
TRANSCRIPT OF PROCEEDINGS

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2015/16 HAZELWOOD MINE FIRE INQUIRY

ANGLESEA

THURSDAY 30 JULY 2015

BEFORE:

THE HONOURABLE BERNARD TEAGUE AO - Chairman

MRS ANITA ROPER - Board Member

MR PETER ROZEN - Counsel Assisting

MR RICHARD ATTIWILL QC - State of Victoria

MS RENEE SION - State of Victoria

MR ROBERT TAYLOR - Alcoa of Australia

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1 CHAIRMAN: I will make an opening statement but I'll take
2 appearances before then and we can move straight into the
3 action after the few opening statements. Mr Rozen.

4 MR ROZEN: If the board pleases, I appear to assist the inquiry.

5 MR ATTIWILL QC: I appear, together with Renee Sion, on behalf
6 of the Victorian Government.

7 MR TAYLOR: I appear, assisted by Ms Jessica Alley, for Alcoa
8 Australia Ltd.

9 CHAIRMAN: Welcome to a very special day. Today is the first of
10 two days at Anglesea. These two days are the first of
11 three blocks of public hearings for the reopened Hazelwood
12 Mine Fire Inquiry.

13 I acknowledge the traditional owners of the land on
14 which we are gathered, the Wada wad. I pay my respects to
15 their elders, past and present.

16 The Victorian Government has given the board of
17 inquiry a broad mandate to examine a number of areas.
18 Paragraph 11 of the terms of reference will be the focus of
19 attention for these public hearings. At the risk of taking
20 some time, I note that we are required to report upon
21 sustainable, practical and effective options that could be
22 undertaken by the mine operator to decrease the risk of
23 fire arising from or impacting the Anglesea mine for the
24 2015-2016 summer season, noting the impending closure of
25 the mine on 31 August 2015.

26 Through our conversations with the local community
27 here, we are aware that the long-term rehabilitation of the
28 Anglesea Mine is something that people are keenly
29 interested in. The subject of long-term rehabilitation of
30 the mine will not be excluded altogether. However, it has
31 only limited relevance, given the precise nature of the

1 terms of reference read as a whole. What can you expect
2 from these public hearings? What can the wider public
3 expect? We hope to have an open public exposure of many
4 things by hearing from a number of parties and witnesses
5 today and tomorrow and by providing this information on our
6 website.

7 In our consultations with the Anglesea community, we
8 focused on understanding people's concerns about potential
9 fire risks close to or inside the mine for the 2015-16.

10 Bushfire season after the Anglesea Mine shuts down.
11 Additionally, we heard about the types of information the
12 community may require in relation to the impending closure
13 of the mine on 31 August.

14 The evidence will be presented by counsel assisting,
15 Mr Rozen. Board member, Ms Anita Roper, and I will be
16 listening today and tomorrow to the evidence. Our other
17 board member, Professor John Catford, is disappointed that
18 he is not able to be present at these hearings. He will be
19 keeping up to date on what takes place here.

20 The board also received and has read a number of
21 written submissions. Many contain extremely helpful
22 guidance. Common themes of those submissions include
23 concerns for mine fires and conservation of the Anglesea
24 heathlands and proposals to rehabilitate the mine site to
25 the standard of the surrounding heathland.

26 We place great emphasis on openness. Our website
27 reflects that. We encourage all to go to our website to
28 look at three things: the reports on the community
29 consultations, the submissions and, as from tomorrow, the
30 statements of witnesses and a transcript of their
31 testimony. Today we start the most formal process of the

1 inquiry, the public hearings. We plan to listen with an
2 open mind. I now will introduce board member Mrs Anita
3 Roper to say a few words.

4 MRS ROPER: Thank you, Chair. Good morning. Let me add my
5 welcome and thanks to you all for attending the first of a
6 series of public hearings which will be held over the
7 course of the Hazelwood Mine Fire Inquiry. As we will hear
8 from counsel assisting the inquiry, Mr Peter Rozen, our
9 focus today is on the steps Alcoa have taken to decrease
10 the risk of fire in the Anglesea Mine post its closure on
11 31 August this year.

12 The key areas of focus of this inquiry are driven, of
13 course, by our terms of reference, but also the issues
14 raised by the community in the two community consultations.
15 The consultations held in June in Anglesea gave the board
16 an opportunity to hear firsthand the community's views and
17 the concerns associated with the mine closure for the
18 upcoming 2015-2016 fire season. The consultations were
19 also helpful in helping shape the way in which the board
20 had subsequent discussions with relevant government
21 departments, emergency services and Alcoa.

22 Members of the board visited the Anglesea Mine soon
23 after the inquiry was reopened. For me, as a past senior
24 manager with Alcoa, it was an opportunity to reacquaint
25 myself with the mine site. We know that the social,
26 environmental and economic impacts of fires on communities
27 can be significant, so I look forward to hearing from a
28 number of the parties today.

29 We extend our thanks to the many people who have been
30 involved in the inquiry to date, providing information and
31 evidence, and we also recognise the many members of the

1 community who've taken the time to participate in this
2 inquiry through the provision of submissions, through
3 participating in our community consultations and by being
4 here today to listen to the materials presented as part of
5 the hearings.

6 Commencing today, the focus of the inquiry, led by
7 counsel assisting, Mr Rozen, will be on coal variations,
8 fire plans, prevention and the regulatory framework. So
9 for us, as mentioned earlier by the Chair, we will be
10 listening with open minds. Mr Rozen.

11 MR ROZEN: Thank you, Chair. Thank you, Mrs Roper. If the
12 board please, Anglesea is a small town situated on the
13 Great Ocean Road between Torquay and Lorne. It has a
14 permanent population of approximately 2,500 and that number
15 swells to 10,000 in the summer months, when large numbers
16 of holiday makers from Geelong, Melbourne and elsewhere
17 visit the area to enjoy the natural beauty.

18 In addition to this summer influx, Anglesea also
19 hosts school and other camps for children year round.

20 Anglesea is recognised as one of Victoria's towns
21 that is most at risk of bushfire. Bushfires that reach
22 Anglesea may extend up to 70 kilometres to the north and
23 40 kilometres to the west. Etched into the memory of many
24 in this room is the disastrous Deans Marsh fire that burnt
25 on Ash Wednesday in 1983. The fire raced from the
26 grasslands in the north to the coast in a single afternoon,
27 resulting in the loss of three lives and 729 houses. In
28 Anglesea itself, 132 buildings were lost after a
29 south-westerly wind change early in the evening blew the
30 fire into the town.

31 The Fire at Hazelwood. The Hazelwood coal mine fire

1 in the Latrobe Valley in February 2014 started as a
2 relatively small bushfire, the burning embers of which were
3 blown into the Hazelwood Mine. Despite the efforts of the
4 mine workers, who'd been trained in firefighting, the fire
5 took hold almost immediately in the worked-out parts of the
6 operating mine. Because it was so difficult to extinguish,
7 the fire in the Hazelwood Mine burnt for six weeks and the
8 population of nearby Morwell suffered from the effects of
9 the resulting thick black smoke during that time. The
10 estimated cost of the fire was \$100 million.

11 The Hazelwood Mine fire brought home to all
12 Victorians, but especially those who live in the vicinity
13 of brown coal mines, the special risk of mine fires. It
14 was a wake-up call to mine operators, government agencies
15 whose job it is to regulate mines and firefighting
16 agencies.

17 The fire was the subject of an extensive inquiry,
18 which produced a comprehensive report in August 2014. The
19 report made a number of recommendations aimed at improving
20 the safety of the state's coal mines. Those
21 recommendations are presently being implemented.

22 The Anglesea Coal Mine. Anglesea has its own open
23 cut brown coal mine situated to the north-west of the town.
24 Alcoa of Australia Ltd has mined coal there since 1969.
25 The coal has been used to generate electricity at Alcoa's
26 neighbouring power station. Unlike the coal mines in the
27 Latrobe Valley, mining at Anglesea has occurred against a
28 somewhat unusual regulatory framework. The mine has its
29 own dedicated Act of the Victorian parliament. The Act
30 gave effect to an agreement reached between the then
31 Victorian Government and Alcoa in 1961. During the life of

1 that 50-year agreement, Alcoa was largely exempt from the
2 normal Victorian laws that apply to mining. For example,
3 it was not bound by the occupational health and safety laws
4 of the state.

5 The agreement was extended in 2011 for a further
6 50 years and at that time, the Act was amended to subject
7 Alcoa to some but not all of Victoria's mining laws.
8 Despite having 47 years to run on its extended agreement,
9 in February 2014, Alcoa announced that the mine and its
10 associated power station were for sale. No satisfactory
11 sale offer was made to Alcoa and on 12 May this year, it
12 announced that it would close its operations in Anglesea,
13 with effect from 31 August 2015.

14 The Task of this Board of Inquiry. It is in the
15 context of the Hazelwood Mine fire and the imminent closure
16 of the Anglesea Mine that this board of inquiry is required
17 to report to the government about fire safety in the coming
18 fire season at what is soon to be a former coal mine.
19 Specifically, as has been noted by the Chair, the inquiry
20 is asked to report by 31 August 2015 on options that could
21 be undertaken by Alcoa to decrease the risk of fire. The
22 board of inquiry has been established under the Inquiries
23 Act 2014.

24 The people who live, work and holiday at Anglesea are
25 entitled to know if they have another potential Hazelwood
26 Mine fire on their doorstep. What if a bushfire breaks out
27 in the forest or the heath to the north of the mine on a
28 code red day? Is there a risk that any fire would spot
29 into the mine? Will the coal catch fire if it does? What
30 about the risk of spontaneous combustion of the coal? Is
31 there a risk that that will occur? And if there are no

1 workers in the mine operating it, who will extinguish such
2 a fire? Is the CFA equipped and resourced to attend a mine
3 fire when its resources may already be stretched on such a
4 fire risk day? And what about the high sulphur
5 content of the coal? What health effects would smoke from
6 such a fire have on the people of Anglesea? Crucially,
7 what is Alcoa doing to address these risks before it closes
8 the mine, and which government agencies are regulating what
9 Alcoa is doing? What are those agencies doing to ensure
10 that the mine is as safe as practicable?

11 In these two days of public hearings, these are some
12 of the questions that the inquiry will be considering. The
13 inquiry will hear about the significant differences between
14 the Anglesea Mine and the Hazelwood Mine and, in fact, the
15 other Latrobe Valley mines. It will hear that the risk of
16 mine fire at Anglesea, for a range of reasons, is
17 considerably lower than the corresponding risk in the
18 Latrobe Valley.

19 The board will hear from Alcoa's mine manager and the
20 manager of its Anglesea operations. They will, in their
21 evidence this morning, tell the inquiry of the extensive
22 work that they have done and are doing to reduce the risk
23 of fire starting in or spreading into the mine,
24 particularly by covering most of the coal with overburden.
25 They will also explain their plans for the mine after
26 31 August 2015.

27 The inquiry will also hear from the government
28 agencies that are charged with regulating the Anglesea
29 Mine. Representatives of those agencies will detail what
30 they've done in the last two months and what they intend to
31 do in the future to safeguard the community. The board

1 will hear that those activities have been extensive.

2 The inquiry will also hear that the firefighting and
3 emergency management agencies of the state have worked in
4 close consultation with both Alcoa and the regulators. The
5 local CFA in particular will explain what it has in place
6 for the forthcoming fire season.

7 Finally, the inquiry will hear from two experts.
8 Cameron Farrington is an experienced mining engineer who
9 works for Mining One Pty Ltd, a mining consultancy firm.
10 The firm was engaged by Alcoa to conduct a review of
11 Alcoa's fire plans. Mr Farrington will give evidence that
12 he endorses Alcoa's plans and he will refer in his report
13 to a number of additional recommendations that he makes.

14 In addition, the board has engaged its own
15 independent fire risk expert. Mr Rod Incoll is well-known
16 to many Victorians and his expertise was invaluable to the
17 board of inquiry which examined the Hazelwood Mine fire.
18 Mr Incoll, who has visited the Anglesea Mine on two
19 occasions, has provided the inquiry with two reports and he
20 will be the last witness that will be called tomorrow
21 afternoon. He too will express a general level of
22 satisfaction with the arrangements in place and he will
23 make some suggestions for improvement.

24 As well as understanding what the inquiry is
25 investigating, it is important to know what it is not
26 doing. It is no part of the inquiry's work to consider the
27 short, medium and long-term rehabilitation of the mine.
28 Similarly, the inquiry is not concerned with fire
29 protection measures beyond next summer. I'm not suggesting
30 for a moment they're not important issues, I just make the
31 point that they are no part of the inquiry's terms of

1 reference.

2 Before calling the first witness, I understand that
3 counsel for Alcoa wishes to make a brief opening statement
4 on behalf of his client to the board.

5 CHAIRMAN: Thank you, Mr Rozen. Yes, Mr Taylor.

6 MR TAYLOR: Thank you, Mr Chairman and Mrs Roper. I'm indebted
7 to my learned friend for his fair and balanced observations
8 with respect to the efforts that Alcoa has made and
9 continues to make in the remediation of this site.

10 As is well-known to the community of Anglesea, Alcoa
11 has had a long and safe operating history at the workplace,
12 both at the mine and at the power generation station in
13 Anglesea. In fact, my learned friend brings back vivid
14 memories of my own of the Deans Marsh fire and those of the
15 Alcoa employees who assisted members of the Anglesea
16 community who took refuge at the mine as one of the safe
17 places during the fire.

18 There has been a long history of Alcoa working well
19 with the regulatory bodies of Victoria that govern mining
20 and, as my learned friend noted, notwithstanding its
21 special arrangements, it has had a very safe working
22 history in what is inherently a dangerous industry.

23 The evidence will show, as my friend pointed out,
24 serious work has already been undertaken by Alcoa in
25 recognising the need to deal with the upcoming fire season.
26 That work also deals in part with future remediation. And
27 while my learned friend points out that that is not
28 strictly a term of reference and, Mr Chairman, you made
29 that plain in your opening remarks, Alcoa acknowledges the
30 need to be mindful of the need for full and ongoing
31 remediation of the mine site and wants the community at

1 Anglesea to understand that it is wholly committed to that
2 objective. If the board pleases, those are the remarks
3 that I wanted to make by way of opening.

4 CHAIRMAN: Thank you, Mr Taylor. If you're about to call the
5 first witness, can I just make a preliminary remark. I
6 propose to swear in or take the affirmation from the
7 witnesses. That means I would hopefully not have to
8 explain while they are there the difference between an oath
9 and an affirmation and the different formulas that are
10 appropriate. I'm just making that by way of a mention, but
11 I will proceed upon the basis that there has been some
12 preliminary discussion so that that, in a sense, minor
13 issue but important formality is attended to. Yes,
14 Mr Rozen.

15 MR ROZEN: I am instructed that those discussions have taken
16 place with certainly today's witnesses, sir.

17 Before I do call the first witness, I should just
18 very briefly outline the order of proceedings from now on
19 for the remainder of today. The first witness will be Jane
20 Burton, from the earth resources section of the mining
21 regulator. I will get the full title of that from
22 Ms Burton when she gets in the witness box. After
23 Ms Burton, who is expected to be relatively brief in her
24 evidence, there will be two witnesses from Alcoa, Mr Warren
25 Sharp and Mr Chris Rolland. They are senior managers from
26 the site and they will be questioned about the existing
27 practices in relation to fire management and also future
28 plans and then based on the loose schedule that we have,
29 the witness after lunch will be Mr Ross McGowan, who heads
30 up the regulation part of the earth resources section of
31 the relevant government department, and the final witness

1 today will be Mr Robert Kelly, from the Victorian WorkCover
2 Authority, which also has a regulatory responsibility in
3 relation to the Alcoa Mine.

4 Unless there are any matters the board has at this
5 point, I'll call the first witness, Jane Elizabeth Burton.

6 <JANE ELIZABETH BURTON, affirmed and examined:

7 MR ROZEN: Ms Burton, can you please confirm for us your full
8 name and your work address?---Jane Elizabeth Burton.

9 55 Grey Street, Traralgon.

10 Your formal title is the director of coal resources in the
11 Energy and Resources Division of the Department of Economic
12 Development, Jobs, Transport and Resources?---One
13 correction to make there. It is energy and earth
14 resources, so if we can add in the word "earth". There is
15 a typo there.

16 I have been practising that and I still got it wrong. Energy
17 and earth resources. Thank you. And although it doesn't
18 roll easily off the tongue, the acronym for the department
19 is DEDJTR?---Correct.

20 The role you occupy you have held since August 2014?---That's
21 correct.

22 But your experience in mining goes back a long way before that
23 in your professional career?---Not mining.

24 Coal?---Coal.

25 Thank you. I'll come to that in a moment. Your current role is
26 concerned with resource and land use planning to assist
27 with the future use of coal in Victoria?---That is correct.

28 By way of formal qualifications, you have both a Bachelor and a
29 Masters of Applied Science?---Correct.

30 And you worked for some 13 years as a research associate and as
31 a chemist in relation to brown coal?---I did, a long time

1 ago.

2 Can you just briefly outline the nature of that work and where
3 it was performed?---Post graduation I worked for Monash
4 University, working as a research assistant looking at
5 various aspects of brown coal hydrogenation. I then
6 secured employment with the Japanese joint venture company
7 Brown Coal Liquefaction Victoria, who had a 50 tonne per
8 day pilot plant located in Latrobe Valley, so I worked
9 there in the laboratory as an industrial chemist.

10 I might ask you to slow down a little bit. There are people
11 transcribing who may not know the word "liquefaction", for
12 example, so I just ask you to slow that down. As I think
13 you have already indicated to us, that work was early in
14 your professional career?---Correct.

15 It spanned some 15 years of your professional career, or
16 thereabouts?---Yes.

17 Since then, you have worked in a range of other public service
18 related jobs, both at local government and state government
19 agencies. We don't need to go through the detail of that.
20 For the purposes of this inquiry, Ms Burton, you made a
21 witness statement, dated 17 July 2015?---Yes.

22 And the statement has our internal coding of VGSO.1004.001.0001.
23 By magic, that will mean that it will appear on the screen
24 so it is there for all to see, and you should also have a
25 hard copy of it in front of you?---Yes.

26 And just the final reference point to assist the board, the
27 statement appears behind tab 1 in the hearing book. Have
28 you had a chance to read through that statement before you
29 have come and given evidence this morning,
30 Ms Burton?---Yes, I have.

31 Is there anything that you would wish to change in the

1 statement?---There is one typo on paragraph 28.
2 Did you say 28?---Paragraph 28. It refers to "GDSE". Can we
3 replace that with "GWSE".
4 So we're in the first line of paragraph 28?---Correct.
5 Which reads at the moment, "See paragraph 12 for a more detailed
6 description of NWSE and GDSE." You would seek to change
7 "GDSE" to?---"GW", the "D" for a "W".
8 "GWSE". And you, just for completeness, in paragraph 2, in the
9 first line, after the word "and", it should say "Energy and
10 Earth Resources Division"?---That's correct.
11 Is that right?---Yes.
12 With those two changes, are the contents of your statement true
13 and correct?---Yes, they are.
14 I tender the statement.
15 #EXHIBIT 1 - Witness statement of Ms Burton.
16 Without going into too much detail, the statement that you have
17 made responded to two letters that were sent to the
18 department by the inquiry?---Yes.
19 What has been done at the department is that the work in
20 responding to those letters has been divided between
21 yourself on the one hand and Mr McGowan, who we'll hear
22 from later today, on the other hand. And you have,
23 helpfully, in paragraph 6 of your statement, at the bottom
24 of page 1, identified some of the questions that the board
25 asked of the department - I won't go through those, we can
26 all read those - but you specifically in your statement
27 answer the three questions at the top of page 2 of your
28 statement, that is 6.2.1 through to 6.2.3?---Yes.
29 Just so that we can place that into context, what the department
30 was asked to do was provide the inquiry with a description
31 of features of the coal mined in the Anglesea Mine and in

1 particular to identify the principal differences between
2 that coal and the coal mined in the Latrobe Valley and in
3 particular whether there is a difference in moisture
4 content, whether there is a difference in sulphur content,
5 whether there is a difference in heat value and, for
6 completeness, whether the coal is more or less flammable -
7 - -?---That's correct.

8 - - - one compared to the other. In your statement, as you
9 explain, you answer the first of those three questions,
10 that is, you address moisture content, sulphur and heat
11 value?---(Witness nods)

12 And you advise that your colleague, Mr McGowan, addresses the
13 fourth of those questions, that is the
14 flammability?---That's correct.

15 In responding to the board's letter, you draw on both your own
16 personal work experience but also the resources of the
17 department; is that right?---That is correct.

18 And in addition the research that you were able to carry out
19 from the sources of information that are set out in
20 paragraphs 13 and 14?---Yes, that is correct.

21 Tell me, is it a fair summary of the sources of information set
22 out there that they consist of texts on the subject, work
23 plans submitted by mining licence holders and also tests
24 that have been performed on the coal by those
25 licensees?---Yes, that is correct.

26 If you can just turn then to brown coal. Its primary role in
27 Victoria is for the generation of electricity?---Yes, that
28 is correct.

29 And from a lay point of view, and please correct me if I get
30 this wrong, generally speaking, the more electricity that
31 can be generated from a given unit of coal, one would say

1 that that coal has higher quality from the point of view of
2 power generation?---Yes, that is correct.

3 In practical terms, as you explain, the quality of coal is
4 determined by the percentage of moisture
5 content?---(Witness nods)

6 So the higher the moisture content, the more energy is consumed
7 in drying the coal as part of the combustion process and
8 the less energy is available for power
9 generation?---Essentially that is correct.

10 Is it really a bit like using damp wood to start a camp fire as
11 compared to using dry wood?---Yes, that could be a good
12 analogy.

13 Generally speaking, wet coal has a lower energy content than dry
14 coal?---Yes.

15 In terms of the coal mined in Victoria, as you identify, and I
16 don't think we need to go into too much detail about this,
17 we've got coal in what is known as the Gippsland Basin and
18 coal in the Otway Basin, each deposited about 65 million
19 years ago?---The Otway Basin a little older.

20 A little bit?---Older.

21 Older than the?---The Gippsland Basin.

22 Than the Gippsland Basin. Anglesea Mine is in the Otway
23 Basin?---Correct.

24 And the coal seam that has been mined at Anglesea is about
25 36 metres deep?---Yes, it is.

26 As you tell us in your statement, the Anglesea coal is the
27 highest rank brown coal in Victoria, the highest
28 quality?---That is correct.

29 And that is essentially because it has the lowest moisture
30 content; is that right?---Yes.

31 You have, very helpfully, provided us with a table, which I'd

1 like to go to now - this is at paragraph 28 of your
2 statement, on p.5. I think we can do this without going
3 through the acronyms that you have listed in paragraph 27,
4 but if I can summarise what you're doing in the table is
5 you're identifying the issues that you're asked to address
6 in relation to coal, that is the moisture content and the
7 sulphur content and the heat value, in respect of the coal
8 at the four principal Victorian open cut coal mines?---Yes,
9 that is correct.

