
TRANSCRIPT OF PROCEEDINGS

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

WEDNESDAY, 28 MAY 2014

(3rd 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 MS RICHARDS: Good morning. We have a little bit of tidying
2 up from yesterday. Mr Riordan does have a few
3 questions for Mr Harkins but, before he returns to the
4 witness box, I'd just to formally incorporate the video
5 footage that Mr Mauger took of the aircraft dropping 10.03AM
6 retardant on various fires within the mine on the
7 afternoon of the 9th as part of exhibit 8 and we have
8 it here.

9
10 #EXHIBIT 8 - (Addition) Video footage produced by Mr Mauger. 10.04AM

11
12 <STEVEN WILLIAM HARKINS, recalled:

13 <CROSS-EXAMINED BY MR RIORDAN:

14 Mr Harkins, you were asked questions yesterday about your
15 statement, in particular an email sent on 8 February 10.04AM
16 from Mr Roach which is on page 46 of your statement,
17 possibly page 46 of the statement could be brought up.
18 It's Annexure 7.

19 At the bottom of page 47 it shows - it's a message
20 from ICC Traralgon at 5.24 but I think it's generally 10.05AM
21 accepted that it's probably a glitch and it's probably
22 4.24 summer time. Correct?---Correct .

23 In fairness, it does say 5.24 AEDT which is Australian
24 Eastern Daylight Time - - -?---Correct.

25 - - - without an message, and then at 4.29, five minutes 10.06AM
26 later, Nick Demetrios sent that through to you and Mark
27 Nash?---No, he sent it to Alan Roach and Mark Nash.

28 Sorry, Alan Roach and Mark Nash?---Correct.

29 He said that this is the latest mapping from the Phoenix
30 model at 1 hours tomorrow night. Worst case scenario, 10.06AM
31 this may be the fire protection, and you read that?---I

1 did.

2 What did you understand 1 hours tomorrow night to mean?---I
3 thought it meant that it would be 1 a.m. Monday
4 morning.

5 If I could take you then to page 49 then which is the actual 10.06AM
6 document, being the model I should say. Did you look
7 at that model?---I did on my Blackberry, yes.

8 Did you notice in the top left corner the time that was
9 noted was 2/10/2014 at 1.59 a.m.?---No, I did not.

10 Do you see it there now?---Just. 10.07AM

11 You'd accept, would you not, that the 2/10/2014 is the
12 American dating system, a reference to 10/2/2014 as we
13 would write it?---10th February, yes.

14 10th February was the Monday, was it not?---Correct.

15 And 1.51 a.m., rather than as suggested in the letter 10.07AM
16 1 a.m.?---Correct, yes.

17 Was that a distinction that you noted at the time?---No,
18 because I didn't see that particular piece of writing
19 in the top left-hand corner.

20 At any event, you accepted it as being for the worst case 10.08AM
21 scenario for 1 a.m. on Monday?---That's correct, that's
22 what was in the email.

23 Mr Roach sent that on to you at 5.35 on Saturday the
24 8th?---Correct.

25 At 6.41, I should say?---Correct, yes. 10.08AM

26 The 5.35 seems to be sending it to himself?---Yes.

27 So at 6.41 it's sent to you?---Yes.

28 With the message which confirms that it's got a timestamp of
29 1 a.m. on Monday morning?---Correct.

30 He said that he would spend some time you tomorrow to get a 10.09AM
31 better real-time modelling as the day goes by, "I just

1 wanted to keep you in the loop. I've not shared this
2 info with Rob Dugan or Dave Shanahan as yet. I prefer
3 to see and wait what the weather due. The wind is due
4 around lunchtime tomorrow." You read that at the
5 time?---I did. 10.09AM

6 You have given evidence in response to a question from the
7 Professor that, as far as you were concerned, this was
8 just for your information, you were not the gateway of
9 the information?---No, this is - just wanted to keep
10 you in the loop and, if it was for broader 10.09AM
11 dissemination, Alan would do that.

12 So he wasn't requesting your permission not to forward it on
13 to Dugan or Shanahan at that time?---No, not at all.

14 Mr Roach is now supposed to be called so he can be asked the
15 question as to why it is, but did you get back to 10.09AM
16 Mr Roach to say whether or not this was acceptable to
17 behave in the way he had indicated to you?---I
18 responded in an email which indicated, from my reading,
19 that suggested that there would be some sort of attack
20 on the northern batters at 1 a.m. on Monday morning, is 10.10AM
21 that correct; Alan then rang me after receipt of my
22 email.

23 Were you comfortable with his approach of holding that
24 information from Dugan and Shanahan at that stage to
25 enable him to spend some time with Nick 10.10AM
26 Demetrios?---Yes, I was.

27 Why was that?---Because at this stage what I've got is a
28 1 a.m. model for Monday morning and that Alan was going
29 to follow-up Nick Demetrios on Sunday morning and that
30 seemed to be a reasonable response to a model that, as 10.10AM
31 I said, whilst I understood what the dots meant, I

1 didn't understand the basis or where this model comes
2 from.

3 The next morning you say that you were watching your
4 emails?---Correct.

5 Why was that?---Well, I was waiting on any further advice 10.11AM
6 and any other information regarding the day.

7 If the witness could be shown the attachment to the witness
8 statement of Mr Jeremiah which is document
9 CFA.0009.001.0001.PDF. There should be two
10 pages there?---Yes. 10.11AM

11 The first page, do you see that modelling?---I do.

12 Was this document provided to you at the time?---No. I
13 haven't seen this.

14 Do you see that it similarly shows the fire in a sense
15 extending from Hernes Oak across towards the northern 10.12AM
16 batters of the mine?---Yes, I do.

17 This one's showing this is the position at 9 a.m. on Sunday,
18 9 February 2014. Do you see that?---I do.

19 If you had of received that piece of modelling, are you able
20 to indicate to the Board whether your reaction would 10.12AM
21 have been the same to Mr Roach's suggestion?---I can
22 indicate that it certainly wouldn't have been. If I
23 received - - -

24 Explain to the Board why it would be different?---As I
25 understand it this would suggest that at 9 o'clock on 10.12AM
26 Sunday morning there would be substantial fire activity
27 around and from the red dot spotting into the mine.

28 Even if it was indicated to be the worst-case scenario as
29 the one for - - -?---The 9 o'clock in the morning would
30 worry me. I mean, I would immediately call Alan; I 10.13AM
31 wouldn't have sent back an email and suggested that I

1 want more information. I would have expected that, if
2 I'd have received this from Alan, sorry, Mr Roach, he
3 would have widely disseminated this particular piece of
4 information, which is usual practice, and I would have
5 been immediately in contact with the Asset Manager.

10.13AM

6 Are you the appropriate person to ask whether any different
7 action might have been prompted by the receipt of this
8 information?---Partially. I can say that, in terms of
9 a serious incident, I'm the Serious Incident Management
10 Team Manager, so what would be the most likely outcome
11 with this information is that I would have a discussion
12 with George Graham, the Asset Manager, confirm that he
13 has seen this particular model and then suggest that
14 the Executive meet to consider what our response would
15 be to this.

10.13AM

10.14AM

16 You've given evidence that the mine was already on high
17 alert; is that correct?---Well, it was in the state of
18 fire preparedness, so it was already executing a plan
19 in accordance with the document put out by Mr Shanahan
20 on the Friday.

10.14AM

21 Are you able to give the Board any idea what, if any, action
22 could have been considered by consultation with
23 others?---Certainly the Executive would meet with
24 Mr Shanahan and a few others down at the mine to look
25 at our current preparedness given this information,
26 which seems to suggest that it was imminent that there
27 was going to be a lot more fire activity; we'd review
28 what resources in terms of equipment was available and
29 we would expect that the emergency command structures
30 would certainly be identified and we'd take action to
31 make sure that pre-emptively we would have an Emergency

10.14AM

10.15AM

1 Commander and necessary support in place well before
2 9 a.m. on Sunday morning.

3 Could I then show you the next page which is a different
4 document in the sense that you'll notice a couple of
5 differences such as it doesn't show the fire as quite 10.15AM
6 extending to the northern batters but it's an 11 a.m.
7 document on Sunday the 9th?---Correct.

8 If you had of received that document, are you able to say
9 whether you would have responded any differently to
10 Mr Roach's email than what you did?---As I said with 10.16AM
11 the previous one, if Alan had received this, I would
12 expect it to be widely disseminated; I would certainly
13 discuss with the Asset Manager what our response to
14 that would be because it seems to suggest quite a bit
15 of spotting on the northern side and the western side 10.16AM
16 of the mine, and to review our current preparedness
17 activities.

18 Could I ask you to have a look at this document, please.
19 I'll hand up two for the Board. If you might go to
20 Annexure 5 which is in paragraph 27. There you refer 10.16AM
21 to emails of a safety blimp on 7 February 2014?---Yes.
22 Or rather, prepared on that day?---Correct.

23 You say the emails consisted of the mine preparedness plan
24 and the safety blimp for Saturday, 8 February and
25 Sunday, 9 February, circulated. Do you see that?---I 10.17AM
26 do.

27 Annexure 5, without taking you there, only includes the one
28 for the safety link for Saturday, but the document I've
29 handed you, can you tell me what that document
30 is?---Yes, that is an email from my Internal 10.18AM
31 Communications Manager, safety blimp for Sunday,

1 9 February. Total fire ban.
2 If it's convenient to the Board, could that be included as
3 part of Annexure 5 in this witness statement?

4 CHAIRMAN: Yes.

5 10.18AM

6 #ANNEXURE 5 - (Addition) Email from Internal Communications
7 Manager safety blimp for Sunday, 9 February.

8 MR RIORDAN: At the end of yesterday you were asked some
9 questions by Dr Wilson as part of paragraph 93 of your
10 affidavit. Do you have it there?---Yes.

10.18AM

11 I might ask you to read, if you could to yourself,
12 paragraphs 92 and 93?---Yes.

13 What Dr Wilson asked you at transcript page 344 was, "And at
14 8 p.m., you tell us in paragraph 93 that the mine
15 arranged for a gravity fed pipeline from Loy Yang to
16 be charged. Do you recall saying that in
17 paragraph 93?---Yes, that was my advice."?---Correct.

04.40PM

18 In paragraph 93 you don't refer to any time. Do you know
19 what time the mine did arrange for the gravity fed
20 pipeline from Loy Yang to be charged?---The actual time
21 I don't know, that would be a matter for the Emergency
22 Commander.

10.19AM

23 Who was the Emergency Commander at the relevant
24 time?---Romeo Prezioso.

25 He's to be called so he we might be able to take it up with
26 him. Just for clarity, you do refer in paragraph 93
27 that at approximately 8 p.m. other things occurred.
28 Were you intending to indicate at paragraph 93 that
29 that did happen at approximately 8 p.m.?---That was not
30 my intent.

10.19AM

10.20AM

31 They are the questions I wanted to ask this witness.

1 <RE-EXAMINED BY MS RICHARDS:

2 Thank you, Mr Harkins, just a couple of questions before we
3 let you go for the moment. You've been asked a number
4 of questions about the Phoenix map that you saw and
5 some Phoenix maps that you didn't see?---Yes. 10.20AM

6 Your evidence this morning is that, had you seen the maps
7 that you didn't see, your reaction would have been
8 radically different from your reaction to the map that
9 you did see?---Correct.

10 What are the critical differences between those two 10.20AM
11 maps?---I think that the 1 a.m. Monday morning, as I
12 understood it as I was reading it, was suggesting that
13 there was a worst-case scenario, which was the words in
14 the email, that at 1 a.m. Monday morning there could be
15 a fire spread towards the northern batters, so it was 10.21AM
16 reasonable in discussion with Alan Roach for him to
17 seek further information on that model. Alternatively,
18 the other two that I have only just seen would suggest
19 that at 9 a.m. on Sunday morning there's extensive fire
20 activity around and in the mine; that would cause 10.21AM
21 significant alarm both to Alan, who would widely
22 distribute it, and to myself.

23 We'll ask him that. But in terms of your own reaction, when
24 was the first time you saw those maps that are annexed
25 to Mr Jeremiah's statement?---I saw those, I believe, 10.21AM
26 late last night.

27 In conference with your counsel?---That's correct.

28 Mr Jeremiah's evidence will be that, and he was the Incident
29 Controller at the time, that those maps that you only
30 saw for the first time last night were in fact provided 10.22AM
31 to the Central Gippsland Essential Industries Group and

1 one would have expected that they would be passed on to
2 Mr Roach. Have you made any enquiries of Mr Roach as
3 to whether he in fact received that second lot of
4 maps?---I have spoken with Mr Roach and he's confirmed
5 that he did not receive those maps. 10.22AM

6 No further questions, thank you. If Mr Harkins may be
7 excused for the moment.

8 CHAIRMAN: Yes, thank you.

9 <(THE WITNESS WITHDREW)

10 MS RICHARDS: The next witness is Romeo Prezioso. I call 10.22AM
11 Mr Prezioso.

12 <ROMEO JOSEPH PREZIOSO, sworn and examined:

13 MS RICHARDS: Good morning, Mr Prezioso?---Morning.
14 Could you please start by telling us your full name and your
15 address?---Romeo Joseph Prezioso, 2 Parklands Place, 10.24AM
16 Morwell.

17 You're here today in response to a summons?---Correct.
18 For that reason we have no witness statement for you to
19 adopt?---That's right.

20 You're employed at the Hazelwood Mine as a Senior Mine 10.24AM
21 Planner; is that correct?---That's correct.

22 How many years have you been employed at the mine?---Nearly
23 30 years now.

24 So, back in the SECV days?---Yes.

25 Can you describe what roles you've performed at the mine 10.24AM
26 during that time?---I started as a Mine Planner, moved
27 into the production side, coordinator, then moved into
28 a Fire Service role as a Fire Service Officer for a
29 number of years, then moved back across to the planning
30 side where, Mine Planning Superintendent and now I'm 10.25AM
31 Senior Mine Planner.

1 The time that you spent as a Fire Service Officer,
2 approximately how long was that and at
3 what - - -?---About a six year period.
4 Between what dates?---Around 2005 through to 2010, 2011.
5 So you were a Fire Service Officer during the time of 10.25AM
6 the December 2005 fire?---Yes, sure was.
7 And the October 2006 fire?---Correct.
8 And also the fire in 2008?---Yes.
9 I take it from that, that you're familiar with the mine's
10 Emergency Response Plan?---I am, yes. 10.25AM
11 That we've spent some time looking at over the last couple
12 of days?---Correct.
13 You have a nominated role within that plan, do you
14 not?---Correct.
15 You're an Emergency Services Liaison Officer?---That's 10.25AM
16 correct.
17 It's the case, isn't it, that there is always an Emergency
18 Services Liaison Officer rostered on duty?---That's
19 correct.
20 And you were rostered on duty - - - no you weren't rostered 10.26AM
21 on duty on the Sunday, were you, that was Mr Roach
22 fulfilling that role?---Alan Roach, yes.
23 Can you tell the Board about your previous experience in
24 implementing the Emergency Response Plan when there was
25 an actual emergency in the mine and what roles you've 10.26AM
26 taken?---With the 2006 it's probably a significant fire
27 we had back then. I played probably an assisting role
28 to the Emergency Commander, more of a logistics side of
29 things in that role for the period of that fire.
30 That fire went on for three to four days?---It was a bit 10.26AM
31 longer than that, it was about a week, week or more;

1 might have been two weeks actually.

2 So you were effectively second in command to the Emergency
3 Commander during the 2006 fire?---Assisting, yes.
4 In any other actual fires as opposed to exercises; have you
5 taken up a role in that emergency command 10.27AM
6 structure?---Similar roles in 2008, roles in emergency
7 command, an arrangement where we've had some protestors
8 on site as well, where they've run the Emergency
9 Command Building, I've taken on a role there as
10 Emergency Commander through periods. 10.27AM
11 Were they protestors outside the gate?---Correct.
12 Or protestors who'd actually entered into the perimeter of
13 the mine?---No, outside the gate.
14 So that was in anticipation of an emergency rather
15 than?---Correct. We were running patrols day and night 10.27AM
16 basically.
17 That was a planned protest a few years ago, wasn't
18 it?---Yes, it was on a regular basis annually for a
19 period of time.
20 And the mine had a full emergency command structure in place 10.28AM
21 when the protest was expected to happen?---Yes, leading
22 up to the protest.
23 Leading up to the protest?---And the actual protest.
24 And so there was a nominated Emergency Commander on site
25 ready to respond?---In that particular case, yes. 10.28AM
26 Under the Emergency Response Plan in its current form, there
27 are a number of people who are nominated to be
28 Emergency Commanders?---Correct.
29 Should an emergency occur, and the most senior of those is
30 Gary Wilkinson, the director of the mine. Then the 10.28AM
31 next person or the person who will always be on site is

1 the Mine Shift Supervisor?---That's right.
2 So there will always be a Mine Shift Supervisor although
3 that person would change depending on the shift?---Yes.
4 Also Mr Dugan is nominated as Emergency Commander?---Yes.
5 And also Stan Kemsley who's a Technical Compliance Manager 10.28AM
6 in the mine?---Compliance Manager, yes.
7 On 9 February Mr Wilkinson was absent on leave in
8 Queensland, was he not?---Correct, yes.
9 Mr Dugan had also just commenced leave?---Correct.
10 And Mr Kemsley was also not on site that day?---That's 10.29AM
11 right.
12 So that left the person who would be the Emergency Commander
13 if anything happened as the mine shift
14 supervisor?---That's right.
15 Had anyone spoken to you before Sunday, 9 February about 10.30AM
16 whether you would be available to assume the role of
17 Emergency Commander if needed?---Not in that respect,
18 no.
19 Because your nominated role under the Emergency Management
20 Plan or Emergency Response Plan is ESLO?---Correct. 10.30AM
21 And there was already one rostered on for the 9th, Mr Roach
22 ?---That's correct.
23 You as I understand it were not rostered to work on the
24 Sunday?---That's correct.
25 Your role as a Senior Mine Planner is a five day a week 10.30AM
26 role, Monday to Friday?---That's right, Monday to
27 Friday.
28 So you wouldn't normally be at work on a Sunday?---No.
29 But you came into the mine of your own accord at some
30 stage?---That's right. 10.30AM
31 When was that?---I entered the mine probably around 1.20.

1 Why did you come in?---Basically, seen a plume of smoke
2 living in Morwell, I pulled out of the driveway, I was
3 actually headed to Melbourne, I saw the smoke and I got
4 to a point on the west side of Morwell where I could
5 see the smoke and the fire getting worse; at that point 10.30AM
6 in time I just sort of stationed myself there waiting
7 to see what would occur, knowing that this could have a
8 real impact on our mine.

9 So this was the Hernes Oak Fire at that time?---That's
10 correct. 10.30AM

11 You really had to drive past that to get to Melbourne,
12 didn't you?---Yes.

13 You came in just to see if you were needed, was
14 that - - -?---No, I was actually sitting there watching
15 the fire, I actually turned my radio on in my vehicle, 10.31AM
16 so I was in contact with the guys in the mine as well,
17 so I was monitoring what they were doing on the radio.
18 I actually had discussions on the phone with a couple
19 of those guys, Dean Soares, and asking him what the
20 circumstance was at the moment. I actually got in 10.31AM
21 touch with James Faithfull as well who was the acting
22 Director of Mining at the time and just updating him on
23 the situation at hand.

24 And he was not in Morwell at the time, was he?---No, he
25 wasn't. 10.31AM

26 So, did Mr Faithfull ask you to go to the mine or did you
27 just decide to do that of your own accord?---No, I
28 decided to do that.

29 What were you expecting to do when you arrived?---In the
30 mine? 10.31AM

31 Yes?---Assist where needed basically. I notified the guys

1 that I was on site. I actually entered the site and
2 went to the Control Centre building and let those guys
3 know that I was actually on site. At this point in
4 time we had spotting occurring in the mine.
5 Just to be clear, you arrived at the mine at about?---It 10.32AM
6 must have been about 1.20 from my recollection, yes.
7 So this was - - -?---I actually spoke to Alan Roach as well
8 letting him know I was on site; if he needed assistance
9 I was available.
10 So he could have back up as an Emergency Services Liaison 10.32AM
11 Officer if he needed it?---Yes.
12 At the time you arrived the only fire that was threatening
13 the mine was the Hernes Oak Fire?---That's right - no
14 actually, the Driffield Fire had started at that stage.
15 Other evidence suggests that the Driffield Fire didn't break 10.32AM
16 out until 1.30, 20 to 2. So, do you have a different
17 understanding of the timeline?---Yes. I've got some
18 notes.
19 If they assist. I might ask to look at them?---That's fine.
20 I'm just trying to get my times right, it was nearly 10.33AM
21 four months ago. So I would have come in, it would
22 have been later than that.
23 So, as best you recall at the time that you arrived the
24 Driffield Fire fire was - - -?---I did know the
25 Driffield Fire was occurring and the reason I knew that 10.33AM
26 was where I was positioned on the west side of Morwell,
27 one of the CFA tankers came through, he actually
28 stopped, I knew the guys on the tanker and warned me -
29 one was an ex-mine employee and he said, "You realise
30 that the Driffield Fire's just broken out?" And I 10.33AM
31 said, "No, that's not good." At that point in time,

1 that's when I heard of the Driffield. So, if the
2 Driffield Fire didn't break out until 1.30, yes,
3 obviously I've got my times mixed up.

4 So, you arrived at the mine and you're quite sure that the
5 Driffield Fire was already burning by the time you got 10.34AM
6 there?---Yes.

7 So that might put it closer to 2 o'clock rather than
8 1.30?---Yes.

9 When you arrived, you say you reported to some people that
10 you were there; who did you contact to let know that 10.34AM
11 you were there and available?---I rang Dean Soares on
12 the phone to let him know I was coming in; I went to
13 the Control Centre, 2x12 operators, I was going to talk
14 to Dan Wilkinson who was out dealing with spot fires at
15 the time, to let the Control Centre Attendant I was on 10.34AM
16 site and available if required. Basically, they were
17 the initial few people I notified.

18 Was there anybody in the Control Centre who had taken charge
19 at that time when you arrived?---At this point in time
20 we had the Control Centre Attendant there. Ian 10.35AM
21 Wilkinson would have been in charge but he would have
22 been dealing with the fires out in the field, assessing
23 the fires.

24 By this time there was more than one fire or only one
25 fire?---Yes, I actually heard on the radio that they'd 10.35AM
26 spotted two areas, and as I got into the mine there was
27 a third area that was reported which was on the floor.

28 Then at some stage you left the Control Centre to go out
29 into the mine?---Yes, that's right.

30 What did you do?---I did a visual, I drove through the base 10.35AM
31 of the mine. I could see the northern area where the

1 fire had started in that spot there. I could see a
2 fixed wing plane attempting to put that out, and also
3 I'm pretty sure there was a chopper came in as well
4 assisting that. I drove along and as I got to the
5 northern batters I looked across and I could see the 10.35AM
6 fire spotting in the southern area, southern outlet.
7 As I drove further down - - -
8 There's a very good quality map up there, Mr Prezioso,
9 perhaps you could point out where you were driving?---I
10 was driving through the middle here, down here, so I 10.36AM
11 could see the northern fire there. As I got further
12 across to, trying to get my bearings, across the
13 northern batters and driving up along these ramps I
14 could see the fire in this area as well up high.
15 You mentioned fire in the northern batters, approximately 10.36AM
16 where was that?---About there. That looks right.
17 Was there any sign of fire in the working part of the mine
18 at that time?---Not in the working part, but I did also
19 see another spot fire occurring down in this area which
20 is in the floor, the overburden dump. 10.37AM
21 So on that tour of inspection that you took, there were at
22 least three separate fires that you saw?---Yes, by the
23 time I was in there.
24 Having done that, what did you then do?---I actually called
25 2x12 guys, it might have been Ian Wilkinson at the 10.37AM
26 time. I recall asking if they could get a dozer down
27 there on that area to try and smother out the floor at
28 least to get the guys operating on the stacker, which
29 we have a dumping area here in the stacker. I'm in the
30 wrong area, sorry. That's the area there. That's the 10.37AM
31 conveyor, dumps the material, overburden we call it.

1 So there was spotting down around here, so we had
2 dozers down there with people on those dozers, so I
3 asked them if they could get the dozer out there and
4 start smothering that out.

5 Do you know if they were able to do that?---They did make 10.37AM
6 attempts to get to it. It's just difficult terrain;
7 it's actually a dump so it's not easy access to get to
8 that.

9 So they weren't actually able to suppress the fire that
10 way?---They did get there eventually. 10.38AM

11 They did?---Yes.

12 So approximately what time is it now?---It's hard to recall.
13 Some time between 2 and 3 o'clock?---Yes, it happened fairly
14 quickly. It was within 20 minutes, I believe.

15 Did you take any other action while you were out in the mine 10.38AM
16 before you called back to the Control Centre?---Yes. I
17 went across to the western batters and I could hear
18 talk over the radio regarding the Driffield getting
19 closer to us, so that was a real concern at that stage,
20 that was posing more of a threat than probably these 10.38AM
21 other fires around here.

