



VICTORIAN GOVERNMENT
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12 June 2014

Ms Justine Stansen
Principal Legal Advisor
Hazelwood Mine Fire Inquiry
1 Spring Street
MELBOURNE VIC 3000

By Email

Dear Ms Stansen

Independent Inquiry into Hazelwood Mine Fire - Matters Raised in Evidence of Fire Services Commissioner on 30 May 2014

We refer to the hearing of the Board on 30 May 2014 in which the Fire Services Commissioner (**Commissioner**) gave evidence.

1. In the course of giving evidence, the Commissioner was requested to provide further particulars in relation to the following matters. The Commissioner's instructions and response is set out under each issue.
2. We have also raised some other matters under cover of this letter. These are matters connected with Incident Controller Lawrence Jeremiah's evidence on 28 May 2014.

Country Fire Authority (CFA) Pre-Incident Plan (evidence of Commissioner, 30 May 2014, transcript page 673-4)

3. Counsel assisting, Mr Rozen, put a number of questions to the Commissioner regarding the pre-incident planning and whether a pre-incident plan was in place at the Morwell CFA Station. The Commissioner indicated that there would have been a pre-incident plan in place and agreed to try to locate that plan and provide it to the Board.
4. Attached is a pdf copy of the pre-incident plan for 9 February 2014, being a two page document (**Attachment 1**) (Ringtail document [**CFA.0011.002.0001**]). We are instructed that CFA will complete drafting a revised plan by 1 July 2014 which will substantially add and revise the pre-incident plan for 9 February 2014.
5. In addition, we are instructed that a Brigade-level plan (**Brigade plan**) is carried on all primary Morwell response appliances. The Brigade plan identifies all the major premises in the Morwell area. It then set out key information on these premises, as well as strategy and planning regarding fire response activities in relation to them.

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6. Attached is a pdf copy of an extract of the Brigade plan which deals with the Hazelwood Mine and power station, being pages 22-30 of the Brigade plan (**Attachment 2**) (this document is yet to be imaged on Ringtail). You will note that the extract includes maps and photographs. We are further instructed that the attached pdf copy of an excel spreadsheet (**attachment to Brigade plan**) is also attached to and/or carried with the Brigade plan on all primary Morwell response appliances (**Attachment 3**) (this document is yet to be imaged on Ringtail). The attachment to the Brigade plan provides further information to first responders in relation to the Hazelwood Mine and power station. It should be born in mind by the Board that both these sites are critical infrastructure to the State. They are also potential targets for terrorist acts. For these reasons, the detail in the Brigade plan and the attachment to the Brigade plan is necessarily circumscribed so as not to unwittingly reveal matters that might affect security at these sites. We are instructed that site visits are conducted to familiarise CFA personnel with the sites and other relevant particulars and that these site visits provide an *additional level* of local knowledge and situational awareness beyond that set out in the Brigade plan and the attachment to the Brigade plan.

Information from 'ICC logs' as to when/how Incident Control Centre (ICC) was told about fire in the Mine on 9 February 2014 (evidence of Commissioner, 30 May 2014, transcript page 722)

7. Questions were put by Counsel for GDF Suez, Mr Riordan, regarding 'ICC logs'. We are instructed that there is no requirement that a single central log be kept at or on behalf of the ICC itself and that there is no formal practice or procedure for this to be done. Logbooks, however, are maintained by personnel performing each functional role in the ICC. Attached is a pdf copy of an extract of the logbook of Mr Jeremiah (**Attachment 4**) (Ringtail document [FSC.0016.001.0058]). You will note that this document does not address the matter of how the ICC became aware that there was a fire in the Mine.
8. We are instructed that the logbook kept by Mr Jeremiah was kept for the term of his shift. The logbook entries do not purport (and are not required) to be encyclopaedic in coverage. They are intended, in large part, to serve as a task list for the relevant staff member in order to assist them to perform their functions while on shift. In this sense, the entries will vary from person to person and incident to incident and may also depend on the level of support the relevant personnel have from others in the ICC. Some people record a range of matters, others, in discharging their duties, find it unnecessary to make such copious notes.
9. Steps are being taken to procure a copy of the logbook kept by the Operations Officer, Peter McHugh. We will provide a copy of the logbook to the Board as soon as we can.

Information regarding whether there were requests for assistance from the Mine made to the ICC (evidence of Mr Jeremiah, 28 May 2014, transcript page 484, lines 19-24)

10. Counsel for GDF Suez put some questions to Mr Jeremiah regarding whether there were requests for assistance made to the ICC by GDF Suez on 9 February 2014. At page 484, Mr Jeremiah stated that he was unaware of any such request being made and that his own logbook did not refer to any such request being made. Several questions followed as to whether other persons may be aware of any such request. Counsel for GDF Suez asked whether the logbook of one of the ICC officers, Peter

McHugh, might evidence such a request. At transcript page 484, lines 19-24, Mr Jeremiah stated that copies of some logbooks kept by staff are made for the ICC records while 'others [ie other staff] retain their logbook'.