10 And what we can see from that, and you use two sources of data
11 in respect of each of the figures, that is, you use data
12 provided by the mine owner and you use data in respect of
13 each of the mines from - is it an article written
14 by?---Gloe.

15 CS Gloe, G-L-O-E?---Correct.

16 The article is entitled The Economically Winnable Brown Coal
17 Reserves in the Latrobe Valley from 1980. Does the Gloe
18 article also address the features of the coal at Anglesea
19 or is it limited to the Latrobe Valley?---I believe it does
20 talk about the Anglesea as well.

21 We can see from the - if we start with the first vertical
22 column, headed Moisture, you say it is percentage AR, and
23 "AR" is "as received", we see from paragraph 27. What does
24 that mean, "as received"?---It just means the run-of-mine
25 coal, so the sample as received taken directly from the
26 coal mine.

27 I see. And we can see that in relation to the three Latrobe
28 Valley mines, if we look at both sources and if I can
29 summarise, the moisture content ranges between
30 approximately 60 per cent and approximately
31 65 per cent?---Yes, that is correct.

1 By comparison, we can see that the Anglesea Mine moisture
2 content is, depending on whether you rely on the data from
3 the mine, it is 44.7 per cent and if we rely on the data in
4 Gloc, it is 46 per cent. Either way, considerably lower
5 than any of the mines in the Latrobe Valley?---Yes, that is
6 correct.

7 And, similarly, if we go over to the right-hand column of the
8 table, which is headed Sulphur, here the figures are
9 recorded as percentage DB, which is dry basis. Are you
10 able to explain briefly what that means?---Dry basis is
11 with all the water removed from the coal, so just on the
12 remaining coal after the moisture is removed.

13 Once again, we see that in relation to the Latrobe Valley coal,
14 we've got a range of figures there of percentage sulphur
15 content, ranging from 0.29 through to, at its highest at
16 Loy Yang, 0.42 and, once again, by contrast at the Anglesea
17 Mine, we have got figures of 3.3 per cent and 3.9 per cent.
18 So in very round figures, the sulphur content of the
19 Anglesea coal is some 10 times higher than is the case in
20 the Latrobe Valley?---Yes, that is correct.

21 You may not be able to assist us with this, but as you could
22 probably understand, given the terms of reference the
23 inquiry has, it is particularly interested in flammability,
24 what does that mean in terms of the likelihood of the coal
25 catching fire. For example, if embers from a nearby
26 bushfire were blown into the mine, we know, from the
27 experience at Hazelwood last year, that the mine caught
28 fire in those circumstances and one of the questions here
29 is how do we make a comparison between the Anglesea Mine
30 and the mines in the Latrobe Valley, particularly
31 Hazelwood. I want to ask you about two statements that the

1 board has received and see if you can make any comment on
2 them. If you can't, you can't, but if you're able to, it
3 would be of assistance to us. The first statement is a
4 statement by Mr Rolland, which is behind tab 2 in the
5 hearing book and the coding is Alcoa.0001.002.0001. Just
6 wait while that comes up on the screen. Do you have that
7 in front of you? If you go to tab 2?---Which page?

8 It is page 2 behind tab 2. That number again is

9 Alcoa.0001.002.0001. Do you have that, Ms Burton? I'm
10 just waiting for that to come up on the screen. If you
11 could go to page 2, paragraph 9, please. Just for a bit of
12 background here, Ms Burton, Mr Rolland is the mine manager
13 at the Anglesea Mine and has held that position for a
14 number of years. You'll see at paragraph 9 of his
15 statement that he describes the coal in the first line.
16 Perhaps if I read that. "The coal at the mine is
17 40 million years old, making it older than the Latrobe
18 Valley coal, with a greater heating value. The coal has
19 comparatively less moisture, at approximately 45 per cent,
20 is harder and contains less volatile organic compounds than
21 the Latrobe Valley coals, which means it has less potential
22 for spontaneous combustion." If I could just pause there
23 in the reading. There would seem to be a bit of a
24 difference in the age of the coal there as described by
25 Mr Rolland compared to what you told us, but I'm not
26 particularly concerned with that, it is more the final
27 conclusion reached by Mr Rolland, that there is less
28 potential for spontaneous combustion of the Anglesea coal
29 compared to that in the Latrobe Valley. Are you able to,
30 drawing on your professional background, comment on that at
31 all?---I can't comment on the flammability. I can say that

1 I agree with the comments around the less moisture, the
2 hardness and the less volatile, that is all correct, but in
3 terms of relating that to the flammability, that is not my
4 expertise.

5 I'll just try one last question, if I could. Is it the case
6 that, from your expertise, it doesn't necessarily follow,
7 if you accept those three premises, that it leads to lower
8 flammability or you just don't know?---My understanding is
9 it is a complex matter, there are a number of factors, but
10 I'm not expert to provide any comment on that.

11 All right. Thank you. There is also evidence from Mr Lapsley,
12 from Emergency Management Victoria, to similar effect, but
13 I won't take you to that because I suspect your answer will
14 be precisely the same. I'll take that matter up with those
15 witnesses. If the board pleases, they are the questions
16 that I have got for Ms Burton.

17 MR TAYLOR: I have one matter arising, if I may, Mr Chairman.

18 CHAIRMAN: Yes, please.

19 <CROSS-EXAMINED BY MR TAYLOR:

20 Ms Burton, you were just asked about the sulphur content and you
21 explained the table at paragraph 28 of your statement. Is
22 it in the scope of your expertise to comment on whether or
23 not a higher presence of sulphur by the order of magnitude
24 that Mr Rozen put to you renders the commencement of a
25 spontaneous combustion process more easily detectable by
26 smell?---No, it is not.

27 Thank you. I can't take that any further. If the board
28 pleases. That was the only matter I wanted to raise.

29 CHAIRMAN: Nothing arising from that?

30 MR ROZEN: Nothing arising.

31 CHAIRMAN: Thank you, Ms Burton. You are excused.

1 <(THE WITNESS WITHDREW)

2 (Witness excused.)

3 MR ROZEN: The next witness is Christopher Rolland. I call
4 Mr Rolland.

5 <CHRISTOPHER JOHN ROLLAND, affirmed and examined:

6 MR ROZEN: Mr Rolland, can you confirm for us your full name and
7 work address, please?---Christopher John Rolland. Alcoa
8 Power Station, Anglesea, or Camp Road, Anglesea.

9 Mr Rolland, your present position is that you're the mine
10 manager of the Anglesea Mine?---That is correct.

11 How long have you held that position, firstly?---I have been at
12 the mine for just over 31 years and held that position for
13 over 29 years.

14 Any relevant mining experience before you started at the
15 Anglesea Mine?---I had three years at the Mount Newman
16 Mining Company in the Pilbara, in WA, iron ore.

17 So your brown coal experience is drawn from your time at
18 Anglesea?---That's exactly right.

19 By way of formal qualifications, you have a Bachelor of Civil
20 Engineering?---That is correct.

21 Where did you receive that qualification from?---Deakin
22 University.

23 In Geelong, presumably?---In Geelong, yes.

24 They only had a campus in Geelong at that time?---I think so,
25 back in my time. It was probably the first year of Deakin.

26 Mr Rolland, to assist us in this inquiry, you have made a
27 statement, dated 22 June 2015, and there are five
28 attachments to that statement?---Yes.

29 And the coding for that statement is Alcoa.0001.002.0001. You
30 should have it there open, I hope, in front of you behind
31 tab 2 in the hearing book. If I can just ask you to turn

1 to the first page of that, please, Mr Rolland. Do you have
2 that?---Yes, I do.

3 Have you had a chance to read through the statement before you
4 came along to give evidence this morning,
5 Mr Rolland?---Yes, I have.

6 Is there anything in it that you would like to change?---No, I'm
7 satisfied.

8 Are the contents of the statement true and correct?---They are,
9 to the best of my knowledge.

10 I tender the statement.

11 #EXHIBIT 2 - Witness statement of Mr Rolland.

12 Mr Rolland, just as the previous witness, Ms Burton, did, Alcoa
13 was asked to respond to various matters that were set out
14 in a letter sent to it by the inquiry's solicitors?---That
15 is correct.

16 And also as was the case with the previous witness, a decision
17 was made within Alcoa for you to answer some of the
18 questions in the letter and for your colleague, Mr Sharp,
19 to answer the remainder of the questions?---That is
20 correct.

21 Did you get the easy ones or the hard ones?---Mine is based on
22 history and Warren's is based on the future, so you can
23 take your choice which is harder.

24 It is in the eye of the beholder?---Exactly.

25 As you say, you're essentially looking back and dealing with the
26 current situation in terms of the history of the mine and
27 particularly the fire history?---Yes.

28 And Mr Sharp, who we'll hear from next, deals with what is in
29 place for the future, particularly post-closure?---That is
30 correct.

31 I neglected to ask you, and I hope you don't think it is an

1 impertinent question, but your role as mine manager will
2 also end as at 31 August; is that right?---The current role
3 will cease at that date.

4 From that answer, do I take it there will be a different role
5 that you will perform or is that still to be
6 determined?---We've just decided that I'll continue on in a
7 different role but working towards the final closure
8 position for the mine.

9 Because it is important generally for us, could you just explain
10 briefly what that different role will be, but if it hasn't
11 been finally determined, then please tell us that?---I'm
12 currently supervising the mining team and obviously they'll
13 be disappearing.

14 Yes?---And following 31 August, it will be more critical around
15 engagement with the community, establishing the ground
16 rules of engagement and also working towards a final
17 closure plan, putting the technical stamp on that and
18 trying to find out what the technical aspects of that job
19 requires. Also, I guess, working up scopes of work to get
20 it to the end stage. So there is a whole lot of technical
21 work and community engagement, stakeholders with the
22 government, et cetera, that we'll have to work through.
23 The other part of that, of course, is that we need to look
24 after the site during that time as well.

25 It is apparent, I think, to the board and to anyone who thinks
26 about it for a moment, that you have obviously got a vast
27 amount of experience of the mine and knowledge of the mine,
28 so I take it from what you've just told us that that will
29 continue to be utilised post-31 August?---Yes.

30 Will you be based at Anglesea or where will you work?---I'll be
31 based at Anglesea.

1 You'll be based at Anglesea. And have you got a new job
2 title?---It is so fresh, I'm not sure I can remember it,
3 but it is the mine rehabilitation supervisor, Anglesea
4 rehabilitation supervisor.

5 As rehabilitation supervisor, and tell us if you can and
6 obviously if you're not able to, you shouldn't feel
7 compelled to, but will that role also play - part of that
8 role, will it be supervising the fire minimisation strategy
9 that will be in place at the mine?---We hope to have that
10 strategy in place by 31 August, so it will be a maintenance
11 of that current strategy.

12 So that will form part of your role as well?---Yes. There will
13 be a team of people there and we'll all play a part in
14 that.

15 I'm, for the moment, just asking what yours will be. You will
16 be part of that structure?---Exactly.

17 Thank you very much. Can we start with a bit of a history of
18 the mine and what I might ask you to do is to your left are
19 two large photographs. There is a little laser pointer on
20 the desk in front of you which you may or may not find
21 helpful?---Do you want me to stand up?

22 It will probably be easier. I'm just concerned about the
23 microphone. The microphone will probably have to go with
24 you, which is happening. So there is two photos there.
25 The one furthest from you is an aerial photograph obviously
26 taken from considerably greater attitude than the other
27 one. Can you perhaps start with the one that is furthest
28 away from you and tell us what it depicts?---The aerial
29 photograph to the right, it really depicts the mining
30 lease, that was established back in 1961 by act of
31 parliament. The blue line suggests the boundary of that,

1 the current boundary of that. This is an older photo, but
2 that boundary is more or less still current. You will see
3 that it also depicts the mining activity down this area, as
4 well as the associated or adjacent power station, it points
5 out some freehold land, the majority by far is Crown land
6 of the lease, there is some freehold land that we have
7 mined through and the power station itself is situated on
8 freehold land.

9 So as we're looking at that map, to the north and to the west of
10 the mine we see a large area of green. Is that all what is
11 referred to as the Anglesea heath?---Yes, it is.

12 And you have pointed out the mine area and then to the
13 south-east of the mine we see the town of Anglesea; is that
14 right?---That is correct.

15 Can you read the date on that photograph? I think it was taken
16 at about 2000?---2000, yes. It is a photo that's been
17 stitched together, it is a composite.

18 Perhaps I'll tender that photograph, if I could, please.

19 CHAIRMAN: Yes. The one photograph that is on the left-hand
20 side there?

21 MR ROZEN: Perhaps we might do 3A and 3B because I'm about to go
22 to the next one. If we can call that 3A.

23 #EXHIBIT 3A - Photograph taken in 2000 or thereabouts.

24 And continuing on with the photograph closer to you, that is
25 obviously a close-up of the mining area itself; is that
26 right?---That is correct.

27 Are you able to tell us when that photograph was taken?---That
28 was at the end of 2014. I'll just refer to it. Sorry,
29 2015. It was the first of this year, I think, the 1st of
30 the 1st. We either fly at the end of the previous year or
31 the start.

1 If we could perhaps start in the top right-hand corner of that.

2 CHAIRMAN: Can I just interrupt. 3B.

3 #EXHIBIT 3B - Photograph

4 MR ROZEN: If we can start in the top right-hand corner of the
5 photo. We see a number of what look like photographs of
6 buildings with labels on them. Can you tell us broadly
7 what that top right-hand corner area is?---From a process
8 perspective, we haul the coal up. The primary crusher is
9 situated here, so we tip into that area. We've got a
10 couple of stockpiles here that after it has been crushed
11 from the primary area, it goes into each of those
12 stockpiles and then there is a secondary crushing process
13 here that takes it up to the power station. The power
14 station is somewhere here off the photo. If there is any
15 interruption to that coal supply, we have got a permanent
16 stockpile here, something like 22,000 tonnes of compacted
17 coal.

18 I see. So that is your emergency supply to keep the power
19 station going in the event that, because of flooding or
20 whatever it happens to be, you're unable to mine
21 coal?---That is correct.

22 Just whilst you're in that area, do we see the administration
23 block there, the office area, or is that also off that map,
24 off the photo?---Just off. If I can point just to the
25 right of that photo.

26 Moving left on the photograph away from you, or moving in a
27 westerly direction, are you able, briefly, to take us
28 through the sequence of where coal has been mined over time
29 during the life of the mine?---It is more on the other
30 photo, but Roche Brothers used to mine out there, they were
31 the original miners. They were actually mining in what was

1 a lower seam. Western Mining joined with Alcoa to form
2 Alcoa of Australia and in the '60s, the area about here was
3 formed and what we call block 1 was started, so we started
4 just behind these buildings here and worked our way there.
5 The first coal in February 1969 was taken up and put
6 through the process when the power station started
7 producing power. Some of the overburden was put to make
8 the ash bin up in here and some of it was used to fill in
9 the old Roche Brothers mine. That minimised our external
10 dumping and from thereon, when you take the coal out and
11 the coal has disappeared from here, you move your
12 overburden back and put it in behind you as you work
13 through that sequence. That is a backfill operation that
14 we use.

15 Is that also something that is referred to as progressive
16 rehabilitation?---I was just describing the - for me,
17 rehabilitation is the growth in the top. I understand what
18 you're saying. We actually use that as a backfill
19 operation and we build that level up to what the final plan
20 looks like and then we rehabilitate it with growth,
21 vegetation. We continue that process up until the western
22 wall, where the coal pinched out, so it is actually a dish
23 shape, and it is shaping down towards and out to sea
24 underneath Anglesea.

25 If we just pause there. Historically the mining operation moved
26 to the north-west of the mine; is that right?---Yeah, it's
27 sort of west.

28 West in general?---For continuity of coal, we were still
29 continuing in this area of the mine, we came across and did
30 another parallel strip, block 2, and headed our way through
31 until we got into our final area, which is block 3. So we

1 moved along that area, came across here with our coal and
2 then have moved and we're now in this current situation
3 over here and about to depart.

4 So as we speak, the final area of the mine is being mined and am
5 I correct in referring to that as the south-western part of
6 the mine?---Yes, it is.

7 Can you just point precisely to where that area is?---Only a
8 matter of a month ago, we were down in this corner in here.
9 We're now taking out the last bit of coal over here. We
10 have only got virtually three weeks of coal to go, so we're
11 centering in this area, but we cover up this coal over
12 here.

13 So you're saying that the final area is back in the
14 north-western area whilst the south-west is being
15 covered?---Yes.

16 We'll hear evidence later about what's referred to as the
17 western wall or the south-western wall, which is the one
18 area of coal that will remain exposed, on current plans,
19 after mine closure. Can you point that out to us?---It is
20 hidden for some people. I apologise about that. It heads
21 from there right across to this point here, so that is
22 around about 850 metres.

23 The evidence varies a little bit, but that is a wall, as it is
24 described, some 10 or 15 metres in height?---The total
25 height is greater than that, but there is in the order of
26 10-15 metres of coal.

27 I see?---You can see - some of you can see that there is the
28 white - or the lighter material above is typical
29 overburden. The darker material, the lines below it, is
30 the coal. When we're referring to that 10-15, we're just
31 talking about the coal component.

1 Thank you. Perhaps if you could resume your seat now,
2 Mr Rolland. Thanks very much for that. Before I move to
3 the next topic, there is one thing I neglected to ask you
4 which I should do now. You said earlier that you will
5 remain on site after 31 August as part of a team I think
6 was the expression you used. Who will be the other members
7 of that team?---Name or title?

8 Both, if you can give them to us?---I can give you names but
9 title, I haven't studied my PD in enough detail yet to do
10 that.

11 Your org chart?---Exactly right. It is pretty fresh. Dean
12 Schmidt will take on the electrical engineering role and
13 Bryce Hutton, who is also a long-term employee of the
14 Anglesea Power Station, he will be there looking after the
15 power station dismantling process. And also Warren Sharp
16 will continue on a 50/50 role there with both Point Henry
17 and the Anglesea site, he will be based in both camps.

18 Right. But the others will remain at Anglesea?---Yes.

19 You have, in your statement, helpfully, set out the history of
20 the mine, with the 50-year agreement and then its extension
21 and so on, and I don't think I need to take you through
22 that in any detail. I do want to ask you briefly about the
23 coal. I think you have been in the hearing room when the
24 previous witness, Ms Burton, was giving evidence. Do you
25 agree generally with the evidence she gave about the coal
26 at Anglesea?---Yes, I do.

27 You, at paragraph 9 of your statement, which is on the second
28 page - perhaps if we'd just go to paragraph 9 - you refer
29 to the moisture content. Have you, in your time at
30 Anglesea, had cause to go over to the Latrobe Valley and
31 look at the mines there?---On many occasions, yes.

1 On many occasions?---Yes.

2 And more recently, that is since the Hazelwood fire, have you
3 had some involvement in committees that have been looking
4 at experiences of the Latrobe Valley mines, and Hazelwood
5 in particular, and how they might be able to be adapted for
6 Anglesea?---More or less in the form of we have got our own
7 mine fire inquiry task force for the Surf Coast Shire, or
8 surf coast task force, so we've been involved from that
9 perspective and through Emergency Management Victoria,
10 we've had a range of different articles shown to us about
11 the outcomes of the Hazelwood Mine Fire Inquiry and what
12 the mines are doing as a result of that first inquiry, so
13 we've been working through that, the ones that are relevant
14 to us, can we learn from that, so we've been doing that on
15 that level. We haven't been down to the Valley to talk
16 specifically about that.

17 We'll hear evidence later in these hearings about the activities
18 of that task force and we'll be hearing from the chair of
19 the task force, Mr Lapsley. Other members on that task
20 force have been the regulatory agencies, DEDJTR and
21 WorkSafe; is that correct?---That is correct, yes, amongst
22 others.

23 Your observation about there being less potential for
24 spontaneous combustion of the Anglesea coal compared to the
25 Latrobe Valley coal, what is the basis for you saying
26 that?---I guess it is on a couple of levels. Technically,
27 I have become an expert in spontaneous combustion of late.
28 I have done significant reading on different reports, a
29 couple of Australian ones and a South African one and it
30 details that some of the parameters that are outlined in my
31 statement lead to less or more spontaneous combustion. The

1 other thing is from a practical perspective, the activities
2 that we undertake at Anglesea and can do at Anglesea are
3 vastly different to the Latrobe Valley. We've talked in
4 terms of our emergency stockpile there, we have compacted
5 that down and that's been in there for up to 20 years
6 without spontaneous combustion. So just by compacting the
7 coal and - that is a process that wouldn't be able to be
8 embarked on by Latrobe Valley coals.

9 If I understand that correctly, you're saying that there's been
10 an actual demonstration of this, to your knowledge, by
11 having the stockpile there and compacting it and not having
12 spontaneous combustion events, you're able to contrast that
13 experience with what you know of what happens in the
14 Latrobe Valley, where they would not be able to do that
15 with the coal down there?---Yes, and it is a practical
16 demonstration that is 20 years old, so that gives me some
17 demonstrable evidence that there is less spontaneous
18 combustion. The other issue is I believe that they still
19 modify their exhausts out the front of their vehicles,
20 because any coal that catches fire on the hot exhaust parts
21 will start fires in that area, so we don't have to do that
22 in our mine, we just have conventional diesel vehicles.

23 And you have not had an exhaust fire, which would suggest to you
24 that that is not a safe practice?---No, that is exactly
25 right.

26 I understand. That brings us quite neatly to the question of
27 the history of your experience of fire at the Anglesea
28 Mine. Perhaps if I can just preface this question by
29 referring back to the evidence that was heard by this
30 inquiry in its first incarnation concerning the Hazelwood
31 Mine and the evidence there, I think I'm summarising it

1 fairly, is that at the Hazelwood Mine, before the
2 disastrous 2014 fire, there was a series of other
3 significant fires which had, on occasion, required
4 significant involvement by the local CFA in putting them
5 out. So with that sort of background in mind, if I can
6 turn to an examination of the fire history at the Anglesea
7 Mine, and you deal with this in your statement at
8 paragraph 29, on page 4 of the statement, if we can go to
9 that. You say, "Fire prevention continues to be an
10 important consideration in our operations. We take this
11 very seriously and are proud that in 50 years of operation,
12 we have not had any significant fire events. To the best
13 of my knowledge, over 46 years of coal mining at the mine,
14 there have been only three occasions" - you say a date in
15 1999, but I think subsequently you would correct that to be
16 1997?---That is correct.

