



## ENTRY REPORT



Visit Number: **V01017400395L**  
 Entry Date and Time : **20/03/2014 08:30 AM** Departure Date and Time: **20/03/2014 06:16 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: **Sean Anthony Byrne** Other Persons: **Steve Harkins, Rob Dugan, Shane Cane, John Robinson and Emily Heffernan.**

WorkSafe Staff: **Tony Ferrazza**

### THIS REPORT GIVEN TO

Name: **George Graham** 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:

Sean Anthony Byrne and I entered this place to respond to a reported incident.

Under section 98(1) of the Occupational Health and Safety Act 2004, Sean Anthony Byrne 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. I attended you workplace in the company of WorkSafe, Earth Resources Group Leader, Sean Byrne and Senior Mining Engineer Tony Ferrazza to enquire into the mine fire emergency that began on the 9th of February 2014.

Discussions included (but was not limited to):

## MINE FIRE SERVICES EQUIPMENT

- Management informed WorkSafe that burning embers entered into the mine around midday with embers hitting the operating faces and 'grass' level around this time. Approximately an hour (or so) later a number of spot fires appeared along the non working batters (i.e. Northern Batters) and it is believed that a change in wind direction and burning embers also sparked these fires.

- The CFA responded with additional coverage supplied by the alliance contractors and 'in-house' personnel. Sometime throughout the afternoon the CFA was called away to attend fires within the Morwell township, returning in 'greater numbers' around 1830hrs. An emergency command structure had been established, with the CFA taking control of the emergency.

- Around 1830hrs it was reported that a main feeder supplying the mine's power had tripped causing a total loss of power to the mine. The mine personnel worked for approximately 3 to 4 hours to establish an alternative power supply and was successful in returning power to 1 (of 3) Dirty Water Pumps used to fight the fire. Management informed WorkSafe that they believed the fire may have caused additional damage (external to the mine), which eventually lead to the feeder tripping. The feeder is believed to be under the management and control of SP Ausnet.

## MAJOR MINING HAZARD #7 MINE FIRES

- Management provided a document titled 'IPR-GDF Suez Major Mining Hazard 7 - Mine Fires' that contains details on a number of likely fire scenarios identified by the employer. A scenario titled 'Bush Fire' and the subsequent controls were discussed. WorkSafe enquired into System Control description #0071 - Design - Fire Breaks (Fire Services Policy & Code of Practice).

The function/objective (as stated) " to reduce the hazard from a fire external to the Hazelwood Mine, IPR need to ensure that there is provision of appropriate fire breaks and control of grassed and forested areas within the 'zone of responsibility'. A continuous 50 metre wide and permanently maintained fire break corridor around the perimeter of the Hazelwood Mine is to exist all year round. The fire break can include roads and may consist of the following:

- Grass not to exceed 100 millimeters in height;
- No trees, shrubs, scrub are permissible in this area; and
- Constant monitoring of the fire break corridor is required to ensure the above protection is maintained."

The 'zone of responsibility' was clarified by Management as the area within the mine tenement boundary.

## ACTIONS POST FIRE EVENT

Management informed WorkSafe that recovery actions include (but is not limited to):

- installation and repair of fire services pipe along the northern batters;
- use of diesel powered pump;
- excavation of burning coal and soaking down processes including the use of foam; and
- electrical work regarding mine's power supply.

I informed Management that I intend to conduct further enquiries (at a later date) into:

- the continuing electrical work regarding mine's and fire services power supply (post

receipt of the requested documentation).

### 3. Maintenance of Safe System of Work

I observed a safe system of work associated with the provision of 'Fire Breaks' within the mine tenement boundary known as MIN5004 has not been maintained.

WorkSafe was advised by AUSTRALIAN POWER PARTNERS B V & OTHERS Management, that a fire occurred within the mine MIN5004 on the 9th of February 2014 extending into the Northern Batter area of the mine. I observed the continuation of this fire today, 20th March 2014.