22 I did notice on my way around there was a crew
23 attempting to work on this, that would have been James
24 Mauger, I think James talked about that where he got
25 covered in retardant, so those guys were working on 10.38AM
26 that area there. We had crews dealing with the fire
27 front coming from the Driffield, so I went and
28 inspected that and talked to the Supervisor, RTL
29 Supervisor which was Dave Bell regarding some tactics
30 there. They were in the process of cutting a middle 10.39AM
31 earth break, I asked them to extent the length of that

1 break and widen the area of that break. I could also
2 see down the riverbed there's a few bales of hay, large
3 round bales, and with the wind, there were embers
4 flying around potentially causing spot fires. I asked
5 them to try and push those into the river, try and put 10.39AM
6 them out because they were potentially causing more
7 spot fires in the surrounding areas.

8 So you have three fires burning, one in the floor of the
9 mine?---At that stage, yes.

10 And two on - one on the northern, one on the southeastern 10.40AM
11 batters?---One in the north, one on the floor, one here
12 as well and also it was right on our doorstep over
13 there.

14 A lot of activity on the western side of the mine trying to
15 prevent the Driffield Fire from burning into the 10.40AM
16 working part of the mine?---Correct.

17 The resources that you have available to you are two 30,000
18 litre tankers?---Yes.

19 Where were they?---I seen one on the western, operating near
20 the western flank. 10.40AM

21 And where was the other one?---The other one I saw was on
22 the northern batters.

23 Trying to put out that fire on the northern
24 batters?---Assisting those guys on the northern
25 batters. 10.40AM

26 And then there are three or four 3,000 or smaller
27 tankers?---Yes.

28 Where were they?---There was probably, from my recollection,
29 there would have been two or three at least on the
30 western flank assisting those guys. 10.40AM

31 Was there another one elsewhere in the mine?---Not that I

1 can recall. There would have been, but I don't
2 remember seeing it.

3 Approximately how many people, you know mine employees and
4 contractors, were involved in responding to the various
5 fires and the threat of fire on the western side of the 10.41AM
6 mine?---There would have had to have been potentially a
7 dozen people there, just on the western flank.

8 And elsewhere in the mine?---It's hard to put a figure on
9 it. Just from my observations there would have been
10 four or five guys on the northern batters, maybe more. 10.41AM

11 Before you received a call from Mr Roach to come back to the
12 Control Centre, was there any where else you went,
13 anything else you did?---Yes, I talked to the guys on
14 the western flank so they seemed to be controlling that
15 fairly well, so I then looked at strategising and maybe 10.41AM
16 coming back to the north and putting some wet breaks,
17 water barriers in the northern batters to prevent it
18 from spreading further, further west, that direction.
19 So that's where I met up with Dave Shanahan and Dave
20 had the same idea, which is good, so we basically 10.42AM
21 worked - I was working one level, he was working the
22 level below me. What we were doing was not only just
23 turning on sprays, we were actually pulling what we
24 call skippers, the monitors that spin around, taking
25 them off the actual hydrant connection and just 10.42AM
26 shooting the water straight up in the air which again
27 creates a wall, just a huge wall of water which dampens
28 the whole area.

29 That was a strategy designed to prevent the fire from
30 spreading further west?---It's trying to contain, it's 10.42AM
31 all about containment, yes.

1 Was there anything that you attempted to do to put the fire
2 that was already burning to the east of you on the
3 northern batters out?---No, that's about all I got time
4 to do.

5 Then you were called back?---Then I got a call from Alan. 10.43AM
6 So, you left Mr Shanahan there and went back to the Control
7 Centre?---Yes, I got the call from Alan and from that
8 call I told him I'd be at least 20 minutes, half an
9 hour, before I got there but if he could open it up and
10 get the Emergency Command Centre established and all 10.43AM
11 doors open and things operating the way they should be.

12 What actually is the Emergency Command Centre?---It's
13 basically a control point where all the information is
14 come into the emergency Control Centre and we have
15 dedicated rooms where we have whiteboards, screens, 10.43AM
16 computers with all the information coming in, all the
17 calls are coming in, we have dedicated phone lines,
18 radio room, break-out room, we have provision for
19 assembly areas for CFA vehicles, all that sort of - so
20 that's a whole building totally dedicated to emergency 10.44AM
21 response.

22 When you say all the information is coming in, how, what
23 kind of information?---So we declare the emergency, so
24 in the process I take a lead role as Commander and as
25 I'm heading across there I'm notifying people, 10.44AM
26 emergency's been declared, all your correspondence is
27 to come through us, through the Command Centre.

28 So, radio communication?---Mainly radio and mobile phone as
29 well.

30 Do you have a trunk radio system?---We have a trunk radio 10.44AM
31 system.

1 Which is point-to-point rather than an open channel; is that
2 right?---Yes.

3 Is there any open channel radio communication
4 available?---UHF, yes.

5 But that's not in every vehicle as I understand it?---Most 10.44AM
6 vehicles; yes, not in every vehicle, correct.

7 So what communications strategy is in place at the
8 commencement of an emergency? How do you make sure
9 that everybody knows what's going on?---For this
10 particular day we got a heap of radios in from Diamond 10.45AM
11 Protection from memory, we issue them all out to the
12 crews, so we got communication by radio to all the
13 crews. This is all evolving, you've got to understand,
14 so as we set up our strategies and plans and as the
15 crews are directed to certain areas, they then get 10.45AM
16 handed their radios and communication lines.

17 But this is well after 3 o'clock by the time you're handing
18 out radios to crews?---It's probably within an hour or
19 two.

20 The Emergency Response Plan spells out the role and 10.45AM
21 responsibilities that an Emergency Commander has to
22 follow?---Sure.

23 Have you actually performed that role yourself
24 before?---Yes, I have.

25 In an actual emergency as opposed to an exercise?---When you 10.46AM
26 say actual emergency; well, I was in that role when we
27 had protestors.

28 With the protestors, but that was really in anticipation of
29 a protestor getting over a fence?---Yes, it was an
30 actual role; it wasn't an exercise, it was an 10.46AM
31 actual - - -

1 It's fair to say in that instance you had a bit more time to
2 get yourself organised, didn't you?---Yes.

3 One of the responsibilities under the Emergency Response
4 Plan is for the Control Centre attendant to call 000 to
5 notify the CFA of a fire?---That's right. 10.46AM

6 Do you know whether, before you assumed the role of
7 Emergency Commander, the Control Centre Attendant had
8 done that?---No, I wasn't aware of that.

9 Did you check whether that had been done?---No, the
10 assumption I made was that we had planes coming in and 10.47AM
11 choppers coming in, so the CFA knew the situation we
12 were in.

13 So, because you'd seen the planes and the choppers over on
14 the northern side of the mine, you didn't think that it
15 was necessary to call 000?---Well, they were being 10.47AM
16 redirected to assist us, so the assumption is that they
17 know that we have a fire in the mine.

18 Once you'd got back to the Emergency Command Centre which
19 Mr Roach had set up while you were driving back across
20 the mine, what did you then do?---Put my tabard on. 10.47AM
21 Yes, that's the first step in assuming command?---Yes.

22 After that?---And I handed Alan Roach's his, and then we
23 proceeded to set up the building accordingly,
24 whiteboards, pulled out plans, drawings, try and get
25 some idea of the scale of this and where it was going. 10.48AM
26 This was still growing.

27 You already knew that you had a fire threatening on the
28 western side of the mine?---Correct.

29 And you had at least three separate fires burning within the
30 mine?---Yes. 10.48AM
31 And limited resources to deal with those four things?---Yes.

1 So, how did you set about forming a strategy?---We started
2 setting our priorities for asset protection,
3 particularly substations, power poles, those areas
4 there, and the coal conveyors and the dredgers. It's
5 hard to recall exactly the details behind it, there's a 10.48AM
6 lot of phone calls and a lot of communication over
7 radios during this period, the first few hours, but
8 basically 2x12 look after the operational side of
9 things in terms of wetting the areas down and the other
10 guys can focus on trying to prevent the fires from 10.49AM
11 escalating any further.

12 And that was the 1x7 crew?---Yes.

13 And some people from RTL?---RTL as well, yes.

14 In addition to the 2x12 crew who were dealing with wetting
15 down the operating area, how many people did you have 10.49AM
16 at your disposal?---Sorry, repeat that question?

17 In addition to the 2x12 crew who you say were all working on
18 the operating area, how many extra people did you have
19 at your disposal?---It would have been a dozen or so
20 people. 10.49AM

21 What decisions did you make about where to put your
22 resources?---The Driffield Fire was a real concern
23 because that was really coming along really quick and
24 was heading straight for our main operational area, so
25 we maintained people there in that area monitoring and 10.50AM
26 we were getting spot fires in the vicinity coming over
27 the river, certain areas, so the guys were doing what
28 they were required to do there, keep it at bay. Some
29 of the other things was, we started calling in
30 maintenance people to establish, what we have these 10.50AM
31 crane monitors with booster pumps, so people who can

1 operate the cranes. What the crane monitors do,
2 there's an attachment that goes on the end of the
3 cranes, obviously the crane's got the lift, the height
4 to attack these high coalfaces.

5 So a monitor is like a spray?---Yeah, it's a monitor with 10.50AM
6 remote control that can be directional and start
7 setting those up for containment, more so containment.

8 Where did you put those once you had them?---I believe the
9 crane monitor went down towards the southern batters
10 from memory. 10.51AM

11 So, you just had the one of those?---We have two, so we
12 assembled two and I think one of them actually broke
13 down, and had some repairs, hydraulic repairs required
14 to it.

15 So one that you could use?---Yes. 10.51AM

16 And you directed that down to the southern batters?---I'm
17 pretty sure it was down there, yes.

18 Was it a containment strategy, were you just trying to stop
19 it spreading at that stage?---Stop it spreading, yes,
20 correct. We also, through Alan Roach and through his 10.51AM

21 contact through Central Gippsland Essential Industries
22 Group - oh, the ICC he had a contact there, we were
23 trying to get additional aerial support for us, because
24 the fire looked like it was starting - started to get
25 around the corner. The fire started spreading, getting 10.51AM

26 around this corner here and I'm really concerned
27 because it was moving along. The 2x12 guys were
28 directed to make sure all the water fully wet this area

29 down and we tried to get some aerial bombing in this
30 area here to try and hold it back from getting any 10.52AM
31 further, and luckily it didn't get any further, we

1 managed to contain it at about there.

2 And Mr Roach was communicating with the ICC, was he?---Yes.

3 The Traralgon ICC?---Yes.

4 We'll ask him about those conversations?---Yes, sure.

5 Did you have any information from the ICC about the relative 10.52AM
6 threat posed by the Hernes Oak Fire to the north and
7 the Driffield Fire to the south?---Not on that day, no.

8 So you had no input from the ICC about which of those fires
9 you should be more concerned about?---No.

10 While you were in the role of Emergency Commander did you 10.53AM
11 have any issues with water supply?---Yes.

12 What were they?---Loss of power to pump stations.

13 Can you explain what happened and what effect that had on
14 your attempts to fight the fires?---We have two major
15 pump stations. One we call our dirty water pump 10.53AM
16 station which is here, and the other one which is our
17 clean water pump station here, that's clean water, it's
18 predominantly our artesian water. Generally that water
19 is used for - it's clean water so it can be used for
20 fire, firefighting, and generally gets pumped out into 10.53AM
21 the Hazelwood Pondage, it's very deep watering. So we
22 lost power supply to both of these pump stations.

23 The power supply is from - - -?---From the northern batters.
24 - - - high voltage lines that come over the northern
25 batters?---That's correct. 10.54AM

26 There are in fact two of them running parallel?---I believe
27 so, yes.

28 And it's mains power from the external grid?---That's right.

29 Although you generate power, you're not
30 self-sufficient?---Yes, it's from SP AusNet. 10.54AM

31 Was there any back-up power supply arrangement that you

1 could turn to?---We do have contingencies. That's
2 where our technical experts come into play and we had
3 electrical engineers in on that day dealing with those
4 issues, sorting those problems out.

5 We heard from Mr Harkins that that took hours and hours to 10.54AM
6 sort out in very difficult conditions?---Yes.
7 Re-instating supply, power supply?

8 Yes?---Yes, it was extremely difficult considering the
9 circumstances.

10 Are there no internal generators that can be switched to 10.54AM
11 power the pumps?---No.

12 There was also a question that arose about gravity fed water
13 from Loy Yang. Can you explain what that was
14 about?---What happens, we still have the additional
15 pump stations located on the end of the pondage. I 10.55AM
16 don't think it's on there.

17 No, the pondage is to the south?---The core pump house is 50
18 and 53, so they draw water out of the Hazelwood
19 Pondage. That water gets delivered to two tanks. We
20 have on the ridge line, high on the ridge next to the 10.55AM
21 power station, and they supply a gravity feed or us.
22 So even though we lost those pump stations for a period
23 of time, we still had water coming into the mine
24 through those additional pump stations located in the
25 pondage. 10.55AM

26 Was that sufficient so continue your firefighting efforts or
27 was it a lower supply of water?---It's sufficient to
28 continue the firefighting, but it does reduce the
29 pressure.

30 So you had lower pressure throughout the entire Fire 10.56AM
31 Services system. While the power was off you were just

1 relying on that gravity fed water?---Listen, I really
2 can't answer that, I'm not sure.

3 There was also evidence from Mr Mauger, I think it was
4 yesterday, that at about 6 o'clock he and the man he
5 was working with received a call to return out of the 10.56AM
6 mine, that there'd been a call made to evacuate the
7 mine. Did you make that decision?---I don't recall
8 that.

9 So that's not - - -?---I don't recall ever doing that or
10 hearing that. 10.56AM

11 You were the Emergency Commander?---Correct.

12 At about 6 o'clock still, were you not?---Yes.

13 Did you make a call to evacuate the mine?---No.

14 So we don't know where Mr Mauger got that from?---I'm not
15 sure where that came from. 10.57AM

16 The power was off at that time, was it not?---I think we
17 lost power, yes, around about 6.

18 It was still daylight?---Yes, daylight savings, so we could
19 still operate.

20 Mr Faithfull, the acting Mine Director in Mr Wilkinson's 10.57AM
21 absence, arrived at the mine at around 5 o'clock we've
22 been told by Mr Harkins?---Yes, sounds about right,
23 yes.

24 When he arrived, did he work with you in the Emergency
25 Command Centre?---Yes, closely working with me. 10.57AM

26 At some point you handed over the role of Emergency
27 Commander to him?---That's right.

28 Can you describe how that transition took place?---So
29 basically, he came in, so I briefed him on what had
30 been happening and was just explaining the situation at 10.58AM
31 hand. Mind you, this is still developing this fire, so

1 things are still changing even while he's there, so
2 we're still making decisions on a lot of things that
3 were occurring at the time. Around about 8 o'clock I
4 think that's when we did the official handover. So
5 basically, we brought the guys in, guys out in the 10.58AM
6 field, the guys doing - like, the leaders out in the
7 field just to get an update on their situation and then
8 strategise for that night, moving into that night. So
9 we also had people called in, additional people, to
10 give the current people obviously a rest. We knew we 10.58AM
11 were in for a long haul here so we started a roster
12 system so we were calling in the appropriate people.

13 So at the brief, the people that are on the job on
14 the day, to give us an update, situation, then we
15 strategise basically how we move forward for the 10.59AM
16 following night and the people coming in know what
17 their priorities will be for that night.

18 At some stage the CFA also arrived at the mine. When were
19 you first aware of the CFA presence?---We had a strike
20 team coming - now, I'm not sure of the timing on this, 10.59AM
21 I don't recall the time - it would have to be around
22 about 5 or 6, I'm just estimating. They came in, he
23 came directly to me, it was the Strike Team Leader and
24 he had a, I think four CFA tankers with him. He
25 received a phone call at that point in time. He came 10.59AM
26 back to me and said, "Listen, there's property and life
27 in danger in Driffield, we're going to have to go,
28 bring rig", so that was the extent of that.

29 So they arrived, reported to you and were called away before
30 they actually got into the mine and this is at around 11.00AM
31 5 or 6 o'clock as best you can recall?---Yes, it's hard

1 to say unless - there's a lot happening.

2 Then after that, when was the next time you were aware of
3 CFA presence?---We had CFA presence on our northern
4 batters assisting with the protection of MWN
5 substation, so I believe there's a couple of tankers 11.00AM
6 there assisting us, and we had our own fire crew there
7 as well protecting that substation.

8 So there will be evidence later today about a strike team
9 that was initially directed to the briquette factory
10 and found no fire at the briquette factory but could 11.00AM
11 see the fire in the mine and spent some considerable
12 time trying to gain entrance to the mine
13 through - - -?---The slide gate.

14 Well, there are two gates that they attempted to get
15 through. Were you aware that there was a strike team 11.01AM
16 on the northeastern side of the mine trying to get
17 access?---No. I do know, though, as the fire broke
18 through our eastern batter and went through the Energy
19 Brix area, it actually took the power off our slide
20 gate, so the gate was locked open, so there was plenty 11.01AM
21 of access in and out.

22 Can you point out where the slide gate is?---Around about
23 here. There. I'll get it right eventually.

24 What are the other access points around there. Energy Brix
25 receive coal from Loy Yang from the trucks, so they run 11.02AM
26 down here, roughly in that area there, and that's where
27 you dump in. There's a swing gate here which I don't
28 believe is ours, I believe it belongs to Energy Brix.
29 The other access is obviously the power station, the
30 main access, and along the perimeter we have accessing 11.02AM
31 gates situated along there. And Dave Shanahan, he

1 actually opened those gates.
2 Opened that one?---Yes, down towards Drilling Depot Road.
3 Mr Faithfull took over from you as Emergency Commander at
4 about 8 o'clock and at that point you were released to
5 return home?---I was there until about 12, I think. 11.03AM
6 You were there until about 12. Were you involved in the
7 formal handover to the CFA?---I don't remember a formal
8 handover that particular night.
9 I had asked you about your awareness of the CFA presence.
10 There was a strike team that came and went - - -?---I 11.03AM
11 knew there were tankers on our northern batters
12 assisting us, yes.
13 The tankers you were aware of on the northern batters. When
14 were you aware of the CFA presence in the Emergency
15 Command Centre?---It would have been that night, and 11.03AM
16 Ross Mal came in with a strike team and I think I've
17 got here on my notes, there was six fire tankers he
18 came in with.
19 And that was at approximately what time?---It would have
20 been around about 7 or 8 clock time. 11.03AM
21 I have no further questions for you at this point but I
22 would like to have a look at your notes?---Sure.
23 MR WILSON: No questions for this witness.
24 MR RIORDAN: A couple of matters from me.
25 <CROSS-EXAMINED BY MR RIORDAN: 11.04AM
26 You said you were concentrating on assets in terms of the
27 strategy. Did you have any view about what the effect
28 of the fire would be if it got into the operating area?
29 What effect the operating area would have on the
30 intensity of the fire?---Yes, it would just escalate it 11.04AM
31 even further, make it even more difficult.

1 You were also asked some questions about the power supply
2 and you said that the duplicated power supply which fed
3 substation MWN had been stopped because of damage by
4 the fire in the northern, above the northern batters;
5 is that correct?---That's how I recollect it, yes. 11.05AM
6 The alternative power supply was available to MWE, was it
7 not, which is in the eastern portion?---That's right.
8 Could you indicate where substation MWE is on the
9 map?---Yes. MWE is roughly there.
10 And so, the damage that took out MWN - - - 11.05AM
11 CHAIRMAN: Could you show me where MWE is?---It's that area
12 there, that's MWE, east.
13 E indicates east, not surprisingly, N indicates north.
14 CHAIRMAN: Okay, that's fine.
15 MR RIORDAN: The damage that took out the supply to MWN did 11.06AM
16 not affect MWE; is that correct?---I don't believe so.
17 I mean you'd have to ask the technical guys.
18 Did you know that the problem with MWE was that it fed an
19 area which was damaged, incidentally by a fire in the
20 eastern part?---Yes. 11.06AM
21 And that caused it to have shorts or surges?---Correct.
22 And the electricians were able to repair that, were they
23 not, before they repaired the supply to MWN in the
24 north?---I believe so, yes.
25 And they did that by isolating the part of MWE which 11.06AM
26 supplied the burnt out installation?---Yes.
27 Are you able to assist the Board by indicating how long it
28 was that you were out of power altogether?---We managed
29 to restore power to one of the pumps, which was
30 crucial. 11.07AM
31 To MWE or MHO?---It might have been MHO, this is where you

1 need to - I'm not quite exactly sure, but it was the
2 early mornings, we managed to get water back - power
3 back to one of those pumps which restored our water.
4 And by early morning, what time are you thinking? You
5 weren't there?---No, I wasn't there but I believe it 11.07AM
6 was around 2, 3 in the morning.
7 While you are there, do you know where MHO is?---Yes.
8 Could you indicate that on the map?---Now, MHO, that's a
9 tricky one.
10 Is that any better to help assist you?---I believe MHO is 11.08AM
11 this MW south there. An old substation that we used
12 during the west field transfer operations.
13 You something but not much about the fact that electricians
14 were able to activate that to provide - - -?---Yes,
15 they did a fantastic job. 11.08AM
16 - - - an alternative source of electricity?---Correct, yes.
17 You don't recall what time that occurred?---No, I wasn't
18 there at that time, but it was early hours of the
19 morning.
20 The other thing I was going to ask you about was the access 11.08AM
21 on the eastern side. From the eastern side, is the
22 slide gate the only means of access?---Yes,
23 predominantly, yes.
24 You said that your understanding was, that was locked open
25 by reason of fire damage. Is that correct?---That's 11.09AM
26 right.
27 Do you know whether that got locked open before or after the
28 CFA strike team had arrived and then got diverted?---I
29 do not know that.
30 It was some time while you were still Emergency 11.09AM
31 Commander?---Correct.

1 No further questions, thank you.

2 MEMBER PETERING: With this new map here, could you just
3 point out the points of access into the mine?---Okay,
4 you have your main access through the power station.
5 And that would be where CFA could gain entry, so could you 11.09AM
6 point out to us which points that would be? Are you
7 familiar with this map?---Yes, I look at these maps
8 every day. I don't know what's going on at the moment.
9 The power station's in this area here, so that's the
10 main off Brodribb Road, the main success to the station 11.10AM
11 and the mine. Also, the sliding gate, which is located
12 on the north side here, which is what we call the
13 sliding gate, is in there roughly, in that area there.

14 MS RICHARDS: Mr Prezioso, there's an entrance off Miners
15 Way, is that the one that you were just pointing 11.10AM
16 to?---Yes, that's the other one. That's not owned by
17 us, though, I believe.
18 Can you get into the mine through that gate?---Yes,
19 I believe. It's a gate outside our existing fence.

20 CHAIRMAN: So, while it's not precisely accurate, the gates 11.11AM
21 where the red squares are on the eastern side and the
22 northern side, that's roughly where the gates
23 are?---Roughly where the gates are, the main entry for
24 Hazelwood gates are, yes.

25 And there's also the one right near the power 11.11AM
26 station?---Yes. I believe that that gate though is
27 actually, that's Energy Brix's property.

28 FURTHER CROSS-EXAMINATION BY MR RIORDAN:

29 Would the Board permit me to ask one more on this topic?
30 Somebody wanting to gain entry to the mine on that day, 11.11AM
31 is there any reason why they wouldn't be able to go

1 through the main gate?---No, no reason at all.
2 The main gate wasn't locked down on that day?---No.
3 The main gate is the gate, if I recall it correctly, which
4 has got a - it's a boom gate on it?---It's a manned
5 gate. 11.12AM
6 It's a manned gate by Diamond Protection?---Correct.
7 Thank you.
8 CHAIRMAN: Thank you for the last time, Mr Prezioso.
9 <(THE WITNESS WITHDREW)
10 MS RICHARDS: The next witness is James Faithfull, if he 11.12AM
11 could come to the stand please.
12 <JAMES ANTHONY FAITHFULL, sworn and examined:
13 MS RICHARDS: Good morning, Mr Faithfull?---Morning.
14 Let's start by asking you your full name and your
15 address?---James Anthony Faithfull and Brodribb Road, 11.13AM
16 Hazelwood.
17 What's your occupation?---Technical Services Manager.
18 You're here today in response to a summons?---I am.
19 And so we have no written statement from you?---No.
20 In the week commencing 10 February this year you were going 11.13AM
21 to be the acting Mine Director; is that
22 correct?---That's correct.
23 That is because Gary Wilkinson was on leave that
24 week?---That's right.
25 Your substantive role is Technical Services 11.13AM
26 Manager?---Correct.
27 What does that involve?---So I look after the mine survey,
28 mine geotechnics, mine geology, mine planning - I sit
29 up on top of Romeo Prezioso. All of those activities,
30 so all of the technical activities that go along with 11.14AM
31 operating the mine.

1 How many years have you worked at the mine?---15 months.
2 What's your background before that?---I spent 15 years as a,
3 working through a number of different roles within
4 mining industry throughout Australia. Through Rio
5 Tinto BHP, a number of different other sites including 11.14AM
6 Loy Yang, and have spent the last 15 months working as
7 the Technical Services Manager at Hazelwood.

