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TRANSCRIPT OF PROCEEDINGS

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*The attached transcript, while an accurate recording of evidence given in the course of the hearing day, is not proofread prior to circulation and thus may contain minor errors.*

2014 HAZELWOOD MINE FIRE INQUIRY

MORWELL

TUESDAY, 27 MAY 2014

(2nd day of hearing)

BEFORE:

THE HONOURABLE BERNARD TEAGUE AO - Chairman

PROFESSOR EMERITUS JOHN CATFORD - Board Member

MS SONIA PETERING - Board Member

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1 CHAIRMAN: Yes, Ms Richards.

2 MS RICHARDS: Good morning. The order of proceedings today  
3 is Mr Norris from the Department of Environment and  
4 Primary Industries will shortly do a Phoenix  
5 presentation and he will explain what that involves. 10.01AM  
6 On the witness list today also was Detective Inspector  
7 Michael Roberts of the Arson and Explosive Squad with  
8 Victoria Police. I do not propose to call his evidence  
9 today, I simply propose to tender his affidavit which  
10 was in the hearing book, and we expect to receive a 10.01AM  
11 further affidavit from him in the course of this week  
12 which I will tender when it's received.

13 Perhaps I could do that now. There's an affidavit  
14 of Michael Roberts sworn on 16 May, if I could tender  
15 that as the next exhibit. 10.01AM  
16

17 #EXHIBIT 5 - Affidavit of Michael Roberts sworn 16 May.  
18

19 MS RICHARDS: Following Mr Norris's evidence we will be  
20 calling the following witnesses from the mine, from GDF 10.02AM  
21 Suez: David Shanahan, James Mauger and Steven Harkins.  
22 Then we propose to call Graeme Freshwater, who is  
23 today's community witness and, after his evidence, time  
24 permitting, I'll call on two summonses issued to  
25 employees of the mine, Romeo Prezioso and James 10.02AM  
26 Faithfull. That's a fair bit to get through today but  
27 that's what we're aiming to achieve.

28 CHAIRMAN: That's okay.

29 MS RICHARDS: I call Jaymie Norris.

30 <JAYMIE ROBERT NORRIS, sworn and examined: 10.02AM

31 MS RICHARDS: Good morning, Mr Norris. Can you please state

1 your full name and your work address for the  
2 Inquiry?---My full name is Jaymie Robert Norris and my  
3 work address is 8 Nicholson Street, East Melbourne.  
4 Your current position is Acting Manager of Strategic  
5 Bushfire Risk Assessment Unit in the Department of 10.03AM  
6 Environment and Primary Industries?---It is a mouthful,  
7 and, yes, indeed.  
8 What does that role involve?---Essentially it's the  
9 development of bio behaviour tools to try to understand  
10 strategic risk around bushfires. 10.03AM  
11 In February this year during the Hazelwood coal mine fire  
12 you worked in the State Control Centre as a Fire  
13 Behaviour Analyst?---That's correct.  
14 You have prepared two things for the Inquiry today, the  
15 first is a statement dated 23 May of 19 paragraphs. Do 10.04AM  
16 you have a copy of that there in front of you?---I do  
17 indeed.  
18 Have you read it recently?---I have.  
19 Do you have any corrections you'd like to make?---I do not.  
20 Is it true and correct?---It is. 10.04AM  
21 I tender that statement.  
22  
23 #EXHIBIT 6 - Statement of Jaymie Norris dated 23 May.  
24  
25 MS RICHARDS: In your statement you tell us that you 10.04AM  
26 prepared a presentation using Phoenix RapidFire  
27 software. Can you tell us a little about Phoenix, what  
28 it is and what it does?---Yes, of course. Essentially  
29 Phoenix is a modelling interface. It collates a range  
30 of different models to try and understand fire 10.05AM  
31 behaviour across a landscape. Essentially it tries to

1 identify what drives fire in terms of spread and its  
2 behaviour, so it draws together different sources of  
3 information from topography, climate, weather and fuel  
4 information to try and derive some sort of estimate of  
5 fire behaviour. 10.05AM

6 It's important to understand that it's a model, not a  
7 depiction of what actually happened?---It is most  
8 certainly a model; it is indicative of what may have  
9 occurred, but it's very much dependent on the quality  
10 of information entering into that model and that can be 10.05AM  
11 quite variable.

12 Phoenix's primary use is as a predictive tool, is it  
13 not?---It is, although it is also used for strategic  
14 bushfire risk assessment, so looking out over 20, 30,  
15 40 years to try to understand bushfire risk as well, 10.05AM  
16 but its primary role is certainly around predictions in  
17 an operational sense which are then used for a whole  
18 range of different purposes, from informing strategies  
19 around suppression, all the way through to community  
20 information. 10.06AM

21 You've prepared a presentation that you will take us through  
22 shortly, but it's important to make clear before you do  
23 that what assumptions underpin that presentation, so  
24 could you step us through those please?---I can indeed.  
25 Essentially, the primary assumptions that we need to 10.06AM  
26 take into consideration with the simulation exercise is  
27 that it's essentially a look back on the day using  
28 information that was largely available on the day with  
29 the exception of better weather information, so using  
30 the automatic weather station, Latrobe Valley, to get a 10.06AM  
31 better understanding about the dynamics around weather.

1 But a lot of the other assumptions that sit behind the  
2 model, so fuel information as well as topographical  
3 information is very much of the order that was  
4 available on the day.

5 The Phoenix computer model has in it already topographical 10.07AM  
6 information, so slope, weather hills?---That's correct.  
7 Where the slopes are. Fire history?---It does, yes.  
8 Which informs the data that's in there about fuel  
9 loads?---In particular, yes, around fuel  
10 re-accumulation. 10.07AM

11 In a predictive situation you would use the Bureau's gridded  
12 weather forecast?---That is correct.

13 But now in retrospect you're able to use the actual weather  
14 as recorded on 9 February?---That's correct. We've  
15 simplified the weather so it changes every hour, so 10.07AM  
16 it's not a continuous source of weather, so there is  
17 some simplification around that, but essentially the  
18 difference, the major difference between what was  
19 available on the day and what I'm presenting here today  
20 is that the underlying weather stream used to inform 10.08AM  
21 that weather was gridded weather on the day, so that is  
22 a modelled forecast provided by the Bureau of  
23 Meteorology, and what we use today is very much the  
24 weather as recorded from the automatic weather station.

25 Are there any other assumptions that we should be clear 10.08AM  
26 about before I ask you to step into the  
27 presentation?---Actually there's a couple of other  
28 things that I can cover but I cover that as part of the  
29 presentation, so I can certainly cover that, though.

30 Let's get started then. You're able to drive the simulation 10.08AM  
31 from there, we hope?---It worked this morning, so we'll

1 have a go.

2 The first thing I wanted to step you through  
3 really is, what are the underlying sources of  
4 information that we rely upon to be able to develop a  
5 fire prediction, and in the case of what I'm presenting 10.08AM  
6 today, around a fire simulation. Essentially you have  
7 three major sources of information. Those are climate,  
8 which includes the long term drivers around climate,  
9 all the way down through to the actual weather  
10 information on the day. You have topography, a major 10.09AM  
11 driver of fire behaviour, as well as essentially what  
12 we would characterise as fuels; there's a whole heap of  
13 underlying complexity within that, but essentially  
14 those three areas define the major drivers of fire  
15 behaviour. 10.09AM

16 With the model we can also input suppression  
17 activity. We have not done that for the example  
18 provided today; that is something which is much better  
19 characterised by a much more detailed fire  
20 reconstruction. What we're providing today is very 10.09AM  
21 much a simulation, so it's a hindsight view of what was  
22 available on the day with better weather information.

23 The model itself was developed by Melbourne  
24 University, Dr Kevin Tolhurst, in collaboration with  
25 bushfire CRC and DEPI. We use that model for a whole 10.10AM  
26 range of different purposes, one of which we'll talk  
27 about today which is a simulation, but we also use the  
28 model for the purposes of prediction; that is, on the  
29 day in an operational sense, and we also use that for  
30 community information and advice. 10.10AM

31 What I'll be providing today is a simulation. So,

1 as I said, it's a hindsight view, everything else being  
2 kept as it was on the day in terms of the model, with  
3 the exception of better weather information. We also  
4 use the model for strategic bushfire risk. I certainly  
5 won't go into that today, but essentially that's a long  
6 view about bushfire behaviour risk in the landscape.

10.10AM

7 Some of the assumptions that I think are very  
8 critical to understanding what we're providing today,  
9 the following simulations are certainly general models  
10 of fire behaviour and spread from two fires identified  
11 that potentially impacted the Hazelwood Mine on  
12 9 February 2014. We have used a particular version of  
13 Phoenix which is the current version of Phoenix, and,  
14 as I said previously, the simulations I'll show you  
15 today are not reconstructions.

10.11AM

10.11AM

16 We assume that the fuel types used in Phoenix  
17 RapidFire are accurate and the grass was 100 per cent  
18 cured. That's a critical point around understanding  
19 bushfire spread through grass fuels. Essentially that  
20 suggests that all of the grass fuel was available for  
21 the fire.

10.11AM

22 We have not modelled suppression, so what you're  
23 looking at today is essentially what the fire may have  
24 done in the absence of suppression, and in the absence  
25 of investigated information on the actual point of  
26 escape from Hernes Oak, we have simulated a point of  
27 escape based on aerial photography taken during the  
28 actual event. So, there is an assumption around that,  
29 that point of escape from Hernes Oak, but we had  
30 assumed that point of escape occurred at about 1.15,  
31 which is per the State fire chronology.

10.12AM

10.12AM

1           Looking at the Driffield fire: Again, we've  
2 modelled a point of ignition based on the mapping done  
3 on the day, but it's only indicative as specific points  
4 of origin aren't available for us due to the Inquiry by  
5 the Victorian Police. But the sites utilised are 10.12AM  
6 thought to be somewhere in the vicinity of 50 to  
7 100 metres in terms of accuracy.

8           The assumed ignition time for Driffield is  
9 1.30 p.m. as per the State fire chronology.

10           The simulations that I'll show you use hourly 10.13AM  
11 weather from the Latrobe Valley automatic weather  
12 station as provided by the Bureau of Meteorology and we  
13 assume that the weather observations from the Latrobe  
14 Valley automatic weather station are appropriate fire  
15 ground. 10.13AM

16       So the Latrobe Valley automatic weather station is at the  
17 Latrobe Valley Airport?---It is.

18       I understand it's between Morwell and Traralgon?---It is.

19       It's about 9 kilometres away or thereabouts. Just to  
20 give you a bit of a context about where we are talking 10.13AM  
21 in the landscape for the purposes of the simulation,  
22 Hernes Oak is assumed to be that area just to the  
23 northwest. Hernes Oak is assumed to be this area  
24 through here. There's a Hernes Oak extension, the  
25 actual fire, then the Hazelwood Mine and Driffield 10.14AM  
26 here, all those fires are indicated by that red/brown  
27 rusty colour on that map. Essentially what these are,  
28 are the actual fire areas as currently contained within  
29 the DEPI fire information database.

30       So that's the final perimeter of the fires?---That's 10.14AM  
31 correct.



1 The automatic weather station is indicated just there at the  
2 airport and, as you may have seen yesterday from some  
3 of the Phoenix information provided yesterday, there  
4 was a point of interest with this fire in the  
5 southeastern quadrant of that fire. Apologies for the 10.14AM  
6 size of these photographs, but essentially you can see  
7 an indication of smoke. These are taken between 9.23  
8 and 9.30 on the 9th, and you can see indications of  
9 smoke issuing from that area of the fire.

10 Can you help us to orientate ourselves, starting from the 10.15AM  
11 one in the top left corner. Which direction are we  
12 looking in?---Essentially due north is in that  
13 direction, slightly angled with this photograph here  
14 and it's back on itself here.

15 So the bottom photograph we're looking from north to 10.15AM  
16 south?---That's correct. That's between 9.23 and 9.30  
17 on the 9th. This is an aerial photograph of the Hernes  
18 Oak Fire taken at 1.27. You can see from this there  
19 are still indications of smoke from that part of the  
20 fire which is of interest ahead of the break out from 10.15AM  
21 Hernes Oak, but that the major fire expansion occurred  
22 in the northeastern quadrant of that fire.

23 You can also see from this image the influence of  
24 a west northwesterly, westerly wind, so by this  
25 stage at 1.23 the fire ground is certainly not 10.16AM  
26 receiving a due northwesterly, although that was the  
27 wind direction directly previous.

28 CHAIRMAN: And this is roughly pointing in an easterly  
29 direction?---That's correct.

30 Aerial?---You can see the Hazelwood Mine just down here. 10.16AM

31 From this another couple of things that are worth

1 noting, shadows from the smoke column extend well  
2 beyond the Hazelwood Mine. So at this stage the column  
3 from this fire is leant over the top of mine. You can  
4 see a little escape here where the grass - a little  
5 grass fire here has escaped from where it has moved 10.16AM  
6 down and it's travelled with the northwesterly and is  
7 now starting to shift, so that suggests that the fire  
8 would have initially broke. Containment lines were  
9 certainly affected by a northwesterly wind that was  
10 very quickly moving into a west northwesterly through 10.16AM  
11 to a westerly.

12 This is a photograph of Hernes Oak taken at 1.41.  
13 Again for orientation purposes you can see the highway  
14 along here, and at this stage, at 1.41, is essentially  
15 being impacted by a southwesterly wind. So by this 10.17AM  
16 stage you're already seeing the change in the direction  
17 of wind, moving that fire back towards the town of  
18 Morwell.

19 MS RICHARDS: We're looking from the southwest towards the  
20 northeast?---That's correct. This is another 10.17AM  
21 photograph at 1.41, just moving, the plane has now  
22 moved past the fire, and you can see that that column  
23 is very much leant over the town of Morwell and that  
24 there is already suggestions of spot fires occurring  
25 along the perimeter down here in that quadrant. 10.17AM

26 What I'll run through now is essentially a movie,  
27 a simulation of the Hernes Oak Fire. It will run  
28 through this essentially across the entire period of  
29 the prediction. You can see the growth of that fire  
30 and what I'll do is I'll step through this in an hourly 10.18AM  
31 fashion to give you a bit more of an idea about what's

1           happening. (Simulation played.)

2       So that's the eight hours between quarter past 1 in the

3       afternoon and 9.15 that night?---That's correct. Now

4       I'll step you through that hourly - I think you can get

5       a lot more information from an hourly time step than       10.19AM

6       you can from that movie. Essentially, this is the

7       point of escape at about 1.15. You can see from here

8       that we have modelled along the line within native bush

9       here in the Hernes Oak Fire; that is at the assumed

10       point of escape within the model. It is very important       10.19AM

11       to note that that's the point of escape within the

12       model.

13                By 2 o'clock there is a large extension of that

14       fire through the grassed area through plantation and

15       native forest under the influence of a northwesterly       10.19AM

16       wind as modelled.

17       Perhaps you can explain the colour scheme to

18       us?---Absolutely. So essentially you've got gradients

19       of yellow through orange within the fire. That's

20       broadly indicative of the intensity of the fire. So at       10.20AM

21       one point a measure of intensity, so where it

22       encounters heavier fuels you'll have a higher intensity

23       fire. The other point to note here is these little red

24       squares. They are modelled spotting. So essentially

25       within the first hour of the run of this fire there is       10.20AM

26       already modelled spotting to the north of the mine, but

27       also all the way across the east to the other side of

28       the mine, so quite significant spotting behaviour

29       associated with the initial run of this fire. So,

30       within the first hour the model would suggest it's       10.20AM

31       quite probable that spotting has reached the mine.

1 These spots are broadly indicative of the potential for  
2 spotting, they don't necessarily correspond to a point  
3 of spotting, so they are indicative of spotting  
4 behaviour. So we suggest from the model essentially  
5 that spotting behaviour may have impacted on the mine 10.21AM  
6 within the first hour. That's from Hernes Oak.

7 By spotting, you mean burning embers or brands that are  
8 deposited well ahead of the actual fire front and can  
9 be an independent source of ignition?--Absolutely.

10 It's important to note that within our model this is 10.21AM  
11 very much tuned to house impacts, with primacy of life,  
12 that drives a lot of the modelling processes to be  
13 tuned towards impacts on homes. So that, essentially  
14 these models are suggesting that there is the potential  
15 for a house to be ignited by this spotting. 10.21AM

16 Now, I won't necessarily make comment about the  
17 flammability of coal relative to a house, but that is  
18 an important assumption to make, that this suggests the  
19 potential for spotting to impact upon a home.

20 By 3 o'clock you're starting to certainly see the 10.22AM  
21 influence of the wind change pushing towards Morwell  
22 and Yallourn, so that at this stage here you would  
23 certainly see a flanking fire become a head fire. So  
24 the northern flank of the initial extension of the  
25 Hernes Oak Fire would now push under the influence of 10.22AM  
26 the southwesterly towards Morwell. You'll see the  
27 intensity of spotting, not only through and over the  
28 Hazelwood Mine, but also into the town of Morwell as  
29 well. So at this stage there was very likely to have  
30 been an ember attack upon the town of Morwell. 10.22AM

31 By 4 o'clock the expansion of that fire under the

1 influence of the southwesterly winds has certainly  
2 pushed that fire in the modelling sense along that  
3 western flank of Morwell up towards Maryvale. Spotting  
4 ahead of that fire is occurring all the way through  
5 into the Maryvale area now within the model. 10.23AM

6 By 5 o'clock you're certainly seeing expansion of  
7 that fire based by fuels being available through the  
8 Yallourn area, the rehabilitated area of Yallourn, and  
9 an extension of spotting behaviour through Maryvale  
10 with large extensions of that fire primarily through 10.23AM  
11 the grass but also through the forest towards Maryvale.

12 By 6 o'clock embers from this fire would have been  
13 very intense around Maryvale and the further extension  
14 of that fire based on those southwesterly winds. That  
15 continues through until the end of the modelling run. 10.24AM

16 It's probably worth noting at this point the  
17 difference between the actual and predicted fire area.  
18 There's quite some area here which is not underlaid by  
19 this red rusty colour, which is the actual. Whilst  
20 it's not a perfect measure, that being a model, that is 10.24AM  
21 indicative of the suppression effectiveness associated  
22 with this fire.

23 MEMBER PETERING: To which the community of Morwell are very  
24 grateful?---I think the community of Morwell may have  
25 participated in that, most definitely. 10.26AM

26 I'll take you now to Driffield. This is a  
27 photograph from an aircraft of the Driffield fire taken  
28 at 3.22, certainly showing the influence of a very  
29 strong southwesterly wind as indicated by the column  
30 being leant over quite significantly. 10.26AM

31 Again I'll take you through a process of the movie

1 for Driffield and then step through that in an hourly  
2 fashion. (Simulation played.)

3 One of the major differences between Hernes Oak  
4 and Driffield is that Driffield looks to have been  
5 affected very quickly after its ignition by a  
6 southwesterly. So, the movement of the fire very much  
7 travels in that northeasterly direction.

10.26AM

8 Again, starting at 1.30 with an assumed ignition  
9 point down in the southwestern corner of that fire,  
10 very quickly that fire is showing quite intense  
11 behaviour and spotting, not quite to the same distance  
12 as Hernes Oak, and that's possibly due to the  
13 development of the column over Hernes Oak which would  
14 have helped transport live embers over the mine.

10.26AM

15 At this stage here it is unlikely to have  
16 deposited embers, we can't say that for sure from a  
17 modelling context, but it is unlikely to have been  
18 depositing embers into the mine at this time.

10.26AM

19 At about 3 o'clock you're still seeing extension  
20 of embers in a northeasterly direction. Given the  
21 uncertainty around this model, it is possible that at  
22 this stage there could be embers from Driffield  
23 impacting upon Hazelwood, although the modelling would  
24 suggest that it is less likely.

10.26AM

25 You can see the growth of that fire associated  
26 with those strong winds as well as topography and fuels  
27 which then expand through that forested area with  
28 significant amount of spotting ahead of that fire, and  
29 that starts to broach some of the grassland areas  
30 associated with the lead up to that mine at about

10.27AM

31 7 o'clock. That fire then progresses through into the

10.27AM

1 mine area. Again, I take you back to the point, there  
2 was no suppression modelled within this, and then  
3 expands through to impact directly upon the Hazelwood  
4 Mine and infrastructure over the next couple of hours.

5 Again, I'll just reiterate the fact that this does  
6 not have suppression and that the difference between  
7 the model output and the actual is likely to be driven  
8 by a range of different uncertainties, around weather,  
9 fuels and the like, but primarily the effectiveness of  
10 suppression in keeping that fire out of the Hazelwood  
11 Mine as a direct impact. 10.27AM

12 MS RICHARDS: But just focussing on the prediction with the  
13 input of actual weather, it would suggest that the  
14 Driffield fire, had it not been suppressed, may have  
15 moved into the open cut, but that the potential for  
16 spotting into the open cut was much less than the case  
17 with the Hernes Oak Fire?---Absolutely. There is some  
18 uncertainty around that, it is possible that the  
19 Driffield fire contributed embers into the Hazelwood  
20 Mine, but in terms of the balance of probability, you  
21 would suggest that Hernes Oak was more likely to have. 10.28AM

22 I have just placed this, these are three different  
23 models overlaid on one another; this is really to try  
24 to understand the effect of some moderation in one of  
25 the inputs and what that can mean in terms of the  
26 model. There are three simulations here with a  
27 10 degree difference in the wind direction, so just a  
28 10 degree difference in the wind direction can actually  
29 drive quite significant differences around that fire  
30 area. So, the inputs as I've suggested previously are  
31 critical to understanding how well the model is 10.29AM

1           behaviour.

2           I just wanted to also step you through the

3           development of the smoke columns. Now, this is

4           particularly important with relation to the transport

5           of embers. This is a 1400 - - - 10.29AM

6       Can you just explain why that is?---Embers are pulled up in

7           a convection column in a fire, are transported up into

8           the air, and with lateral movement are then placed into

9           another part of the landscape downwind from where they

10          were drawn into the column, so it's an 10.29AM

11          atmospheric - - -

12       So it's not simply a function of being blown by the wind;

13          it's much more complex and dynamic than

14          that?---Absolutely, it's a three dimensional process in

15          the sense that there's lift and it depends on the 10.30AM

16          intensity of that lift as to how high through the

17          column that embers can go and the size of those embers

18          and then how they are deposited downwind from that.

19                But at 1400 you would have had the column over the

20          top of Hazelwood, although the development of that 10.30AM

21          column really did accelerate with the wind change. So

22          you can see an expansion of that area with those

23          bubbles indicating the convection column. You can also

24          see the formation of a smaller convection column

25          associated with the Driffield fire. At this stage, 10.32AM

26          though, the Hernes Oak Fire has a much more significant

27          column.

28                By 4 o'clock in the afternoon that column is quite

29          significant and has certainly started to lean over the

30          area of Morwell town as well as all the way through to 10.32AM

31          Maryvale, and Driffield is still building.



1           There is some more consolidation of that column  
2           from Hernes Oak and you can also see that Driffield now  
3           is starting to become quite sizeable, although  
4           relatively speaking is still much smaller than Hernes  
5           Oak. If I run that through to 9 o'clock, you can see  
6           that that column would have driven all the way over the  
7           top of mine.

10.32AM

8           If we have a look at some of the aerial  
9           photography from the time, this is taken at 3.27. For  
10          the purposes of orientation, this area through here,  
11          it's a very difficult photo to put context around, this  
12          is the Hernes Oak Fire and moving up through here is  
13          the Driffield fire. So essentially at this point there  
14          is likely to be interaction between those columns and  
15          that interaction is likely to have occurred in close  
16          proximity to the Hazelwood Mine.

10.32AM

10.32AM

17         Thank you. I have no further questions. Do any Members of  
18          the Board have questions?

19         MR WILSON: No questions, thank you.

20         <CROSS-EXAMINED BY MS BURCHELL:

10.32AM

21         MS BURCHELL: My name is Ms Burchell, I'm junior counsel for  
22          GDF Suez. I just have a few questions following up  
23          from what Ms Richards has asked you. In your witness  
24          statement you state that you have been an employee with  
25          the Department since 2008?---That's correct.

10.33AM

26         So you will be aware that the Phoenix RapidFire software was  
27          rolled out as part of the 2009 Bushfires Royal  
28          Commission?---Absolutely.

29         That was to enable the CFA to predict fire paths. Is that  
30          correct?---More than just the CFA, but certainly to  
31          understand fire behaviour and progression.

10.33AM

1       Would you agree that the Government has invested heavily in  
2       enhancing fire intelligence gathering, the analysis of  
3       predictive capabilities by launching the Phoenix  
4       RapidFire simulation tool?---Absolutely and continues  
5       to make significant investment today. 10.33AM

6       And it's critical in providing up to six hours of warning of  
7       the direction, speed and intensity of a fire  
8       within minutes rather than hours of its  
9       detection?---Yes.

10      Are you familiar with the recommendations arising from the 10.34AM  
11      Bushfires Royal Commission?---Yes.

12      And in particular Recommendation 16?---Not off the top of my  
13      head about the detail but certainly generally, yes.

14      If you take it from me that Recommendation 16 is in relation  
15      to the CFA and the Department improving mapping 10.34AM  
16      support, and there are four tenets, the first being  
17      that the Department provides mapping data free of  
18      charge to emergency response agencies. Is that  
19      correct?---Yes.

20      Secondly, that it is to greatly increase the CFA's right of 10.34AM  
21      access to fire mapping for Incident Management Team  
22      staff?---Yes, I could certainly say that that may be  
23      what it suggests. I'm certainly not in a position to  
24      be able to suggest how that was operationalised.

25      The third tenet is establishing a joint Department and CFA 10.36AM  
26      training programme to ensure that mapping officers in  
27      Levels 2 and 3 of the Incident Management Team are  
28      fully trained in using the program including producing  
29      fire prediction maps?---Yes.

30      And that the Recommendation also requires for 2010 and 2011 10.36AM  
31      for that fire season, that the fire map were used for

1 joint incidents?---That's correct, and certainly that  
2 is how it is used.

3 In December 2010 were you involved in the Department's  
4 improvement in the fire map system to upgrade its  
5 server capacity?---I was not. 10.36AM

6 Do you agree that the fire map supports traditional access  
7 requests from emergency management agencies?---I can't  
8 comment to that.

9 Do you know whether all Level 3 Incident Control Centres  
10 have access to the fire map and fire web?---I can't 10.36AM  
11 comment to that.

12 In your witness statement at paragraph 13 you refer to data  
13 inputs from a historical weather feed which describes  
14 what actually happened, whereas usually Phoenix would  
15 rely on future weather estimates?---Yes, forecast 10.36AM  
16 information from the Bureau of Meteorology, we  
17 generally refer to that as the gridded weather input.

18 Is that the single key input in your simulation, being the  
19 actual weather with the benefit of hindsight?---That's  
20 certainly the key input that differentiates what I've 10.36AM  
21 shown you here today from a prediction developed before  
22 or at the event versus a simulation, which is generally  
23 just a process of - a similar process to what you use  
24 with prediction but with the benefit of hindsight  
25 around that weather input. 10.37AM

26 Could Mr Norris be given a copy of Attachment 12 to  
27 Mr Jeremiah's statement? These are two Phoenix  
28 forecast pages produced by the CFA.

29 CHAIRMAN: Could we also have a note of the numbers that  
30 will be after it, because that will perhaps enable us 10.37AM  
31 to put it up on the screen for the benefit of others in

1 the auditorium?

2 MS BURCHELL: Is that the VGSO number?

3 CHAIRMAN: If there's a VGSO number, yes, please.

4 MS BURCHELL: VGSO 004.009.0055. The hypertext link should  
5 be at paragraph 106. 10.38AM

6 Mr Norris, have you seen these documents before?---Yes.

7 Are you able to describe to the Inquiry what those documents

8 depict?---Yes, absolutely. I will say that I was not a

9 body to producing these particular model runs, but I

10 can certainly talk you through what the process is 10.40AM

11 around their development and what they represent.

12 Thank you?---Essentially what this is, is very similar to

13 what you saw previously with the simulation, this is a

14 prediction. So this is using the same level of

15 uncertainty around the other attributes that are within 10.40AM

16 the Phoenix model, so looking at assumed fuels and

17 topography and getting the feed from the Bureau of

18 Meteorology around the gridded weather to drive a

19 prediction associated with an ignition or a break out

20 of a fire. In this particular case it's Hernes Oak and 10.41AM

21 it's a break out from that southeastern corner which

22 you would have seen in my presentation was an area of

23 active fire on the morning of the 9th.

24 The process used in actually developing these

25 essentially is that there is a whole range of fires 10.41AM

26 going in the landscape. There's usually a request for

27 there to be some risk assessment against those fires,

28 and for example this particular example was derived in

29 the State Control Centre and using advice from the

30 Incident Manager and the Regional Controllers around 10.41AM

31 priority fires in the landscape, and an assessment was

1 taken against this fire based on the 8th based on a  
2 breakdown on the 9th.

3 There were two scenarios that developed which was  
4 a break out at different times, which is critical on  
5 this type of day where you have a major wind change; of 10.42AM  
6 course, you need some scenario development about, if a  
7 fire breaks out early it's under the effect of a  
8 northwesterly, and if it breaks out late it may be  
9 under the effect of a southwesterly.

10 Essentially what happens is, there's communication 10.42AM  
11 between the people developing the model, so in this  
12 case the State Control Centre, Fire Behaviour Analyst  
13 staff, and the Controllers in the regions, so that  
14 would be the Regional Controller or the Incident  
15 Manager, and that information would then be developed 10.42AM  
16 and this model would be passed back to those people as  
17 an input into their decision making. So essentially it  
18 was very similar to what you saw previously with the  
19 model simulations that I ran previously. The key  
20 difference here is that there are differences in the 10.42AM  
21 assumed break out time, so two different scenarios, as  
22 well as the use of the gridded weather, which is a  
23 major source of uncertainty on a day with a - well, a  
24 dynamic day from a weather perspective. So where  
25 there's great uncertainty around the timing of changes, 10.43AM  
26 for example, but nevertheless provides you with a great  
27 indication of potential risk.

28 CHAIRMAN: Are you going to ask for more elaboration on that  
29 because otherwise I'll ask.

30 MS BURCHELL: I'm happy for Your Honour to take the lead. 10.43AM

31 CHAIRMAN: Can you explain, you've got purple and yellow and

1 red and you've got a circle. Now, one can see that the  
2 starting point of the Hernes Oak Fire is over on the  
3 west and one can see the open cut on the south?---Yes.  
4 It's really a matter of saying, why is the yellow different  
5 from the purple; I assume that the red are the spots, 10.43AM  
6 but I don't know the timings so far as they're  
7 concerned and I don't know the significance of the  
8 circle?---Absolutely, I could certainly bring some  
9 clarity to that, hopefully. Essentially the large  
10 circle on the outside, in a fire behaviour sense when 10.44AM  
11 using this model operationally, because of the great  
12 uncertainty around in particular weather but also  
13 uncertainty around the fuels in that area, whether the  
14 model represents them accurately which is certainly  
15 information best developed from as close to the fire 10.44AM  
16 ground as possible, so in this case at the State  
17 Control Centre, we don't necessarily have the same  
18 level of information on fuels for example.

