this supplementary information will be acceptable when it comes to hand? Please advise.

Clive Stott is a former state technical health worker.

In addition he provided equipment support to respiratory patients in their homes.

He has successfully managed his own asthma in partnership with the medical profession in several states.

He is the owner of cleanairtas.com and has been working for clean air through, education, community involvement, and activism.

Thank you.

Yours sincerely,

Clive M. Stott  
8<sup>th</sup> May 2014



# Right to Information Act 2009

## Application for Information Disclosure

### Applicant's Details:

Name: CLIVE M. STOTT

Title: MR.

Date of Birth (optional): 15/10/48

Postal Address:



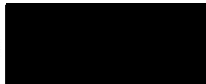
GRINDELWALD  
TAS

POSTCODE: 7277

### Daytime contact information:

Telephone: Business

Home



Mobile

Email:



### Public Authority or Minister applied to:

General topic of information applied for:  
(one sentence summary of information requested)

Air Quality data collected by Tasmanian EPA  
Air staff at Morwell in Victoria.




**Details of the Information sought:**

Could you please release to us all the air quality data and information gathered recently by Tasmanian EPA Air staff in and around Morwell in Victoria.

Thankyou.

(If there is insufficient room in the space provided please attach further details.)

**Applicant's Signature:**



**Date:**

13/4/2014

**Description of efforts made prior to this application to obtain this information:**

e.g. have you looked at our website?

*Email to EPA*

**Application Fee or Application to Waive the Fee:**

Application fee included (please tick)  
(cheque or money order for \$36.50 (fee current as at 1 July 2013))

Office Use: Fee Received and Receipted:  
**OR**

YES/NO

Application for waiver: (please indicate category)	Member of Parliament, in relation to official business		Financial Hardship (eg holder of a Centrelink or Veterans Affairs Card)		General public interest or benefit (you will need to show that you intend to use the information for this purpose)	
Reason Application fee should be waived: <i>1) Holder of a centrelink card - Financial Hardship</i> <i>2) The information is intended to be used for general public interest.</i>						

(If there is insufficient room in the space provided please attach further details.)

**Proof of Identity:**

If application is for release of your personal information you must provide proof of identity before we can release the information - if lodging by email or mail you will need to provide certified copies.  
(please tick if you are required to provide proof of identity)

Office Use: Proof of Identity Sighted/Received and Acceptable

YES/NO

[REDACTED]  
Grindelwald  
Tasmania. 7277

21<sup>st</sup> May 2014

Delegated Right to Information Officer  
Department of Primary Industry, Parks, Water and Environment  
GPO Box 44  
Hobart  
Tasmania. 7001

Dear [REDACTED]

**Right to Information application – RTI 029**

This is to confirm my telephone call to [REDACTED] at your office on the 8<sup>th</sup> May when she told me my RTI Decision would not be released until the 20<sup>th</sup> May. No reasons were given for the extended delay.

It is also to confirm my call to you yesterday.

You indicated you had miscounted the twenty working days for the Decision to be released (my application was sent to you via email on April 11 at 12.45pm).

You did say I could receive the Decision this Friday the 23<sup>rd</sup> May, or next week?

Can this please be brought forward?

I did mention to you the delay was outside the Act and asked if the Decision could be released ASAP because other parties were waiting on it.

You claimed they should have applied, not me

This of course has nothing to do with the delayed Decision.

As a result of your delayed Decision I will now have to ask the Hazelwood Mine Fire Board of Inquiry a second time if they will accept late supplementary information from me.

I asked, and you agreed, for the Decision to be emailed to me to save time.

Can you please phone me also on [REDACTED] or [REDACTED] when this has been done.

Thank you.