17 7 February 2003 and 8 May 2014, which you describe as flame
18 events, "where the coal is heated through spontaneous
19 combustion to an extent where open or visible flames were
20 observed." I'll probably have to get you to jump up again
21 for a moment, if you wouldn't mind, Mr Rolland. Can you
22 just point the board to where on the map, probably Exhibit
23 3B, the more detailed one, where those flame events
24 occurred and I'll ask you what they involved?---I won't
25 bore you with the set-up, but we have got almost like a
26 shape down here, a wedge shape of coal that we have left
27 in situ. That allows us to stack overboard and up behind
28 us as we mine through, so it allowed us to put greater
29 overburden in western - or reduce the amount of external
30 dumping that we needed to do. So this coal wall is about
31 90 metres at the base. It is shaped down, as I said

1 before, the coal dips down towards Anglesea. We've had
2 some cracking in this area here, along that wall, and the
3 weight above it, and maybe some moisture in behind it, has
4 forced a section of the wall to come out. Where the wall -
5 the section that came out breaks against the integrity of
6 the system that stays there, it crumbles the coal, but it
7 also allows oxygen into that area and moisture as well, so
8 that's the recipe for spontaneous combustion, and we have a
9 section in - I better get this right - in around about this
10 location here. That was the '97 one. The reason I was
11 able to point it to '97 was from an aerial photograph that
12 depicted a little bit of an alcove in there where we dug
13 out that area.

14 Just pause there for a moment, Mr Rolland. You are pointing to
15 an area just to the right of the middle of the
16 photograph?---Yes.

17 Or north-eastern area of the lighter-coloured material?---That
18 is correct.

19 Thank you?---The second one, if we go in chronological order,
20 there is a (indistinct) in this area here. We had some
21 swept-up fines that we'd graded off the side of the road
22 and even though we were checking in the morning and during
23 the day, we missed this one and so in the middle of the
24 night, myself and an operator came in. I was the observer,
25 stand-by position, and we put the fire out using a loader
26 during that night. So there was some flames in that
27 location.

28 I'll just stop you there, if I could. The area you have been
29 pointing to is in the north-western area of the mined area,
30 just, what, a few hundred metres to the east of the wall of
31 coal that we were talking about a little earlier?---Yes.

1 And you used an expression "coal fines", which might not be
2 familiar to everyone in the room. Can you tell us what
3 coal fines are, F-I-N-E-S?---Generally when you're mining,
4 you're breaking up coal. Ours is fairly homogeneous and
5 blocky, but you do get coal dust and over time, when the
6 moisture is drying out of that coal, it does turn it into
7 fines - fines are finer particles, if you like, of
8 different granular sizes - and when you work it, if it is
9 on the road, you are running over the top of that coal, you
10 are breaking it up even further, it rains and you have a
11 grader over the top of it, you sweep those fines to the
12 side and wherever you're forming windrows, that can give
13 you some problematic issues with spontaneous combustion.
14 A couple of things there. Windrows, W-I-N-D-R-O-W-S, what are
15 they, please?---Graded rows, if you like, of whatever you
16 have graded off the side of the road. So they are just -
17 as the grader goes along, you'll see a little bit of a heap
18 beside the grader and then you'll come back and maybe take
19 another heap, but what is left there we call the windrow.
20 A windrow can also be a safety device for mobile equipment
21 as well, so you can have it huge so that the trucks, if
22 they're on the road, they're not going to run off the side
23 of the road.

24 I see. The susceptibility of coal fines to spontaneous
25 combustion, the technical explanation for that, is that
26 because of the greater surface area of the coal?---Yes, and
27 the ability for oxidation. So the heating-up
28 characteristics allows oxygen in and if it is in a windrow
29 form, you're probably allowing more airflow to get in there
30 too, so it has got the capability to get in and it becomes
31 more porous, a bit like the Latrobe Valley coals.

1 I think you were about to tell us about the third flame
2 event?---The third one was similar to the first one. It
3 was the other end of that west wall and it was in this
4 location, where we had some water pooling in behind, where
5 there has been some cracking in that coal wall. It started
6 to work its way out. It has never been a fall-over, but it
7 just slides down the down dip and once again where it
8 fractures on the join, it allows oxygen and moisture in
9 there and that is a combination for spontaneous combustion.
10 On both of these occasions, we were able to get in there
11 with excavators and dig them out. This one, we felt we put
12 it to rest the night before, so we had been working on it,
13 and we walked away, came in the next morning and there was
14 a plume there. Within a couple of hours we were over there
15 and had it out. So it is just a matter of digging it out
16 again and making sure it is deposited somewhere else.

17 Those first and third events, we heard a lot of evidence in the
18 first inquiry about hotspots at the Hazelwood Mine. Are
19 they what you would describe as hotspots or is that not a
20 term that really is applicable to what you're talking
21 about?---No - well, we don't use that. We just call them
22 flame events at the mine. They may be similar. I'm not
23 familiar with the Hazelwood fire.

24 In any event, you haven't had any ongoing problems with those
25 two areas since that time, since those flame events were
26 addressed?---No. Once you take them out, and we've done
27 that, and we've actually gone through and mined all the
28 coal out, it came out as a block anyway, so it's
29 disappeared the problem one way or another, so we took that
30 and took it up to the power station and mined it out. Any
31 hot material we forced down in around the sump and got that

1 out. As soon as you spread it out and track roll it in,
2 our coal tends to - all the heat goes out of it. This one
3 here, you can see, is totally buried by all our overburden,
4 so there is no chance of oxygen getting in there. This one
5 we did - we dug it out on the night, so it was all gone.

6 That process you're talking about, spreading the coal, at the
7 risk of stretching my camp fire analogy too far, that is
8 essentially the same process of putting out a camp fire, by
9 spreading the fuel out so that it cools?---Yes.

10 Albeit on a larger scale in a coal mine?---That is correct.

11 Thank you. If you'd grab your seat again, please. Just to get
12 a slightly better handle on the process of putting out
13 those three flame events that you have referred to, did any
14 of them require the attendance of any external firefighting
15 agency, the CFA or anyone else?---No. To my knowledge, we
16 have never had any need for the CFA in any of our years of
17 history.

18 That will be confirmed by the evidence we hear from the CFA
19 tomorrow?---From a coal fire perspective.

20 Yes. The resources that you needed to address those events were
21 all available at the mine?---Yes, operators and machines.

22 I think you made reference to the use of an excavator. Is that
23 all that was needed or was there more than one bit of
24 machinery needed to deal with the fires?---In the first
25 instance we had a dozer and an excavator in there. Very
26 tight. There was a power pole above it, so that made it a
27 little bit more interesting. The other one, the second one
28 in chronological terms, was using a loader, a front-end
29 loader with a big bucket on it, a five-metre bucket, and
30 the third one was all excavator.

31 At paragraph 23 of your statement, if we could just go back to

1 the previous page - I'm sorry to jump you around like this
2 - you identify three broad types of fire events that you
3 have had at the mine and I'll just go through those
4 briefly. Mobile equipment fires, none of which have
5 impacted the coal. Coal fires associated with spontaneous
6 combustion, which you have just been briefly talking about,
7 and coal fires started by ember attack due to the Ash
8 Wednesday fires. If we can just deal with the first of
9 those briefly, that is mobile equipment fires. There is
10 some history of fires occurring on excavators and other
11 such equipment at the mine and the board has evidence of a
12 number of attendances in recent years, it seems, by the
13 WorkSafe inspectors in dealing with such fires. You say
14 that none of those have spread to the coal. Can you just
15 explain what you mean by that?---Our highest risk from fire
16 to equipment is the coal excavated because of the very
17 nature of breaking up coal and allowing fines in there.
18 Those excavators, however, have suffered hydraulic hose
19 failure. If you see the workings of an excavator, they
20 have got complicated and high pressure hydraulics attached,
21 so if we've blown a hose, then those machines can squirt
22 water on to hot parts, so that has given us some issues
23 over time. We got to a point where one of our machines
24 actually burnt significantly. In fact, it was destroyed on
25 the upper part of that machine. We weren't using it at the
26 time, we were elsewhere, we'd finished our coaling for the
27 day, and it started burning in the afternoon, when we were
28 on a different activity, so it was well alight by the time
29 we got down there and when we got to it with our 60,000
30 litre water cart and put it out, it was completely
31 destroyed, but the note that I make is that there was no

1 coal burnt at all during that exercise, so it didn't catch
2 fire to the coal at all.

3 I understand?---That was probably the worst one I have - it is
4 the worst one I have seen and there was no secondary
5 burning of coal involved.

6 What has been done at the mine to address that risk going
7 forward, that is the risk of equipment fires? Has it led
8 to a change in maintenance practices or what has
9 occurred?---That particular one was an electrical fault, so
10 it was a shorting of a battery cable to a hydraulic hose
11 against the braiding, it had worn over time, and there was
12 an earlier fire where that cable was held up temporarily by
13 cable ties and it has fallen down over the hydraulic pipe
14 and shorted out and caused an electrical fire, which has
15 burnt the hydraulic hose connected to the tank, so it kept
16 feeding oil into it. Typically, those machines have got
17 automatic and manual fire suppression units, foam fire
18 suppression units fitted to them. In that earlier fire we
19 lost the automatic component of that, so unfortunately, we
20 were in the throes of getting a company down to recharge
21 that system. We still had the manual there, but because
22 there was no operator there, we weren't able to hit the
23 button, so that was a Swiss cheese problem, that all the
24 things lined up, and we ended up with a result which was
25 very unfortunate. All the other ones we have got - all the
26 other Alcoa equipment we have got fire suppression on it,
27 but our main focus is on the excavators. We have had small
28 fires on the haul trucks or the other equipment, but very
29 small and only on a rare occasion have we needed to use the
30 auto fire suppression or the manual fire suppression on
31 those units. Sometimes it is a combination between safety

1 and just asset protection. A lot of the machines have got
2 that auto and manual fire suppression foam system fitted
3 for just trying to protect the asset.

4 If I can just return briefly to the spontaneous combustion
5 topic. In your statement, at paragraph 26, you identify
6 what you talk about as three stages of spontaneous
7 combustion - steamy coal, smoke or odour coal and open or
8 visible flame coal. This, I take it, is based on the
9 experience that you have had of spontaneous combustion
10 events and I take it that the two spontaneous combustion
11 events that you told us about a moment ago as part of your
12 three flame events, they are not the only examples of
13 spontaneous combustion events at the mine, they are just
14 the ones that resulted in flame events; is that
15 correct?---That is correct.

16 Can you explain to us the difference between steamy coal and
17 what you describe as blue smoke or odour coal. They are
18 stages in a spontaneous combustion process; is that
19 right?---It is our form of understanding and training
20 operators and people like myself to look for evidence of
21 spontaneous combustion. So a morning like this morning,
22 for example, cool ambient temperatures, an excellent time
23 to go down there and have a look to see whether there is
24 any heat or heat haze forming in any of the windrow areas
25 along the coal roads or elsewhere. On a morning like this,
26 you'll see a whole lot of heat coming up or steam coming
27 off the ground anyway, but the trick is to look for steam
28 that continues on after all the other stuff has dissipated
29 because of the ambient temperature rise. It is a precursor
30 probably - it is not an immediate issue, but it is this
31 area is a little bit warmer than the rest and typically

1 that is a trigger for us to get in there and dig it out and
2 get rid of it before it turns to what we call the next
3 phase, which is the blue smoke issue.

4 If I can just stop you there before we get to the blue smoke
5 issue. In a given period of time, let's take an average
6 year of operating at Alcoa, how frequently would you have
7 those first stage spontaneous combustion events, the steamy
8 coal events?---I think I mentioned before that sometimes
9 after heavy rains and it is drying out, that is when we get
10 a few more than normal, so it is not at a spaced period of
11 time, but we'd have a dozen of those over time - over a
12 year.

13 A dozen over one year. They might not be spaced monthly, but
14 overall, you'd have about a dozen of those events?---Yes.

15 Historically how have they been addressed? What do you do
16 presently to deal with a steamy coal event? You go in and
17 dig it out?---Redirect our resources, typically an
18 excavator. If it is able to be dozed out, then we'll just
19 send a dozer over there, we have got a wheel dozer, so it
20 is easy for that to go over there and push it out and
21 spread it, your camp fire example is the one we use, so
22 spread it out and track roll it in or wheel roll it in.

23 You talked about seeing these, particularly on a morning like
24 today. Is there a process of regular inspections that
25 presently occurs?---Yes, that is correct.

26 Can you just explain who does those and what is the nature of
27 those inspections?---It is typically the operators,
28 supported by myself. So we have an operating team there
29 seven days a week that is charged with doing not only that
30 check but a whole range of other environmental and hazard
31 checks in the mine, so that checklist includes looking for

1 those heat haze or warming up coal issues.

2 The checklist that you refer to, I think I'm correct in saying
3 we have got a copy of it. It is behind tab 27 in the
4 hearing book and the coding - it is volume 2 of the hearing
5 book, for the board. The coding is Alcoa.0001.005.0001.

6 Do you have that?---I do.

7 It is an A3 document. Have I got the right document? Is this
8 the checklist that is used for the inspection task that
9 we've just been talking about?---That is correct. It is a
10 multifaceted checklist, so there is only one aspect that
11 really refers to our daily checklist for the operators and
12 myself.

13 Where do we see that? Is that on the - - -?---It is the one
14 with the big stop sign on it.

15 I think that is on the screen now. So it is the second of the
16 two pages and it has got a big stop sign. Can you just
17 explain to us - it is headed Pre, during and post shift
18 hazard and environmental impact checklist, which I guess is
19 pretty self-explanatory and under the third heading,
20 General, there is a reference to hot coal or coal fire. Is
21 that relevant to what we've just been talking about?---That
22 is exactly what we use to highlight whether there is a hot
23 coal issue.

24 I think I should probably tender that checklist.

25 #EXHIBIT 4 - Checklist.

26 WITNESS: You'll note down the bottom, Mr Rozen, "mark location
27 of hot coal on map and contact mine supervision ASAP and/or
28 email mine coal" - sorry, "and enact the mine coal fire" - - -

29 MR ROZEN: Yes. That is the safe work instruction?---Standard
30 work - - -

31 Standard work instruction, I'm sorry. So the checklist process

1 involves looking for things and in the event that you see
2 them, such as steamy coal, there is then a process to be
3 followed in the standard work instruction for coal mine
4 fires?---Correct, and so the highlighting of where that was
5 is both for myself but for the oncoming shift, that may be
6 the next day.

7 Yes. You mentioned the operations team doing that inspection
8 work. Can you just explain how many people are in that
9 team, who does it?---We currently have two teams working a
10 12 hour day shift seven days a week. We have given that
11 responsibility - typically the coal excavator operator does
12 that task or the excavator operator. So there are two
13 components to it, there's the coal excavation, there's the
14 overburden excavation. Both have got different risks and
15 different hazards so we ask them both to do those check
16 lists. Typically if an overburden operator or excavator
17 operator is driving through the coal and sees it, they are
18 not going to go past because 'it's not in my area', so
19 everybody has a responsibility for it, and in fact even
20 though it's the excavator operator with the sole
21 responsibility, he collects data from the truck drivers, so
22 what have you seen out there that's a hazard that I can add
23 to my check list?

24 As you've told us the check list is not just confined to
25 spontaneous combustion, it's concerned with other
26 geotechnical issues, other safety related issues, and I
27 take it the whole principle underlying it is as with any
28 fire, if you get to it when it's small you can address it
29 far more easily than when it gets bigger. So the early
30 detection is central to your ability to manage that
31 risk?---Yes, and really the risk of putting it out isn't

1 that much greater as it goes in time, it's more the impact
2 of the hot coal. So we try to use the early indicators to
3 eradicate any issues.

4 I think I have seen in the emergency plan, I won't take you to
5 it now, it's in the material, but there is a reference to
6 one of the early signs of spontaneous combustion being a
7 whitening of the coal; you're nodding your head so I'm on
8 the right track?---Yes, you are.

9 Can you explain that to us?---I'm not technically able to tell
10 you what it is but I think it almost seems like it's a salt
11 or it might be from the steam that's drying out, as it's
12 coming out of the heap of coal fines there is a white
13 component to it. I'm not totally sure what it is, it's
14 just another indicator this has got some component that is
15 heating up, or is heating up over time.

16 Before we leave the issue of spontaneous combustion, the board
17 has a report from Mr Rod Incoll, I think you might have met
18 Mr Incoll when he came and did an inspection of the
19 mine?---Yes, I did.

20 One of the things he's refers to in his report: "In the context
21 of detecting spontaneous combustion events is the use of
22 infrared cameras", or thermal imaging cameras, and I know
23 they are used in the Latrobe Valley, or have been. Is that
24 something you have tried or thought about using at Alcoa to
25 assist with detection of heating events?---Yes, we may not
26 have the biggest camera around but we have certainly used a
27 camera in the last flame event trying to detect any heat in
28 the coalface before we walked away from it. We found it
29 ineffective and not useful in that we had to get right up
30 to the area before we could detect any heat. It's not to
31 say that there may be better instruments out there but the

1 one we tried really was ineffective for our purposes.

2 By that do you mean because you had to get so close you could
3 feel the heat anyway?---Yes, so manual or visual was just
4 as good as the infrared.

5 But that may be, you think, a function of the capacity or the
6 sophistication of the equipment you were
7 using?---Potentially, potentially. We have also spoken to
8 the Latrobe Valley operator about their experience with it
9 and, you know, that was varied, the commentary was pretty
10 varied from their experience as well. So we have ended up
11 going back and looking at our history, our record, and
12 suggest that our issue isn't the same as the Latrobe Valley
13 and the need for that may not be as apparent as it is for
14 Latrobe Valley based on our history.

15 Is there a thermal imaging camera at the mine at the
16 moment?---At the power station yes, we use it for
17 mechanical spotting hot spots in mechanical issues at the
18 moment but we trialled it in the mine during that event.

19 Just while we're on the topic of equipment at the mine, and this
20 may be something I should ask Mr Sharp about, tell me if it
21 is, there is a reference to carbon monoxide monitors, there
22 are some at the mine at the moment, am I right?---Available
23 to the mine operator, yes.

24 Is that something in your experience that has been used
25 particularly in addressing these fire events?---It's part
26 of our standard work instruction, so we ensure all our
27 operators who are about to tackle a blue smoke event use
28 those in the cabin of the machine and when the alarm goes
29 off then the instruction is you pull back, so we ensure the
30 safety of our operators who are tackling those events.

31 And the hazard we're talking about is obviously that burning

1 brown coal can produce quite high levels of carbon
2 monoxide?---Yes.

3 Which without the use of a detector you don't know about because
4 it's odourless and colourless. The operators, I take it
5 from what you just told us, are trained in the use of the
6 monitors presently?---Yes, they are not difficult to
7 operate anyway but yes, we do make sure they are kept and
8 calibrated by the control room operators at the moment in
9 the power station, that's where the tanks are kept. We go
10 and pick them up, they are tested before we take them and
11 then we take them down to the mine and if we get an alarm
12 we pull them out, so it's not rocket science but yes, they
13 are trained in how to use them.

14 You have anticipated my next question, the calibration of them.
15 I think you told us they are calibrated, is it by staff in
16 the power station?---I'm not sure about that, I know they
17 are hired or leased equipment, we own some now, I'm not
18 sure about the calibration.

19 Would Mr Sharp be better placed to tell us about that do you
20 think?---Maybe, I'm really not sure.

21 We can ask him. The reason I'm raising it is because - and you
22 can probably understand why - post closure as we understand
23 it that equipment will still be kept at the site, there is
24 reference to it in the CFA discussions that have taken
25 place with Alcoa, they obviously have a real interest in
26 that equipment in that it's calibrated and so on?---I make
27 the point it is calibrated, I just don't know who does it,
28 whether it's an outside company or not.

29 Do you know if that's something that's been addressed looking
30 forward as to who will do it after 31
31 August?---No, I'm that aware of that but a whole lot of

1 issues that will need to continue on will continue on and
2 we just need to pick that up, but someone like I mentioned
3 earlier Bryce Hutton, he will be aware of that and probably
4 managing that aspect, or somehow being managed by him.

5 Did you say Bryce Hutton?---Yes.

6 His role is?---Is in the power station, he's the power station
7 supervisor.

8 He will oversee the dismantling, I think you told us, of the
9 power station?---Yes

10 MRS ROPER: Mr Rozen, before you move off the equipment, can I
11 ask a couple of questions there.

12 MR ROZEN: Certainly.

13 MRS ROPER: Mr Rolland, I noticed the emergency plan talks
14 about a fire truck that the power station has, has that
15 ever been called out on the mine site?---We have used it as
16 a standby machine when our own water cart has been in
17 maintenance for a longer period. We have generally had a
18 hired water cart in there for short periods but we know
19 it's there, we have had it on standby but never used it to
20 fight a fire down there.

21 It may be a question for Mr Sharp later because I notice it's
22 not one of the pieces of equipment that's staying on site
23 post August?---Yes, it's a small machine with a small
24 capacity tank on it, whereas in the mine we have a 60,000
25 litre water cart which far outweighs that machine.

26 I would like to go back to your steamy coal comment, you said it
27 was easier this morning to detect steamy coal, and we all
28 know how cold it was this morning, but during the fire
29 season in the summer is it harder to detect when you do the
30 inspections, and the reason for my question is do you need
31 more experience to be able to detect a steamy cold event in

1 different sort of seasons?---Well, I think it's less
2 assistance obviously because of the ambient temperature but
3 as you work up the scale there is some odour issues that go
4 with it, so you can actually smell the steamy coal, it's
5 got a different odour when it turns to blue smoke coal. So
6 you have those early indicators, you have visual as well as
7 smell and odour. So all those are valuable early stage
8 indicators, not difficult to test, they are peculiar
9 smells, it's not like burning bush, if you like.

10 Thank you.

11 MR ROZEN: I should perhaps follow up with one thing and then
12 we might have a brief break if that's suitable. We know
13 what's currently occurring is the covering of the coal, and
14 I'm going to go into some detail on that with Mr Sharp but
15 is it fair to say you would anticipate fewer than those 12
16 or so events per year of steamy coal once the horizontal
17 surface coal is all covered?---In my opinion yes, there's a
18 couple of reasons for that. I have talked in terms of a
19 generation of windrows on the side and coal fines, that
20 will not be the case if we're not operating down there.

21 Yes?---Secondly, we won't have any of those heaped up areas
22 where it's available for wind to get in there and form
23 that, and by that very fact - and then it's all covered by
24 a metre of overburden, leads me to believe that will
25 definitely be the case.

26 Yes. I'm about, Chair, to go on to a different topic, would now
27 be an appropriate time?

28 CHAIRMAN: Yes. Do you want to put a time to resume? We're
29 now almost quarter to 12, shall we make it right on 12?

30 MR ROZEN: If that's suitable, sir.

31 CHAIRMAN: I know you have to juggle, we just need to limit

1 times rather than extend times, what do you think?

2 MR ROZEN: I think that would be suitable, thank you.

3 (Short adjournment.)

