



IMPROVEMENT NOTICE

Occupational Health and Safety Act 2004

Minerals & Petroleum Division

Inspector				Year		Number			
B	D	4	2	0	7	0	0	2	4

This notice is issued under section 111 of the Occupational Health and Safety Act 2004. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 115(2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. Otherwise, and for an employer given a copy of a notice issued to an employee, the person must:

- Bring the notice to the attention of all persons whose work is affected by the notice,
- Give a copy to each HSR who represents employees whose work is affected by the notice; and
- Display a copy of the notice in a prominent place at or near the workplace or part of the workplace where the affected work is being performed.

Issued by Inspector:

Name: **Robert Duncan**

Signature: 

An Inspector appointed under the Occupational Health and Safety Act 2004.

Service method: **Left for a person at the workplace.**

*Delivered personally, By post, By facsimile,
Left at the place, Left for a person at the workplace.*

Date of issue:

13 February 2007

Notice issued to:

*Name & Address of the person,
which can mean a body corporate.*

Hazelwood Power Corporation Pty Ltd ABN 40 924 759 557
Brodribb Road, Hazelwood 3840.

Notice given to:

Management representative.

Mr Steve Rieniets Mine Manager – Hazelwood Mine
At Brodribb Road, Hazelwood 3840.

Provision of this Act or the Regulations that is being / has been contravened:

I reasonably believe that there has been a contravention of Regulation 301 of the Occupational Health and Safety (Mines) Regulations 2002.

Basis for this belief:

On the 12th of October 2006 a major fire occurred at the Hazelwood Mine.

As a result of investigations by the CFA and GHD, it was identified that the company has taken significant action in relation fire prevention and response. However, numerous risk control failures were also identified.

Directions as to the measures to be taken to remedy the contravention:

The company is to ensure that the risks associated with a fire in the mine are eliminated or reduced so far as is practicable.

One way this can be done is by the implementation of the 20 recommendations listed in the GHD fire investigation report, dated January 2007.

Interim directions or conditions on carrying on an activity(s) to which this Notice relates:

Leave blank where interim directions or conditions are not required.

NA

This contravention must be remedied by:

1 July 2007

Requirement to cease the activity:

There is not a requirement to cease an activity if the contravention, or matter or activities causing them have not been remedied by the above time, date or both.

The activity to be ceased is:

Leave blank where there is no requirement to cease the activity.

NA

NOTE: The activity to which this notice relates is to cease until an inspector has certified in writing that the contravention, likely contravention, or matters or activities have been remedied.

*** Wherever the slash (/) appears, the inspector must delete each option which does not apply.**

If you wish to apply for a review of the decision to issue this Notice, please refer to the information provided below.

Office use only:

District		WA/MIN/PEP	WA / MIN / PEP Number				Enforcement Code	
G	P	MIN	5	0	0	4	0	2

Internal Review

As the person to whom this Improvement Notice has been issued, you or another eligible person can apply to the Victorian WorkCover Authority for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by the Authority's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. The Authority must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made the Authority is considered to have granted a stay. If no request for a stay is made the operation of this Improvement Notice remains in force. The application for internal review must be made to the Internal Review Unit, Victorian WorkCover Authority, Ground Floor, 222 Exhibition Street, Melbourne 3000. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an Improvement Notice is issued and who does not comply with the Improvement Notice shall be guilty of an indictable offence against the Act. In the case of a natural person the indictable offence carries a penalty of not more than \$52,405. In the case of a Body Corporate, the offence carries a penalty of not more than \$262,025.

The issue, variation or cancellation of this Notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation to ensure workplace health and safety.