



ENTRY REPORT



Visit Number: **V01022500214L**
 Entry Date and Time: **06/03/2014 10:15 AM** Departure Date and Time: **06/03/2014 02:00 PM**

PLACE ENTERED

AUSTRALIAN POWER PARTNERS B V & OTHERS
 ABN: **40924759557**
 Tenement No: **MIN5004**

HAZELWOOD POWER STATION BRODRIBB ROAD
HAZELWOOD 3840
 Phone Number: **5135 5700**
 Trading Name: **HAZELWOOD POWER**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Kevin Hayes** Other Persons: **Tony DaSilva, James Faithful, Adrian Marshall, Ezzat William, Shane Cane.**

WorkSafe Staff: **Tony Ferrazza**

THIS REPORT GIVEN TO

Name: **John Robinson** Persons Position: **Employer Representative**

Service Method: **Left for a person**

Name of person copy given to: **HSR Not Available** Persons Position: **Health and Safety Representative**

Purpose for entry:

Kevin Hayes and I entered this place to follow up on matters dealt with at a previous visit.

Under section 98(1) of the Occupational Health and Safety Act 2004, Kevin Hayes and I entered your workplace during working hours.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. AUSTRALIAN POWER PARTNERS B V & OTHERS is a partnership that is listed as AUSTRALIAN POWER PARTNERS B V & CISL (HAZELWOOD) PTY LIMITED & HAZELWOOD INVESTMENT COMPANY PTY LIMITED & HAZELWOOD PACIFIC PTY LTD & NATIONAL POWER AUSTRALIA INVESTMENTS LIMITED under the ABN 40924759557.
2. Together with WorkSafe Senior Mining Engineer Tony Ferrazza and Inspector Kevin Hayes, I met with John Robinson, Adrian Marshall, Tony DaSilva, James Faithful, Shane Cane, and Ezzat William to discuss matters relating to batter stability as a result of the current mine fire.

We discussed the following points:- monitoring pins, modelling, aqua de-watering, and

risk assessments for batters, as well as enquiries into the site's emergency response plan.

As part of today's visit, Tony, Kevin, and I were also escorted by Adrian Marshall during an inspection of current road closures.

3. In accordance with Section 100(1)(a) of the Occupational Health and Safety Act 2004 you were required to produce the site's Emergency Response Plan Hazelwood Mine and you produced it. In accordance with Section 100 (1)(b) and (c) an inspector is able to examine the document or part; and require a person at the place to answer any questions put by the inspector.

Before requiring you to produce documents pursuant to s.100(1)(a), I produced my identity card for inspection and warned John Robinson that a refusal or failure to comply with the requirement without reasonable excuse is an offence. I also informed John Robinson that he may refuse or fail to answer any question if answering the question would tend to incriminate him.

Under Section 100(2) of this Act, any person who without reasonable excuse fails to produce any document required pursuant to Section 100(1) by an inspector shall be guilty of an offence. In the case of a body corporate, the offence carries a penalty of 300 penalty units. In any other case, the offence carries a penalty of 60 penalty units.

4. Inspect, examine and make enquiries
In accordance with Section 99 (a) and (b) of the Occupational Health and Safety Act 2004, Kevin Hayes and I inspected, examined and made enquiries. This includes documents detailed in this Entry Report or as follows:

- Geotechnical modelling in sections (3)
- Plots identifying monitoring water levels - grynes
- East - West geological cross section
- North - South geological cross section
- Risk Assessment for batters

5. Seize anything for evidence of the commission of an offence
You are hereby notified that under Section 99(d) of the Occupational Health and Safety Act 2004, during an inspection at HAZELWOOD POWER STATION BRODRIBB ROAD HAZELWOOD 3840, the following documents were seized as it may afford evidence of the commission of an offence against this Act or the Regulations:

- Emergency Response Plan Hazelwood Mine (May 2013)
- Geotechnical modelling in sections (3)
- Plots identifying monitoring water levels - grynes
- East - West geological cross section
- North - South geological cross section

INSPECTOR INFORMATION

Name of Inspector: **Anita Macartney**

Telephone Number of Inspector: **9641 1864**

Facsimile Number of Inspector:

9641 1201

Inspector's Signature:

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Application forms for internal review, a list of reviewable decisions and a list of eligible persons are available upon request from a WorkSafe Inspector. WorkSafe Advisory Service on 1800 136089 or they can be downloaded from the website worksafe.vic.gov.au

All applications are to be in approved form and must be received by WorkSafe's Internal Review Unit, GPO Box 4306, Melbourne 3001 in order to be considered.

If you lodge an application for internal review and you do not receive a decision within the required time frame or you receive an Internal Review decision that you are not happy with, you can then apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the Internal Review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit on telephone (03) 8663 5450, fax (03) 8663 5451 or by email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * Occupational Health and Safety Act 2004
- * Dangerous Goods Act 1985
- * Equipment (Public Safety) Act 1994

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management on telephone 9641 1759, fax 9641 1201 or by writing to GPO Box 4306, Melbourne 3001
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service GPO Box 4306 Melbourne Victoria 3001, For general enquiries contact our Advisory Service on (03) 9641 1444 or 1800 136 089 (toll free). Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that

non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone (03) 9641 1333 or 1800 136089, or visit worksafe.vic.gov.au

WORKHEALTH CHECKS

The five-year WorkHealth program has now concluded, with the last round of WorkHealth checks delivered in December 2013. There are plenty of free and convenient resources to help you continue supporting the health and well-being of your workers, including the new Healthy Together Victoria Achievement program. To find out more head to: www.healthytogether.vic.gov.au For enquiries about WorkHealth contact 1800 136 089