4 MR ROZEN: Mr Rolland, I think before our break we had got to a
5 point where I had been asking you about spontaneous
6 combustion, I think I've exhausted that topic and I would
7 like to go on to the third category of fires that you
8 describe. So we've had equipment fires, we've had
9 spontaneous combustion and the third category are ember or
10 ash attack fires, and mercifully they have been very few
11 and far between in the experience at Anglesea, and in fact
12 there has really only been the one experience, has there
13 not, which was the Ash Wednesday or the Deans Marsh fire as
14 it's known in this part of the world. And you talk about
15 that in your statement at paragraph 39, if I could start
16 there and just see if I can clarify a factual issue with
17 you. Do you have paragraph 39 of your statement. There
18 you say: "The Ash Wednesday fire approached the mine from
19 the northwest." Other evidence before the inquiry that
20 will be led tomorrow particularly from Mr McKenzie from CFA
21 and also from Mr Incoll, is by the time the fire
22 impacted Anglesea it was actually after the wind change so
23 that the fire came in from the southwest; who is right
24 there, would you defer to that description that the fire
25 actually impacted on the mine from the southwest?---If you
26 add my service time to the date, I came a year after the
27 Ash Wednesday fires so I got this evidence out of a history
28 of Alcoa, so I defer to the people who were on the ground
29 That's all right. I'm not being unnecessarily difficult but in
30 terms of the likely impact of a bushfire on the mine there
31 is a significant difference, I would have thought, from it

1 coming from the northwest through the forest as compared to
2 coming from the southwest, is that fair to say, and maybe
3 that's not a very good question?---I'm not a fire expert
4 but I would think vegetation or a fire coming from any
5 direction would be - - -

6 Would be problematic if there's enough wind behind it?---That's
7 exactly right, and there is vegetation on both those sites
8 we're talking about.

9 We might perhaps explore that with others. So your description
10 of the experience of the mine on Ash Wednesday is
11 necessarily secondhand from the records. Is there anyone
12 working there now who was working at the time of the Ash
13 Wednesday fires?---Yes, so it's just that point I got from
14 the books, I spoke to foremen who were there when I was
15 there who were there the year before obviously, and there
16 are some current employees who work on the power station
17 who were there on the day working at the power station.

18 At the time of the fire as you say at paragraph 44, "there were
19 approximately 30 hectares of exposed coal", that is surface
20 coal?---That is correct, yes.

21 And hopefully I won't have to get you out of your chair again,
22 but if we look at the photograph, exhibit 3B, the close-up
23 photograph of the mine, there is a black section on the
24 western side of the mine, that's what you're talking about
25 as exposed horizontal coal, is that the sort of thing
26 you're talking about?---That is correct, but that's
27 obviously 2015.

28 I understand that, but are you able to estimate the area of that
29 black part of that photo in terms of - - -?---It's
30 approximately 42 hectares, 41 hectares.

31 So as at the date of the Ash Wednesday fire there was an area of

1 exposed coal about three quarters the size of what we see
2 in exhibit 3B?---Once again I went back to the aerial
3 photograph and it was a calculation done with SCAA rule so
4 it's not an exact thing but it would be around that area
5 approximately.

6 I should say if an aerial photograph was taken of the same area
7 today as is in exhibit 3B a lot of that exposed coal area
8 has now been covered as part of the overburden strategy, is
9 that right?---In my earlier evidence I talked about block
10 1, and yes, that's all been covered.

11 Are you able to tell us what area remains to be covered as of
12 today?---As of today?

13 Yes?---So we start off with this coal coverage process.

14 Sorry, I have jumped topics?---So we started this coal coverage
15 process with approximately 42 hectares, 41 I think it
16 worked out - 41.3, I beg your pardon, so we're at about 23
17 hectares as of yesterday.

18 23 remaining or 23 covered?---I beg your pardon, 23. So that
19 gives us 18.3 if you want to be exact.

20 Still to go?---Yes.

21 Sorry, I did digress. If we go back to 1983 now and your
22 understanding of what happened, there was some spotting
23 into the mine?---That's my understanding.

24 Those small fires were able to put out, they didn't take hold
25 certainly in the way we know happened at Hazelwood?---No,
26 and there is a lot of - so it only caught hold or spotted
27 on to three or four different areas on that exposed coal
28 area.

29 Yes?---Everybody obviously evacuated during that fire front
30 going through up to the power station, when the fire front
31 had gone through they were able to go out and put those out

1 just using the equipment type that I have described
2 earlier.
3 So they were able to address that using the local resources
4 available in the mine once again without the need for
5 external fire fighting assistance at that time?---That is
6 correct.

7 Thank you. If I can turn briefly to the current practices and
8 by that I mean what's in place now, not what's going to be
9 in place after the closure of the mine on 31 August. You
10 detail under the heading, "Current management at risk", at
11 the bottom of page 5 of your statement you were asked
12 specifically: "What policies, procedures and practices
13 does Alcoa current have in place to decrease the risk of
14 fire arising from the Anglesea mine?" Then over the page
15 in paragraph 46 you list a number of policies and practices
16 which I in place, some of which we have already covered.
17 So if we can perhaps quickly go through those. You talk
18 about the, "pre-start checks on mine equipment to ensure
19 mechanical integrity", is that a different pre-start
20 process to the mine inspections we were discussing
21 earlier?---Yes, this is equipment related, so an operator
22 will go out there and do a check on his or her piece of
23 plant and work through a complete check list which includes
24 checking the fire system, fire suppression system on that
25 particular piece of plant just to see whether it's charged
26 or not, and we have fire extinguishers on all our equipment
27 as well. So it's part of the check but there are
28 mechanical ones for oil leaks, whatever issues are around,
29 damaged plant or access issues, integrity of the piece of
30 equipment is the main one.

31 In paragraph B you talk about the practice of minimising exposed

1 coal surface and you make a point which appears in a number
2 of the statements and that is the overburden to coal ratio
3 is much higher at the Anglesea Mine than the overburden to
4 coal ratio at the Latrobe Valley Mine, and what that means
5 in practice is you have more available to you to be able to
6 fill voids and do that backfilling you described earlier
7 thus reducing the amount of exposed coal?---Most of the old
8 workings are covered up as we go.

9 Beyond that we now have a separate process of covering all of
10 the exposed horizontal coal with overburden you have
11 already spoken of and which I will ask Mr Sharp about in
12 more detail. In paragraph C there is a reference to the
13 standard work instruction which I think goes by the acronym
14 SWI which you referred to earlier, you do annex that to
15 your statement, it's annexure D to your statement, Alcoa
16 001.002.0113, do you have annexure D in front of you?---I
17 do, yes.

18 Firstly if we look at the first page of that, it's your standard
19 work instruction management of hot coal and coal fires, and
20 if our attention goes to the bottom of the page we can see
21 it's quite recently been modified, 18 June 2015, do you see
22 that?---Yes.

23 On the footer at the bottom of the page and the modification,
24 correct me if I'm wrong here, of this document has occurred
25 recently to take into account some of the learnings of the
26 Hazelwood Mine fire and the report that came out of the
27 inquiry?---That's correct.

28 If we flip over, please, to page 3 of the document or the coding
29 115, there is a heading, "Coal fire sources", do you see
30 that in the middle column?---I do.

31 Step 1.02?---Yes.

1 Then there is a recognition of external sources such as ember
2 attack, and then in the third column, internal sources, and
3 we have there spontaneous combustion, and just whilst we're
4 looking at spontaneous combustion I think this is where I
5 got the white discoloration from, you see in the second
6 paragraph under spontaneous combustion, there is a
7 description there of the various stages of spontaneous
8 combustion, and that would seem to accord with the evidence
9 you gave us earlier about that. Just whilst we have that
10 there, if I can follow up on a question asked of you by
11 Mrs Roper, it's fair to say, isn't it, experience in a
12 brown coal mine is probably the best quality of a person to
13 be able to detect early those signs there; putting it
14 another way if I was hired by Alcoa tomorrow and my job was
15 to look out for those things I would probably be less able
16 to pick them up at an early stage than someone who had some
17 experience working in the mine, is that a fair general
18 observation or is it not that complicated?---I don't think
19 it's that complicated really.

20 That I could do it?---I didn't say that - sorry.

21 Leading with your chin?---I'm terribly sorry about that.

22 Everyone in the room would say I asked for it?---Leading the
23 witness. Look, I'm sure we could train you up, Peter. We
24 do have new operator coming in and everyone in the mine has
25 that skill, it's not that difficult. You're really looking
26 for a heat haze and we can all see that and if you're
27 looking for detecting a different smell you can smell that.

28 And another question asked by Mr Taylor is the high sulphur
29 content of the coal, does that make early detection with
30 the nose - does that make a difference?---No, you can't
31 smell the sulphur.

1 But burning coal has a particular smell?---Aromatic and so
2 forth.

3 If we go over to the fourth page under the heading, "Internal
4 sources of fire", we have a heading, "Other potential
5 internal ignition sources", and they are your equipment
6 fires and the like you were talking about earlier?---Yes.
7 Before leaving that, there is, "Anglesea Power Station hot work
8 policy and procedures", which we don't need to go to but it
9 is as its name suggests a policy that addresses risks
10 associated with hot work so as to minimise the risk of
11 ignition from those sources?---That is correct, and that is
12 site wide but has implications down the mine obviously.

13 If we go through the remainder of the document, in that same
14 page there is a heading, "Activity 3, external ember
15 attack", and there is a procedure there for dealing with
16 external ember attack and it's fair to say, is it not, that
17 procedure is essentially responsive to a bushfire in the
18 vicinity and the steps that ought to be taken. I have not
19 seen a procedure, and it may be that I have missed it and
20 you might be able to help me, I have not seen a procedure
21 that deals with the steps to be taken in the mine say on a
22 high fire danger day when there is no bushfire but there is
23 obviously a risk of it. Is that something that's been
24 addressed at the Anglesea Mine and by that I mean we know
25 from the Latrobe Valley Mines they have quite
26 sophisticated, certainly now, procedures for wetting down
27 and look outs et cetera in advance on a high fire danger
28 day, is that a something that in is in place in
29 Anglesea?---This is why it defers to the emergency
30 management plan which is where it's more detailed, there is
31 a bushfire element in there and also a coal fire element in

1 that document.

2 All right. Perhaps we might just go to those given I have asked
3 you that. The emergency plan is attachment E to your
4 statement and the code is 0001.002.0120 have you got that
5 there?---I have, I'm just looking for where you're going
6 point me to.

7 Looking for the page dealing with bushfires?---Yes.

8 I can take you to that?---Got it.

9 Section 16, the page is 001.002.0161, page 42 of the plan, do
10 you have that?---Yes, I do.

11 Is that what you were just referring to as setting out in more
12 detail those matters?---Yes, if we heard about a bushfire
13 that was about to impact on a mine, we revert to the
14 emergency plan.

15 I understand that, I think we might be at slightly
16 cross-purposes. I accept the materials do deal with the
17 looming bushfires, so it's already started and it's burning
18 out there in the Otways somewhere and we're at risk. What
19 I'm more interested in is at an earlier stage of
20 preparation where you have a total fire ban day, for
21 example?---Yes.

22 Or even more significantly a code red day, what's in place by
23 way of preparation of the mine for that sort of extreme
24 fire weather where the risk is that much higher than
25 normally, where do we look for that?---If you look at the
26 responsibilities over the page.

27 Yes, this is page 44?---Yes, so we have a range of different
28 responsibilities, so having people available on
29 night-shift, having more management coordinate activities
30 with the control room during day shifts and all through the
31 day. We would enact this if we were threatened by a

1 bushfire.

2 I see just on that page 44 under the heading, "16.5,
3 responsibilities", there is a link to, "OPG 024
4 bushfires"?---Yes.

5 That is code, if you like, for there being another document that
6 is available presumably on the internet at Alcoa that deals
7 with that. I'm not sure we have seen that and I don't
8 think we have asked for it, but is that where one would
9 find more detail about these matters?---It's more related
10 to control room activities in the power station, so the
11 power station are the owners of that document. So it gives
12 them instructions as to what to do in a bushfire, I don't
13 see it as being mine related but at least we know what the
14 control room people are doing, because they are there seven
15 days, 24 hours a day. And I guess, you know, we have got
16 examples of where that has occurred being in here on
17 weekends on when the station's been threatened by fire.

18 In fairness to you, if you look at the next page 164, page 45 of
19 the plan, do you see on the left side the second heading,
20 "Coal production overburden removal", and there is a series
21 of dot points in the next column, top one is, "move
22 equipment off coal surfaces"?---Yes.

23 Then the last dot point: "Water cart to be filled with water
24 and located immediately in main fire front. If a total
25 fire ban day is declared and/or the threat of fire to the
26 mine is high, organise a call-in roster for the
27 night-shift", so that's really what I'm talking about, sort
28 of in advance of an actual fire?---Yes.

29 And so is there anything else in place in terms of what is done
30 to address risk when there is a total fire ban day called,
31 or is that the limit of it?---Typically it's securing the

1 asset - sorry, prior to that protecting people's welfare
2 but securing the asset by moving equipment off the coal
3 surface to a safer place and that might depend on which
4 direction the fire's coming from but definitely off coal.
5 And then moving people to an isolated area such as the
6 power station where it's free from vegetation. But
7 typically, you know, we'll have the water cart prepped and
8 ready to go and it is on a regular basis anyway
9 irrespective of whether we have a fire front coming in or
10 not, it's always left full and ready for use.

11 I understand, and what seems to be referred to there is having
12 the ability to call in additional resources in the event a
13 fire occurs, so that sort of pre-planning?---Yes.

14 I know there is in fact scheduled a meeting with the CFA next
15 Monday, I think it is, 3 August, to address the amendments
16 to the pre-incident plan in anticipation of the closure of
17 the mine, is that a process you're involved in or is that a
18 question for Mr Sharp?---I'm involved in it so I get to
19 review it along with others in the organisation and as well
20 as the CFA of course, it's their document.

21 And is that a matter that could be on the agenda, I suppose, for
22 discussions with the CFA on what pre-planning occurs at the
23 mine on total fire ban or other high fire danger days?---It
24 will certainly be a topic, we will need to work through our
25 own emergency management plan as well, so that reflects the
26 fact we're in a shut down mode post 31 August, so the two
27 documents combined will form our basis if you like, for
28 operating past that point.

29 Thank you. I think we can leave the emergency plan there and if
30 we could go back please to your statement. The last topic
31 I want to ask you about is the risk assessments that have

1 been carried out that you make reference to. On the final
2 page of your statement, page 9, you will see the question
3 you were asked, going back to the statement, there was a
4 question asked: "Detail any risk assessments that have
5 been conducted by Alcoa", and then there is a reference to
6 the relevant regulations, and at paragraph 50 you say: "In
7 response to the Hazelwood Mine fire and ensuing inquiry
8 Alcoa proactively undertook an internal risk assessment in
9 December 2014 prior to a risk assessment process being
10 developed and directed by authorities." I take it from
11 what you're saying there that was a proactive response to
12 the findings of the Hazelwood Mine fire inquiry?---Yes,
13 there was some discussion by both - well, Earth Resources
14 to be specific around conducting risk assessments on all
15 the brown coal mines. We were one of those so we didn't
16 totally understand the issue at that stage, it hadn't been
17 developed by the department but we knew a risk assessment
18 process was about to be imposed so we did our own internal
19 one and it was one of the processes we do from an Alcoa
20 risk perspective.

21 We do have in the materials that have been provided to the
22 inquiry by Alcoa a copy of that assessment. It is behind
23 tab 14 in volume 2 of the hearing book and the coding for
24 it is Alcoa.001.001.0007, if I could ask for that to be
25 brought up on the screen, please. Do you have that in the
26 folder in front of you?---I have the front page, yes.

27 And that is the December 2014 risk assessment you refer to in
28 your statement?---That is correct.

29 And if we look at the first page there we see under the heading,
30 "Objective scope", that the purpose of doing this exercise,
31 "was to identify possible ignition sources of a coal fire

1 in the Anglesea Coal Mine", and then it goes on, and you're
2 listed as the team leader. Can you tell us what that meant
3 in a practical sense, were you out there doing the
4 assessing or you had a team of other people doing it for
5 you, how did it work?---I guess it was facilitated by
6 Warren and myself. The team leader aspect was - I guess I
7 held a lot of the historical knowledge and the ability to
8 interpret what had happened over time into that risk
9 assessment. Some of the people that were in that inquiry
10 report to me but - or sorry, work in the mine as well but a
11 lot of the history sat with me.

12 I understand that?---It was my responsibility, coal fire risk
13 assessment obviously sits with myself.

14 Obviously you drew on the experience you told us about in
15 performing that role, I assume that's the case. Have you
16 received any specific training from Alcoa or from any other
17 source in conducting risk assessments?---No, I haven't - I
18 have been through risk assessment processes over time but I
19 haven't got a tertiary qualification or the like.

20 I understand that. The participants other than yourself and
21 Warren have not been revealed there and there is no
22 particular reason why we need to know them but amongst them
23 there are health and safety professionals on the staff at
24 Anglesea, is that right?---That's correct.

25 And the team that performed the risk assessment, did it
26 including a health and safety professional?---No, it didn't
27 but it had an environmental professional so yes, it was
28 more operational side of things.

29 There is only one thing I want to ask you about from the
30 assessment itself which is self-explanatory, if you turn
31 over to the third page, the one in my copy that folds out

1 to A3, does it fold out to that for you?---Yes, it does.
2 The font size tests my eyes anyway, but we see down the
3 left-hand column there is a heading, "Key element" and as I
4 understand that, that's an identification of different ways
5 fires might start either in the mine or come into the mine
6 from the outside, is that right?---That's correct.
7 So we see there is a coal fire as a result of bushfire, coal
8 fire as a result of hot work activity, and there are eight
9 different ways in which the risk assessment identified a
10 fire might occur in the mine?---That's correct.
11 And then we can trace along towards the right of the document,
12 we can see various headings, and in the sixth column there
13 is a heading, "Existing controls"?---Yes.
14 Then the next heading is, "Consequences" and it's the
15 consequences heading I want to ask you about. The
16 consequences referred to as impact areas, I take it from
17 that that what was being assessed was firstly, the risk of
18 a fire falling into one of those eight categories actually
19 starting, and then the consequences ask you consider if a
20 fire of that description happened what are that possible
21 range of consequences that might occur under the five
22 headings we see in the document, is that right?---That's
23 correct.
24 So we have health and safety consequences, environment,
25 regulatory, image and reputation and financial impacts; and
26 if we take that first one as an example, coal fire as a
27 result of bushfire, they have each been given a numerical
28 rate, and I'm right in saying, aren't I, 1 is the lowest
29 rating you can get using this risk assessment tool?---Yes.
30 There is a legend at the back?---That's right.
31 So 1 is the lowest and I think 1 equates to

1 insignificant?---That is correct.

2 As a rating. And 5 is the highest which is catastrophic, and if
3 we look at coal fires as a result of bushfire the health
4 and safety and environment consequences are each rated at
5 1, that is if the fire resulted from a bushfire coming into
6 the mine there is a rating of 1 for each of those, and I
7 think I'm right in saying that is the case with each of the
8 eight types of fire, health and safety and environment is
9 always rated as a 1?---That is correct.

10 My question is this, and you may or may not be able to assist us
11 but we know from the events we heard from Ms Burton from
12 the department earlier about the higher sulphur content in
13 the coal, and we know the Hazelwood fire led to six weeks
14 of pain for the residents of Morwell in terms of the smoke
15 and so on which is both a health and safety and an
16 environment impact. My question is when this risk
17 assessment was done did you take into account that higher
18 sulphur content in the coal, in other words if a fire was
19 to occur however unlikely that might be, you have this
20 potential for the smoke blowing into Anglesea with this
21 higher sulphur content, was that something that was taken
22 into account in assessing the health and safety and
23 environment consequences?---I think we would take just the
24 emission of fumes and odour as the health and safety issue.
25 The component of sulphur is bound to be small but then I
26 take you back to the point we have a history as well of
27 fire - or the lack of fire if you like. So there is no
28 evidence we have had that we could potentially even have a
29 Hazelwood event. So from that perspective, you know, the
30 health and safety gets down rated because of the
31 possibility of having an event like that.

1 I understand, I think I understand what you're saying is you
2 can't really look at the risk of it happening and the
3 consequences as entirely separate, that the two are related
4 and that's taken into account in the assessment?---That's
5 right.

6 Thank you?---And I have - I just remembered I have had risk
7 assessment training, sorry, I beg your pardon, not that
8 it's important but I have gone through an arms risk
9 assessment process.

10 When did you do that?---That would be - I would be guessing,
11 five to ten years ago.

12 Certainly prior to the time you were involved in this
13 process?---Yes.

14 There has been a subsequent risk assessment which we know is
15 attached to Mr Sharp's statement, you were also involved in
16 that?---Yes.

17 And I think I will ask Mr Sharp about that?---I should tender
18 that December risk assessment if I could please.

19 #EXHIBIT 5 - December 2014 risk assessment.

20 And as you say in your statement, of those eight potential
21 ignition sources none of them were rated as a high risk, is
22 that right?---That's correct.

23 There were a couple that were rated as medium, most of the rest
24 were rated as low risk and those ratings took into account
25 the then existing control risks for fires and the
26 like?---That's right, and the mediums were really a sign of
27 the times, this is post Hazelwood and the perception around
28 the Hazelwood Mine fire event and the potential for that
29 impact on the community.

30 Yes. In the subsequent risk assessment which has been done more
31 recently it was done taking into account the process of

1 covering the coal, and that of course has had a very
2 significant effect on the risk profile making it
3 considerably lower than it even was back in December, is
4 that a fair summary?---Yes, that's exactly right.

5 You were provided yesterday with a letter that I think has
6 recently been sent to you and I just want to identify it.
7 You still have that second folder in front of you and if
8 you go behind tab 26 and the coding for this is
9 VGSO.1009.001.0001, do you have a letter addressed to you
10 from the Department of Economic Development Jobs Transport
11 and Resources, Mr Rolland?---Yes, I do.

12 If you go to the first page of that you see it's dated 27
13 July and was signed by Mr John Mitas, the general manager
14 of Earth Resources Operation, he's the regulator or a
15 person who works for the mine regulator, is he not?---He
16 is, yes.

17 I take it this is a letter you have received in the last few
18 days?---Yes, I received it as an email attachment.

19 And are you able to tell us when that was, was it the same date
20 as the letter, the 27th?---Which was what day?

21 Good question, Monday of this week?---Yes.

22 And without going into it in detail, Mr Mitas, he variously uses
23 the verb "requires" or "requests" in different parts of the
24 letter, but the gist of it is they want some more
25 information from Alcoa about various matters to do with
26 fire prevention post 31 August, is that a fair summary of
27 the letter?---That seems to be the gist of it.

28 The background to that is there has been some previous
29 correspondence that's passed between Alcoa and the
30 regulator about that matter, as more information has been
31 provided by Alcoa as is often the way with these things,

1 more questions have been asked of Alcoa about those
2 matters, is that a fair summary?---Yes, we have been trying
3 to share all our information with the various stakeholders,
4 in that analysis this is the outcome of that.

5 Have you had an opportunity to at least consider in a
6 preliminary way how you're going to go about responding to
7 this request for information from Mr Mitas?---No, to be
8 truthful I have only read it in the moment and moved on, I
9 received a phone call from Mr Mitas some time after that
10 suggesting he had sent the email and meant to talk to me
11 prior to that but I got the phone call, we had a quick
12 discussion about that, I have had some subsequent
13 discussions and he's preparing to come down and see us and
14 discuss the issues in person.

