



## ENTRY REPORT



Visit Number: **V01017400396L**  
 Entry Date and Time: **25/03/2014 10:00 AM** Departure Date and Time: **25/03/2014 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: **Sean Anthony Byrne** Other Persons: **Steve Harkins, Emily Heffernan, Garry Wilkinson, Stan Kemsley, James Faithful, Rob Dugan, John Robinson, Steve Dargan and Wouter Hartman.**

WorkSafe Staff: **Robert Kelly, 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 follow up on matters dealt with at a previous visit.

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

- 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**.
- I attended your workplace in the company of WorkSafe Earth Resources Manager **Robert Kelly**, Senior Mining Engineer **Tony Ferrazza** and Group Leader **Sean Byrne** to

follow up on a visit I conducted on the on the 20th of March 2014 (see Entry Report V01017400395L).

Discussions included (but was not limited to):

- Re-entry into the fire affected areas within the mine and CFA 'hand-over';
- Re-entry risk assessment, titled "Feb 2014 Hazelwood Mine Fire - CFA Hand-over";
- Recovery tasks including: clearing of drains, road repair, replacing of bund walls and other 'general' earth works. Management informed these tasks are being carried out by personnel who are familiar with the mining environments.
- Geotech inspections of fire affected areas including geotech assessments; and
- Work group CO monitoring, (personal testing processes to conclude today);

I observed a Batter Assessment dated 24-03-2014 and discussed the documented 'extreme/high' risk areas.

Other discussions included (but was not limited to):

- Requirements to conduct a review of the operator's SMS post incident and the requirement to conduct an investigation as per the operator's SMS.
3. Whilst at this workplace, I followed up on enquiries relating to the continuing electrical work regarding the mine's fire services power supply. Management informed and provided information regarding the mine's electrical supply systems. Electrical drawings were provided, management informed that there were a number of faults caused by the fire that interrupted the electrical supply into the mine. Management informed that some of the fire affected assets belong to and are under the management and control of SP Ausnet.

Management also informed that an investigation is continuing into the fire.

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. 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:
- Feb 2014 Hazelwood Mine Fire - CFA Hand-over risk assessment;
  - Batter Assessment dated 24-03-2014; and
  - Geotechnical assessment form dated 24th March 2014.
6. Documents produced  
In accordance with Section 100(1)(a) of the Occupational Health and Safety Act 2004 you were required to produce:
- Feb 2014 - Hazelwood Mine Fire - CFA Hand-over risk assessment;
  - Batter Assessment dated 24-03-2014;
  - Geotechnical assessment form dated 24th March 2014;
  - Hazelwood Power Mine Fire Prevention - Slashing & Mowing 2013/2014 Layout Plan;
  - 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; and
  - Electrical schematic drawings relating to the mine's power supplies pre and post fire

emergency 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. 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 following documents
  - Feb 2014 - Hazelwood Mine Fire - CFA Hand-over risk assessment;
  - Batter Assessment dated 24-03-2014;
  - Geotechnical assessment form dated 24th March 2014;
  - Hazelwood Power Mine Fire Prevention - Slashing & Mowing 2013/2014 Layout Plan;
  - 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; and
  - Electrical schematic drawings relating to the mine's power supplies pre and post fire emergency was seized as it may afford evidence of the commission of an offence against this Act or the Regulations.
  
8. 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 Robert Kelly, WorkSafe Earth Resources Manager and Tony Ferrazza, WorkSafe Senior Mining Engineer.

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**INSPECTOR INFORMATION**

Name of inspector: **Kevin Hayes**  
 Telephone Number of Inspector: **5173 8925**  
 Facsimile Number of Inspector: **5174 9086**

Inspector's Signature: .....

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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, 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