Yours faithfully,

Clive M. Stott

Department of Primary Industries, Parks, Water & Environment  
POLICY DIVISION

Hobart GPO Box 44, Hobart, Tasmania, 7001  
Launceston PO Box 46, Kings Meadows, Tasmania, 7249  
Devonport PO Box 303, Devonport, Tasmania, 7310  
Ph 1300 368 550  
Web [www.dpipwe.tas.gov.au](http://www.dpipwe.tas.gov.au)



Enquiries: [REDACTED]  
Phone: (03) 6165 3146  
Fax: (03) 6233 0865  
Email: [Right2Info@dpipwe.tas.gov.au](mailto:Right2Info@dpipwe.tas.gov.au)  
Our ref: 029/2013-14  
Your ref:

Mr Clive Stott

[REDACTED]  
GRINDELWALD TAS 7277

Dear Mr Stott

### Right to Information Decision

I refer to your application made pursuant to the *Right to Information Act 2009* ('the Act'), which was received by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) on 11 April 2014 and accepted on the same day. Specifically, you requested:

*"Air quality data and information gathered recently by Tasmanian EPA air staff in and around Morwell in Victoria."*

Section 7 of the Act gives a person a legally enforceable right to be provided, in accordance with the Act, with information in the possession of a public authority or a Minister unless the information is exempt information. The Department of Primary Industries, Parks, Water and Environment (DPIPWE) is a public authority under the Act.

A search of DPIPWE's records located a total of 2.16 GB of information comprising 357 files contained on one CD which is relevant to your application. It has been necessary for me to assess this information against Part 3 of the Act to determine whether any of it is exempt information.

#### Decision Summary

I have decided that all of the information is exempt information. The reasons for my decision are discussed below.

#### Information communicated by other jurisdictions

I have decided that all of the information is exempt information under section 34(1) of the Act ('Information communicated by other jurisdictions').

Section 34(1)(a) of the Act states:

- 1) *Information is exempt information if –*
  - (a) *its disclosure under this Act would prejudice relations between –*

- (i) two or more States; or
- (ii) a State and the Commonwealth; or
- (iii) the Commonwealth or a State and any other country ...

*and its disclosure would be reasonably likely to impair the ability of a public authority or Minister to obtain similar information in the future.*

Following the recent coal mine fires in the Morwell district of Victoria, the Victorian EPA requested the Tasmanian EPA's assistance to provide them with technical data related to the distribution of air smoke pollution possibly related to the event. Release of the information by DPIPWE ahead of its release by the Government that requested it would be reasonably likely to impair the ability of the Tasmanian Government to enter into reciprocal arrangements with the Victorian Government in the future.

Section 34 belongs to a class of exemption that is dependent on a 'public interest test' specified in section 33 of the Act. For information to be exempt under section 34 it must satisfy the requirements of the section and be contrary to the public interest to disclose it, considering all relevant matters including those listed in Schedule 1 of the Act.

In arriving at my decision I consider the following matters listed in Schedule 1 of the Act to be most relevant:

- (a) *the general public need for government information to be accessible;*
- (b) *whether the disclosure would contribute to or hinder debate on a matter of public interest;*
- (c) *whether the disclosure would provide the contextual information to aid in the understanding of government decisions; and*
- (n) *whether the disclosure would prejudice the ability to obtain similar information in the future.*

In this case (a) constitutes the main public interest argument in favour of disclosure of the information while matters (b), (c) and (n) are the main public interest arguments against disclosure.

There is a general principle that government information should be accessible. The information being assessed for disclosure is related to matters affecting public health and as such is of interest to the public.

However, matters (b), (c) and (n) are considerations against disclosure under the circumstances for the reasons outlined below.

The information in question consists of air quality monitoring data relevant to the Morwell coal mine fire in Victoria in February 2014. It comprises raw data without any interpretative information and disclosure would not contribute in any meaningful way to inform debate on the issue at hand. The information does not include recommendations for immediate action and is not therefore informative as to the reasons for a decision or the contextual information to aid in the understanding of Government decisions.

EPA Victoria is managing the post-incident process for the Morwell coal mine fire including the future release of data and the provision of any contextual information. Disclosure of the information at hand, prior to the conclusion of EPA Victoria's incident review process, would therefore likely prejudice relations between the Tasmanian and Victorian Governments and prejudice the ability to obtain similar information in the future.

On balance I find that it would be contrary to the public interest to disclose the information and consequently that it qualifies as exempt information under section 34(1)(a) of the Act.