15 Do you know if a date has been set for those discussions or is
16 that something you're still working towards?---Because of
17 his schedule more than ours but it's Monday week which is
18 the 10th, we have a community consultation meeting, he was
19 intending to come down to that, so we will do that prior -
20 my understanding is I think it's 3 o'clock but he's
21 organising that meeting, not myself.

22 Thank you for that. Yes, I should tender that letter too.

23 #EXHIBIT 6 - Letter from Mr John Mitas dated 27/7/2015.

24 Thank you, they are all the questions I have for you, Mr
25 Rolland, thank you for much. It might be appropriate if
26 the board have any questions?

27 CHAIRMAN: I have no questions at this stage.

28 <CROSS-EXAMINED BY MR TAYLOR:

29 I can't resist, Mr Rolland, but could I learn how to spot a
30 potential spontaneous combustion?---I think you would be an
31 excellent candidate for it.

1 Thank you. Now, let's perhaps deal if we could with the current
2 state of the world and there are some photographs that were
3 provided and we will give copies. I think we have provided
4 those to the board and we will give copies to our learned
5 friends. Can we bring up initially Alcoa.0001.005.0009,
6 please. Do you have a hard copy so I can leave you in your
7 chair, Mr Rolland. Do you have a hard copy of the
8 photograph that's now projected on the screen that I think
9 self-evidently shows the floor of the mine and some of the
10 overburden and the black face of the west wall, is that
11 what we're looking at?---Yes, I do, and that is what you're
12 looking at.

13 When was that photograph taken?---That was taken yesterday
14 morning, I believe.

15 Does that accurately reflect the state of the mine floor and the
16 batters, the benches and so on as it currently
17 stands?---Yes.

18 So again, let's try and keep you in your chair so we don't have
19 to drag microphones around, if you have a look at the large
20 photograph, exhibit 3B, showing the aerial photograph of
21 the mine as at 1 January 2015, can you see progressively
22 the amount of area that's been covered, putting it this
23 way, none of the overburden work specific to the mine
24 closure of course commenced as at 1 January this year, had
25 it?---No, that's correct.

26 The process has consistently been in the conduct of mining
27 operations at Anglesea, and if I direct your attention to
28 the area in exhibit 3B to the north of the rectangular
29 section that's marked off, do you see that, that is green
30 vegetation and then further north of that there is a grey
31 area, do you see that?---I do, yes.

1 Is that the remediated part of what you described to the board
2 earlier as remediated block 1?---Yes, that's correct.
3 So that's an example of the progressive remediation over the
4 life of the mine, is that correct?---That's correct.
5 Thank you. If you then go back to the photograph, that is
6 Alcoa.0009, can you see there a great deal more of that
7 black area having been covered by overburden?---Yes.
8 Is that progressing to relate the two photos, towards the
9 western side of the mine and towards that western face, is
10 that right?---Yes, to a north and north westerly.
11 Northwesterly direction generally?---From the south you're
12 looking - the bottom of the photo is the south portion of
13 that exposed area.
14 So when you say the bottom, the photographer is standing
15 effectively at a location to the south of the aerial view
16 of exhibit 3B, correct?---Yes.
17 The western wall has been the subject of some questioning, do
18 you know how long that area has been exposed to the
19 elements?---There are varying lengths of time and I'm not
20 sure whether the photo shows it but just to the right of
21 that wall there is a variation in colour.
22 When you say that wall, what are you indicating on the photo on
23 screen?---It's below the natural vegetation, there is a
24 white line of overburden.
25 I will turn the photograph around to me and are we looking at
26 this area here towards the right of the photo?---That is
27 correct.
28 So using what you have described as a wall?---Yes.
29 Using that as a marker and working your way to what must be the
30 south of the photograph, what is the exposure period for
31 the western wall?---I was pointing out that just to the

1 right in that wall is about 28 years, and it varies in time
2 across the rest of the wall from three to 28 years.

3 So you know in the assessments conducted both certainly from
4 Mr Farrington from mining 1, but also I think from Mr
5 Incoll, that exposure of the face that is less than 12
6 months requires great frequency of inspection but that
7 inspection period extends out depending on how long the
8 wall area has been exposed to a period of up to two
9 years?---And I'm aware of the technical report, it's not
10 our experience at Anglesea but I'm aware of the comment in
11 there.

12 None of the wall that at the moment isn't covered with
13 overburden has been exposed for a period of anything like
14 less than two years, is that right?---That is correct.

15 In terms of the overburden process, and this is where we might
16 just interface briefly with the rehabilitation process,
17 it's intended ultimately, is it not, to cover all of that
18 wall with overburden?---The close plan needs to be
19 developed but the strategy or the concept would be to
20 batter down non erodible slabs from whatever point of an
21 outer boundary and by the outcome of doing that process it
22 would cover that area, but it's yet to be determined.

23 While certainly in the short-term and for the immediate term of
24 reference period for the board the monitoring processes
25 that have been set out and are proposed will be the
26 controls, it's not a question of not recognising that
27 further work will form part of the rehabilitation process
28 will relate to that area?---Exactly, yes.

29 I tender that photograph at this point.

30 #EXHIBIT 7 - Photograph dated 29/7/2015.

31 If I could now ask for Alcoa.0001.005.0010. Mr Rolland, there

1 is now on screen another photograph that depicts a part of
2 the pit floor, is that correct?---That is correct.

3 It might be convenient, are you able to identify by reference to
4 exhibit 7 where in the pit floor that photo was
5 taken?---Where am I doing it, on the photo?

6 Yes, the photo you have just looked at and then I will come to
7 what this depicts?---All right. If you look at the photo
8 right down where the orange material is just past - just in
9 between to the north of the white material, around about
10 that area, if you can see a little dozer poked down in
11 there, it's right of that.

12 I can, there is a dozer located just about sort of here, and
13 then there is a track, what looks like a roadway or black
14 area running through it, do you see that?---Yes, so it's to
15 the right of that.

16 CHAIRMAN: Could you put it up and just point as closely as you
17 can to that so we can - - -

18 MR TAYLOR: Hold it up or put it up on screen, perhaps go back
19 to the previous one, 009?---Just to the right of the dozer.
20 There is a pointer on your desk or a laser?---Technology.

21 There. Where is the dozer?---Look. (The witness
22 demonstrated.)

23 Take the microphone with you, we will go back to plan A. Can
24 you pick the dozer out on that photo?---You need to move
25 the photo, no, the other way. Now, there is the dozer, and
26 over here is where the pins were, down below that face.

27 So having established that's where that was taken, can we go
28 back to the original photo, thank you. The lighter
29 coloured material, that's the overburden, is that
30 correct?---That's correct.

31 In your experience in terms of your years at that mine, I have

1 read somewhere there is an estimate of a clay content in
2 that of about 20 per cent, do you agree with that?---I
3 would for that material, yes. Bearing in mind this is part
4 of the 70 per cent that doesn't require that 10 per cent -
5 in our technical briefing.

6 So there is some that does and some that doesn't?---Yes.

7 The stakes that are in the ground, what are they for?---They are
8 to give the operators a measure, if you like, as to the
9 height we're trying to achieve so as the tip head or the
10 material gets pushed out towards those stakes, the top of
11 the stake is a metre above the surface it's been driven
12 into.

13 The dozer operators who are pushing this are expected to reach a
14 surface that is level with a minimum of the top of those
15 stakes, is that right?---That is correct, it only looks
16 high in that picture because there is a windrows yet to be
17 pushed off so that gives rise to the height.

18 The purpose of the stakes is to guide the operators and they are
19 set out throughout the process?---Yes, so we set them in
20 front of the dump.

21 And then they might move and there might be some more set out
22 further so you have a minimum of a metre. In terms of
23 expressions such as approximation, is it the case we're not
24 grading here a road, are we, we're putting in place
25 something that eventually will be hopefully returned to and
26 reintegrated with the heath environment but it may well be
27 there are areas that are deeper than a metre, is that
28 correct?---That's correct, we're talking about bulk
29 earthworks here and the main aim is to cover all the
30 exposed coal with 1 metre of overburden, that's what we're
31 doing.

1 And that's at the minimum?---Yes.

2 I will tender that photograph also, please.

3 #EXHIBIT 7B - Photograph, Alcoa.0001.005.0010.

4 Just on the subject of flame events, there have been I think as
5 you described very few of those at the site. We're talking
6 in simple terms about burning coal, do you agree with
7 that?---Agreed.

8 How big an area are we looking at? Are we talking about the
9 size of a bucket, a wheelie bin, a tipper truck bin, how
10 much coal is involved in one of the flame events at
11 Anglesea?---Typically we measure it in metres, several
12 metres square, if it's something big in those fire events
13 that was the case. The one that happened overnight was a
14 little bit more extensive so it was about 5 metres wide by
15 about 3 but it was contained in that area. When the other
16 two happened in the face it wasn't spreading up the face,
17 it was contained in this pocket, if you like, within the
18 wall so we just had to find that - - -

19 When you say pocket, again what sort of dimensions are we
20 talking about?---A couple of metres square block.

21 And the case is that not one of these have ever escaped from the
22 mine into the surrounding vegetation?---In my opinion it's
23 impossible to do that and no, it hasn't, it's impossible to
24 jump up 50 to 80 metres up a batter.

25 You have never seen it happen and you can't conceive of it
26 actually getting up the batters side of the mine and then
27 out into the vegetation?---It's not like a bushfire where
28 you've got ember attack and so forth, you don't see hot
29 embers being driven away from the fire.

30 You were asked some questions by Mr Rozen about the Deans Marsh
31 fire passing, you may not be able to answer this because

1 your knowledge is I think anecdotal, but you were asked
2 some questions about the ember attack on the mine floor and
3 the fire passing through, do you know how long it took once
4 the fire had passed through to extinguish any areas of
5 ember attack that had taken hold?---Not in exact terms no,
6 but it certainly wasn't days and my understanding was it
7 was in hours.

8 In hours?---Yes.

9 And do you have any knowledge of specifically - and it may well
10 be impossible to isolate given the devastation that the
11 district suffered, but of any particular adverse impact
12 directly resulting from the ember attack on the mine on the
13 local residents?---No, there was - not from the mine, no.
14 There was a fallout from the fire itself, there was peat
15 burning in the town, in the river valley system, so that
16 was more impactful or that was the impactful issue going on
17 for the town at that time.

18 Very briefly, you were asked some questions about carbon
19 monoxide detectors and calibration of them, do you know a
20 Lisa Mills?---Lisa Mills, yes.

21 She's an employee of the mine at Anglesea?---She's an
22 environmental scientist there.

23 You understand it's her responsibility to calibrate the CO
24 detectors?---I understand it's her ultimate role, I didn't
25 know whether we got a company in to do that but it's her
26 responsibility.

27 It's her responsibility to make sure they are calibrated and to
28 make sure they are appropriate for use?---Yes.

29 You said towards the end of your evidence you had some formal
30 conduct in relation to risk assessments. There is the
31 formal training and also the practical reality of

1 conducting risk assessments. How many risk assessments
2 have you conducted, are you able to give the board a best
3 estimate of how many you have conducted over your time
4 bearing in mind you're a graduate and you have some skill
5 and assessment as an engineer in looking at problems and
6 solving them; how many risk assessments do you think you
7 have done?---There are more formal ones than informal ones,
8 we do risk assessments all the time and our SWIs are based
9 on that but the full blown one, a dozen to two dozen, I
10 think, over the time. I don't conduct them, we usually
11 have a facilitator in that does it in that area but I do
12 participate in having some knowledge in whatever the
13 subject matter is.

14 The risk assessment Mr Rozen put to you in terms of the earlier
15 one that was done immediately following the Hazelwood
16 incident, that was in a sense a preemptive strike by the
17 Alcoa site of Anglesea directly recognising that this had
18 happened and something needed to be done. It wasn't
19 something you were stood over and told to do, it was
20 something initiated at the site and taken to that
21 level?---My initial understanding of Earth Resources
22 requirement was to do a risk assessment internally and work
23 out if the risk is higher then you will need to do a full
24 blown risk assessment based on that aspect, we elected to
25 go away and do our own risk assessment internally in a
26 proactive nature.

27 Thank you. If the board pleases those are all the matters I
28 have for Mr Rolland.

29 CHAIRMAN: Thank you. Any matters arising?

30 MR ROZEN: No. Perhaps if Mr Rolland could be excused.

31 CHAIRMAN: Mr Rolland is excused and we adjourn now to 2

1 o'clock.

2 <(THE WITNESS WITHDREW)

3 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2.01 P.M.:

2 MR ROZEN: The next witness is Mr Warren Sharp.

3 <WARREN STEPHEN SHARP, affirmed and examined:

4 MR ROZEN: Afternoon, Mr Sharp. Could you please repeat your
5 full name and your work address for us?---Warren Stephen
6 Sharp. Anglesea Power Station, Camp Road, Anglesea.

7 Mr Sharp, you are the manager of Alcoa's operations at
8 Anglesea?---Correct.

9 Does that put you one up from Mr Rolland in the pecking order,
10 or do we not say that?---We don't say that, but yes, that
11 is right.

12 You have held your current position since September of last
13 year?---Yes, correct.

14 And before that, you also worked at the mine, did you, or you
15 worked at Point Henry?---I've been involved at the mine
16 over probably more than 10 years. My role from 1 September
17 was a dual role; the Point Henry site manager for the
18 ongoing closure and rehabilitation process and also to
19 manage the Anglesea operations. My role previously was at
20 the Point Henry smelter as well.

21 So in terms of a full-time role at the Anglesea Mine, that's
22 only been since September of last year?---Yes.

23 You also presently still have responsibilities in relation to
24 Point Henry, am I right?---Yes, correct.

25 Will there be a 50/50 split in your time, from 1 September this
26 year, between the two sites?---Yes, we would anticipate
27 that is the case. In reality, I will spend whatever time
28 is required at both locations to manage the various issues
29 from 1 September.

30 And your formal qualification is a Bachelor of Electrical
31 Engineering?---Correct.

1 From which institution did you receive that qualification?---The
2 University of Western Australia.

3 Before your employment with Alcoa, did you have any other mining
4 employment experience?---No.

5 What were you doing before you were with Alcoa?---I was at the
6 University of Western Australia.

7 I want to understand, if I can, the role you will have after
8 1 September with just a little bit more precision. The
9 inquiry has been provided with a submission by Alcoa, by
10 your employer, and it is behind tab 23 in the second volume
11 of the hearing book, which is just being handed to you,
12 Mr Sharp, and the code is Alcoa 0001.004.0009. I suspect
13 you have had a hand in the preparation of this submission,
14 Mr Sharp, and there's obviously quite a bit of overlap
15 between this submission and the statements that you
16 provided to us?---Yes.

17 And I don't want to spend too long on it, but could you have a
18 look at paragraph 59, please, of the submission. You will
19 see there is a heading Decrease in fire risk by having
20 clear lines of accountability at the bottom of the
21 page?---Yes.

22 It reads as follows, "Alcoa has a well established and
23 experienced team that will manage the Anglesea site,
24 including Alcoa's freehold land, during the 2015-2016
25 summer season and will have in place the necessary
26 resources to provide extensive site and fire management
27 knowledge." Am I right in understanding that you will lead
28 that well established and experienced team?---Yes, for the
29 Point Henry site. I also will lead that for the Anglesea
30 site.

31 I'm just confining myself now to the Anglesea site. Are the

1 members of that team, in terms of employees of Alcoa, has
2 that been finally determined, who will be the members of
3 that team?---Yes, it has.

4 We have heard that Mr Rolland has got a gig?---(Witness nods)

5 And the gentleman in the power station, Mr - - -?---Bryce
6 Hutton.

7 Hutton, thank you. Are there other members of the team?---Yes,
8 if I can - - -

9 Please?---Assuming Chris is going to be retained as the mine
10 rehabilitation supervisor, Bryce Hutton will be retained as
11 the power station supervisor and Dean Schmidt will be
12 retained as the project engineer, electrical. It is
13 important to note in the process moving forward that whilst
14 those three resources are dedicated to Anglesea and will be
15 based at Anglesea, they will be supported by the team that
16 is already in existence at Point Henry, which includes
17 health and safety professionals, environmental
18 professionals, finance, procurement, other engineering
19 professionals, some of whom are familiar with Anglesea, so
20 there is the intent that the three and a half, including
21 myself, resources at Anglesea will be fully supported by
22 the team at Point Henry as well.

23 I understand. In addition, and I'll come to this in a moment,
24 it is also envisaged that there will be a contracted
25 security detail, who will be present on site?---Correct.

26 And potentially other resources involved in equipment
27 maintenance and operation as well, which we'll come to
28 presently. But if I can just go back to the submission,
29 paragraph 60. It says, "After operation ceases on
30 31 August 2015, the Anglesea site will be managed by
31 Alcoa's eastern Australian asset planning and management

1 group, APM, based at Alcoa's Point Henry site. APM will
2 provide services to Alcoa relating to decommissioning and
3 rehabilitation of the mine and power station." Are they
4 the resources you've just been talking about, the health
5 and safety people, the environment people and the
6 like?---Yes.

7 For completeness, if we go over the page to paragraph 61, there
8 is a reference to you and then at 62, "APM is part of Alcoa
9 Inc's global international project and asset management
10 group, IPAM", and then we get a bit of information about
11 IPAM and then it goes on, at 63 and 64, to talk about
12 access that you and your team will have to the expertise,
13 both in Western Australia and also globally?---Yes.

14 And I just ask that you confirm that that is how you envisage
15 that all working?---That's certainly the case.

16 Presumably within Alcoa globally, there is a great deal of
17 experience about the sorts of issues this inquiry is
18 concerned about?---Yes.

19 And you will have ongoing access to that?---We certainly will.

20 Thank you. I probably should, for completeness, tender the
21 Alcoa submission.

22 CHAIRMAN: Yes.

23 #EXHIBIT 8 - Alcoa submission.

24 MR ROZEN: Mr Sharp, you have made two statements to the
25 inquiry. Perhaps we can just deal with those sequentially.
26 The first should be open in front of you, behind tab 3, and
27 that is a statement dated 22 June 2015?---Yes.

28 As with previous witnesses, Alcoa was sent a letter setting out
29 a series of questions and you have attached the letter and
30 I don't think I need to take you to that, but that first
31 statement of yours addresses numbered questions 12 through

1 to 20 in that initial letter, with Mr Rolland having
2 addressed matters 1-11?---Correct.

3 Have you had a chance to read through the statement of 22 June
4 2015 before coming along this afternoon?---Yes, I have.

5 Is there anything in that you'd like to change?---No.

6 And are the contents of the statement true and correct?---Other
7 than progress since that point in time, certainly.

8 As at that time, it was an accurate reflection of what had
9 happened?---Yes.

10 I tender the statement on that basis.

11 CHAIRMAN: Yes.

12 #EXHIBIT 9 - Witness statement of Mr Sharp.

13 MR ROZEN: In addition, Mr Sharp, you made a further statement,
14 dated 14 July 2015, and in it you explain, in paragraph 4,
15 and this is behind tab 4 in the folder in front of you, you
16 explain that the purpose of the second statement,
17 supplementary statement as it's described, was to update
18 the board on progress in implementing the steps that were
19 identified in the first statement?---Yes.

20 The number of the second statement is Alcoa.1001.008.0213 - my
21 apologies. I can't read my own writing.

22 Alcoa.0001.002.0213. Once again, Mr Sharp, have you had an
23 opportunity to read through that before coming along this
24 afternoon?---Yes, I have.

25 And are the contents of that true and correct?---Yes, they are.

26 I tender the supplementary statement.

27 CHAIRMAN: Yes.

28 #EXHIBIT 10 - Supplementary witness statement of Mr Sharp.

29 MR ROZEN: Just to complete the picture, Mr Sharp, very
30 helpfully, the inquiry was provided with another couple of
31 documents yesterday which it is probably convenient to ask

1 you about briefly. The first of them is a table or a
2 spreadsheet and the code is Alcoa.0001.005.0002. Do you
3 have a hard copy of that in front of you, by any
4 chance?---I probably have one at my seat, but I didn't
5 bring one up with me.

6 I think one is being provided to you now. Is this a table which
7 has been produced by Alcoa in part from a request from the
8 inquiry, which summarises Alcoa's response to
9 recommendations not just from its own consultant report but
10 also from other evidence before the inquiry, including
11 Mr Incoll's report and some observations made by Mr McGowan
12 as well?---As those reports became available to us, as is
13 the normal part of our process, we review those, we take
14 them seriously and we were building review recommendations
15 and building action lists from those reports in any case.
16 We thought it prudent, in the circumstances, to
17 consolidate.

18 And it is probably self-explanatory. Maybe one thing it lacks
19 is a title. Can I suggest Alcoa Recommendations Table,
20 29 July 2015?---Alcoa's response to recommendations is
21 probably more accurate.

22 Even better. We'll go with that. This document represents the
23 state of play, if I can put it like that, as of yesterday
24 in terms of what Alcoa is doing under these various
25 headings?---Correct.

26 I tender that.

27 CHAIRMAN: Yes.

28 #EXHIBIT 11 - Alcoa's response to recommendations.

29 MR ROZEN: Just to complete that picture, the other document
30 that was provided to the inquiry yesterday is a work pack
31 specification for security services at the Anglesea Power

1 Station and Mine, and I think a copy of that has been put
2 in front of you. It is Alcoa.0001.005.003. Do you have
3 that in front of you, Mr Sharp?---I do.

4 Perhaps if you could tell us what it is?---The purpose of this -
5 as I say, we have already communicated our intent and our
6 intent has always been to have 24-hour security to help us
7 manage various aspects of the facility from 1 September.
8 As is a normal part of engaging a workforce or a
9 contracting company, you develop a scope of work that
10 really lays out what are the key elements of the activity
11 moving forward. This is the scope of work that has been
12 developed, over a number of iterations, again, as is
13 normal, that's been provided to the company that we are
14 engaging at this point in time to provide security
15 services.

16 I will come back to that topic, but for the moment if I can just
17 tender that, please.

18 CHAIRMAN: Yes.

19 #EXHIBIT 12 - Scope of work.

20 MR ROZEN: I think that probably completes the formalities for
21 us, Mr Sharp. I'll try and do a couple of things in
22 summary form, but please tell us if you want to expand on
23 anything in more detail. You deal with the broad topic of
24 the Anglesea coal and the fire risk from the coal in, I'm
25 pretty sure, your first statement - sorry, it is your
26 second statement, that is Exhibit 10, which is behind
27 tab 4. If you could have a look, please, at
28 paragraph 12?---Yes.

29 That is Alcoa.1001.0001.002. It has got a heading Effective
30 Closure on Fire Risk and you identify four reasons in
31 paragraph 12 why you say the current risk of fire at the

1 Anglesea Mine is low. I just want to touch on those
2 briefly. The first concerns the experience of fire, that
3 is the three occasions where there have been visible flames
4 in a 46-year period, and I take it - you have been in court
5 when Mr Rolland gave evidence about that this morning - you
6 would agree with his description about those
7 matters?---Certainly.

