

Visit Nbr: V01017400241L - AUSTRALIAN POWER PART

Date: 22/05/2012



## ENTRY REPORT

WorkSafe Victoria is a division of  
the Victorian WorkCover Authority

Date: ♦ 22/05/2012 Visit Number: V01017400241L

Issued by Inspector: Kevin Shepard Hayes

Phone: 5173 8925

Fax: 5174 9086

Service Method: ♦ Left for a person

Entry Time: 22/05/2012 08:30 AM Departure Time: 22/05/2012 03:45 PM

## PLACE ENTERED

ABN: AUSTRALIAN POWER PARTNERS B V & OTHERS  
40924759557  
Tenement No: MIN5004  
BRODBRIBB ROAD  
HAZELWOOD 3840  
HAZELWOOD POWER

Phone No: 5135 5700 Fax No: 5135 5758

This report given to: ♦ Luc Dietvorst Position: ♦ Employer Representative

Copies to: ♦ Daniel Dalla Valle Position: ♦ Health and Safety Representative

Other people who attended as part of the inspection:

WorkSafe Staff: Wally Morrison

Other Persons: John Robinson, Adrian Marshall, Trevor Shaw, Brendan Murrell, Dean Suarez, Rob Dugan, Duncan Orr and Luke Morris, Shane Ashworth, Andrew Eaton (Belle Banne) and Wayne Mulligan (Energy Brix).

## Purpose for entry:

I entered this place to respond to a reported incident.

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

## Observations and Actions of the Inspector

- OHS-214733-1 : Incident Assessment  
AUSTRALIAN POWER PARTNERS B V & OTHERS is a partnership that is listed as

**Visit Nbr: V01017400241L - AUSTRALIAN POWER PART**

**Date: 22/05/2012**

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, also trading as IPR-GDF SUEZ HAZELWOOD.

**2. OHS-215810-1 : Incident Assessment**

I attended this workplace in the company of WorkSafe Senior Mining Engineer Wally Morrison to:

1. Continue enquiries into a reported incident that occurred at this workplace on the 19th of May 2012;
2. Make enquiries into a reported incident that occurred at this workplace on the 15th of May 2012;
3. Make enquiries into an incident that had allegedly occurred at this workplace on the 11th of May 2012; and
4. Conduct a general site visit to Dredgers 10 and 11 (preparation for the site annual Verification).

**3. OHS-0407 : Incident Assessment**

**1. Reported Incident Follow-up**

I attended this workplace to make enquiries into a reported incident that occurred at this workplace on the 19th of May 2012. WorkSafe attended the incident scene (visit no. V01017400239L) at approx 1100hrs on the 19th of May 2012 and issued a prohibition notice regarding the continued use/driving of the haul truck involved in the collision. WorkSafe was notified of this incident via AUSTRALIAN POWER PARTNERS B V & OTHERS incident reporting process.

Today RTL (through AUSTRALIAN POWER PARTNERS B V & OTHERS) informed me that the injured person has sustained two fractures of the skull, both collar bones fractured and six ribs fractured. In addition RTL (through AUSTRALIAN POWER PARTNERS B V & OTHERS) have provided a copy of a JSEA detailing the recovery of the haul truck (RD 1957). WorkSafe observed (from outside the barricading) personnel planning/performing the recovery of the haul truck.

RTL and AUSTRALIAN POWER PARTNERS B V & OTHERS are in the process of conducting an investigation into this matter and have agreed to forward this onto WorkSafe upon completion. A follow-up visit will be scheduled to discuss the progress of this activity.

**4. OHS-0407-02 : Incident Assessment**

**2. Reported Incident Follow-up**

In addition, I made enquiries into a reported incident that occurred at this workplace on the 15th of May 2012. The incident involved an employee who was allegedly in the vicinity of a fire. The fire allegedly occurred when the employee opened a fuel (petrol) container located in the rear tray of a work vehicle. No injuries were sustained or reported, WorkSafe was notified of this incident on the 16th of May 2012 approximately 20 hours after the incident had occurred, the incident scene was disturbed without direction from a WorkSafe Inspector.

**INCIDENT**

A male employee was performing duties at a bore pump installation located within the mine when the petrol driven compressor that was in operation (located in the rear of the utility) stopped. The employee checked the compressor and noticed that it had 'run out' of fuel. The employee retrieved a 10 litre 'jerry can' from the rear of the vehicle (within the tray tool box) and proceeded to open the container within close proximity (less than 200mm) to the compressor. The employee stated that he had opened the container

**Visit Nbr: V01017400241L - AUSTRALIAN POWER PART**

**Date: 22/05/2012**

facing away from his body, upon opening the container he heard a hiss and instantly observed flames on the compressor and the container. The employee stated that he may have then splashed fuel on the compressor and his right arm causing the fire to spread to the rear of the vehicle and on his right arm.

The fire was extinguished soon after by the employee's 'offsider' the employee's clothing was burnt (this was not observed), the employee stated that he did not receive any injuries.