I observed that there is a documented requirement within the site's Mine Fires Safety Assessment to ensure an appropriate fire break and control of grassed and forested areas within the 'zone of responsibility' is maintained. The document states that:

"A continuous 50 metre wide and permanently maintained fire break corridor around the perimeter of the Hazelwood Mine is to exist all year round. The fire break can include roads and may consist of the following:

- Grass not to exceed 100 millimetres in height;
- No trees, shrubs, scrub are permissible in the area; and
- Constant monitoring of the fire break corridor is required to ensure that the above protection is maintained."

I did not observe "A continuous 50 metre wide and permanently maintained fire break corridor around the perimeter of the Hazelwood Mine" as documented. Management could not demonstrate or provide a clear delineated area where a continuous 50 metre wide and permanently maintained fire break corridor around the perimeter of the Hazelwood Mine exists, during my site observations or within the site documentation.

I also observed (in areas that were described as the fire break) whilst visiting the Northern, North Eastern, South Eastern and Southern Batters:

- grass exceeding 100 millimetres in height; and
- trees, shrubs, scrub.

Furthermore, Management could not provide evidence of:

- constant monitoring of the fire break corridor that is required to ensure that the above protection is maintained.

Lack of maintenance of the fire break has the potential to allow an external fire to cross the 50 metre fire break corridor and access and enter the mine. A mine fire has the potential to place employees at risk of serious injury from exposure to fire and carbon monoxide.

Under Section 111(1) of the Occupational Health and Safety Act 2004, I issued Improvement Notice V01017400395L/111-01.

4. The above mentioned enquiries, discussions and observations does not indicate that AUSTRALIAN POWER PARTNERS B V & OTHERS complies with all health and safety requirements, nor does it affect the continuing obligation to ensure workplace health and safety.
5. Inspect, examine and make enquiries  
In accordance with Section 99 (a) and (b) of the Occupational Health and Safety Act 2004, Sean Anthony Byrne and I inspected, examined and made enquiries. This

includes documents detailed in this Entry Report or as follows:

- 'IPR-GDF Suez Major Mining Hazard 7 - Mine Fires', and scenario titled 'Bush Fire' and the subsequent controls.

**6. Documents produced**

In accordance with Section 100(1)(a) of the Occupational Health and Safety Act 2004 you were required to produce 'IPR-GDF Suez Major Mining Hazard 7 - Mine Fires', and all associated documented controls, and you produced them. 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 Mr Steve Harkins that a refusal or failure to comply with the requirement without reasonable excuse is an offence. I also informed Mr Steve Harkins 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.

**7. 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 document titled 'IPR-GDF Suez Major Mining Hazard 7 - Mine Fires', and all associated documented controls was seized as it may afford evidence of the commission of an offence against this Act or the Regulations.

**8. Documents not produced at the time of the visit**

In accordance with Section 100(1) of the Occupational Health and Safety Act 2004, you are required to produce to Inspector Kevin Hayes by 9:00AM Monday the 24th March 2014 the following documents:

- Mine Fires Services Policy & Code of Practice;
- International Power Hazelwood October 2006 Mine Fires Investigation, Incident Investigation Report, dated January 2007;
- Site map/lay-out of the fire services system pre and post fire emergency;
- Site map/lay-out of the mine including the mine tenement boundary; and
- Electrical schematic drawings (including 'markups') relating to the mine's power supplies pre and post fire emergency.

Before requiring you to produce documents pursuant to s.100(1)(a), I produced my identity card for inspection and warned Mr Steve Harkins that a refusal or failure to comply with the requirement without reasonable excuse is an offence. I also informed Mr Steve Harkins 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.

**9. Assistance in exercising powers**

In accordance with section 122 of the Occupational Health and Safety Act 2004, for the purposes of exercising my powers as documented in this report, I have sought the

assistance of Tony Ferrazza, Senior Mining Engineer, WorkSafe..

---

## INSPECTION OUTCOMES SUMMARY

### NOTICES ISSUED BY INSPECTOR

Notice Number(s): V01017400395L/111-01      Description(s): Improvement Notice

---

## INSPECTOR INFORMATION

Name of Inspector:                      Kevin Hayes

Telephone Number of Inspector: 5173 8925

Facsimile Number of Inspector: 5174 9086

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](http://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](mailto: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](mailto: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](http://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](http://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](http://www.healthytogether.vic.gov.au) For enquiries about WorkHealth contact 1800 136 089