8 So if I can perhaps summarise that. As I understand what is
9 being said, the assessment of risk is low, and we'll come
10 to the current risk assessment presently, but broadly
11 speaking, the assessment that the risk is low is based not
12 only on the features of the coal and the differences
13 between the Anglesea Mine and those in the Latrobe Valley
14 but probably more importantly on the practical experience
15 on the ground of the experience of fire at the mine?---They
16 are both key elements, yes.

17 In a sense, one reflects the other. The experience validates
18 the science, if I can put it that way?---Yes.

19 And you also make reference to the only experience the mine has
20 had of externally sourced fire coming in was the
21 Ash Wednesday experience. Once again, I take it you would
22 agree with what Mr Rolland said about that this
23 morning?---Certainly.

24 The second matter you refer to is the inherent properties of the
25 coal, and particularly as it impacts on the risk of
26 spontaneous combustion. We've heard about that. The third
27 is the progressive backfilling and rehabilitation practice,
28 which is itself a consequence, in part, of the overburden
29 to coal ratio?---Correct.

30 And am I right in understanding the point being made there is
31 that that has meant less exposed coal than would otherwise

1 be the case?---Correct.

2 And if we just take, for example, the Hazelwood Mine, with which
3 we're familiar, one only has to visit the two to
4 immediately be struck by the vast area of exposed coal at
5 Hazelwood as compared to the situation at
6 Anglesea?---Correct. We're in effect moving the hole
7 around over time is what we are doing.

8 And you've been able to do that because of the presence of
9 overburden. The final matter, which we need to look at in
10 a bit more detail in a moment, is the policies, procedures
11 and practices in place that are there to manage and
12 mitigate fire risk. It is fair to say, isn't it, that in
13 relation to that, one of the challenges you have got going
14 forward is your ability to ensure that, with a smaller
15 number of staff present, you're able to continue to
16 implement those policies and practices?---Correct, albeit
17 in a lower-risk scenario moving forward.

18 Yes. You make a fair point, if I say so, Mr Sharp, that what
19 you're going to be dealing with is a different risk profile
20 because of the additional steps that are taken,
21 particularly the covering of the coal, which I'll come
22 to?---Correct.

23 In terms of managing the fire risk post-closure, so that is
24 after 31 August, can I summarise what I understand from all
25 of the evidence are the sort of key planks in Alcoa's
26 strategy and you can tell me if I'm missing anything. The
27 first is what has been abbreviated as the overburden
28 strategy, that is the covering of the coal, and coupled
29 with that has been an external review of that - or at least
30 more than one external review of that process?---Yes.

31 The second step or plank has been updating the internal risk

1 assessment. We learnt from Mr Rolland's evidence this
2 morning that a risk assessment was done last December and
3 that has been updated more recently - I think in July it
4 was completed, 10 July?---Correct.

5 To take into account the changed circumstances. The third is an
6 updating of the emergency plan. So the emergency plan,
7 which had already been updated in light of the Hazelwood
8 experience, is now in the process of being updated to take
9 into account the closure?---Yes, that is correct.

10 The fourth is updating what is referred to as the CFA
11 pre-incident plan, so that is a document which sets out,
12 for the CFA's purposes, how it will prepare for incidents
13 and then how it will respond to those incidents. That is
14 also in the process of being updated, taking into account
15 the closure decision?---Yes, that is correct.

16 Perhaps associated with that are steps that are being taken to
17 retain certain equipment on site that will be available for
18 firefighting agencies and also an assessment of the
19 availability of water on site that will be available to
20 them?---(Witness nods)

21 There is also a process of updating the relevant safe work
22 instruction?---That's right.

23 The SWI I think Mr Rolland called it this morning. And then
24 associated with those are some proposals in terms of
25 contracting additional staff to deal with site security,
26 inspection of the coal and maintenance and operation of the
27 equipment that we've just referred to?---That's right.

28 So is that broadly - are they the headings of the various
29 steps?---I would say the one element that is probably being
30 missed in that is the retention of the Alcoa expertise. We
31 see that as a key element required for the ongoing closure

1 rehabilitation in any case, supported by the (indistinct)
2 team, but it obviously also provides us some great
3 continuity and experience in terms of management of fire
4 risk moving forward.

5 In a way, it is almost the glue that holds the various bits
6 together?---Correct.

7 It is the people that are there to see all that work in
8 practice?---Yes.

9 It is fair to say, isn't it, that over the last - when was the
10 announcement made, May?---The 12th.

11 May 12. It is a date that is etched in your mind?---Yes.

12 That after an initial period of very concentrated action on the
13 staff and their future, that a lot of work's been done by
14 Alcoa, in association with a whole lot of agencies, to
15 achieve progress under each of those headings?---Yes, I
16 think that is a good summary.

17 As we stand here now, with a month or so to go before the mine
18 closes, there is, in a sense, a lot of balls in the air
19 because work is being done in relation to each of those
20 things on a progressive basis?---Yes, that is the case.

21 To take a simple example, obviously the overburden. There is
22 probably people out there now doing that?---I hope so.

23 You hope so, yes. When you're not there, you hope it is still
24 going on. And on Monday you have got a meeting scheduled
25 with the CFA to discuss the pre-incident plan and the
26 emergency plan and so on?---That is correct.

27 I'm not going to go through each of them in detail because you
28 do that in your statements and we can all read that, but I
29 do want to spend a little bit of time on the overburden
30 strategy because in terms of altering the risk profile and
31 reducing the risk, that is a key plank of the overall

1 strategy, I think it is fair to say?---Certainly.

2 And covering coal with clayey overburden as a means of reducing
3 fire risk is not something that has been invented in
4 Anglesea this year, it is something that has got a fair
5 history in mining, not just in Australia but worldwide?---I
6 assume so. I don't have the experience to make the comment
7 on that. It is the first time that we have done it from a
8 deliberate fire risk mitigation perspective. I know there
9 is experience around the world doing it as well.

10 This may be something I should have asked Mr Rolland. Whose
11 idea was it at Anglesea to do this, because it predates
12 getting the experts involved, doesn't it? You started
13 this - - -?---I would say it was a collective decision that
14 Chris and I made on behalf of the Anglesea facility, the
15 organisation.

16 The depth of a metre, where did that come from?---There was
17 probably a couple of factors that influenced that. When
18 Chris and I sat down originally and spoke about how best to
19 park the mine in a safe and appropriate manner and we
20 talked about fire risk, as you would, of course, we talked
21 about what might be appropriate from a depth perspective.
22 We also talked about what might be possible in the
23 timeframe that we had and how we might go about that, with
24 our first intent being to use our own employees, for a
25 variety of really good reasons. So I would say there was
26 some experience in judgment, relying on Chris' experience,
27 around particularly spontaneous combustion risk with the
28 mine moving forward. There was also an element of
29 practicality, what do we reasonably believe we can get done
30 by 31 August, bearing in mind that the welfare and safety
31 of our people is key in terms of what we are doing.

1 From the Mining One report, which is attached to your statement
2 and which I'll take you to in a moment, we learn, as I
3 understand, that there is a balance to be struck between
4 putting enough overburden on the coal to reduce the fire
5 risk but not putting so much on that in the event that you
6 did have a hotspot, you have got to be able to get to it
7 and deal with it?---Yes.

8 So I take it that sort of consideration was in the mix in terms
9 of deciding how much to put on?---Certainly from our
10 perspective. The initial discussion Chris and I had - you
11 know, arguably you could say, "All we will do is leave our
12 coal and we'll compact it or roll it flat and leave it." I
13 mean, we have 18 years worth of experience on the emergency
14 stockpile that says if we do that, it is unlikely to have a
15 spontaneous combustion event. I guess we determined that
16 that probably wasn't appropriate in the circumstances and
17 it was a good opportunity for our people to do something
18 that was practical and consistent with future requirements
19 in any case, so we undertook the exercise. Certainly too
20 much can be a problem for two reasons. One, we don't know
21 the final closure of the mine, the detailed closure
22 strategy for the mine yet, so too much in the wrong spots
23 could be a problem and could also hinder rectification of
24 an issue if one occurred.

25 You have touched on something which is important - as it turns
26 out, probably peripheral to the terms of reference of this
27 inquiry, but it is a reality that this is very much a
28 short-term fix which is occurring in the context of a sort
29 of medium and long-term overall rehabilitation of the
30 site?---Certainly. There is no doubt about that.

31 And you have been conscious to ensure that what you're doing

1 doesn't jeopardise or get in the way of whatever those
2 options might be medium term?---Certainly for us, that is
3 an important consideration. There is no doubt in all of
4 this, as I think Chris covered this morning, that the west
5 wall will be covered in due course as a result of that
6 broader strategy being implemented, but we are conscious
7 that we want to be consistent with but not preclude or
8 hinder whatever the outcomes of that process might be in
9 the future.

10 Initially, as I understand it, looking at your first statement,
11 the understanding internally within Alcoa was that you had
12 about 32 hectares to cover?---Yes.

13 As it turned out, that was a bit of an underestimate?---Yes.

14 It has turned out it is more like 41, or just over?---Correct,
15 yes.

16 Was it also part of the initial plan that you would cover all of
17 the exposed coal, including the western wall referred
18 to?---It certainly was.

19 What was it that got in the way of that part of the plan?---When
20 we did our own assessment of what we thought the surface
21 area was, it came out, incorrectly, at just over
22 30 hectares and we embarked on a strategy on that basis and
23 we recognised that there was a possibility that we really
24 needed some advice on two aspects: one, was our basic
25 maths correct, was our estimate of the area correct, our
26 estimate of truckloads a day correct and could we get it
27 done in time, so we engaged Mining One to give us some
28 advice about that part of the process and also we chose the
29 1 metre for the reasons that I have spoken about; to what
30 extent might that reduce the risk from a spontaneous
31 combustion perspective. When we had Mining One come and do

1 the assessment for us, they quickly worked out that we'd
2 erred in our original assessment. They did two things,
3 really. They confirmed the horizontal surface area at just
4 over 41 hectares. They also made some estimates about what
5 it might take to cover the west wall particularly, which is
6 more challenging for us because we couldn't come at the
7 west wall from the top of the west wall for some other
8 reasons.

9 Can I just stop you there because it is those other reasons that
10 I want to briefly explore. The west wall, as we can
11 imagine, is a near vertical wall?---Yes.

12 And I think you saw Mr Rolland point out where it is and its
13 dimensions and I take it you'd agree with all of
14 that?---Certainly.

15 You said that ordinarily the way you'd want to cover that would
16 be by pushing material down from above, have I understood
17 that?---That is the most expedient way to do it, yes.

18 And what is the difficulty? What has been the difficulty with
19 doing that?---The area itself, right at the top of that
20 wall, is subject to a heritage management plan overlay. It
21 is an area that has been identified as potentially having
22 artifacts of cultural significance and before you can
23 undertake any activity in that area, there needs to be some
24 detailed assessments and analysis done to make sure that
25 there is no disturbance of cultural heritage sites, so that
26 is an aspect in itself. The end respect, to be quite
27 honest, if that wasn't there, particularly given the risk
28 profile that we believe is there, you'd have to question
29 strongly about whether you actually got up there and pushed
30 what would ostensibly be good healthy heath into the mine
31 just to cover up the west wall, which in itself is low

1 risk, from our perspective.

2 You have mentioned the Mining One engagement and I think you
3 have probably answered my next question, which is why did
4 you feel the need to get an external consultant to come in
5 and assess that, and maybe you'd like to just expand on
6 that briefly?---I probably covered the areas earlier on.
7 We are very big in our business on peer review and
8 independent peer review, to be honest, and for us
9 particularly, it was probably a time I certainly
10 recognised, I guess from the senior management position at
11 the site, that the people who undertook the initial
12 assessment for us, they were actually under a lot of duress
13 themselves because of the nature of the situation that they
14 were in with the recent closure announcement, so Chris and
15 I had a short conversation and said it is the right thing
16 and the smart thing to do to get a second opinion, and that
17 is why we engaged Mining One.

18 At the risk of doing them a disservice, if I could summarise the
19 findings in the Mining One report and we'll, of course, be
20 hearing from Mr Farrington. He was the mining engineer who
21 did the work involved in the report and he came out on site
22 and met with you and Mr Rolland, I understand?---Not with
23 myself. Very briefly with myself, but with Chris.

24 With Chris?---Yes.

25 And the report that was provided and, for completeness, it is
26 Attachment B to your supplementary statement. I don't
27 think we really need to go to it at this point in time,
28 unless you need to, but the big picture interpretation of
29 the report is that they generally endorse the strategy of -
30 the overburden strategy of covering the coal, they include
31 in the report an assessment of the overburden material, its

1 clay content and sand content, and there are
2 recommendations in there about that they are satisfied -
3 findings that they are satisfied with the material that you
4 have got available to you for the task, and in particular
5 in relation to the western wall, which is what I want to
6 concentrate on, they do express a preference for covering
7 it, that is their starting position, is it not, but at the
8 same time, consistent, I think, with what you have just
9 told us, they assess the risk of fire, either externally
10 sourced or from spontaneous combustion, they assess that as
11 unlikely - I think that is on page 15 of the report?---Yes.

12 And that was a consistent assessment having regard to your
13 experience and knowledge of the mine, or consistent with
14 that experience?---Yes.

15 They have an alternative strategy in the event that covering is
16 not practical, and that essentially involves a regime of
17 inspection and I think I'm right in saying that in the
18 document that was provided yesterday - that is Exhibit 11 -
19 you respond to those recommendations about the inspection
20 regime by setting out how that is going to be put into
21 practice?---Yes, that is right.

22 So you intend to act on those recommendations?---Certainly.

23 The recommendations about inspection frequency, as I think was
24 raised by my learned friend Mr Taylor earlier today with
25 Mr Rolland, depend in part upon how long the coal has been
26 exposed; that is, more recently exposed coal is seen as a
27 higher risk and therefore deserving of more frequent
28 inspections?---That's right.

29 Is any part of that western wall coal that has been exposed for
30 less than two years, to your knowledge?---No. Minimum
31 exposure time is three years.

1 Because two years seems to be the figure that is settled upon as
2 the trigger for more frequent inspections. Is it Alcoa's
3 intention to go back to Mining One generally, or
4 Mr Farrington specifically, with that sort of detailed
5 proposal, "This is what we're going to do, does that meet
6 the recommendations that you have made?", is that part of
7 the plan?---No. In itself, no. There is no real need for
8 us to do that. We engaged Mining One to provide us some
9 advice and we're hopefully clearly taking that advice
10 seriously and we're progressing, but not in any formal
11 sense to respond to Mining One.

12 I understand that. There is reference in the Mining One report
13 to a suggestion that you consider the use of a chemical
14 suppressant. Are you familiar with that part of the
15 Mining One recommendations?---(Witness nods)

16 How does Alcoa respond to that? Is that something that you have
17 looked at, you think is worthy of looking at, or what?---It
18 has been looked at in the past. We are particularly guided
19 by our experience here with fire in the mine, in an
20 operating mine, and considering that the risk over the
21 operating mine will reduce further, we believe that the
22 measures that we have in place, or we intend to have in
23 place, with retaining equipment, the appropriate operators,
24 the appropriate supervision available, that the
25 equipment and the measures we will have in place will be
26 adequate to deal with any fire event without the use of
27 additional chemical suppression.

28 Specifically in relation to the risk of fire - ember or ash
29 attack coming into the mine from outside, Mining One rate
30 the risk as low, essentially because of the covering of the
31 coal, but they do recommend nonetheless the implementation

1 of a TARP - I think I've got the acronym right - a target
2 action response plan, and what they talk about, and this is
3 page 11 of their report, is to "provide appropriate
4 procedures for the escalation of a nearby bushfire event",
5 and that seems to be picking up on some of the questions I
6 was asking Mr Rolland earlier - I don't know if you recall
7 - about what the inquiry learnt from the Valley was the
8 importance of not waiting for a bushfire to start and then
9 having a plan that is that as the trigger but having
10 preventative action, staff on call and so on, in the event
11 of an appropriate trigger, whether it be a total fire ban
12 or a severe fire risk or whatever it happens to be. As I
13 understand it, that is what Mining One seem to be talking
14 about and that, unless I'm missing it, that doesn't seem to
15 be present in the existing emergency plan that Alcoa have
16 presently. Would you like to comment on that?---Not in
17 itself, probably not in a form that you - you know, we have
18 used TARPs before in response to a specific issue within
19 the mine, but not in the format of trying to guide
20 emergency response from a weather trigger perspective. We
21 currently rely on the emergency management plan as it is
22 and other processes that we have.

23 Do you think that is something which could usefully fit on to
24 what is probably already a crowded agenda for discussions
25 with the CFA in the pre-incident plan - - -?---Certainly it
26 is - in terms of recommendations and feedback from the
27 various review activities, it has come up a number of
28 times. In fact, we have committed internally to building a
29 TARP that will identify all the appropriate triggers,
30 whether it is rainfall or heavy rainfall from an erosion
31 perspective, whether it is total fire ban days or whether

1 it is just high risk from a fire perspective weather, that
2 we will build that document and we'll use that to guide our
3 responses and incorporate the appropriate activities,
4 responses, into things like the hot coal SWI, the emergency
5 management plan and I'm sure the BIP.

6 You've just mentioned something which I meant to ask you a
7 moment ago, and that is that in the process of implementing
8 the Mining One recommendations for the inspection regime,
9 we heard evidence earlier today from Mr Rolland about what
10 is there currently, that is that daily inspection pursuant
11 to that checklist and that is part of the work of people
12 that are in the mine. Post-31 August, they won't be there
13 available as a resource to do that and yet there are a
14 number of things which need to be inspected periodically,
15 some daily, some weekly, some only after heavy rain, for
16 example, and so on. Who is going to be actually out there
17 doing that? What is the current plan about that?---We
18 anticipate, at this point in time, that the security team
19 will be trained to be able to undertake those inspections
20 on a frequency of at least twice daily. I would say at
21 least twice daily because we just talked about the TARP and
22 if it is a total fire ban day, then that would probably
23 step up the inspection frequencies. That group will be
24 specifically supported by Chris, who has, obviously,
25 expertise and experience in the mine to not just support
26 the training but to make sure they understand what they are
27 looking for moving forward in that transition period. That
28 group will also be supported by Bryce Hutton, by Dean
29 Schmidt and by the team out at Point Henry as required.

30 I don't want to be seen as disparaging the security guard
31 industry, and maybe it is just me, but the expertise you

1 have got in the mine now and the experience of people to
2 know what they're looking for and to understand how much
3 erosion is too much and so on, are you confident that
4 security people with no previous experience in mines can be
5 sufficiently trained to perform that work adequately?---We
6 are to the extent that - I think you come back to Chris'
7 comment this morning. We're not looking for any group to
8 try and detect minute changes or small changes, we're
9 looking for a group of people to be able to detect simple
10 changes, so a heat source - almost anybody can do that - a
11 change from an odour perspective. Again, almost anybody
12 can do that. From an erosion perspective, the advantage of
13 us retaining Chris is that Chris will undertake his own
14 inspections of the mine and I don't doubt that our TARP,
15 once we get that in place, that will trigger Chris, or
16 somebody of Chris' capability, to actually go and do the
17 inspection in conjunction with the security people.

18 I think you have anticipated my next point, and that is it is
19 not going to be a position where they're there on their own
20 doing all of that, we know that there is going to be that
21 supervision around their work?---Absolutely.

22 Just in relation to the role they'll perform, can I ask you
23 briefly to have a look at the work pack specification for
24 the security services - that is Exhibit 12, which is
25 Alcoa.0001.005.003, and if you'd have a look at page 4 of
26 6. There is a heading Scope of Work, and I understand this
27 to be a list of duties that the proposed security
28 contractor will be able to provide as part of the contract
29 that they're working under and I note there is a catch-all.
30 The last dot point is, "Other security duties as required
31 and directed by Alcoa." I might be wrong about this, but I

1 don't see in that list of duties carrying out this sort of
2 inspection work?---Can I refer you to the next page,
3 section 8, page 5.

4 Heading 8?---Heading 8, mine patrols and reporting. I think
5 there is two specific duties that we have called out for
6 this group, other than the general duties that we just
7 referred to, mine patrol and reporting and water management
8 and reporting, which are two key activities that we see,
9 particularly for the coming summer period.

10 Thanks very much. And I see in the fourth dot point under 8 the
11 provision of training about the matters that we've just
12 been talking about; is that right?---Correct.

13 Just before leaving this and no doubt you'll point me to
14 something else here as well, but I don't see - I withdraw
15 that. In other material, particularly from Mr Barry's
16 statement, and I don't need to take you to it, but he is
17 one of the senior CFA officers who will provide evidence
18 tomorrow, he talks about the provision for the CFA of what
19 he calls access and escort services?---Correct.

20 And I assume from that the idea is that if the CFA have to
21 attend an incident, the security people will be there to
22 let them in and take them around the site as is necessary.
23 We know from our experience with the Hazelwood fire that
24 getting to the right places within the mine and finding
25 water sources and so on, especially in the middle of the
26 night, can be very challenging. So I take it once again
27 that is part of the role envisaged for the security
28 people?---Certainly.

29 Thank you?---That would be supported by the supervision that
30 will remain in place, supervisors that will be contactable
31 24 hours a day, so that group will also be involved in that

1 response in the event that a response was triggered.

2 Can I take you to a couple of other aspects of the strategy.

3 The first is the revised risk assessment that was done.

4 Perhaps if we go to that. It is Attachment C to your

5 statement in the folder in front of you and the code for it

6 is Alcoa.0001.002.0273. This is an updated risk

7 assessment, updated in the sense that it builds on the one

8 that I was asking Mr Rolland about earlier today, that had

9 been done in December of last year?---That is correct.

10 The principal difference, apart from the dates the two documents

11 bear, is that this one has been done taking into account

12 the overburden strategy, the alterations to the various

13 documents that we've been talking about?---Yes, that is

14 correct.

15 So this is a fresh look at risk. Why did you feel the need to

16 do this? Why did you think it was necessary to do another

17 risk assessment?---For us, we're undertaking a significant

18 exercise in the organisation, for a variety of reasons, and

19 triggered by the closure announcement and for us, we would

20 describe this as almost normal business. We undertake risk

21 assessments on a regular basis for - certainly for

22 significant terms, and as Chris indicated before, we do a

23 lot of informal things for smaller things, but with a

24 significant change, we normally go to the extent of a

25 significant risk assessment.

26 I won't go through it in detail, but I think one aspect of it

27 will suffice to explain how you have gone about it. If you

28 turn over to the third page of the document - that is the

29 first page of tables with the various columns, and if we

30 could just have the entire page. It follows a similar

31 format to the one we looked at earlier. So we have a range

1 of what are described as key elements, but they are really
2 categories of fires that might be started, either inside
3 the mine or might come into the mine from
4 outside?---Correct.