8 In the 15 months that you have worked at Hazelwood, this
9 fire on 9 February was the only fire that you had
10 experience of, only significant fire?---Yes. 11.15AM
11 You'd just missed out on the one in January 2012?---Yes.
12 What's your familiarity with the mine's Emergency Response
13 Plan?---It's reasonably good. I've certainly read the
14 document.

15 Have you had any previous experience in putting the plan 11.15AM
16 into action?---Not in putting our plan into action, but
17 certainly in putting other plans on other sites into
18 action, but not at Hazelwood.

19 I take it that you hadn't participated in any of the
20 training exercises that had been done with the local 11.15AM
21 CFA?---No, only personal firefighting techniques that
22 we all go through when we enlist on site. That was it.

23 So you're a fairly recent recruit to Hazelwood; what
24 training did you go through?---So we go through, all
25 Hazelwood employees and indeed their contractors go 11.16AM
26 through like an assessment, fire assessment where you
27 have a classroom assessment, then you have a practical
28 assessment in actual firefighting.

29 The Emergency Response Plan that we've been looking at has a
30 number of nominated Emergency Commanders?---That's 11.16AM
31 right.

1 The most senior of those in the mine's management structure
2 is Gary Wilkinson, the Director of the mine, and you
3 were acting in his role in his absence, were you
4 not?---Yes.

5 That puts you as the most senior Emergency Commander in the 11.16AM
6 Emergency Response Plan in the event of an emergency
7 that week?---Yes.

8 In your role, you usually work a five day week; is that
9 correct?---Yes.

10 You're not on shift?---No. 11.16AM

11 And that's a Monday to Friday, five day week?---Yes.

12 On Friday the 7th, you hadn't started to act as at Mine
13 Director at that point?---No.

14 Mr Wilkinson was still there. There was an outbreak of fire
15 at Hernes Oak that afternoon to the northwest of the 11.17AM
16 mine. Were you aware of that that afternoon?---Yes.

17 Did you discuss that with Mr Wilkinson?---I can't recall.

18 Did you discuss it with anyone within the mine?---Yes, I
19 certainly spoke to indeed Romeo, Stan Kemsley, Dean
20 Soares, Steve Harkins and indeed George Graham about 11.17AM
21 it.

22 So there was fairly widespread knowledge of the fire on the
23 northwestern side of the mine. Did you look for any
24 external source of information about that fire?---Not
25 personally, no. 11.17AM

26 On the Friday, the 7th, before you left work for the week
27 were you also aware that the CFA Chief Officer had
28 declared a total fire ban for both the Saturday and the
29 Sunday of the weekend?---I can't recall with clarity.

30 Maybe, maybe not?---Maybe, maybe not. 11.18AM

31 Were you aware that it was going to be a very hot

1 weekend?---I certainly know that the mine had put in
2 place the fire prevention plans.

3 Were you aware that the fire agencies were communicating to
4 people that Sunday would be the worst day since Black
5 Saturday?---No. 11.18AM

6 You saw the fire preparedness plan that Dave Shanahan had
7 prepared?---Yes.

8 He communicated that to you and everyone else who needed to
9 know?---Or got sent out, yes.

10 So you knew by the time you left the mine that there was a 11.18AM
11 fire burning to the northwest of the mine; you may not
12 have known that a total fire ban had been declared but
13 you knew that the mine had moved to a state of
14 preparedness?---Yes.

15 And you knew that the forecast for the weekend was very 11.19AM
16 hot?---Yes.

17 Did you consider whether there were any additional
18 arrangements that you should put in place to ensure
19 that the mine was fully prepared to respond to a fire
20 if it should threaten the mine?---I considered that, 11.19AM
21 if - given the Hernes Oak Fire at that stage when I
22 spoke to George Graham and indeed Steve Harkins and
23 Romeo Prezioso later that afternoon, it had been that a
24 physical fire at Hernes Oak had turned away from the
25 mine, so it left us - we were in a better position than 11.19AM
26 had it been heading towards us, so, no, we hadn't done
27 any additional preparatory works at that stage apart
28 from speaking to the likes of Stan Kemsley and Romeo,
29 and indeed Dean previous when they were setting up
30 their fire prevention plans for the weekend to ensure 11.20AM
31 that they had some additional resources in case things

1 broke out.

2 You weren't planning to come into work on the Sunday when

3 you left on the Friday afternoon?---No. Correct.

4 During the course of Saturday did you receive any updates

5 from Alan Roach who was the rostered Emergency Services 11.20AM

6 Liaison Officer?---No.

7 Did he share with you a fire prediction map that he'd

8 received - - -?---No.

9 - - - from the Central Gippsland Essential Industries

10 Group?---No. 11.20AM

11 Did you have any other information about the status of the

12 Hernes Oak Fire by Saturday afternoon?---No.

13 Did you look it up on the CFA website or the FireReady

14 app?---Look, I vaguely remember looking at the, I think

15 it might have been the VicRoads website where they 11.21AM

16 mentioned that it was contained.

17 Did you look at the weather forecast for the following

18 day?---I can't recall looking at the weather forecast

19 for the following day.

20 At any stage on the Saturday afternoon or evening did you 11.21AM

21 think that it might be best for you to go into the mine

22 on the Sunday morning in case - - -?---No.

23 - - - fire threatened the mine?---No.

24 You've seen, I take it, the prediction map, the fire

25 prediction map that Mr Roach provided to Mr Harkins on 11.21AM

26 the afternoon of Saturday the 8th. That would have

27 been useful information for you to have, would it

28 not?---It would be useful information. I'd be quizzing

29 it of course, if it came to me via email. I'd want to

30 substantiate the information that was given. If it had 11.22AM

31 proven to be of substantive importance, then, yes, it

1 would be.

2 It would have alerted you to the very real risk that the

3 mine would be threatened by fire on the Sunday?---That

4 information?

5 Yes?---Yes. 11.22AM

6 And you might then have made some further enquiries about

7 the significance of the map and what the weather

8 forecast was for the Sunday?---Yes.

9 I take it, no one contacted you on Saturday or Sunday

10 evening and said, James, you really better be at work 11.22AM

11 tomorrow?---No.

12 Where were you on the morning of Sunday the

13 9th?---Inverloch.

14 When were you alerted to the situation at the mine, that it

15 was being threatened by not one but two fires?---Romeo 11.23AM

16 called me at, look, it's somewhere between half 1 and

17 2.

18 What did he tell you?---He said that we've got fire

19 approaching, that Hernes Oak had gotten out I think at

20 that stage and then we had Driffield there in the 11.23AM

21 background as well.

22 What did you do at that time?---Made my way over to the

23 mine.

24 So you were at Inverloch. There were roadblocks in place,

25 were there not?---Several. 11.23AM

26 On the Princes Highway because of the Hernes Oak

27 Fire?---Yes.

28 Is that the way you came back?---Yes.

29 And it took you longer than you had anticipated to get back

30 to the mine?---Much longer. 11.23AM

31 What time did you eventually arrive?---Approximately

1 5 o'clock.

2 When you arrived, can you describe the situation that you
3 found. Where did you go first?---The first thing I did
4 was went to the mine lookout, which is on the southern
5 batters. Do I need to point that out? 11.24AM

6 I think we know where that is?---I went there straight away
7 so I could get a visual appreciation of what we were
8 facing and saw the fire indeed at Driffield, the fire
9 at Hernes Oak and a number of fires within the mine.

10 After you'd taken that visual stocktake, where did you go 11.24AM
11 then?---I went back to the Emergency Control Centre.
12 What situation did you find there?---Very busy, very busy, a
13 lot of activity.

14 Who was in charge at that stage?---Romeo was in charge at
15 that stage. 11.24AM

16 Did he brief you about the situation?---He did.

17 Can you outline what that briefing was?---Look, it's very
18 sketchy at best, but we had a number of fires at that
19 stage within the mine. We had obviously the Driffield
20 Fire and the fire at Hernes Oak. We had some water 11.25AM
21 problems at that stage and that's the best that I can
22 sort of recall.

23 At some point in that evening you took over from
24 Mr Prezioso - - -?---That's right.

25 - - - as the emergency Commander. At what time did you 11.25AM
26 assume that role?---Would have been 8, 8.30, something
27 like that.

28 The situation when you assumed that role was what? What did
29 you have to contend with?---For starters, we had no
30 power as such. We were sitting in the mine Admin 11.25AM
31 offices in the dark with a couple of lighting plants

1 outside shedding light on where we were. We had at
2 that stage, I think that we - we had a very limited
3 water within the mine, there was indeed no pressure.
4 We'd lost at that stage the clean water pump station
5 and dirty water pump station, and indeed we were 11.26AM
6 starting to shut down units at the station, shut down
7 supply because we physically couldn't get coal then.
8 So the loss of power to the mine not only affected the water
9 supply for fighting fires but also affected coal
10 production?---Yes. 11.26AM
11 You couldn't run the conveyors, couldn't run the
12 dredge?---No, that's right.
13 Is it fair to say that during that evening your focus was
14 very much on getting the power back on rather than
15 fighting the fires?---That is fair to say. 11.26AM
16 When you arrived at about 5, 5.30, was there any CFA
17 presence that you were aware of?---I can't recall.
18 When did you first become aware that the CFA were there on
19 site?---Ross, at the handover, I think it was at the
20 handover at about 8, Ross Mal. 11.27AM
21 Is that the point at which he wrote out an incident action
22 plan?---No, no, that was done long - later in the
23 night, in the morning. That was, I guess, an update
24 for the day shift crews coming on.
25 So that was at the end of that night ready for the people 11.27AM
26 who were taking over on the Monday morning?---Yes.
27 During that period between when you assumed the role of
28 Emergency Commander and when the CFA took over, what
29 decisions were you making about where to put
30 resources?---The primary decision was to put resources 11.27AM
31 where they're not going to be injured or anything else,

1 so the focus was on at that stage the Drifffield Fire
2 was being a serious threat, we obviously had - - -
3 Still at that time of the evening?---Yes, because of the
4 proximity to the operational faces. So we - - -
5 So is it your evidence that the Drifffield Fire was still 11.28AM
6 advancing, was still regarded as a threat at about
7 8 o'clock at night?---From my recollection, yes, it
8 was.
9 So you had some resources on that side of the mine?---We had
10 some patrols that were set up to patrol to make sure 11.28AM
11 that that fire was kept away from the mine, and indeed
12 the 2x12 guys with no power were indeed patrolling the
13 operational ledges to ensure that no spot fires arrived
14 in the mine.
15 By the time you arrived there were fires burning on the 11.28AM
16 northern batters, on the southeastern batters and
17 possibly also on the floor of the mine?---Yes.
18 Did you do anything to try to suppress or contain those
19 fires during the time you were responsible?---Yes, we
20 did. I mean, as Romeo mentioned, we brought in 11.29AM
21 additional Bellbrae resources with the crane monitors
22 to assist. We had the RTL tankers that were running
23 around trying to get to the fires where they could. We
24 indeed had our own guys going around turning on and off
25 sprays and trying to get hoses to where we needed them. 11.29AM
26 So by the time you arrived the power was off and there was
27 no water, was there?---Sorry, when I say no water,
28 limited water, because the dirty water pump station is
29 used to pressurise the water system. So, if you lose
30 the dirty water pump station - - - 11.29AM
31 You'd better go back and explain that because I had

1 understood your evidence to be that by the time you
2 arrived there was no water because the power was
3 off?---When I say no water, I mean pressurised water.
4 Okay, we still had water coming in from pump house 50
5 and 53 into C and D tanks, that gives us some water. 11.29AM
6 Where are C and D tanks?---They sit up the top of - they sit
7 up there. So they give us some capacity, but it's
8 gravity fed capacity.
9 Tankers could refill from those tanks, is that the
10 case?---No. There's a number of fill points and indeed 11.30AM
11 fresh water fill points throughout the site that they
12 can refill from.
13 Even with no pressure in the Fire Services
14 system?---I believe on the northern batters there's a
15 mains fresh water refill point. 11.30AM
16 From town water effectively?---From town water.
17 On the northern batters?---Yes.
18 So that was still operating, that was still available?---I
19 believe so.
20 But the Fire Services pipe system was depressurised until 11.30AM
21 the power came back on?---Yes.
22 In what way could the water from those two tanks that you
23 identified be used to suppress the fire?---You'd have
24 limited capability to suppress the fire.
25 But it wasn't possible by the time you arrived on site to 11.31AM
26 turn any sprays on, was it?---Sorry, can you?
27 The sprays are connected to the Fire Services pipe
28 network?---Yes.
29 That was depressurised because the power had been
30 lost?---That's what I'm saying, you do have some 11.31AM
31 capability, so rather than having a full-blown spray,

1 you're getting a limited capability.
2 So, a trickle?---Yes, a trickle.
3 Where were you trickling the water that was
4 available?---Some of the water was being distributed on
5 the operational faces and some of the water was being 11.32AM
6 distributed on the areas that were affected by the
7 fire. So we were doing what we could with what we had.
8 I have no further questions. Do Members of the Board have
9 any questions.
10 MR WILSON: No questions from our table, thank you. 11.32AM
11 MR RIORDAN: Just the one question, Your Honour.
12 <CROSS-EXAMINED BY MR RIORDAN:
13 Maybe if the witness could be shown Mr Harkins' statement,
14 in particular the modelling. Do you recall Ms Richards
15 asked you a question about this modelling you've 11.32AM
16 seen?---Yes.
17 When did you first see this modelling?---In the last couple
18 of days.
19 What have you been told about it, the information, that went
20 with the model?---Apart from what I learned yesterday, 11.32AM
21 not much.
22 You observed that the modelling shows that the fire from
23 Hernes Oak, if it breaks containment, could reach the
24 northern batters of the mine? Is that what you would
25 take from looking at that modelling?---Yes. 11.33AM
26 If you were told that that represented the worst-case
27 scenario that could occur by 1 a.m. on Monday morning,
28 and you were told that on Saturday evening, would that
29 have changed any of your action between Saturday
30 evening and Sunday morning?---No. 11.33AM
31 No further questions.

1 CHAIRMAN: Can I just clarify the position in relation to
2 your knowledge of modelling of this kind. Have you had
3 any training in it so that, if it was made available to
4 you, you would understand, at least in some degree or
5 to a substantial degree, the significance of such a 11.34AM
6 model if it were made available to you?---I haven't had
7 any training in this modelling, it would be the first
8 time I'd be reviewing it.

9 So even things like the Phoenix modelling, what came out in
10 relation to the Black Saturday, would not have been 11.34AM
11 known to you and you would not have had other occasion
12 to have had training so that it would be meaningful to
13 you?---No, but I would visually look at that and I
14 would see that there is something that's going to be
15 happening to our northern batters. 11.34AM

16 So in effect you might draw some inferences from it?---Yes.
17 Without being able to understand it fully?---Correct.
18 You'd have a general idea of what its meaning was likely to
19 be?---Yes.

20 Any questions arising? 11.35AM

21 <RE-EXAMINED BY MS RICHARDS:

22 Just to continue on that train, Mr Faithfull. If you had
23 seen this on Saturday afternoon you would have
24 appreciated that it suggests a fairly grave situation
25 for the mine in the course of Sunday?---Given that it's 11.35AM
26 worst-case scenario and that it's 1 o'clock the
27 following day, no, I wouldn't have done anything else
28 additional on Saturday night.

29 You wouldn't have seen any need to raise the level of
30 preparedness of the mine in the course of 11.36AM
31 Sunday?---Given that it is a worst-case scenario and

1 it's 1 o'clock the following, Monday morning, I
2 wouldn't have done anything different, knowing that we
3 had fire prevention plans on site and we had additional
4 resources available then.
5 If you had seen this, you would have been satisfied that the 11.36AM
6 fire prevention plans in place were adequate?---Yes.
7 You wouldn't have thought there was any need to have an
8 Emergency Commander on site in case?---No.
9 You wouldn't have - - -?---Because it's information for the
10 10th. 11.36AM
11 Well, for 1 o'clock in the morning on the 10th. You
12 wouldn't have contacted Mr Roach and asked him for an
13 explanation and asked him for what other scenarios
14 might be available?---No.
15 You would have been satisfied on the basis of that, that you 11.36AM
16 had everything in place that you needed to have?---At
17 that stage, yes.
18 Thank you, no further questions. May Mr Faithfull be
19 excused.
20 CHAIRMAN: Yes, Mr Faithfull, you're excused. 11.36AM
21 <(THE WITNESS WITHDREW)
22 MS RICHARDS: The next witness is Robert Dugan. If Mr Dugan
23 could please come forward.
24 <ROBERT RONALD DUGAN, sworn and examined:
25 MS RICHARDS: Good morning, Mr Dugan?---Good morning. 11.38AM
26 Please state your full name and address?---Robert Ronald
27 Dugan, and Brodribb Road, Morwell.
28 You are employed there at Brodribb Road in Morwell at the
29 Hazelwood mine as the Mine Production Manager?---That's
30 correct. 11.38AM
31 How long have you held that position?---That exact position

1 from the middle of 2013.

2 I'll ask you a few more questions about your background at

3 the mine, but before I do that, you've made a statement

4 to the Inquiry?---That's correct.

5 You have a copy of it there in front of you. It's a 11.39AM

6 statement of 95 paragraphs?---That's correct.

7 And a number of attachments, 18 attachments?---Yes.

8 You're familiar with that statement, I take it?---Very much.

9 Are there any corrections that you want to make at this

10 point?---No. 11.39AM

11 Is the statement true and correct?---Yes, it is.

12 I tender that, if I might.

13

14 #EXHIBIT 13 - Statement of Robert Dugan.

15 11.39AM

16 MS RICHARDS: You're a surveyor by training, by

17 trade?---That's correct.

18 You worked as a surveyor in open cut mines in the Latrobe

19 Valley for a number of years, up to 1993?---That's

20 correct, yes, started in 1977. 11.39AM

21 Then you had some time out of the mining industry?---Yes,

22 that's correct, but I was in private practice but we

23 were back into the - we were surveying in the mining

24 industry.

25 So you moved into private practice but you were servicing 11.40AM

26 the mining industry during that period?---That's

27 correct.

28 Then you returned to Hazelwood in 2001?---That's correct.

29 I see that you've been an Emergency Services Liaison Officer

30 since 2004?---That's correct. 11.40AM

31 And that's a role that you still fill?---No, that's not

1 correct. Once I took on the position as Production
2 Manager I relinquished that role.

3 What other positions apart from your current role have you
4 held within the mine?---Yes, if I could just go through
5 them in chronological order. From 2001 to 2007 I was 11.40AM
6 the Senior Surveyor. From 2007 to September 2010 I was
7 the Mine Operations Coordinator. From September 2010,
8 from that date until April 2012 I was the Mine
9 Production Superintendent. In 2012, April 2012
10 until December 2012 I was Deputy Production Manager. I 11.41AM
11 was appointed acting Production Manager, a role which I
12 performed previously from time to time in that period,
13 and in June 2013 I was appointed Production Manager.

14 If we could have a look at the organisation charge that is
15 at attachment 1 to Mr Dugan's statement. So your role 11.43AM
16 is the yellow level?---That's correct.

17 You report to Gary Wilkinson, the Mine Director?---Yes.
18 And you essentially sit or are responsible for the
19 production side in the mine?---That's correct.

20 Mr Shanahan, who we heard from yesterday, reports to 11.43AM
21 you?---That's correct.

22 In your statement there's a section on the second page that
23 is headed, "Mine fires." And you give us a bit of an
24 explanation of the volatility of brown coal and how
25 very well it burns. You say at paragraph 14 that 11.43AM
26 you're not aware in all of your years of experience in
27 the brown coal mining industry here of a fire being
28 caused in the mine as a result of external
29 bushfire?---That's correct.

30 It is, however, an ever present risk, is it 11.43AM
31 not?---Absolutely, with brown coal any source of

1 ignition is a risk.

2 And you would agree that the Hazelwood Mine is located in a
3 very bushfire prone area of Victoria?---I would have
4 thought more grassland than bushland, although we do
5 have some pockets of plantations in that area. 11.43AM

6 You would be familiar, I take it, with the Mine Fire Policy
7 and Code of Practice that's in place at the
8 mine?---Yes.

9 In the introduction to that policy the very first risk of
10 fire that is identified is the risk of an external 11.43AM
11 bushfire spreading into the mine?---Yes.

12 As happened in 1994 at the Yallourn Open Cut Mine?---Yes.

13 So, just because it hasn't happened in 35 years doesn't mean
14 that there's no risk, does it?---No.

15 You then in your statement talk about your experience with 11.43AM
16 previous fires, significant fires at the mine and one
17 of those was in October 2006. That was a fire that was
18 caused by a mechanical component?---Yes.

19 It wasn't an external fire or a hot spot. But your
20 experience with that fire demonstrates how very rapidly 11.44AM
21 fire can spread from a single point of ignition within
22 the mine?---Absolutely.

23 You say at paragraph 18 that it had spread about one and a
24 half kilometres in about 20 minutes?---Yes, that's
25 correct, on that particular day the winds were that 11.44AM
26 strong that the airborne particles that were blowing
27 along the bench were on fire, so it was sort of a
28 fireball effect rolling along the bench.

29 Although this fire occurred in October, you've described it
30 as a Black Saturday kind of day?---Yes. 11.44AM

31 What did you mean by that?---It was the - probably a term

1 that I probably used a bit loosely, but I believed that
2 the conditions on that particular day, especially the
3 wind, and we'd had a drought leading up to that
4 particular part of the year, that the potential was
5 there for fire. In fact, prior to the ignition we had 11.45AM
6 declared a fire alert and we had every spray on that
7 was possible in the mine, operational faces.

8 On the operational face. So what you mean by Black Saturday
9 kind of days, being a previous dry spell leading up to
10 it, very hot conditions, very windy conditions with low 11.45AM
11 humidity?---Absolutely, yes.

12 And that's perfect conditions for a fire to take off and
13 spread very rapidly?---Yes.

14 And really the only thing that you can do to prevent it from
15 spreading rapidly is to put it out 11.46AM
16 immediately?---Correct.

17 You've attached to your statement a number of reports
18 arising out of that fire in 2006. Are they attached
19 for the Board's information or because you had personal
20 involvement in any of them?---No, I didn't have any 11.46AM
21 personal involvement in the presentation of those
22 reports or the writing of them, but that's for your
23 information.

24 There was another fire, a significant fire in September
25 2008?---Yes. 11.46AM

26 This was one that was caused by the flare-up of a
27 pre-existing geological hot spot in the mine?---Yes.

28 Where was the hot spot?---It was on the southern batters.

29 Would you like me to point that out?

30 Shall we get up the map?---I hope I don't have Romeo's 11.46AM
31 problems.

1 In that southern area?---That's correct, and in fact that
2 clayed area is the area that we had dug out and
3 backfilled that fire hole, that's why you see that
4 white area is actually the clay.

5 That quite large white area there?---And we actually 11.47AM
6 developed that into a borrough pit as well.

7 Sorry, into a?---Sorry, into a place where we obtain clay to
8 utilise in other parts of the mine so that's why it's
9 bigger than what it looks.

10 You've also provided a copy of the report that was produced 11.47AM
11 as a result of a review of that fire in 2008; again,
12 that's for information rather than because of your
13 personal involvement?---That's correct.

14 With this report, you've not provided any - and follow up
15 reports or any audits of the implementation or 11.48AM
16 recommendations, are you aware whether any document
17 like that exists?---I'm not aware.

18 One of the recommendations made in the 2008 report is that
19 there should be a risk assessment of the
20 non-operational areas of the mine to determine if 11.48AM
21 further prevention work is required. Do you know if
22 that risk assessment's ever been done?---I cannot
23 recall.

24 So the answer is, you don't know?---No.

25 The January 2012 fire was again another mechanical 11.48AM
26 fire?---Yes.

27 That involved one of the dredges, so that was a fire in the
28 operational part of the mine rather than in the worked
29 out area?---That's correct.

30 Again, you've provided a report arising from the review and 11.48AM
31 some follow-up reports. Did you have any personal

1 involvement in any of that?---No.

2 Although I think you may have had some responsibility for
3 implementing recommendations arising?---Yes, that's
4 correct.

5 But it's fair to say that that was a structural fire very 11.49AM
6 much about - and the recommendations were very much
7 about protecting machinery and those assets?---That's
8 correct.

9 Just to return to my question about the risk assessment that
10 was recommended be undertaken in the 2008 review. Who 11.49AM
11 would know if that risk assessment had been done?---I
12 would have to get our Compliance Manager to look
13 through and find out where that was the case.

14 That's Mr Kemsley, is it?---That's correct.

15 So, if Mr Kemsley doesn't know, he'd be able to find 11.49AM
16 out?---I'm sure he could.

17 In paragraph 28 of your statement you refer to the mine Fire
18 Service Policy and Code of Practice and we've already
19 touched on this, you've said you're familiar with it.
20 You say there that it is based on the 1994 policy that 11.50AM
21 Generation Victoria had in place at the time of
22 privatisation?---Yes.

23 Have you actually looked at the two documents side-by-side
24 ?---No, I haven't.

25 Is it your understanding that the current Mine Fire Policy 11.50AM
26 and Code of Practice is very similar to the 1994
27 document?---That's my understanding, yes.