11. As noted above, a copy of an extract of the logbook of Mr Jeremiah has been attached to this letter and steps are being taken to try to procure a copy of the logbook of Mr McHugh.

Incident shift plan (ISP) for 8 February 2014 (evidence of Mr Jeremiah, 28 May 2014, transcript page 490, line 12)

12. In Mr Jeremiah's evidence, there was reference made to an ISP for 8 February 2014 (transcript page 490, line 12) and Counsel for GDF Suez queried whether GDF Suez had been provided with that document. Mr Jeremiah referred to signing off on an ISP at 19:00 on 8 February 2014. It is not entirely clear from the transcript whether Counsel for GDF Suez was seeking the ISP for the night of 8 February 2014 or for the following day, 9 February 2014.
13. Attached is a pdf copy of the ISP for the night of 8 February 2014 (**Attachment 5**) (Ringtail document [CFA.0012.001.0001]). You will note that it has not been signed by Mr Jeremiah or anyone else but notes, at the top of the first page, that it has been approved by Stephen Walls (who was the Deputy Incident Controller for that night shift). We understand that Mr Jeremiah would have prepared this ISP at the end of his shift. The ISP for the day of 9 February 2014 has already been provided to the Board (Ringtail document [CFA.0007.001.0001]).


Documents relevant to escalation of rating of Hernes Oak fire from Level 1 to Level 3 (evidence of Mr Jeremiah, 28 May 2014, transcript page 492).

14. Counsel for GDF Suez put some questions to Mr Jeremiah regarding the 'escalation' of the Hernes Oak fire from a Level 1 fire to a Level 3 fire (transcript page 492).
15. Escalation is known in fire fighter parlance as 'transfer of control'. A transfer will occur, for example, when control of a fire or an incident is taken over by a Level 3 ICC. The decision to transfer control is based on a range of indicators, which may include the need to issue Warnings and Advice to the community, management of personnel and aircraft across the fire ground, the production of fire prediction mapping, the potential for the fire to escalate quickly and impact on people or community assets and the potential for evacuation. Triggers for transfer may include the number of resources dispatched to a fire and whether or not there is a multi-agency response. This process can occur in a dynamic environment and the precise moment of transfer may not be recorded contemporaneously within the incident records.
16. An Incident Management System (IMS) report at approximately 20:15 on 7 February 2014 indicates that there was a transfer of control of the Hernes Oak fire to the Traralgon ICC. The Traralgon ICC was a Level 3 ICC. Attached is a pdf copy of the IMS report of 7 February 2014 evidencing this (**Attachment 6**) (Ringtail document [CFA.0012.002.0001]). The report identifies Mr Peter Lockwood as the Incident Controller at that time. As at that time, the fire was classified as a Level 3 fire. This is the documentary evidence that Counsel for GDF Suez was seeking at transcript page 492 (lines 8-9). The transfer of control was then communicated through the line of control and the line of command.

17. At transcript page 491 (lines 4-6), Mr Jeremiah states that '[o]n the Friday, as it was managed locally, my understanding is it was a Level 1 fire'. Though this is inconsistent with the IMS report, Mr Jeremiah was not on shift on 7 February 2014 and was not able to identify the relevant time of reclassification as it had occurred before he went on shift on 8 February 2014. Mr Jeremiah did not express any firm view as to who had reclassified the fire. It is not entirely clear from Mr Jeremiah's statement and evidence why he considered that the Hernes Oak fire was a Level 1 fire rather than a Level 3 fire as at the time he commenced as Incident Controller on the morning of 8 February 2014. What *is clear* is that Mr Jeremiah operated as if it were a Level 3 fire at all relevant times (transcript page 4912, lines 10-1) and clearly understood that the fire was a Level 3 fire, at the latest, by the evening of 8 February 2014 or morning of 9 February 2014. As at the morning of 9 February 2014, the Hernes Oak fire had been contained for approximately one and a half days, only escaping its containment lines in the afternoon of 9 February 2014.
18. There are a number of Fire Services Commissioner documents and CFA documents which address the issues relevant to a transfer of control, including in relation to the appointment of an incident controller and the procedure for transfer of control. These can be provided upon request.

Yours faithfully

Victorian Government Solicitor's Office


Andrew Suddick
General Counsel (Litigation)

per Andrew Suddick

cc **Chris Fox, King & Wood Mallesons**

Emily Heffernan, King & Wood Mallesons

Attachments :

1. *Pre-incident plan for 9 February 2014*
2. *Extract of Brigade plan*
3. *Attachment to Brigade plan*
4. *Extract of logbook of Lawrence Jeremiah*
5. *ISP for the night of 8 February 2014*
6. *IMS report for 7 February 2014*