5 And then once again, the first one is coal fire as a result of
6 bushfire. If we just track along the page under the
7 heading Cause, we identify the way in which fires might
8 occur, lightening, deliberately lit, an external cause
9 within the heath, and then we see, "This is not a credible
10 event, given that all horizontal coal surfaces will be
11 covered. Not assessed further." So unlike the situation
12 in the previous risk assessment, where we saw a risk rating
13 given to it and consequences considered, here the
14 conclusion seems to be - is that because of the steps we're
15 taking in terms of covering the coal, we rate this as a
16 zero risk, is that correct, or - - -?---For this particular
17 event or aspect, certainly. In terms of the people
18 undertaking a risk assessment, including myself, we could
19 not see any way that an external bushfire ember attack on a
20 metre of overburden could possibly set the coal alight, and
21 that is why that one, from that point forward, says there
22 is no point progressing that risk element any further.

23 And for what it is worth, Mr Incoll's report seems to come to
24 the same conclusion about that particular risk. By
25 contrast, you do, in this document, accept that there is a
26 risk of a fire - an externally sourced fire starting a fire
27 on the exposed coal on the western wall, albeit a risk that
28 you assess as being low?---Correct.

29 And we can see the risk rating given to it is low. I don't want
30 to go through the rest of the document, but you have
31 engaged in a similar process in relation to each of the

1 eight ignition sources that were identified in the first
2 risk assessment?---That is correct.

3 If we can just go back to your second statement, there is one
4 thing I want to ask you about that, and it is on - this is
5 the supplementary statement behind tab 4. If you go to
6 paragraph 40, which is at page 9 of the statement. It is
7 Alcoa 0001. That is it. If you can just go back to the
8 previous page. This is a heading Internal Risk Assessment
9 Process and then you discuss the process of the risk
10 assessment which we've just looked at. At paragraph 40 you
11 say, "Alcoa is currently seeking to engage an independent
12 fire expert facilitator to assess the internal risk
13 assessment outcomes and the process." I just want to ask
14 you about that. Does that remain part of the plan? I have
15 not seen anything else about that?---Quite frankly, we are
16 reconsidering the need for that, and that is by virtue of
17 this process. As a result of this process, we have engaged
18 Mining One, rod Incoll has done a separate review and
19 independently to ours and we've provided a copy of that
20 risk assessment to any number of departments that are
21 interested in that. We know some of them have been through
22 it in reasonable detail. So we're actually reconsidering
23 the need for a further independent assessment of that
24 because there's been a lot of eyes on that particular
25 document already.

26 I understand that. I think it is fair to say, and I might be
27 wrong about this, but I know the risk assessment we've just
28 looked at and the Mining One report, they've both been
29 provided to the two regulators, that is Earth Resources and
30 WorkSafe?---Correct.

31 And in each case, they are going through a process of reviewing

1 those and giving you feedback?---We believe so, yes.
2 We can ask them specifically about their feedback, but as I
3 understand your answer, in a sense you're getting lots of
4 independent input about your internal risk
5 assessment?---Certainly, and we've had some formal and some
6 informal questions about our risk assessment which leads us
7 to believe that people are looking at it closely.
8 The emergency plan I think we have already touched on. That is
9 a document which has been in place for some time and was
10 modified in light of the Hazelwood fire experience?---That
11 is correct.
12 And is going through a process of further modification in light
13 of the closure?---Yes.
14 And I think you have told us you have got a further meeting with
15 the CFA on Monday. When do you expect that to be in a
16 final form?---We have set a target date of the 14th, which
17 would give us sufficient time after the review with the CFA
18 and we also have WorkSafe due back on site, currently
19 scheduled for the 12th. Once we have got that document to
20 a state that it is appropriate to share with WorkSafe,
21 we'll share that as well. That will give us some time to
22 incorporate any other feedback and we'll try to finalise
23 that by the 14th.
24 Just to clarify the difference between the emergency plan and
25 the pre-incident plan, the pre-incident plan is a CFA
26 document that they consult you on?---Correct.
27 The emergency plan is your document that you consult WorkSafe
28 and others on?---That is a good summary.
29 In a way, the two documents sort of meet, but they have separate
30 owners and they serve different purposes?---Certainly.
31 The only other thing I want to ask you about, Mr Sharp, is back

1 to this issue of the staffing presence on site. We have
2 talked about the security detail and their duties. In your
3 statement - I'll just find it. In your supplementary
4 statement, at paragraph 64 - this is page 12 of your
5 statement - you say, "Alcoa will have in place" - that is
6 just a couple of pages further on. Do you have 64 in front
7 of you, Mr Sharp?---Yes, I have that.

8 "Alcoa will have in place the necessary resources to provide
9 both continuity and appropriate site and fire management
10 knowledge at the Anglesea site following cessation of
11 operations. The precise resourcing needed to achieve this
12 are still being worked through by Alcoa." That wasn't
13 quite the reference I was after but I know there is a
14 reference to contract resources to do maintenance and
15 operation of the equipment?---Yes.

16 Just before I get to that, I'm reminded of a question Mrs Roper
17 asked about earlier about the fire truck, that is part of
18 the equipment that is on site. I don't think that is
19 targeted as a resource that will stay on site, or is
20 it?---No.

21 It is not going to?---No. It will remain for a period of time
22 in any respect. So currently we don't plan to retain it
23 long-term, but it will remain on the site short-term in any
24 respect. So if we reviewed that requirement we might keep
25 it but in reality, I wouldn't call it a fire truck. People
26 think of a big red fire truck when they hear that word. It
27 is a more a small tray back truck with a water tank on the
28 back that has got much less capacity than a water cart.

29 You have got a 60,000 litre water cart. What is the capacity of
30 a fire truck?---I couldn't tell you. Visually it is much
31 smaller.

1 Less than that?---Yes.

2 If you go over to paragraph 72, that is what I meant to ask you
3 about, of the same statement. This is under the heading,
4 "Equipment retention", so you identify the equipment that
5 is to be retained, we have talked about the fire truck.
6 And then 72, "The equipment will be located in an
7 appropriately safe and secure position on site and an
8 appropriate maintenance and testing regime implemented to
9 ensure that the equipment is functional as required." And
10 then you go on in 73 to talk about the contract resources
11 to do that, a few questions about that. Where is it
12 envisaged that the contract resource will be? I assume
13 they'll be on call to help you?---Certainly.

14 Where do you see them as being sited?---We would anticipate
15 locally. It is obviously not going to make much sense to
16 try and get operators out of Melbourne in the event we have
17 an issue so we expect that to be local, that would be part
18 of our assessment process.

19 What is envisaged that they will do? Will they do, for example,
20 preventative maintenance on the equipment from time to time
21 or will they just come in when there is a problem or how is
22 that going to work?---There are really two aspects. One is
23 the maintenance of the equipment and one is the operation
24 of the equipment, and it may well be the same group that
25 does both moving forward, but with all equipment to ensure
26 it operates when you need it to operate preventative
27 maintenance is key. So that will be a programmed routine
28 activity that may happen on a frequency to be determined
29 which would include doing all the right checks and starting
30 the equipment and making sure it operates correctly so when
31 you need it, it will operate. The second a aspect is

1 operating the machinery itself and we expect that to be on
2 a call-out basis as well.

3 So, for example, hotspots identified, you need to spread some
4 coal, you have got the equipment, you get the person to
5 come in and do it?---Yes, we have got the equipment that
6 we're confident will operate because of the maintenance
7 regime and we also - we'll contact the right party to come
8 in and operate - - -

9 I understand. The other aspect of equipment I wanted to ask you
10 about I did touch on with Mr Rolland, and that is the
11 carbon monoxide monitors, a topic that was very significant
12 in the first Hazelwood inquiry. It is a simple question,
13 who is going to do the calibrating and look after that
14 equipment if - - -?---The responsibility for that will fall
15 to Bryce Hutton, there is no doubt about that from my
16 perspective, and Bryce himself may not do the actual
17 calibration, he will be the one that ensures the process is
18 done on the required frequency to ensure they're operable.
19 One of the good things that came out of the Surf Coast Mine
20 Task Force, we used to have three of those on site. We
21 have currently increased that to six and we intend to
22 retain all six.

23 I think there have been discussions with the local CFA about
24 that number and I take it they are satisfied with six?---I
25 wouldn't presume to speak about any department's
26 satisfaction but certainly the CFA didn't raise any
27 significant concerns with it and I would anticipate if they
28 had any concerns that will come up on Monday in our further
29 detailed review.

30 MRS ROPER: Just before we get too far away from the operating
31 equipment, Mr Sharp, can you give us some idea of the

1 timing because I'm not sure if I have missed it, but I
2 haven't seen anything in the plans that talk about engaging
3 the maintenance and the operational people post 31 August.
4 We have got the security material and we've got the table
5 but we've sort of gone silent on the operational side of
6 it?---I thought it was covered in the table. Certainly our
7 intent - - -

8 I might have missed it?---Possibly. Certainly our intent is to
9 have both groups engaged prior to the end of August. In
10 reality we have to do that, and we're really effectively
11 planning for in worst case, an event on 1 September. Our
12 intent is to be ready should that happen, in the unlikely
13 event that that should happen.

14 Thank you.

15 MR ROZEN: You mentioned just a moment ago about the risks of
16 ascribing to others that they're satisfied with things and
17 so on, and it just reminded me of something I need to ask
18 you about. There is a reference - I think this might have
19 been raised with you by your counsel - there is a reference
20 in some minutes of a meeting. I don't necessarily want to
21 take you to the document unless you need me to. It
22 attributes to you in the minutes a suggestion that after a
23 visit to the mine by the board that views were expressed by
24 the board about being satisfied with the overburden
25 strategy, or something like that. I would suggest to you
26 that there certainly have been visits to the mine by
27 members of the board, but other than listening to what
28 Alcoa is saying there have not been any views expressed by
29 members of the board about whether or not the strategy is a
30 good one?---Look, that is correct. I haven't seen the
31 meeting minutes so I can't comment on them specifically,

1 but the board, or representatives of the board, have
2 attended a number of times but honestly I would say the
3 board has been very careful not to express any opinion,
4 other than to seek information.

5 Thank you, Mr Sharp. They are the questions that I have for
6 Mr Sharp. Mr Taylor has got some questions.

7 <CROSS-EXAMINED BY MR TAYLOR:

8 The question that Mr Rozen just asked you about a meeting that
9 you were involved in, do you recall from checking some of
10 the records held by Alcoa that in fact present at that
11 meeting were not members of the board but in fact Mr Incoll
12 and one other person?---Yes. I understand the date in
13 question is the 29th.

14 The 29th?---On that date it was Rod and Janelle.

15 29 June, I think?---Yes.

16 And the minutes that Mr Rozen has asked you about weren't in
17 fact minutes of that meeting, they were apparently an
18 internal technical report prepared by WorkSafe inspectors
19 that contain a number of things that quote or perhaps don't
20 quite accurately record a conversation between you and
21 those inspectors; is that right?---I assume so, yes.

22 There are just two other brief issues. At present, the plant
23 operators that I think you have been asked about, both for
24 the dozers and other equipment that will remain on site,
25 there is currently already a heavy plant operating
26 subcontractor on a site at Anglesea, isn't there?---That is
27 correct. We have engaged - we have a longstanding
28 relationship with a heavy earthmoving organisation, we have
29 engaged them recently. In fact, they are starting tomorrow
30 to provide us some assistance to ensure we complete the 41
31 hectares so that will give us confidence, and they are

1 certainly an option moving forward.

2 Without at the moment getting you to bid against the business
3 itself, and contracts might not yet have been let, there is
4 local capacity for contractors to be engaged and on call to
5 operate all of that equipment?---Certainly.

6 Now, as far as access to water in the event that the CFA
7 actually have to attend a mine fire, noting that that
8 hasn't yet had to happen, has there been any work done in
9 relation to the inclusion of stand pipes or checking that
10 they're all compatible with the CFA's equipment?---Yes. In
11 fact we had - it has been a longstanding issue for us, we
12 typically use the CFA fitting on site. In a previous
13 discussion we had the CFA to appraise them of our current
14 shut-down plans, that issue came up. We took them for a
15 walk around site, Bryce Hutton took them for a walk around
16 site. Since that walk we have actually added one fitting
17 into the town water supply tank which will be available
18 post the shut down and we're undertaking a review of other
19 locations where, for convenience, we can additional
20 fittings or provide standby diesel pumps to assist in the
21 availability of water.

22 And that is being worked through with the CFA?---That is
23 correct.

24 And to the best of your understanding they are certainly content
25 with the progress that's been made and the plans that are
26 envisaged, is that correct?---Again, yes, certainly I think
27 - they certainly didn't express any concern that there
28 wouldn't be enough water available. There would be three
29 significant sources of water available.

30 That is all that I had.

31 CHAIRMAN: Thank you, Mr Taylor.

1 MRS ROPER: Can I just make one observation to go back on
2 something that Mr Sharp said in relation to the short-term
3 nature of the clay versus the long-term rehabilitation and
4 just to note because this board has received a number of
5 submissions from community organisations such as ANGARE and
6 SCAA council and also individuals, referring to the
7 rehabilitation and their concern that the work we're doing
8 at this point in time and with the inquiry and then the
9 work that Alcoa is doing on a short-term nature will not
10 impact the longer term options or reduce the options for
11 rehabilitation. So I was sort of pleased to hear you make
12 some comments about that because that is certainly in the
13 minds of the community around Anglesea?---We held a
14 community consultation meeting on the 13th and that
15 specific issue was raised and I provided a similar response
16 today that what we're doing is consistent with but will not
17 preclude any anticipated outcome from that future process.

18 Thank you.

19 MR ROZEN: There is nothing arising out of that, so if there are
20 no further questions from the board for Mr Sharp.

21 CHAIRMAN: Thank you, Mr Sharp. You are excused.

22 <(THE WITNESS WITHDREW).

23 MR ROZEN: The next witness is Mr Ross McGowan whose statement
24 appears behind tab 5 in volume 1 of the hearing book,
25 VGSO.1001.001.0001.

26 <ROSS GREGOR MCGOWAN, sworn and examined:

27 MR ROZEN: Good afternoon, Mr McGowan. Can you please repeat
28 your full name and tell the inquiry your work
29 address?---Ross Gregor McGowan, 121 Exhibition Street,
30 Melbourne.

31 Mr McGowan, you are the executive director of the Earth

1 Resources regulation branch?---Correct.
2 In the regulation compliance division of the Department of
3 Economic Development, Jobs, Transport and Resources?---Well
4 done. Yes.
5 Thank you. That is DEDJTR as it's known and I think you were in
6 the hearing room when Ms Burton gave evidence earlier. She
7 also works not in your division but within the same
8 department, is that right?---Correct.
9 You have helpfully provided us with some organisation chart.
10 Perhaps if we can start there just to understand where you
11 are and where Ms Burton is in relation to those. We can
12 start with the chart which is attachment 1 to your
13 statement, VGSO.1003.001.0019. That is described as the
14 interim organisation chart, 30 June 2015, and that is a
15 chart showing the department as a whole with Mr Bolt, the
16 secretary, at the top. Your name doesn't appear on this
17 but I think I'm right in saying that you work under the
18 heading, "Agriculture, energy and resources", the third box
19 from the left at the top?---That is correct.
20 Mr Wilson is the lead deputy secretary and then if we go down to
21 the second box, regulation and compliance, and that is
22 where we find you; is that right?---That is correct.
23 So far so good. If we then turn over two pages to RGM-2 and
24 that is VGSO.1103.001.0021. This is a chart of your
25 branch, if I can call it that, with you at the top as the
26 executive director?---That's correct.
27 Is that the same position that was previously filled by Kylie
28 White at the time of the first Hazelwood inquiry?---That's
29 correct.
30 She's gone on to big better things, different things
31 anyway?---Bigger and better.

1 Bigger and better, thank you. And there are a couple of other
2 names we have all come across and I want to work out where
3 they sit, if we go to the left of that chart there is a big
4 box, John Mitas, general manager, Earth Resources
5 operations, do you see that?---Yes.

6 And he would seem to be answering directly to you, is he your
7 senior inspector for want of a better term, or am I doing
8 him a disservice?---He's the chief mine inspector.

9 So in terms of the hands on day to day inspection role, he is in
10 charge of a group of inspectors one of whom is Bessie
11 Abbott, we see her name in a light green box two levels
12 down from Mr Mitas?---Yes.

13 And Ms Abbott, we know from your statement, has had some on the
14 ground experience of the Anglesea mine dealing with a
15 number of regulatory issues?---She is the district manager
16 for this particular region.

17 Thank you. I think we can leave organisation charts for the
18 time being. If we return to your statement page 2, please.
19 You have made a statement for the inquiry responding to the
20 letters that Ms Burton referred to earlier in her evidence,
21 you may or may not recall that, but answering the questions
22 that were asked by the inquiry, some were allocated to you,
23 some were allocated to Ms Burton?---Correct.

24 You have done your best to answer the questions we have asked of
25 you in a statement dated 17 July 2015?---Yes.

26 And have you read through the statement before coming along to
27 give evidence this afternoon?---Yes.

28 And is there anything you would like to change?---No.

29 Are the contents of that statement true and correct?---Yes.

30 #EXHIBIT - Witness statement of Robert Kelly.

31 Perhaps the simplest way of noting what your statement covers

1 would be by looking at paragraph 6 of your statement
2 firstly, and we see a number of questions that were asked
3 that you address in your statement which are broadly about
4 the way in which your department has regulated the mine and
5 the history of its involvement with the Anglesea Mine. And
6 then in a separate letter there were some questions asked
7 more specifically about the coal and it will be recalled
8 Ms Burton dealt with some of those and perhaps left the
9 more difficult ones for you to answer, and specifically if
10 we look at paragraph 8 of your statement at 8.2 there are
11 four questions there. Ms Burton dealt with the first
12 three, you deal with the question of flammability of the
13 coal and I will come to that presently and you were
14 specifically asked at 8.3 to: "Describe the implications
15 of the differences, if any, on the likelihood of fire
16 arising from or impacting on the Anglesea Mine compared to
17 the position of the Latrobe Valley and the consequences to
18 the environment and the health of the population of
19 Anglesea of a fire taking hold in the mine." I don't want
20 to spend too long talking about the answers you have given
21 us with the historical interaction between the department
22 and the Anglesea Mine, but I have to ask you about
23 paragraph 16 where you use a term not often used in the
24 context of the regulation of mines or anything else, the
25 first sentence at paragraph 16 reads, "The legislative and
26 regulatory framework governing mine work at the Anglesea
27 coal mine is bespoke"; made to order is my understanding of
28 bespoke, what do you mean when you talk about the
29 regulatory scenario?---Made to order, one-off, it's a
30 one-off because of the way - the construct of the Anglesea
31 coal mine and its history starting back in 612 under the

1 lease agreement. So it is quite an unusual arrangement
2 from its very start and hence the use bespoke.

3 The history is that there was minimal regulation initially under
4 the 1961 Act and the agreement it attached, when the
5 agreement was renegotiated and the new agreement came into
6 effect, I think, 1 January 2011 or 2012?---Around there.

7 It doesn't really matter, the Anglesea Mine was regulated in a
8 manner more like other mines in Victoria?---Correct.

9 Although not identical to them?---Correct.

10 In relation to that, in a general sense has that different
11 regulatory environment meant that you have been less able
12 to get the Anglesea Mine to do what you want to do, have
13 they been harder to regulate or easier, or has it made no
14 difference?---I have been in this particular position since
15 early February, my dealings with Alcoa have been minimal
16 except for when the closure was announced. The
17 discussions, conversations and meetings with Alcoa have
18 been all in a constructive manner and as a regulator I have
19 been - at this point of time extremely satisfied with the
20 way in which they have conducted themselves.

21 Thank you. I wasn't really limiting myself just to your own
22 personal experience of them but I really meant you in a
23 corporate sense, the experience of the department
24 generally, is it any different to the answer you have just
25 given about your own experience?---No, I don't believe so,
26 I don't believe so.

27 What I want to focus on is what's happened as between the
28 department and Alcoa in recent months since the closure
29 announcement in May and if I could draw your attention to
30 paragraph 46 of your statement under the heading, "Changed
31 conditions at Anglesea Coal Mine", page 10 of the

1 statement?---Yes.

2 And you describe the mine closure announcement as: "Initiating
3 the first of three periods of time in which new challenges
4 in preventing, mitigating and suppressing the outbreak of a
5 fire at Anglesea Coal Mine may arise." If I can summarise
6 those periods of time because I think it's helpful from our
7 perspective. Firstly there is the period between the
8 announcement and the closure on 31 August, that's obviously
9 the period we're in now. The second period commences once
10 closure occurs when you say that the bulk of the workforce
11 will depart and, "during the period commencing 31 August
12 this year Alcoa will carry out previously approved
13 progressive rehabilitation work, will prepare a plan for
14 the final closure of the mine and then will carry out final
15 rehabilitation work in accordance with the final
16 rehabilitation plan." I will go to those documents briefly
17 in a moment. Are you able to put an end date on that
18 second period or is that a somewhat fluid thing?---The
19 second period being the planning?

20 Yes?---I would envisage over the next 18 months we would have
21 completed what we consider to be a robust period of
22 discussion with Alcoa and the local community and
23 Government and come to an agreement with respect to what
24 rehabilitation might look like.

25 That's final rehabilitation for want of another word?---Yes.

26 And then the period following that will be that being put into
27 effect and ultimately the land being transferred back to as
28 you say to the appropriate land manager under paragraph
29 49?---Correct.

30 At paragraph 51 and following you talk about your communications
31 with Alcoa, and you note that: "The current endorsed

1 rehabilitation plan requires consideration of ongoing fire
2 risk management", and I want to ask you a little about
3 that, the current endorsed rehabilitation plan is part of
4 the approved work plan for the mine, is that right?---Yes.

5 And I think it's as well if we just briefly go to that document
6 in volume 2 of the hearing book behind tab 13 and it starts
7 at Alcoa.001.003.0002. Under the renegotiated agreement
8 under which Alcoa is mining at Anglesea you had the
9 facility for the first time as a department to approve a
10 work plan for Anglesea, albeit under a somewhat different
11 regulatory regime to what applies, for example, to the
12 Latrobe mines, is that right?---No, this is a work plan
13 that is consistent with the others.

14 There is no difference albeit the power to do it comes from the
15 agreement, doesn't it, but in other respects it's the
16 same?---Yes.

17 If we go please to page 27 of the work plan which is
18 Alcoa.0001.003.0046, there is a heading, "Mine
19 rehabilitation and closure plan", is that the endorsed
20 rehabilitation plan you refer to in your statement?---Yes,
21 it is.