**Review right**

You have the right under section 45(1)(a) of the Act to apply for a review of this decision. To apply for a review you must write to the Ombudsman within 20 working days of receiving this notice. Please address your correspondence to:

The Ombudsman  
GPO Box 960  
Hobart TAS 7001

Yours sincerely



John Whittington

Principal Officer under the *Right to Information Act 2009*

21 May 2014

**woodside**

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**From:** <justine.stansen@hazelwoodinquiry.vic.gov.au>  
**Date:** Wednesday, 30 April 2014 9:55 AM  
**To:** [REDACTED]  
**Subject:** Hazelwood Mine Fire Inquiry [SEC=UNCLASSIFIED]

Dear Mr Stott

I refer to your email sent to the Hazelwood Mine Fire Inquiry on 28 April 2014.

I can confirm that there is no directive from the Inquiry to the EPA about publishing air monitoring data from the Latrobe Valley. The EPA is not constrained by the Inquiry in any way.

Kind regards,

Justine Stansen | Principal Legal Advisor  
Hazelwood Mine Fire Inquiry

PO Box 3460  
GIPPSLAND MC Vic 3841  
[www.hazelwoodinquiry.vic.gov.au](http://www.hazelwoodinquiry.vic.gov.au)

P: 9223 1706 E: [justine.stansen@hazelwoodinquiry.vic.gov.au](mailto:justine.stansen@hazelwoodinquiry.vic.gov.au)

24/05/2014



# RIGHT TO INFORMATION ACT 2009 APPLICATION FOR REVIEW

File number:

## 1. Details of Person Making Application

Title	First Name	Surname	
MR.	CLIVE	STOTT	
Address	Suburb	Post Code	
<input type="text"/>	GRINDELWALD	7277	
Telephone (business hours)	Mobile	Email Address	
<input type="text"/>	<input type="text"/>	<input type="text"/>	

Do you have a disability or other special needs?

Yes     No    If yes, please specify: RESPIRATORY

What is your preferred language?

ENGLISH

Do you require an interpreter?

Yes  No

## 2. Details of Public Authority or Minister

Name of the Public Authority or Minister to which this application refers:

DEPARTMENT OF PRIMARY INDUSTRY, PARKS, WATER & ENVIRONMENT (DPIPE)

Address	Suburb	Post Code
GPO BOX 44	HOBART	7001
Telephone (business hours)	Division	
1300 368 550		



### 3. Application Details

Grounds upon which the application for review is made:

(Note – the grounds upon which an application for review may be made are indicated in sections 44(1), 45 and 46(1) of the Right to Information Act 2009.)

THE DECISION WAS NOT MADE WITHIN THE TERMS OF  
THE ACT, i.e. 20 WORKING DAYS.  
THE DECISION WAS MADE BY A PRINCIPAL OFFICER.

Date of Application for Assessed Disclosure:

Has an initial decision been made by the public authority or Minister in relation to the application for assessed disclosure?

Yes       No      If yes, when did you apply?      11-14-2014

Have you applied for internal review of the initial decision?

(Note – In some cases it is necessary to apply for internal review under section 43 of the Act before you have the right to seek review by the Ombudsman, please see attached explanatory note)

Yes       No

### 4. Attachments

Please attach a copy of the following documents:

(Note – tick the box to indicate if the document is attached)

- |   |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Your application for assessed disclosure  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | Any initial decision made by the public authority or Minister in relation to the application    |
| <input type="checkbox"/> Yes            | <input checked="" type="checkbox"/> No | Any internal review decision  |
| <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No            | All correspondence you have had with the public authority or Minister in relation to the matter |

### 5. Privacy Statement

If you make an application for review to the Ombudsman under the *Right to Information Act 2009*, the Ombudsman will collect your personal information. Personal information will be used in the handling of the review, and may be disclosed to the public authority or Minister which is respondent to the application, to enable the review to be undertaken. Personal information will be managed in accordance with the *Personal Information Protection Act 2004* and, on request to the Ombudsman, may be accessed by the individual to whom it relates.

