

**IN THE MATTER OF
The Hazelwood Coal Mine Fire Inquiry**

STATEMENT OF KEVIN HAYES

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My full name is Kevin Shepard Hayes. My professional address is 6-8 Grey Street, Traralgon, Victoria.

I am currently employed and classified as a Field Subject Matter Expert (**FSME**) – Workplace Inspector within the Earth Resources Unit (**ERU**) in the Workplace Hazards and Hazardous Industries Group at the Victorian WorkCover Authority (**VWA**) based in Traralgon.

I have been employed with VWA as an Inspector within the ERU since August 2008. In this role I am responsible for ensuring that the Earth Resources sector is effectively regulated across Victoria. My primary responsibilities include:

- Monitoring and Enforcing compliance with the *Occupational Health and Safety Act 2004* and Regulations;
- Planning, preparation and conducting Verification and Oversight activities;
- Providing specialist technical advice; and
- Developing stakeholder relationships.

I have completed a Graduate Diploma (Hazard & Risk Management) and hold a Certificate IV in Occupational Health and Safety. I have also completed a Diploma of Government (Workplace Inspection) and am currently completing a Bachelor of Applied Management. In addition, I am a qualified 'A' grade Electrician.

I commenced employment with VWA in August 2008 in the position of FSME Inspector in the ERU and have been in this position for approximately six years. During this time, I have been temporarily appointed as a Senior Inspector during absences.

Prior to commencing employment with VWA I was employed by Silcar (Maintenance Contractors) at the Loy Yang Open Cut Coal Mine from 2002 to August 2008. I held a number of positions with Silcar including Maintenance Electrician and temporary supervisory roles including Safety Advisor and Safety Manager. Prior to employment with Silcar, I worked as a Maintenance Electrician with Fluor Daniel from 1993 to 2002 at the Yallourn and Loy Yang Power Stations and the Loy Yang Open Cut Coal Mine. Previous to this, I was employed by the State Electricity Commission Victoria (SECV) from 1987 to 1993 as an electrician (including apprenticeship) in the Power and Mining Industry throughout the Latrobe Valley.

This statement has been prepared pursuant to the request made by Justine Stansen, Principal Legal Advisor on behalf of the Hazelwood Coal Mine Fire Board of Inquiry by letter of 14 May 2014.

I make this statement from my personal knowledge and understanding.

Involvement with Hazelwood Mine

1. I am the Technical Inspector allocated with the 'Lead' role and responsibility for monitoring and enforcing compliance with Occupational Health & Safety legislation in the Hazelwood Mine.
2. I have entered the mine on numerous occasions during the period of January 2009 to March 2014.
3. I was the Lead Inspector for VWA's annual verification inspections of the Hazelwood mine in 2011 (Attachment 1) [\[WSV.0002.001.0029\]](#), 2012 (Attachment 2) [\[WSV.0002.001.0076\]](#) and 2013 (Attachment 3) [\[WSV.0002.001.0130\]](#).
4. I was involved in VWA's response to the following incident notifications:
 - (a) Notification on 1 August 2011 relating to an incident where an employee received burns to his face and neck as a result of a 'flash' fire that occurred when the employee was oxy-cutting an item of plant (Attachment 4) [\[WSV.0003.002.0020\]](#). I entered the mine on the day of the incident (Attachment 5) [\[WSV.0003.001.0013\]](#) and on 5 September 2011 (Attachment 6) [\[WSV.0003.001.0020\]](#).
 - (b) Notification on 21 January 2012 relating to a fire on a dredger (Attachment 7) [\[WSV.0003.002.0027\]](#). I was not involved in the initial response, but entered the mine on 14 February 2012 (Attachment 8) [\[WSV.0004.001.0001\]](#), 13 June 2012 (Attachment 9) [\[WSV.0003.001.0038\]](#), 21 August 2012 (Attachment 10) [\[WSV.0005.001.0001\]](#) and 23 October 2012 (Attachment 11) [\[WSV.0005.001.0006\]](#).
 - (c) Notification relating to an incident that occurred on 16 May 2012 where a jerry can containing petrol ignited whilst being opened by an employee who was in the process of refuelling a compressor (Attachment 12) [\[WSV.0003.002.0025\]](#). I entered the mine on 22 May 2012 (Attachment 13) [\[WSV.0003.001.0084\]](#) and issued an improvement notice (Attachment 14) [\[WSV.0003.002.0013\]](#), and again

on 13 June 2012 (Attachment 15) [\[WSV.0003.001.0038\]](#) and 28 August 2012 (when I formed the belief that the improvement notice had been complied with) (Attachment 16) [\[WSV.0003.001.0104\]](#).

5. As a result of incident on 21 January 2012, it was decided that the verification topic for 2012 would be mine fire (operational plant). The annual verification was conducted on 20 and 21 June 2012 (Attachment 17 [\[WSV.0005.001.0009\]](#) and Attachment 18 [\[WSV.0005.001.0014\]](#)) and I issued two improvement notices (Attachment 19) [\[WSV.0003.002.0015\]](#). The first required the duty holder to conduct a comprehensive and systematic Safety Assessment in order to assess the risks associated with the Major Mining Hazard – Mine Fires and the second required the duty holder to provide and maintain a safe system of work associated with the use of firefighting equipment on a dredger. I observed compliance with these notices on 8 October 2012 (Attachment 20) [\[SV.0003.001.0034\]](#) and 6 December 2012 (Attachment 21) [\[WSV.0003.001.0030\]](#).
6. Since the mine fire that began on 9 February 2014, I have entered the mine on a number of occasions, including on 14 February 2014 (Attachment 22) [\[WSV.0003.001.0044\]](#), 18 February 2014 (Attachment 23) [\[WSV.0003.001.0059\]](#), 21 February 2014 (Attachment 24) [\[WSV.0003.001.0080\]](#), 6 March 2014 (Attachment 25) [\[WSV.0003.001.0026\]](#), 20 March 2014 (Attachment 26) [\[WSV.0003.001.0065\]](#) (when I issued an improvement notice in relation to fire breaks - Attachment 27 [\[WSV.0003.002.0009\]](#)) and 25 March 2014 (Attachment 28) [\[WSV.0003.001.0094\]](#). The compliance date for the improvement notice is 23 June 2014.

Dated 27 May 2014

Kevin Hayes