19 Because of that uncertainty and primarily around  
20 weather with this type of day, you draw a big line 10.44AM  
21 around your prediction essentially based on trying to  
22 capture that uncertainty, so it's a way to express the  
23 uncertainty around that model. So we would call that a  
24 potential impact zone.

25 The purple areas there are where the fire has self 10.44AM  
26 extinguished. Now, that is generally because that fire  
27 has reached an inconsistency in fuels, so where there  
28 is spatial separation in fuels which is sufficient  
29 enough to be able to moderate fire behaviour. So  
30 essentially the purple areas there are where it's self 10.45AM  
31 extinguished.

1           The colour ramp that you see there, so the yellow  
2           through to an orange, again is a measure of fire  
3           intensity or flame height. So areas where it is yellow  
4           are of lower intensity than areas where it is deep  
5           orange, and that's generally associated with the fuels       10.45AM  
6           underlying those models.

7       CHAIRMAN: Thank you.

8       MEMBER PETERING: The red?---The little red squares; they're  
9           spotting.

10       MS BURCHELL: So, Mr Norris, you will agree that where the       10.45AM  
11           mine is located, there are some purple and red dots in  
12           both of those simulations?---Absolutely, yes.

13       Would you agree that that indicates that, should the Hernes  
14       Oak Fire containment break, spotting from the fire was  
15       likely to occur in the mine?---From this model               10.46AM  
16       perspective, absolutely, yes.

17       If Mr Norris could also be shown Annexure 7 to Steve  
18       Harkins' witness statement which was referred to  
19       yesterday. At page 48 of that document is another  
20       simulation which I'd like you to look at. Mr Norris,       10.47AM  
21       have you seen this document before?---I have not.

22       Are you able to describe what is depicted in this particular  
23       model?---All I can describe is what I see, essentially  
24       which is the colour grading. So essentially the same  
25       values are attributed to each of those different               10.48AM  
26       colours within the modelling process. So, you can see  
27       a grading there of intensity based on yellow through to  
28       orange and there is a self extinguishment. But as to  
29       the actual development of this model and the underlying  
30       assumptions within that, I can't comment on that.       10.48AM

31       What are the differences between this model and the two that

1 we saw previously?---I can't comment on that. I wasn't  
2 involved in the development of that or the other model,  
3 I can just try to interpret some of the colours that  
4 you see.

5 Mr Norris, in paragraph 16 of your witness statement you 10.48AM  
6 state that Phoenix is less realistic when errors of  
7 significant assets such as power stations are located  
8 in certain sections of the fire landscape, and an  
9 algorithm that takes into account the types of  
10 suppression resources available to train fuels, assets 10.48AM  
11 and values in a potential fire area is needed.

12 Would you say that these factors render any  
13 predictions as being unreliable?---No, most certainly  
14 not. These predictions are developed for a landscape  
15 view of fire, they're certainly not developed for the 10.49AM  
16 purposes of trying to understand the impact on any  
17 single asset or another. In the case of the power  
18 station it's just treated as essentially any other  
19 asset in that landscape. So it's not the actual asset  
20 itself that's the issue, it's the discontinuity in the 10.49AM  
21 fuels associated in the landscape around those assets.  
22 So I certainly can't comment on the model, how it works  
23 in close proximity to these assets; it was not designed  
24 for that. The model is designed to try to understand  
25 landscape risk. 10.49AM

26 What value do you say these simulations provide in  
27 firefighting?---I think it's dependent upon the fire of  
28 course. Some of the best information you can derive  
29 around a fire behaviour and its risk can be derived on  
30 the ground by the firefighters fighting the fire, but 10.50AM  
31 equally it is certainly an input into that decision



1 making; it can be very useful in trying to understand  
2 risk.

3 Given the value of these simulations and given the  
4 limitations that you've set out in your witness  
5 statement, would you say that the CFA matrices produced 10.50AM  
6 on Saturday, 8 February, were fit for purpose?---I  
7 can't comment to the development of those models; all I  
8 can comment to is the colours and what they mean, I  
9 wasn't involved in their development. But as an input  
10 in decision making, I think they are quite valuable. 10.50AM

11 Given your statement and your PowerPoint presentation,  
12 compared to what we've seen with the CFA simulations,  
13 it seems that anyone who is trained in the use of this  
14 program, putting in the weather inputs and the path of  
15 the Hernes Oak Fire, they would have known that the 10.51AM  
16 Hazelwood Mine would have been impacted on Sunday,  
17 9 February; is that correct?---I think it's impossible  
18 to know that for sure, of course, yes.

19 Are you familiar with the communication requirements in  
20 relation to the CFA models to the community?---No. 10.51AM

21 So you're not a witness to speak to about the FSC's  
22 strategic control priorities and the top three issues  
23 of protecting life, issuing community information,  
24 community warnings and protecting critical  
25 infrastructure and assets?---I would contextualise my 10.52AM  
26 answer by saying, I am most definitely a technical  
27 expert when it comes to playing with dials in a model;  
28 that certainly doesn't place me in a position to be  
29 able to talk to some of those. I am a modeller.

30 But given that the models indicate the mine was going to be 10.52AM  
31 directly affected by these bushfires in the

1 projections, would you agree that the mine should have  
2 been given a copy of these predictions directly?---I  
3 can't comment to that. The models are produced and  
4 they are passed through a process.

5 However, would you agree that there would have been benefits 10.52AM  
6 if the information had been provided to Hazelwood Mine  
7 directly as and when the models were produced by the  
8 CFA?---I think the models as they stand I think are a  
9 wonderful tool to understand potential risk, as I  
10 certainly associate with them, so I personally think 10.53AM  
11 everyone should be made - this document and information  
12 should be made available to everybody in their decision  
13 making, but I'm a modeller, I would.

14 CHAIRMAN: I don't think you can take it any further,  
15 Ms Burchell. 10.53AM

16 MS BURCHELL: Thank you, Mr Norris, no further  
17 questions?---Thank you.

18 CHAIRMAN: No other questions?

19 MS RICHARDS: No.

20 CHAIRMAN: Thank you, indeed. 10.53AM

21 MR ROZEN: The next witness is David Shanahan. I call  
22 Mr Shanahan.

23 <DAVID ANTHONY SHANAHAN, sworn and examined:

24 MR ROZEN: Good morning, Mr Shanahan. Can you just confirm  
25 your full name is David Anthony Shanahan?---I confirm 10.55AM  
26 that.

27 Your home address is 270 Nuttals Road, Yinnar?---That's  
28 correct.

29 I should indicate, Mr Shanahan, if at any stage you want to  
30 have a break, please let us know and we can accommodate 10.55AM  
31 that?---Thank you.

1 Mr Shanahan, you are the Services Superintendant employed at  
2 the Hazelwood Mine?---That's correct.  
3 You commenced in that position on 3 February  
4 2014?---Correct.  
5 In that role you have responsibility for the three areas 10.55AM  
6 that you identify at paragraph 6 of your  
7 statement?---Yes.  
8 I should perhaps just get you to confirm that you have made  
9 a statement, I understand there's a couple of matters  
10 that you'd like to correct in the statement. Is that 10.56AM  
11 right?---That's correct, yes.  
12 For the purpose of the Inquiry, have you made a statement  
13 dated 21 May 2014, some 106 paragraphs?---Yes.  
14 On the final page of that statement, is that your  
15 signature?---I haven't got a copy of the one here - - - 10.56AM  
16 Perhaps you just accept from me that that is a signed copy  
17 and you did sign the copy?---Yes, I signed it.  
18 There are two matters you'd like to correct in that  
19 statement, the first of which is at paragraph 33 at the  
20 fourth page of the statement?---Yes, I'd like to 10.57AM  
21 correct that.  
22 If we perhaps just read through that sentence. At present  
23 it reads, "From my conversations with him, I know that  
24 at the 1x7 crew pre-start meeting at 6.45 a.m. which  
25 Dean led, the shift notes were discussed and personnel 10.57AM  
26 were advised of the total fire ban and told to by Dean  
27 be..." There's obviously a typographical error there.  
28 Should that read, "and told by Dean to monitor the  
29 Hernes Oak Fire"?---That's correct.  
30 So you'd like to make that change?---Yes. 10.57AM  
31 The other change that you'd like to make is in paragraph 80

1 as I understand it?---Yes.

2 In the second-last line of that paragraph towards the end of  
3 that line it says, "Regarding the likely view of those  
4 fires." Should that read, "Regarding the likely cause  
5 of those fires"?---That's right, yes. 10.58AM

6 You'd like to make that change?---That change, thank you.

7 With those changes made, are the contents of your statement  
8 true and correct?---It's true and correct.

9 I'll tender the statement.

10 10.58AM

11 #EXHIBIT 7 - Statement of David Anthony Shanahan dated  
12 21 May 2014.

13 Mr Shanahan, you've held that position as Services  
14 Superintendent since 3 February this year. In  
15 paragraph 6 of your statement you set out the three key 10.58AM  
16 responsibilities that attach to that position?---Yes.

17 I won't trouble you with the first two of those and I'm not  
18 seeking to downplay them at all, but we're particularly  
19 interested in the third dot point there. You say your  
20 responsibilities include the 1x7 Services Day 11.00AM  
21 Operations Group. I'd just pause there. Is that the  
22 right way to say that, 1x7, is that how you say?---Yes.

23 1x7 Services Day Operations Group, who had primary  
24 responsibility within the mine for managing operation  
25 and maintenance of the Fire Service, and dewatering 11.00AM  
26 systems, patrolling for fire, and conducting wetting  
27 down and fire response"?---Correct.

28 In Attachment 2 to your statement, if we could go to that  
29 briefly. Do you have that in front of you,  
30 Mr Shanahan?---Yes. 11.00AM

31 Just to get an understanding of where you sit in the mine

1 management structure, we can see your name appears in  
2 the, if I can call it the fourth line down, the first  
3 set of blue boxes?---Yes.

4 You're at the top, if you like, of that second column,  
5 "Services Superintendant, David Shanahan"?---Yes. 11.00AM

6 You answer directly to Mr Dugan, the Manager of  
7 Production?---Yes.

8 And he in turn answers to the Mine Director,  
9 Mr Wilkinson?---Yes.

10 We can see underneath your position, if we can call it that, 11.00AM  
11 the five areas that answer to you?---Yes.

12 The fourth of those is Mr Soares, the supervisor of the 1x7  
13 crew which you described to us?---He's one of the two  
14 supervisors.

15 Who's the other one?---Noel Coxall. 11.00AM

16 As it turns out on 9 February it was primarily Mr Soares  
17 that you were dealing with?---Yes, that's right. The  
18 1x7 is a day shift, shift work arrangement where one of  
19 those is in any day of the week, so there's not an  
20 overlap where they're both in. So Dean Soares was 11.00AM  
21 rostered on on that day.

22 There's two 1x7 crews?---Crews, that's right.

23 Is it 1A and 1B?---That's right, yes.

24 And 1A is the day shift?---No, it's all day shift. So it's  
25 a seven day coverage, day work only. 11.01AM

26 You certainly weren't new to the mine when you took this  
27 position on 3 February; you've had many years of  
28 experience in both the Hazelwood Mine and the Loy Yang  
29 Open Cast?---That's correct.

30 In fact, 27 years, have I got my maths right, before you 11.01AM  
31 took this role?---Yes.

1 Essentially all your working life has been in the open cut  
2 mines down here?---Yes.

3 Of that, you spent 20 years as a Project Engineer working  
4 for RTL which is a contractor operating at both  
5 Hazelwood and Loy Yang?---Yes. 11.01AM

6 Could you just describe briefly what that role entailed  
7 please, Mr Shanahan?---I was a Project Engineer looking  
8 after a workforce, predominantly earthworks, civil  
9 works type construction, or support works in the mine,  
10 operating a range of plant, excavators, dozers, 11.02AM  
11 workforce consisting of around anywhere between 30 at  
12 any site up to 100 during the summer season,  
13 predominantly doing earthworks, roadworks, drainage  
14 type works around the mines.

15 Any role in relation to fire prevention or suppression at 11.02AM  
16 that time?---We also with RTL had water tankers for  
17 firefighting purposes, so one of the primary contacts  
18 for firefighting, and also working in the mine,  
19 everyone is trained as a firefighter to action any  
20 fires that occur. 11.02AM

21 Prior to that period, you spent seven years at the Loy Yang  
22 Mine exclusively; is that right?---That's right, yes.

23 Does that take us back to the SEC days?---Yes,  
24 pre-privatisation.

25 During your period there, you had had a series of roles, did 11.03AM  
26 you not, in your time at Loy Yang?---Yes.

27 One of those had some line responsibility for fire?---For  
28 fires, that's right. Basically, I worked through the  
29 development part in the mine, doing mine infrastructure  
30 plans and works associated with that. Moved into an 11.03AM  
31 area which was formally known as Auxiliary Group which

1 looked after Fire Service operations similar to what my  
2 current role is and also the earthworks component as  
3 well, so a similar role to what I'm doing now, just  
4 under the SEC.

5 Clearly when you took on the role on 3 February you were 11.03AM  
6 very familiar with not just the Hazelwood Mine but open  
7 cut brown coal mines down here?---Yes.

8 Were you given any additional or specific training by your  
9 employer prior to taking on the Services Superintendant  
10 role? By that I mean specifically directed to what the 11.03AM  
11 role involved under, say, the Emergency Response Plan  
12 in place at Hazelwood, the Fire Code of Practice and so  
13 on?---You mean during my first week or prior to taking  
14 on that role.

15 Let's start with prior to taking on that role?---Prior to 11.04AM  
16 having worked in the mines for so long you get your  
17 annual training of firefighting responsibilities, you  
18 know, knowing who to report fires to and how to action  
19 the fires, so that emergency response is part and

20 parcel to predominantly most people working in the 11.04AM  
21 mines, so certainly had that type of training and  
22 knowledge prior to taking on the role. Specific  
23 training, there was probably not a lot of specific  
24 training into the role that I'm currently doing prior

25 to the event bar that knowing that the policies and 11.04AM  
26 procedures are in place. I was certainly aware that  
27 they existed and, you know, whilst not fully au fait  
28 with the context of those documents, I was aware they  
29 were there and, if need be, I could access them. But

30 the training really consisted of that first week of 11.05AM  
31 changing camps to GDF Suez.

1 Sorry, could you just explain what you mean by that, by  
2 changing camps?---I had previously worked at Hazelwood  
3 under RTL, 50 per cent of my time was at Hazelwood, 50  
4 per cent was roughly at Loy Yang, so changing from RTL  
5 to Hazelwood, you know, there is that transition to GDF 11.05AM  
6 Suez.

7 Perhaps I didn't make that clear. So not only have you  
8 taken on this position but you've taken on this  
9 position with a new employer on 3 February?---New  
10 employer, yes. 11.05AM

11 As part of taking on that role, did you have any opportunity  
12 to meet with the local CFA for example?---No.

13 If I can take you to 7 February, because of course on any  
14 view this was a very difficult week for you to take on  
15 this responsibility?---Yes. 11.06AM

16 Probably couldn't have had a worse first week, Mr Shanahan.  
17 So, if we can just go through sequentially, if we can  
18 start on 7 February. You say in your statement that  
19 you were aware of media reports of the pending fire  
20 danger over the coming weekend?---Correct. 11.06AM

21 In fact, you were aware from those reports that Victoria and  
22 the Latrobe Valley in particular was looking at fire  
23 conditions which was the worse since Black Saturday in  
24 2009?---Correct.

25 One of the responsibilities that came with the new position 11.07AM  
26 was issuing mine fire preparedness plans?---Correct.

27 You knew that in part because such a plan had been issued,  
28 was it by Mr Dugan earlier in the week?---Correct.

29 Is that right?---Yes.

30 On 3 February?---Yes. 11.07AM

31 And you attach that, I won't take you to that particular



1 plan at the moment. But one of the things you thought  
2 about on the 7th was whether it would be necessary to  
3 issue such a plan or plans for the forthcoming  
4 weekend?---Correct.

5 And you, as it turns out, issued plans for both 8 and 11.07AM  
6 9 February on the 7th, is that right?---Yes.

7 I'll take you to those in a moment. You had some planned  
8 leave as at 7 February?---Not leave, just the weekend,  
9 the 7th was a Friday, so standard Saturday/Sunday off.

10 You had made arrangements to go away, I think, to Port 11.08AM  
11 Welshpool; is that right?---Yes.

12 If I can take you to the first of the plans that you issued  
13 which is Annexure 4 to your statement. Perhaps if we  
14 can start with the first page of the annexure, the  
15 email. The means by which this plan was distributed to 11.08AM  
16 those that needed to be aware of it was by an internal  
17 email?---Correct.

18 We can see that the email was addressed to IPRH all,  
19 including contractors?---Correct.

20 It's then copied to two people, I just want to ask you about 11.09AM  
21 their roles, Nick Vesty and Wayne Jefferys, are they  
22 both of deltagroup.com.au?---Wayne Jefferys is from  
23 Delta. Nick Vesty works in the mine; I believe his  
24 name was not on the general circular for all internal  
25 people at that stage. 11.09AM

26 Why was it sent to Delta Group? What's their role?---Delta  
27 Group operate - or sorry, leased the plant to GDF Suez,  
28 the dozers, the water carts, the mobile plant, so to  
29 keep them involved. Fuel, they also run the fuelling  
30 operations, the diesel fuel. 11.09AM

31 They fall under your area of Services Superintendent?---Yes.

1 If we can turn to the second page of the annexure which is  
2 the first page of the two-paged plan that you prepared.  
3 You issued this at about 12.50 according to your  
4 statement?---Yes, that's when the email was sent out  
5 I believe. Yes. 11.10AM

6 That was, of course, as we know, a few hours before the  
7 Hernes Oak - McDonalds Track Fire was first reported,  
8 which was some time around about 3 o'clock?---Yes.

9 When you were issuing this, as far as you were aware there  
10 was no fire in the region, this was just a general plan 11.10AM  
11 based on the forecast essentially and the declaration  
12 of a total fire ban by the CFA?---Correct.

13 Under the heading "Background" on that document there's a  
14 series of dot points and I want to ask you about the  
15 second-last one of them, "Mine fire alert". You have 11.10AM  
16 put in that such an alert may be declared during  
17 Saturday, 8 February 2014. Under GDF internal  
18 procedures, that's a separate process from this  
19 mitigation plan, is it not?---That's right, yes.

20 Can you explain to the Inquiry what the difference is 11.11AM  
21 between the two? What's a mine fire alert compared to  
22 issuing a plan like this?---I suppose the difference  
23 between the mine fire alert - it's probably so much  
24 different to the plan, it's different to a total fire  
25 plan being declared. A total fire ban obviously 11.11AM  
26 includes a lot of the stuff that the fire alert  
27 includes, but on a day that might not be a total fire  
28 ban, there could be a reason to include a fire alert  
29 specific for the mine that stops our welding, our  
30 burning, takes non-essential people out of the mine to 11.11AM  
31 try to minimise the risk of a fire from a vehicle or

1 some other mode of operation, so it's an added feature,  
2 I suppose, versus a total fire ban, is how I would  
3 treat a fire alert as opposed to comparing it to this  
4 document.

5 Is the position this, correct me if I'm wrong: If the CFA's 11.12AM  
6 declared a total fire ban, then would that necessarily  
7 lead to a mine fire alert being declared?---No.

8 Or it's a separate process?---Separate process, yes.

9 So the fact that there's been a total fire ban, it doesn't  
10 follow that there will be a mine fire alert?---No. 11.12AM

11 Similarly, if there hasn't been a total fire ban, there can  
12 still be a mine fire alert?---Correct.

13 It's judged on the particular circumstances, so you might  
14 have a fire in the vicinity of the mine, for example,  
15 but no total fire ban?---Yes. 11.12AM

16 That might lead to a fire alert being declared?---Could do;  
17 depends on the conditions at the time.

18 Who's responsibility, as you understand it under the Suez  
19 procedures, is it to declare a mine fire alert? Does  
20 that fall under your area as Services 11.13AM

21 Superintendent?---It can. I believe it can fall under  
22 a range of people, the Production Superintendent, Rob  
23 Dugan, myself or the shift manager.

24 If you can turn over to the third page of that attachment,  
25 that's the fire preparedness and mitigation plan issued 11.13AM  
26 for 9 February. This was also issued by you on the 7th  
27 and distributed under cover of that email. Is that  
28 right?---Correct.

29 The principal difference I can see between this and the  
30 earlier one, and correct me if I'm wrong, is that 11.13AM  
31 obviously the date's different, you've also put in the

1 different weather forecast for Sunday as compared to  
2 Saturday?---Correct.

3 We're still looking at a very high fire danger if one goes  
4 through temperature, humidity, wind speed and so  
5 on?---Yes. 11.14AM

6 Perhaps the principal difference being the forecast of a  
7 southwesterly wind change?---Correct.

8 That obviously, you understood, had potential consequences  
9 for the mine depending on where the Hernes Oak Fire was  
10 and so on, or any fire can be impacted by a wind 11.14AM  
11 change?---Yes. Certainly this was done before the  
12 knowledge of the Hernes Oak Fire.

13 I understand that and that's what I want to ask you about,  
14 we see that. The fourth dot point under the heading,  
15 "Background", "External sourced fires, none at this 11.14AM  
16 stage"?---Yes.

17 That of course was the case when you issued this as  
18 previously discussed on the Friday?---Yes.

19 It's clearly a very different scenario in terms of the mine  
20 if there is a going fire in the region of the mine 11.14AM  
21 combined with the sort of weather conditions that were  
22 there?---Yes.

23 My question is, by issuing both the plans on the Friday -  
24 that is, the plan for the Saturday and the plan for the  
25 Sunday - it necessarily meant, didn't it, that the 11.15AM  
26 Sunday plan was lacking that key bit of  
27 information?---In hindsight, yes.

28 What was the thinking behind issuing plans for both days on  
29 the Friday rather than issuing a plan for the Saturday  
30 on Friday and then a new plan for the Sunday with 11.15AM  
31 whatever new information was available on Saturday?---I

1 think the main reason was that the CFA declared two  
2 fire bans, total fire bans in a row, which normally  
3 they do a day at a time, but in this particular weekend  
4 they declared both the Saturday and Sunday total fire  
5 bans on the Friday, so that's the main reasoning we put 11.15AM  
6 this fire plan together on the Friday, plus there was  
7 people rostered off for that weekend so...

8 Specifically you, I guess?---And myself, yes.

9 Was there someone who filled the role of acting Services  
10 Superintendent over that weekend in your absence who 11.16AM  
11 could have done it on the Saturday?---There was no  
12 acting, people acting in my role that weekend.

13 You accept, don't you, Mr Shanahan, that in an ideal world  
14 there would have been a plan issued on the 8th taking  
15 into account that new information about the Hernes Oak 11.16AM  
16 Fire?---If it was on during the week, it would have  
17 been.

18 I understand. What means was there internally within GDF  
19 Suez to bring to the relevant peoples' attention that a  
20 fire had commenced at Hernes Oak on the afternoon of 11.16AM  
21 7 February?---There was issue of the shift - where the  
22 Shift Manager was aware of it on the Friday night.  
23 Without looking at my notes, I'm not sure whether that  
24 was included in a shift, the daily shift notes, but  
25 certainly they were aware that there was a fire at 11.17AM  
26 Hernes Oak on the Friday night.

27 As of Friday night?---Yes.

28 I think it would be fair to say that most people in the  
29 region would have been aware of the fire at Hernes  
30 Oak?---Correct. 11.17AM

31 My question's slightly different and that is, was there some

1 formal process by which employees and contractors were  
2 told about it?---There was pre-start meetings held,  
3 certainly in the 1x7 where it was raised as a potential  
4 threat.

5 On the Saturday?---On the Saturday and the Sunday. 11.17AM

6 You mentioned the shift instructions; are they the ones that  
7 are attached to your statement as annexure 6?---Yes.

8 I couldn't see any reference in there to the Hernes Oak  
9 Fire, but I should give you the opportunity if you are  
10 able to identify that?---I believe, without - that they 11.18AM  
11 were likely to have been issued on the Friday night as  
12 well for the intended three-day weekend.

13 If I can turn to 8 February, so the Saturday. You made the  
14 decision not to go to Port Welshpool, basically by  
15 yourself; you decided that it would be better if you 11.18AM  
16 stayed in the vicinity?---Yes.

17 When did you make that decision?---The Friday night.

18 That was in light of the Hernes Oak Fire starting?---Yes,  
19 and the threat of fire in the area that weekend.

20 Sorry, and the?---Threat of fires, other fires, particularly 11.18AM  
21 my own property.

22 And that's a property between Yinnar and Boolarra?---Yes.

23 You've got a farm there, have you?---Yes, 10 acres, so it's  
24 not really a farm.

25 Small farm perhaps?---Yes. 11.19AM

26 That's about 15 minutes southwest of the mine, 15 minutes  
27 drive?---Correct.

28 You took some precautions during the course of 8 February to  
29 stay in touch with what was happening at the mine; Dean  
30 Soares was your main source of information?---That's 11.19AM  
31 right, Dean Soares.

1 Spelt S-U-A-R-E-S. Is that right?---Yes.  
2 It's a forgivable mistake to get the pronunciation  
3 wrong?---That's probably the French way of saying it.  
4 He was obviously working for GDF Suez before you took over  
5 your position as Services Superintendant?---Correct. 11.20AM  
6 How long had he been in that role as supervisor of the 1x7  
7 crew?---I'm not sure.  
8 You had not previously had dealings with him or what was the  
9 position?---No, no, not really.  
10 He was essentially your eyes and ears on the 8th?---Yes. 11.20AM  
11 I understand from your statement it was a two-way  
12 discussion, he was talking to you telling you what was  
13 happening at the mine in the vicinity and similarly you  
14 were talking to him about what precautions needed to be  
15 put in place and so on?---Yes. 11.20AM  
16 Of course, the main background issue was a fire burning  
17 northwest of the mine, and you were monitoring  
18 presumably the CFA website, were you, to see what was  
19 happening?---More a visual inspection and things that  
20 Dean had obviously told me. 11.21AM  
21 There was some wetting down done, particularly the  
22 operational areas of the mine during the course of  
23 8 February?---Yes.  
24 You know that because Mr Soares told you that that was what  
25 he was doing at the mine as part of the fire 11.21AM  
26 preparedness?---Yes.  
27 Turning then to the 9 February, the Sunday, once again, as  
28 you told us, you weren't rostered on for the 9th but  
29 you were at home and, during the course of the morning,  
30 once again you were speaking to Mr Soares in relation 11.21AM  
31 to current fire conditions?---Yes.

1 You're of course aware of the Hernes Oak Fire. What was  
2 your state of mind during the course of the morning of  
3 9 February about the level of threat presented to the  
4 mine by that fire?---I was aware that the heat was 11.21AM  
5 certainly, had come on pretty quick in the morning and  
6 the wind had picked up, blowing in a westerly type of  
7 direction so, you know, there's certainly potential for  
8 a threat. I think it got a bit of northerly in it, a  
9 straight westerly probably would have missed the mine,  
10 anything with a bit of north blowing around might have 11.22AM  
11 pushed it a bit closer to the mine.  
12 It was on any view a very dire situation so far as the mine  
13 was concerned?---Yes.  
14 You were in no doubt about that?---Yes.  
15 Had you seen any of the modelling that had been prepared by 11.22AM  
16 the fire agencies as to the likely consequences of a  
17 break out of that fire?---No.  
18 Was it as you understood it - this might not be a fair  
19 question, Mr Shanahan, tell me if it's not given how  
20 recently you took on the role - but was it part of the 11.22AM  
21 role to be in on that type of communication if it was  
22 available from the fire agencies?---I can't answer  
23 that.  
24 In any event, were you in court earlier when we all saw the  
25 modelling up on the screen?---Yes. 11.23AM  
26 You didn't need to see those sorts of plans to appreciate  
27 the very high level of risk of fire in the mine on that  
28 day?---Yes.  
29 During the course of the morning you made your own  
30 investigations, if I can put it that way, by driving 11.23AM  
31 around the region to see what was happening with



1 fire?---Yes.

2 It seemed to you that things were relatively under control,  
3 there was no sense, certainly before lunchtime, of any  
4 imminent threat of fire at the mine?---That's correct.  
5 That all changed when you found out some time around about 11.24AM  
6 1 o'clock that there'd been a break out or a flare up  
7 of the Hernes Oak Fire?---That's right, probably closer  
8 to - a little bit later than, might have been 1.30ish.  
9 I just want to ask you about the times. If I can take you  
10 to paragraph 40 of your statement and I'm going to take 11.24AM  
11 you through the remainder of the 9th in a chronological  
12 way if I can. You've inserted in your statement a  
13 number of numbers, and I just want to understand what  
14 source information you had available to you when you  
15 made this statement to remind yourself of the various 11.24AM  
16 times. Did you have a log or notes?---I had an iPhone  
17 which records times, photos and videos were taken. The  
18 vehicle I drove had a GPS tracker device on it which  
19 gave you times and locations so I knew what time I  
20 started cars, where I was at a particular stop point, 11.24AM  
21 so from those two bits of information I could piece  
22 together my travel route and remind myself where I was  
23 when I had seen certain things. So, from those two  
24 bits of information, I could map out my time pretty  
25 well. 11.25AM

26 So when you were asked to make your statement you went back  
27 to those sources of data and used that information to  
28 fill in the times?---Yes.

29 I take it, you're satisfied that within a few minutes that  
30 the times are therefore pretty accurate?---Yes. 11.25AM

31 Paragraphs 40, 41 and 42 of your statement you describe

1 events that occurred at the mine before you had a call  
2 from Mr Weddell, the Production  
3 Superintendent?---That's right.

4 Can I just confirm that they are necessarily things that you  
5 were told rather than that you experienced 11.25AM  
6 yourself?---That's right. They were things that I  
7 discovered the next day or a period of time after the  
8 event.

9 I understand. Was Mr Soares your primary source of that  
10 information?---Yes. 11.25AM

11 The conversation with Mr Weddell you refer to at  
12 paragraph 43. He said that he'd been told the Hernes  
13 Oak Fire had flared up, this is at about 1.30 p.m. on  
14 the 9th, and he said he was going into the mine and you  
15 asked him whether he thought you should also go in. Is 11.26AM  
16 that right?---That's correct.

17 He said he didn't think it was necessary for you to go in at  
18 that time?---That's correct.

19 But you decided to go in anyway?---Correct.

20 Why was that, Mr Shanahan?---Just felt a responsibility to 11.26AM  
21 be there, yes.

22 Responsibility, not just as an employee of Suez but given  
23 the role that you were in; is that right?---Yes.

24 You left home at about 1.35 and made that 15 minute drive or  
25 so to the mine, and you were aware that the wind was 11.26AM  
26 changing at around about the same time, is that  
27 correct?---Correct, yes.