## 6. Signature

Signature of applicant:



Date:



For assistance in completing this form, please phone this office on 1800 001 170.  
Send this form to: Office of the Ombudsman, GPO Box 960, HOBART, Tasmania 7001.  
Email this form to [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au) or fax it to 03 6233 8966.

The Office of the Ombudsman is located on the Ground Floor at 99 Bathurst Street, Hobart.

Grindelwald  
Tasmania. 7277

25<sup>th</sup> May 2014

Ombudsman Tasmania  
GPO Box 960  
Hobart  
Tasmania 7001  
[ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

Dear Sir,

**Review: RTI Decision in relation to Air Quality Monitoring**

I am writing to ask for a Review (**attachment 5**) of an Assessed Disclosure Decision by the Department of Primary Industries, Parks, Water and Environment (DPIPWE) - RTI-029

My Application for Assessed Disclosure was clear and concise. (**attachment 1**). It was emailed in the first instance to the EPA. The EPA asked me to apply formally to DPIPWE and although it shows the date as the 13<sup>th</sup> April my application was emailed to them on the 11<sup>th</sup> April 2014. It was acknowledged by email on the 16<sup>th</sup> April.

I telephoned the DPIPWE, RTI department on the 8<sup>th</sup> May to find out what was happening. I was told the Decision was not due until the 20<sup>th</sup> May. No reasons were given for the extended time but this became apparent later.

On the 20<sup>th</sup> May I telephoned the department again to find out what was happening and was told I would not receive the Decision before Friday 23<sup>rd</sup>, or the following week. I confirmed my conversation with the Delegated RTI Officer by way of letter on the 21<sup>st</sup>; (**attachment 2**) and asked again could the date be brought forward at all; and was told I would receive it by close of business on the 23<sup>rd</sup> May. This is when it arrived.

Already the DPIWE was in breach of the release date. The delegated RTI Officer acknowledges she made a mistake counting up twenty working days as per the Act for the Decision, and then there was the signature 'late Friday dump on the applicant to ruin his weekend' which is highly predictable from a government department in Tasmania.

So it came as no surprise when in the Decision (**attachment 3**), the **Decision Summary** stated, "*...all of the information is exempt information.*"

I do not agree for the following reasons:

**Information communicated by other jurisdictions:**

How on earth could the release of air quality readings taken by Tasmanian EPA staff whilst in Morwell '*prejudice relations*' between the state of Victoria and Tasmania? It would not and could not, and this to my mind is just a fabricated story.

In the course of my RTI application I was never advised by the DPIPWE it would need to consult with EPA Victoria prior to my information being released. They failed to do this. They had plenty of time, more than enough time, with the delayed Decision.

Tasmania fortunately had the ability and equipment to undertake real-time mobile air quality readings in around Morwell. This equipment was funded by Tasmanians and used to gather public (not secret) air quality data in the Morwell area at the time; just the same as it is used in Tasmania during high pollution events. The data from such major pollution events is published on the Tasmanian EPA website, it is not held secretly for months.

Air quality readings are not meant to be secret, or withheld for long periods of time from the public. The aim is to get the information 'out there' as fast as it can to inform the public and Health authorities.

EPA Victoria even geared itself up as fast as it could, to release real-time air quality data to the public on their website.

I do not accept that, "*... its disclosure would be reasonably likely to impair the ability of a public authority or Minister to obtain similar information in the future.*"

Further, I base this also on the fact that air quality data had already been released to the public by Tasmanian EPA staff whilst in Victoria- see the story [here](#). Has that disclosure impaired the ability of a public authority to obtain similar information in the future? No of course not.

This real-time data was gathered back around the 24<sup>th</sup> of February 2014 and it has sat on someone's desk since then both here and in Victoria. It is irrelevant as far as my RTI application goes as to any delays by the Victorian government to release their information after all this time.

In relation to Section 34:

I can confidently say, after a long and cordial association with the Tasmanian EPA air quality section, that the release of this information will not harm relationships between Tasmania and Victoria. I cannot say the same for Victoria unless they are desperately trying to prevent the public having access to these air quality readings.