An acetylene cylinder was observed in the rear of the vehicle (unrestrained), the vehicle had been relocated from the incident scene to the maintenance bay car park, an exclusion zone was observed. A funnel and spout (for fuel transfer) could not be located.

AUSTRALIAN POWER PARTNERS B V & OTHERS are in the process of conducting an investigation into this matter and have agreed to forward this onto WorkSafe upon completion.

#### 5. OHS-0407-03 : Incident Assessment

##### 3. Incident Follow-up

I also made enquiries into an incident that had allegedly occurred at this workplace on the 11th of May 2012. An employee reported to me that his car had been hit by coal falling from a conveyor (approx 4mts in height) as he was driving out the 'rear' gate on Friday (the 11th of May) in the afternoon. Enquiries with other employees involved (stated) that their cars have also been hit by falling coal/debris, in one instance - a car was hit by a 'hard hat' size lump of coal. Two employees confirmed that they had reported these incidents to their Management (Belle Banne) immediately after the incident occurred, their Management immediately informed AUSTRALIAN POWER PARTNERS B V & OTHERS Management on Friday the 11th of May (as per the AUSTRALIAN POWER PARTNERS B V & OTHERS Incident Management Process).

A incident summary report was obtained from Management indicating that the incident was logged on Monday 14th May (11:13 AM) detailing "At 15:36 received notification that hosing was occurring on M53 conveyor and was resulting in lumps of coal and water impacting on passing vehicles. At 15.43 received further advice hosing was continuing to impact vehicles including a motor bike".

Enquiries with Management revealed knowledge that the incident occurred, a subsequent meeting was conducted on the 15th of May to discuss the incident with the affected parties. The Health and Safety Department was not notified or involved in this meeting however a Belle Banne HSR was invited.

AUSTRALIAN POWER PARTNERS B V & OTHERS Management have not disputed that an incident occurred, however Management stated that it is unclear as to nature and mechanisms of the incident.

Based on these enquiries I believe that an incident as described under s37(2)(f) of the Occupational Health and Safety Act 2004 has occurred at this site on the 11th of May 2012, AUSTRALIAN POWER PARTNERS B V & OTHERS Management were aware that an incident occurred, however AUSTRALIAN POWER PARTNERS B V & OTHERS Management have failed to notify the Authority (WorkSafe) immediately after becoming aware that an incident had occurred.

AUSTRALIAN POWER PARTNERS B V & OTHERS with Energy Brix Australia are in the process of conducting an investigation into this matter and have agreed to forward

**Visit Nbr: V01017400241L - AUSTRALIAN POWER PART**

**Date: 22/05/2012**

this onto WorkSafe upon completion. A follow up visit will be scheduled to discuss the progress of this activity.

6. OHS-122739-1 : Incident Assessment  
 AUSTRALIAN POWER PARTNERS B V & OTHERS have agree to:
- review and revise (if necessary) incident management system ensuring all incidents as described under s37 of the Occupational Health and Safety Act 2004 are reported, s38 'Duty to Notify Incidents', and s39 'Duty to preserve incident sites' to be included in the review, training/information sessions to be conducted with all employees post review;
  - review and revise (if necessary) traffic management protocols relating to all activities within the mine including but not limited to - contractor activities and contractor management, consultation and communication and the implementation/management of relevant controls, training/information sessions to be conducted with all employees and contractors post review;
  - conduct investigations into the above mentioned incidents and forward these investigations onto WorkSafe upon completion; and
  - provide Worksafe with and action plan detailing the above mentioned actions and expected close-out dates by Wednesday the 30th of May 2012.

7. OHS-0308 : Incident Assessment  
 Plant Risk Control Requirements

I observed that AUSTRALIAN POWER PARTNERS B V & OTHERS has not ensured that the risks associated with the refuelling of petrol powered plant have been eliminated or reduced so far as is reasonably practicable.

I observed that an incident involving the refuelling of a petrol powered compressor occurred at this workplace. An employee has stated that he had opened the lid of a fuel container in close proximity to a compressor, upon opening the container he heard a hiss and instantly observed flames on the compressor and the container. The employee stated that he may have then splashed fuel on the compressor and his right arm causing the fire to spread to the rear of the vehicle and onto his right arm. It was also noted (during enquiries) that a funnel and spout (used to assist in fuel transfer) could not be located.

By not ensuring that the risks associated with the refuelling of petrol powered plant have been eliminated or reduced so far as is reasonably practicable, an incident has occurred that has resulted in a fire, damage to plant and employee's clothing being burnt. An incident exposing employees to the risks associated with fire may place persons at risk of being seriously burnt and possible fatality.

By not adequately controlling the risks associated with the with the refuelling of petrol powered plant, as required by regulation 3.5.24 of the Occupational Health & Safety Regulations 2007, you are in contravention of the requirements of Section 21(1) & 21(2)(a) of the Occupational Health & Safety Act 2004.