28 Either you chased the wind change in or it followed you?---I  
29 seemed to be following it in. It changed at home and  
30 as I was driving in, at times it didn't look like it 11.27AM  
31 changed and then it had changed, so it was probably in

1           that process, and particularly coming in from a south,  
2           or heading in a northeasterly direction there was a  
3           change that I was just potentially following it up at  
4           that time.

5           Was there a noticeable temperature drop with the wind change           11.27AM  
6           going around to the southwest, do you recall?---I  
7           didn't recognise the temperature drop, but certainly  
8           the wind picked up a lot, to the point where I was  
9           driving on the other side of the road to avoid trees.

10          So we're talking about a really significant change of           11.27AM  
11          wind?---Pretty strong wind, yes.

12          You arrived at the mine at about 1.50 and you went to the  
13          mine administration building, and then, I must say very  
14          helpfully from the Inquiry's point of view, you set out  
15          a very detailed chronological account of the remainder           11.28AM  
16          of the afternoon. You do that including in your  
17          statement photos and also video footage that you  
18          took?---Yes.

19          You've taken the trouble to produce and provide to the  
20          Inquiry a map that identifies the locations. So           11.28AM  
21          perhaps now would be a good time to bring annexure 8 of  
22          your statement up, which is an aerial photograph of the  
23          mine and of southern Morwell. Is that right?---Yes,  
24          that's correct.

25          One of the first things that you were asked to do by           11.28AM  
26          Mr Roach, the Emergency Services Liaison Officer, was  
27          to unlock the gates in the north of the mine?---Yes.

28          Can you just explain to us, firstly, Mr Roach's role  
29          relative to yours?---Alan Roach was the emergency  
30          liaison officer on the day, he was rostered on that           11.29AM  
31          weekend so he adopted that role when he got there.

1 As far as you knew, what were the arrangements for the CFA  
2 coming into the mine in the event of a  
3 fire?---I believe that the Shift Manager would  
4 instigate an emergency phone call to the CFA in the  
5 event of an emergency. 11.29AM

6 Unless I've missed it, that's one of the things that's  
7 missing from your statement; I know it's dealt with in  
8 other statements, but firstly, did you ring the CFA at  
9 any time on 9 February after you went into the  
10 mine?---No. 11.30AM

11 Were you present when anyone else rang the CFA to notify  
12 them of the fire?---No.

13 As you sit there now, Mr Shanahan, do you know if the fire  
14 was reported to the CFA during the course of the  
15 afternoon?---I can't say. 11.30AM

16 In any event, you were asked by Mr Roach to go and unlock  
17 the gates. They are the gates up at, if I've got it  
18 right, Drilling Depot Road?---Correct.

19 Is there a point on that map, and I think there's a ruler  
20 handy there, where you can show us Drilling Depot  
21 Road?---So, the mine offices are located in the corner  
22 up here. 11.30AM

23 So you got in by the Brodribb Road entrance?---So come in by  
24 the Power Station, Brodribb Road to the mine offices.  
25 The Drilling Depot Road is the road in from the 11.31AM  
26 Strzelecki Highway, in this direction. It comes into  
27 my old office, the RTL office, I had the key for that.  
28 I hadn't given the key back obviously for that office.  
29 So it was handy that I was in to go and unlock the gate  
30 rather than get the people to go with boltcutters to 11.31AM  
31 bust open gates.

1 Did Mr Roach explain to you why he wanted that particular  
2 gate open?---In the event of CFA or people had to get  
3 in or out. Yes, I believe that was the reasoning.  
4 But why that particular gate rather than, say, the main  
5 entrance down on Brodribb Road?---The fire front from 11.31AM  
6 the Hernes Oak Fire was in that direction.  
7 So it was coming from the top left-hand corner, if I can put  
8 it that way, of the photo that we're looking  
9 at?---That's right.  
10 So it was in proximity to where the fire was likely to come 11.31AM  
11 that made that entrance the one that you thought you'd  
12 open up?---Yes.  
13 Were you aware or had it been drawn to your attention what  
14 the standing arrangements were for CFA getting access  
15 to the mine? For example, who had a swipe card to get 11.32AM  
16 in and so on?---I wasn't aware of any, what the process  
17 was.  
18 Have you since become aware of those arrangements?---I can't  
19 comment. Look, whether it's - I'm not sure, to tell  
20 you the truth, I'm not sure what the arrangements are. 11.32AM  
21 Are there arrangements in place, agreed arrangements between  
22 the CFA and the mine for them to get access in the  
23 event of a fire?---I'm not sure what they are. I'm  
24 sure there is, but I'm not sure what they are myself.  
25 Okay, I understand. Is it after unlocking the gate or is 11.32AM  
26 it before - I think it might be before you unlock the  
27 gate that you took the first photo that is produced in  
28 your statement. Have I got the sequence right? That  
29 is the photo at point A?---I didn't take the photo at  
30 point A, it was taken after, several weeks ago just to 11.33AM  
31 get a visual impact of where I had seen the first fire.

1 Perhaps we'll start with photograph A, we're looking at it  
2 now. That's a fire that is taken - sorry, a photo.  
3 For those with better eyesight than me we can make out  
4 location A in the aerial photograph, if I can call it  
5 that, the one on the right as we're looking at the 11.34AM  
6 screen?---That's right.

7 As you've told us, the photograph which we can see on the  
8 left-hand side of the screen was not actually taken on  
9 the day of the fire, it's been taken subsequently. Is  
10 that right?---Correct. 11.34AM

11 It's taken to indicate the location where you were.

12 CHAIRMAN: Where the pointer is now is where you  
13 pointed?---Yes.

14 And that means it's been taken but looking east?---Looking  
15 west. 11.34AM

16 It's taken from that point that's highlighted by the marker  
17 in white?---Yes.

18 And it's looking west, so it's looking along the batters  
19 that are, if you like, slightly south of west away from  
20 Morwell?---Morwell is, if I try to point out where 11.35AM  
21 maybe the Hernes Oak Fire was, Morwell's - that's west  
22 and Morwell is to the north. Hernes Oak Fire was over  
23 in this corner.

24 So the photo that we see, if your camera had been moved  
25 slightly to the right, it would have seen whatever 11.35AM  
26 smoke was coming from the Hernes Oak Fire?---Correct.

27 MR ROZEN: The photo is pointing towards the working area of  
28 the mine. Is that right?---That's correct.

29 The western end of the mine?---Yes.

30 You're in an elevated position; is that from a position on 11.36AM  
31 the southern batters, is that how we would describe

1 that?---Eastern batters on the southern outlet.  
2 That was the first sign of fire in the mine that you saw, it  
3 was at about 2 o'clock?---Correct.  
4 Can you describe in a little more detail what you saw? Did  
5 you for example just see smoke or did you see any sign 11.36AM  
6 of flames?---Just seen smoke. It wasn't a big pile of  
7 smoke, it was quite a small little smouldering smoke  
8 fire, which is typical to mine fires; during the day  
9 they're generally just smoke and at night-time they  
10 glow red. 11.36AM  
11 Shortly after making that observation or, as you say in your  
12 statement, immediately you alerted the Mine Control  
13 Centre?---Correct.  
14 You did that or you tried to do that on radio channel  
15 UHF 29?---Yes. 11.37AM  
16 Why did you use channel 29?---That's in the fire plan that I  
17 put out the Friday before. It had UHF channel on it 29  
18 as the channel to use in an emergency.  
19 Without you knowing, mine personnel had actually changed to  
20 channel 21?---At some stage, yes. 11.37AM  
21 You found that out later?---Yes.  
22 All you found out then was that you couldn't get through to  
23 them on 29?---I believe I spoke to someone that  
24 acknowledged what I'd said. It was the next fire that  
25 I believe that I reported that just didn't sound like I 11.37AM  
26 was talking to the person I thought I would have been  
27 talking to. There's a lot of interference from other  
28 people in the area on 29.  
29 I just want to see if I can understand that. Ideally you  
30 would have been alerted to that change in the use of 11.38AM  
31 the channel?---No, not at that point.

1 There was no need to tell you?---It would have been nice,  
2 yes.

3 In any event, you used your mobile phone from that time  
4 on?---Yes.

5 And you were able to communicate quickly with the 11.38AM  
6 phone?---Yes.

7 You then made your way around the eastern batters of the  
8 mine in an anti-clockwise direction?---Correct.

9 You saw further signs of smoke in the outside of the mine  
10 boundary in the direction of Driffield; is that 11.38AM  
11 right?---Yes, that's correct.

12 Before you made that sighting had anyone drawn to your  
13 attention that there were other fires burning?---No.

14 You would have been pretty quickly aware, though, that a  
15 fire at Driffield and a southwest wind just added to 11.39AM  
16 the emergency?---Correct.

17 Throughout the course of the remainder of the afternoon it's  
18 fair to say, isn't it, Mr Shanahan, that your major  
19 concern became the Driffield Fire and the potential for  
20 that to impact on the mine?---Correct. 11.39AM

21 Not wanting to downplay at all the ongoing risk from Hernes  
22 Oak, but as far as you were concerned, given the change  
23 in wind, it was the Driffield Fire that you were  
24 concerned to address?---Correct. That was as early as  
25 probably, I don't know, 2.15 or 2.07, I think I said a 11.39AM  
26 time that I spoke to Dean Suares. By then the Hernes  
27 Oak Fire was blowing away from the mine.

28 You told Mr Suares about the Driffield Fire and you  
29 discussed with him the need to direct resources to the  
30 western side of the mine, and that was principally to 11.40AM  
31 protect the operating areas of the mine; is that



1 right?---Correct.

2 Can you indicate where those resources went?---We had the  
3 Driffield Fire blowing in that direction there.

4 From the southwest, yes?---From the southwest and the smoke  
5 itself was running through the middle, just straight 11.40AM  
6 through the middle of the operating faces. Those who  
7 don't know the mine, those operating faces where we're  
8 digging the coal apparently run parallel in that  
9 direction.

10 The work is heading in a southwesterly direction. Is that 11.40AM  
11 right?---With all the operating conveyors taking the  
12 coal to the power station to the dump ran along those  
13 batters. So all the infrastructure we had for the coal  
14 being in open production is that direction now. So, to  
15 me, this side had very little assets to protect, so we 11.41AM  
16 directed our resources in front of the coalface,  
17 particularly on, there's a ridge along the top of the  
18 river, the Morwell River, that line there, so it was on  
19 the east side of the Morwell River.

20 On the east side of the river, that's sometimes referred to 11.41AM  
21 as the river diversion we can see there, that  
22 line?---Correct.

23 What resources did you have available to you internally?  
24 You had the RTL crews. Is that right?---Yes, by then  
25 we had extra people had been called in, we had two 11.41AM  
26 water carts, 30 tonne water carts or 30,000 litre water  
27 tankers that were on site already on the day, then we  
28 called in a number of people to operate graders and  
29 dozers to start putting fire breaks in, sooner alert  
30 fire breaks. 11.42AM

31 I want to take you on to the next photo or photos that

1 you've included, they are just below paragraph 55 of  
2 your statement. There are two photographs there that  
3 were taken from a position north of the mine above the  
4 northern batters. Is that right?---That's correct, the  
5 start of Drilling Depot Road where it intersects with 11.42AM  
6 the Strzelecki Highway.

7 This is at the time that you unlocked the gates up there,  
8 shortly after 2 o'clock?---Yes.

9 They're photos of the Hernes Oak Fire?---Correct.

10 To be precise, the positions, there's two separate positions 11.42AM  
11 from which you've taken those photos and they're marked  
12 1 and 2 on the photo?---Correct.

13 Perhaps you could just point those out please,

14 Mr Shanahan?---Photo 1 was in this direction, taking a  
15 photo in that direction. 11.43AM

16 Looking northwest, yes?---Photo 2 was close to the  
17 Strzelecki Highway; that's the Strzelecki Highway right  
18 there. Almost where it intersects the Princes Highway,  
19 which was that direction, taking a photo probably more  
20 westerly, there's a tree plantation there. At that 11.43AM  
21 stage it hadn't crossed Strzelecki Highway from what I  
22 could see.

23 MEMBER PETERING: Mr Shanahan, just so I can understand, who  
24 was in charge of directing resources at this particular  
25 time?---I would still say it was under the - the actual 11.43AM  
26 operation of the fire front itself was Dean Soares  
27 under the control of the Shift Supervisor or Shift  
28 Manager, Ian Wilkinson.

29 Thank you.

30 MR ROZEN: Just to follow-up that question from Ms Petering, 11.44AM  
31 where did you understand you fitted into that command

1 structure, if I can call it that? Because in the  
2 hierarchy you sat right between those two gentlemen,  
3 did you not?---Yes. I believe that I just basically  
4 come in to add more resources to give additional  
5 support where I could. I mean, only having probably 11.44AM  
6 been in the role for that five days prior - - -  
7 I think we all appreciate that?---I was trying to slot  
8 myself into a position that wasn't going to interfere,  
9 I suppose with the normal running of the operation, but  
10 add weight to the operation where I could. 11.45AM  
11 Shortly after taking the photos, and this might advance our  
12 understanding of that question, shortly after taking  
13 those photos you had a meeting at the southern batters  
14 lookout with Mr Weddell, the Production Superintendent  
15 and Mr Roach who is the liaison officer?---Correct. 11.45AM  
16 That particular location where you had that meeting, you've  
17 got it pointed out with an arrow and a box on the  
18 aerial photo on the right-hand side, just help us with  
19 that?---Southern batter lookout.  
20 That gives a very good overview of the entire mine, does it 11.45AM  
21 not, that position, elevated position?---Correct, yes.  
22 Was the purpose of that meeting to take stock of what you  
23 were doing and to make some decisions based on what you  
24 were seeing as to how you would respond to the  
25 emergency?---That's right, particularly the Driffield 11.46AM  
26 Fire that was approaching from the west.  
27 Why those two gentlemen in particular? Why Mr Weddell and  
28 Mr Roach?---Weddell, he is, or was at the time the  
29 production supervisor, superintendant I should say.  
30 So was he the most - - -?---He was the most senior there at 11.46AM  
31 that stage.

1 He was the most senior manager on the site, was he  
2 not?---Correct.

3 Mr Roach you've already told us was the liaison officer.  
4 Did you drive around with those gentlemen after that  
5 meeting or did you drive on your own?---I drove on my 11.46AM  
6 own.

7 Was there any discussion between you about a plan for  
8 addressing the emergency?---Yes.

9 What was the discussion, if you can summarise it for us,  
10 please?---We believe we needed to increase the amount 11.46AM  
11 of water, the volume of water we had available in the  
12 operating area, particularly the critical  
13 infrastructure area of the mine. At that stage we had  
14 a lot of water still on the, protecting from the Hernes  
15 Oak Fire, which the threat had now passed, a lot of 11.47AM  
16 batters in this direction. So the main fire front was  
17 thought, you know, Hernes Oak was going the issue, that  
18 had obviously passed, it was now heading towards the  
19 north side of the mine and Morwell. Now the fire was  
20 coming from this direction, we were trying to get as 11.47AM  
21 much water into the operating area as we could. There  
22 is a limited amount of water you could put on, you  
23 can't put every spray on your line and expect water to  
24 come out efficiently out of all the hydrants, so there  
25 was a decision made to turn off some of the areas that 11.47AM  
26 didn't impact the assets that would be wetted down  
27 quite sufficiently for the day.

28 You're pointing now to the northwest part of the  
29 mine?---That's right. So the decision was made, with  
30 the limited number of people still available, I'd whip 11.48AM  
31 across there myself and turn off some of those

1 unnecessary sprays to try and get more water into the  
2 critical infrastructure areas.

3 After that meeting you again drove around the perimeter of  
4 the mine and you'd drive for about 20 minutes or so.  
5 Can you just show us, you went in a clockwise 11.48AM  
6 direction, did you, from that location?---No, that was  
7 earlier. That was earlier, I'd come - the clockwise  
8 position was after I took the photos up here, drove in  
9 a clockwise position back to that point; that was the  
10 20 minute-odd drive, then met at the lookout. Then 11.48AM  
11 from the lookout I drove through the open cut, across  
12 what they call Groyne 8 to this area where the sprays  
13 were.

14 Sorry, Mr Shanahan, I'm just trying to understand at what  
15 point you first saw the fire on the northern 11.49AM  
16 batters?---That's when I was returning, took the  
17 photos, drove clockwise back around, took a photo,  
18 there might have been one in here, I'm not sure, the  
19 photo on page 9 of the Driffield Fire, the first photo  
20 I'd taken of the Driffield first. That's the photo. 11.49AM

21 The one under paragraph 58, is that the one?---Yes. So took  
22 that photo from location No.3, so obviously heading  
23 back around here heading towards the lookout. I took a  
24 photo in that direction, a westerly direction looking  
25 at the Driffield Fire. 11.49AM

26 Looking west, that's what you saw, the photo that we can see  
27 there?---Yes. Then talking about the fires in the  
28 northern batter, going past there as I was driving in  
29 this area, that's when I first noticed the fires on the  
30 northern batters. 11.50AM

31 The way you describe it in your statement, this is the third

1 dot point at paragraph 56, you saw a small fire on the  
2 lower level of the northern batters to the west of the  
3 clay capped fire hole, and you reported that into the  
4 Mine Control Centre, either on your mobile or the  
5 radio, you're not sure?---Yes. 11.50AM

6 If we can go back to the aerial photo, if we can look at  
7 location C where you saw that. Can you point out the  
8 clay capped fire hole that you refer to? Can we see  
9 that there?---In this area here.

10 Is it that lighter sort of circular?---That's clay, so it's 11.50AM  
11 a lighter colour on the drawing.

12 Can we just try and be as specific as we can about this,  
13 Mr Shanahan?---I think one of the next photos probably  
14 shows it.

15 The photo under paragraph 64 might help us?---Yes. 11.50AM

16 This, just to get the timeframe right, is a photo you took  
17 slightly later, you say at about 2.55 p.m.?---Correct.

18 When you were up on the northern batters turning off what  
19 you considered to be the non-essential sprays, is that  
20 right?---Yes, that's when I was travelling to the 11.51AM  
21 northern batters.

22 Can you just help us with the photo that we're looking at  
23 there, if you go to the photo on the left side?---From  
24 what I could see, the first of the smoke I'd seen was  
25 down this lower part of the batter. 11.51AM

26 Do you call that Level 1?---Level 5. Level 1 is grass  
27 level, Level 1, Level 3, Level 5 and then Level 7 at  
28 the bottom of the mine.

29 The higher the number takes you lower in the  
30 mine?---Correct. 11.51AM

31 Do we see two plumes of smoke there or just one?---By the

1 time I'd taken that photo I could see there was fire on  
2 Level 3 and potentially Level 1, it had already climbed  
3 up a bar.

4 Can we see the clay capped fire hole?---The fire hole runs  
5 at an angle. So that's Level 5 clay hole is there and 11.52AM  
6 it runs on an angle such as that. So when I've taken  
7 the photo across from there, there is a fire hole up  
8 behind it and it's quite a way a distance away from  
9 where the fire started.

10 Are you able to estimate for us the distance between the 11.52AM  
11 fire hole and the area where we can see the  
12 smoke?---300-plus metres I'd be guessing, in that sort  
13 of order.

14 We can also see, can't we, on the left-hand side of the  
15 photo, if it can just be moved across a little, we can 11.52AM  
16 see some sprays operating?---Correct, yes. Those  
17 couple where the arrow's pointing to now, yes, two  
18 sprays.

19 Was there water available to operate in the vicinity of  
20 where we can see the smoke?---There was water on 11.53AM  
21 3 Level, going, the levels are up the top, going there  
22 back, yes. To 1 Level.

23 Were those sprinklers operated at any time?---Yes, they  
24 were.

25 At what stage?---When the fire was in that area, we had 11.53AM  
26 personnel up there trying to turn the sprays on, yes.

27 Is this the point where the gentleman got injured?---No,  
28 that was earlier.

29 That was earlier on?---Yes.

30 The next point in the chronology is a photo you describe 11.54AM  
31 taking at paragraph 65 of your statement, and that's a

1 photograph looking towards the operating face of the  
2 mine?---Correct.

3 We can see in that photo the sprays that were on?---Correct.  
4 You're looking in a westerly direction, is that right, from  
5 Location 5?---Yes. 11.54AM

6 Is that the smoke from the Drifffield Fire that we can see in  
7 the background?---Correct.

8 The next thing you did was to turn off some sprays on 3 and  
9 5 Levels of the western side of the northern batters.  
10 Can you show us on the photograph where they 11.54AM  
11 were?---This area.

12 So that's what you were describing earlier?---Yes.

13 That was to ensure that as much water as possible was  
14 available to use on the operating face of the  
15 mine?---Correct. 11.55AM

16 You saw an aircraft bombing the northern batters fire and in  
17 fact took a photograph of that?---Yes.

18 We see that just below paragraph 67 of your statement. Are  
19 you able to describe, was it a helicopter?---No, it was  
20 a plane. 11.55AM

21 A fixed wing plane?---Yes.

22 Had you been alerted to that by anyone that that was likely  
23 to happen?---No.

24 We can see that orange there, that's not fire of course,  
25 it's retardant; is that right?---Correct, yes. 11.55AM

26 Did it have any discernible effect on the amount of fire in  
27 that area? Did it reduce the smoke?---No.

28 It didn't. You in fact expressed some doubt about whether  
29 it would be effective given the wind conditions at the  
30 time?---Correct, yes, just with the one plane. 11.56AM

31 You saw one plane dump one load of retardant?---I think



1           there might have been several loads.

2       From the one plane?---I'm not sure.

3       I'm just asking you what you saw, Mr Shanahan?---Yes.

4       Did you see more than one load dropped?---I believe so, yes,

5           from memory. 11.56AM

6       We'll hear later from another witness, Mr Mauger, but his

7           evidence is that he was actually under one of the loads

8           of retardant when it was dropped; were you aware of

9           that?---I was after the event.

10      You were after, you didn't know at the time?---I didn't know 11.56AM

11           they were there at the time.

12      At about 3.22 you took the first of a series of

13           videos?---Correct.

14      Why did you decide to take video footage when previously

15           you'd been taking photographs?---Probably to more 11.57AM

16           capture the full mine, I could pan around. I was very

17           concerned at this stage that the mine would be engulfed

18           by fire, so I just wanted to make sure that we had some

19           evidence in the event that the place did unfortunately

20           get burnt. 11.57AM

21      I think we're all grateful, Mr Shanahan, that you did that.

22           If we start by looking at video 1. Firstly, just

23           before we go to that if we could just find the location

24           of where you took video 1 from, it's point 7?---Still

25           on this corner, the photos are around this direction. 11.57AM

26      This is some footage you took at 3.22 and which direction

27           are you looking in when you take this footage. You're

28           looking towards the operating part of the mine, so

29           looking south essentially, is that right?---I was

30           looking at the mine, probably, without seeing the 11.58AM

31           photo, it was looking at operating faces was it?

1 Yes?---Yes, so it was in that direction, looking in that  
2 direction, I think I panned around from memory in a  
3 anticlockwise position.

4 Let's have a look at that footage if we could please,  
5 video 1. (Video 1 played.) 11.58AM

6 So you're now looking pretty well north, due north  
7 in that position?---Due north, yes.

8 What we are seeing is the operating area of the mine, we can  
9 clearly see the sprinklers, and we've panned around in  
10 an anti-clockwise direction?---Correct. 11.59AM

11 For the record, perhaps I should read out what you've  
12 included in your statement that you said at that time,  
13 you said, "It's 3.22 p.m., there's a fire next to us,  
14 there's a fire there. There's a large fire on the  
15 southern", and then you correct yourself, "Northern 11.59AM  
16 batters. I've just turned a lot of sprays off to get  
17 some water on the operating faces." And that's what  
18 you can be heard saying, it's a bit hard to hear but  
19 that's what you said?---Correct.

20 You stayed in that area for the next 50 minutes or so, 12.00PM  
21 between 3.25 and 4.15, and you were assisting as best  
22 you could the RTL crew that were working with dozers  
23 and graders?---That's right, yes, I'd moved up onto  
24 grass level at that stage.

25 So above the level of the mine essentially?---Yes. 12.00PM

26 The work that was being done was to try and create a fire  
27 break or expand the fire break to try and prevent the  
28 Driffield Fire from getting into the operating  
29 area?---Correct, and also, extinguish any fires that  
30 started. 12.00PM

31 Were there any fires?---I believe there was a fire which I

1 had afterwards, it was on the mine side; there was  
2 bales of hay I believe that were being pushed into the  
3 river or out of the way so they didn't catch on fire as  
4 well.

5 Perhaps if we can take stock of what was happening at about 12.00PM  
6 this time, so that's between 3.25 and 4.15, you say at  
7 paragraph 70 of your statement, "There would have been  
8 approximately six personnel in the western part of the  
9 mine clearing mineral earth breaks and patrolling for  
10 fire and water carts. These included the 1x7 crew and 12.01PM  
11 additional RTL personnel that arrived at the mine to  
12 assist. During the same person some personnel from the  
13 1x7 crew and as I found out later, Diamond Protection,  
14 and the 2 by 12 crew were fighting the fire on the  
15 northern batters." So there were two locations at 12.01PM  
16 which your resources were located, one group on the  
17 northern batters, one with you in that northwest area  
18 of the mine?---There was actually, I think they were  
19 spread over a few more locations as well, not just -  
20 I believe they were on the other fires as well in the 12.01PM  
21 mine.

22 Where?---So there's one at the bottom of the mine and there  
23 was one over on the - the first one I seen.

24 On the southern batters?---On the southern batters, yes.

25 Are you right to keep going, Mr Shanahan?---Yes, I'm all 12.02PM  
26 right.

27 The next video you took was from location 8, if we can just  
28 go back to the aerial photograph for a moment and we  
29 see location 8 just north of the operating area of the  
30 mine?---Yes. 12.02PM

31 The northwest corner. It was from that position that you

1           took video 2, if we can have a look at that, you're  
2           focusing on the fire in the northern batters. (Video 2  
3           played.)

4           It's apparent that that fire has increased in size  
5           considerably since the earlier photos that you  
6           took?---Yes. 12.04PM

7           You say that that's 40 minutes since you took the, is it the  
8           first photo at 2.55 of that northern batters  
9           fire?---Yes.

10          As you say in your statement, you can see how much it's 12.04PM  
11          increased. You go on and say that at about that time  
12          you became aware of some smaller spot fires in the  
13          operating area of the mine. That is the western part  
14          of the mine?---Yes. I wasn't aware of it at that time  
15          I think. 12.04PM

16          You subsequently became aware, did you?---Yes.

17          Did anyone say to you that they had seen how those fires had  
18          started?---No, they believed they were spot fires from  
19          the Driffield Fire, though, that's what they believed.

20          That's what they said to you?---Yes. 12.04PM

21          You didn't see any embers actually coming into the mine from  
22          the Driffield Fire?---No. So the smoke was definitely  
23          well over the middle of the mine.

24          I take it at this time visibility within the mine is getting  
25          lower and lower?---Yes, particularly the centre part. 12.04PM

26          The next video, video 3, is one that you took at 3.58 p.m.,  
27          once again from the northwest area, location 9. We can  
28          see location 9, it's the very western most location  
29          there just to the east side of the Morwell River; is  
30          that right?---Correct. 12.04PM

31          This video shows the Driffield Fire, so you're looking west

1 or southwest from that position, if I've got that  
2 right?---Looking southwest.

3 If we can look at video 3 please. (Video 3 played.)

4 You've taken that footage outside the driver's  
5 window of your car obviously enough?---Yes. 12.05PM

6 And you're up on that ridge that you described to us earlier  
7 above the river. Is that right?---Yes.

8 You're heard to be saying there that you think that fire's  
9 about 10 minutes away from the open cut; is that  
10 right?---Correct. 12.06PM

11 At about 4.11 p.m., shortly after that, you took another -  
12 some further video footage which is video 4 and this  
13 was taken from point 10 which we can see once again in  
14 the northwest part of the mine?---Yes.

15 This is you panning around the mine as you take this 12.06PM  
16 footage?---Yes.

17 The first thing we'll see is the Hernes Oak Fire to the  
18 north?---Yes.

19 If we can have a look at video 4 please. (Video 4 played.)

20 As that panned around about halfway through that 12.07PM  
21 bit of footage, was that the northern batters fire we  
22 can see?---That's right.

23 One once again, we can see it's increased in size?---You can  
24 see the Morwell township and the fire going around the  
25 north of the Morwell township as well. 12.07PM

26 We've ended up looking towards the Driffield Fire?---Yes.

27 Just before we go to the footage, at paragraph 78 of your  
28 statement you say that you returned to the northern  
29 batters and turned on some sprays in the location of  
30 the fire. Can you just explain what the thinking was 12.08PM  
31 there, Mr Shanahan?---Was to set up a fire break so

1 that, if there was a wind change, we tried to put a  
2 wall of water along the western edge of the fire so, if  
3 the wind changed hopefully it would stop it from coming  
4 back around the open cut, so it was just to try and  
5 protect the western flank of that northern fire. 12.09PM

6 It was during that time that you ran into Mr Romeo  
7 Prezioso?---Correct.

8 What role was he playing as you understood it in the  
9 response at that time? This is some time around about  
10 4.30 or so?---I believe he's coming on in his own merit 12.09PM  
11 to see what he could do with the fire. Had adopted no  
12 significant roles at that stage, I believe.

13 He subsequently held the position of Emergency Commander,  
14 didn't he?---Correct. Yes, I believe so.

15 Do you know when that designation happened?---I believe it 12.09PM  
16 was around 5-ish when we got up to the Incident Control  
17 Room.

18 Had anyone been fulfilling that role up until that time as  
19 far as you knew?---Not as far as I knew.

20 In terms of overall control of the resources dealing with 12.09PM  
21 the emergency, was it still Mr Wilkinson that was  
22 performing that role as far as you were concerned  
23 ?---No, Matt Weddell, like the overall - - -

24 Sorry, Mr Weddell I meant?---Yes.

25 The next video footage you took was video No.5 from position 12.10PM  
26 11. Position 11 was around towards the northern  
27 batters fire, if you can just identify that?---Yes,  
28 that's right. It's just there. It was on one of the  
29 ramps going into the mine on the northern batters  
30 facing east. 12.10PM

31 Can you estimate the distance between where you were at

1 position 11 and the fire on the northern  
2 batters?---I'll have to look at the video to see where  
3 it was.

4 Perhaps look at the video and you can see if you can help  
5 us, that's video 5. You're looking in an easterly 12.10PM  
6 direction?---Yes.

7 (Video 5 played.)?---Greater than 500 metres from the fire  
8 at that stage.

9 To the point where the fire started or to  
10 the - - -?---I believe the fire started below, in this 12.11PM  
11 level down there. Can you see the clay fire hole in  
12 the background?

13 Yes. The next footage that you took is video 6 and this is  
14 from point 8, once again west of where you were when  
15 you took that footage, so we can see point 8 there, 12.11PM  
16 northwest corner of the mine?---Yes.

