

IN THE MATTER OF THE HAZELWOOD MINE FIRE INQUIRY

STATEMENT OF LANCE PHILLIP KING

I, LANCE PHILLIP KING, care of 141 Commercial Road, Morwell, Victoria, state as follows:

WITNESS BACKGROUND

1. I live in Yallourn North and work for the Latrobe City Council (**the Council**). I am based in its offices at 141 Commercial Road, Morwell.
2. Since 2011, I have been employed by the Council as its Coordinator of Emergency Management.
3. I have previously been employed by the following organisations in the following roles:
 - 3.1. between 1975 and 2000, I was employed in the power industry in the Latrobe Valley, working at three open cut mines in various roles including as a cleaner, rigger, fitter and turner and multi-skilled tradesman and operator;
 - 3.2. between 2000 and 2007, I was employed by the Council, initially as the Municipal Fire Prevention Officer (**MFPO**). After a couple of years, I was asked to take on the additional role of Municipal Emergency Response Officer (**MERO**), which I accepted. At this time, I undertook an Advanced Diploma of Fire Prevention, Emergency Management and Public Safety, at the Australian Emergency Management Institute in Mount Macedon;
 - 3.3. in July 2008, I was seconded to the Municipal Association of Victoria (**MAV**) for a period of 12 months. My role at the MAV was a Local Government Liaison Officer, Emergency Management;

- 3.4. from 2008 to 2011, after my secondment ended, I resigned from the Council and was employed by the MAV in the same role that I was seconded for. During this time, I was a part of the MAV's co-ordinated response to the Black Saturday bushfires; and
 - 3.5. in 2011, I returned to the Council as the Co-ordinator, Emergency Management.
4. I am also the chair of the State Municipal Emergency Management Enhancement Group (**the Group**), which reports directly to the Victorian Emergency Management Council. The Group advocates on behalf of municipal emergency management practitioners to relevant emergency management agencies.
 5. I am a life member of the Country Fire Authority (**CFA**). I have been associated with the CFA for 37.5 years as a volunteer fire-fighter in the Yallourn North fire brigade. I am the group officer of the Narracan group of brigades.

OUTLINE

Employment at the Council

6. In my role as Coordinator of Emergency Management, I am also appointed to the role of MERO for the Council. All municipal councils are required to appoint a MERO. My responsibilities as MERO include:
 - 6.1. coordinating municipal resources in responding to emergencies, taking into consideration each individual emergency on a case-by-case basis and the extent to which municipal resources can be applied;
 - 6.2. establishing and maintaining effective infrastructure of personnel whereby municipal resources can be accessed on a 24 hour basis;
 - 6.3. establishing and maintaining effective liaison with agencies within or servicing the municipal district and the Municipal Recovery Manager (**MRM**), who at the time was Steven Tong, and currently is Heather Farley;

- 6.4. maintaining the Municipal Emergency Coordination Centre(s) at a level of preparedness to ensure prompt activation when necessary;
 - 6.5. facilitating the arrangement of post emergency debrief as requested by the Municipal Emergency Response Coordinator (**MERC**), before and during the fire the subject of the inquiry, who was ~~Brendan Scully~~;
 - 6.6. ensuring procedures and systems are in place to monitor and record all expenditure by the municipality in relation to emergencies;
 - 6.7. ensuring the preparation and updating of the Municipal Emergency Management Plan (**MEMP**); and
 - 6.8. keeping a current database of Municipal resources.
7. In fulfilling the MERO role, I assess past emergencies in order to assist in determining likely future requirements. The fire the subject of this inquiry was a significant fire event that had not been experienced in the past.
8. In my role as Coordinator of Emergency Management, I am also appointed to the role of MFPO for the Council. All municipal councils are required to appoint an MFPO. My responsibilities as MFPO include:
- 8.1. undertaking and regularly reviewing the Council's fire prevention planning in conjunction with the Municipal Fire Management Committee;
 - 8.2. liaising with fire services, brigades, other authorities and councils regarding fire prevention planning and implementation;
 - 8.3. advising and assisting the Municipal Emergency Management Planning Committee (**MEMPC**) on fire prevention and related matters;
 - 8.4. ensuring the Municipal Emergency Management Plan (**MEMP**) contains a reference to the Municipal Fire Prevention Plan (**MFPP**);
 - 8.5. reporting to the Council on fire prevention and related matters;