22 And at the start under the heading, "Introduction", it tells us:
23 "The mining organisation and the mine closure elements are
24 detailed in the Alcoa Anglesea land management plan and the
25 Anglesea site closure plan and are attached as appendix F
26 and G respectively"; then at the bottom of the page under
27 the heading, "Mine closure concept", we see five
28 paragraphs, the last of which sees: "The 2061 closure plan
29 generally depicts all high batters being completely filled
30 and redeveloped into rehabilitated slopes that feed down to
31 a flooded void and valley system that disguises the

1 distraction of the coal volumes"; am I right in
2 understanding that means there's going to be some form of
3 lake in the pit?---This work plan envisages the mine
4 working through to 2061, that is as it's called at point 4,
5 mine closure concept. It is just that, a concept, and it's
6 a matter that as I said earlier now that Alcoa have decided
7 to exit from the site we will have discussions with
8 Government and with Alcoa about what the final
9 rehabilitation looks like for the mine as well as other
10 parts of the leased area.

11 So just to expand on that, were the mining to have continued to
12 2061 the mine would look a lot different probably to what
13 we currently have?---Correct.

14 So rehabilitation of it would be a different question to
15 rehabilitation of what's going to be there on 31 August
16 this year had it finished?---I believe so.

17 I understand that. Just before we leave that document, if we
18 can turn to the land management plan which is appendix C to
19 the work plan, Alcoa.0001.003.0134, do you have
20 that?---Yes.

21 Not the easiest document to navigate around if I can put in my
22 little complaint?---Noted.

23 You probably look at it more often than I do so I shouldn't
24 complain. Looking at the second page, "Land management
25 programs", and one of them we see concerns fire management,
26 and just for completeness I think we should just go to page
27 35 of the land management plan. So the bit we're looking
28 at at the moment, and the code is Alcoa.0001.003.0168,
29 there is a discussion under the heading, "Fire management",
30 and it sets out aspects of ongoing responsibilities for
31 fire management that exist under the current work plan, and

1 as I understand what you're saying in your statement, that
2 is something that you would expect to see continue into the
3 final rehabilitation plan as well?---Yes.

4 I will tender that, I think.

5 #EXHIBIT 14 - Fire management current work plan.

6 If we then go back to your statement now, please, Mr McGowan,
7 VGSO.1003.001.0012, page 12 of your statement, do you have
8 that?---Yes, I do.

9 What you set out as I understand it from paragraphs 58-61 is a
10 series of communications between your department,
11 specifically through Mr Mitas, your senior mining
12 inspector, and representatives of Alcoa as well as
13 discussions you yourself have had with Mr Sharp of Alcoa in
14 which a couple of things have been happening, you have been
15 seeking information from them about their plans for 31
16 August, they have provided you with information and you
17 have been in the process of providing feedback to them and
18 that's all been going on over the last month or
19 so?---That's correct.

20 And one of the things you were particularly keen to know from
21 them is once they had decided they could not cap or cover
22 all of the coal, specifically they were going to be leaving
23 the western wall as it's been referred to uncovered, you
24 were keen to know what they were going to do to mitigate
25 the risk of fire in relation to that part of the
26 mine?---That's correct.

27 And as part of that process you were provided, this is at
28 paragraph 60, with a copy of the risk assessment and you
29 sought from them a copy of the risk assessment and you also
30 asked the measures to be put in place to manage the
31 coalfaces that will remain exposed. At paragraph 61 you

1 say: "On 15 July 2015 I received a copy of the risk
2 assessment from Alcoa." Just stopping there for a moment,
3 I think it might be used in the inquiry terms in different
4 ways, when you're referring to a risk assessment there,
5 that's the Mining One report, is that right?---Yes.
6 Have you also seen the document entitled, "Risk assessment",
7 that I was asking Mr Sharp about, that is more in the
8 nature of a formal risk assessment with risk and
9 consequences and the like?---I don't believe I have, no.
10 Is that because you haven't asked for it or it hasn't been
11 provided, or is there another explanation?---It's not
12 something I have turned my mind to at this point in time, I
13 have been dealing with the issue of fire and the coverage
14 of coal and the issues of closure.
15 In fairness to you, the evidence before the inquiry is it's a
16 document that has been sought and received by WorkSafe who
17 is your co-regulator, if I can tell them that, and that
18 reflects, does it not, the complementary roles the two
19 agencies are playing in relation to this issue?---Yes.
20 As far as the Mining One report is concerned you say at
21 paragraph 61: "At the date of making this statement", and
22 that was 17 July so some two weeks ago, "The ERR branch",
23 your branch, "had not had an opportunity to review the
24 report", that had subsequently been with you?---Correct.
25 And who did the reviewing of the Mining One report?---Because of
26 the complex nature I guess of Government and the amount of
27 work that is required to review these sorts of things, I
28 had I guess call it a working group. We had WorkSafe, EPA
29 and ourselves meet to discuss the issues that were raised
30 in the risk assessment to determine and - and dealt, sorry,
31 with the land manager to have a discussion more broadly

1 about whether we were satisfied with the issues that were
2 being raised in that assessment.

3 And - - -?---It's an attempt to I guess assist Alcoa by giving
4 more of a joined up approach although it's me asking
5 questions on behalf of Earth Resource regulation we are
6 drawing from a bigger pool of expertise, if you like, to
7 make sure we're asking the right questions.

8 Yes, and it's fair to say, isn't it, that expertise and the
9 experience the department has as you say it's drawn from a
10 broader pool than just the experience of Anglesea, and in
11 particular you can bring into play experience from the
12 Latrobe Valley Mine and the legally Hazelwood Mine in
13 particular to inform the decisions that are made in
14 Anglesea about the mine here albeit recognising the
15 differences which have already been examined?---There were
16 significant learnings, yes.

17 Significant learnings, that's right. And specifically just
18 recently Mr Mitas from your department has written a letter
19 which if I understand it correctly puts in a letter what
20 your department have learned about the Mining One report as
21 a result of that review?---M'mm.

22 And I don't think I need to show it to you because I think you
23 know the letter I'm talking about, exhibit 6 in these
24 proceedings, a letter Mr Mitas wrote to Mr Rolland, I don't
25 think it's in the book, if you need to see it I can have it
26 brought up for you?---No - well it depends on your
27 question, I suspect.

28 It is in your book, perhaps look behind tab 26. VGSO, it is on
29 the screen and without going into it in too much detail in
30 the letter Mr Mitas asks Mr Rolland specifically and Alcoa
31 generally to respond to a number of concerns he has and the

1 concerns, if I can put it this way, fall into two camps;
2 one is Mining One report itself and there are also other
3 concerns about what Alcoa is doing to implement the
4 recommendations in the Mining One report. Is it envisaged
5 by your department that Alcoa will go back to Mining One to
6 clarify some of these concerns or is how Alcoa responds
7 really a matter for them as far as you're concerned?---To a
8 certain extent - well, to a large extent it's a matter for
9 Alcoa to decide how they respond but I have an expectation
10 they will respond and clarify the matters we have raised in
11 that particular letter.

12 I think we heard earlier from Mr Rolland a meeting has in fact
13 been organised that Mr Mitas will attend on 10
14 August?---Correct.

15 Will you also be involved in that or will you leave that to
16 him?---I will probably attend.

17 And there is a cut-off of 21 August I think, in the letter as
18 the latest time that you want the various matters
19 addressed. The last matter I want to ask you about
20 Mr McGowan, is the question of the coal and its
21 flammability, and I suspect you will tell me what you have
22 set out in your statement is the extent of your ability to
23 assist us in that regard. You will recall that one of the
24 questions that the department was asked was about whether
25 the nature of the coal meant it was more or less flammable
26 really than the coal in Latrobe Valley, and the response we
27 find in your statement to that I think is at paragraph 74
28 on page 15, and without going into too much detail because
29 we certainly covered it in detail at the previous inquiry,
30 this question of the regulation of the risk of fire in
31 mines has had a bit of a checkered history in Victoria,

1 perhaps that's not the right way to put it, the
2 responsibilities moved from your department and its
3 predecessors to WorkSafe but now there is a degree of joint
4 responsibility for regulation of that issue?---Yes.

5 And you make the point at paragraph 74 that: "Throughout all of
6 these periods of varying responsibility and shifts in
7 statutory and regulatory focus ... regulation of fire risk
8 at Victoria coal mines has proceeded on the following
9 assumptions, that is coal is highly prone to ignition on
10 the basis of those various ignition sources and that
11 adverse health and environmental impacts might be caused by
12 smoke from a fire irrespective of the comparative
13 characteristics of coal mined at any of the four coal mines
14 in Victoria." I take it from that what you're saying is
15 the regulatory approach doesn't really change from the
16 issue in the Latrobe Valley as compared to the issue at
17 Anglesea?---Correct.

18 That in each case you're dealing with risks that have to be
19 managed appropriately?---Yes.

20 As between the three mines in the Latrobe Valley, they don't
21 present identical risk profiles either, there are
22 differences, so too differences here, ultimately it is a
23 matter of controlling the risks as they arise?---Yes, I
24 think paragraph 75: "The underlying premise of the
25 regulation of fire risk is to prevent, mitigate and if
26 necessary suppress the outbreak of my fire in a coal mine
27 in Victoria", and that's the way we operate.

28 I understand. They are the questions I have for Mr McGowan.

29 CHAIRMAN: Thank you, Mr Rozen.

30 MR TAYLOR: Nothing from us, Chairman.

31 MR ROZEN: Mr Attiwill has nothing. We have one more witness

1 scheduled for today and I'm happy to proceed.

2 CHAIRMAN: I think we just proceed. If we can finish the
3 witness before or after 4 that may be the best course, see
4 how we go.

5 MR ROZEN: The last witness for today is Robert James Kelly.

6 <ROBERT JAMES KELLY, affirmed and examined:

7 MR ROZEN: Good morning, could you please state your full name
8 and work address for us?---Robert James Kelly, 222
9 Exhibition Street in Melbourne.

10 You are the acting director of the Hazard Industries Group at
11 WorkSafe Victoria?---Yes.

12 That's a different role to the one you had when you gave
13 evidence in the first Hazelwood Mine fire inquiry?---Yes.

14 For the purpose of the inquiry you have made a witness statement
15 dated 21 July 2015?---Yes.

16 And have you had an opportunity to read through that statement
17 before giving your evidence this afternoon?---I have.

18 Is there anything you wish to change?---No.

19 And are its contents true and correct?---Yes.

20 I tender, that.

21 #EXHIBIT 15 - Statement of Robert James Kelly dated 21 July
22 2015.

23 Mr Kelly, I think as you say at paragraph 4 of your statement,
24 prior to holding your current position which you have been
25 in since February of this year, you were the manager of the
26 Earth Resources Practice in the Hazardous Industries Group
27 at WorkSafe?---Yes.

28 And that of course is the role you held when you gave evidence
29 last May, I think it was, in the Hazelwood inquiry number
30 1, and the person who now holds that position answers to
31 you; is that how it works?---Yes.

1 Who is the person that is in that position now?---Kevin Hayes.

2 I think we also heard from Mr Hayes, didn't we, the first time
3 around?---Yes.

4 Thank you. As with other witnesses we have heard from today the
5 agency for which you work was asked to provide a witness
6 statement responding to a number of questions that were set
7 out in the letter?---Yes.

8 And you have helpfully set out in your statement each of those
9 questions and you answer them sequentially in the document,
10 is that right?---Yes.

11 A number of those provide very helpful background information
12 about the role that WorkSafe have played in regulating
13 Occupational Health and Safety matters at the Anglesea Mine
14 leading up to the closure announcement this May, and I
15 won't ask you about those in detail, you have set those out
16 and you very helpfully attach a number of reports that were
17 completed by inspectors, entry reports which summarise the
18 activities, why they went on site, what they were doing and
19 so on and that material is there for us all. What I want
20 to focus on is the more recent history, that is the
21 interaction between WorkSafe and the Anglesea Mine. I
22 might start by just asking you about what your view is
23 about the regulatory context, in other words what is
24 WorkSafe regulating in relation to the Anglesea Mine?---The
25 Occupational Health and Safety of the mine, so that will
26 cover anything to do with in a sense the Occupational
27 Health and Safety of the employees of the mine
28 predominantly, and that can be anything from injuries
29 through to particular incidents, fire being one.

30 Without going back over history, we did examine in the first
31 Hazelwood inquiry the specific regulatory environment under

1 I think it's part 5.3 of the Occupational Health and Safety
2 Regulations that apply to mines, one significant difference
3 here as I understand your statement is unlike the Hazelwood
4 Mine the Anglesea Mine is not a prescribed mine?---That is
5 correct.

6 And in summary what that means is the regulatory imposts that
7 are on Alcoa are less than is the case in relation to the
8 prescribed mines in the valley?---Yes.

9 They are still required to assess risk and control it, but those
10 additional requirements of having a safety management
11 system and the like do not apply?---Yes.

12 Who is that assesses whether or not a mine is a prescribed mine,
13 how does that happen?---The legislation itself sets out a
14 prescribed mine to be in its worst instance an underground
15 mine or otherwise determined by the Authority. My
16 understanding is with the three in the valley by the nature
17 they are open, in the first instance they would not be
18 prescribed but historically they have been prescribed. If
19 the Authority felt at any stage any particular above ground
20 mine required a certain higher level and therefore wanted
21 to deem it a prescribed mine they would go through a
22 determination phase with the particular mine and say right,
23 we believe on these grounds you should be a prescribed
24 mine.

25 That process evidently has not occurred in relation to the
26 Anglesea Mine?---no.

27 Does that reflect an assessment by WorkSafe that the overall
28 risk profile of the Anglesea Mine doesn't justify that
29 additional layer of regulation?---Yes, I wouldn't say we
30 have assessed it specifically as to whether it's prescribed
31 or not but if I'm understanding what you're saying, it is

1 reflective we don't see it as being a prescribed mine.
2 So it may not be quite as active a process as I have suggested
3 but nonetheless that is the outcome, that it doesn't have
4 that additional layer of regulation imposed on it and that
5 reflects the assessment of the overall level of risk, okay.
6 If we can focus specifically on question 6, and you set
7 that out at the bottom of page 8 of your statement, it's a
8 wordy question but I think it might be worth me reading it
9 out: "WorkSafe was asked in its role in the regulator of
10 fire in the Anglesea Mine advises that the Victorian
11 WorkCover Authority is satisfied the mine operator has
12 considered and implemented all of the sustainable,
13 practical and effective options to decrease the risk of
14 fire arising from or impacting the Anglesea Mine, if so
15 what is the basis of the satisfaction? If not what is
16 WorkCover doing to satisfy itself of those matters?" Then
17 you point to the role WorkSafe plays monitoring the mine
18 for compliance with the Act, and if I can draw your
19 attention to paragraph 51 you note that there is a capping
20 strategy that is being implemented, that is covering the
21 exposed coal with suitable inert material overburden which
22 we have heard quite a bit about, and you note the 1,000
23 millimetre thickness which will effectively prevent
24 underlying coal in this area from exposure to oxygen
25 thereby mitigating the fire risk. You go on: "The
26 remaining exposed coal along the batters will be subject to
27 a monitoring program. WorkSafe is currently reviewing the
28 adequacy of this strategy and the preliminary assessment
29 that it is based on", and you then focus on the history of
30 mine fire, risk assessment in comparison with Latrobe
31 Valley mines, the Mining One report and the preliminary

1 review of the industrial capping practices. And my
2 question is how is WorkSafe currently reviewing the
3 adequacy of that strategy and who is doing that?---That's a
4 discussion that's happening internally with my team with
5 senior mining engineers and safety assessment specialists
6 and inspectors, and we will be meeting - Ross McGowan
7 mentioned in his statement we will be meeting with Alcoa in
8 conjunction with the whole of Government to discuss those
9 matters.

10 Is that a meeting that is scheduled, or is it a meeting to be
11 organised?---I believe that is the meeting of 10 August.

12 That is a meeting that will involve your agency as well, right.

13 Further down that page you note an internal risk assessment
14 had been performed and I think you might have been in the
15 hearing room earlier when I was asking some questions of Mr
16 Sharp about the risk assessment that had been performed
17 recently, is that a document that has been provided to
18 WorkSafe?---There is a document I have seen that I believe
19 was provided to us on or around 15 July.

20 And is the assessment of that part of this assessment process
21 you have been talking about?---Yes.

22 You refer at paragraph 54 to being informed by Alcoa at a
23 meeting, I think back at the end of June, about the capping
24 strategy and you then attach a document which is a
25 technical report that was prepared arising from that visit.
26 I want to ask you about that, it's attachment 25 to your
27 statement and to help you locate it, it has the number in
28 the top right-hand corner VGS0.1006.001.0173. Those
29 numbers should be sequential, if you go to the one that
30 ends in 173 you should be looking at this same
31 document?---Yes.

1 This records an attendance by WorkSafe officers, Mr Faraz, Mr
2 Walsh and Mr Bird, are they all part of your
3 department?---Yes.

4 And this visit was part of the way in which WorkSafe has
5 informed itself about these development and the
6 plans?---Yes.

7 Without going through the document in detail, can you go to the
8 fourth page of it there is a heading, "Actions"?---Yes.

9 Before that, if you go above that to the heading, "Findings",
10 you will see it's the next page: "These enquiries together
11 with the site inspection suggest that the OB", overburden,
12 "capping works present no immediate risk to health and
13 safety of employees and the controls in place are
14 sufficient insofar as is reasonably practicable." Can I
15 clarify that, obviously risks to employees is an important
16 part of the role of WorkSafe but perhaps you can tell us,
17 is part of WorkSafe's role here to consider broader risks
18 including risks to public safety that might arise from if
19 there were to be a fire in the mine?---Yes.

20 Then it goes on: "The 1 millimetre thick OB layering used to
21 cap the coal is in excess of the 300 millimetre OB capping
22 commonly used in the Latrobe Valley coal mines for the same
23 purpose." That 300 millimetre height, is that a practice
24 that you're aware that's used in the Latrobe Valley?---On
25 this advice, yes.

26 Do you know is there any sort of technical guidance material
27 that you're aware of or a standard that sets that 300
28 millimetre figure, or is that just the industry
29 practice?---My understanding is industry practice.

30 You then go on: "Further enquiries that WorkSafe and Alcoa will
31 provide further confidence in the effectiveness of this

1 control", then there is a series of actions set out. The
2 first was provision to WorkSafe by the Technical Review
3 Centre of Excellence report and the Mining One report, have
4 they both been provided to WorkSafe?---Yes.

5 It says for an assessment, can you explain to the board what
6 that actually means?---You notice there about where you
7 spoke of further enquiries by both WorkSafe and Alcoa, "see
8 actions below to provide further confidence of the
9 effectiveness of this control"; my reading of that is we
10 are saying the site has advised us they are going to use
11 one metre based on standard practice in the valley 300
12 millimetres seems to be the standard practice, however, we
13 want to make our own enquiries and our own assessment to
14 satisfy ourselves 1 metre is appropriate in that
15 circumstance.

16 Thank you. And then at point 5 under the heading, "Action:
17 WorkSafe to conduct an over site visit on 24 July to follow
18 up on verification recommendations related to current
19 emergency plan and to assess Alcoa's progress against the
20 OB capping plan." That was last Friday if I'm right, did
21 that visit take place?---Yes.

22 And were you personally involved in that? I take it not, these
23 are the officers that have been previously involved, and
24 has there been feedback given to you about what they saw at
25 that visit?---Yes.

26 And are you able to summarise for us what the feedback is?---The
27 capping was progressing and progressing well in relation to
28 the improvement notice that had been issued on the visit of
29 the 29th, there was a follow up on that and that actual
30 original notice had been withdrawn and a new notice had
31 been written in relation to hazard identification in

1 relation to plant use in relation specifically to fire.
2 In relation to that I probably skipped over it but in your
3 statement you do refer to, I think I'm right in saying
4 three instances of equipment fires that have occurred at
5 the site and Mr Rolland gave some evidence about those
6 earlier today and the notices that have been issued by
7 WorkSafe over the last two years or so have tended to focus
8 on issues arising out of those investigations, is that
9 right?---Yes.

10 And so as things presently stand there is a meeting organised
11 for 10 August that your department - - -?---That I'm aware
12 of.

13 And will be involved in?---Yes, between ourselves and DEDJTR
14 that's a matter we continue to communicate on.

15 Thank you. They are the matters I have for Mr Kelly.

16 MR TAYLOR: No questions from us, thank you.

17 CHAIRMAN: Thank you. Mr Kelly you're excused.

18 <(THE WITNESS WITHDREW).

19 CHAIRMAN: I know you have been rather busy today, Mr Rozen, but
20 do you want to give us an outline of what's for tomorrow.

21 MR ROZEN: Yes. With Mr Kelly that completes the witnesses
22 from Alcoa and the regulators, if I can put it that way.
23 Tomorrow we will be hearing from two witnesses from the
24 CFA, the first will be Robert Barry, Mr Barry will be an
25 important witness because he had, as the board will
26 remember, very extensive experience as an incident
27 controller at the Hazelwood Mine and he's able to bring
28 that experience to bear on his assessment of risk at the
29 Anglesea Mine. He does that in his statement.

30 He will be followed by Jamie Mackenzie, a well-known
31 local CFA volunteer and employee with a very long history

1 both at the CFA and initially I think the Forests
2 Department, I think is right, and more recently he will
3 talk about the CFA's local experience. Then Craig Lapsley
4 who is also well-known to the board from the first
5 Hazelwood inquiry will share with the inquiry his
6 experience as the emergency management commissioner and the
7 role he's played in chairing the Latrobe Valley and Surf
8 Coast Task Force.

9 After lunch tomorrow we will hear from two experts,
10 the first mining engineering expert, Mr Farrington, who was
11 retained by Alcoa as part of Mining One to give advice,
12 that's been referred to extensively today, and Mr Rod
13 Incoll, the independent fire expert that's been engaged by
14 the board and who has been present in the hearing today and
15 will give evidence about the two reports he has written.

16 Before sitting down there is one last thing I have
17 been reminded I need to do and that is to tender a
18 statement that was provided to the board by Dr Smith, it's
19 behind tab 6. It is a very comprehensive statement and
20 Dr Smith is the deputy secretary of the Land Fire
21 Environment Department in the Department of Environment,
22 Land, Water and Planning and his statement deals
23 extensively with the role of that department as the land
24 manager of the Anglesea Heath which the board will recall
25 we saw in the earliest of the photos we look at today, and
26 Dr Smith gives an extensive description of the department's
27 role and particularly focuses on fire management and gives
28 evidence about the role the department will play post
29 closure of the mine, and so the decision was made it was
30 not necessary to call Dr Smith but if we could mark his
31 statement as an exhibit and as a useful part of the

1 material.

2 #EXHIBIT 16 - Dr Smith's statement.

3 MR ROZEN: Before the board rises there was some discussion of
4 starting early tomorrow. Given it is Friday and people
5 probably want to get away we have discussed with counsel
6 about a 9.30 start, if that's acceptable to the board I
7 think that will ensure we get through tomorrow's witnesses
8 without any undue haste.

9 CHAIRMAN: That's fine. We will start at 9.30 tomorrow
10 morning.

11 ADJOURNED TO 31 JULY 2015 AT 9.30 A.M.

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