17 If we can show that footage please taken at 4.27. (Video 6  
18 played.)

19 That sprinkler that we can just see in the bottom  
20 left-hand corner, was that part of that defensive wall 12.12PM  
21 of water that you talked about earlier to try and  
22 prevent the fire spreading further west?---Correct.

23 What we also did was take the head of the sprinklers  
24 off, myself and Romeo, to try and shift the water  
25 direct and let the wind blow it across the face. With 12.13PM  
26 the sprinklers sometimes you just don't get the height  
27 to get the whole face. If you take the sprinkler head  
28 off you can shoot a jet of water to the top of the  
29 batters and let it shower over the batter.

30 The next event that you describe is a meeting that you were 12.13PM  
31 at at the Incident Control Centre, this is paragraph 82

1 of your statement. You met with Mr Prezioso,  
2 Mr Weddell and Mr Roach?---Correct.

3 You say that at that time an Incident Control Centre had  
4 been established at the mine Training Centre above the  
5 eastern batters and the purpose of the meeting was 12.13PM  
6 essentially to regroup and discuss what you were going  
7 to do from that time on?---Correct.

8 Was Mr Weddell in charge at that meeting or Mr Prezioso, or  
9 what was the hierarchy if I can put it that way?---I'm  
10 not sure. I can't remember. 12.14PM

11 You went through the floor of the mine to get to the  
12 meeting?---Yes.

13 On your way there you passed the southern batters and you  
14 saw that the fire that you'd seen earlier in the day,  
15 the first fire had in fact grown in size?---The first 12.14PM  
16 fire, yes.

17 You took some footage of that which is video 7 from location  
18 13. The location was towards the eastern end of the  
19 mine?---That's right, yes. So, you come across the  
20 floor of the mine and there's a long ramp, it comes 12.14PM  
21 right to the top of the mine, I was at the top of that  
22 ramp, panning down initially to the fire at A. From  
23 memory I did a pan around as well.

24 Let's have a look at that. The first thing we see is the  
25 fire on the southern batters, the first fire we see. 12.15PM  
26 (Video 7 played.)

27 Is that the fire on the north?---That's the  
28 northern batters.

29 That's the northern batters fire?---Now, I'd be guessing,  
30 it's right up onto grass level. 12.15PM

31 We can see the strength of the wind indicated by the angle



1 of the smoke column there?---Yes.

2 We started off, did we, looking towards the Driffield  
3 Fire?---Started off looking down the ramp. On the  
4 left-hand side of that first shot was the first fire  
5 I'd seen, the southern batters, and then panned around, 12.15PM  
6 you can see the smoke coming, drifting across from the  
7 Driffield Fire. At the floor of the mine you probably  
8 see some smoke, a third fire that was in the mine near  
9 the clean water pump stations.

10 What was the position with the Driffield Fire at this time? 12.16PM  
11 Had it been pulled up because we know it stopped short  
12 of the mine?---Yes. We managed to stop it short of the  
13 mine, so that the threat was still there, but it hadn't  
14 crossed the river boundary. There was one spot fire  
15 I believe on the mine side which we put out, but the 12.16PM  
16 threat was still there but it was being managed at that  
17 stage.

18 Because you say, don't you, at the meeting you had shortly  
19 after you took that video footage, that the primary  
20 concern was the northern batters fire?---At that stage, 12.16PM  
21 yes.

22 At that point?---Yes.

23 That was the meeting you attended at around about 5 o'clock  
24 and you say in paragraph 85 of your statement that the  
25 principal concern was the fire in the northern batters. 12.17PM  
26 You also say that you didn't see any CFA personnel in  
27 or around the ICC, the Incident Control Centre, at that  
28 time, and up until this point you'd not seen any CFA  
29 trucks within the mines throughout the entire  
30 afternoon, and you'd mentioned that you'd seen the 12.17PM  
31 aerial bombing?---Yes.

1 Was that something that was discussed at that 5 o'clock  
2 meeting?---Yes.

3 What is the discussion?---I think we were still waiting to  
4 get a response from the CFA, we knew they had some  
5 bigger issues with defending the township of Morwell 12.17PM  
6 and surrounds, so - I'm not sure if it was at that time  
7 or the next meeting it was mentioned that, you know,  
8 don't expect to see a lot of support given the  
9 priorities that the CFA had on them at that time.

10 Did someone in the meeting indicate that that's the 12.17PM  
11 information they had received from the CFA?---I'm not  
12 sure if it was at that meeting or a later meeting.

13 Was there discussion at the meeting that someone had in fact  
14 had contact with the CFA?---I believe so.

15 Are you able to tell us who that was?---No, I can't 12.18PM  
16 remember.

17 You then observed some new fire in the vicinity of the  
18 Energy Brix plant, is that right, or not?---That's  
19 correct. I don't believe - I think it was radioed  
20 through to me that there was a fire reported in that 12.18PM  
21 area so on my travels back from the gatehouse I went  
22 past there to see where it was.

23 It's not long after that, around 6.02 or so, that you tried  
24 to turn on some sprays on the southern batters to  
25 control that fire?---That's right. 12.18PM

26 There was an absence of water, you couldn't get water out of  
27 those sprays?---That's correct.

28 Was that merely because of the amount of water that was  
29 coming out of the sprays elsewhere or was there a  
30 problem with the pump at that stage?---I was unsure at 12.19PM  
31 the time; I was just aware that the water was being

1 drained out of the pipe, not coming towards me; you can  
2 hear the air rushing in the valve.

3 Had there been any discussion of any power outage that  
4 reduced or meant the pumps were not operating at that  
5 time?---I hadn't heard at that time. 12.19PM

6 You then went to a position which is marked as D, if we can  
7 go back to the aerial photo. That's the position  
8 adjacent to the Energy Brix briquette plant?---Yes,  
9 beside the 690 conveyor, which is one of our conveyors  
10 that feeds the Energy Brix plant. 12.19PM

11 Can we actually see the Energy Brix plant on that  
12 photo?---You probably won't see it on the video, but on  
13 this photo, that's the Energy Brix plant there, below  
14 that we've got our conveyors that come out of the mine  
15 through another series of conveyors to Energy Brix, but 12.20PM  
16 immediately above where I took the video there is the  
17 Energy Brix ditch bunker which they take coal from Loy  
18 Yang to make briquettes, so it's their infrastructure  
19 that they require, so that was being threatened at the  
20 time. 12.20PM

21 You say in fact within an hour or so of that, so around  
22 about 7 o'clock, the Energy Brix conveyor had been  
23 burnt out; is that right?---Correct.

24 And that fire activity is in that location D that's  
25 indicated there?---That's right, yes. 12.20PM

26 At 6.56 you say that you left the Incident Control Centre  
27 with Kerry Clissold?---Yes.

28 Kerry Clissold holds the position of Fire Service leading  
29 hand?---Yes.

30 I just want to try and understand how that fits into the 12.21PM  
31 hierarchy that we discussed earlier on?---He's off one

1 of the other shifts. He came in. We called Kerry in.  
2 He's a very knowledgeable bloke on pumps and the pipe  
3 network, so he's called in on overtime from the other  
4 roster, the B roster.

5 The Fire Service, I'm just trying to understand the 12.21PM  
6 structure if I could, please, Mr Shanahan, the Fire  
7 Service, is that something that sits under your role as  
8 Services Superintendant?---Correct, yes, so it sat -  
9 the normal process is you've got a 1x7 supervisor and a  
10 1x7 leading hand reporting direct to the 1x7 12.21PM  
11 supervisor. So normally that would have been Dean  
12 Suares in charge of a Kerry Clissold.

13 I think you've just answered the question: 1x7 and Fire  
14 Service are interchangeable terms?---Yes.

15 There's no separate Fire Service from the 1x7 crew?---That's 12.22PM  
16 correct.

17 MEMBER PETERING: Mr Rozen, just to explore that structure,  
18 Mr Roach and Mr Weddell, whereabouts would they fit on  
19 that structural diagram too, please?

20 MR ROZEN: Perhaps if we could go back to annexure 2, 12.22PM  
21 please. Can you help us, taking them one at a time,  
22 Mr Weddell firstly, Mr Shanahan?---Mr Weddell is the  
23 first blue box under Rob Dugan on the left, Production  
24 Superintendent, Rob Dugan fulfilling the  
25 responsibilities pending appointment; that role was 12.22PM  
26 Matt Weddell at the time.

27 So, since that time Mr Dugan has acted in that  
28 position?---Correct.

29 Is that right, but at the time it was Mr Weddell?---Yes.

30 What about Mr Roach?---Someone else may have to help you 12.23PM  
31 with that; I'm not sure where he fits in this

1 structure.

2 Perhaps we'll ask someone else who might be able to clarify.

3 MEMBER PETERING: Thank you.

4 MR ROZEN: Mr Harkins, presumably, would be able to help us  
5 with that, Mr Shanahan?---Yes. 12.23PM

6 Thank you. We don't need to go through each paragraph in  
7 detail, but if we can skip over to paragraph 94 of your  
8 statement please. You say that the Incident Control  
9 Centre was moved from the Training Centre where it had  
10 been up until that time to the mine administration 12.23PM  
11 building due to a loss of power. Was that loss of  
12 power due to damage to the electricity assets on the  
13 northern batters?---I believe so.

14 There are two sources of electricity that come through the  
15 northern batters area into the mine; is that right?---I 12.24PM  
16 believe so.

17 You say that it was at that time that you became aware of  
18 some CFA personnel on site and you identified two of  
19 those, Mr Lockwood and Mr Mal?---I'm not sure which one  
20 of those was there, that's why it's got an "or". 12.24PM

21 So it was one of them. You had dealings with both of them  
22 during the course of the evening, is that right?---I'm  
23 not sure. Certainly in the first two days it got a bit  
24 blurry who was representing CFA. I know Ross Mal was  
25 there at the end of that shift. 12.24PM

26 We know that Mr Mal's name appears on that handwritten plan  
27 that was prepared at the end of the shift which you  
28 produced?---Yes.

29 I think it's the case, isn't it, that Mr Lockwood was there  
30 on the following day on 10 February?---Could have been. 12.25PM

31 Does that sound right?---That sounds right.

1 You've not had dealings with either of those gentlemen  
2 before that day or?---Not personally but I'd been aware  
3 of their presence in previous fires, or certainly their  
4 face was familiar.

5 That is, previous mine fires during the course of the 12.25PM  
6 history that you previously described?---Yes.

7 Just in relation to those previous fires, Mr Shanahan, I  
8 should have asked you this earlier, had you fulfilled a  
9 role in any sort of command structure in relation to  
10 those fires?---No. 12.25PM

11 But obviously, you had assisted in the fire fight, had you,  
12 on a previous occasion?---Yes.

13 You go on and describe in a more general sense the events of  
14 the rest of the evening. You actually worked through  
15 the night on the 9th?---Correct, yes. 12.26PM

16 Was that principally in a command centre role or were you  
17 out in the mine as well?---No, more of a support role,  
18 assisting people around at that time, assessing the  
19 damage.

20 Were you present when a CFA strike team arrived at the mine 12.26PM  
21 in the vicinity of the Energy Brix plant?---Not to my  
22 knowledge. Not the Energy Brix site. This is where it  
23 got a bit blurry, the two night shifts I did to try and  
24 think when the CFA came in and what I did with the CFA,  
25 escorting and the likes. 12.26PM

26 Look, I think we all appreciate, Mr Shanahan, you'd had had  
27 a huge day obviously and you're asked to recall the  
28 detail of it some months after it occurred?---Yes, and  
29 I didn't have any video. I probably should have done  
30 that. 12.27PM

31 I think you probably took more than enough video during the

1 day, Mr Shanahan. You say that from 8 o'clock onwards  
2 it's difficult for you to recall specifically what you  
3 did in any detail; is that right?---That's right. I do  
4 remember assisting the line people to restore power in  
5 one of the substations. 12.27PM

6 That is the SP AusNet people?---Yes.

7 Was that in the northern batters area, is that right?---No,  
8 it was in the eastern sub.

9 There's one thing I want to ask you about, it's at  
10 paragraph 102 of your statement, to put it in context, 12.27PM  
11 you're talking about the events of the night and there  
12 was active fighting going on in respect of the fires in  
13 the northern batters, the southern and eastern  
14 batters - sorry, you say there was not active fighting  
15 because of the dangerous conditions that were 12.28PM  
16 present?---Correct.

17 One of the particular things you talk about is the effect on  
18 the reticulated water system of the power  
19 failure?---Yes.

20 That's the same power failure that we've just been talking 12.28PM  
21 about?---I believe so.

22 You also talk about carbon monoxide being identified as a  
23 potential hazard early in the piece. Can you just  
24 expand on that please. Were you present when there  
25 were discussions about the carbon monoxide 12.28PM  
26 issue?---Yes. Look, there's some history on previous  
27 fires that were - we had the same issues with carbon  
28 monoxide so it wasn't something new, so it was probably  
29 an automatic reaction to the fire to start taking  
30 precautions for that hazard. 12.28PM

31 So far as you were aware, what were the precautions that

1           were being taken on that night of the 9th?---Monitors  
2           being issued.

3           This is to mine personnel or CFA or both?---I'm not sure  
4           about CFA but certainly the mine. I believe, and like  
5           I said this is where it gets a bit blurry whether it's           12.29PM  
6           the first night or the second night, but certainly it  
7           was a high priority. There was certain monitors in the  
8           mine available and I believe we took them out from my  
9           memory.

10          You then summarise the activities that you were involved in,           12.29PM  
11          including escorting CFA trucks and planning for the  
12          following day?---Yes.

13          The last thing I want to ask you about is a document that  
14          you attach as annexure 9 to your statement which is  
15          described as a handwritten incident plan for day shift.           12.29PM  
16          I just want to try and understand how that came into  
17          existence. You say in your statement that those notes  
18          summarised arrangements decided upon by Mr Faithfull,  
19          yourself and other mine personnel. Firstly, who is  
20          Mr Faithfull and what role was he playing?---James           12.30PM  
21          Faithfull is one of the employees in the mine; he  
22          adopted the role, I believe of the Incident Controller.

23          That's the same position - - -?---Emergency Commander.  
24          Emergency Commander, so he took over from Mr Prezioso at  
25          some point?---Yes.           12.30PM

26          Do you know when there was that handover from one to the  
27          other?---No. I believe I was out of the office when  
28          that occurred.

29          But anyway, some time before those notes were prepared  
30          Mr Faithfull was in the position of Emergency           12.30PM  
31          Commander. I want to understand what that document is.



1 It looks very much like a handwritten CFA incident  
2 action plan?---That's right, there was no power, so  
3 there was no access to things to type on.

4 I understand that. No-one's criticising that?---That's all  
5 right. 12.31PM

6 Was that a document prepared and written by Mr Mal?---Yes.  
7 Or was it something - it was?---Yes.

8 So it was prepared by him after discussions with  
9 Mr Faithfull and yourself and other mine  
10 personnel?---Correct. 12.31PM

11 Is that right?---Yes.

12 You and Mr Faithfull both signed that document. What was  
13 the purpose of your signing it? Was that just to show  
14 that you - - - ?---That we were aware of what the CFA  
15 had in mind for priorities, so that we had an agreement 12.31PM  
16 where we would look them to assist with.

17 Did you understand this was a document to inform the day  
18 shift on 10 February of the circumstances and, for  
19 example, what sectors had been determined and so  
20 on?---Correct, yes, and where the priorities were. 12.31PM

21 If we go to the last page, to the diagram. Whose diagram is  
22 that? Is that Mr Mal's work, are you able to tell  
23 us?---I'm not sure; I can't recognise the writing. It  
24 certainly is an area that we would have put together.

25 It shows a number of things, doesn't it, it shows the 12.32PM  
26 sectors that had been determined in the plan?---Yes.

27 So we see four sectors, don't we, the north sector in the  
28 northern batters region?---Yes.

29 In the middle of the diagram we see a central  
30 sector?---Correct. 12.32PM

31 There's an east sector on the east batters?---Yes.

1 Is that area also referred to as the southern  
2 batters?---Correct.  
3 That's the first fire that you saw earlier in the  
4 day?---Yes.  
5 In that vicinity?---Yes, that's the extent of it. 12.33PM  
6 Then we've got the fourth sector, the west sector, which is  
7 to the southwest where the Drifffield Fire had been  
8 hauled up?---That's right.  
9 The hatched blue crosses are the areas of going fire as at  
10 the time the plan was prepared; is that right?---That's 12.33PM  
11 right, yes.  
12 As you say, the plan sets out the priorities for the  
13 incoming shift on the following day?---Yes.  
14 What time did you finish work on the morning of 10 February?  
15 When did you finally getting to home, 12.33PM  
16 Mr Shanahan?---8 o'clock roughly.  
17 I think in fact you say 7.45 in your statement?---Yes.  
18 Then you were back in nightshift on 11 February, the Monday  
19 night; have I got that right?---Is that the 10th?  
20 I'm just looking at paragraph 106. You say, "In the days 12.34PM  
21 following the immediate emergency there continued to be  
22 a need for a fire response and recovery effort. I  
23 worked a nightshift within the mine ICC on Monday  
24 11th"?---Monday the 10th that is.  
25 Monday the 10th, you're right?---It is the following Monday, 12.34PM  
26 yes.  
27 And there's day shifts following on. Just going back to the  
28 night of the 9th, were you present when there was a  
29 formal assumption of responsibility by the CFA, there  
30 was a meeting at about 10 o'clock or so?---No. 12.34PM  
31 Okay, but you understood, did you, at some time on the night

1 of the 9th that the CFA officially took over running  
2 the incident?---Yes.

3 In your activities on the nightshift of the 10th and  
4 ongoing, were you working as part of a CFA command  
5 structure or was there a separate mine response 12.35PM  
6 structure, if you understand my question?---Yes. I was  
7 working in a supportive role under whatever the CFA  
8 wanted, yes.

9 Thank you, Mr Shanahan. They're all the questions that I  
10 have for you. I think you may be asked some other 12.35PM  
11 questions by others.

12 <CROSS-EXAMINED BY MR WILSON:

13 Mr Shanahan, before we get to the substance of the evidence  
14 that you give in the witness statement, can we  
15 understand a bit more about the circumstances in which 12.35PM  
16 it came to be prepared. You've given a 106  
17 paragraph witness statement. Did that begin from  
18 handwritten notes that you prepared and gave to legal  
19 people?---No, it began from verbal conversations with  
20 the legal people. Sorry, no, and there was some typed 12.36PM  
21 notes I did which I handed to them, yes.

22 So you had a conference to begin it all with certain people  
23 during which questions and answers were  
24 exchanged?---Yes.

25 And based on that a first draft of your witness statement 12.36PM  
26 emerged. Is that it?---Yes.

27 How long was the first conversation, as best you  
28 recall?---Several, maybe an hour, two hours.

29 Once you got the first draft of it, no doubt you read it; is  
30 that right?---Yes. 12.36PM

31 But essentially was the witness statement in its first draft

1 the wording that had been formed by the legal people or  
2 by you?---The typed wording was from the legal people,  
3 of which I adjusted to put into my own words in places.  
4 Of course, you looked at it eventually and by the end of  
5 several versions of it no doubt you got to the point 12.36PM  
6 that you've just sworn to as representing the version  
7 that you're happy with; is that right?---That's right,  
8 correct.  
9 Before you actually prepared the document in its final form  
10 did you consult any notes that you maintained about the 12.37PM  
11 events covered in the witness statement?---Yes.  
12 These are handwritten notes or notes that you prepared, are  
13 they?---No. Comparison notes with things like the GPS  
14 records, the photo records to make sure my times were  
15 as accurate as best I could get. 12.37PM  
16 On 8 and 9 February did you maintain a diary or a day  
17 book?---No.  
18 Did you maintain a jotting pad of any sort to describe what  
19 you were seeing?---Yes.  
20 You do?---Yes, on the 9th there was a couple of dot points, 12.37PM  
21 which is probably the first probably three or four dot  
22 points, of which I stopped doing it when I started  
23 using the camera and the video to try and capture my  
24 thoughts at the time.  
25 Did you provide the dot point record to the people who 12.38PM  
26 ultimately prepared the witness statement?---No.  
27 Didn't think that was necessary or desirable?---No, I don't  
28 think there was anything there that I hadn't covered  
29 verbally.  
30 Prior to signing off the final version of the witness 12.38PM  
31 statement, did you speak to anyone about the contents

1 of your witness statement?---As in, who, the lawyers  
2 or?

3 Thank you, let's break it?---Fellow workers or?  
4 More co-workers. Did you speak to Mr Soares?---Yes, I spoke  
5 to Dean Soares and gave him a copy for him to review. 12.38PM  
6 And you asked him whether the information that you  
7 attributed to him was correct?---Yes.  
8 He said it was?---Yes, we made adjustments where we didn't  
9 think it was.

10 Oh, right, so he altered the version that you prepared and 12.38PM  
11 inserted his own, did he?---Added things.  
12 What about any conversations with Alan Roach?---No.  
13 Pardon me?---No conversations with Alan Roach prior to my  
14 witness statement.

15 Did you give Mr Roach a version of your witness statement 12.39PM  
16 before finally swearing to it?---No, I did not.  
17 What about Mr Weddell, did you give him a version of the  
18 witness statement before you've sworn up to it  
19 today?---No, I didn't.

20 Did you speak to him about its contents?---No, I didn't. 12.39PM  
21 So do I understand that, as far as fellow employees are  
22 concerned, your conversations were limited to  
23 Mr Soares?---Yes.  
24 Anyone else?---During the course of, would have been some  
25 operators as well. 12.39PM  
26 Who were they?---I'm trying to think: Trevor Shaw, I don't  
27 believe I gave him a copy but I would have spoken about  
28 some issues that were relevant to make sure I had what  
29 I believed was right.

30 So, you gave the draft witness statement to Mr Soares and to 12.39PM  
31 Trevor so that you could make sure that, insofar as the

1 witness statement recorded evidence relevant or  
2 touching upon them, you got it right?---That's right.  
3 It was the way I was trying to write the witness  
4 statement was, it wasn't just my recollection, it was  
5 several peoples' recollection. 12.40PM

6 Yes, I see. Were you not confident about the version of the  
7 witness statement without consulting these other  
8 people?---No, no, I was very confident but I wasn't  
9 sure of diary records which I refer to, so they were  
10 things that I've learnt after the event, so I don't 12.40PM  
11 want to use someone else's statements.

12 In large measure your witness statement is drawn from  
13 information in Mr Soares's diary notes, isn't  
14 it?---There's a few items in there, yes.

15 Any idea why Mr Soares himself wasn't asked to provide a 12.40PM  
16 witness statement?---No.

17 Did you raise that with him at any stage?---I believe we  
18 just thought we'd captured everything in my statement  
19 that would have pertained to Dean Soares.

20 Was it your intention to produce something of a 12.40PM  
21 collaborative witness statement that recorded what you  
22 wanted to say and what Mr Soares wanted to say and  
23 whomever else might be mentioned in the  
24 statement?---No.

25 No?---The intention was, it was my statement from 12.41PM  
26 information that I'd gained post fire.

27 What was your purpose in speaking to Mr Soares about it  
28 then?---Just to make sure that what I had said was true  
29 and correct.

30 Were you not satisfied in your own part that what you were 12.41PM  
31 conveying was correct?---Well, I was, but I just wanted

1 to make sure that it was, was in reassuring my  
2 statement.

3 And he changed it in some ways, didn't he?---He added some  
4 extra points in there, ones that I overlooked.

5 Yes, you overlooked some points, didn't you?---There was one 12.41PM  
6 thing, I just can't think of what it was off the top of  
7 my head but it was just some more detail.

8 And once you spoken to Mr Soares, you were able to satisfy  
9 yourself and thereafter swear on your oath today that  
10 the witness statement was true and correct and it 12.42PM  
11 represented the whole of the information that you want  
12 to give to the Board; is that right?---Correct.

13 Ultimately your witness statement traces principally anyway  
14 the events of 8 and 9 February; is that  
15 right?---Correct. 12.42PM

16 Let's now go to the detail, if we may.

17 MS RICHARDS: The Board has issued some very clear  
18 guidelines about the basis on which cross-examination  
19 is to occur. They have been posted on the Board's  
20 website for some weeks. Cross-examination is by leave 12.42PM  
21 only. Counsel representing parties with leave to  
22 appear have been requested to indicate to Counsel  
23 Assisting whether they wish to cross-examine a witness  
24 and on what topics and approximately how long they  
25 would take. I understand that no indication was given 12.43PM  
26 at any stage before Mr Wilson stood up that he wished  
27 to cross-examine this witness and certainly not that he  
28 might take in excess of an hour. This is very  
29 unfortunate, but as I outlined at the outset this  
30 morning, there is a lot to get through. The Board is 12.43PM  
31 operating under quite severe time constraints and,

1 unless a party can identify a specific forensic purpose  
2 for which they wish to cross-examine a witness and can  
3 do that within a reasonable time, my submission is that  
4 leave should not be granted for cross-examination at  
5 large.

12.43PM

6 MR RIORDAN: Can I add to the objection? The fact of the  
7 matter is that our client was asked to provide a  
8 statement from relevant persons in charge and that's  
9 what we propose to do and we've attempted to limit the  
10 witnesses to some extent by unashamedly allowing some  
11 witnesses to refer to material from others.

12.44PM

12 Mr Wilson has asked this witness questions which  
13 appear to be directed to his credit on the basis that  
14 he's had reference to material from others; whereas  
15 reference to paragraph 3 of his statement says, "This  
16 statement is based on my own knowledge and recollection  
17 of the events, together with certain information which  
18 I have been given by other Hazelwood personnel." And  
19 the statement makes it plain there are references to  
20 diary notes from Mr Soares for example without any  
21 attempt to do other than put it into a statement for  
22 the purpose of assisting the Board with a relevant  
23 chronology what occurred in the event without  
24 attempting to say that it's his own knowledge.

12.44PM

12.44PM

25 Therefore we say it's inappropriate to be putting  
26 generalised matters as though it was inappropriate for  
27 this witness to do so in these circumstances, and so  
28 therefore we say that this line of attack, presumably  
29 on the credit of the witness, is inappropriate.

12.44PM

30 MR WILSON: May I be heard before the Board rules?

12.45PM

31 CHAIRMAN: Yes.



1 MR WILSON: First thing's first, it's a curious submission  
2 from our friend, Mr Riordan, who had unrestricted reign  
3 yesterday without leave and without objection during  
4 which he put the Fire Services Commissioner through the  
5 hoops. We obtained the Soares material on Monday, very 12.45PM  
6 recent, and it addresses squarely matters that go to  
7 the first of the critical matters that this Board has  
8 to resolve.

9 Much of the cross-examination will be directed to  
10 the appropriateness of the response to divert attention 12.45PM  
11 away from fire activity on the northern batters. I  
12 don't want to go too much into it in the presence of  
13 Mr Shanahan because I don't want to tip the hand, of  
14 course, but we will now get to matters that are  
15 squarely relevant to what he has to say. 12.46PM

16 He makes some allegations that the State is  
17 entitled to respond to or at least to test and that's  
18 what we're seeking to do.

19 CHAIRMAN: I suppose there's a preliminary question as to  
20 why did you not, as soon as it was clear from the 12.46PM  
21 statements that you were likely to want to put up a  
22 challenge, make it clear to Counsel Assisting that that  
23 was going to take a time that would substantially  
24 disrupt the process?

25 MR WILSON: With the greatest respect - - - 12.46PM

26 CHAIRMAN: She was expressing that you were going to take an  
27 hour or so in further cross-examination. Now, you may  
28 say that's not going to be the case.

29 MR WILSON: We were told yesterday that we would have an  
30 armada of witnesses to deal with today, and on our side 12.46PM  
31 of the Bar table we confess to having had some

1 scepticism about the likelihood of getting through them  
2 if they were exposed in the way that certainly the Fire  
3 Services Commissioner was challenged yesterday. We are  
4 told that we'll get through six possibly today; again  
5 on our assessment optimistic, but the Board is asking 12.47PM  
6 why didn't we give notice first up? We got this  
7 material on Monday for the very first time, this was  
8 yesterday, and we have been rather distracted with  
9 other aspects of this case.

10 If it will assist, we can in the time available 12.47PM  
11 have a conversation with Counsel Assisting to identify  
12 the paragraphs that we want to take the witness to and  
13 to cover in broad terms what we want to challenge, but  
14 with the greatest of respect we ought not be  
15 constrained by the mere convenience of the timetable 12.47PM  
16 about the very serious allegations that are levelled  
17 against the State.

18 CHAIRMAN: My disposition is to adjourn now and have you  
19 liaise with Counsel Assisting and with Mr Riordan. A  
20 similar problem may arise in relation to witnesses that 12.48PM  
21 Mr Riordan will want to challenge more effectively. So  
22 I think there has to be a compromise worked out that in  
23 effect you take the main points and you work on those  
24 and you leave the continuing questioning about  
25 particular matters some - I won't comment further about 12.48PM  
26 the particular relevance, but it really will depend  
27 upon circumstances. But it's important that you as  
28 counsel focus in the way that I think we're planning to  
29 focus, so what I propose to do is to adjourn now and  
30 resume in an hour's time. If we start at 10 to 2, and 12.48PM  
31 we will allow you within reason to cross-examine, but

1 if you can liaise with Counsel Assisting to ensure that  
2 the cross-examination is maximally focused, that I  
3 think would be the best way to proceed.

4 MR WILSON: Thank you. If the Board pleases.

5 <(THE WITNESS WITHDREW) .

12.49PM

6 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 1.50 P.M.:

2 <DAVID ANTHONY SHANAHAN, recalled:

3 MR WILSON: Thank you, if the Board please.

4 Mr Shanahan, in paragraph 31 of your witness statement you

5 tell us that throughout 8 February and into the early 01.55PM

6 hours of 9 February activities wetting down the

7 operational levels of the mine were being conducted;

8 you read that?---Yes.

9 You were doing the wetting down in operational

10 levels?---Yes. 01.55PM

11 By that do we understand you to be describing the western

12 aspects of the mine?---That's correct, yes.

13 But not the northern batters?---No.

14 You agree with me?---I agree with you.

15 So, you were not wetting down the non-operational levels; 01.55PM

16 that's a fair comment?---Well, I wasn't, on the

17 Saturday you're talking about, so I can't say yes or no

18 but I wouldn't say that that would be the normal

19 practice. The operating levels would be the normal

20 practice, but I wasn't in so I can't confirm or deny. 01.55PM

21 But the point really is, the reason for not wetting the

22 non-operational portions of the mine, and in particular

23 the northern batters, even though they had not been

24 operational for a time, the northern batters

25 nevertheless contained highly combustible coal, didn't 01.56PM

26 it?---Correct.

27 Capable of catching fire?---Yes.

28 And burning with the ferocity that any other part of the

29 mine burnt with?---Correct.

30 So is there a reason of which you're aware why the 01.56PM

31 non-operational portions of the mine were not wetted

1 down in the way the operational levels were, given that  
2 both were highly flammable.