- 8.6. issuing fire prevention notices and infringements notices;
 - 8.7. investigating and acting on complaints regarding potential fire hazards;
 - 8.8. advising, assisting and making recommendations to the general public on fire prevention and related matters; and
 - 8.9. issuing permits to burn to applicants pursuant to section 38 of the CFA Act.
9. I am also a member of the following committees, which I attend on behalf of the Council:
- 9.1. the Municipal Emergency Management Committee; and
 - 9.2. the Flood Plan Sub Committee.

Latrobe City Council Emergency Management Planning

10. A copy of the Council's Municipal Emergency Management Plan dated November 2011 is posted on the Council's website. A copy of the Council's Municipal Emergency Management Plan dated November 2011 is annexed and marked "LK-1".

Latrobe City Municipal Fire Prevention Plan 2011

11. In 2011, I was a member of the MFPC for the Council. Other members of the MFPC included representatives from:
- 11.1. CFA brigades in the Heyfield Group, Mowell Group, Narracan Group and Traralgon Group;
 - 11.2. CFA Gippsland Region Community Safety Manager;
 - 11.3. CFA District 9 Head Quarters;
 - 11.4. CFA District 10 Head Quarters;
 - 11.5. Hancock Victoria Plantations (HVP);
 - 11.6. VicRoads;

- 11.7. International Power (Hazelwood);
 - 11.8. Loy Yang Power;
 - 11.9. Truenergy;
 - 11.10. SP Ausnet;
 - 11.11. the Department of Education and Early Childhood Development;
and
 - 11.12. the Department of Sustainability and Environment/Department of
Primary Industries (DEPI).
12. In or about October 2011, I prepared the Municipal Fire Prevention Plan (**the 2011 Plan**). The 2011 Plan covered the period 2011 to 2014 and was endorsed by the Council on 8 December 2011. A copy was posted on the Council's website and is annexed and marked "LK-2".
13. The 2011 Plan lists (in 11.3) a number of authorities and organisations in the municipality that had their own fire management plans which had been provided to the Council.
14. The 2011 Plan at Part 24 dealt with other authorities and organisations. I extract below Part 24:

"There are a number of other authorities and organisations which share the responsibility for fire prevention, protection and pre-suppression activities.

Historically these authorities have been Government owned and hence under the CFA Act, Section 43(1), were required to be responsible for land and property under their control or management. With the privatisation of many authorities, there are now numerous new entities that now fall under the umbrella of management and control of lands in country Victoria. This means that the Council, through the Municipal Fire Prevention Officer and Municipal Fire Prevention Committee, have a responsibility to prevent the occurrence of fires or the spread of fires on what were assets that were previously the responsibility of other government authorities.

This section is dedicated to listing the authorities which are acknowledged as having an impact on our environment through their roles in fire prevention and protection activities. It also lists the acknowledged major industries which have a responsibility to address the issue of fire prevention. Those organisations are predominantly from the former State Electricity Commission of Victoria which has been dissolved into various private holdings.

Appendix J lists the authorities and organisations which are seen as partners in the efforts to prevent any fire occurring. The general function of every authority or organisation listed is given including the areas of their control.