28 In the time that you've been working at the mine has there
29 been any wholesale review of the mine Fire Service
30 Policy and Code of Practice?---I'm not aware of any. 11.51AM
31 If you look back into where I was involved in that sort

1 of thing, it's only in the last few years where I've
2 taken on the responsibility of the Fire Service.
3 Because there was a very significant expansion of the mine
4 approved in 2009, was there not? Do you know whether
5 the opportunity was taken at that time to have a good 11.51AM
6 look at whether the mine Fire Service Policy and Code
7 of Practice, which is essentially a 1980s document, was
8 suitable to the new conditions in the mine?---No, I'm
9 not aware.

10 You then talk about the training that is provided to 11.51AM
11 employees of the mine in relation to fighting brown
12 coal fires. Can you describe what training there
13 actually is and who gets it?---Yes. Every employee of
14 GDF Suez within the mine and any contractor entering
15 the mine and working the mine is subject to that 11.52AM
16 training. That training consists of a classroom
17 demonstration and a review of what is available to
18 fight the fire.

19 Does that demonstration use the training slides that you
20 have provided us?---Yes. 11.52AM

21 We'll look at those ourselves rather than get you to
22 actually do the training session for us now, but that's
23 used as the basis for the classroom session?---Correct,
24 and then practical demonstration, if weather allows it
25 at that particular point in time, outside with a coal 11.52AM
26 fire in a container to show how it can spread when you
27 hit it with a jet of water and that sort of thing.

28 Does the practical demonstration extend to actually getting
29 out in the mine and turning on sprinklers on the Fire
30 Service pipe network?---No, but there's a demonstration 11.53AM
31 in the classroom with an actual sprinkler and pipe work

1 on the safe - and effective way to turn on a sprinkler
2 or attaching a hose to a pipe.

3 That's basic training that everyone who works at the mine
4 has to undertake before they start?---Yes.

5 Is there a higher level of training for the people who work 11.53AM
6 on the 1x7 crew?---Yes, there is; that's called the
7 fire man - trying to emphasise, not fireman, fire man
8 training, and that is where they're taken to a
9 different level. The reason for the fire man training
10 is that, if there's any hot works, and I mean by any 11.53AM
11 hot works in the mine that's cutting, grinding or
12 welding within the mine, our policy says that there
13 must be a trained fire man present that can monitor it,
14 douse the area, make it safe and control any sparks
15 that may arise. So that is a role that the 1x7 group 11.53AM
16 plays.

17 That then qualifies them to work alongside somebody who's
18 undertaking hot works to ensure that any sparks that do
19 escape are quickly put out?---That's correct and, in
20 addition to those, there are some maintenance personnel 11.54AM
21 that have been trained in that as well so they can help
22 their own boilermakers and welders and the likes.

23 Then you say that everybody typically has refresher training
24 every 12 months?---That is correct.

25 What does the refresher training involve?---Exactly the same 11.54AM
26 thing, there's two attachments there, one's slightly
27 modified, and I emphasise slightly modified to
28 refresher training. It's called "the office", I think
29 is the only differentiation on the heading. It's
30 basically taken through the same process again. 11.54AM
31 So there are two sets of slides at attachment 9?---Yes, very

1 subtle differences, yes.

2 What process is in place to make sure that everybody
3 actually does their annual refresher training?---Yes,
4 this is recorded during, when you attend you sign an
5 attendance sheet and there's an assessment done on the 11.55AM
6 training at the end, and then that assessment is kept
7 by our HR Department and they monitor who hasn't been
8 trained or who has, and that's kept on record.

9 Is there any follow-up if somebody's, for example, been on
10 leave when the training course is provided?---Yes, 11.55AM
11 that's correct. There's periodic lists sent out to the
12 likes of myself or my Superintendents to say that these
13 people were missed, could you please arrange for the
14 next training session, that they be caught up.

15 That refresher training, does that also involve the 11.55AM
16 practical component or is it just the classroom
17 component?---It's predominantly the classroom component
18 and, as I said, weather permitting, outside and conduct
19 the practical, but we have the practical demonstration
20 on the desks. 11.56AM

21 Moving down to paragraph 33 of your statement, you talk
22 about the reticulated Fire Service's water system and
23 you've provided us with a diagram at Annexure 11 and
24 I'd very much like to get that up on the screen and ask
25 you some questions about it. Mr Dugan, what I would 11.56AM
26 like you to do is to explain to us what this
27 represents?---Yes, I can do that. It's a schematic so
28 it's not a very good diagram to be trying to show but
29 I'll do my best.

30 Is there a better one or is this the best you're able to 11.56AM
31 find?---No, none of the diagrams we've had up here

1 before. I could probably, if we go to the photo
2 probably explain it a little more geographically.
3 I'm sure we can switch between the two?---As Romeo
4 mentioned, the dirty water pumps, which are three, they
5 have the capacity of 600 litres a second in total, they 11.57AM
6 are pumping the water out of the bottom, the lowest
7 point of the mine and the last pond, and that gets
8 pumped into our reticulation system for firefighting
9 and/or dust suppression, which these firefighting
10 service pipelines can do. 11.57AM

11 The dirty water comes from those four ponds on the northern
12 side of the mine?---Yes, there is a huge catchment, the
13 mine in the surrounding areas, so water does drain into
14 the mine, and it settles in six ponds by the time it
15 gets to the dirty water pond. Then it pumps the water 11.58AM
16 around. The design of the ponds are such that, we can
17 also hold back in the event of a flood so we have the
18 capacity to - each pond has a valve connected to the
19 corresponding one and we can turn off valves and hold
20 floods back; in the other way we can also let more 11.58AM
21 water through to the dirty water pond in summer if need
22 be.

23 The dirty water pond, the three ponds pump the
24 water around a reticulated system, and if no water is
25 required, any excess water is pumped out by the works 11.58AM
26 effluent pond, which is a populated pond that it treats
27 before it goes into the Hazelwood Pondage.

28 Romeo then said that we had a clean water system,
29 that is the pumps that we use to de-water the aquifer
30 which is an underground lake under the mine. The 11.58AM
31 reason we're de-watering that aquifer is to maintain

1 stability in the batter. If we didn't de-water the
2 water pressure out of that, the water would rise in the
3 tide batters and we would have the potential for
4 collapse, so they're running at about 200 litres a
5 second, but they have a much larger capacity. 11.59AM

6 But that's separate to the Fire Service's pipe
7 work?---Correct but they can be opened into the Fire
8 Service system via what's called an H-section and that
9 water, that water from the artesian, can be directed
10 into the fire system as well. 11.59AM

11 There are different colours on this schematic, can you
12 explain the significance of those? There is a
13 key?---The colours are basically the diameter of the
14 water mains. Obviously, reading from the bottom you
15 have the bigger diameter mains which in this case are 11.59AM
16 anything between 1400ml diameter to 1,000 to 750.
17 Around the outside of the mine you have your larger
18 mains which then feed down into a smaller main which
19 feeds down into your Fire Service pipes. Most of our
20 Fire Service pipes, the smallest is 300 diameter steel. 12.00PM

21 Those pink pipes, they're the 300 diameter pipes?---Yes.
22 They appear to follow very closely where the conveyors are
23 where the operating face of the mine is?---Absolutely.
24 The reason for that is to provide coverage over the
25 coal surface areas that we have mined and also provide 12.00PM
26 protection for the infrastructure, which is your
27 conveyors, and then the dredgers can attach themselves
28 to that pipe work as well for their protection.

29 We've seen photographs of sprinklers connected into those
30 pipes on the operating area of the mine?---That's 12.00PM
31 correct.

1 Moving to the non-operational area of the mine, of course
2 where the fire burned is where we're most interested
3 in. What are the pipes, or as at 9 February what were
4 the pipes in place in the northern batters and in the
5 southeastern batters and on the floor of the 12.01PM
6 mine?---This big gap here is the rehabilitated area, so
7 we're looking at this void, and also the HARA Pond and
8 also the overburden dump, so there's no firefighting
9 systems on that area because it's closed. The Fire
10 Service systems, these two areas here, show on 3 Level 12.03PM
11 and 5 Level run up adjacent to the HARA damn wall.

12 The circle here I think indicates a tanker filling
13 point, that will probably be mentioned later. A tanker
14 filling point is where any of the mine tankers can go
15 up underneath and directly have water poured straight 12.03PM
16 in, they don't have to connect up to a main. On these
17 eastern batters you'll see water reticulation. There
18 was one on 1 Level, 3 Level and 5 Level on the
19 southeastern batters. Around the corner into the
20 southern outlet they were talking about today there is 12.03PM
21 some pipe work into there.

22 Those pipes along the northern batters in particular look to
23 be much wider diameter than the pipes on the working
24 face?---Yes, that's correct, they're predominantly 600
25 diameter along the bottom of the batter on each level, 12.03PM
26 and that's mainly to supply, have that volume of water
27 there to supply any - when it gets smaller as it comes
28 on further there.

29 Are those pipes just transmitting water to the operational
30 area of the mine or is it actually possible to get 12.03PM
31 water out of the them into the worked out area of the

1 mine?---No, they do have sprays on them, which are
2 monitors, sprays.

3 At what intervals are those sprays?---I'm unsure but the
4 policy is calling for, going off my memory here,
5 roughly about 55 metres, then a hydrant, then a spray. 12.03PM

6 In the time that you have worked at the mine has any of the
7 reticulated pipe network been removed?---Just in this
8 area, and I probably could probably bring up a
9 different photo if I could, it might be better to show
10 you. 12.03PM

11 We'll bring up the satellite view?---The pipe work comes
12 around the northern batters as you saw on the diagrams
13 here, but there was some pipe work in this vicinity in
14 here that was taken out; that was due to batter
15 stability issues that we had at the time because of the 12.04PM
16 water seeping out of the pipe work and the likes
17 leading to cracks so we had major issues within that
18 area. I also believe that was one of the areas, I'm
19 not sure but at the time we were looking at
20 rehabilitating as soon as possible there, knocking down 12.04PM
21 those batters there on the top.

22 While you're pointing at that map, just to be clear, the
23 area of the mine that has been rehabilitated, can you
24 point that out?---From here, right around to there and
25 it drops down around to there. This area here is 12.05PM
26 what's called the HARA, which is the Hazelwood Ash
27 Retention Area.

28 Am I right in understanding that that area that had been
29 rehabilitated did not burn during the fires
30 in February?---That's correct. 12.05PM

31 If I understand you correctly, there is one area of pipe

1 that's been removed in your time, is that right?---Yes.
2 And that's due to that instability issue?---Yes, in that
3 area there.
4 That's in the batters just to the west of the rehabilitated
5 area?---Correct. 12.05PM
6 And that area did burn during the February fires, did it
7 not?---It did eventually, yes. That was the area,
8 we'll get to that chronological events, but that's the
9 area that we did put pipe work into, but the actual
10 ignition of the fire was back here, I think this side 12.06PM
11 of the fire.
12 Just to the west of that clayed area, that is the fire hole
13 that was clay capped?---Just there.
14 Not long before, is that right?---I think clay capped over
15 the years for many, many years, but that area there, we 12.06PM
16 would have - I can't remember the exact date when it
17 previously had a bit of smoke coming out, but we dug it
18 out and clay capped it.
19 While we're talking about pipes I'm going to skip forward a
20 bit in the chronology and ask you to explain what pipes 12.06PM
21 were installed during the fire fight. You relate in
22 your statement a discussion you had with the Incident
23 Controller along the lines of, "Well, what do you
24 need"?---Yes, correct.
25 And you together identified a need for some more reticulated 12.07PM
26 water?---Yes.
27 Where did you identify that those pipes should go and what
28 was actually installed?---There was identified for
29 those pipes to go into this area here, where we took
30 the pipe out of. We had a good fortune, if I could 12.07PM
31 just go back a step, of calling upon our other mines in

1 the area, which was AGL, Loy Yang, and they provided us
2 with some expertise in pipe work engineering as we
3 needed some more engineers, so they came over and,
4 coupled with their experience, we ended up putting in
5 an alternative pumping scenario in the dirty water 12.07PM
6 pond. It was twofold for that; (1) we didn't have to
7 rely on electricity if something happened, (2) we were
8 recirculating the water, we weren't bringing water in
9 from the outside. So with that in mind, under the
10 direction from one of the engineers from Loy Yang, we 12.08PM
11 built this pipeline that completed a ring main right
12 around and connecting into a vulnerable pipe line and
13 went down into the bottom. From there we did spur
14 lines into these areas. Bearing in mind by this stage
15 this was fully alright and we had a lot of - we'll 12.08PM
16 obviously get to it, CO issues, carbon monoxide issues,
17 so our workers working in there were working in extreme
18 conditions, hence the helicopters were used to help
19 cool down areas and that in that area. So our
20 predominant line was to complete a ring main of which 12.08PM
21 we could put spur lines off. That was a 300 diameter
22 steel pipe work.

23 So that's the same kind of pipe that you use in the
24 operational area?---In all our operations, yes. They
25 come in 12 metre lengths and they have to be welded 12.09PM
26 together and we can tow about 60 metre to 100 metre in
27 length, so we had three sets of welding tanks working
28 day and night welding that together, and Loy Yang was
29 good enough, because you can't just snap your fingers,
30 get steel pipe within days, they had an order on the 12.09PM
31 way and we were able to use their order to start that

1 work off.

2 Just going back in time a little bit. When the pipes were
3 removed from that area, do you know whether there was
4 any risk assessment undertaken?---I'm not sure.

5 Again, is it Mr Kemsley who would know?---He would be the 12.09PM
6 one to ask and find out.

7 Essentially the work that you did, installing new
8 reticulated pipes or installing new pipes that formed
9 part of the reticulated pipe network during the fire,
10 was replacing the pipes that had been removed?---No, 12.09PM
11 some was but it was also in addition. We actually put
12 pipe work in around the bottom of the mine where there
13 was actual clay but we had some coal batters that we
14 weren't able to get to because of the clay covering; it
15 was too hard by machinery to get to it so we actually 12.10PM
16 put pipe work in there.

17 The other added feature was that we had a separate
18 pumping capacity which was diesel versus electricity.

19 So this is the first time that you've had an internal source
20 of power to move water around in the Fire Services 12.10PM
21 system?---That's correct. But you asked the question
22 of Romeo before about, could it have been generated,
23 I've asked the question since and the size of
24 generators it would need to drive our pumping system
25 would be horrendous, it would be huge, it probably 12.10PM
26 wouldn't - I don't even know if they exist. So doing
27 this as a separate own system that also linked into the
28 main as well, so that we can boost pressure which we
29 were suffering at the time.

30 So the diesel generator is not sufficient to pressurise the 12.11PM
31 entire system?---No.

1 It's a boosting capacity?---Yes. These are diesel pumps as
2 opposed to diesel generators.

3 Okay, sorry. It shortens the exercise?---That's right.

4 MEMBER PETERING: Ms Richards, are you going back to the
5 pipes diagram? 12.11PM

6 MS RICHARDS: We can.

7 MEMBER PETERING: Thank you. I'd just like to ask Mr Dugan
8 a question. On this diagram I'm reading "Tanker
9 filling port, points locations"?---Yes, circles that
10 represent the tanker filling points. 12.11PM

11 On 9 February were you aware, was each one of those
12 available to be used if the water was available?---As
13 far as I'm concerned, yes, if the pool water was
14 available.

15 Could any CFA tanker have access to - could the CFA tanker 12.11PM
16 fill up at those points as well with the appropriate
17 fittings?---Yes, well, they don't actually need
18 fittings. It's like a modern bathroom tap that comes
19 up and drops down like that, they can pull underneath
20 and the water column goes directly into their tanks. 12.12PM

21 The CFA tankers, I think, have an opening on the top,
22 correct me if I'm wrong, guys, but a volume of water
23 can go straight in, and/or they can connect to our Fire
24 Service mains via their hoses and they can fill up from
25 that, they can connect to the hydrants on our Fire 12.12PM
26 Service mains.

27 Provided the water is there?---Provided the water is there.
28 Thank you, Ms Richards.

29 MS RICHARDS: There will be evidence later today from a CFA
30 volunteer who was among one of the first crews to 12.12PM
31 respond on the northeastern side of the mine and his

1 experience was of not being able to find tanker fill
2 points and of finding some hydrants that did not have
3 the CFA compatible thread on them. My reading of the
4 mine's fire instructions, there's a clear requirement
5 that all of those hydrants have CFA compatible threads. 12.13PM
6 What process is undertaken to ensure that that is in
7 fact the case?---I'm unaware of us having any non-CFA
8 threads. Whether the thread was stripped I'm not sure,
9 you'll have to ask him at the time, but as far as I'm
10 aware, all our - and it's been a process ever since 12.13PM
11 I've been involved with connecting hoses to pipes, that
12 they are CFA compatible for obvious reasons.

13 Even a CFA compatible fitting would not have been of use
14 once the power was off and the pipe system was
15 depressurised?---No, but there'd be, it would be a slow 12.14PM
16 process of filling the trucks definitely.

17 I think his evidence is that they were able to find a
18 filling point on the northern side, which I'm inferring
19 is the one that's fed from the town water
20 supply?---Yes. You've also got to bear in mind, we're 12.14PM
21 into night-time by that stage, or late day, the mine's
22 full of smoke and I believe he's from Westbury, so you
23 haven't got the Morwell group that has training in our
24 mine, so I'm unaware whether he understands where our
25 pipe work is. 12.14PM

26 So it requires some degree of familiarity with the mine,
27 does it not, to know where the tanker filling points
28 are?---Absolutely, and that's why, if you read my
29 statement, we embed with the CFA strike teams escorts
30 or guides to - that's one of their purposes. 12.15PM

31 One more question in relation to pipes and water supply.

1 It's a requirement in the mine Fire Service Policy and
2 Code of Practice that there be tanker filling points so
3 that a tanker at any part of the worked out area of the
4 mine can reach a fill point within five minutes. How
5 do you test for compliance with that requirement?---I 12.15PM
6 haven't been involved in testing and doing an actual
7 time test on that, so I can't be sure of how it is
8 tested.

9 But on the northern batters it's fair to say, I think, that
10 all of the tanker fill points are up at grass level; is 12.15PM
11 that correct?---This one here is, from memory, on 3 or
12 5 Level, I'm sure of that.

13 And the remainder are up at the top?---Yes. But if the
14 other thing was up there, you will see we have ramps
15 and road connections, all of these levels are, apart 12.16PM
16 from the rehabilitated areas, has access along, they
17 have roads that are accessible, and so the time it
18 takes to get from a tanker filling point to some point
19 within the mine, that was where the five minutes comes
20 from and I do not know how that's been tested. 12.16PM

21 But again, it would help to know your way
22 around?---Absolutely .

23 Or to have a guide who did. Another piece of fire
24 preparedness that you are responsible for is the weekly
25 preparedness report, or RAG report as you refer to it 12.17PM
26 in paragraph 34 of your statement. Could we get that
27 document up, please, it's Annexure 13 to Mr Dugan's
28 statement. This deals with both flood and fire. But
29 on the Monday before 9 February you give the fire
30 preparedness a pretty good rating in this document and 12.17PM
31 the only area of concern is the weather forecast

1 looking forward?---That's correct.

2 There's one item that I'd like to ask you to talk a little
3 bit more about which is right at the very bottom of
4 that page. One of the issues that's identified as
5 needing to be managed is fire hot spot status 12.18PM
6 throughout the mine, and of course you've had recent
7 experience of two fires breaking out from that source
8 in the last decade. There's a note there, "The north
9 batter hot spot remains inactive since being plugged
10 four weeks ago. Still monitoring." Could I ask you 12.18PM
11 first about the plugging of the northern batters hot
12 spot?---Sure. The northern batters hot spot when we
13 notice it, it is just a small column of smoke, it might
14 be as big as this glass, be wisping up out of the
15 clayed surface. Our belief is that - well, coal is 12.18PM
16 very fractious, there can be some form of movement, and
17 oxygen may find its way down into there, but then
18 provides a fire chain to allow some smoke to come up
19 and work its way up through the clay; it's our signal
20 that there is, there's obviously some oxygen getting in 12.19PM
21 there. To answer your question directly, what we do,
22 we either send an excavator in there and just dig out
23 that hot spot down to three or four metres and then we
24 bring in fresh clay and then compact it over the top.
25 Basically taking the oxygen out of the triangle. 12.21PM

26 And that's the process that you'd been through approximately
27 four weeks previously, so very early in the New
28 Year?---Yes.

29 Then you say, still monitoring, so what was the monitoring
30 that was done for that hot spot?---Monitoring in the 12.21PM
31 mine is eyes and we have lots of people that are

1 looking at that area, and indeed even the management in
2 their drive-arounds do drive in there occasionally and
3 just look and see if they can see any signs of smoke or
4 anything escaping there that would tell us that some
5 oxygen has got in there. 12.21PM

6 Is there any record of the monitoring that was
7 undertaken?---No, it's just visual and it's something
8 that our 2x12 - we have approximately 21 personnel who
9 are operating in the mine along with the 1x7 services
10 group, the maintenance groups and a lot of contractors 12.21PM
11 there that, you're eyes are going around and, believe
12 it or not, they're very attuned to anything that's blue
13 in smoke which suggests that that's a fire as opposed
14 to steam that's coming off our artesian water.

15 So as at 3 February, that hot spot had not shown any signs 12.21PM
16 of activity?---No.

17 Since it had been recapped about four weeks
18 previously?---Correct.

19 Is this the one that is just to the east of where the fire
20 broke out on the northern batters?---Correct, you saw 12.21PM
21 that in Dave Shanahan's.

22 In Dave Shanahan's photographs we saw yesterday?---Correct.

23 Is that the hot spot that's often referred to as Old
24 Faithful?---Unfortunately, yes, and I think I might be
25 responsible for giving it that name, much to my 12.21PM
26 disgust.

27 In light of the very serious forecast for the weekend of
28 8 and 9 February, did you update this status report
29 before you left work on the Friday afternoon?---No.

30 Can I just say what the purpose of this report's for? 12.21PM
31 Sure?---The purpose of this report, RAG not being a

1 derogatory name, it's red, amber green, it's a very in
2 your face, hit you straight away, short sharp document
3 on the conditions within the mine. This was something
4 that we developed with the Executive Management Team
5 during the previous year, and it was something that I 12.22PM
6 could give them on the Monday for their weekly catch up
7 meeting, that they can see if there's anything
8 outstanding that needs their attention further, and
9 that's all it's there for; it's not a comprehensive
10 preparedness plan. We have another plan for that. 12.22PM

11 Okay. So the take away message from this document is, we're
12 ready but better keep an eye on the
13 weather?---Absolutely.

14 On Friday the 7th you were getting ready for a week's leave;
15 is that correct?---That's correct. 12.22PM

16 In the course of that afternoon did you become aware of the
17 Hernes Oak Fire to the northwest of the mine?--- I did.
18 What information did you have about it at that time?---I
19 wasn't aware of where it started but I was aware that
20 it was in the Hernes Oak area, and I know where Hernes 12.23PM
21 Oak is so I knew roughly where it would be. If I could
22 just add further with that, I have a very strong
23 relationship with the local CFA, and Station Officer, I
24 think his correct title is, Shane Mynard, and he
25 contacts me regularly if he sees that we might be 12.23PM
26 having a total fire ban coming up or the likes, just
27 regular contact, and I'm unaware and I didn't record it
28 but he would have had to have rung me to say that there
29 was something going on in that area.

30 So that's another possible source of your knowledge that 12.23PM
31 there was a fire burning to the northwest of the

1 mine?---Also, we have a number of members of our work
2 group that belong to the CFA and they carry pagers, and
3 we were already getting workers coming to us from their
4 paged messages to say that there was a fire on the
5 Hernes Oak.

12.24PM

6 So no question, you knew about it?---Yes.

7 Did you know about the very serious fire weather forecast
8 for the weekend of the 8th and 9th by the time you left
9 work on the 7th?---Yes, I knew there was definitely a
10 total fire ban, because I think that was intimated on
11 the Thursday night on the news I think.

12.24PM

12 It had been declared very early on the Sunday?---Early, yes,
13 two days in a row.

14 Had you appreciated that Sunday was going to be the
15 particularly bad day with the wind change coming
16 through at some stage?---I can't recall differentiating
17 between the Saturday and Sunday but, if I had of seen
18 it, yes, it would have been a concern, yes.

12.24PM

19 You talked about that day in October 2006 when the fire
20 broke out as being a Black Saturday kind of day?---Yes.

12.24PM

21 Did you understand that you were facing a Black Saturday
22 kind of day on the Saturday and Sunday of that
23 weekend?---No, I just undertook it to be extreme
24 weather - sorry, a total fire ban which indicates
25 already that, for the CFA matrix to determine a total
26 fire ban it has to be fairly substantial weather.

12.25PM

27 But we had a very hot dry spell, there had been hardly any
28 rain during January, hadn't there?---That's correct.

29 The forecast was for very hot weather and for very windy
30 conditions on the Sunday?---I accept what you said. I
31 can't remember reading that it was windy but I accept

12.25PM

1 that, yes.