3 Asset protection, our assets are all on the operating  
4 levels, that those northern batters contain, apart from  
5 power lines; the floor of each of those levels have got 01.56PM  
6 clay covering on the benches, it's only the batters  
7 that haven't got any protection - well, not any  
8 protection, but you'd benefit by wetting down so  
9 basically you've still got the wetting down equivalent  
10 with clay capping on the floors. 01.57PM

11 Does it follow that the northern batters could well have  
12 been wetted so as to reduce their flammability in the  
13 way that you were directing wetting activities  
14 elsewhere?---No, not - - -

15 You disagree with that?---The size of the northern batters, 01.57PM  
16 hasn't got that extensive pipe that's going to - a  
17 spraying system that's going to wet all the batters  
18 down.

19 No, I understand why it might have been impracticable, but  
20 in terms of the decision to reduce the flammability of 01.57PM  
21 the mine in the overall, it made sense, didn't it, to  
22 wet the northern batters as well as everywhere else,  
23 operational or otherwise?---I don't - well, in my  
24 opinion, you know, our primary aim is to protect the  
25 coal, the assets that are on the coal, so that we can 01.58PM  
26 maintain supply.

27 On the 8th were you involved in any direct communications  
28 with Nick Demetrius on the subject of risk to the  
29 mine?---No.

30 Did you speak with your 1x7 crew on 8 February to alert them 01.58PM  
31 of the risks posed to the mine by fire?---I spoke to

1           them on Friday.

2       What about on the 8th?---On the Saturday, I spoke to Dean

3           Suares on the Saturday; he was well aware of the risk

4           from the Hernes Oak Fire and indeed any other potential

5           fires that might have arose during the day. 02.00PM

6       He was your junior, so to speak?---Yes.

7       Did you take the subject of risk to the mine higher up in

8           your chain of command to your superior?---Yes.

9       On the 8th?---On Friday the 7th I did.

10      Who did you speak to?---Rob Dugan. 02.00PM

11      There was no communication on the 8th by you; is that

12          right?---No.

13      You agree with me?---I agree with you.

14      Did you suggest to your superior on the 8th that it would be

15          wise to resource by extra equipment and crew so as to 02.00PM

16          meet a fire if one flared up in the mine?---We'd set up

17          extra crew on the Friday night, we'd already

18          established what extra crew were going to be in for the

19          Saturday and the Sunday, which we'd manned.

20      But events changed on the 8th, didn't they?---Between? 02.00PM

21      The events on the 7th?---Well, the fire had started on the

22          7th.

23      This was an evolving catastrophe or drama that was

24          commencing on the 7th and moving through the 8th and to

25          the 9th; it was evolving at all times, I'm just trying 02.00PM

26          to pursue with you whether you notified you're

27          superiors that it was sensible to adopt a change of

28          strategy as the changing fire conditions presented

29          themselves?---From what I could see on the Saturday,

30          the fire was under control, the risk had been reduced, 02.00PM

31          the fire was contained, under control and had shown no

1 additional signs of flaring up or - so certainly on the  
2 Saturday it looked under control.

3 At 2 p.m. on the 9th, have I got this right, and I've taken  
4 this from paragraph 49 of your witness statement, that  
5 smoke from the Driffield area was visible to you and 02.00PM  
6 that you formed the view at that time that a fire would  
7 pose a serious threat to the mine?---Correct.

8 Was that the first time you took that view?---When I seen  
9 the fire was the first time, which is about the  
10 2 o'clock mark. 02.00PM

11 So just to understand you, prior to 2 p.m. on the 9th and  
12 upon seeing the fire from Driffield, prior to that time  
13 you had not formed the view that there was a risk to  
14 the mine from fire; is that right?---No, I'd formed the  
15 view that there was a risk from the fire from the 02.01PM  
16 Hernes Oak Fire or any other source that could occur on  
17 the day.

18 As we read your witness statement we learn that you arrived  
19 at the southern batters at 2.38 on the 9th, is that  
20 right? We get that from paragraph 59 - I may be wrong, 02.01PM  
21 correct me if I am?---At the lookout, yes, 2.38.

22 As we read the evidence of Mr Harkins, he tells us that  
23 14 minutes later at 2.52 he declared a full-blown  
24 emergency. Are you aware of that?---What time was  
25 that? 02.01PM

26 Do you not know of that independently of your own  
27 knowledge?---That he declared a full-blown emergency,  
28 no.

29 At 2.52 on that day?---No. It doesn't surprise me.  
30 We'll pursue that with him. At all events, you decided to 02.02PM  
31 get more spray onto the operating face of the mine with

1 a view to protecting the asset on the 9th?---Yes.  
2 What time of the day was that, given that the full-blown  
3 emergency was declared at 2.52?---That was when we had  
4 the meeting at the lookout at 2.38. One of the things  
5 we discussed there was the issue, the amount of water 02.02PM  
6 required in the mine would be benefitted by turning  
7 some non-essential sprays off.  
8 As we try to piece together the events and the times that  
9 were unfolding, at your meeting at 2.38 you decide to  
10 apply more spray to the operating face and also to turn 02.02PM  
11 off sprays to the west and northern batters; is that  
12 right?---Yes, to the section that wasn't under threat,  
13 correct.  
14 It probably is a self-evident fact, but may I ask you  
15 anyway; by switching off the spray in the north and 02.03PM  
16 western batters you are reducing the ability of those  
17 areas to resist fire?---It was an area not impacted by  
18 fire, throughout the whole course of the fire.  
19 No, different question. You were reducing the ability of  
20 those areas to resist fire if it took hold in those 02.03PM  
21 areas. Do you agree with that?---Yes, I'd agree with  
22 that.  
23 The northern batter you've told us was still flammable and  
24 it was exposed coal?---It was wet, the areas I turned  
25 off too. 02.03PM  
26 In view of the atmospheric conditions it could have dried  
27 out easily enough?---Correct.  
28 Was it your decision to stop spraying the northern and  
29 western batters?---It was a joint decision.  
30 Who was involved in that joint decision?---It was Matt 02.04PM  
31 Weddell and Alan Roach who I believe were up at the



1           lookout at the time.

2       Was it not the case that the sprinkler system around the  
3           northern batters and over to the west was unable to  
4           cope with wetting all parts of the mine at the one time  
5           so as to deal with the fire that was then presenting       02.04PM  
6           itself?---Just repeat that?

7       Was it the case that the sprinkler system in the northern  
8           batters and northwest and then western portion of the  
9           mine was unable to cope in wetting those areas at the  
10          one time?---If you're implying, and keeping operating       02.04PM  
11          areas? Yes, it's not designed, I believe, to turn all  
12          the sprays on the northern batters and the entire  
13          operation of the mine, the operating areas.

14       As a result of that, you needed to prioritise which part of  
15          the mine was to be watered first, with a view to       02.05PM  
16          meeting this drama that was unfolding?---Correct.

17       Is it correct to say that you or your company took the view  
18          that, as the northern batters had ceased to be active,  
19          it was more appropriate to wet other different  
20          batters?---The area that we'd elected to turn the       02.05PM  
21          sprays off wasn't affected.

22       It wasn't what, sorry?---It wasn't affected by fire.

23       Not at that time?---Nor during the - the areas we turned off  
24          were never affected during the whole course of the  
25          fire.   02.05PM

26       In paragraph 64 you refer to a decision to turn off  
27          non-essential sprays; do you read that?---Yes.

28       What do you seek to convey by the expression "non-essential  
29          sprays"?---The sprays, in one of the photos will show  
30          how many sprays are on that section, by turning off - I       02.06PM  
31          was turning off every second spray so there was still

1 areas of wet, wetted down, and just basic allowing some  
2 more water to put on in the operating areas. So the  
3 batters weren't shut down altogether, it was just  
4 reduce the amount of sprays that were going.

5 Is it the case that you made a decision to turn off the 02.06PM  
6 non-essential sprays and, in so doing, you could ensure  
7 that a better protection by water was given to the  
8 working operational area?---Working operations and also  
9 it gave better protection for the areas that were  
10 impacted by fire, gave those additional water supply. 02.06PM

11 If we look at the photo beneath paragraph 64 of your witness  
12 statement, do we see at least three outcrops of fire to  
13 the northern batters?---I'll point to them; you've got  
14 one outcrop of fire which is running up multiple levels  
15 at this stage; to the far left you've got two of the 02.07PM  
16 sprays going on the western batters, they're actually  
17 water sprays, so there's only the one fire. It's  
18 getting bigger.

19 After you turned off the non-essential sprays, is it the  
20 case that CFA was conducting water bombing?---Whilst I 02.07PM  
21 was turning them off they were conducting water  
22 bombing.

23 I see, so you thought that there was sufficient assistance  
24 being given by CFA by its water bombing and that  
25 fortified your decision to turn off non-essential 02.07PM  
26 sprinklers?---No. No, I believe that the areas I was  
27 turning off had no impact on the water bombing.

28 Just to help us with timeline, is it your evidence that CFA  
29 was involved from 3 p.m. or thereabouts, or was it  
30 earlier?---What that, with the water bombing? 02.08PM

31 Yes?---Whatever time I wrote down here, that photo, yes, it

1 was about 3 o'clock; 2.57.

2 In paragraph 71 of your witness statement you speak of the  
3 video that you took at 3.38 which depicts the northern  
4 batters. That's correct, isn't it?---Yes.

5 By comparing the photo taken at 2.55 with the video at 3.38, 02.08PM  
6 it's your evidence that you can see how quickly in the  
7 northern batters the fire had grown?---Yes.

8 Had you turned off the water in the northern batters after  
9 or around 2.55?

10 MR ROZEN: I object to this question. It's kept being put 02.08PM  
11 to this witness that he turned off the sprinklers in  
12 the northern batters. The evidence that he's given at  
13 paragraph 61 of his statement refers to the western end  
14 of the northern batters - - -

15 CHAIRMAN: I was going to raise that point later. There is 02.09PM  
16 a distinction between the northern batters at the  
17 western end and the northern batters, if you like, in  
18 the central area?---If you put the aerial map up I will  
19 explain where I turned water off.

20 MR WILSON: Let's do that?---So, the fire we were looking on 02.09PM  
21 the northern batters is in area C, so the sprays  
22 weren't touched along all this face. The only sprays I  
23 turned off were in this corner here. So by then  
24 there's no fire, there's obviously the fire at Hernes  
25 Oak, the Hernes Oak Fire which is around that side. 02.09PM  
26 There's no fire - fire down here, but there's no fire  
27 anywhere to the west of that point apart from the  
28 Driffield Fire which had an impact on the mine at that  
29 stage.

30 In paragraph 78 you tell us that between 4.15 and 4.40 you 02.10PM  
31 returned to the northern batters to turn on sprays

1 approximate to the location of the fire. Are you  
2 describing the eastern side of the northern batters or  
3 the western side?---Western side.

4 CHAIRMAN: You distinguished between, as I understand it,  
5 part of this comes into the rehabilitation. The very 02.10PM  
6 eastern end has been rehabilitated, has it not, to some  
7 extent?---Correct.

8 The central is the area where you've got the photo that we  
9 saw before which has the sprays and the fire hole and  
10 the - - -?---Yes. 02.10PM

11 And the western is really getting into what sometimes you  
12 call the north western?---Where I took the photo, I  
13 turn the sprays off - - -

14 You delineate each of those to satisfy Mr Wilson and  
15 me?---That fire pretty much in the end limited the 02.11PM  
16 range about that direction there. The sprays are in  
17 that area there to stop any fire from going further  
18 west. When I talk about the western edge of the fire,  
19 it was up in this area, not down that western northwest  
20 corner which I turned off earlier. Any extra sprays 02.11PM  
21 needed to be in this area - additional water where I  
22 could - - -

23 But just in terms of distinguishing when we're looking at  
24 the transcript between the northern batters, what do  
25 you regard as the eastern and western limits of the 02.11PM  
26 northern batters?---That's the western end of the  
27 northern batters.

28 And what's the eastern end?---Straight past the - - -  
29 Part of it is, if you call the central area, what would you  
30 say that - - -?---(Indistinct). 02.11PM

31 CHAIRMAN: I think that makes it sufficiently clear,

1            hopefully.

2            MR WILSON: Thank you.

3            The activities mentioned in paragraph 78 of your witness  
4            statement where you turn spray on is directed to the  
5            dark square on the extreme right side of the northern            02.12PM  
6            batters; is that right?---In that area; the edge of the  
7            fire.

8            Over lunch all counsel spoke about ways to proceed and that  
9            has significantly contracted the discussions. Thank  
10           you, if the Board pleases.            02.12PM

11           MR RIORDAN: I'll just ask a couple of questions by way of  
12           clarification.

13           <CROSS-EXAMINED BY MR RIORDAN:

14           On the 9th arrangements had been made for there to be a  
15           shift for people to work on the Sunday; is that            02.13PM  
16           correct?---On the 9th?

17           I'll ask the question again. Prior to the 9th arrangements  
18           had been made for there to be a shift of workers, of  
19           working on that day at the mine?---Yes.

20           You've given evidence that there were two additional workers            02.13PM  
21           to be put on because of the fire risk; is that  
22           correct?---That's correct.

23           And they were from the RTL contractors?---Correct.

24           You also gave evidence that from 7 a.m. RTL contractors were  
25           manning the two 30,000 litre water tanks as an            02.14PM  
26           additional fire preparedness measure on the 9th, on the  
27           Sunday?---On the Sunday, yes, 7 a.m.

28           Was that made possible because of the additional staffing  
29           that has been arranged on the Friday night?---That's  
30           correct.            02.14PM

31           Just so that it's perfectly clear, the person or persons in

1 charge from a fire perspective at least in the mine on  
2 the Sunday was the Mine Shift Supervisor, Ian  
3 Wilkinson?---That's correct, once the fire started,  
4 yes.

5 And Dean Soares was in charge of the 1x7 group?---Correct. 02.14PM  
6 Under the policy you're aware that the Mine Shift Supervisor  
7 is the default Emergency Commander unless somebody else  
8 is appointed?---That's what I believe, yes.

9 So they were the people in control before a number of people  
10 decided to come back to the mine as a result of 02.15PM  
11 concerns about the mine; is that correct?---That's  
12 correct.

13 The first of those was Mr Roach who came back at 12.27 a.m.  
14 he arrived back and he was the emergency services  
15 liaison officer; is that correct?---Correct. 02.15PM

16 When I say he came back to the mine, he in fact was on-call  
17 and so would be expected to come to the mine if an  
18 issue arose?---Yes.

19 Then the others who came in, so there's no confusion, but  
20 who weren't rostered on includes yourself?---Yes. 02.15PM

21 The Mine Production Supervisor, Matt  
22 Weddell?---Superintendent.

23 Superintendent, I'm sorry, Matt Weddell?---Yes.

24 Romeo Prezioso?---Prezioso.

25 Thank you very much?---Yes, he came in. 02.16PM

26 And he's the Senior Mine Planner?---Yes.

27 Steve Harkins, the People, Culture and Environment Director,  
28 he came in?---Yes.

29 And was involved?---Yes.

30 Later on Mr Dugan, your immediate superior, he also came to 02.16PM  
31 the mine?---Not on that Sunday.

1 Didn't he come in on the Sunday night?---No, no.  
2 He came in on the Monday?---Might have been, I'm not sure;  
3 he had troubles getting back through the fires at Cann  
4 River.  
5 I stand corrected, it was certainly on the Monday, not on 02.16PM  
6 the Sunday. So those persons came in voluntarily with  
7 the exception of Mr Roach who was in fact on-call, but  
8 the people who were in charge and rostered were Mr Ian  
9 Wilkinson and Dean Soares, that's correct?---They were  
10 the people in charge on the day, yes. 02.16PM  
11 I just want to take you to one other matter if I could  
12 because you asked about contact with the CFA. Could  
13 the witness be shown annexure 9 which is page 53 of  
14 Mr Harkins' statement. I just ask you to look at one  
15 thing on the left-hand side about point 7 on the page. 02.18PM  
16 You might be able to see a heading there called,  
17 "Outside agencies." Can you see that? Left-hand  
18 bottom quarter, do you see a heading there, "Outside  
19 agencies"?---I can see it, yes.  
20 This is the Diamond Protection log for 9 February 2014 as 02.18PM  
21 you, Mr Shanahan, can see up in the top left-hand  
22 corner?---Yes.  
23 Do you note there the CFA being contacted at 1340?---Yes.  
24 You'd assume that's a reference to 1.40 p.m. in the  
25 afternoon?---Yes. 02.18PM  
26 That contact would have been before you arrived, would it  
27 not?---That's correct.  
28 I have no further questions.  
29 MR ROZEN: Just one matter in re-examination. Perhaps I  
30 should ask if any of the Members of Board have any 02.19PM  
31 questions before I do that?

1 CHAIRMAN: No.

2 <RE-EXAMINED BY MR ROZEN:

3 You will be pleased to know, Mr Shanahan, there's just one  
4 more thing to deal with. You were asked some questions  
5 a little while ago by my learned friend, Mr Wilson, to 02.19PM  
6 my left about turning off sprinklers on the northern  
7 batters?---Yes.

8 Do you recall being asked a series of questions?---Yes.

9 You started to answer one of those questions by referring to  
10 the water that was available, the pipe work you 02.19PM  
11 referred to?---That's right.

12 I don't think you quite got an opportunity to finish that  
13 answer. Would you like to do so?---I'm just trying to  
14 think what context it was.

15 The context was, you were being asked about why there wasn't 02.19PM  
16 more wetting done in the northern batters, and as I  
17 understood the question it was directed to the area  
18 where you saw the fire?---The only thing I can think of  
19 it was in reference to was the impact of putting sprays  
20 along those batters probably wasn't going to protect 02.20PM  
21 any particular assets that were - well, probably would  
22 have protected potentially some, but the protection  
23 would have been fairly minimal.

24 It's probably my question, Mr Shanahan, I'll ask it more  
25 directly. Was the water reticulation service in that 02.20PM  
26 area of the northern batters as extensive, say, as  
27 what's present in other areas of the mine, particularly  
28 the operational area?---No, generally the worked out  
29 batters don't have as much coverage because we've  
30 replaced some of the pipes with clay capping. 02.20PM

31 That's the final matter. Could Mr Shanahan please be



1           excused.

2           CHAIRMAN: Yes, thank you, Mr Shanahan, you're excused.

3           MR ROZEN: The next witness is James Mauger. I call

4           Mr Mauger.

5           <JAMES EDWARD HUBERT MAUGER, sworn and examined: 02.21PM

6           MR ROZEN: Mr Mauger, can you confirm for us that your full

7           name is James Edward Hubert Mauger?---That is correct.

8           And Mauger is spelt, M-A-U-G-E-R?---That's correct.

9           Mr Mauger you, for the purposes of the Inquiry, have made a

10          witness statement of some 52 paragraphs; is that 02.22PM

11          right?---That's correct.

12          Have you had an opportunity to read through that statement

13          before coming and giving evidence today?---Yes, I have.

14          Are the contents of your statement true and correct?---Yes,

15          they are. 02.23PM

16          Nothing you wish to change in it?---No, there's not.

17          I'll tender the statement.

18

19          #EXHIBIT 8 - Statement of James Edward Hubert Mauger.

20 10.04AM

21          MR ROZEN: Just a couple of questions, Mr Mauger, if I can.

22          You have worked at the mine for eight years?---That's

23          correct.

24          Initially you worked for a contractor to the mine,

25          RTL?---Yes. 02.23PM

26          Since that time for the last six years you've been a direct

27          employee of Hazelwood Power Corporation

28          Pty Ltd?---That's correct.

29          Your position is 1x7 A operator?---That's correct.

30          And you answer to Mr Dean Soares; is that right?---That's 02.23PM

31          correct, yes.

1 You're a member of his crew. There are two 1x7  
2 crews?---That's right.  
3 And you're in the one that answers to Mr Soares?---Yes.  
4 One of the functions of the team that you work in, which you  
5 describe as a multi-skilled group, concerns fire 02.24PM  
6 services?---That's correct.  
7 In your six years of employment with the mine operator, have  
8 you been engaged in doing fire related work during that  
9 entire time?---If you're referring to training, yes, we  
10 have an annual Fire Service training. 02.24PM  
11 I'll come to training in a minute if I could?---Sure.  
12 I just want to clarify, that six year period that you've  
13 been working, has that been in the same position over  
14 that time for the six years?---No, I've held a vast  
15 majority of different positions in the organisation in 02.24PM  
16 different capacities.  
17 How long have you been in the 1x7 team?---Approximately  
18 four years of the six years.  
19 That's the last four years presumably, is it?---No. I  
20 started in nine day fortnight supernumerary operator, 02.24PM  
21 moved into 1x7, then moved into some planning roles and  
22 then into a superintendent role as an acting  
23 superintendent and then back into the 1x7 stream.  
24 Now, to go to the training question, what training has been  
25 provided to you by your employer, specifically in 02.25PM  
26 relation to your fire related duties?---Sure. So,  
27 undertaken annually every 12 months is a fire training  
28 that is conducted by, usually, the 1x7 supervisor or  
29 fire services officer which is a previous position, so  
30 in this case that would be Dave Shanahan's position 02.25PM  
31 which is the Services Superintendant. Also we get

1 on-the-job training with hot spots and things like that  
2 that arise during the day-to-day function of the mine.  
3 That's on-the-job training essentially, is that a fair way  
4 to describe that or are you talking about something  
5 different?---No. So the first part of my answer was in 02.25PM  
6 a classroom training. The second part of it, yes, was  
7 an on-the-job training.

8 I think you told us that classroom training, as you've  
9 described it, was provided to you by Mr Shanahan's  
10 predecessor as Services Superintendant?---That's 02.26PM  
11 correct, yes, that position.

12 Who held that position before Mr Shanahan?---We've had  
13 Mr Rob Dugan, and also I have had training from a  
14 gentleman called Mr Bill Petter or William Petter.  
15 Is he an employee of the mine or an external?---He used to 02.26PM  
16 be an employee of the mine.

17 Have you been involved in any joint exercises with the  
18 CFA?---Yes, I have. Part of one of the jobs that I  
19 spoke about previously was in a planning role, was to  
20 coordinate planning training days with the CFA on site, 02.26PM  
21 simulation dredger fires and also batter fires with the  
22 CFA.

23 If I can come to the events of 9 February this year, you  
24 were rostered on that day as you tell us in  
25 paragraph 13 of your statement?---That's correct. 02.27PM

26 You received a briefing, a start of shift briefing; I take  
27 it, that's a standard start of the day practice?---Yes,  
28 we had a pre-start meeting as per usual, that's  
29 correct.

30 Who gave the briefing, or if there were more than one, the 02.27PM  
31 briefings that you refer to there?---It was one

1 briefing and it was conducted by Dan Soares.  
2 It was very clear to you, as a result of that briefing, that  
3 there had been a fire burning for three days since the  
4 previous Friday within 7 kilometres northwest of the  
5 mine?---That's correct. 02.27PM  
6 You say in paragraph 14(a) that you were told it had almost  
7 been extinguished?---That's correct. I also visually  
8 observed that on my way to the mine as I have a good  
9 vantage point coming in through the back gate; we can  
10 see the Hernes Oak area and witnessed that myself. 02.27PM  
11 It wasn't said, was it, at the briefing that therefore it  
12 presented no risk at all?---No, that's not correct at  
13 all.  
14 So you were conscious that there was an ever present risk as  
15 a result of that fire?---That is correct. 02.28PM  
16 Even though it had been contained?---That is correct.  
17 Was there a discussion about the possibility of a weather  
18 change later that day?---Yes, there was.  
19 Throughout your statement, I won't take you to it in detail,  
20 but you make reference to times at which you took 02.28PM  
21 various photographs and did various things. How were  
22 you able to be so precise with the time?---I took the  
23 photographs on my iPhone which records times and dates.  
24 And you were able to refer back to that in the preparation  
25 of your statement?---That's correct. 02.28PM  
26 If I can take you over to page 7 of your statement,  
27 paragraph 36. In paragraph 38 you're there referring  
28 to having seen shortly before a small amount of smoke  
29 coming from 5 Level on the northern batters?---That's  
30 correct. 02.29PM  
31 Were you in court earlier today when Mr Shanahan gave his

1 evidence about the fire at the northern batters?---Yes,  
2 I was.

3 You would have seen the photos up on the screen that showed  
4 the early stages of that fire. Is that what you're  
5 talking about in your statement; same fire?---That's 02.29PM  
6 correct.

7 At paragraph 38 you say, "We were then joined [that is,  
8 shortly after you saw the fire] by non-CFA air support  
9 who started dumping fire retardant on the fire." What  
10 do you mean by non-CFA air support?---At that time 02.30PM  
11 there was no CFA written on any of the aircraft or that  
12 they belonged no any CFA organisation. To us, they  
13 were air support.

14 You saw an aeroplane, you don't know whether it was CFA or  
15 who. Is that the position?---That's correct. 02.30PM

16 You say that a few times, "Non-CFA air support, non-CFA  
17 helicopter"; what you mean by that is that you saw no  
18 designation on them that they belonged to the  
19 CFA?---That's correct.

20 You say in fact in paragraph 38 that an aeroplane dumped 02.30PM  
21 fire retardant on the fire and also on yourself and  
22 your colleague, Shane?---That's correct.

23 Obviously that wasn't a pleasant experience, I take  
24 it?---No, I certainly wasn't worried about getting  
25 orange hair or anything silly like that. 02.31PM

26 I was going to ask you about that hair?---No, it wasn't a  
27 pleasant experience. I think that actually shows the  
28 level of commitment and the level of seriousness that  
29 we took with the fire.

30 Perhaps also it might suggest a bit of a lack of 02.31PM  
31 co-ordination between what you were doing and what the

1 people in the airplane were doing?---Absolutely. We  
2 did not have any communication with air support.

3 You say that the unit that dumped the retardant on you was  
4 an airplane. Do you say that deliberately to  
5 distinguish it from a helicopter; were there both in 02.31PM  
6 the vicinity?---There were both in the vicinity.  
7 Airplanes came first, there were two airplanes, crop  
8 duster airplanes that dumped fire retardant first.

9 And then the helicopter was dumping water; is that  
10 correct?---That is correct. 02.31PM

11 From your vantage point what effect did either the retardant  
12 or the water have on the spread of the fire in the  
13 northern batters?---In my opinion, very little effect  
14 as the wind was far too strong.

15 Was that the issue there, that the wind basically blew the 02.32PM  
16 material away as it was falling; is that what you're  
17 saying?---I'm not suggesting that. I'm suggesting that  
18 some of the retardant certainly went onto the fire but  
19 to little effect.

20 The final matter I want to ask you about is at paragraph 47, 02.32PM  
21 and this is later in the afternoon or early evening.  
22 You make a reference to the Incident Controller at the  
23 mine deeming it too dangerous for personnel to remain  
24 in the mine. Was that Mr Prezioso that you're  
25 referring to?---My conversation was actually with Dean 02.32PM  
26 Soares. Sorry, my actual conversation with Shane  
27 Chapman. Shane Chapman had radio communication with  
28 Dean Soares. In that communication he was told that  
29 the Incident Controller had deemed it too safe for  
30 personnel to be in the mine at that stage. 02.33PM

31 Too dangerous for personnel to be in the mine?---Correct.

1 Did you know who the Incident Controller was at that  
2 time?---I did not at that stage.

3 The final matter I meant to ask you, you make mention in  
4 your statement of taking some video footage in addition  
5 to the photographs that you took?---That's correct. 02.33PM

6 Do you have that video footage?---I do. Yes, I have it on  
7 my phone and I also believe that we have a copy of that  
8 here today.

9 I don't think we need to show that, but I'll formally call  
10 for that. I understand that it can be provided to the 02.33PM  
11 Inquiry.

12 MR RIORDAN: It is produced.

13 MR ROZEN: I'm grateful. No further questions for  
14 Mr Mauger. Any member of the Board have a question?

15 <CROSS-EXAMINED BY MR BURNS: 02.34PM

16 MR BURNS: I won't be long, Mr Mauger. At paragraph 19 of  
17 your statement you deal with 12.50 p.m.?---That's  
18 correct.

19 You say that you're supervisor, Dean Suares, "sent me to  
20 start turning on all sprayers that were not already 02.34PM  
21 on." Do you want to indicate the ones you're talking  
22 about, which ones were not already on?---That's  
23 incorrect. If you read the statement, Dean Suares  
24 actually asked me to go with him, that he sent other  
25 personnel to turn on the sprayers. 02.34PM

26 Sorry, but which ones were not already on?---Currently  
27 already the western part of the mine, the operational  
28 part of the mine were already on.

29 Yes, the west field were on?---That's correct, and he sent  
30 other people to go and turn on the 1 Level northern 02.34PM  
31 batters sprays.

1 The 1 Level northern batters?---1 Level northern batters.  
2 So there are sprays on the northern batters. Is this the  
3 more central part that the Chairman was referring to  
4 earlier?---No, we're talking the western part of the  
5 northern batters. 02.35PM  
6 All right, the long run down to the left-hand turn as it  
7 were, the very western end?---So to speak, yes.  
8 So there's sprinklers on Level 1 at that portion?---That's  
9 correct.  
10 But not in the ones as it turns around the corner, as it 02.35PM  
11 were, on the more eastern side of the northern  
12 batters?---There is. I think maybe we could clarify  
13 exactly where you're talking about with a location map,  
14 if that's possible?  
15 Could you just indicate where the sprinklers are on the 02.35PM  
16 northern batters?---The area in particular where Dean  
17 was talking about sending the guys to turn on the  
18 sprayers is this area in here, in particular the  
19 western part of the north batters.  
20 I think the microphone just needs to pick up your voice, Mr 02.36PM  
21 Mauger?---I'll repeat what I said. The area that I've  
22 just pointed to with the pen was the area in which Dean  
23 gave direction to the 1x7 operators to turn on the  
24 sprays in that area.  
25 That's the area to the left of the point marked as F on that 02.36PM  
26 map?---That's correct. I'll show you again.  
27 Yes, and are there sprinklers in other parts of the northern  
28 batters?---Yes, there are.  
29 Where do they extend to?---They predominantly extend to  
30 around about sort of about here, predominantly on 1 and 02.36PM  
31 3 Level.