A number of recommendations arise from Appendix J. These are:

Action:

It is recommended that:

- 1 *All non government organisations identified in Appendix J.7 to J.19, inclusive, be requested to develop and maintain a "Fire Protection Plan" for all land and buildings under their control.*
- 2 *All Fire Protection Plans shall be to the satisfaction of the CFA and acknowledged by the Municipal Fire Prevention Committee.*
- 3 *The CFA shall keep the MFPC informed as to the current situation regarding all Plans for the endorsement of their Actions by the MFPC.*
- 4 *All Fire Protection Plans shall be reviewed in accordance with Section 12.0 of the Municipal Fire Prevention Plan."*

15. Further, the 2011 Plan at Appendix J listed other authorities and organisations in the municipality with responsibility for fire prevention in relation to their land and undertaking. These included:

"8. International Power GD Suez

International Power has emerged from the privatisation of the power industry. There are three main operating areas under their control. These are:

1. *Hazelwood Power Station*

2. *Hazelwood Pondage*

3. *Morwell Open Cut*

International Power advises that they have a current Fire Management Plan for the Open Cut and have Emergency Management Plans for the Power Station. There is no Fire Plan for the station or Hazelwood Pondage however some prevention measures are in place.

Like all other members of the Power Industry, the issue of a fire in such a significant industry is deemed a very high risk."

16. I understand that International Power (Hazelwood) did not provide the Council with a copy of the Fire Management Plan for the Hazelwood Mine, as had been recommended in the 2011 Plan.

Latrobe City Municipal Fire Management Plan 2013

17. In early 2013, I was involved in the preparation of the Latrobe City Fire Management Plan for the period 2013 to 2016 (**the 2013 Plan**). The 2013 Plan was produced by the Fire Management Planning Committee. The 2013 Plan is Attachment 1 to the Council's submissions to the inquiry.
18. The Fire Management Planning Committee (**the Committee**) is governed by the Guidelines for Municipal Fire Management Planning in Part 6A of the Emergency Management Manual Victoria (**the guidelines**) which is produced by the Department of Justice. A copy of the Emergency Management Manual Victoria is available on the Department of Justice website.
19. In addition to myself, in my role as the Council's Coordinator of Emergency Management, the committee members in 2013 included:
- 19.1. the chair of the committee, Mick Williams, a policeman based in Moe;
- 19.2. David Johnson, the Integrated Fire Planning Manager;
- 19.3. representatives from the CFA, including Rob Boothman, Daryl Hunter, Peter Barr, Peter Lockwood, Shane Mynard and Simon Bloink;

- 19.4. representatives from DEPI, including David Gallagher, John Wood and David Vaskess; and
 - 19.5. Marty Krygsman from HVP.
20. The Committee has completed the following actions to implement the 2013 Plan in the last 12 months:
- 20.1. running quarterly committee meetings, at which I assist in undertaking an administration role. These meetings discuss issues with the CFA and fire brigades. By way of example, one of the issues discussed is the burning plans. As the Council is not an expert in fire management, we rely on and support the CFA to undertake the necessary planning;
 - 20.2. the Victorian Fire Risk Register (**VFRR**) is the tool used to undertake risk profiling of the municipality to work out where the high risk areas are located together with where the high risk businesses are located;
 - 20.3. classified strategic fire breaks in the municipality which are split into primary and secondary breaks, which are roads. Roads managed by VicRoads are the primary fire breaks. Roads managed by the Council are secondary breaks. The fire breaks must be maintained to a standard of slashing which is set out in the 2013 Plan; and
 - 20.4. written to the Regional Strategic Fire Management Planning Committee seeking its support for the ongoing functions of our committee, in particular administrative support.
21. I understand that, as part of the VFRR process that the integrated Fire Management Support Officer, who provided administrative assistance to the Committee, advised that each of the high risk businesses/industries in the area had been contacted seeking input into this process.
22. In or about April 2013, the 2013 Plan was provided for community consultation via the Council's website.
23. In or about June or July 2013, the 2013 Plan was signed by signatories from the following agencies in addition to the Council:

- 23.1. CFA Gippsland Region;
 - 23.2. DEPI Gippsland Region;
 - 23.3. Parks Victoria;
 - 23.4. Victoria Police; and
 - 23.5. VicRoads.
24. The risk of fire in the Hazelwood Power Precinct (**the asset**) is identified in Attachment A1 (Register of Assets at Risk – Bushfire) of the 2013 plan at page 50. The risk to the asset is identified as extreme, and the likely scenario is described as:
- “Potential for fire in the mines as a result of either an internal or external fire event. Disruption/long term loss of power to the national grid. Restoration times could be significant and potentially uneconomic.”*
25. The likelihood of this risk is listed in the 2013 Plan as “likely”, the consequence of the risk eventuating as “catastrophic” and the residual risk as “extreme”.
26. The existing generic treatments which are applied across the State and/or municipality, relevant to the risk identified at the Hazelwood Mine, are as follows:
- 26.1. treatment number, 214, Routine Asset Site Maintenance, which involves the ongoing mowing/slashing/spraying of sites to reduce fuel loads for protection of assets or adjoining properties, the agency responsible for this treatment is the utility;
 - 26.2. treatment number 409, Emergency Management Plan (Site), which is to establish a framework for the effective handling of emergencies and/or disasters, the agency responsible for this is the Owner/CFA; and
 - 26.3. on site fire fighting resources.

27. Following my return to the Council in 2011, there has been very little engagement by GDF Suez with either the Council or the Committee in relation to fire management planning.

Integrated Fire Management Planning

28. The 2013 Plan is the product of Integrated Fire Management Planning, a process that was commenced following recommendations made by the Report of the Inquiry into the 2002-2003 Victorian Bushfires, chaired by the (then) Emergency Services Commissioner Bruce Esplin, and which was encouraged in the final report of the 2009 Victorian Bushfires Royal Commission.
29. Integrated Fire Management Planning involves bringing together a range of agencies and organisations involved in fire prevention, preparedness, response, recovery and cultural and environmental uses of fire. Its objective is to ensure a more strategic and integrated approach to fire management planning, reducing the impact of fire in Victoria and assisting in establishing a state-wide planning approach and developing processes for continuous improvement. It takes place through committees established at State, regional and municipal levels. Until recently, these committees were supported by the State Fire Management Planning Support Team.
30. The guidelines do not give any agency primary responsibility for progressing municipal fire management planning, and leave the composition and governance of municipal fire management committees for local decision.
31. The Council is a partner in the integrated fire management planning, but it is not a fire service. The Council is not adequately resourced to drive the process.
32. My own view is that the CFA, as the primary fire service in the Latrobe Valley region, should be responsible for ensuring that the Latrobe Fire Management Plan is kept up to date and implemented in partnership with all agencies on the MFMP.

33. Although the 2013 Plan has only recently been adopted, the Committee's work is not done. It is a living document and needs constant review and updating. Unfortunately the administrative support provided to the Committee through the Integrated Fire Management Planning program ceased in June 2013 when that program's funding ended.
34. No agency has yet taken on the responsibility of providing administrative support for the Committee, a role which the Council does not have the resources to fulfil at this time.
35. The Committee wrote to the Regional Strategic Fire Management Planning Committee in October 2013 seeking direction as to our future activities. It is yet to receive a response to the best of his knowledge.
36. The Committee has not met since October 2013. Following the significant fire event at the Hazelwood Mine, and the 2013-2014 fire season as a whole, the 2013 Plan needs to be reviewed and the Council would welcome further support in that regard.

Municipal Fire Prevention

37. Currently I am the Council's dedicated MFPO. However, until February 2014, the Council and Baw Baw Shire Council shared a full-time Emergency Management Support Officer, Paul Tandberg, who was employed by Baw Baw Shire Council. This position was funded through the Municipal Emergency Resourcing Project.
38. Paul Tandberg completed the majority of the fire inspections within the Council area as part of his role as the Emergency Management Support Officer, in addition to those in Baw Baw Shire.
39. During the 2013-2014 fire season, I had the assistance of an administrative support person who also assisted Paul Tandberg with his inspections.
40. In the 2013-14 fire season, the Council adopted a risk management approach to its fire prevention activities. It focused its inspections on identified high risk areas as per the VFRR.