2 You can't remember being aware of that when you left work on
3 the Friday evening?---Absolutely, can I talk to you
4 about before I left work what was arranged. Due to
5 that information of a total fire ban - a total fire ban 12.25PM
6 in your own mind and the reason obviously that it's
7 called that in Victoria, it really ramps up in your
8 mind that something's - the weather is not going to be
9 conducive. So I, along with Dave Shanahan, and Dave
10 mentioned yesterday, we talked about that and we 12.26PM
11 decided that, yes, we should be putting out a fire
12 preparedness and mitigation plan for both Saturday and
13 Sunday.

14 You have attached that to your statement as Annexure
15 14?---Yes. 12.26PM

16 There's one thing that you can help clear up for me is the
17 distinction between a fire preparedness plan and a Fire
18 Alert?---Sure.

19 Until Mr Shanahan gave evidence yesterday, I had understood
20 that if there was a total fire ban in place of course 12.26PM
21 you would all be on alert, but that there were
22 conditions that might short of a total fire ban that
23 would cause a person in Mr Shanahan's position to
24 declare a fire alert. Is that the way it works?---Not
25 quite. A fire alert - I'm not a computer guru, but I 12.27PM
26 think it's based on the same matrices as the CFA use
27 for their total fire ban, which is humidity, wind
28 speed, temperature and fuel. We have, as mentioned I
29 think by one of the previous witnesses, that on our
30 operational system it monitors these matrices and it 12.27PM
31 actually starts flashing up on the screens of our

1 Control Centre Attendant, and indeed anybody else who
2 can access the operational screen, what stage the day's
3 going to, and goes from low alert, medium alert, high
4 alert, extreme, fire alert.

5 Is that based on actual weather conditions at that time or 12.27PM
6 forecast conditions?---Yes, we have a number of weather
7 stations around the mine, I think there's three and
8 plus I think they include the one at the Latrobe Valley
9 Airport as well.

10 So a fire alert is not like a total fire ban done in 12.28PM
11 advance, it's done on the basis of conditions at the
12 time?---Correct.

13 So that explains why in the fire preparedness plans that
14 Mr Shanahan prepared in consultation with you, no fire
15 alert was actually declared for the Saturday or the 12.28PM
16 Sunday?---No. A fire alert would only be declared by
17 persons on site when the conditions got to that
18 extreme.

19 If I could just point out with the fire alert, one
20 of the main factors with the fire alert is to get all 12.28PM
21 unnecessary people off the coal surfaces so that they
22 don't run a risk of creating an unwanted spark, so it's
23 primarily aimed at your maintenance and the like. So
24 on a weekend you already have restricted access to
25 those levels. 12.28PM

26 When conditions reach a certain level of seriousness, all
27 those non-essential services are removed from exposed
28 coal areas?---Yes, that's correct, and then they go
29 into another - you just don't remove them and sit them
30 in the office; they then go into a patrolling and 12.29PM
31 roving capacity for fire watch.

1 When you left to go on your week's leave in Mallacoota on
2 Friday the 7th, did you have any concern that perhaps
3 you should stay for a day or two to see what went
4 on?---I left late because we were sort of still
5 monitoring the situation, and I rang - I haven't said 12.29PM
6 here, but I believe I rang my Services Supervisor, Dean
7 Soares, who was rostered on, just asked him, how are
8 things out, because Dave had set up some trucks and
9 graders and dozers to be patrolling out in that
10 vicinity on the grass level and he said it's all quiet, 12.29PM
11 nothing seems to be going on.

12 I do recall on the Saturday morning or somewhere,
13 either a news report or something to say that it was
14 contained and that was how I left.

15 So you were away from Morwell when the fire broke out and 12.30PM
16 had some difficulty getting back due to the fires in
17 East Gippsland?---Yes. I was out on the water and
18 uncontactable until I got off the water at 3.30, when I
19 saw a number of missed calls, and before I had even
20 pushed a button to ring some of the missed calls I was 12.30PM
21 contacted by the then Production Superintendent, Matt
22 Weddell, who explained that we had a fire spotted into
23 the open cut. I then subsequently during the course of
24 the evening knowing - and he did say that Romeo - I'm
25 not too sure, I asked the question who was in charge 12.31PM
26 and he said Ian Wilkinson was still the Emergency
27 Commander. Now, I can't remember how many calls I did
28 on and off, but during the night I rang Romeo because
29 I'd found out he was the Emergency Commander and he
30 gave me more of an update and I think I might have rang 12.31PM
31 James later in the night when he changed over.

1 Then from news reports there was fires in, I can't
2 remember the exact location, but in the Orbost area and
3 the highway had been blocked, so I couldn't travel back
4 that night.

5 Let's pick up the story when you returned to the mine. You 12.31PM
6 managed to get back, I think it was, on the
7 Tuesday?---Yes, at 4.00 p.m. - sorry, no, Monday at 4.
8 On Monday at 4?---Yes.
9 By that time the CFA had assumed control?---Yes.

10 But you were very involved from that point on in the mine's 12.32PM
11 response, in the mine's contribution to suppressing the
12 fire?---Yes. On the way home I got my wife to drive so
13 I could talk on the phone, and I had some contact with
14 Steve because I knew he was in the Control Centre, in
15 the Emergency Control Centre. At this point in time I 12.32PM
16 knew how busy Romeo and the Emergency Commanders would
17 be to be receiving phone calls from someone that's not
18 involved in the fire, so I spoke to Steve about what he
19 expected of me when I was coming back. We discussed
20 then that I would probably take over the day shift 12.32PM
21 running of the Emergency Command because of my
22 experience in previous fires.

23 And that's what you did really from then until the point
24 where the fire - - -?---Day 45.

25 I don't want to ask you about all of the detail of that 12.33PM
26 suppression effort but you've given us a detailed
27 account in your statement, but there are a couple of
28 things that I wanted to explore with you. When you
29 took over on the first day shift on Tuesday the 11th,
30 you say there was an emergency command structure that 12.33PM
31 had been established at the mine and this is at

1 paragraph 48.

2 So the CFA were in control at that time, they had
3 their own incident command structure. What was the
4 relationship between your emergency command structure
5 and the CFA's incident command structure?---Very close. 12.33PM
6 They're at a local level. The person in charge at that
7 point was Peter Lockwood on the ground, the ICC was
8 still getting run from, I think, Traralgon, I'm not too
9 sure. But Peter Lockwood, who I know quite well from
10 previous experience, was there at the time and he was 12.34PM
11 the man in charge. I could see from the Monday when I
12 came back and sat in the background and listened and
13 watched that the liaison that was going on between the
14 two had set in, and that's how we've run previous
15 fires. 12.34PM

16 Just to be clear, you had your own command structure within
17 the mine?---Correct.

18 And the CFA had its command structure?---Yes.

19 Into which it fitted people from MFB, Department of
20 Environment and Primary Industries, interstate 12.34PM
21 firefighters as they became available, but throughout
22 the fire fight you had separate command structures; is
23 that correct?---Yes, that's correct.

24 Very close liaison, but not integrated?---No, the
25 integration was happening on the ground in the sense 12.34PM
26 that, I developed - initially James and Romeo had
27 divided it into two rough sectors, north and south. I
28 broke that down into a more manageable sectors called
29 the northern batters, the eastern batters and
30 southeastern batters. The CFA were initially the 12.35PM
31 strike team leaders because the volunteers were still

1 involved in the first week, but as the fire went on and
2 the ability to get volunteers, a lot more permanents
3 were coming in, so they had what's called sector
4 commanders operating under their operational Commander
5 and we decided to call our Supervisors Sector 12.35PM
6 Commanders so that we could have them sitting at the
7 same level.

8 I then in the initial day organised that we would
9 have briefings at 6 a.m., 12 noon and 6 p.m. Now, the
10 reason for that was so that our Supervisors/Sector 12.35PM
11 Commanders could liaise with the outgoing Sector
12 Commanders and we could update both groups at the same
13 time with the relevant information on history and what
14 our strategies were going forward.

15 The CFA in the initial stages were there, but 12.36PM
16 their Sector Commanders were still getting established
17 and sometimes they didn't make it, but by the end of
18 the first week there was the integration at those
19 meetings of the CFA Sector Commanders, our Sector
20 Commanders and I would lead the three meetings. 12.36PM

21 Were the CFA sectors the same as sectors?---Yes, absolutely.
22 So they hadn't been initially, you said Romeo and James had
23 divided it into two rough sectors?---Yes.

24 But there's an incident action plan that was developed on
25 the night of the 9th that was in a place for the 10th 12.36PM
26 that does identify four separate sectors?---Yes.

27 Were they the sectors that were in place subsequently?---No,
28 that was initial thoughts but with the - as you can
29 imagine, the CFA were evolving, there was equipment and
30 men coming in, the advent of the MFB coming in and 12.37PM
31 other agencies coming in. So, it was sort of in that

1 period of time I would say that it was pretty hectic
2 and chaotic, so the actual rigidity of those sectors
3 was not established until about the Wednesday.

4 So from the Wednesday you were operating with the same
5 sectors?---Yes.

12.37PM

6 But you effectively had two Sector Commanders in each
7 sector?---Yes, and there was a reason for that.

8 That's why I'm interested in hearing because that seems to
9 be a doubling up and a potential source of confusion
10 about who should be doing what and who should be

12.37PM

11 answering to whom?---No, that's fine. No, there's a
12 reason for that and that is because there's two
13 distinct roles there. The CFA Sector Commander was in
14 charge of the firefighting appliances, ie the
15 telebooms, the aerial appliances, the airport tenders,
16 whatever the gear they had in. Our role was to support
17 them and also operate with them our firefighting
18 equipment. So we had at the height of the fire we
19 had - could I refer to my notes, if I can find it.

12.38PM

20 At the height of the fire we had an additional 33
21 items of mobile plant in above our normal capacity and
22 that consisted of five 30 tonne all terrain cranes with
23 crane monitors, and they will be supported by a crew
24 that would man our booster pump trailers that would
25 enable them to get the water pressure.

12.39PM

26 We also had two initially 30,000 litre all terrain
27 articulated fire tankers on the site; that was boosted
28 to seven we had operating. We had seven long-reach 30
29 tonne excavators as well. So that type of equipment
30 was run by ourselves because we're the subject matter
31 experts or trained and competent in that equipment.

12.39PM

1 The CFA were trained and competent on their own
2 equipment but we needed to liaise between each other
3 because we had to work in with one another, hence the
4 Sector Commanders would talk to one another during the
5 course of the day and be able to have the ability to 12.39PM
6 move their machines with each other, and if the CFA
7 needed help, for example their appliances were attached
8 to Fire Service mains and they had lots of hoses
9 attached, we would have crews come in and work with
10 them to move that machine to another stop, so there was 12.40PM
11 a lot of liaising.

12 The other thing too with a fire of this size is it
13 creates a lot of infrastructure damage, that being
14 roads, drains, power, water, and debris is brought in.
15 To even move around, we have to have earthmoving 12.40PM
16 equipment operating all the time to clear access with
17 that.

18 Do you think there might be some scope to explore closer
19 integration of that command structure when responding
20 to a fire?---Absolutely. They brought - - - 12.40PM

21 So you don't have two parallel command structures operating
22 next to one another?---It sounds parallel but in the
23 field it wasn't parallel. What I would - some of the
24 learnings that I would take out of it is that we would
25 have the same communication system that would link both 12.40PM
26 together. We had some form of linking, but it was
27 mainly our personal or mobile phones, so I think in the
28 event we would have some form of communication that
29 could be linked, but the actual structure - - -

30 And you mean, like the radio communication system?---Yes. 12.41PM

31 The mine's and CFA's are quite different, are they?---They

1 are. As mentioned before we had a number of portable
2 radios that we put into the CFA appliances that could
3 be used to, whilst the CFA aerial appliance will be
4 fighting a high batter, he will be in contact with one
5 of our diggers to dig out the hot material and drop 12.41PM
6 down to him, so there's a lot of interaction going on
7 there between the crews.

8 There's one other area I'd like you to expand on. You talk
9 from paragraph 82 onwards about carbon monoxide
10 management and you comment on, I suppose it's fair to 12.41PM
11 say, different work practices between the crews at the
12 mine and the firefighters who are coming in from
13 outside to respond to the fire. You said at
14 paragraph 85 that there were problems that hampered the
15 firefighting effort. Can you expand on that?---Yes, 12.42PM
16 this was in the initial stages in the first week. The
17 CO had come to light in the 2006 fire as an issue in a
18 coal mine. From that, the CFA had developed a - I
19 don't know recall the policy, I don't understand their
20 terminology - but had developed then, we have somewhere 12.42PM
21 a set of slides that show what was acceptable in a fire
22 front. So we incorporate that into our mine fire
23 instructions, and that was - I'm going on memory here
24 without reading them - below 30 parts per million,
25 which is an atmospheric measurement. We would 12.43PM
26 undertake our firefighting without being hampered, in a
27 sense, and then above 30 parts per million up to 200
28 parts per million we could work, but no more than two
29 hours, a two hour period.

30 Now, that's the way we started on the first day, 12.43PM
31 as I think Romeo or someone pointed out. We have banks

1 of CO monitors spread throughout the mine and they were
2 issued to our firefighting workforce and they were
3 carried on their persons within the work group and they
4 were able to ascertain whether they were in that sort
5 of level of carbon monoxide. Do you want me to 12.43PM
6 continue?

7 Please do?---With that, there was some confusion on what the
8 CFA were using and they - if you permit me to read what
9 I've said here. They then required or directed us that
10 we should be having a two hour break after two hours' 12.44PM
11 work.

12 Where did that direction come from?---From my counterpart,
13 the correct terminology at that point in time I'm not
14 sure, but it was the Operations Commander on site.
15 That we would work two hours and have to bring our guys 12.44PM
16 out after two hours. Then the finger testing began.

17 And there was an equipment - - -?---There was only one.
18 There was only one and it wasn't working that well?---That's
19 correct. They worked out that the erroneous readings
20 were caused by UV - the ultraviolet light from the 12.44PM
21 lights and indeed the dirty hands of the firefighters
22 so the CFA made moves to fix that. But what it was
23 doing was, it was holding our workforce out longer than
24 we thought, or our own policy said.

25 You were able to resolve that?---Yes. 12.45PM

26 By 18 February?---Can you show me what paragraph that's on?
27 Paragraph 86, so at 30 parts or less than 30 parts
28 per million there was no need to apply the two hour
29 rule?---Yes.

30 And it was only when the readings were over 30 parts 12.45PM
31 per million that people could only work for two hour

1 shifts?---That's correct.

2 But later in your statement you suggest that CFA or the
3 firefighters under CFA control continued to work for
4 two hours with a two hour rest?---Yes, that is correct,
5 and I thought that that had been worked out, but I then 12.45PM
6 found out that this was due to a fatigue policy. So
7 their workers would work two hours, then come back out
8 and be replaced by another crew that would go down and
9 take over their firefighting appliances.

10 So that was for fatigue management rather 12.46PM
11 than - - -?---That's what I was told by the CFO.

12 At paragraph 88 you say that, as far as you're aware, nobody
13 had to be treated for carbon monoxide exposure arising
14 of the firefighting effort. Is that referring to mine
15 employees and contractors only?---Yes, that would be 12.46PM
16 the case. What I meant by that was that they would
17 stay in hospital and be treated for any exposures.
18 When the erroneous readings were happening with the UV
19 light and the dirty hands, we had a lot of readings
20 that were going over the 5 per cent, which is different 12.46PM
21 to the atmospherics, it's a percentage of CO in the
22 blood, and that was triggering our persons to go to the
23 hospital to report, but we had no person, once they
24 were tested at the hospital, could verify that their
25 percentage of CO was not over the limit. 12.47PM

26 But these were the people working under your
27 control?---Under my direction.

28 Firefighters under the CFA incident control is a separate
29 issue?---Yes, I'm only speaking for my own firefighting
30 team. 12.47PM

31 I have no more questions for you, Mr Dugan. The Board may

1 have some questions.

2 MEMBER PETERING: Mr Dugan, Ms Richards invited you to
3 express your learnings and particularly around the
4 integration of the sector supports. Given you're the
5 Mine Production Manager, would you mind indulging in 12.47PM
6 perhaps some learnings around preparation that you
7 picked up on behalf of GDF that you may have done
8 differently?---In preparation, can I just expand just
9 to give you a bit of an idea what our preparation was,
10 it hasn't been brought out here, it may later, but we 12.48PM
11 have a program when, prior to the fire season starting,
12 we have an extensive slashing program and that
13 encompasses about 530 hectares of land between the mine
14 perimeter and the mine boundary. We have lessees also
15 that own land in there that are instructed to, if 12.48PM
16 they're not cutting it for hay before the end of
17 the year, we'll have it slashed. That is ongoing and
18 that happens every year. There's also a review done of
19 it in the February to see if there's any regrowth and
20 then, if there is, we would slash it again. So, in 12.48PM
21 fact, in the part of mine preparedness, I think we were
22 pretty good.

23 We must realise also, we're very focused also on
24 fire coming from the mine out caused by plant or the
25 like, so hence that's sort of our focus. Yes, there is 12.49PM
26 the chance of fire coming in but, as I said to you,
27 we're surrounded by grasslands, and we took - by the
28 slashing and the perimeter road that we have around the
29 mine, any fast-moving grass fire, we believe, would not
30 come into the mine. 12.49PM

31 So nothing further in relation to preparation given the

1 weather situation you've identified in your RAG report,
2 nothing further you would have done?---At this point,
3 what I can recollect, without probably leaving this
4 witness stand and say I probably should have said that,
5 no, I can't think of anything at the moment.

12.49PM

6 Thank you.

7 <CROSS-EXAMINED BY MR RIORDAN:

8 On that topic, Mr Dugan, I think you also mentioned that
9 there's an annual audit report, is there not?---That's
10 correct.

12.50PM

11 You also mentioned the audit report, if I can take you to
12 Annexure 10 to your statement if that's achievable. Do
13 you have that in front of you as well?---Yes, I have
14 that in front of me.

15 Can you indicate to the Board the sort of work that this
16 covers in the audit report?---This audit report is
17 conducted prior to the fire season yearly, and it looks
18 at all the equipment that we have for firefighting
19 purposes is checked and that it is not malfunctioning,
20 ie the trucks, the number of hoses that we have in
21 stock. If there is defects, we fix them directly after
22 the audit. The sprays, whether the sprays are working
23 properly; the hydrants, whether they're working
24 properly and the likes, that's tested at the same time.

12.50PM

12.50PM

25 The mine also consists of conveyors and these
26 conveyors come out of the mine to the raw coal bunker
27 and they have a firefighting system applied there as
28 well and that is all checked and ticked off.

12.51PM

29 Can I take you to page 48 of 50 in that report. Could you
30 tell the Board what that records?---That's the diagram
31 that we had up before, part thereof. It says - are we

12.51PM

1 looking at the same page?

2 No, we're not, that's the overburden. The next page, that's
3 the page you're being directed to, yes?---Yes. What it
4 says there is that there they've found out that there
5 two hydrants on 3 Level, six ball valves on one level 12.52PM
6 and two on 3 Level, the two hydrants need replacing,
7 they're basically giving a description on some of their
8 parts that they've found that were inactive and needed
9 to be replaced.

10 On the point about the witness who later on today talks 12.52PM
11 about non-compatibility with CFA, are you aware
12 anywhere on the site where there are any water
13 connections which aren't CFA compatible?---No, I'm not
14 aware.

15 And so, you suspect that, if they had difficulties in 12.52PM
16 connecting their equipment, the problem lay
17 elsewhere?---It may do.

18 You were asked about the pipelines, on that northern batter
19 pipeline you mentioned that, as a result of
20 rehabilitation there'd been some pipelines removed 12.53PM
21 there, and also as a result of some defective or
22 leaking pipes, there have been some removal of pipes in
23 the area. Is that right?---That's correct.

24 Is your understanding of the terms of the mine licence of
25 GDF Suez that in fact you're required to have pipes 12.53PM
26 there under the terms of that licence?---No, I think in
27 the policy, I think it says that we have to have our
28 benches covered in clay and that is what in fact we
29 have, we have clay roads along the benches and then the
30 clay's taken out to the top of the batter and to the 12.54PM
31 bottom, or what we call the toe, where there is a

1 drain.

2 But nonetheless, you leave what pipes in there that you
3 can?---Yes.

4 In particular, there's been references to this fire
5 preparedness plan. Could I take you to Annexure 14. 12.54PM
6 Annexure 14 has the pipe preparedness plans for the
7 Saturday and the Sunday which you've given evidence you
8 assisted Mr Shanahan in preparation of these documents.
9 Is that right?---That's correct.

10 And they were prepared in light of the fact that the weekend 12.54PM
11 coming up was plainly going to be a high risk fire
12 weekend; correct?---That's correct.

13 Could you explain to the Board what it is that these
14 guidelines are requiring GDF Suez staff to do?---It
15 sets out there - first of all, is it a total fire ban 12.55PM
16 and is there any background message that we need to
17 give the employees. We also show there where our
18 machines are, ie the dredges and the mobile slews and
19 the stacker in relation to the operational face. And
20 then preparedness for fire, it shows there that all 12.55PM
21 pumps, east header sprays must be checked on Friday the
22 7th. You will see down there, operations to operate
23 remote east headers on all face conveyors Saturday
24 nightshift. Saturday nightshift in coal mine language
25 is Friday night, so our operational workforce was 12.55PM
26 dampening down the mine during the night in preparation
27 for the next day so that the 1x7 workforce didn't have
28 as much work to do in dampening anything else.

29 Then it goes on to the manning and available
30 resources. It shows you there - - - 12.56PM

31 Before you leave that, you talk about all unmanned machines

1 to be fully hosed up. Can you explain what that
2 means?---Yes, all the dredges and mobile slews if
3 they're not manned, ie if they're not digging, they
4 must be hosted up, and hosted up means they're
5 connected by a 90 ml lay flat hose from the machine to 12.56PM
6 the charged Fire Service main so that, in the event of
7 a fire, the main can just being activated and turned on
8 and the sprinkler system on the machines commence.

9 These machines have their own sprinkler systems incorporated
10 into the machines?---That's correct. 12.56PM

11 There is also talk about the east head header sprays and the
12 pumps being checked, pumps playing up. What are east
13 header sprays?---Yes, along each conveyor, along each
14 face conveyor which is the conveyor that runs along the
15 operational face, there's two water supply pipelines, 12.57PM
16 they are 300 diameter steel pipelines, they're about
17 1.5 kilometres long which is the length of the
18 conveyor, average length. The east header in obvious
19 terms, east of the conveyor, that has all the valves
20 turned on but the line is not charged and that can be 12.57PM
21 activated from the Control Centre operator and he
22 can - - -

23 So it has a remote control, does it?---Remote control. The
24 water pipe on the other side of the conveyor remains
25 charged all the time. 12.57PM

26 What's that for?---Charged means full of water, and under
27 pressure.

28 And that's called the west header, is it?---That's correct,
29 and that allows any person to turn on any spray or
30 hydrant. 12.57PM

31 That's not remotely operable?---No, because it's charged.

1 "To relocate the portable sprays if necessary within the
2 mine coal areas to maximise water spray coverage", what
3 does that mean?---It means we have a number of portable
4 water sprays, they are the same as the sprays that sit
5 in our water pipes, and they're in a triangular pyramid 12.58PM
6 configuration so they can be lifted by two persons, and
7 they can be put into areas where the actual sprays of
8 the Fire Service pipes can't reach and they sort of
9 plug the gaps, so to speak, on the coal benches,
10 operating benches. 12.58PM

11 The next line talks about intermittent sprays, why are they
12 intermittent? You see, "Sprays on intermittently from
13 Saturday"?---Yes, intermittently means we are
14 continually wetting down the mine surface. If we
15 turned all the sprays on in the mine surface we would 12.58PM
16 just about flood it and we wouldn't be able to dig any
17 coal. So intermittently, we'd have it on for a couple
18 of hours, stop it, go to the next one, turn it on, stop
19 it, and by doing that it maintains - all the coal
20 remains damp. 12.59PM

21 That's from 7 o'clock in the morning, but two down they're
22 talking about operating of remote east headers and all
23 face conveyors on the Saturday nightshift?---Yes,
24 that's because the 1x7 services are not in at night and
25 you'd have a health and safety issue walking along coal 12.59PM
26 benches turning on sprays on and off, so we help them
27 by having it remotely controlled and there's four east
28 headers that can be turned on from the Control Centre.
29 So that's basically creating a fire break or wetting
30 coal so that it doesn't have to be done as quick in the 12.59PM
31 next day.