1 So, up until 12.50 on Sunday the 9th they hadn't been  
2 activated; is that right?---That's correct, yes.  
3 This was the hottest weekend effectively in the State since  
4 Black Saturday; is that right?---I can't answer that  
5 question, I'm not sure. 02.37PM  
6 It was a very hot fire danger weekend, wasn't it?---That's  
7 correct, yes.  
8 Please have your seat again.  
9 CHAIRMAN: Where were you when you were dumped on?---Where  
10 was I? I was pretty much in this area here where the 02.37PM  
11 fire originated.  
12 So that's got a letter on it above it?---That's a "K".  
13 So you were pretty well under where the "K"  
14 designates?---That is correct.  
15 MR BURNS: Can you think of any reason why those sprayers 02.37PM  
16 hadn't been turned on prior to 12.50 on Sunday the  
17 9th?---In answer to that question I would say and I  
18 would suggest that the Hernes Oak Fire in its entirety  
19 wasn't much of a concern as in it was pretty much  
20 extinguished up until that stage. We know at 12.30 02.37PM  
21 when Ian Wilkinson came to the brew room and told us  
22 that it had flared up due to a massive wind change,  
23 that's when we actioned that.  
24 The question was, can you think of any reason why they  
25 weren't turned on; is your answer to that, that no one 02.38PM  
26 thought it was necessary?---That is correct.  
27 At paragraph 21 you and Mr Soares attend the western  
28 perimeter of the mine; is that right?---That's correct.  
29 At that stage you're assessing the Hernes Oak Fire?---That's  
30 correct. 02.38PM  
31 You recommend to Mr Soares, don't you, that some graders

1 start making fire breaks - - -?---That's correct.  
2 - - - around that area?---Yes.  
3 It takes some time to build fire breaks, doesn't it?---I can  
4 physically show you the length that they were putting  
5 in, but, yes, it can, can take some time. 02.38PM  
6 You have to get graders there for starters, don't  
7 you?---That's correct.  
8 Were the graders there then?---The graders weren't there  
9 when we arrived then; we actioned that from there.  
10 So, you have to move the graders up to that point?---That's 02.38PM  
11 correct.  
12 And get them to build the fire breaks?---That's correct.  
13 Was that something that could have been done earlier as  
14 preparatory works?---I can't answer that question.  
15 Clearly it could of, but your answer is that it just didn't 02.39PM  
16 happen?---My answer is that is above the level of  
17 capacity that I operate at at the company.  
18 At paragraph 41 you talk about the non-CFA helicopters and I  
19 heard your answer to Mr Rozen about that. All you mean  
20 by that is it's not branded with CFA insignia, is that 02.39PM  
21 right?---That's correct.  
22 You accept that it was working at CFA's control and request,  
23 though, don't you?---I don't - I was not aware of that  
24 at the time.  
25 You'd imagine that's the case, though, you don't think they 02.39PM  
26 were pilots off on a frolic of their own, do you?---I  
27 don't speculate, I wasn't sure at the time.  
28 In any event you say the helicopters continued to dump  
29 water; is that on the northern batters?---That's  
30 correct. 02.39PM  
31 How many runs did you see the aircraft make dumping

1 water?---Two runs to be precise.

2 You indicate in paragraph 50 that the fire spread quickly,  
3 indeed faster than you ever thought possible; is that  
4 right?---That's correct.

5 The bulk of your efforts seem to have been reactive to the 02.40PM  
6 smoke and the fire that you're seeing; in other words,  
7 not preparatory for it but in response to it. Is that  
8 right?---That's correct.

9 Could more have been done to prepare, in terms of wetting  
10 areas down, particularly in the northern batters, or 02.40PM  
11 creating fire breaks.

12 MR ROZEN: I do object, it is an unfair question to this  
13 witness. He's explained his position in the  
14 organisation.

15 MR BURNS: Mr Chairman. 02.40PM

16 CHAIRMAN: Can you modify the question?

17 MR BURNS: I won't press the question. I just asked this  
18 witness whether he thinks more could have been done to  
19 prepare.

20 CHAIRMAN: Because I am about to ask another question, I 02.40PM  
21 haven't heard the full one of your question, so you'll  
22 have to repeat it again, I'm sorry.

23 MR BURNS: Yes, Mr Chairman. He's accepted that the bulk of  
24 his efforts were reactive to the fire, so the next  
25 question was, could more have been done to prepare in 02.41PM  
26 terms of either wetting down or creating fire breaks.

27 CHAIRMAN: There are the limitations, I'm prepared to allow  
28 the question.

29 THE WITNESS: Can you please ask the question again?

30 MR BURNS: Yes. Could more have been done to prepare, in 02.41PM  
31 terms of wetting down areas, like the northern batters,

1 or creating fire breaks?---I don't think anyone could  
2 have explained the ferocity of that fire that day, so I  
3 don't think that anyone could have predicted the path  
4 that that fire was going to take, so I don't.

5 I have no further questions.

02.41PM

6 CHAIRMAN: Could I just clarify, in relation to the northern  
7 batters and, which I understand to be the area K where  
8 you were, if I can have up the photograph in Mr  
9 Shanahan's statement that you presumably saw that has  
10 in effect the start of that fire going up and the  
11 sprinklers on the left of the photo. You understand  
12 the one?---Sure, yes.

02.41PM

13 What I am not clear about is whether the sprinklers that one  
14 can see on the left are sporadic or continuing along  
15 that area which we now think are seen as the central  
16 part of the northern batters. Can you help me?---Yes,  
17 sure. I can tell you that the pipes do extend along  
18 that.

02.42PM

19 The pipes extend all along, but it will depend on whether  
20 the particular sprinklers are turned on, whether  
21 there's water going up there. Is that right?---So,  
22 there weren't sprinklers on in the area where I was at  
23 that particular time.

02.42PM

24 But there were not far away, if one goes on that photograph  
25 that were in Mr Shanahan's statement?---That is  
26 correct.

02.42PM

27 If those sprinklers had been on, that's where it's hard to  
28 know why, or I haven't got my head around why some  
29 sprinklers were on in some parts and not in others, and  
30 you can't shed any light on that?---I can't give any  
31 more clarification to that, no.

02.43PM

1 MR BURNS: Nothing further. Thank you, Mr Chairman.

2 MR ROZEN: No re-examination. Could Mr Mauger be excused.

3 CHAIRMAN: Yes, Mr Mauger, you are excused.

4 MR ROZEN: The next witness is our community witness for  
5 today, Mr Graeme Freshwater. I call Mr Freshwater. 02.43PM

6 <GRAEME FRESHWATER: Affirmed and examined:

7 MR ROZEN: Unfortunately, I have to call you  
8 "Mr Freshwater", I'm afraid?---I don't mind.  
9 Can you confirm that your name is Graeme  
10 Freshwater?---That's correct. 02.45PM  
11 Home address, 121 Holmes Road, Morwell?---Correct.  
12 Mr Freshwater, for the purposes of this Inquiry, have you  
13 made a witness statement of 36 paragraphs?---Yes.  
14 Have you had an opportunity to read through that statement  
15 before coming and giving evidence today?---Several 02.45PM  
16 times.  
17 I think you've got a copy of that statement in front of  
18 you?---Yes.  
19 Are the contents of the statement true and correct?---To the  
20 best of my knowledge they're pretty close, yes. 02.45PM  
21 Nothing you want to change, because now's your chance?---No,  
22 there's nothing I picked up. Some of those dates; I  
23 mean, I don't keep detailed records over 30 years in  
24 the mine, but I think they'll be fairly accurate, yes.  
25 We understand that. There are four attachments to the 02.46PM  
26 statement, are there not?---Yes, I believe so.  
27 I tender the statements.  
28  
29 #EXHIBIT 9 - Statement of Graeme Freshwater.  
30 02.46PM  
31 MR ROZEN: Mr Freshwater, you have lived in the valley most

1 of your life, raised on a farm near Sale; is that  
2 right?---Yes, I was born in Sale and lived in that area  
3 until I was about 20 I think, and then I joined the SEC  
4 in 1966 and have lived in the valley most of that time  
5 except when I was in head office in Melbourne. 02.46PM  
6 Before joining the SEC you did a Diploma of Civil  
7 Engineering, firstly at Sale Tech and then finished  
8 that at Caulfield Institute of Technology?---That's  
9 correct.  
10 Then you worked for the SEC for, if my maths is right, 02.46PM  
11 29 years?---Yes, just over.  
12 Between 1966 and 1995?---That's correct.  
13 You have worked in each of the three Latrobe Valley  
14 mines?---Yes, Yallourn, Loy Yang and Morwell.  
15 And Morwell?---Predominantly in Morwell, 22 years in 02.47PM  
16 Morwell.  
17 What we're all referring to as the Hazelwood Open Cut back  
18 in the day was the Morwell Open Cut when you worked  
19 there?---That's correct.  
20 Between 1988 and 1992 you held the position of Mine Manager 02.47PM  
21 at the Morwell Open Cut Mine?---Yes, some of that  
22 period was an acting Mine Manager role as well. I  
23 can't recall the exact dates.  
24 Probably a silly question, but that meant you were the  
25 senior most person in a managerial position at the 02.47PM  
26 Morwell Mine; is that right?---Correct.  
27 Answerable to those in head office in Melbourne, is that  
28 correct?---No, no.  
29 No?---The structure changed from time to time, but Jack  
30 Vines was head of the coal production side of it, that 02.47PM  
31 took in all three mines at the time.

1 So your answerable to Mr Vines?---Yes.  
2 I think he was also referred to as Mr Vines, was he  
3 not?---Certainly was.  
4 By those that worked for him?---Yes. An excellent manager.  
5 Very experienced. 02.48PM  
6 Then you did a stint as Mine Manager at Loy Yang after your  
7 time as Mine Manager at Morwell?---I had two stints at  
8 Loy Yang at the first development, first operation, and  
9 then back again in the last three years I was with the  
10 SEC. 02.48PM  
11 I'll just ask you to keep your voice up if you could please,  
12 Mr Freshwater?---Sorry.  
13 That's all right. After you retired from the SEC in 1995  
14 you've done some consulting work in the coal mining  
15 industry?---Yes, through a company in Sydney, Behre 02.48PM  
16 Dolbear BDA, and a little bit through Mining One,  
17 that's a Melbourne company; a little bit with Sinclair  
18 Knight Merz, and actually that job was related to  
19 Hazelwood.  
20 You also did a stint in Sumatra, and part of the consulting 02.49PM  
21 work you have done more recently between 2002 and 2008  
22 was as a member of the Overview Committee for a review  
23 conducted by GHD of a previous fire at the Hazelwood  
24 Open Cut in October 2006?---That's correct.  
25 Can you just tell us briefly about the role that you played 02.49PM  
26 in relation to that Review Committee? We do have the  
27 report of that Committee, but I just want to get an  
28 understanding from you about the role you personally  
29 played?---It was a very minor role. We had a couple of  
30 meetings, involved a couple of us from different areas 02.49PM  
31 to assist in what was happening basically. I do recall

1 on that one the fire was rated to I think 11 dredger,  
2 and they found two issues, possible cause of the start;  
3 one was to do with a conveyor and the other one was  
4 spot firing in the region. And that, I think, got out  
5 of control a fair bit but didn't travel big distances. 02.50PM

6 Did you have any role to play in relation to implementation  
7 or recommendations that were made in that Review  
8 Report?---Not a great deal, no. I was involved in the  
9 1977 fire as secretary to Jack Vines, it was a three  
10 man Committee that did a lot of work on that. 02.50PM

11 Yes. I should have asked you about that. That was the  
12 review that led to the first Fire Code of Practice for  
13 the mines, did it not?---That's correct, yes.

14 What did you use to guide your fire prevention and  
15 suppression work before the 1977 fire?---They had wet 02.50PM  
16 down systems, they all have had that. There was no  
17 significant fires in my time, from the time I joined  
18 the SEC in 1966 to 1977. Minor fires. They do  
19 experience, maybe up to 300 fires a year but they're  
20 very minor in most cases, generally started by damaged 02.51PM  
21 idlers on the conveyor systems.

22 We've heard that fires are an ever present risk in the open  
23 cut coal mines; I'd assume you'd agree with that  
24 proposition?---Certainly, yes.

25 In your statement at paragraph 11 you talk about the Fire 02.51PM  
26 Service that operated at the Morwell Open Cut, a  
27 dedicated Fire Service headed up by a Fire Service  
28 Officer, and there was such a Fire Service in each of  
29 the open cuts in the SEC days; is that right?---Very  
30 similar, yes. 02.51PM

31 You explain the role of the Fire Service. Do you want to



1 expand on that for the Inquiry, as to your experience  
2 of that and what you think about it?---There were an  
3 excellent group of men, I think there was something  
4 like 20-odd people in the gang. It was made up of a  
5 manager, Charlie Strong was an excellent man in that 02.52PM  
6 position, and Bill Brown you heard from yesterday, he  
7 was one of the ones, and John Lee who was here  
8 yesterday but wasn't called, they were excellent Fire  
9 Service people. There was very few fires in their  
10 time. I don't recall any significant fires until the 02.52PM  
11 1977 fire, and in fact there wasn't any more fires  
12 after that really until after privatisation. I think  
13 there's been about three since, so it does point out  
14 the expertise of those people we had in the mine at the  
15 time. They did operate on a 1x7 shift but only on day 02.52PM  
16 work, but they were on-call, along with managers could  
17 be called in too if there were any issues like that.

18 We heard also from Mr Brown in the Morwell Mine about the  
19 Fire Service office that he worked out of, and I think  
20 he told us that the location of the office changed as 02.53PM  
21 the shape of the mine changed?---That's correct .

22 In different works areas. That's your recollection as  
23 well?---That was definite, it was to give you a better  
24 view of the mine as it developed. As you can see on  
25 the diagrams, it changes rapidly over the years. 02.53PM

26 What's the benefit, if there is, of having an office with a  
27 view of the mine, as you say?---They can detect fires.  
28 One of the chaps' role was to be a fire spotter, he  
29 would have a telescope and so on and he could look  
30 around the mine, keep an eye on it. Now you don't get 02.53PM  
31 that at night of course except you've got the operating

1 crews and the Senior Supervisor in shift sort of takes  
2 over that role to a certain extent, but he operates  
3 from a control centre where he can't actually see out.  
4 So, you're depending on the operators to spot for fires  
5 at night, and they tend to show up fairly easily in the 02.54PM  
6 dark.

7 In the day?---In the dark.

8 In the dark, yes, certainly. It probably goes without  
9 saying, but presumably the ability to spot a fire as  
10 soon as it starts maximises your ability to suppress it 02.54PM  
11 when it's a small fire before it becomes a large  
12 one?---The sooner, the better, and I suspect with the  
13 current fire we're discussing there may have been  
14 delays, I don't know. Unless you get to a coal fire  
15 very early, it gets out of control, in my experience. 02.54PM

16 You attach the Code of Practice as the second exhibit to  
17 your statement, that's exhibit GF-2. The one that  
18 you've attached is a version that Generation Victoria  
19 produced, it seems, in April 1994?---Okay.

20 Generation Victoria, as I understand it, operated was it all 02.55PM  
21 of the mines between the time of the SECV and  
22 privatisation?---Yes.

23 Did that overlap with your period of employment? Did you  
24 work for Generation Victoria?---I did.

25 In your statement you make reference to the use of 02.55PM  
26 helicopters and you say that on a 45 degree batter  
27 you'd raised some concerns about the use of helicopters  
28 dumping water on batters. Is the concern that there  
29 will be so much run off of the water that it won't  
30 achieve much in the way of suppression? Is that 02.55PM  
31 the - - -?---To be fair, I have no experience with

1 helicopters and dumping, but based on my experience in  
2 the mine, which we didn't have at the time in 1977  
3 naturally, to me it's no use dumping on a batter that's  
4 45 degrees, it goes straight to the bottom, makes a  
5 hell of a mess on the flat bench, probably breaks off a 02.56PM  
6 lot of coal on the side which could be heightened  
7 burning and that tends to stay lit, even on the ground  
8 in a wet country, and I do not see the advantage of  
9 using extremely expensive equipment to fight a fire.  
10 It may have helped, it took a long time to put out, I 02.56PM  
11 know it was a different fire to what we were used to  
12 because it had spot fires on one side and other fires  
13 well developed, whereas most of the fires we had were  
14 starting in one area and spreading and you've got a  
15 greater opportunity to control those fires. 02.56PM  
16 I was going to ask you about that. On any view, this was a  
17 different scenario to the ones that had been  
18 experienced in previous fires?---No doubt, certainly  
19 was, yes.  
20 It wasn't just different because of the external source of 02.56PM  
21 the ignition, but also because of the different areas  
22 of the mine that were simultaneously on fire?---Well,  
23 it's different because the mine is probably twice the  
24 size of what it was in 1977. You've got a big area to  
25 cover and most of it's not covered with clay, so it's a 02.57PM  
26 big area to control and that means you need a lot of  
27 pipe work and a lot of water.  
28 Sorry, a lot of pipe work and lot of?---Water. And that is  
29 the key to fighting brown coal fire mines, they have a  
30 lot of burst mount sprays and rotary sprays that wet 02.57PM  
31 down - I've called it a soft spray but it is quite

1 heavy, but compared to what you get with a dollop of  
2 water from a helicopter and so on, it gradually wets  
3 down the surface.

4 We had a rule I think coming out of that document  
5 of 50 per cent of the exposed coal surface had to be 02.57PM  
6 able to be wet at any one time. And you can't wet it  
7 all at once, you have to have a progress of turning on  
8 of systems as you can upset the balance of water supply  
9 from the pumps and all those sort of things.

10 You've also got to have a big height difference 02.58PM  
11 with your water pressure in the pipelines as they come  
12 down the batters and so on, so there's a fair bit more  
13 technique to operating those spray systems than what  
14 appears.

15 One of the things that's changed significantly from the time 02.58PM  
16 that you were at the mine is that the proportion of the  
17 overall area of the mine that's now non-operational is  
18 greater than was the case when you were there. Is that  
19 right?---Yes, twice the size probably.

20 That, you'd accept, presents its own challenges in terms of 02.58PM  
21 fire protection in those non-operational  
22 areas?---Certainly.

23 Do you have anything that you could tell us about that or  
24 any thoughts about that that you'd like to  
25 share?---Well, you probably can't see all the mine from 02.58PM  
26 one spot, so that restricts your vision if there is a  
27 fire in the corner and so on. It's a greater area to  
28 transport things, a greater area to cover exposed coal.  
29 Everything gets bigger, and of course I don't  
30 understand totally the manning that they have in the 02.59PM  
31 current organisation, but we had probably a bigger

1 group in the Fire Service of about half the size of the  
2 mine and now you've got the other way around, a larger  
3 area and perhaps half the people looking after the Fire  
4 Service aspects, but I don't have the figures and I'm  
5 only assuming that.

02.59PM

6 In fairness to you, Mr Freshwater, in your submission and in  
7 your statement you raise those as questions for the  
8 Inquiry to examine?---It all started when I got a call  
9 from the Latrobe Valley Express asking for some  
10 comments and I said I've only got two comments, I want  
11 to know why the fire moved so quickly, and why did it  
12 take so long to put out, because I wasn't used to that  
13 sort of thing in a mine fire. The major fires involved  
14 in 1977 took three days to get under control and  
15 another three or four days to mop up, and that was a  
16 pretty big fire. Just to add to that, even though  
17 there was a lot of people in the SEC at that stage, I  
18 think there was something like 750, 720 or something  
19 people in the mine section, we still didn't have enough  
20 manpower at the time and I actually rang the Commodore  
21 of the RAAF Base which I probably shouldn't have done  
22 requesting some people to assist, and he thought he had  
23 a dickhead on the phone and hung up. But I then spoke  
24 to Jack Vines and Jack talked to him, he thought it was  
25 a very good approach and he agreed to send down a  
26 couple of hundred RAAF personnel, and they were  
27 excellent in the mining. They had no experience, their  
28 equipment didn't match ours, but they would take  
29 direction from our supervisors in the Fire Service and  
30 they did a very good job. Unfortunately we did get  
31 some feedback that we'll never have them again,

02.59PM

02.59PM

03.00PM

03.00PM

03.00PM

1 Canberra weren't happy with taking 200 operators out of  
2 the RAAF Base, but we did get a dinner out of them, and  
3 some long discussion.

4 I have no further questions for Mr Freshwater. Do any of  
5 the Members of the Board have a question? I understand 03.01PM  
6 Mr Riordan has some.

7 MR RIORDAN: Just a few, if the Board will permit, much of  
8 which you've covered already, Mr Freshwater, so I won't  
9 take long.

10 <CROSS-EXAMINED BY MR RIORDAN: 03.01PM

11 Just to get an understanding of the mine, in 1977 when the  
12 fire occurred, I think you're indicating it was  
13 probably about half the size of what it is now?---Oh,  
14 it's a guess but it would be something in that order,  
15 yes. 03.01PM

16 How much of the percentage of the mine then would have been  
17 worked up batters and how much operated as at 1977?---I  
18 suppose it's a bit hard to tell, long time ago. The  
19 operating levels, there's basically four to five levels  
20 and they were totally exposed because you're operating 03.02PM  
21 on each level, you've got a bucket wheel, three bucket  
22 wheel excavators. I think at the time then we had a  
23 bucket ladder excavator which is like a big boom  
24 beneath the machine, so they weren't identical like  
25 they are now. And the northern batters were probably 03.02PM  
26 the main ones, they were past the area of operation but  
27 they remain there still and they are quite steep and  
28 there's not a lot of room between the top of the mine  
29 and the base there, and that probably is an issue now  
30 because what you can do with batters like that is to 03.02PM  
31 flatten them, but with the freeway above and the base

1 of the mine below, it's very difficult to do and  
2 they're going to remain an issue until backfilling  
3 along the base of that mine with the overburden system.  
4 Some people may not understand it, it's many years  
5 before you can back-dump overburden in the mine, you 03.03PM  
6 have to dump it external to the mine, and I think that  
7 commenced in the mine maybe seven or eight years ago,  
8 I'm not sure exactly. So that is a bit of an issue  
9 along those batters. You can't do much about them with  
10 the freeway. I don't believe the freeway should ever 03.03PM  
11 have been put there, it's very close to the town, it  
12 should have been back over the original route of the  
13 Melbourne Highway or whatever they called it at the  
14 time. It would have involved backfilling the end of  
15 Yallourn Mine, and that's where the road went through 03.03PM  
16 originally.

17 My question was a little different one?---Sorry, I get a bit  
18 carried away.

19 My question was, the percentage back in 1977 of the  
20 operating area, what were the worked out batters? The 03.03PM  
21 operating area were the northern batters in 1977, can  
22 you remember?---They did move around because they pivot  
23 and do funny things, so 1977. The northern batters  
24 were the exposed ones, the western batters were the  
25 operating batters, yes. They were progressing in our 03.04PM  
26 direction that way, but then after that it changed and  
27 it pivoted and then developed into the other end.

28 So it would be quite difficult to recognise the mine now by  
29 comparison to the way it was in 1977, I take  
30 it?---Well, you can recognise half of it. 03.04PM

31 Are you actually able to remember how many dedicated firemen

1 you had available in 1977, roughly?---There was a  
2 manager, Charlie Strong at the time, there was two  
3 foremen that operated on a 1x7, so you always had one  
4 foreman on deck; I think Billy Brown was one at the  
5 time and John Lee was the senior fella there, and I 03.05PM  
6 think there was about 20 Fire Service, dedicated Fire  
7 Service people that maintained the spray systems and  
8 the pipe work, spotting fires, checking all the  
9 equipment regularly, the senior fellas running fire  
10 training programs before the fire season. 03.05PM

11 Did they work in alternate shifts?---1x7 shift roster and  
12 the - - -

13 So that there were in two crews?---Two crews, yes.

14 And half of them worked on one roster and the other one  
15 worked on the alternative roster?---Yes, so total cover 03.05PM  
16 every day of the week, but only in daylight hours. I'd  
17 like to add another comment there that chaps like Billy  
18 Brown were very dedicated, they would bring the people  
19 in early on a day of total fire ban or fire alert,  
20 which was an internal direction from the management and 03.06PM  
21 the SEC about whether you should restrict vehicles on  
22 the levels, particularly welding, that was generally  
23 banned unless it was a real emergency, so there was  
24 certain controls on how you operated on a total fire  
25 ban day or a - the other one, yeah. 03.06PM

26 So part of the policy was on total fire ban days or higher  
27 risk days, you wouldn't have the maintenance crew  
28 working down on the working batters  
29 because - - -?---You would avoid that.

30 - - - because that would increase the fire risk; 03.06PM

31 correct?---There was a chance, yes. Certainly back in



1           those days when they had unmodified vehicles and that's  
2           what came out of the 1977 fire report.

3       The evidence is that it's precisely the same these days,  
4           that they don't allow those things go on as well, but  
5           also, you say the policy was that they would dampen  
6           down the operating areas to make sure of reduced fire  
7           risks on those sorts of days?---That's the secret to  
8           managing fire risk in the mine.

03.07PM

9       If I might say with respect, one of your legitimate concerns  
10          is that you were quite relieved when the Fire Service  
11          Policy and Code of Practice was introduced after the  
12          1977 fires?---Yes, I was part of that.

03.07PM

13       You believed that that was a good practice and good policy  
14          and your concern is whether it's still being adopted  
15          and implemented today?---Well, I don't know whether  
16          it's been updated since then; I suspect possibly not.  
17          There was an enormous amount of work put into  
18          developing that policy and the recommendation - there  
19          was 28 recommendations that came out of that Committee  
20          that implemented all those recommendations and I would  
21          hope that they're still in place.

03.07PM

03.07PM

22       You haven't had the opportunity of seeing the up-to-date  
23          fire policy?---Bill Brown had one dated 2013 which he  
24          told me was basically identical to the original one.

25       Just a few enhancements of things that had been learned from  
26          some later fires, so I imagine that comforts you, the  
27          fact that that policy is still in place?---I certainly  
28          hope so.

03.08PM

29       In terms of implementation of the policy, have you been  
30          listening to the evidence as to circumstances that were  
31          faced by the crew, the fire crew and the others in the

03.08PM

1 mine on 9 February?---To a certain extent, yes.  
2 So you understand that, unlike 1977, where you had one  
3 effective ignition point, didn't you, as result of an  
4 exhaust from a car?---Yes, it started in the, what was  
5 it, the north end of the conveyor. 03.08PM  
6 If I was to tell you, to put it as briefly as possible what  
7 they were faced with, virtually simultaneously, is four  
8 fires within the mine really at almost diametrically  
9 opposed points of the mine, simultaneously with fires  
10 up above on the grassed area on the east and on the 03.09PM  
11 north, and then the threat from the fire coming in from  
12 the northwest, and then the Driffield Fire coming in  
13 from the southeast which looked like it could destroy  
14 the - southwest, I'm sorry, coming in from the  
15 southwest directly at the mine, all put in at one time 03.09PM  
16 and effectively no CFA support throughout the course of  
17 the day?---Yes, very difficult to handle that  
18 situation, and most of the fires that I was involved  
19 with started at one single point. The one in 1997, as  
20 you said, was a vehicle, in those days unmodified, so 03.09PM  
21 if coal dust got onto the exhaust and overheated it  
22 would drop that onto the surface and ignite the coal,  
23 and I believed there was about three spots from that  
24 vehicle in that event because they took off with the  
25 vehicle and it dropped ash as it went. But it did 03.10PM  
26 spread. I got a call about midday, we were having  
27 lunch, that there was a small fire down at the tail-end  
28 of that particular conveyor, I think it was 2.25, and I  
29 had a look out the window and it was extremely small.  
30 I rang the Control Centre they said, "We have this 03.10PM  
31 under control, don't worry, she'll be right", but a few

1 minutes later the wind got up and it just spread the  
2 stuff and it took off.

3 The problem was during that period there was a  
4 maintenance strike on, I think it had gone for three  
5 weeks and they wouldn't extend the pipe work so we had 03.10PM  
6 no water supply to the tail-end of that conveyor, and  
7 that's why they couldn't control it quickly.

8 I take it, you did have the advantage of the CFA not being  
9 distracted by having to defend the good people of the  
10 Morwell town so they were able to come in and assist 03.11PM  
11 you with the fire apart from the RAAF; is that  
12 correct?---Yes, but can I comment as well?

13 No, I won't give you the opportunity?---I don't want to be  
14 critical of the CFA.

15 Can I stop you?---No, I think it's important. You're 03.11PM  
16 dealing with an old Mine Manager here.

17 Please do, Mr Freshwater?---The CFA, you know, they do a  
18 great job, but they had virtually no experiences that I  
19 know of in the mine at that stage, and they were called  
20 in at short notice to come and assist because we needed 03.11PM  
21 help, but they really didn't know how to handle an open  
22 cut and coal, and initially they were more of a  
23 nuisance than a help and it took some time, and I know  
24 I'm being critical, right, but this is the facts as the  
25 way I saw it, and it took some time to get organised. 03.12PM  
26 They did a very good job but we did need extra help and  
27 that's where I made reference to the chaps from the  
28 RAAF, they were very good at taking instructions and we  
29 found them actually easier to work with than the CFA  
30 people. 03.12PM

31 Thank you?---Sorry to go on. But there is another issue,

1 and I don't know much about it, it should be looked at,  
2 there is two regions I believe in the CFA in the  
3 valley, and I don't know where the division is.  
4 Without saying any more, I think that should be looked  
5 at, is that a practical thing to have two regions 03.12PM  
6 looking after the mines; to me, it would be better to  
7 have one region responsible for the control of fires  
8 where they could actually train their people to a  
9 higher level to fight either one of those three mines  
10 in the valley. 03.12PM

11 Thank you, Mr Freshwater?---Thank you.

12 MR ROZEN: No re-examination, unless the Board has any  
13 questions for Mr Freshwater?

14 CHAIRMAN: No, thank you very much indeed,  
15 Mr Freshwater?---Thank you, Board. I appreciate the 03.13PM  
16 opportunity to come along and have a say again.

17 MR ROZEN: Ms Richards will take the next witness.

18 MS RICHARDS: The next witness is Steven Harkins. I call  
19 Mr Harkins.

20 <STEVEN WILLIAM HARKINS, affirmed and examined: 03.13PM

21 MS RICHARDS: Good afternoon, Mr Harkins?---Good afternoon.  
22 Can I start by asking you your full name and your  
23 address?---Steven William Harkins, and my business  
24 address is GDF Suez Australia, Hazelwood, Brodribb  
25 Road, Morwell. 03.14PM

26 You are employed at Hazelwood as the Director, People,  
27 Culture and Environment. Is that correct?---That's  
28 correct.

29 You fulfil that role both for the mine and the power  
30 station?---Correct. 03.14PM

31 And the administration that sits between those two

1 facilities?---Correct.

2 Can you tell us a little bit about your own background? I

3 understand you've been in your current role for about

4 eight years?---That would be correct, in a number of

5 descriptions; I was the Corporate Services Director 03.15PM

6 prior to the People, Culture and Environment Director,

7 same types of responsibilities, oversight of health and

8 safety, HR, industrial relations and a few other

9 activities. Prior to that I was the Regional IT

10 Manager for Australia and Asia and prior to that sales 03.15PM

11 and marketing, and then prior to that's too long.

12 They're all roles that you have held within GDF

13 Suez?---SECV, Generation Victoria, through to

14 International Power. Yes, International Power, then

15 GDF Suez. 03.15PM

16 Sorry, I'm struggling to get the chronology here. Perhaps

17 we could start at the beginning. Do you have any

18 formal qualifications?---Not formally, no.

19 You worked with the SECV for a time, did you?---Since 1982.

20 From 1982 through to Disaggregation?---Disaggregation in 03.15PM

21 1993/1994 when it became Generation Victoria.