41. Fire prevention notices in relation to low-risk areas were necessarily complaint driven due to resource restraints. This new focused approach enabled the Council to use its limited resources to ensure fire prevention was carried out in the highest risk areas. It also resulted in a reduction in the number of fire prevention notices issued, from approximately 1,800 in the 2012-2013 fire season, to 621 fire prevention notices during the 2013-14 fire season.
42. In about December 2013, the Council issued five fire prevention notices to the operator of the Hazelwood Mine in relation to parcels of land around the Hazelwood Pondage. These notices were complied with. These notices are attachment 6 to the Council's submissions.
43. The Council also issued fire prevention notices in relation to State-owned property around the north-eastern edge of the Hazelwood Mine. I refer to Attachment 4 of the Council's submissions, being a map of fire prevention notices served.
44. In mid-December 2013, fire prevention activity in the vicinity of Hazelwood Mine by the Council involved slashing the Eric Lupke Reserve, between the freeway and houses on the southern edge of Morwell.

Response to fire on 9 February 2014

45. On 9 February 2014, the date of this significant fire event, I was initially fighting the fire at Hernes Oak with my local CFA brigade.
46. At the request of the Incident Controller, Laurie Jeremiah, I worked with Senior Sergeant Peter Fuzinato of Victoria Police to set up an emergency evacuation plan for the residents living on Latrobe Road due to the Hernes Oak fire threatening those houses.
47. It was very useful to have that plan in place, because after the wind changed, the fire came through and impacted those houses. The plan worked well: no residents were injured and no homes were lost. I credit the Incident Controller with excellent foresight for requesting that evacuation plan be triggered.

48. Also on 9 February 2014, I was responsible for opening two emergency relief centres. One in Moe, at the Moe Town Hall in Albert Street, and another in Traralgon, at the Latrobe Performing Arts Centre in Grey Street. The Council had recently done a training exercise in relief centre operations, which proved to be useful during this process.
49. The Council was able to respond well during the acute phase of the emergency, in accordance with its usual emergency response procedures. More complex response demands were made of Council after these initial impacts as the mine fire continued to burn.
50. On or about 19 February 2014, I received a call from Andrea Spiteri, Department of Human Services (DHS), asking me to set up an Emergency Respite Centre in Moe, for Morwell residents seeking respite from the smoke during the day.
51. This was not something that the Council had been asked to do during previous emergencies. On that day, I drove around looking for suitable premises for a respite centre, accompanied by Colleen Clarke of the DHS. We located a suitable venue on that day and opened it for 3 hours.
52. From 20 February 2014, the Moe Emergency Respite Centre, at the Moe Town Hall, being the venue we had chosen in Moe, was open between 9.00am and 7.00pm each day, until approximately 14 March 2014, when it operated until 6.00pm due to the reduced level of demand.
53. The Emergency Respite Centre in Moe was not run by the Council, however it supported the centre. The Council worked with government agencies to open the centre, provided the catering and opened and closed the centre each day.
54. For about a week, the Council supplied a bus to transport local residents to the centre. However it was not well used. In order to maximise resources, we altered this service by offering and providing taxi vouchers to transport local residents to the centre.
55. As time went by, the Council improved the centre by providing a play area for children, and comfortable seats and a large TV for members of the community.

56. The agencies and the Red Cross also set up areas within the centre to provide advice and assistance direct to the community.

Dated: May 2014

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Signed by Lance Phillip King

ANNEXURE INDEX

Tab	Outline reference	Date	Document
1.	LK-1	11.2011	Council's Municipal Emergency Management Plan
2.	LK-2	10.2011	Municipal Fire Prevention Plan