1 You've heard some of the former members or workers
2 particularly in the SECV days talk about wetting down
3 the coal surfaces. Was this done?---Yes.
4 On this weekend?---Yes.
5 They also talked about having availability of tankers and 01.00PM
6 the like. Can you explain to the Board what tankers
7 this requires to have available and other
8 appliances?---Yes. We have two CFA, ex-CFA fire
9 tankers which are 3,000 litre capacity, one stationed
10 at the mine, the other one stationed with Diamond 01.00PM
11 Protection who are our emergency provider. We also
12 have two 30,000 litre all terrain articulated water
13 tankers and they have the capacity to either supply
14 water to firefighting efforts or indeed they have two
15 monitors remotely controlled from the cabin, but they 01.00PM
16 can hit large structures or batters.
17 Is that a convenient time?
18 CHAIRMAN: Yes, but I'm going to ask a question that you may
19 want to deal with after we've resumed. In paragraph 25
20 of your statement you referred to significant learnings 01.01PM
21 from previous fires. I'd like your comments on whether
22 one of the potentially significant learnings from this
23 fire was that there ought to be taken into account
24 significant health risks from a fire in a mine so close
25 to a town?---I think you're right. I don't disagree 01.01PM
26 with that, but at the point in time we were fighting a
27 fire and you're responsible for the firefighters and
28 the personnel in the fire, so my primary aim, along
29 with the CFA, is to protect the health and safety of
30 the firefighting workforce, so you're sort of - your 01.01PM
31 consideration is (a) first - - -

1 (a) Is your fire personnel, your mine personnel?---Yes.
2 But query whether (b) is the people in the adjoining area or
3 (b) is the operating area protection. I gather, the
4 lives of the people in the adjoining area would be (b),
5 if you had to be put to it, but from what you're saying 01.02PM
6 there wasn't consideration given to that which goes
7 under life and death but significant health
8 risks?---You're right there, but the Morwell township
9 was suffering smoke from week 1. That was firmly on
10 our minds at any time. Our strategy was to knock out 01.03PM
11 the northern batters, which is closest to the freeway
12 which is closest to the township, so most of our
13 firefighting efforts were aimed in that area to knock
14 that down as soon as possible.
15 And that was, say, as against the southern batters because 01.03PM
16 of your perception that something needed to be done for
17 the citizens of Morwell rather than with the southern
18 batters where you could have easily put attention. You
19 chose, because of the reasons you've mentioned, to
20 direct it to the northern batters?---Absolutely. In 01.03PM
21 the initial stages of the fire fight, the first two
22 days, we operate under, as Mr Lapsley indicated,
23 primacy of life, I think it's communication to the
24 public and then critical infrastructure. We had no
25 primacy of life issues, and at that point of time no 01.03PM
26 public issues, as in communicating because the CFA were
27 the combatant authority. Our third one is the
28 infrastructure. But within the second or third day the
29 attention was turned to the smoke that was enveloping
30 Morwell and just coming off that. 01.04PM
31 So it wasn't in the express priorities, but you included it

1 because of its relative significance as assessed at
2 that time?---Absolutely, and just to ratify that, I
3 used to participate in the morning briefings of the CFA
4 and MFB when they come on site, and you had a lot of
5 people coming from interstate or other parts of the
6 State not knowing the area and really not knowing the
7 reason - they're there to fight a fire, but one of the
8 things that we made plain and clear on the day, you are
9 here to try and stop the fire, to stop the people of
10 Morwell getting inundated with smoke. Obviously health
11 and safety was the number one concern, but the main
12 strategy, main priority was to stop this smoke getting
13 into Morwell. There's no question.

01.04PM

01.04PM

14 Thank you, we will resume at 2 o'clock.

15 <(THE WITNESS WITHDREW).

01.04PM

16 LUNCHEON ADJOURNMENT

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1 UPON RESUMING AT 2.00 P.M.:

2 <ROBERT RONALD DUGAN, recalled:

3 MR RIORDAN: As the Board pleases.

4 Mr Dugan, before I forget, yesterday there was a question

5 raised with Mr Harkins about fire preparedness plans 02.02PM

6 and what had been prepared earlier in the bushfire

7 season. Have you had the opportunity of getting a

8 printout that shows when that occurred?---Yes, I have.

9 I looked up when I'd sent the plans out in January, and

10 if I could just read the dates: There were six 02.02PM

11 preparedness plans ranging from 13/1, 14/1, 15/1, 16/1,

12 27/1 and 2/2. Thank you.

13 Would the Board prefer that document be tendered or would

14 that transcript evidence satisfy the need?

15 CHAIRMAN: We accept his evidence without question. 02.02PM

16 MR RIORDAN: Thank you. Could I take you back to the fire

17 preparedness plan I was asking you questions about at

18 lunchtime which was exhibit 14 I think. I think you

19 got down to manning and available resources in

20 explaining it. The Diamond Protection fire tanker, 02.05PM

21 could you tell the Board what's that tanker?---As I

22 mentioned before, we have two ex-CFA tankers on site

23 which are 3,000 litre capacity, one of which is

24 stationed with the Diamond Protection at the front

25 gate. It can also be utilised in first response to any 02.05PM

26 emergency in the power station and/or mine.

27 Adequate manning of the 1x7 crew, what does that

28 mean?---That makes sure there's adequate manning to do

29 their normal work for the day but also to have enough

30 manning to respond to an emergency situation if the 02.05PM

31 need arises.

1 The next instruction relates to communications on channel 29
2 UHF radio. What's the import of that?---That's so that
3 we have, as people may not realise, there's 40 channels
4 on UHF and we predominantly operate on two or three in
5 the mine, but this is to make sure that, in the event 02.05PM
6 of an emergency, we all go to one channel, which is 29.
7 MEMBER PETERING: Sorry, Mr Riordan, but that wasn't in fact
8 the case on the day of the 8th, they reverted to
9 channel 21?---I believe so, from listening to
10 Mr Shanahan's evidence when he called on 29, yes. 02.05PM
11 Do you have any understanding in why there would be a change
12 of number, of channel?---No, I don't.
13 MR RIORDAN: The fire tank allocation, ensured that all the
14 30 tonne tankers remain half full at all times, what's
15 the intention behind that instruction?---This is a 02.05PM
16 fired preparedness plan for the next day or two days,
17 or next day in this case. That's so, that that tanker
18 can still do its duties as in watering roads and doing
19 its normal earth work duties, but usually if you're
20 just doing an earthworks project you'll run your tanker 02.05PM
21 down to nearly out before you go and refill. By saying
22 to it to only stop at half full and then go and refill,
23 in the event of an emergency you need to respond you'll
24 still have 15,000 litres there.
25 The second page talks about the allocation of a fire alert 02.05PM
26 event. You were asked some questions about this, but
27 can you tell the Board, with these features in place
28 operating as this was on a Saturday, would there have
29 been any difference in substance with the fire
30 preparedness if a fire alert had been prepared as 02.06PM
31 opposed to people complying with the fire preparedness

1 plan?---No, not really. The main object of the fire
2 alert is during the week days when you have other
3 persons other than the operational crew on the coal
4 benches, for example the maintenance and any other
5 contractual workforce that's working in there. During 02.06PM
6 the weekend maintenance is not on the coal benches.

7 That was prepared on the Friday?---That's correct.

8 And you gave Mr Shanahan some assistance with it?---That's
9 correct.

10 You also prepared the next one in that group, which was for 02.06PM
11 the Sunday which was identical except that plainly
12 enough it provided for overnight sprinkling on the
13 Saturday night rather than the Friday night et cetera;
14 is that correct?---Yes, that's correct. A mine
15 operations group, as we explained earlier, have the 02.07PM
16 capacity to automatically turn on the sprinklers to wet
17 down the mine and that was the case at this point.

18 When you prepared that on the Friday, were you aware of the
19 fire that had started northwest of the mine at Hernes
20 Oak?---I'm not sure whether it was just before or 02.07PM
21 during the notification that I was aware that there was
22 a fire, but in the event I still would have put this
23 out due to the total fire ban that was declared for
24 Saturday and Sunday.

25 You did hear of the fire on the Friday?---Yes. 02.07PM

26 After you heard of the fire, in paragraph 37 you say you had
27 numerous discussions about the fire and the potential
28 threat of the fire with Dave Shanahan?---That's
29 correct.

30 Could you say what additional arrangements or suggestions 02.07PM
31 were put in place as a result of those

1 discussions?---Yes, it was to divert our Fire Service
2 personnel or 1x7 personnel, along with the RTL
3 contractors, over to that edge of the mine with our two
4 30,000 tankers.

5 Which edge of the mine?---Northwestern edge, corresponding 02.08PM
6 to the line of Hernes Oak, and they were to remain in a
7 patrolling capacity during the rest of that day.

8 You also mentioned in your statement two graders and two
9 dozers; what's the purpose for those?---The graders and
10 dozers, as mentioned before, can - sort of first line 02.08PM
11 attack. If indeed you spot a fast running grass fire
12 coming towards you, you can quite quickly establish a
13 fire break. Now, the dozers and graders that we're
14 talking about are a much bigger piece of plant than the
15 normal grader and dozer you'll see out in the normal 02.08PM
16 workforce.

17 When did you leave on your holidays to go to Mallacoota,
18 wasn't it?---That's correct.

19 When did you leave?---I can't remember the time, but it was
20 late Friday, it was getting towards dusk and I'm not 02.09PM
21 sure of the exact time, but yes, upon leaving one of
22 the last communications I believe I had was with Dean
23 Soares. He was the 1x7 Supervisor that was still there
24 with the trucks and the graders and dozers and his
25 comment to me was that everything appeared to be quiet. 02.09PM

26 Quiet with reference to what?---Reference to having, moving
27 towards the mine.

28 The fire?---Yes. Sorry, the Hernes Oak Fire.

29 On the Saturday at Mallacoota did you get any information as
30 to how the fire at Hernes Oak was progressing?---I 02.09PM
31 can't remember exactly whether it was by the news

1 reports or indeed a phone call, but I believe on
2 Saturday that there was a terminology used "contained".
3 I want to ask you a hypothetical question. Could I ask you
4 to have a look at Annexure 7 to Mr Harkins' statement,
5 if that might be shown. This is the email of 02.10PM
6 8 February. Possibly, if you could be shown the model
7 on the third page. This was a model that was emailed
8 through to Mr Roach who you know as being the liaison
9 officer?---That's correct.

10 On the Saturday evening and you weren't sent this, were 02.11PM
11 you?---No, that's correct.

12 Are you familiar with these Phoenix models?---I only learnt
13 a lot about them yesterday.

14 At the time at around about 8 February did you have any
15 familiarity with the Phoenix models?---No. 02.11PM

16 If that had been sent to you at that time with your
17 knowledge what would that image have depicted to
18 you?---I would assume, not knowing the legend or all
19 that, that there would be some activity of some sort,
20 and if it came from the CFA, one would assume some fire 02.11PM
21 activity would be in that area.

22 If we could go back two pages with the emails. If on
23 Saturday you had of had emailed to you that model by
24 Mr Roach and you were told that that had come in from
25 the ICC as depicting the worst-case scenario at 1 a.m. 02.12PM
26 on Monday, given your state of knowledge at the time as
27 to the state of the Hernes Oak Fire as it was, would
28 you have been inclined at that point in time on
29 Saturday night to take any further action?---No,
30 because looking at the timing of the email, it would be 02.13PM
31 hard to do anything different and, with what we'd set

1 up and that I knew was in place, that was forecast for
2 the Monday morning at 1 am, I presume, if I remember
3 rightly.

4 Monday at 1 a.m., yes?---Yes. The equipment and tankers
5 that we had over there, being the first response type 02.13PM
6 machines that they are, I would deem that satisfactory
7 at this point in time.

8 The model such as you understood it, showing a worst-case
9 scenario of the Hernes Oak Fire if it escaped its
10 containment could reach the northern batters of the 02.13PM
11 mine, was that conveying any information to you as a
12 possibility that you weren't already aware of?---Not
13 really, because when you've got the knowledge that
14 there's a fire in Hernes Oak somewhere in that
15 vicinity, and you knew the winds that were forecast, 02.14PM
16 you would think that we may have some issues there,
17 hence I don't think it would have told me anything
18 different because I didn't understand what the colours
19 meant.

20 The email, if I could just take it up a bit, the email after 02.14PM
21 Mr Roach got it, at 6 p.m. he made the decision that he
22 wouldn't distribute it at that stage, would spend some
23 time with Nick Demetrios presumably the next morning to
24 get a better real-time modelling as the day goes by, do
25 you have any comment as to whether you think that was 02.14PM
26 an adequate or proper approach?---Again, being
27 night-time and not understanding whether they would be
28 able to get a model delivered updated from that or an
29 explanation, I would find that getting it first thing
30 the next morning, I would find that satisfactory. 02.14PM

31 I have no further questions for this witness.

1 <RE-EXAMINED BY MS RICHARDS:

2 Two very brief matters in re-examination, Mr Dugan.

3 Mr Riordan asked you a number of questions about the
4 detail of the fire preparedness plan that was issued
5 and you spoke about sprinklers going, wetting down 02.15PM
6 being done overnight. Just to be absolutely clear,
7 that was all wetting down of the operating part of the
8 mine, was it not?---That's correct.

9 None of that was on the worked out batters?---That's
10 correct. 02.15PM

11 So there was no wetting down of that area of the mine at
12 all?---That's correct.

13 With the pipe network that was in place was it possible to
14 wet down that area of the mine?---With the pipe work
15 that you have on the benches, the sprays when they're 02.15PM
16 rotating hit the batters about 10 metres, 15 metres up
17 about a maximum, they don't go to the full height of
18 the 20 metres high. But the reason that wouldn't enter
19 into consideration at that particular time was that our
20 primary aim is to protect the infrastructure to 02.16PM
21 maintain power supply to the State.

22 You were asked some questions just a moment ago about this
23 email with the Phoenix prediction map attached. Your
24 answer was that you thought that it was appropriate for
25 Mr Roach to speak with Mr Demetrios the following day 02.16PM
26 and get some better real-time modelling the following
27 day. Had you been at work, you would have wanted to be
28 kept up-to-date with the information that Mr Roach got
29 from Mr Demetrios, would you not?---I would suggest
30 that, if I had of been at work, I would have been 02.16PM
31 contacted.

1 No further questions. May Mr Dugan be excused if the Board
2 has nothing further for him.

3 CHAIRMAN: Thank you, Mr Dugan.

4 <(THE WITNESS WITHDREW)

5 MS RICHARDS: The next witness is a community witness, 02.17PM
6 Anthony Lalor. Mr Lalor, would you please come
7 forward.

8 <ANTHONY JOHN LALOR, sworn and examined:

9 MS RICHARDS: Good afternoon.

10 Can you please tell us your full name?---Anthony John Lalor. 02.18PM
11 You live in Willow Grove on a dairy farm there?---That's
12 correct.

13 You have run that dairy farm for about 25 years?---Correct.
14 You've made a statement to the Inquiry that I understand you
15 have there in front of you?---That's right. 02.18PM

16 It's a statement of 40 paragraphs with one attachment and
17 that attachment is the submission that you've made to
18 the Inquiry. Have you read the statement
19 recently?---Couple of nights ago.

20 Are there any corrections that you would like to make to 02.18PM
21 it?---No.

22 Is the statement true and correct?---Yes.
23 I tender that, if I could.
24

25 #EXHIBIT 14 - Statement of Anthony Lalor. 02.18PM
26

27 MS RICHARDS: Mr Lalor, you told us a moment ago that you
28 have been running the dairy farm that you live on for
29 about 25 years. You weren't always a dairy
30 farmer?---No. Prior to that I was a surveyor with the 02.19PM
31 SEC.

1 That was at around the time of privatisation, did you cross
2 that barrier?---I left when it was privatised.

3 For about the same time that you have been running your farm
4 at Willow Grove, you have been a volunteer with the
5 Country Fire Authority?---Correct; a little bit longer. 02.19PM
6 What brigade do you belong to?---Willow Grove.
7 Do you hold any position in that brigade?---I'm the First
8 Lieutenant and the Secretary.

9 Until 9 February this year had you had any previous
10 experience fighting a coal mine fire in one of the open 02.19PM
11 cut mines in this area?---I've been involved in a fire
12 at Hazelwood Mine, I think it must have been 2006; is
13 that correct?

14 It says 2008 in your statement?---2008, sorry, yes, and a
15 number of small fires, but when I was with the survey 02.20PM
16 group in Yallourn and associated open cuts.

17 Besides from that larger fire that you fought or assisted
18 with fighting in 2008, have you had any particular
19 training with brown coal fire fighting?---No.

20 How familiar are you with the layout of the Hazelwood Mine. 02.20PM
21 Because I was a surveyor I had quite a lot to do with the
22 mine, but that was 25 years ago, so of course it's
23 changed quite dramatically in that time, but I have
24 knowledge of the area.

25 I'd like to take you straight to 9 February. You were 02.20PM
26 called out for a small fire that morning?---Yes, we
27 went to a fire lit by an arsonist at Rokeby and
28 successfully contained that and returned back to the
29 station.

30 And then there was a call to put together a strike 02.21PM
31 team?---That's correct.

1 And you put your name forward?---I did, yes.

2 Tell us about the strike team that was assembled?---We had
3 the Willow Grove tanker, we had a forward command
4 vehicle which was a Toyota four-wheel drive from
5 Noojee. We had a Hallora tanker, a Trida tanker, 02.21PM
6 Tarwin Lower tanker. There's one I've forgotten.
7 I think Erica, you mention?---Sorry, Erica, yes.
8 Two of those tankers were from the Narracan group that your
9 brigade belongs to?---Erica and Willow Grove, yes.
10 And the other three were from another group?---Other groups, 02.21PM
11 yes.
12 And none of them from Morwell?---No.
13 When and where did the strike team assemble?---We assembled
14 at the Morwell Fire Station around about 6 o'clock.
15 Where were you directed to go?---Initially we were told that 02.22PM
16 we would be going out to Tyers, and then information
17 came in that the Morwell briquette factory was under
18 impact from fire, and we were told that we were being
19 redirected there. We were directed there following a
20 Morwell tanker as our lead vehicle which took us down 02.22PM
21 to the Morwell briquette factory. When we arrived
22 there it was evident that the briquette factory was not
23 under attack, there was a lot of smoke but there was no
24 actual flame. So then the Morwell tanker then
25 redirected us over the ridge, what I call the ridge, 02.22PM
26 around to the mine perimeter. At that stage the
27 Morwell tanker was called away and we were tasked to
28 protect and put our fires in that area.
29 So at this stage you're still outside the perimeter fence of
30 the mine?---Yes. We were directed to a gate, I think, 02.23PM
31 but don't hold me to this, it was gate 1A that we were

1 told to get there, to meet there.

2 When you got there you had some difficulty getting
3 through?---We did, the gate, the 8 foot security
4 fencing and a large gate, we always carry boltcutters
5 on our truck to allow us to get access through most 02.23PM
6 gates, but I believe, possibly due to the quality of
7 the steel used, that we couldn't cut the chain or the
8 padlock on that gate.

9 You weren't able to cut your way in?---No.

10 We've been told by another witness that there's a swipe card 02.23PM
11 held at the Morwell Fire Station that allows entry to
12 the mine. Did the Morwell tanker that had been with
13 you have a swipe card?---I don't know, but there was no
14 instrumentation or devices at that gate that would
15 allow a use of a swipe card, so it took some time for 02.24PM
16 us to communicate that back that we could not gain
17 access at that point.

18 Once it became clear that you couldn't gain access, what did
19 you do next?---We were redirected back to another gate
20 which is possibly the gate that they're talking about, 02.24PM
21 which is a boom gate type gate, and apparently that can
22 be remotely operated from the Control Centre. It took
23 quite a long time for us to be able to get that
24 remotely operated to allow that to open and, when it
25 was opened, it was opened on a press button basis so 02.24PM
26 that every truck that had to enter or exit the site had
27 to press a button, to go through individually. That
28 was later rectified but initially it was one truck at a
29 time.

30 Mr Prezioso this morning talked about a slide gate. Does 02.25PM
31 that match the description of the gate that you went

1 through?---No. Look, I thought it was a boom gate,
2 maybe it was a slide gate. It was a remote controlled
3 gate.

4 If we put up a satellite image of the mine, do you think you
5 can point out the location of the gate?---I think so, 02.25PM
6 yes. Somewhere in this vicinity here from my
7 recollection.

8 That's pretty much directed to the west of the briquette
9 factory?---Yes.

10 What time was it by the time you eventually gained access to 02.26PM
11 the mine?---I couldn't tell you. It was probably - no
12 look, I wasn't - because of the activity that was
13 taking place and the pressure we were under, I wasn't
14 really keeping track of time. Often when we have a
15 strike team you have a penciller that's in the strike 02.26PM
16 Team Leader's car but we didn't have a penciller so
17 that sort of information wasn't taken down.

18 When you were through the gate and inside the perimeter of
19 the mine, was there anyone there to meet you and escort
20 you?---No. 02.26PM

21 So, where did you go?---We attacked - the fire was coming
22 out of the, what I would call the eastern batters,
23 coming over the top of the eastern batters onto the
24 grasslands impacting on structures and infrastructure
25 in that area, so we just immediately set about trying 02.26PM
26 to bring those areas under control.

27 What particular infrastructure was under threat at that
28 stage?---There was what I believe to be the rising
29 conveyor that feeds the Morwell briquette factory, that
30 was being impacted from the grasslands onto that area, 02.27PM
31 so we directed most of our activity into area. We were

1 again hampered by security fencing that we couldn't
2 access or gain access through so we were having to -
3 the security fencing wasn't a long way away from the
4 conveyor so we were able to get water onto the conveyor
5 areas. We weren't - at that stage we presumed it was 02.27PM
6 an operational piece of machinery; it was only later a
7 couple of fellows happened to come down in a ute,
8 mining personnel or briquette factory personnel, I
9 don't know who they were, we asked them the question,
10 was this a vital piece of structure and I said, yes, 02.28PM
11 it's the main coal supply to the briquette factory.

12 We've also heard some evidence about sprays that are
13 installed along the conveyor belts, the conveyors
14 throughout the mine. Was there any spray system
15 operating at that time?---There was no sprays operating 02.28PM
16 at the time that we were first there and we spent quite
17 some time there containing that fire, and later on in
18 the night, quite some time later when we went back past
19 those conveyor systems, there was evidence that sprays
20 had been activated. 02.28PM

21 Once you'd done everything that you could there, did you
22 move to another part of the mine?---We basically
23 patrolled all along that northeast corner.

24 Again, could you indicate on the map where you were
25 patrolling?---Basically, right through that area there. 02.29PM

26 At this point you ran into some difficulty with your water
27 supply?---Yes. We were struggling for water, with the
28 number of tankers we had and at that stage there were
29 one or two fellows happen - they weren't tasked to
30 assist us but they happened to be driving past and we 02.29PM
31 grabbed them we said, we need water, can you give us

1 any indication where we can access water for the
2 tankers. The initial point that we were directed to
3 was up on this hill somewhere up here, but before we
4 even got there we were told that water was unsuitable,
5 this was from the mine employee, that the water was 02.30PM
6 unsuitable and they redirected us down to a, I think it
7 was an ash pond or some area down this way that we were
8 trying to access water out of. The flow rates were
9 very poor, it took considerable time to refill our
10 tankers. We always try to organise the tanker so that 02.30PM
11 we're not all filling at once so that there are always
12 tankers on the fire ground and it was a very slow
13 process.

14 Once you had been able to replenish your water, where did
15 you concentrate your efforts then?---Back in that 02.30PM
16 northeast corner. It was running across, there's a
17 large number of buildings up on the ridge area.
18 There's old, I believe they are conveyor gullets that
19 run through that area that were heavily timbered which
20 caused quite a lot of concerns. Again, we had a number 02.31PM
21 of concerns with security fencing; all those buildings
22 seemed to be individually occupied and they have
23 security fencing around it and we again had trouble
24 getting through that fencing. We'd be able to get so
25 far through and couldn't access the other side. All 02.31PM
26 the time you've been talking about you've been up on
27 the upper level of the mine?---Yes.

28 At any time did you look into the open cut and take stock of
29 what was happening in there?---Yes. Reasonably early
30 when we first got there, when the fire was coming out 02.31PM
31 of the mine, we were up fairly close and looked over

1 the edge and, yeah, quite amazed at the extent of the
2 coverage of the fire on the batters.

3 Can you describe what you saw?---If anybody's seen the
4 photos that have been in the press, it's like a
5 vertical larva flow; it was just quite amazing. The 02.32PM
6 extent, I've never seen fire of that extent when I've
7 been to previous mine fires, and I do remember
8 remarking to people, I said it would take them months
9 to get this out and, yeah, as it turned out, I think
10 that's what happened, yes. 02.32PM

11 At some point you were re-tasked to work along the northern
12 side of the mine?---Yes. Later on in the evening, I
13 remember it was dark at all this time and we were
14 reliant a little bit on my knowledge of the road works,
15 all the road works that we were working around or the 02.32PM
16 areas working around were the old parts of the mine
17 which I had a little bit of knowledge of. But we were
18 given the assistance of two mine employees and they
19 tasked us to head over to the northern batters, an area
20 that basically runs between the Princes Highway and the 02.33PM
21 mine, I think there's a 66 kV power lines run through
22 that area and they wanted protection for those, so we
23 accessed those spots. We were surprised that the
24 access track into those areas was unmaintained because
25 they'd never been graded since winter, so it caused 02.33PM
26 some difficulty in getting - even though we have
27 four-wheel drive tankers, we were severely impaired in
28 getting in there in a reasonable time.

29 I know it was difficult for you to keep track of time, but
30 at what stage in the evening, into the night, was it 02.33PM
31 that the mine personnel came to give you some

1 direction?---I'd expect it would have been early the
2 next morning.