22 And you continued on with Generation Victoria; what was your

23 role then?---Generation Victoria, I honestly can't

24 remember, I think it was Finance Manager.

25 After privatisation?---I joined the sales and marketing team 03.16PM

26 in Melbourne.

27 With?---With International Power.

28 That has changed ownership subsequently?---Yes.

29 But your employers remained the same?---Correct.

30 So it was sales and marketing and then there was Corporate 03.16PM

31 Services, did I get that right?---Information

1 technology, and then Corporate Services Director at  
2 Hazelwood, and then through an organisational change  
3 it's now called People, Culture and Environment.  
4 To come to your current role, what are the responsibilities  
5 of that role?---I oversee a tremendous group of people 03.16PM  
6 who are specialists in human resources, Occupational  
7 Health and Safety, internal communications; I can't  
8 think of anything else there, and we are a supporting  
9 enabling group to the production departments which is  
10 primarily the mine and the power station. 03.17PM  
11 With that bit of background I'm going to take you to the  
12 first of two statements that you have made to the  
13 Inquiry. This is a statement which has I think 111  
14 paragraphs?---That's correct.  
15 With 14 annexures?---I believe that's correct, yes. 03.17PM  
16 Just by way of explanation, both to you and to others who  
17 will be interested, in relation to your second  
18 statement we're proposing to ask you to return on  
19 Friday to deal with the issue of firefighter safety and  
20 to return next week to deal with the issue of 03.18PM  
21 communications and community engagement?---I look  
22 forward to it.  
23 You may rank with Mr Lapsley as the most frequent witness at  
24 the Inquiry. In relation to your first statement, you  
25 have a copy of it there?---I do. 03.18PM  
26 Have you re-read it recently?---Recently, yes.  
27 Are there any corrections you wish to make, large or  
28 small?---My understanding is - no, not in this one,  
29 it's the next one. That's correct.  
30 Is it true and correct?---It is true and correct to the best 03.18PM  
31 of my recollection.

1 I tender that.

2

3 #EXHIBIT 10 - Statement of Steven William Harkins.

4

5 MS RICHARDS: I take it that in your role of Director, 03.18PM

6 People Culture and Environment you're a member of the  
7 Senior Management Team at Hazelwood?---That's correct.

8 Although you don't have any operational responsibility  
9 either for the mine or the power station?---That's  
10 correct. 03.19PM

11 We've been looking at an organisational chart in relation to

12 the mine which is annexure 2 to Mr Shanahan's

13 statement, if we could have that up on the screen

14 please. Can you explain to us where your role sits in

15 relation to this management structure?---It doesn't 03.19PM

16 appear on that particular structure. You'll see there

17 the Mining Director, Gary Wilkinson, he is part of our,

18 what we call the Matrix Leadership Team which is the

19 Executive Management Team, and my role is equivalent at

20 that level. 03.20PM

21 So, you report to Mr Graham, who is the Asset

22 Manager?---Asset Manager, that's correct.

23 He's only recently taken on that role; is that

24 correct?---I believe as of 1 February.

25 So, if there were to be a full organisational chart, you 03.20PM

26 would be on the green level with Gary Wilkinson?---That

27 is correct.

28 The next document I'd like to have a look at with you is the

29 mine's Emergency Response Plan, if we could have that

30 up on the screen. Do you have a copy of that there 03.20PM

31 with you?---I do.

1 If we can go to page 9 of that document, please. As I  
2 understand it, this is the structure that is supposed  
3 to spring into place in the event of an emergency to  
4 manage the emergency?---That would be correct. Now,  
5 "spring" is probably not the word I would use, it could 03.21PM  
6 grow gradually depending on the nature of the incident.  
7 So, to be in place in the event of an emergency?---Yes.  
8 The critical role there is the role of Emergency  
9 Commander?---That would be correct.

10 If we turn to page 12 of that document, so we have a number 03.21PM  
11 of contact numbers for people in emergency roles, and  
12 this is a list, as I read the document, identifying the  
13 people who are nominated in the Emergency Response Plan  
14 to fill the various roles in that structure that we  
15 were just looking at?---Correct. 03.22PM

16 So under "Emergency Commander" there's Gary Wilkinson who  
17 you've just identified for us as the director of the  
18 mine?---Yes.

19 There's the Mining Shift Supervisor?---Yes.

20 Who I understand is the supervisor of the 2 by 12 shift, 03.22PM  
21 have I got that right?---Correct, there's six of them.  
22 Is there are a number and they're identified by a  
23 letter?---Yes.

24 So whoever is the supervisor of the team that's rostered on  
25 will be the Emergency Commander in Mr Wilkinson's 03.22PM  
26 absence?---That's correct.

27 Then we also have Mr Kensley who is the Technical Compliance  
28 Manager within the mine and an engineer by trade, and  
29 Mr Dugan who we'll hear from later?---Correct.

30 Mr Dugan, just forgive me, his position?---He is the 03.23PM  
31 Production Manager of the mine.



1 The Production Manager, and he reports to the  
2 Director?---Yes, Gary Wilkinson, correct.  
3 So they're the nominated Emergency Commanders?---Yes, in  
4 this document, yes.  
5 Then we have a series of people who are identified as 03.23PM  
6 Emergency Services Liaison Officers?---Correct.  
7 Do you operate a roster for these positions so that on any  
8 one day we will know, or you will know in the event of  
9 an emergency who is the Emergency Commander and the  
10 Emergency Services Liaison Officer?---Certainly the 03.23PM  
11 roster for the Emergency Commander, there is 2x12  
12 coverage, so our policy, our procedure is that at the  
13 commencement of an emergency the rostered Shift  
14 Supervisor or Mine Shift Manager is the initial  
15 Emergency Commander, and the ESLOs do run a full roster 03.24PM  
16 to ensure seven day a week coverage.  
17 Just to be quite clear, you don't have a nominated role as  
18 Emergency Commander or Emergency Services Liaison, do  
19 you?---No, I do not.  
20 While you're a member of the Senior Management Team you 03.24PM  
21 don't fit within that Emergency Organisation structure  
22 as I understand it?---Not in that particular structure,  
23 I'm a member of the SIM team.  
24 MEMBER PETERING: Excuse me Ms Richards, will you be going  
25 through the difference between an Emergency Commander 03.24PM  
26 and an ESLO?  
27 MS RICHARDS: Why don't we do that now.  
28 MEMBER PETERING: Is that okay? Thank you.  
29 MS RICHARDS: Since we have the document in front of us, if  
30 we turn to page 19 there's a statement there of the 03.24PM  
31 Emergency Commander's role?---Correct, yes.

1 The Emergency Commander is the equivalent for an emergency  
2 within the mine of an Incident Controller for an  
3 emergency that the CFA is handling?---Initially, yes.  
4 Initially?---As soon as the CFA or the responding Emergency  
5 Service comes on site, they assume the role of Incident 03.25PM  
6 Controller and our Emergency Controller would  
7 effectively report in to the Incident Controller.  
8 So, while an emergency is being handled within the mine  
9 before an external agency has assumed control, the  
10 Emergency Commander is in effect the Incident 03.25PM  
11 Controller?---Correct.  
12 We have a series of specific responsibilities; it begins  
13 with donning the vest and establishing a control point,  
14 and then it steps through various other things that the  
15 Emergency Commander is supposed to do?---Correct. 03.26PM  
16 If we turn the page, there's a role statement for the  
17 Emergency Services Liaison Officer?---Yes.  
18 That person's role is really to be the contact point between  
19 the mine's emergency organisation and the external -  
20 whichever external agency it is that comes to 03.26PM  
21 assist?---Yes, it's the liaison position, that's  
22 correct.  
23 Even before an emergency arises that person's an important  
24 source of information coming in from an external  
25 agency?---Yes, correct. 03.26PM  
26 So their role is to communicate both ways between the mine's  
27 emergency structure and the external agency that will  
28 ultimately come and take control?---That's correct, and  
29 any internal services such as our Diamond Protection  
30 Emergency Response Team. 03.27PM  
31 And possibly any support agencies, for example

1 ambulance?---Correct, yes.

2 The next document that I would like to take you to, really  
3 to clear up some confusion of mine about nomenclature,  
4 is the fire instructions, the mine fire instructions.  
5 What I'd like to take you to there is page 12 of this 03.28PM  
6 document which deals with the declaration of a fire  
7 alert. There are responsibilities given on this  
8 page to various positions and I'm hoping you can  
9 populate those positions with names for us. The  
10 Director of Mining, we know, is Gary Wilkinson?---Yes. 03.28PM  
11 The Production Manager is Mr Dugan?---Rob Dugan.  
12 The Mine Production Superintendent on 9 February?---Was Matt  
13 Weddell.  
14 Is he no longer with the organisation?---He's no longer an  
15 employee. 03.28PM  
16 When did he leave?---To be honest, I can't remember, it was  
17 some time in February.  
18 So, after the fire?---During the fire.  
19 During the fire. Then we move down to the 1x7 Services Team  
20 Leader; that was Mr Shanahan? Have I got that right or 03.29PM  
21 is he the 1x7 - - -?---Can I ask you where you're  
22 looking there?  
23 Sorry, I'm looking under 6.1 at the final dot point?---The  
24 1x7 Services Team Leader would be Dean Suares. So the  
25 Team Leader, supervisor can be used interchangeably. 03.29PM  
26 Then under the first dot point under 6.2 there is a  
27 reference to a requirement to a 1x7 services member  
28 continuously manning the Fire Service office. See  
29 that? My question now is; where is the Fire Service  
30 office?---It's part of the office structures in the 03.29PM  
31 mine admin now. It used to be, and there's been

1 reference to a Fire Services office on the northern  
2 side of the mine; we don't use that now, so what we've  
3 done is aggregate our supervision into the one area in  
4 the Mine Administration Building.

5 It would probably help if we had a map and an aerial 03.30PM  
6 photograph of the mine and we can just be clear about  
7 what's where. We're interested in really the  
8 right-hand side of the map I think?---The Mine  
9 Administration Building is in this area here. What we  
10 refer to as the old Fire Services building which 03.30PM  
11 I believe is now an RTL site, is over here.

12 Within that group of buildings where the mine offices are,  
13 there's a two-storey sort of chocolate brown  
14 building?---Yes, that's referred to as the Chocolate  
15 Box. 03.31PM

16 The chocolate box that has, as I understand, a wide window  
17 and a good view from it; is that where the Fire Service  
18 office is?---No, we've moved all of the operations  
19 supervision into the Mine Administration Building,  
20 which is further south from the Chocolate Box. 03.31PM

21 There is a view over some but not all of the mine from the  
22 top floor of the Chocolate Box, is there not?---That's  
23 correct.

24 Is there an equivalent view or any view at all from the Mine  
25 Administration Building that the Fire Service office 03.31PM  
26 has moved to?---There is CCTV set up in what they call  
27 the coal centre attendant's office. There's mine 1x7  
28 office, there's the Mine Shift supervisor 2x12, and  
29 attached to that is the coal centre attendant's area.

30 So there's no?---No direct view. 03.32PM

31 There's the CCTV and what does the CCTV monitor?---Generally

1 the major infrastructure, the conveyor systems, the  
2 coalfaces, and I think it's capable of being panned and  
3 zoomed, but I don't operate it.

4 Is there a monitoring of the worked out batters by that CCTV  
5 system?---I don't know. 03.32PM

6 When was that move undertaken from the Chocolate Box to the  
7 Mine Administration Building?---To the best of my  
8 recollection that was either late 2012 or some time  
9 early first half of 2013.

10 Were you involved in managing that change of location for, 03.33PM  
11 it was effectively the 1x7 shift from moving from one  
12 location to another?---No, I wasn't, but it's the 1x7  
13 supervisor or the Team Leader, whichever name you want  
14 to use, that relocated into that building.

15 There was some opposition to that move, was there 03.33PM  
16 not?---There was indeed.

17 One point of opposition was that the people responsible for  
18 Fire Service were then moved from a vantage point where  
19 they could see most of the mine to a place where they  
20 could see none of the mine except via CCTV?---I 03.33PM  
21 understand that to be the case.

22 Did GDF Suez undertake any risk assessment of that aspect of  
23 the move?---I understood that there was a risk  
24 assessment done.

25 That is not as I recall the document that's been produced to 03.33PM  
26 the Board. Can I ask that that be found and  
27 produced?---I was advised that there was a risk  
28 assessment done but I will try and locate it.

29 I'd be grateful, thank you. There's one other title that  
30 I'd like some help with in relation to these fire 03.34PM  
31 instructions that we were looking at before. The Fire

1 Services Officer is not someone who appeared on the  
2 organisational chart for the mine. Who is that or what  
3 position is that?---That particular role, designated  
4 role, is now the 1x7 Team Leader/Supervisor.

5 So on 9 February that was Dean Soares?---Correct.

03.34PM

6 If I could tender those two documents please. It's the  
7 Emergency Response Plan and the mine fire instructions.

8

9 #EXHIBIT 11 - Emergency Response Plan.

10

03.35PM

11 #EXHIBIT 12 - Mine Fire Instructions.

12

13 MS RICHARDS: I think I understand that the Fire Service  
14 equates to the 1x7 crew and there are two shifts and  
15 they work a seven day shift but only during the  
16 day?---That's correct.

03.35PM

17 How many people are on each shift?---Eleven. There's two  
18 rosters of 11, totalling 22 obviously, and there would  
19 be some leave capabilities in there, so that people  
20 could be - it could run down to, I don't know the exact  
21 figure, but I'd imagine one person could be on annual  
22 leave and one be on long service leave at any one point  
23 in time and that team is able to be backfilled by any  
24 nine day fortnight maintenance workers also that we  
25 have in the structure, so we tend to take 1x7s,  
26 backfill 2x12, take nine day fortnight maintenance  
27 workers and back to 1x7, so I can't tell you exactly  
28 the number on the 9th that would have been present.

03.35PM

03.36PM

29 Is there a minimum manning level for that shift under your  
30 enterprise agreement?---There certainly is on the 2x12  
31 and that would depend on how many we're operating, how

03.36PM

1 many coal dredges and overburden dredges we're  
2 operating, so there's a fixed manning structure  
3 depending on the number of units in operation, and the  
4 1x7, I don't believe it has a minimum manning but  
5 generally it's kept to a functional group and  
6 backfilled. 03.36PM

7 And it's around about 11?---Around about 11, yes.

8 It's never more than 11?---Highly doubtful.

9 To move to your statement that you adopted a little while  
10 ago, you make some comments under the heading, "Coal 03.37PM  
11 fires versus bushfires" about the risk of bushfire that  
12 the mine faces every season. What's your own personal  
13 experience of managing the risk of a fire or responding  
14 to a fire?---Managing the risk or?

15 Managing the risk before a fire breaks out?---I don't know, 03.37PM  
16 I don't.

17 You don't do that?---No.

18 Although your role does encompass health and safety, does it  
19 not?---That's correct, yes.

20 And responding to a fire; have you any direct experience of 03.37PM  
21 being involved in response to a fire?---Other than  
22 assisting - no, I'm going to have to say, no.

23 So you have been able to support?---Support the activity,  
24 but I certainly haven't been in command of the  
25 response. 03.38PM

26 At paragraph 14 of your statement you identify a couple of  
27 drills that were undertaken between the CFA, the local  
28 CFA in Morwell?---Correct.

29 And I take it the 1x7 shift?---This would include a variety  
30 of people. There was actually two mentioned there, 03.38PM  
31 both unfortunately named nonetheless, with the second

1 one there being run as I understand five times across  
2 the five 2x12 shifts so it would incorporate both 2x12  
3 and 1x7 resources and other resources in the exercise.

4 Did you participate in those exercises?---I did not  
5 participate in those exercises.

03.39PM

6 So this is part of your statement where you're providing  
7 information of the company's records in response to our  
8 request?---Correct.

9 But it's not something that you've had personal involvement  
10 in?---No.

03.39PM

11 In paragraph 18 of your statement, we're getting a little  
12 closer to 9 February now, you tell us that as part of  
13 the Senior Management Team at Hazelwood you receive a  
14 high level briefing, usually each week, about the  
15 stated preparedness at the mine for flood and  
16 fire?---Correct.

03.39PM

17 Those being the two natural disasters most likely to affect  
18 the mine?---Correct.

19 You have annexed the one of the week prior to 9 February as  
20 annexure 3, this is on page 32. Mr Dugan, who we'll be  
21 hearing from tomorrow, prepares this for the Senior  
22 Management Team each week; is that correct?---And  
23 broader distribution, so it tends to be sent out quite  
24 widely, but certainly is sent to all of the senior  
25 managers.

03.40PM

26 Your particular interest in it is whether there are any  
27 resourcing issues that you can assist with or need to  
28 address?---And to prepare activities and so forth.

29 Your role encompasses training as well?---It does.

30 So, if the training had not been undertaken, that would be a  
31 matter of concern for you?---It would certainly be a

03.40PM



1 matter of concern.

2 As of Monday, 3 February everything's looking pretty good

3 except for the weather forecast?---That's what the

4 briefing suggests, yes.

5 Was there any update to this during the course of that week 03.41PM

6 leading up to 8 and 9 February?---Not that I received.

7 Moving through your statement to paragraph 21, you mention

8 the Central Gippsland Essential Industry Group and

9 provide us with some information taken off that

10 organisation's website. Have you had any involvement 03.41PM

11 in that group yourself?---No direct involvement. I

12 have a gentleman, Alan Roach, who is our Emergency

13 Services or Security and Emergency Services, he is our

14 representative on the CGEIG.

15 And he was the Emergency Services Liaison Officer rostered 03.41PM

16 on 9 February?---That's correct.

17 So he's a point of contact for CGEIG and Hazelwood?---Yes.

18 As I understand it, the usual course of communications from

19 the Emergency Services about matters that might affect

20 essential infrastructure in the Latrobe Valley is 03.42PM

21 through this group, the CGEIG?---I can't attest that

22 that's the usual course.

23 Is it Mr Roach we would need to ask about the usual

24 course?---Yes, that would be correct.

25 I'm just trying to understand what you can tell us about the 03.42PM

26 role of CGEIG other than what's on its

27 website?---Directly, I'm not involved. The reason I

28 said that I can't attest to the usual course; I know

29 that Alan has, Mr Roach, has quite a network of

30 contacts and some of them may not be CGEIG, he is 03.42PM

31 certainly in contact regularly with the local CFA

1 Commanders regularly, so there might be - - -  
2 For example to organise the exercises?---Exactly, so not all  
3 the information paths would come through the CGEIG, is  
4 what I'm saying.  
5 But one route from the Emergency Services to the mine is 03.43PM  
6 through the CGEIG?---That would be correct.  
7 On the afternoon of 8 February we saw that route operate  
8 quite satisfactorily, did we not?---I assume you're  
9 referring to an email?  
10 To that email chain?---Yes, I received an email late 03.43PM  
11 Saturday afternoon.  
12 I'll come to that in a little more detail later. Under the  
13 heading, "2013/2014 fire season" you make the comment,  
14 and this is at paragraph 25, that you can only recall  
15 receiving one or two of these fire preparedness reports 03.44PM  
16 that Mr Shanahan prepared for the season?---That was  
17 the best of my recollection, yes.  
18 I'm inferring from that, that you took leave  
19 during January?---That was a period of leave, yes.  
20 Were you not at work during the heatwave?---In January? 03.44PM  
21 Yes ?---I can remember being off for some of it, but I'd  
22 have to check.  
23 Because there was a period in mid-January, from 14-18 where  
24 there was a total fire ban in place in South and West  
25 Gippsland every day, and I would have assumed that you 03.44PM  
26 would have a fire preparedness plan for the mine for  
27 that entire week?---I would make the same assumption  
28 but I can't recall specifically and now that I  
29 remember, I was probably on leave during that period.  
30 You were probably lucky. Perhaps we don't put much weight 03.44PM  
31 on the fact that there'd only been one or two that you

1 recall because clearly there had been others in the  
2 summer?---I would certainly hope so.

3 Moving to Friday, 7 February. You were aware, were you not,  
4 during the afternoon of 7 February that a fire had  
5 broken out at Hernes Oak to the northwest of the 03.45PM  
6 mine?---Late Friday afternoon, that's correct.

7 And you appreciated the implications of that for the  
8 mine?---The potential implications, yes.

9 You were also, I take it, aware of the weather forecast for  
10 the weekend to come?---At that point, other than the 03.45PM  
11 news the night before, yes, I was probably aware that  
12 it was going to be a stinker.

13 Were you aware that early on the 7th the Chief Officer of  
14 the CFA had declared a total fire ban for all of  
15 Victoria for both the 8 and 9 February?---I'm sure I 03.46PM  
16 would have become aware of that throughout the day. I  
17 just can't pinpoint when that would have been.

18 So by the time you left work on Friday afternoon you were  
19 aware that not only was there a fire burning to the  
20 northwest of the mine but there was a total fire ban in 03.46PM  
21 place for the entire weekend?---Correct.

22 We heard evidence from Mr Lapsley yesterday that the fire  
23 weather forecast for the weekend was the worst since  
24 Black Saturday five years previously. Did you  
25 appreciate that level of severity?---I will accept his 03.46PM  
26 judgment; I couldn't make that judgment. I knew that  
27 it was going to be hot, I knew that there was potential  
28 for high winds on the Sunday at some stage, I wasn't  
29 clear on Friday night what time that would be at that  
30 point in time, but I couldn't make a judgment whether 03.47PM  
31 the conditions were the worst since Black Saturday.

1 In terms of your thinking, when you left work on the Friday,  
2 you hadn't appreciated that the conditions on Sunday  
3 would be the worst since Black Saturday?---That would  
4 be correct.

5 On that weekend Mr Wilkinson, the Mine Director, was out of 03.47PM  
6 Victoria on leave?---I understand - - -  
7 Is that correct?--- - - - that he had flown out on leave on  
8 the Friday night I believe.

9 On Friday the 7th?---May have been Friday. I'm not sure  
10 whether it was the Friday or the Saturday but I'm 03.47PM  
11 fairly certain that it was the Friday.

12 Did you have any discussions with Mr Wilkinson about whether  
13 he should perhaps defer his holiday in light of both  
14 the fire to the northwest of the mine and the weather  
15 forecast?---No, I did not. 03.48PM

16 Are you aware whether anyone else had that discussion with  
17 him?---No, I'm not aware.

18 In any event, you were aware that he was departing and  
19 depart he did. Did you turn your mind to whether it  
20 would be desirable to have senior mine management on 03.48PM  
21 site on Saturday or Sunday of that weekend in the event  
22 of a fire?---Well, Mr Wilkinson was on leave,  
23 Mr Faithfull, James Faithfull was appointed as his  
24 acting Mining Director for that period, the full seven  
25 day period or whatever period it was; I'm very 03.48PM  
26 confident that Mr Faithfull would exercise the  
27 appropriate judgment.

28 But did you, as the member of the Senior Management Team,  
29 turn your mind to whether it would be desirable for  
30 Mr Faithfull, acting in Mr Wilkinson's role for the 03.48PM  
31 week, to actually be there over the weekend in case

1 fire threatened the mine?---No, I did not.  
2 As we know from your statement, he was not there on the  
3 Sunday morning?---That's correct.  
4 He arrived at about 5 o'clock in the afternoon?---I  
5 understood that Mr Faithfull was attempting to get to 03.49PM  
6 work much earlier than that, but was prevented by the  
7 road closures, and did eventual arrive around  
8 5 o'clock.  
9 Moving to the next day, the Saturday. At paragraph 34-35  
10 you refer to an email that you were copied into between 03.49PM  
11 Mr Graham and Luc Dietvorst?---Who's Mr Dietvorst.  
12 Mr Dietvorst is the Head of Generation for Australia.  
13 And Mr Graham had just taken over his role in the week  
14 prior, is that correct?---That's correct.  
15 Mr Graham comes from the Generation side of the business 03.50PM  
16 rather than the mine side of the business?---That's  
17 correct, he was the Generation Director I think for  
18 seven years and part of the Senior Management Team.  
19 At paragraph 34, and this is an accurate paraphrase of the  
20 email that you annex at annexure 6, there's advice that 03.50PM  
21 the CFA website at 9.51 was indicating that the fire  
22 activity had subsided and that the bushfire is now  
23 safe. So this is Mr Graham writing to Mr Dietvorst.  
24 In fact the CFA website didn't at any stage on  
25 8 February indicate that the fire was safe; it 03.51PM  
26 indicated that the fire was contained?---Okay.  
27 Did you look at the website yourself to check the current  
28 status of the fire?---No, I did not.  
29 Mr Graham and Mr Dietvorst were both in Melbourne on the 8th  
30 and 9th, were they not?---No, I don't believe that's 03.51PM  
31 correct.

1 Where were each of those?---I believe Mr Graham was in  
2 Melbourne, to my knowledge on the Sunday and I'm into  
3 the sure about Mr Dietvorst, but I do know that I spoke  
4 to Mr Dietvorst on the Sunday, he was in Traralgon.  
5 He was in Traralgon?---Yes. 03.51PM  
6 But neither of them were at the mine on the morning of  
7 9 February, were they?---That's correct.  
8 Just to be clear, you're not suggesting through this email  
9 and its inclusion in your statement that the CFA at any  
10 stage had declared the fire at Hernes Oak safe?---I'm 03.52PM  
11 not declaring anything, I'm only indicating what I  
12 received in an email and where it came from.  
13 At paragraph 36 you refer to the email that we had a bit of  
14 a look at yesterday which is the email chain from Nick  
15 Demetrius at the CGEIG to Alan Roach, who you've 03.52PM  
16 explained is your Emergency Services Liaison Officer  
17 that attaches a Phoenix prediction map?---That's  
18 correct.  
19 Just to be clear about the timeline, Mr Demetrius sent that  
20 through - this is actually looking to be impossible, 03.53PM  
21 but I think we may have a daylight saving issue?---I  
22 think there's some incompatibility in the email  
23 service.  
24 Unless Mr Demetrius is a time traveller. So that the  
25 timeline would appear to be that at 4.24 the planning 03.53PM  
26 section at the Traralgon ICC emailed this map to  
27 Mr Demetrius and five minutes later he emailed it  
28 through to Mr Roach at Hazelwood?---That's correct.  
29 Approximately an hour later Mr Roach forwarded it to  
30 you?---Correct. 03.53PM  
31 So that's an example of information travelling from the

1 Emergency Services through CGEIG to Hazelwood Mine very  
2 efficiently?---Correct.

3 Mr Roach tells you, and he only forwards it to you, not to  
4 any other member of the Senior Management Team; why was  
5 that?---Mr Roach and I talk regularly on matters around 03.54PM  
6 Emergency Services and so forth, so he has received  
7 some information and generally he will email it on to  
8 me or give me a call about it.

9 I understand from your statement, you were looking at this  
10 on your iPhone or other smartphone?---Blackberry, 03.54PM  
11 I believe it was.

12 So, you only had a small screen on which to view  
13 it?---Correct.

14 Your evidence is that you weren't familiar with this kind of  
15 prediction map, but even so you could appreciate its 03.54PM  
16 significance quite quickly, could you not?---From what  
17 I could see on the Blackberry, it would seem to  
18 suggest, and I think I may have written, does this mean  
19 that my northern batters are on fire. I had never seen  
20 or heard of Phoenix and had never been the recipient of 03.54PM  
21 any modelling or output of that modelling until that  
22 email.

23 Mr Roach could be expected to be more familiar with it in  
24 his position as the Emergency Services Liaison  
25 Officer?---You'd need to check with Mr Roach but I had 03.55PM  
26 a discussion with Mr Roach around these first few days  
27 and he'd never seen any output from a Phoenix model  
28 prior to this.

29 In any event your appreciation of it, reading it on your  
30 Blackberry, was that it looked like your northern 03.55PM  
31 batters would be on fire the following day?---Yes,

1           hence my question to Alan and Alan has responded, or  
2           Mr Roach.

3           His response was to the effect that he would update you  
4           tomorrow?---Yes, and stressed that it was a worst-case  
5           scenario. 03.55PM

6           He communicates in his email to you of the afternoon  
7           of February 8th, the one that forwarded the map to you,  
8           that he was not going to share that information with  
9           Rob Dugan or Dave Shanahan as yet?---Correct.

10          Have you made any enquiries as to whether Mr Roach shared 03.56PM  
11          this map with Rob Dugan or Dave Shanahan at any time  
12          before the fire broke out in the northern  
13          batters?---No, I have not.

14          It would have been useful information for them to have,  
15          would it not?---In retrospect, given the events of 03.56PM  
16          Sunday the 9th, potentially, but as I understood it  
17          Alan wasn't cognisant of the veracity of that  
18          particular output and wanted to ascertain that, so we  
19          receive lots of information about lots of things and I  
20          was guided by Alan in terms of what was the nature of 03.56PM  
21          this model, what does it mean and so forth.

22          So you accepted his call that he would keep the information  
23          to himself for the moment?---I did.

24          And that all that was necessary was for him to keep you  
25          updated?---Correct. 03.56PM

26          Did you turn your mind, having seen the prediction map,  
27          whether it would be desirable to have senior mine  
28          personnel on-the-spot on the Sunday morning?---The  
29          combination of the email that I was copied into that  
30          indicated that the Hernes Oak Fire was now safe and the 03.57PM  
31          fact that I didn't understand the purpose of this



1 Phoenix model, no, I did not.

2 So is it fair to say that you didn't really have an  
3 appreciation of the risk that the mine was facing on  
4 the evening of 8 February?---I certainly wasn't aware  
5 of the potential risk at that point, yes. 03.57PM

6 MEMBER PETERING: Ms Richards, may I seek clarification?  
7 Previously you tabled and we have tabled the GDF Suez  
8 Emergency Response Plan?---Yes.

9 Could you just elaborate for me, Mr Harkins, at what point  
10 an emergency would be declared?---Again, it's not quite 03.58PM  
11 as simple as saying that an emergency would be  
12 declared; it depends on the circumstances and the  
13 events at the time. If there was fire fast approaching  
14 the mine, that would certainly trigger an emergency.  
15 If there was an ember attack, and I think there is - 03.58PM  
16 I'm just checking which page it is, "Definition of  
17 emergency", which is item 5.4, page 16 of 47, so a  
18 serious injury, major outbreak of fire and major  
19 spillage or exposure, entrapment of a person, so there  
20 are some trigger points there. 03.58PM

21 "Any other which has the potential to cause serious injury  
22 or threaten the mine" is also in there?---Correct.

23 Thanks, Mr Harkins, I was just trying to get an  
24 understanding of when this plan would and did come into  
25 effect. 03.59PM

26 MEMBER CATFORD: Mr Harkins, I don't quite understand why  
27 you appear to be the gatekeeper for this flow of  
28 information when you don't actually have the  
29 responsibility for calling an emergency or managing an  
30 emergency, so can you explain that?---Less a gatekeeper 03.59PM  
31 and more, Alan Roach is our security and emergency

1 management expert in the organisation, he will have a  
2 number of discussions and facilitate a number of  
3 information flows. His information to me is for  
4 information through to the Senior Management Team. So,  
5 rather than being a gatekeeper, it's to keep me 04.00PM  
6 informed and alert me to situations, but certainly I  
7 wouldn't call it a gatekeeper role.