Under Section 111(1) of the Occupational Health and Safety Act 2004, I issued Improvement Notice V01017400241L/111-01.

8. OHS-214733-2 : Incident Assessment  
 Observation Breach

Upon conclusion of this visit, I formed the belief that:

- an incident occurred that has exposed a person in the immediate vicinity to an immediate risk to the person's health or safety through fire as described above,



Visit Nbr: V01017400241L - AUSTRALIAN POWER PART

Date: 22/05/2012

- (s37(2)(d) of the Occupational Health and Safety Act 2004);
- an incident occurred that has exposed a person in the immediate vicinity to an immediate risk to the person's health or safety through the fall or release from a height of any substance or object as described above, (s37(2)(f) of the Occupational Health and Safety Act 2004);
  - AUSTRALIAN POWER PARTNERS B V & OTHERS Management were aware that these incidents have occurred and have failed to notify the Authority immediately after becoming aware that the incidents have occurred at the workplace under the management and control of the employer as described above (s38(1) of the Occupational Health and Safety Act 2004); and
  - AUSTRALIAN POWER PARTNERS B V & OTHERS Management has not ensured that the sites where the incidents have occurred was not disturbed until - an Inspector arrives at the site; or such other time as an Inspector directs when the Authority is notified of the incident, (s39(1)(a) and (b) of the Occupational Health and Safety Act 2004).

I have informed AUSTRALIAN POWER PARTNERS B V & OTHERS Management that Worksafe may take further action regarding these issues.

9. OHS-0616 : Incident Assessment  
Representative arrangements have been discussed and verified during previous visits including the latest visit conducted on the 19th of Dec 2011 (ER V01017400222L). On the 19th of Dec 2011 I was advised by Management and Employees that there are formal representative arrangements in place. Consultative mechanisms include, but are not limited to: daily pre-start meetings, tool box meetings and Health and Safety Committee meetings.
10. OHS-214733-3 : Incident Assessment  
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.
11. OHS-0659 : Incident Assessment  
You are hereby notified that under Section 99(a) of the Occupational Health and Safety Act 2004, during an inspection at BRODBRIBB ROAD HAZELWOOD 3840, I inspected, examined and made enquiries.
12. OHS-0660 : Incident Assessment  
You are hereby notified that under Section 99(b) of the Occupational Health and Safety Act 2004, during an inspection at this workplace I examined and inspected those documents referenced in the body of this Entry Report or as follows:
  - IPR-GDF Suez Hazelwood Incident Management and Reporting Procedure Doc. I.D. 35510, 20/03/12, 13 pages;
  - IPR-GDF Suez Hazelwood Incident Management Process; undated, 1 page;
  - Mine Safety Blimp no: 2012/-17, 16th May 2012, 1 page;
  - Incident Summary Report [Ref: 1264], 3 pages;
  - IPR-GDF Suez Hazelwood News Brief Issue 809- 1 May 2012, 2 pages; and
  - RTL JSEA "Recovery of RD 1957", undated, 8 pages.

During my visit at the above workplace AUSTRALIAN POWER PARTNERS B V & OTHERS voluntarily provided to me the following:

- IPR-GDF Suez Hazelwood Incident Management and Reporting Procedure Doc. I.D. 35510, 20/03/12, 13 pages,

**Visit Nbr: V01017400241L - AUSTRALIAN POWER PART**

**Date: 22/05/2012**

- IPR-GDF Suez Hazelwood Incident Management Process, undated, 1 page;
- Mine Safety Blimp no: 2012/-17, 16th May 2012, 1 page;
- Incident Summary Report [Ref: 1264], 3 pages;
- IPR-GDF Suez Hazelwood News Brief Issue 809- 1 May 2012, 2 pages; and
- RTL JSEA "Recovery of RD 1957", undated, 8 pages, which I have taken away from site.

**Inspectors proposed follow up action:**

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**Other actions taken:**

**Status of Notices that were monitored during this entry:**

**Additional Details:**

**I gave you these documents:**

**Additional Details:**

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#### **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, Ground Floor, 222 Exhibition Street, Melbourne 3000 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

**Visit Nbr: V01017400241L - AUSTRALIAN POWER PART****Date: 22/05/2012**

- \* 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 at the top of 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, contact our General Manager, Operations, Health and Safety, WorkSafe Victoria, GPO Box 4306 Melbourne Victoria 3001, by fax 9641 1711 or e-mail to [generalmanageroperations@worksafe.vic.gov.au](mailto:generalmanageroperations@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**

WorkHealth is a WorkSafe initiative that provides free health checks in the workplace. Health professionals conduct the convenient, easy and confidential checks. Each check takes around 15 minutes and participants receive immediate feedback and advice based on their results. Applications can be lodged on line by going to the WorkHealth website [workhealth.vic.gov.au](http://workhealth.vic.gov.au) or by calling the WorkHealth hotline on (03) 9641 1444 or 1800 136 089 (toll free)