3 Until that point, how were you receiving your direction?
4 Where was it coming from?---They were through the
5 strike Team Leader, and I believe he was in it 02.34PM
6 communication with, I think, Morwell Fire Station
7 initially but after that, I don't know.

8 So he was getting direction over the radio from somewhere
9 else?---Over the radio, yes.

10 And it wasn't until the early hours of the morning that you 02.34PM
11 direct contact with mine employees?---Yes, that's what
12 I believe, yes.

13 While you were working along the northern batters, could you
14 see any suppression work being done inside the open
15 cut?---Not - none that was evident to me. 02.34PM

16 You talk at one point in your statement about seeing two
17 tankers driving down onto the floor of the mine?---No,
18 that was our tankers. Two of our tankers were tasked
19 to go down and assist in protection of, I think it was
20 a pump or a substation in the floor of the mine, so two 02.35PM
21 tankers were sent there, because some tankers do have
22 cabin protection for the crew and some don't, so we
23 sent two tankers that had cabin protection for the crew
24 down there.

25 Were you in that party or did you remain up on the grass 02.35PM
26 level?---No, we've got a Rox cabin on our tanker and we
27 remained above on grass level.

28 Then you say in paragraph 35 of your statement that you
29 spent the rest of the night really working around that
30 northeastern corner?---That's correct. 02.35PM

31 What were you able to achieve in the course of that

1 night?---In hindsight, I think we saved Morwell
2 briquette factory, I think we saved the char plant, I
3 think we saved all the buildings on the ridge, I think
4 we saved the workshops and I think we saved part of the
5 township of Morwell, because at all those points there 02.35PM
6 was major fire activity and without our efforts
7 I believe it would have been unchecked and, yes, could
8 still be going towards Traralgon today.

9 And at that point the fire threat was coming directly out of
10 the open cut mine?---That's correct, yes. The problem 02.36PM
11 was that, because there could be no suppression on the
12 fire in the open cut, it was continually putting out
13 embers, so it was just a continued source of fire.

14 At what time were you able to knock off and handover to
15 another crew?---It was roughly 8 o'clock in the 02.36PM
16 morning.

17 Did you return to the fire fight that went on for another
18 six weeks or so?---No, I did not.

19 What were your reasons for that?---I've dealt with some
20 Government Departments and private plantation operators 02.37PM
21 and some mine operators over the years, whereas a CFA
22 crew member at different times of the night or day or
23 whatever, they've had a roster change, they've said we
24 haven't got personnel to come in to assist you, you'll
25 have to stay here and finish off or clean up or 02.37PM

26 continue the thing, so my view, and it's only my
27 personal view, is that we tend to get used because
28 we're a volunteer firefighting force, doesn't cost us
29 anything and so - I turned out to every fire that the
30 Willow Grove Fire Brigade has as a member and go 02.37PM
31 anywhere I'm required, but when the option is given to

1 me to return some places I'll make a decision not to
2 return.

3 Thank you, Mr Lalor. Do Members of the Board have any
4 questions?

5 CHAIRMAN: There's this matter of the fitting, I didn't know 02.38PM
6 whether you wanted - - -

7 MS RICHARDS: Yes. We've had some evidence from Mr Dugan
8 who you saw just complete his evidence that the
9 hydro-fittings within the mine are all supposed to be
10 CFO compliant. Can you just elaborate on the 02.38PM
11 difficulty you had finding a hydrant that you could
12 couple your tanker to?---Our main problem was
13 basically, without assistance from mine personnel, we
14 couldn't identify any hydrants or stand pipes. There's
15 no signage, no reflectors, no - you know, in a town 02.38PM
16 usually you have a wooden post and reflectors and
17 indications of where your water points are; we could
18 not find those points. There was one particular point,
19 one of the first spots we went to that, whether it was
20 a damage threat or whether it was incompatible, we 02.38PM
21 couldn't make use of that particular point.

22 We managed to scrounge water whenever we moved, so
23 we manage to get some water, we had to go through the
24 power station at one stage and we found a stand pipe
25 there and we managed to refuel, so we virtually used 02.39PM
26 our resources as we could, but we did find in one
27 instance at least that we could not make use of their
28 stand pipe. And the water flow, even though we did
29 find stand pipes and hydrants, the water flow was very,
30 very poor. 02.39PM

31 Thank you, Mr Lalor. Now, I've had no indication that

1 anyone wants to ask Mr Lalor any questions.

2 MR WILSON: No, thank you.

3 MR RIORDAN: I'll ask a couple of questions if I could.

4 <CROSS-EXAMINED BY MR RIORDAN:

5 Just in relation to access, do you know why it was chosen to 02.39PM

6 attempt to go in through the area in which you did in

7 the first instance where you found the locked gate and

8 you were unable to gain access?---We were directed

9 there by the Morwell truck.

10 You followed the Morwell truck, you don't know why the 02.40PM

11 Morwell- - -?---No, but I would presume, this is just a

12 presumption, that because the fire was impacting -

13 well, there was a lot of smoke and evidence of fire on

14 the other side of the ridge, so rather than return to

15 safe they went around there. Now, I don't know whether 02.40PM

16 they were acting on instructions or what.

17 You don't know the reason why, when that didn't work, they

18 didn't go around to the main entrance and secure

19 entrance that way? You weren't part of those

20 discussions?---I wasn't, no. That main entrance was an 02.40PM

21 area that we had difficulty getting through

22 because - - -

23 The main entrance with the boom gate?---Yes. That's the one

24 that I mentioned earlier that - - -

25 It's a manned entrance?---No, it wasn't manned, there was 02.40PM

26 no - the entrance that we went through wasn't manned.

27 You indicated the area where there's gate 1A where there's

28 an intercom button?---No, gate 1A didn't have any

29 infrastructure, intercoms, swipe cards, nothing at all.

30 The second gate, 2?---The second gate had that 02.41PM

31 infrastructure.

1 What you indicated was, my instructions are that's gate 1A
2 and that's where you have intercom access?---No, I
3 don't believe that to be the case.
4 You don't believe that it would be the case that it's 1A or
5 you don't believe it to be the case that it has 02.41PM
6 intercom access?---The gate that we initially went to,
7 which I believe to be 1A, did not have inter come
8 access.
9 But the second one did?---The second one did.
10 You understand, that's not the main gate?---Look, I don't 02.41PM
11 know the terminology, I don't know - it was on a main
12 road that runs on the eastern side of the cut, so I
13 don't know what the main gate or where the main gate
14 is.
15 But certainly, when you did get entrance through that gate, 02.41PM
16 you did it by intercom?---I don't know.
17 You don't know?---I don't know.
18 Nobody met you at the gate. You say that when you were
19 involved with the mine there used to be scouts to
20 assist you to enter?---That's correct. As a surveyor 02.42PM
21 we were called upon to be guides to lead fire trucks
22 into the mine area.
23 Presumably, they weren't days of catastrophic fires when
24 those scouts were made available to you to enter?---I
25 think some of the fires that we experienced at Yallourn 02.42PM
26 may have been reasonably big fires.
27 Are you saying that when you were being surveyor or carried
28 around as a surveyor, they were in days of fire, were
29 they?---Sorry?
30 Sorry, you were the scout, were you?---Yes. I was a 02.42PM
31 surveyor working for the SEC when they had fires, this

1 is only applicable to my time when I was at Yallourn
2 Open Cut. When a fire was in the open cut and they
3 brought in outside personnel, they tasked the survey
4 people to act as guides to lead those fire trucks into
5 the site.

02.43PM

6 Are you aware if any arrangements were made by your truck
7 for scouts to be made available? In other words,
8 whether you contacted the Incident Control Centre and
9 told them that you wanted a scout when you were coming
10 through that entrance?---Not being the strike Team
11 Leader, I'm not sure what he asked for or what he was
12 trying to achieve. I know our main concern was getting
13 access into the mine initially.

02.43PM

14 And you thought you had gone through the main gate?---I
15 don't know what the gate is called, but it was a gate
16 that was operated by swipe cards and had press buttons
17 and stopped all access at that, from that point
18 inwards.

02.43PM

19 You make mention of a lack of sprays on the conveyor. You
20 noted them operating later though, did you?---That's
21 correct, yes.

02.44PM

22 You put that down to the fact that there'd been a power
23 failure?---No, I didn't put it down to anything, I just
24 made a note that they weren't operating when we were
25 there initially, later on they were.

02.44PM

26 Certainly it would be consistent with the fact that there
27 had been a power failure which had been restored?---I
28 have no idea.

29 The track around the mine you made reference to, can I
30 suggest to you that you were operating off a secondary
31 track because the main track was not accessible at that

02.44PM

1 time because of the fire?---No. We were operating off
2 a secondary track that was running parallel to the
3 asset that we were protecting.

4 Can I suggest to you that you note that the mine personnel
5 knocked off at midnight and went home. Were you aware 02.45PM
6 that another shift came on of mine personnel, a
7 nightshift?---That wasn't relevant to this fire, that
8 was on the previous 2008 fire.

9 I see, that's your experience in 2008 when you became
10 dissatisfied, was it?---That's correct. 02.45PM
11 Thank you, very much.

12 MS RICHARDS: May Mr Lalor be excused please?

13 CHAIRMAN: Yes, thank you, Mr Lalor.

14 <(THE WITNESS WITHDREW)

15 MS RICHARDS: Now I'll let Mr Rozen have a turn. 02.45PM

16 MR ROZEN: The next witness is Mr Jeremiah. Mr Jeremiah,
17 please come to the witness box.

18 <LAWRENCE ROBERT JEREMIAH, affirmed and examined:

19 MR ROZEN: Afternoon, Mr Jeremiah. Can you please confirm
20 that your full name is Lawrence Robert 02.46PM
21 Jeremiah?---That's correct.

22 And your work address is 71 Hotham Street,
23 Traralgon?---That's correct.

24 You're employed by the Department of Environment and Primary
25 Industries, DEPI?---Yes. 02.46PM

26 Previously known as the Department of Sustainability and
27 Environment?---That's correct.

28 And various other names over the years that we don't need to
29 go into. Mr Jeremiah, you've made a witness statement
30 dated 22 May 2014 for the purposes of the 02.47PM
31 Inquiry?---Yes, I have.

1 And the statement runs to some 107 paragraphs and has 12
2 attachments, is that right?---That's correct.
3 Have you read through a copy of your statement before giving
4 evidence today?---Yes, I have.
5 Can you confirm for us please that the contents of the 02.47PM
6 statement are true and correct?---Yes, they are.
7 I tender the statement.
8
9 #EXHIBIT 15 - Statement of Lawrence Jeremiah.
10 02.47PM
11 MR ROZEN: Mr Jeremiah, you've been asked to provide a
12 statement and to give evidence before the Inquiry
13 because you were the Incident Controller at the
14 Traralgon Incident Control Centre between 8-12 February
15 of this year?---That's correct. 02.47PM
16 More specifically, the day shift Incident Controller?---Yes.
17 I'll just ask you a little bit about your background and
18 then I'll ask you some questions about your time during
19 that period as the Incident Controller. Your formal
20 title is Regional Business Manager with DEPI?---That's 02.48PM
21 correct.
22 You have responsibility for the Gippsland region; is that
23 right?---The business management component, yes.
24 Specifically budgeting, workforce and corporate activities
25 in the Gippsland region?---That's correct. 02.48PM
26 You've held your current role since 2012?---Yes.
27 Probably more relevantly for our purposes, you have carried
28 out fire management roles in various capacities for
29 approximately the last 40 years of your working
30 life?---That's correct. 02.48PM
31 You're a vastly experienced Level 3 Incident Controller; is

1 that fair to say?---I'd say experienced.

2 Okay. 25 years doesn't count for vastly?---Many fires.

3 As we're aware, Level 3 is the highest level of

4 accreditation for Incident Controllers. Is that

5 right?---That's correct. 02.49PM

6 Formal qualifications, you have a Bachelor of Forest Science

7 from the University of Melbourne and other

8 qualifications listed at paragraph 4 of your

9 statement?---That's correct.

10 If I can take you, please, to 7 February of this year. As 02.49PM

11 of the afternoon of 7 February, there was a relatively

12 small fire burning in your patch, if I can call it

13 that, known as the Hernes Oak-McDonalds Track

14 Fire?---That's correct.

15 Throughout the course of 7 February - that is, the Friday 02.49PM

16 afternoon, that fire was being managed locally as a

17 Level 1 incident?---That's my knowledge. I had no

18 involvement with that fire on the Friday.

19 I understand that, but that is your understanding and I

20 don't think it's controversial, what does "managed 02.50PM

21 locally" mean as you use that term?---To my knowledge,

22 the Traralgon Incident Control Centre was not

23 functioning on the Friday, so the resources that were

24 deployed to the incident were being managed by a local

25 control facility and my assumption is that was via the 02.50PM

26 CFA.

27 In the afternoon or early evening of 7 February, you were

28 asked by your employer, by DEPI, to fill the role of

29 Incident Controller at the Traralgon Incident Control

30 Centre from 8-12 February?---Initially for the 8th and 02.50PM

31 9th. So when I was approached on the 7th I was only

1 aware of the 8th and 9th. As a consequence of the fire
2 it went through to the 12th.

3 You accepted that role and, so far as the
4 Hernes Oak-McDonalds Track Fire, the one that was being
5 managed locally as of 7 February, you were advised 02.51PM
6 that, if that increased in size, its management would
7 be handed to you in your role as the Incident
8 Controller at Traralgon on 8 February?---That's
9 correct.

10 As it turned out, that is in fact what occurred and you 02.51PM
11 became responsible for the management of that fire on
12 8 February?---Yes.

13 You use the expression "going" to describe that fire on
14 7 February, and that's a term of art, if I can put it
15 that way, within the Emergency Services. Can you 02.52PM
16 perhaps just briefly explain to us what that
17 means?---Yes. So, within our terminology we use
18 primarily four definitions to demonstrate the status of
19 a fire. "Going" means that there is still active fire
20 which we need to deal with. "Contains" means that the 02.52PM
21 fire's not spreading and potentially has limited risk,
22 as in we're blacking out or doing something.
23 "Controlled" implies that we believe the fire no longer
24 poses a risk but we may still be patrolling it.
25 Ultimately it changes to "safe". 02.52PM

26 "Safe" means no further suppression action or patrols are
27 necessary?---That's correct.

28 Just in relation to "controlled", and I'm reading here, and
29 we probably don't need to go through it, but the
30 Bushfire Handbook which is annexed to your statement 02.52PM
31 defines "control" as the complete perimeter of a fire

1 risk secured and no break away is expected. Do you
2 agree with that?---That's correct.

3 I want to ask you a little bit about the Incident Control
4 Centre at Traralgon and particularly the Incident
5 Management Team that was made available to you when you 02.53PM
6 commenced your shift early on 8 February 2014. You
7 make reference in your statement to the applicable
8 JSOP, that's Joint Standard Operating Procedure; is
9 that right?---That's correct.

10 It's joint in the sense that it applies to both DEPI and the 02.53PM
11 CFA in terms of incident management readiness?---And
12 other agencies.

13 Just by way of context, JSOP 2.03, which is the one you
14 refer to and we can find it at attachment 5 of your
15 statement, that is a standard operating procedure which 02.54PM
16 was revised in response to the recommendations of the
17 Black Saturday Royal Commission recommendations?---I
18 believe so.

19 In any event, without necessarily going to it in detail, you
20 summarise its effect in your statement, and I'll see if 02.54PM
21 I can get this right, the Traralgon Incident Control
22 Centre is designated under that standard operating
23 procedure as the Incident Control Centre for the South
24 and West Gippsland cluster?---That's correct.

25 It's the primary Incident Control Centre?---Yes. 02.54PM

26 Perhaps it would be useful to go to the document which is
27 attachment 5. If we could scroll down to page 0528,
28 which is a map of Victoria. Correct me if I'm wrong,
29 Mr Jeremiah, but the purpose of this standard operating
30 procedure is to ensure that the fire agencies have in 02.55PM
31 place at the commencement of days of particular fire

1 danger Incident Management Teams at appropriate levels
2 within different Incident Control Centres?---That's
3 correct. We cannot predict where a fire will start, so
4 it's based on an assumption that if we pre-position
5 people across the State throughout the landscape, so 02.56PM
6 that we can be as close to where a fire may start and
7 can respond accordingly.

8 Perhaps if we go to the table on the next page, please,
9 which is schedule 4. The way that these arrangements
10 operate is that we can see on the right-hand side of 02.56PM
11 that table, if we go to the top of it, we can see a
12 heading, "Fire danger rating" at the top. Do you see
13 that, Mr Jeremiah?---Yes.

14 Then underneath that we see four categories, very high,
15 severe, extreme and code red?---That's correct. 02.56PM

16 For our purposes both 8 and 9 February in the Gippsland
17 region were days of extreme fire danger
18 rating?---Extreme certainly for Sunday. Saturday,
19 parts of the State were extreme, but we were being
20 prepared for the Sunday, so we were operating under the 02.57PM
21 assumption of extreme, correct.

22 Then the table sets out what is required by way of what
23 level of preparedness is required for a given Incident
24 Control Centre where the fire danger rating is extreme.
25 Is that right?---That's correct. 02.57PM

26 If we trace our way down that table towards the bottom of
27 the page, we see for the Gippsland region that
28 Traralgon is identified as the primary Incident Control
29 Centre. And then, within the Traralgon cluster, is
30 that the right word?---Cluster is the right term, yes. 02.57PM

31 We have Traralgon, Ellinbank, Leongatha, Noojee and Erica.

1 So far as Traralgon is concerned, if we trace along
2 under the heading "Extreme", we see that the letter C
3 appears, and from the top of the page we know that's a
4 core IMT that is required to be in place on that
5 day?---That's correct.

02.58PM

6 For present purposes, if we look at Yarram, and I'll come
7 back to Yarram in a moment, there's a little asterisk
8 under that heading, and from the top of the page we see
9 that's a base IMT that's required to be in place in
10 Yarram. Is that right?---Yes.

02.58PM

11 If it's a code red day, then it's C, but for our purposes
12 it's an asterisk therefore a base IMT. Thank you, if
13 we could leave that document and its complicated tables
14 now and go back to 8 February. That's perhaps a
15 long-winded way of making the short point, Mr Jeremiah,
16 that you make in paragraph 23 of your statement, that
17 despite what was required by that table, apparently
18 required, Yarram did not have in place a base
19 IMT?---No, it did not.

02.59PM

20 Can you tell us why?---Resources were limited given the
21 other fires that were occurring across the State, and
22 whilst we were being asked to execute a level of
23 preparedness, we were aware that the resources were
24 limited.

02.59PM

25 Specifically, Mr Jeremiah, a base IMT as it's defined in
26 that SOP, and I won't go back to it, requires there to
27 be in place an Incident Controller at either Level 2 or
28 Level 3?---That's correct.

02.59PM

29 And there was not an Incident Controller at either Level 2
30 or Level 3 in the Yarram Incident Control Centre on
31 either the 8th or 9th February. Is that

03.00PM

1 correct?---Neither, as far as I'm aware, that's right.
2 During the course of 9th February, the Sunday which I'll
3 come to in a moment, one of the fires that you had to
4 deal with was a fire at Jack River?---That's correct.
5 We heard evidence, Mr Lapsley's best estimate was that Jack 03.00PM
6 River was about 45 kilometres, I think he said
7 southwest of Morwell. Does that sound right?---That's
8 the correct order of magnitude, yes.
9 Thereabouts. That fire at one stage on 9 February
10 threatened the town of Yarram, did it not?---That's 03.00PM
11 correct. It was lit or started before the wind change,
12 so it was initially moving under the influence of the
13 northwesterly wind which had it moving directly towards
14 Yarram.
15 And it was one of the fires, along with the fires burning in 03.01PM
16 the Morwell region, that came under your control as
17 Incident Controller, did it not, on
18 9 February?---That's correct.
19 So concerned were you about the risk to Yarram and the risk
20 to life caused by the Jack River Fire that you diverted 03.01PM
21 some air resources from Morwell to deal with the Jack
22 River Fire?---Yes. So, we had requested and we were
23 receiving additional air resources. The Jack River
24 Fire was the only one that was going and spreading at
25 that time. It was threatening life, so that's where I 03.01PM
26 prioritised the resources.
27 Obviously enough, the Jack River Fire was taking up some of
28 your time and thought as Incident Controller at the
29 Traralgon Incident Control Centre during the course of
30 9 February?---As were other fires. 03.02PM
31 Indeed. If there had been in place a base IMT at Yarram, as

1 required by the standard operating procedure, would
2 that have relieved you of some or all of your Incident
3 Controller responsibilities for the Jack River
4 Fire?---Yes, it would.

5 Is that one of the matters that you're referring to in your 03.02PM
6 statement when you say - this is paragraph 95(a) of
7 your statement - answering the question, what could
8 have been done better in relation to preparedness for
9 and response to the Hernes Oak-McDonalds Track,
10 Morwell-Hernes Oak Fire, you say, "It would have been 03.03PM
11 preferable to address the sub-optimal level of
12 resourcing available for the Traralgon IMT in the
13 period 8 February 2014 to 10 February 2014." Is the
14 situation with Yarram part of your concern there or is
15 it separate?---I'm not seeing that as - sorry, 95(a)? 03.03PM

16 95(a)?---I'm reading 94(a).

17 Sorry, 94 is a longer list of things that went wrong and I
18 come to that, but for the moment I'm concentrating on
19 something that didn't go as well as it could
20 have?---That's correct. Ideally at all of the other 03.03PM
21 Incident Control Centres in the Traralgon cluster, we
22 would have had skilled people able to support a
23 response to any fire that started.

24 Because it wasn't just Yarram that was deficient in this
25 regard. You've listed in paragraph 23, Alam Bank, 03.04PM
26 Leongatha, Noojee and Erica, all should have base IMTs
27 but didn't.

28 There was another issue, wasn't there, with resourcing of
29 your IMT, and that is, you didn't have available to you
30 in Traralgon all of the constituent parts of a core IMT 03.04PM
31 as required by the SOP?---That's correct.

1 Paragraph 24 of your statement you list what's required by
2 the SOP for a core IMT. As I understand your evidence,
3 you didn't have an Aircraft Officer as required by
4 paragraph (d)?---No, the Aircraft Officer was attached
5 to the Regional Control Centre. 03.04PM

6 I was going to ask you that, so there was a work around for
7 that deficiency?---Yes.

8 Was that of any practical effect as far as you were
9 concerned, that you didn't have your own Aircraft
10 Officer in your IMT?---For the Saturday and the early 03.05PM
11 part of Sunday, given we had no active fire, the
12 arrangements were adequate. Once fires broke out it
13 was just an extra step in the chain of managing the
14 resources.

15 If we can go back to 8 February if I could please. You were 03.05PM
16 confronted with the Hernes Oak-McDonalds Track Fire and
17 you've set out in your statement at paragraph 29 the
18 events of 8 February. You note there that, based on
19 weather predictions for the following day, you made a
20 request for more resources to be made available to you 03.05PM
21 through your Regional Controller, who I think was
22 Mr Russell. Is that right?---That's correct.

23 What resources were you seeking from Mr Russell?---Three
24 strike teams and two large helicopters.

25 In relation to strike teams, you were probably in the 03.06PM
26 hearing room a moment ago when Mr Lalor was giving
27 evidence about his strike team. Is that what you're
28 talking about, is it four tankers and a lead
29 vehicle?---Five tankers and a command vehicle.

30 And fully crude tankers means what, four firefighters per 03.06PM
31 tanker? Is that right?---It can vary, but of that

1 order.

2 You were wanting three such teams pre-positioned in the
3 Latrobe Valley, as well as the two helicopters which
4 I'll come to in a moment. As it turned out, two strike
5 teams were made available to you?---That's correct. 03.06PM

6 When was that resource provided? I think you actually deal
7 with it, they were pre-positioned on the Saturday
8 evening?---So the request was that they arrive on the
9 Saturday and have an opportunity to rest so that they
10 could work all of Sunday without there being any 03.07PM
11 significant fatigue issues.

12 The availability of that resource fresh and ready to go
13 first thing Sunday was crucial given the weather
14 forecast for Sunday?---That's correct.

15 You explain that, based on your extensive experience of 03.07PM
16 fires in the Latrobe Valley you wanted what you
17 describe as an aggressive approach taken to the
18 containment of the Hernes Oak-McDonalds Track
19 Fire?---Yes. So we're back to Saturday, so I assumed
20 control, somewhere between 0700 and 9 o'clock. It was 03.07PM
21 apparent from some aircraft photography that I observed
22 that there was still fire burning in the gullies,
23 particularly on the southwest section, which I was
24 concerned was not abating, declining at the rate I
25 would expect given the level of resources we had 03.08PM
26 working on it, which made me concerned that we may not
27 have it fully secure by the Sunday, so I instructed the
28 Operations Officer to adopt an aggressive approach
29 which meant getting more equipment, heavy plant,
30 helicopters and so on in order to contain it if we 03.08PM
31 could fully and wholly before the Sunday.

1 Your assessment was, you needed old-fashioned boots on the
2 ground doing blacking out work inside the perimeter of
3 the fire; is that right?---Yes, and heavy plant to deal
4 with large trees that were burning and so on.