8 So James Faithfull, were you briefing him about these  
9 discussions?---I wasn't directly briefing James  
10 Faithfull. 04.00PM

11 So, was anybody? I'm just trying to understand this  
12 information flow, because it appears to me that Alan  
13 Roach was coming to you and that's with it petered  
14 out?---Well, it would appear that way. I don't know  
15 whether there was anybody briefing James Faithfull at 04.00PM  
16 the time.

17 Thank you.

18 MS RICHARDS: Just to be clear about where Mr Roach fits  
19 within the organisation structure, he's not within the  
20 mine management structure, is he?---No, he's in my 04.00PM  
21 structure.

22 So he reports to you?---He reports to my Occupational Health  
23 and Safety Manager.

24 So he's two steps removed from you in that kind of  
25 diagram?---Correct. 04.00PM

26 Moving to 9 February, we'll get there eventually. You were  
27 at home, but you say monitoring your emails?---Correct.

28 So although perhaps you hadn't quite appreciated the very  
29 severe risk that the mine was facing, you did  
30 appreciate that there was a risk?---I appreciated that 04.01PM  
31 it was a very hot day, yes.

1 But enough to be keeping an eye on your emails rather than  
2 going to the beach?---Well, certainly I was the  
3 recipient of the mine preparedness and response plans,  
4 I was aware that the circumstances were - there was a  
5 risk, yes. 04.01PM

6 The point at which you became very engaged with events at  
7 the mine was at 1.36 when Mr Roach contacted you and  
8 told you that the Hernes Oak Fire had flared  
9 up?---Correct.

10 And you were able to make your way quickly to the mine 04.01PM  
11 without roadblocks getting in the way?---Probably a  
12 little too quickly, but yes.

13 Living on the other side of the mine to where the fire  
14 was?---Correct.

15 You arrived at about quarter to 2?---That's correct, about a 04.02PM  
16 quarter to 2 because I had made a phone call during  
17 that 10 minute travel time.

18 At paragraph 45 you refer to a radio telephone log sheet  
19 that was kept by Diamond Protection?---Which is their  
20 standard practice, yes. 04.02PM

21 Is this paragraph part of your statement that you have  
22 gleaned from other sources?---Correct.

23 So you weren't a party to the telephone conversation or the  
24 telephone call that's logged there?---No.

25 At 1.40 p.m.?---No. 04.02PM

26 And you can't tell us what information was provided to 000  
27 by the caller?---No, I can't.

28 It would appear from other evidence that's been presented  
29 this morning that the first detection of fire inside  
30 the mine was not until around 2 o'clock?---From this 04.03PM  
31 morning's evidence, that's correct.

1 You also refer at that paragraph 45 to some notes taken by  
2 Mr Roach that are at annexure 10. If we could have a  
3 look at those. There are some references about  
4 three-quarters of the way down the first page, on  
5 page 58, "1430", and then there's a telephone number, 04.03PM  
6 and then 1443, "ICC Peter McKew", which would seem to  
7 indicate some attempt to get in touch with the  
8 Traralgon ICC?---Traralgon ICC.

9 Can you tell us whether Mr Roach got through?---No, I can't.  
10 Or if he did, what he's told Mr McKew?---No, I can't. 04.04PM  
11 So again it sounds like we might need to hear from Mr Roach,  
12 being the critical point of contact between the mine  
13 and the CFA?---Correct.

14 You went to the mine shift supervisor's office - now, this  
15 is in the Mine Administrative building that you were 04.04PM  
16 telling us about?---Yes.

17 Is this where the Control Centre is?---That's what we call  
18 the Control Centre now, yes.

19 The person who sits in the Control Centre and looks at the  
20 CCTV monitors, that's the Control Centre Attendant, is 04.05PM  
21 that correct?---That would be correct.

22 Or CCA?---Yes.

23 That is the person with responsibility under the Emergency  
24 Response Plan for calling 000 on a reported  
25 fire?---That could be their responsibility. Our 04.05PM  
26 practice generally means that it's a collaborative  
27 effort and often Diamond Protection will make that  
28 call.

29 You've identified that 000 call from Diamond Protection at  
30 1.40?---Correct. 04.05PM

31 In your reconstruction, if I might call it that in your

1 attempt to draw together all the various sources of  
2 information, have you identified any other person who  
3 dialled 000 to report a fire in the mine at any time  
4 from 2 p.m. to 10 p.m. that day?---No, I have not.  
5 By the time you arrived at the mine, who was in charge of 04.05PM  
6 the emergency response?---That would be Ian Wilkinson,  
7 our Mining Shift Supervisor.  
8 So he was not in the Mine Shift Supervisor's office when you  
9 arrived, was he?---That's correct. I understood that  
10 he was down at the operating faces dealing with some 04.06PM  
11 spotting on or near the operating faces.  
12 So he was involved in the direct response?---Yes.  
13 He hadn't assumed an Emergency Commander role at that point,  
14 he donning a vest and activating the Emergency Command  
15 Centre?---No, he wouldn't have done that at that point 04.06PM  
16 in time.  
17 In terms of your own activities during this time, it would  
18 appear that you spent a bit of time on the telephone  
19 talking to senior management telling them that there  
20 was a very serious threat to the mine?---As I was 04.07PM  
21 gaining information through the radio calls and in  
22 discussions with the Control Centre Attendant, I was  
23 certainly keeping Mr Graham and Mr Dietvorst informed  
24 of the situation.  
25 There was an unfortunate accident where somebody had 04.07PM  
26 attempted to turn on a spray and had taken one in the  
27 face?---Yes, one of our 1x7 operators was unfortunately  
28 injured and escorted to hospital.  
29 You needed to spend some time attending to that side of  
30 things?---I made a call to - yes, the 1x7 Supervisor 04.07PM  
31 would have been dealing with that - I made a call a

1 little later, I can't remember the exact time, to the  
2 mine Occupational Health and Safety Manager. Normal  
3 protocol would suggest that we either send an HR person  
4 or a health and safety person to attend at hospital  
5 with the injured employee. 04.08PM

6 At paragraph 57, again you speak with Mr Graham and you told  
7 him that the situation was very serious and that you  
8 would be declaring a full-blown emergency?---Correct.  
9 Had no one done that at that point?---No.

10 The impression that I get from your evidence and the 04.08PM  
11 evidence of the two witnesses earlier today is that the  
12 Emergency Response Plan had not been activated at this  
13 time?---The Emergency Response Plan hadn't been  
14 activated at that point in time. The fire response and  
15 mitigation planning and activity certainly had, but the 04.08PM  
16 Emergency Response Plan formally hadn't been initiated  
17 until I initiated it at this point.

18 No, so you stepped in?---Correct.

19 And declared a full-blown emergency; what are the  
20 ramifications of that declaration?---Depends on where 04.08PM  
21 it happens in the sequence, but effectively I directed  
22 Alan Roach to make sure that the ICC, what we call ICC  
23 which I think in the documentation is called the ECC,  
24 is opened, established and ready to go and that Romeo  
25 Prezioso, one of our senior managers in the mine, was 04.09PM  
26 to assume the position of Emergency Commander.

27 So this is nearly an hour after the first detection of fire  
28 in the northern batters?---That would be correct.

29 During that hour the person with the nominal responsibility  
30 as an Emergency Commander had not stepped up to 04.09PM  
31 activate the Emergency Response Plan?---He was acting

1 as an Emergency Commander under our protocols, was  
2 dealing with, as I understood, spot fires at or near  
3 the operating face, but he had not assumed a position  
4 at that point into time as per normal - - -

5 He was out in the mine responding directly to a fire, was he 04.09PM  
6 not?---Directing resources whilst he was out there.

7 But there was no-one in the Mine Administration Building or  
8 Control Centre who had actually taken charge of the  
9 emergency until you called a full-blown emergency at  
10 2.52 p.m.?---That's correct. 04.10PM

11 MEMBER PETERING: Is Gary Wilkinson the same as Ian  
12 Wilkinson, are they the same person?---No, Gary  
13 Wilkinson is our Mining Director, he was the gentleman  
14 on leave; and Ian Wilkinson is the mining shift  
15 supervisor that was rostered for that day. 04.10PM

16 Thank you.

17 MS RICHARDS: Just to recap, he was the supervisor of the  
18 2x12 shift that day?---Operations in the mine, yes, so  
19 generally the 1x7s tend to be answerable to the Mining  
20 Shift Supervisor as well. 04.10PM

21 Paragraph 58 and in the following paragraphs you talk about  
22 having declared a full-blown emergency, I think walking  
23 out to take stock of what was happening?---Yes.

24 Can you describe what you saw when you walked out, and it  
25 might be useful to have the map up again so that you 04.11PM

26 can point to where you were and describe what you  
27 saw?---The first thing I can say that I saw or felt was  
28 how gusty the winds were. I'm a big old fat man and I  
29 was being butted around at the end. Again it's very  
30 pixilated. It's around this area here, where the 04.11PM  
31 knuckle is, I was able to see out across this area

1 across the central northern batters down through to the  
2 eastern northern batters. I saw a fire at the base of  
3 the northern batters at that stage. The reason I could  
4 see it was there was flames associated with some  
5 vegetation by that point in time. This was very smoky 04.12PM  
6 by now, very smoky with wind. It appeared to come from  
7 the southwest west, but where I was standing, which is  
8 quite elevated, very swirly, so being able to ascertain  
9 exactly where it emanated from, it was just very, very  
10 powerful. 04.12PM

11 What I saw was a lot of debris, we'll call it  
12 debris, in the air which I considered quite concerning  
13 at that point in time. And as I said over here, I  
14 couldn't see the western side, that's not a good  
15 vantage point to be able to see our current operating 04.12PM  
16 face and I'm not aware that I saw anything down here  
17 but there was a lot of smoke.

18 And you describe this as the perfect storm?---I could see  
19 the Hernes Oak which was, as I said, the winds were  
20 very powerful, very smoky, I could see smoke coming 04.12PM  
21 through this way and I thought at the time, with the  
22 debris I'll call it, "Oh dear, this is a perfect  
23 storm", is probably the best description; I think I may  
24 have even have said that to myself.

25 It's a phrase you use in your statement as describing this 04.13PM  
26 situation that you assessed. Having done that, walked  
27 outside, had a look around and taken stock, you  
28 contacted Alan Roach and asked him to find Romeo  
29 Prezioso?---Correct.

30 With a view to Mr Prezioso assuming the role of Emergency 04.13PM  
31 Commander?---Correct.



1 Had Mr Prezioso had any warning that he might be asked to  
2 fulfil that role on 9 February?---No, he did not.  
3 But you made a judgment call based on who was  
4 there?---Correct.  
5 And decided he was the most appropriate person?---Correct. 04.13PM  
6 I not only decided that he was appropriate, he's  
7 immensely experienced and knowledgeable in our  
8 Emergency Response Plans. He is a trained, ESLO and  
9 has had that position for many, many years. He's been  
10 second in command in previous fires so I was very 04.14PM  
11 confident that Romeo was more than capable to fulfil  
12 the role.  
13 So he was at that time also out in the field responding to a  
14 fire, it took him about 15 minutes to come back to the  
15 office?---I understood that he was down at the fire at 04.14PM  
16 the base of the northern batters and was returning to  
17 what we call ICC but we'll call it ECC within the 15  
18 minute timeframe.  
19 I'll ask Mr Prezioso when he comes what he did once he  
20 assumed that role. At paragraph 76-78 of your 04.14PM  
21 statement you make some comment on the limited support  
22 that CFA provided during the course of the afternoon.  
23 You personally had not communicated the situation at  
24 the mine to the CFA, had you?---No, I had not.  
25 Either through 000?---No, I had not. 04.15PM  
26 Or through contact with the Traralgon ICC or the Regional  
27 Control Centre?---No, not personally.  
28 You'd left that to Alan Roach?---To Alan Roach and to other  
29 sources of communication from our people on the ground.  
30 Certainly Alan Roach was in contact with ICC. 04.15PM  
31 In order for the CFA to respond to a fire in the mine, they

1 had to know there was a fire in the mine, did they  
2 not?---That would seem reasonable.

3 Well, that's a piece of information that we're still  
4 chasing. At paragraphs 80-82 you describe the various  
5 members of the Senior Management Team, including 04.15PM  
6 Mr Dietvorst arriving between 4 and 5 p.m.?---That's  
7 correct.

8 And Mr Faithfull, the acting Mine Director, arrived at about  
9 5 and took over as the Emergency Commander?---Not  
10 immediately. 04.16PM

11 Not immediately?---No, Romeo was still, Romeo Prezioso was  
12 still ECC for some time, which you would expect because  
13 we're directing resources to all the spots and key  
14 priority areas. As I recall, and this is why the  
15 timetable gets a little bit fussy for me at this point 04.16PM  
16 in time, through the flurry of activity Mr Faithfull  
17 assumed the position of Emergency Commander later that  
18 evening, which was to allow Mr Prezioso to go home. By  
19 this stage we're in full-scale fire and I knew that we  
20 would need a sustainability roster of resources, so my 04.16PM  
21 role in the ECC office at that point in time was to  
22 approve resources and get the full structure in place  
23 and allow Mr Prezioso and then ultimately Mr Faithfull  
24 to concentrate on coordinating the resources out in the  
25 field. 04.17PM

26 So there was a transition between the two of them but they  
27 can best explain that?---That's correct.

28 At about the time that Mr Graham and Mr Faithfull arrived,  
29 you lost power to the mine; the electricity went  
30 off?---Sorry, I didn't hear that. 04.17PM

31 At about 5 o'clock the power to the mine was lost?---The

1 first indication of that was the Emergency Control  
2 Centre that we positioned ourselves in lost power; not  
3 a great problem, except there's very little natural  
4 light in that building, so that was the first  
5 noticeable, for me, impact of the loss of power. Now, 04.17PM  
6 immediately at that point I wasn't aware that we had  
7 also lost power to the mine and I'm not sure of the  
8 sequence and I'm sure there's other statements that put  
9 that into context.

10 Just to be clear, the Emergency Command Centre that you'd 04.18PM  
11 set up, that was in the training area?---Yes, we call  
12 it the Mine Training Centre, so we call it the Incident  
13 Control Centre but the confusion with that of course is  
14 that it doesn't imply that that is the CFA Incident  
15 Controller Centre. 04.18PM

16 That's to be distinguished from the Control Centre which is  
17 where the CCTV monitors were?---Yes, the Incident  
18 Control Centre as we call it has all of the same  
19 computer systems and so forth as the Operational  
20 Control Centre and a number of other additional 04.18PM  
21 resources for a full-scale emergency response.

22 But once the power went off, none of the computers could be  
23 used and CCTV, I presume, wasn't working that  
24 well?---It was rather unfortunate, yes.

25 This was, you discovered afterwards, I take it, due to the 04.19PM  
26 main power lines coming into the mine over the northern  
27 batters being damaged by fire?---Damaged, yes.

28 Does the mine have any internal back-up generation  
29 capacity?---For the purposes of mining operation?

30 Yes?---No. 04.19PM

31 So it's completely dependent on external mains

1 power?---Correct.

2 In the second-last portion of your statement starting at  
3 paragraph 104 you give us an overview or provide some  
4 overarching comments which include the observation that  
5 the fire activity on 9 February was of unprecedented 04.20PM  
6 magnitude and complexity. That's an observation based  
7 on your own experience, I take it?---And advice of  
8 previous fires, yes.

9 You give us a summary at paragraph 107 of the various  
10 challenges that the mine faced in the course of the 04.20PM  
11 afternoon of 9 February. I'd just like to explore with  
12 you point (b). You say there that, "Mine personnel  
13 observed spotting from the Hernes Oak Fire as giving  
14 rise to fires within the mine licence area"?---Yes.

15 Who are those mine personnel?---I cannot recall at the time; 04.20PM  
16 there was radio, a lot of radio activity at the time  
17 and there was a report, or several reports on the radio  
18 from operations personnel, RTL personnel, I'm not sure  
19 who they were, that there was spotting within the  
20 license area from the Hernes Oak direction. 04.21PM

21 Have you attempted to identify those people in putting  
22 together your statement?---No, I have not.

23 You appreciate, there's a controversy about the cause of  
24 ignition within the mine. One very obvious source is  
25 embers spotting into the mine from either the Hernes 04.21PM  
26 Oak Fire or the Driffield Fire, but there has been a  
27 suggestion made in the media quite recently that the  
28 fire ignited from an internal source. If there are any  
29 people who actually witnessed the ignition of the mine,  
30 it would be useful to have their evidence?---I'm not 04.21PM  
31 sure what the question is.

1 I'm asking you, before you come back on Friday, to make some  
2 further enquiries and identify who these personnel are  
3 who were eye witnesses to the ignition of the fires  
4 within the mine boundary.

5 CHAIRMAN: Could I perhaps explain that we have in our 04.22PM  
6 submissions - you won't have read the  
7 submissions?---No.

8 But there's, if you like, a number of submissions that have  
9 been made to us that we should make enquiries because  
10 there are - reports have been circulating that the 04.22PM  
11 fires started within the mine and were not the result  
12 of spotting or embers coming in from outside. Now,  
13 basically one way of at least having that matter  
14 clarified would be to have you go and enquire of  
15 everyone you could reasonably enquire of whether they 04.22PM  
16 have any idea of why there could be that kind of  
17 information circulating in the community. It's  
18 otherwise difficult for us except to go to the  
19 submissions people who put in the submissions, but it's  
20 just the fact that there's been a number of them makes 04.23PM  
21 it appropriate I think that, as Ms Richards is  
22 suggesting, that it effectively be referred back to  
23 you, if you make enquiries it would be easier then to  
24 ask you what are the results of your enquiries about  
25 those matters that have been addressed by members of 04.23PM  
26 the local community?---Understood, I will give it an  
27 attempt.

28 MR RIORDAN: If it's of assistance to the Board, I would  
29 just refer Counsel Assisting to paragraph 60, because  
30 this witness actually gives evidence in paragraph 60 on 04.23PM  
31 that particular question; his own evidence.

1 MS RICHARDS: This was taking you back to the moment that  
2 you took on the knuckle to assess the situation?---Yes.  
3 Did you actually see any of the debris fall into the mine  
4 and ignite a fire?---I didn't actually see it ignite a  
5 fire.

04.24PM

6 In fact, there was fire well-established by this time, was  
7 there not?---I understand that there was a number of  
8 fires.

9 In the last paragraph of your statement, Mr Harkins, you  
10 make some concluding comments that focus on the  
11 successes of the day. Would you like to talk to that  
12 paragraph?---Which paragraph?

04.24PM

13 That last paragraph. You identify a number of successes of  
14 the fire response on 9 February?---I think, yes, in  
15 paragraphs (a) through to (g). I think safety of mine  
16 personnel over the whole fire, and not just mine  
17 personnel, I mean the CFA, there was an enormous number  
18 of people foreign to our mine doing very difficult  
19 work. I think the unfortunate gentleman at the very  
20 first hour of the fire who unfortunately was hit by a  
21 spray was our worst incident, so I think safety in the  
22 mine personnel during the start and throughout the  
23 event was fairly well managed. Could it have been  
24 improved? I'm sure it can and I'm sure there will be  
25 some lessons learnt out of that, but certainly it was a  
26 fairly good start.

04.25PM

04.25PM

04.25PM

27 The protection of the mine operation's face and  
28 the major infrastructure, so the actual west field area  
29 I understood by this stage, you know, there had been a  
30 number of spot fires and so forth, there's in excess of  
31 16 million cubic tonnes of exposed coal in west field,

04.26PM



1 power, this was a very difficult, difficult activity  
2 and an amazing level of commitment, resourcefulness; I  
3 think I described it on the night as, there would have  
4 had to have been some funky requiring. I wasn't  
5 suggesting there was anything wrong with it, I'm simply 04.28PM  
6 saying that it was very creative and very, very well  
7 done and the power coming back to the mine really  
8 rested on two or three of our very, very experienced  
9 people.

10 Yes, who did difficult work in very challenging 04.28PM  
11 circumstances?---Yes.

12 In light of the difficulty of their restoring power, has the  
13 mine reviewed its arrangements for back-up power supply  
14 if mains power should fail?---The mine is continuing to  
15 do a review. My understanding and, as I said, I'm not 04.29PM  
16 an electrical reticulation expert for the mine, but  
17 there are a number of sources of power to the mine,  
18 including MWN which is the substation on the northern  
19 side of the batters which is the primary source of  
20 power; MWE which is down towards the area heading up to 04.29PM  
21 Energy Brix, which is a smaller source of power; and  
22 another substation feeder called MHO. How it all works  
23 and so forth, I'm not the expert.

24 But they're all substations fed from the external mains  
25 power?---That's correct. Different circuits. My 04.29PM  
26 understanding is that the power supplied to MWN is  
27 266 kV lines; it's a redundancy, which is means that  
28 you could lose one of the feeders and still continue,  
29 and I believe they do that for maintenance and testing  
30 purposes. MWE is a smaller feeder. I believe that's 04.30PM  
31 11 kV off a separate circuit, and then MHO, I couldn't



1 tell you what size that was, but it would have to be  
2 fairly small.

3 To finish on a high point, Mr Harkins, we can't pass without  
4 noting that electricity supply was not interrupted  
5 throughout this entire emergency?---That's a success 04.30PM  
6 that I think is well worth noting.

7 All right. Now, it's 4.30. I understand that Mr Wilson has  
8 some questions. I propose that we resume with  
9 Mr Harkins in the morning, unless the Board wants to  
10 sit a little longer. 04.30PM

11 MR WILSON: My questions will be short having regard to the  
12 discussion this morning, and if it suits can deal with  
13 it reasonably expeditiously, but of course we're in the  
14 Board's hands.

15 CHAIRMAN: Depends how many commitments we have tomorrow. I 04.31PM  
16 suspect it might be better to let you have your go now,  
17 Mr Wilson, only because I don't know enough about how  
18 things are going to work. I think it is better to let  
19 you take a little extra time.

20 <CROSS-EXAMINED BY MR WILSON: 04.31PM  
21 Mr Harkins, you were asked about the email dated 8 February  
22 from Mr Roach to you with the computer modelling. Do  
23 you recall being questioned about that?---I do.

24 In that email Mr Roach mentioned that he had not shared the  
25 information with either Mr Dugan or Mr Shanahan. You 04.34PM  
26 read that?---Correct.

27 Knowing Mr Shanahan's role in the mine at the time, did it  
28 strike you as curious that Mr Roach had chosen not to  
29 share that information with Mr Shanahan?---It didn't  
30 strike me as curious because I wasn't familiar with 04.35PM  
31 what the information was or what the Phoenix model was.

1 Does it follow that you did not instruct Mr Roach nor  
2 request him to tell operators such as Mr Dugan and  
3 Mr Shanahan to provide that information to those two  
4 people?---That's correct.

5 Paragraph 39 of your witness statement refers to the mine 04.35PM  
6 being on high alert as at 8 February. Are you able to  
7 give us a time in the day at which the mine was on high  
8 alert or was it throughout the whole day?---Well,  
9 certainly it would seem that they were on high alert  
10 for most of the day. I would make a point that upon 04.35PM  
11 entry into the coal centre attendant's office, the  
12 siting system, which is the funky IT system which  
13 controls the conveyors and water systems was already  
14 flashing high alert, so that was about 1.50.

15 So, with a view to combatting a mine fire at at least on and 04.36PM  
16 from 8 February GDF had at its disposal two 30,000  
17 litre tankers, 1x7 crews, several contractors. To your  
18 way of thinking, was that adequate?---In terms of  
19 resourcing first thing Sunday morning, yes, it was.

20 It was?---Yes. 04.36PM

21 You saw no reason to suggest to those who could make it  
22 happen that a larger number of crews or, equipment or  
23 whatever else had to happen, needed to be resourced to  
24 deal with what seemed to be an impending

25 disaster?---Certainly on Sunday morning I had no 04.36PM  
26 indication that it was impending disaster; I had an  
27 email that suggested that the Hernes Oak Fire was  
28 contained, safe, whatever the words are; there was no  
29 Driffield Fire at that point in time and we had our  
30 mine fire preparedness plan in place with additional 04.37PM  
31 resources. So I would have thought that, unless I was

1 the recipient of information that says, "Tomorrow will  
2 be catastrophic", that we would continue with the  
3 current plan.

4 At 2.52 on 9 February, according to paragraph 57 of your  
5 witness statement, you declared a full-blown emergency. 04.37PM

6 Do you read that?---Yes.

7 Did you have any role in the mobilisation of your staff or  
8 in the deployment to specific locations of your two  
9 tankers?---No, that would have been done by the Mining  
10 Shift Supervisor and then later by the Emergency 04.37PM  
11 Commander.

12 Did you have any role in telling people what to do in  
13 respect of all combustible areas, not just the working  
14 area, but also the worked out?---No, I did not.

15 We need to pursue that with someone else, do we?---Yes. 04.37PM

16 By mid-afternoon on the 9th is it your recollection that the  
17 CFA was actively involved in engaging in water bombing  
18 in the northern batters?---By mid-afternoon I'm in the  
19 Emergency Command Centre; I was advised that there was  
20 water bombing activity - - - 04.38PM

21 And presumably, it could only have been done by CFA to your  
22 way of thinking?---I don't know if anybody else  
23 provides the service, so I would have thought that was  
24 the case, yes.

25 It was your state of knowledge by the mid-afternoon on the 04.38PM  
26 9th that, for there to be an effective fire fight,  
27 there needed to be effective communications involving  
28 you as mine operator and the CFA?---That would be  
29 reasonable, yes.

30 In paragraph 78 of your witness statement you tell us about 04.38PM  
31 what was going on at 5.30 and in particular CFA

1 support. You read that?---Yes, I do.

2 Do you recall that CFA, at about the time that you refer to,  
3 was busy dealing with grass fires in and around the  
4 northern batters?---I recall, and I have to say this  
5 was a very, very busy period of time, so exact 04.39PM  
6 timeframes allude me - I recall being advised about the  
7 fire bombing, I recall being advised that there was CFA  
8 resources over near the substation, MWN, and I also  
9 recall being advised that the CFA resources were called  
10 away. 04.39PM

11 Yes, but on that last point was it your recollection that  
12 the Jack River fire was threatening Yarram at the  
13 time?---Can you direct me to where this is?

14 Well, I'm just asking you whether you can recall it?---No.  
15 No?---No. 04.39PM

16 In paragraph 87 you refer to CFA applying additional  
17 resources; is that around 6.44 p.m., do we read your  
18 statement to say that?---Yes.

19 And that supplemented the existing CFA presence in and  
20 around the mine at about that time; is that 04.40PM  
21 right?---I'm not sure that it supplements because I'm  
22 not sure whether, after they were called away, at what  
23 time any of those resources returned, but I am aware  
24 that strike teams appeared around 6.44 from gate logs.

25 I was simply picking up the use of the word "additional 04.40PM  
26 resources" and I was wondering, it was additional to  
27 what?---Yes, look, it may have been additional to some  
28 resources that were already there, but I'm not sure  
29 whether they were still in place.

30 There was a high degree of chaos and difficulty with 04.40PM  
31 visibility - - -?---High degree of activity and a lot

1 of activity at that time.

2 And at 8 p.m., you tell us in paragraph 93 that the mine  
3 arranged for a gravity fed pipeline from Loy Yang to  
4 be charged. Do you recall saying that in  
5 paragraph 93?---Yes, that was my advice. 04.41PM

6 At what time of the day was it operational?---I don't know.  
7 Given that you declared a fully blown emergency at a time  
8 around 2.52 in the same afternoon, why did you wait  
9 until 8 p.m. for the gravity fed pipeline to be  
10 charged?---Well, up until at least 5 o'clock we had our 04.41PM  
11 own internal water systems and so forth.

12 Was it your take on the situation that your own internal  
13 water supply was dealing adequately with the  
14 situation?---That it was capable of dealing - - -  
15 Not so much capable; was dealing adequately with the 04.41PM  
16 situation that was then at hand?---That's not my  
17 assertion.

18 No, I'm just asking you whether that's your evidence  
19 though?---I can't say that it was adequate; I can say  
20 that we had our normal fire systems in place. 04.41PM

21 MR RIORDAN: With respect, we say that the witness should be  
22 able to answer the question the he commenced to.

23 CHAIRMAN: I think he's working under pressure applied by me  
24 to get him get finished as quickly as possible  
25 Mr Riordan, but you got heard what Mr Riordan said. 04.42PM

26 MR WILSON: I got lucky with that last line.

27 Lastly, at the risk of harping on, at paragraph 111 you give  
28 commendation to various people. A sad person who  
29 doesn't get a commendation is the CFA, but I gather you  
30 commend it now?---Without a doubt. 04.42PM

31 Thank you. And thank you to the Board for permitting this

1 little bit of extra activity.

2 CHAIRMAN: Yes, thank you, Mr Wilson. Have you got any  
3 questions? Do you want him brought back tomorrow  
4 morning?

5 MR RIORDAN: If we have any questions, we'll bring him back 04.42PM  
6 tomorrow morning, but at this stage, no.

7 CHAIRMAN: But you will be quick then in any event?

8 MR RIORDAN: Of course.

9 CHAIRMAN: Thank you, Mr Riordan. Do you want to outline  
10 what the plan is? 04.43PM

11 MS RICHARDS: Yes, I'll just outline the order of  
12 proceedings for tomorrow for everyone's benefit.

13 We have Mr Prezioso and Mr Faithfull have been  
14 waiting patiently and I will call on them first thing  
15 tomorrow in that order. Then we have Rob Dugan who was 04.43PM  
16 the Mine Manager Production who really gives an account  
17 of the emergency response from 10 February onwards, a  
18 quite helpfully detailed account. Then we move into  
19 the Incident Controllers' evidence starting with  
20 Mr Jeremiah who was the Incident Controller for the 04.43PM  
21 Hernes Oak Fire on 8th and 9th and I think into  
22 10 February.

23 Then we will move as best we can in chronological  
24 order through the Incident Controllers or, in their  
25 absence on leave, their deputies. The order at present 04.43PM  
26 is Simon Bloink who was the Deputy Incident Controller  
27 late in the first week and his co-deputy, Mr Katsikis,  
28 although I'm not certain we've received Mr Katsikis's  
29 statement. We have? Perhaps that's happened while  
30 I've been attending to other things today. And the 04.44PM  
31 community witness is Anthony Lalor.

1 CHAIRMAN: It looks as if we may have to go beyond 4.30  
2 unless we have a certain degree of economy of  
3 questioning all around.

4 MS RICHARDS: Yes, it's fair to say that Mr Dugan and  
5 Mr Jeremiah will be substantial witnesses.

04.44PM

6 CHAIRMAN: I understand. Yes, we'll resume at 10 o'clock  
7 tomorrow morning.

8 ADJOURNED UNTIL WEDNESDAY, 28 MAY 2014

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