These are air quality readings that I deal with every day; nothing magical; not national secrets!

I think it should also be borne in mind that *relations could be prejudiced* here in Tasmania between the public and the DPIPW (EPA mainly) if this public information is not released when we too, right across northern Tasmania, were exposed to high levels of smoke from Victoria at the time.

The public has the right to know what air they are, and have been, breathing and within the shortest amount of time.

This is spelt out quite well in Tasmania and Victoria with our EPA real-time publicly-accessible air quality data on both websites. It is one of the roles of the EPA in both states to provide this information.

To clarify this further, the EPA has moved away from gravimetric type air quality instruments when they can because to condition, weigh, collect particulates, weigh, and recondition filter papers, it can take a couple of weeks to get a validated air quality reading.

Real-time readings are available, well, almost real-time.

Hence, it makes no sense not to release to me the real-time air quality data and information that was gathered from in and around Morwell by Tasmanian staff way back in late February this year.

Let us be clear in relation to the air quality data that was obtained relevant to the Morwell coal mine fire in Victoria by our Tasmanian EPA staff.

Similar raw data referred to in the Decision would have been streamed to the web in real-time if Victoria had had their air quality stations working and network in place to do it.

In Tasmania our same raw real-time data from temporary and permanent air monitoring stations is sent to the [EPA website](#) and also streamed to the [Health Department website](#) and the [Asthma Foundation website](#).

Why do we do this '*...if its disclosure does not contribute in any meaningful way to inform debate on the issues at hand*'? This Decision argument is baseless.

Unfortunately, Victoria could not do this monitoring at the time but this is not an argument now to prevent the real-time information gathered at the time by our EPA staff being released under RTI.

After years of dealing with our EPA and understanding air quality data; even having my own real-time digital particulate counter that gives ambient air quality readings similar to that which were gathered by our EPA staff at Morwell, it is wrong of the Principal Officer in his Decision to surmise, "*...disclosure would not contribute in any meaningful way to inform debate on the issue...*"

**In fact, informed debate is being denied by not releasing this information in a timely manner, and three months is an excessive amount of time.**

It is acknowledged in the Decision I requested, "***Air quality data and information gathered recently by Tasmanian EPA air staff in and around Morwell in Victoria.***"

It also states on page 2 under (b) (c) & (n) "*The information in question consists of air quality monitoring data relevant to the Morwell coal fire...*", and "*It comprises raw data without any interpretative information...*"

In my request I used the words, "***...data and information...***"

Information pertaining to my request for "*...information...*" seems to have been dismissed totally on the grounds that it was, "*not therefore informative...*"

There was 'information' gathered beside the data in and around Morwell.

Our Tasmanian air specialists are too proficient not to have made associated notes or indexed the data, or made observations or recommendations. Just to have collected random data would have been meaningless.

**I have requested their information be released along with the data.**

Also on Page 2 of the Decision under (b) (c) & (n):

There are no constraints on making air quality information available to the public (**attachment 4**) and the Victorian Government is aware of this, so it is NOT, "*...therefore likely to prejudice relations between the Tasmanian and Victorian Governments...*"

The release of this information is NOT '*likely to prejudice*' anything.

In fact, EPA Victoria released to me the air quality data they gathered from their stations. This can be found at <http://cleanairtas.com/air-monitoring/hazelwood-exceedances30.4.14.pdf>

[The Tasmanian Air Quality Strategy](#) 2006 first objective states:

"Information and data gaps - covering monitoring and forecasting, air pollution potential mapping, sources of pollution and public access to air quality information."

As a result of the DPI/PWE Right to Information Decision, I feel I have been denied access to air quality information.

Please do not hesitate to contact me if you require anything further.

Thank you for your time and I look forward to hearing from you.

Yours sincerely,

Clive M. Stott

Attachments:

- Attachment 1 Application for assessed disclosure
- Attachment 2 Letter from me to DPIPWE's Ms Bobbie O'Brien
- Attachment 3 DPIPWE's Decision.
- Attachment 4 Email to me from Hazelwood Inquiry
- Attachment 5 Application for Review