5 CHAIRMAN: Could I just clarify whereabouts it was that you 03.08PM
6 saw the smoke on the Saturday, Sunday morning?---No,
7 there was some gullies in the southwest portion of the
8 original fire.

9 Southwest?---Yes.

10 MR ROZEN: I think we heard yesterday that the area within 03.09PM
11 the containment line was somewhere in the vicinity of
12 150 hectares, does that sound about right?---The maps
13 that I have with the Incident Action Plan are showing
14 about 125 hectares so - - -

15 So within that sort of region?---Yes. 03.09PM

16 Your answer to His Honour's question is that you wished to
17 concentrate your resources in the southwest part of
18 that area?---Yes, so the photography that was taken at
19 or around lunchtime on the Saturday showed a
20 significant amount of smoke coming from the southwest 03.09PM
21 and negligible smoke in the northeast.

22 We'll come to it in a moment, but as it turned out the break
23 out was in fact in the northeast area on
24 9 February?---That's my understanding.

25 Perhaps we'll come to discuss that in a moment. 03.10PM

26 CHAIRMAN: Can I interrupt only because I've got that map in
27 front of me, that's the ultimate map. When one talks
28 about the southwest, do you mean, if you like, the
29 western portion?---The western.

30 It's a kind of rectangle, so it has a point to the west, a 03.10PM
31 point to the south, if you like. When you meant the

1 southwest, do you meant that general area that's shown
2 there and the - because it's an extreme boundary?

3 MR ROZEN: We're just bringing it up on the screen; it might
4 be easier for the witness.

5 CHAIRMAN: It's a little intriguing because the fire came 03.10PM
6 from the opposite end?---Yes, that's right. We held
7 the bit that concerned us and lost the bit elsewhere.

8 MR ROZEN: That might assist you. Now, of course, this is
9 showing the area ultimately burnt. Are you able to
10 indicate with the ruler that area of some 120 hectares 03.11PM
11 that you were talking about? Can that be identified
12 there?---So, this bit is pretty much the original fire.
13 So something of a rectangle?---It was that area in there
14 that would have been - - -

15 I think I'd asked you about the request for the strike team 03.11PM
16 resource. There was also a request, you told us, for
17 two heavy helicopters to be provided, and we have heard
18 that, whilst you got the helicopters, they didn't
19 arrive until about midday on the 9th?---That's correct.

20 What was your preference in terms of their time of 03.12PM
21 arrival?---Ideally we would have had them arrive on the
22 Saturday with some capacity to work in the latter
23 hours, daylight hours, of the Saturday. We did
24 activate or reactivate the small helicopter that is
25 initially managed by Hancocks Plantations, it was 03.12PM
26 reactivated on the Saturday at around 1 p.m. and it was
27 doing some work, but it's very small and not entirely
28 effective so we asked for additional aircraft.

29 Were you given an explanation for why they weren't made
30 available to you at your preferred time?---No. 03.12PM

31 I think in fairness Mr Lapsley did give evidence on Monday

1 that it was a question of competing resources which is
2 a common enough problem I guess that you face,
3 Mr Jeremiah?---Certainly, given the number of fires
4 that were present across the State at the time.

5 Whatever the explanation, it would have been a very useful 03.13PM
6 resource to you, preferably late Saturday but certainly
7 early on the Sunday morning?---That's correct.

8 Effectively by the time they arrived they were deployed
9 to Jack River.

10 You further deployed them to Jack River to deal with the 03.13PM
11 emergency that had arisen there?---That's correct.

12 Just before leaving the events of 8 February, I just want to
13 ask you about paragraph 37 of your statement where you
14 set out the four steps that you took as Incident

15 Controller to address the Hernes Oak-McDonalds Track 03.13PM
16 Fire. There was adopting the aggressive approach which
17 you have spoken of; there was the request for

18 additional resources which we've also discussed; the
19 consideration of what other preparatory works could be
20 done. Perhaps if I could address that first, you say 03.14PM

21 there were limited opportunities to do anything further
22 in paragraph 39. Could you just explain why there were
23 limited opportunities to conduct any other preparatory

24 works in the area?---So, a lot of the terrain between
25 Hernes Oak and Morwell is open grassland, so it 03.14PM
26 provides adequate access for fire responding vehicles.

27 There's the highway, both the main highway from Hernes
28 Oak to Morwell, but there's also the Strzelecki Highway
29 and other roads. The roads in themselves form a

30 barrier to the spread of fire and provide access and 03.14PM
31 egress for a responding fire appliances. So, given

1 that level of accessibility, I wasn't - I came to the
2 conclusion that there was not a lot more I could do in
3 terms of trying to prevent the spread of fire.

4 The fourth specific step you took in relation to addressing
5 the fire was set out in 37(d), "To inform and alert 03.15PM
6 major industries, including the mine operators", and by
7 that you're referring to the three open cut mines in
8 the area, operators of each of those?---That's correct.

9 "... through the Central Gippsland Essential Industries
10 Group Incorporated." We've heard a deal of evidence 03.15PM
11 about that Body. Could you just explain from your
12 experience in this area the role it plays in being a
13 conduit for information between the fire agencies and
14 its members, including the mine operators?---Yes, so as
15 I understand it, the group has a regular forum and they 03.15PM
16 discuss a number of the risks and threats that may be
17 posed to the collective industries in the Latrobe
18 Valley and they look at how they can provide individual
19 and mutual support to the response of those industries
20 if required. 03.16PM

21 I don't think it's controversial, but both GDF Suez and its
22 security contractor, Diamond Protection, are members of
23 the group as is the CFA. Is that the
24 position?---That's correct.

25 Is DEPI also a member or does it not have that status, do 03.16PM
26 you know?---We participate. The forum we would be
27 involved in more formally would be municipal Emergency
28 Management Planning committees, if I've got the right
29 terminology.

30 Just whilst we're on the topic of that I'll get you to jump 03.16PM
31 to paragraph 105 of your statement, please. Do you

1 have that in front of you, Mr Jeremiah?---Yes, I do.
2 You say there that your primary contact with the Hazelwood
3 Mine operators during the three days, 8, 9 and
4 10 February was through Nick Demetrios who is the
5 representative of CGEIG Inc. Is that right?---That's 03.17PM
6 my understanding.
7 More specifically, on the Saturday Mr Demetrios who Chairs
8 that Body and is also a member of the Regional
9 Emergency Management Team, was at the Traralgon
10 Incident Control Centre. Is that right?---Yes, he came 03.17PM
11 in, received a personal briefing and was provided with
12 some documents.
13 Not just any documents, he was provided with some documents
14 that we've already heard a good deal of evidence about;
15 we might just quickly go to them, they're at Annexure 03.18PM
16 12 of your statement and they are two Phoenix
17 prediction - not sure if maps is the right word -
18 Phoenix predictions, if they could just be brought up,
19 please. That's the first of those. Do you have that
20 in front of you, Hernes Oak run, 0900, 9 February 03.18PM
21 2014?---Yes, that's correct.
22 You are no doubt familiar with this type of product, the
23 Phoenix prediction, Mr Jeremiah?---Very familiar with
24 the product. Don't fully understand the model itself.
25 But I suspect you understand it well enough to help us 03.18PM
26 understand what we're looking at here. Can you help us
27 understand what this means, 0900, 9 February 2014?---To
28 run the model you need to select a time at which the
29 fire commences. So the time in this case was 0900, so
30 we've used the model to do a prediction of what might 03.19PM
31 happen should the fire escape at 9 o'clock in the

1 morning. The different coloured pixels relate to fire
2 intensity, not to time, and I understand you have had a
3 demonstration around Phoenix and you can see how it
4 progresses over time. The model we were running time
5 is added around two hours after escape, so this is the 03.19PM
6 potential impact zone we're looking at at around that
7 time.

8 Just so that I understand you, you're saying that the
9 software requires the operator to select a
10 time?---That's correct. 03.20PM

11 To designate a time of a predicted break out of the fire and
12 then the Phoenix product gives you a prediction of the
13 likely spread of the fire if it was to break out at
14 that time?---That's correct.

15 In this case the operator's chosen 0900 hours on 9 February 03.20PM
16 as the break out time?---Yes.

17 Then it doesn't mean, does it, that this is a prediction of
18 the spread of the fire as at 0900 hours?---No, not at
19 all. It's a decision support tool. It helps us run
20 some "what if" scenarios. So, it helps us make some 03.20PM
21 decisions about how we might increase our resources or
22 relocate our resources should something happen at that
23 time.

24 There are obviously traps for the uninitiated looking at a
25 document like this; it requires some understanding 03.21PM
26 along the lines that you have just explained to get the
27 full benefit of looking at this document?---That's
28 correct. It's simply, in its simplest form, it gives
29 you an area that may be impacted and you can see by
30 spot fires or by the main fire. 03.21PM

31 If we look at the second document, and from the explanation

1 you've just given us we can assume, can we, that on the
2 occasion of this document the data that's being entered
3 is a predicted break out at 1100 hours on
4 9 February?---That's correct.

5 We see a very different fire spread. How can you explain 03.21PM
6 that? Do we see a fire going northeast into the
7 Yallourn Open Cut?---So again, the Phoenix model
8 assumes no suppression effort, so it is a worst-case
9 scenario. With the break out at 11 o'clock the finger
10 to the northeast, this one, is fire spread after the 03.22PM
11 wind change.

12 I see. So in the event of an earlier break out the fire
13 would be hardly impacted by the predicted wind change
14 at all?---Not correct. The model only runs for a fixed
15 time. So in the 0900 model run, it timed out before 03.22PM
16 the wind change.

17 Can you tell us looking at it when it timed out?---No.
18 But some time. I think the forecast wind change was early
19 in the afternoon, it actually arrived at about
20 1.30 p.m. I think is the - - -?---Around 2.30 is my 03.22PM
21 understanding.

22 2.30? What's the basis of that understanding,
23 Mr Jeremiah?---When the main fire changed direction.
24 Just before leaving those Phoenix projections, what you say
25 in your statement is, they were provided to 03.23PM
26 Mr Demetrios when he was in the Incident Control Centre
27 on 8 February 2014?---Nick was provided with some
28 information on the afternoon of the Saturday. He came
29 in again on the Sunday morning and we had another
30 discussion. I can't confirm which ones were given to 03.23PM
31 him on which days.

1 Just so we get this clear, at paragraph 106 you say that on
2 the Saturday Mr Demetrios was briefed, was provided
3 with copies of the Phoenix predictions which clearly
4 showed that, should the containment break, spotting was
5 likely to occur in the Hazelwood Mine. So you're not 03.23PM
6 saying that he was specifically given these two, you
7 just don't know?---There were other ones and I've seen
8 earlier today one that was relevant to us on the
9 Saturday.

10 And so, do you say that's what was given to him or are you 03.24PM
11 assuming that that's probably what he received?---I'm
12 confident he received copies of all of them, but I
13 don't have the time that these ones were given to him.
14 Based on your experience, what was your expectation of what
15 he would do with those in terms of distribution within 03.24PM
16 the group that he chaired?---Certainly my expectation
17 is that he would communicate to all of his members.
18 This was as much to substantiate our concerns at how
19 real the risk was to all of the industries in the
20 valley and our discussion with him was to the effect 03.24PM
21 that those entities needed to take this threat
22 seriously.

23 Would it be fair to say, Mr Jeremiah - did you personally
24 talk to Mr Demetrios on 8 and 9 February?---Yes, on
25 both days. 03.25PM

26 Had you had dealings with him over a lengthy period of time
27 prior to that?---Yes. I worked with Nick during the
28 Churchill fires in 2009.

29 Where there were similar issues of threats to infrastructure
30 in the Latrobe Valley?---Yes, that's correct, impacting 03.25PM
31 Loy Yang that time.

1 You, I take it, had every confidence that he would pass on
2 that information to those that needed it?---Yes. So, I
3 had discussions with him in my role as Incident
4 Controller; Peter McHugh, the Planning Officer,
5 providing him with all the detailed documents. 03.25PM

6 Sorry to jump you around like this, but if we can just close
7 off the events of 8 February, please. At paragraph 50
8 of your statement you refer there to allocating
9 additional resources to the southwest sector of the
10 fire and you've already explained why that was the area 03.26PM
11 that you thought it was necessary to apply additional
12 resources to?---That's correct.

13 At paragraph 51 you describe your assessment during the
14 course of 8 February of the likelihood firstly of a
15 break out of the fire, and in the event of a break out, 03.26PM
16 the likely consequences of where the fire would travel
17 to?---Yes.

18 You refer to assessing two things, firstly that the
19 probability of a break out you considered to be low, a
20 low risk, but the consequences in the event that the 03.26PM
21 risk occurred were high to catastrophic. Can we deal
22 with the low risk issue first; why did you assess the
23 risk as low?---Primarily because the original spread of
24 the fire was contained, as in there was a perimeter
25 containment achieved on the Friday; that we had Friday 03.27PM
26 night, all of Saturday and all of Saturday night before
27 the extreme conditions of Sunday, and we had some
28 resources available to us and we were actively and
29 aggressively working on containment.

30 Was your assessment of the risk as low, one that took into 03.27PM
31 account an optimistic view of additional resources that

1 you'd requested, particularly the two helicopters?---It
2 was.

3 And you explain, and I think we all well understand why you
4 assessed the consequences as being catastrophic given
5 the township of Morwell and the mines and the paper 03.27PM
6 mill and other vital industries in the region?---In
7 particular that, given its proximity, should the fire
8 break out the available time for us to respond and
9 suppress the fire would be limited before it impacted.
10 In other words, we had a very narrow window in which to 03.28PM
11 react and, if we weren't successful in that window,
12 then the impacts would be relatively immediate.

13 And that's a function of the distance between the fire area
14 and the township of Morwell and the mine,
15 firstly?---The forecast rate of spread associated with 03.28PM
16 such a day.

17 And the forecast rate of spread, that's right. If we turn
18 then to the situation on 9 February. You commenced
19 your day shift as Incident Controller at 700 hours. At
20 paragraph 61 you note that within a relatively short 03.28PM
21 time, or at least through the course of the day there
22 were a number of other new fires that came under your
23 control as Incident Controller. The Jack River Fire
24 already broke out at 10.45. The Driffield Fire, which
25 we've heard quite a bit about, started in the afternoon 03.29PM
26 at about 2.30. The Jindivick Fire, what sort of drain
27 on your resources was occasioned by the Jindivick
28 Fire?---The Jindivick Fire was not directly managed by
29 me or the team I was managing, however we were asked on
30 several occasions what was happening. The Jindivick 03.29PM
31 Fire has a number of other names, Brandy Creek; it was

1 managed locally out of Traralgon by local CFA
2 resources. But, because it took some time to control,
3 it was somewhat of a niggle in that it was there, we
4 knew it was there, we weren't managing it, we were
5 being asked questions about it and were we going to 03.29PM
6 assume control of it.

7 What about the Giffard West Fire, for completeness, I should
8 ask you about that?---Likewise, a fire that started
9 later in the day; again managed locally by local
10 resources; again, they were able to control that fire 03.30PM
11 locally which was good, but again, we were being asked,
12 what's happening are we assuming control of it, and
13 there were other fire reports which were found not to
14 be fires.

15 At paragraph 65 you refer to your decision to divert the two 03.30PM
16 helicopters that were ultimately made available to you
17 around about midday on 9 February - to divert them on
18 to deal with the Jack River Fire, and you say that it
19 refused the number of aircraft available to actively
20 work on containing the Hernes Oak-McDonalds Track Fire. 03.30PM

21 Are you able to put numbers on that? What was
22 available to you once those two helicopters went to
23 Jack River?---Throughout the Sunday, pretty much from
24 the beginning of the Jack River Fire, more and more
25 resources were being made available to us, both in 03.31PM

26 terms of aircraft and local responding resources. I
27 think the best I could do is give you a summary of all
28 of the resources that were ultimately in and around
29 Latrobe Valley by the end of Sunday. I would need to
30 source some additional data to let you know when each 03.31PM
31 individual aircraft was allocated to us and when it

1 arrived.
2 Unless the Board particularly wants that information. What
3 we have at the moment is Mr Lapsley's evidence that
4 there were, I think, 14 aircraft in the Gippsland
5 region. If further detail is required, I'd be guided 03.31PM
6 by the Board on that, if we want to put Mr Jeremiah to
7 that work.

8 CHAIRMAN: I don't think so.

9 MR ROZEN: We won't need to trouble you there, Mr Jeremiah.

10 MEMBER PETERING: May I seek a point of clarification. In 03.32PM
11 paragraph 61, Mr Jeremiah, you're suggesting that the
12 Driffield Fire commenced at 1430. So, I could be
13 remembering incorrectly, but I thought I'd heard other
14 evidence that it started at 1.30. So, I'm just
15 wondering where the source of your data is coming 03.32PM
16 from?---It certainly was after the wind change. To get
17 an exact time, my understanding is that it was reported
18 to ESTA via 000, so if you wanted a definitive time,
19 I'd suggest that source.

20 The source of your data in that statement, is that just from 03.32PM
21 your own notes?---Yes.

22 So there's no record of the actual fire timing in your
23 Incident Control records?---I can check my log.

24 I don't want to waste particular time, we can come back to
25 it?---But the important thing being it was after the 03.33PM
26 wind change dictated the direction.

27 MR ROZEN: From the time of the commencement of that fire,
28 it spread in a northeasterly direction, didn't
29 it?---That's correct, under the influence of the
30 southwesterly wind. 03.33PM

31 At paragraph 67 of your statement you note that there was a

1 break out of the Hernes Oak-McDonalds Track Fire at
2 approximately 1.30 in the afternoon on 9 February and,
3 as you've previously said, the break out occurred not
4 in the southwest area where your planning told you it
5 was most likely to break out, but in fact in the 03.33PM
6 northeast corner. A couple of questions about that:
7 Are you able to assist the Inquiry with understanding
8 why the break out occurred in the northeast area rather
9 than the southwest? Have there been any investigations
10 of that as far as you're aware?---Not to my knowledge. 03.34PM
11 From your own knowledge of the fire, are you able to assist
12 us at all as to why that occurred?---I did get some
13 information anecdotally from crews that were on the
14 ground that, again, there was a gully with vegetation
15 in it that was burning. As I understand it, it 03.34PM
16 ultimately led to some embers crossing the control
17 line.
18 Within a relatively short period of time of the break out,
19 there was spotting from that fire into the town of
20 Morwell, is that right?---That's correct. 03.34PM
21 Specifically west of Latrobe Road. I'm going to ask you
22 some questions about the allocation of the resources
23 that were available to you through the course of the
24 afternoon after the fire broke its containment lines.
25 You had an operations officer working as part of your 03.35PM
26 team in the Incident Controller centre?---Yes, I did,
27 Brad Fisher.
28 Was it your decision or his or a combination of the two as
29 to tactical responses to the spread of that fire after
30 it broke out?---The minute-to-minute tactical 03.35PM
31 deployment of resources on the ground is managed by the

1 Operations Officer and the Sector Commanders.

2 So that means Mr Fisher and those reporting to him in the

3 incident control structure; is that right?---That's

4 correct.

5 What about at a more strategic level, so deciding whether to 03.35PM

6 devote resources to protect the township of Morwell as

7 compared to providing resources to deal with the

8 looming emergency in the Hazelwood Mine, is that also a

9 decision that occurs at that Operations Officer

10 level?---No. So, the duties of the Incident Controller 03.36PM

11 are defined, and I've provided that information, and

12 the priorities are clearly defined by the Fire Services

13 Commissioner, listing life and property first, alerting

14 community second, and critical infrastructure third.

15 So, I was certainly actively influencing and leading 03.36PM

16 the decisions and the deployment of resources based

17 around those priorities, both between Jack River and

18 Morwell and in and around Morwell.

19 You say at paragraph 41 of your statement that, to the best

20 of your knowledge, having alerted the mine operators of 03.36PM

21 the looming risk, no request was made by them to the

22 Traralgon ICC for resources or assistance during that

23 period. I want to ask you a little bit about that

24 because the Inquiry's heard other evidence about

25 communications from the mine to the Traralgon ICC 03.37PM

26 during the course of the afternoon. Did anyone from

27 the mine contact you as Incident Controller during the

28 course of the afternoon about the fire in the mine?---I

29 had discussions with Mark Nash from Yallourn, I had no

30 direct conversations with anybody from Morwell Mine. 03.37PM

31 What position did Mr Nash hold at Yallourn?---I'm not aware

1 of his exact title, but he was dealing with a response
2 to the areas that were on fire within the Yallourn
3 works area.

4 Did Mr Nash make any request of you for fire resources to
5 assist him?---He did at various times. My first 03.38PM
6 conversations with him related to the potential spot
7 fire that had occurred in the works area as a result of
8 the fire on the Friday. My enquiries concluded that
9 there was no risk or threat or going fire remaining
10 after the Friday, but certainly after the fire broke 03.38PM
11 out on the Sunday, the southwestern portion of their
12 works area, which again is their overburden area, there
13 was fire, and again after the wind change and when the
14 fire was spreading past the western edge of Morwell and
15 towards the pulp mill, there was also potential for it 03.38PM
16 to spread into the working face of the Yallourn Mine.

17 Do you know if resources under your control attended to any
18 fire of the Yallourn Mine on the afternoon of
19 9 February?---There was a limited amount of work
20 undertaken on the overburden area; it was not spreading 03.39PM
21 rapidly. We were concentrating our resources in and
22 around Morwell and, once the urban area was protected,
23 we continued to work the perimeter, past the pulp mill,
24 and then it wasn't until Monday that we ultimately got
25 to attend to the perimeter around the bit that was 03.39PM
26 threatening Yallourn.

27 At what point in the afternoon, are you able to tell us, did
28 you consider that the threat to the township of
29 Morwell, particularly the houses in the vicinity of
30 Latrobe Road, had passed?---I would need to consult my 03.39PM
31 notes, but very late in the afternoon towards the end

1 of my shift there was a report of the fire having
2 crossed north of Latrobe River, suggesting it was still
3 spreading; that was later discounted and that was about
4 the time that my shift ended.

5 There's evidence before the Inquiry in the form of a log 03.40PM
6 maintained by a contractor at the Hazelwood Mine that
7 there was contact with the CFA, specifically - I don't
8 know if it is specific, whether it's the Incident
9 Controller centre or not - but certainly contact with
10 the CFA at 1340 or 1.40 in the afternoon. Are you 03.40PM
11 aware of any contact being made to the CFA at that
12 time?---I'm not aware of any.

13 More specifically, there is a note of a discussion with
14 Peter McHugh at 1443 hours, so just before quarter to 3
15 in the afternoon. You already told us Mr McHugh was 03.40PM
16 the Planning Officer working for you?---That's correct,
17 yes.

18 Were you aware of discussion between anyone from the
19 Hazelwood Mine and Mr McHugh at that time or any other
20 time on the afternoon?---Not specifically, no. 03.41PM

21 You don't say it didn't happen, you're just saying it wasn't
22 brought to your attention; is that right?---That's
23 correct.

24 There were several meetings of your Incident Management Team
25 during the course of the day on 9 February, were there 03.41PM
26 not?---Yes, we met every two hours.

27 That's standard practice for an Incident Management
28 Team?---It is for my management teams; I would rather
29 meet more frequently for a shorter period of time.

30 We know and the Inquiry has been provided with a large 03.41PM
31 number of documents containing the minutes of Incident

1 Management Team meetings, but apparently there are
2 no minutes of the meetings on 9 February. Is that your
3 understanding of the position?---There's no formal
4 typed minutes taken by a minute taker. If you wanted
5 evidence of the meetings, you would need to consult 03.41PM
6 each of the logbooks of each of the IMT members.
7 We've got one of those IMT members here, haven't we, and you
8 have your logbook with you?---Yes.
9 Have you checked it to see if there is any reference to any
10 request from the Hazelwood Mine operators for 03.42PM
11 assistance with the fire on the afternoon of
12 9 February?---I've read it several times; I'm not aware
13 of any request.
14 Have you enquired of other members of your Incident
15 Management Team, particularly whether Mr McHugh has 03.42PM
16 such a record?---No, I have made no enquiry.
17 Presumably Mr McHugh's logbook could be provided to the
18 Inquiry?---If required, is my understanding, yes.
19 That's something he has in his possession presumably, or is
20 it held at the office?---It varies a bit; some people 03.42PM
21 use a logbook that stays at the Incident Control
22 Centre. Others retain their logbook but provide
23 electronic copies in our electronic storage system, so
24 one or the other would be available.
25 Can I ask that you make enquiries about the availability of 03.43PM
26 that and, through the Victorian Government solicitors,
27 see if they can be provided to us, please?---Yes.
28 Thank you. We've heard some evidence about an aircraft
29 operating in the vicinity of the mine dropping some
30 retardant at around about 3 p.m. Were you aware that 03.43PM
31 there was an aircraft operating dropping retardant on,

1 it was on the northern batters at about that
2 time?---I'm not aware of any specific aircraft drop.
3 Aircraft need to operate in clean air, they can't
4 operate in smoke. There's an air attack supervisor
5 who's in a small helicopter who has visibility, that's 03.43PM
6 their role to do the tactical tasking of where an
7 aircraft can operate most effectively and most
8 efficiently.

9 If the fire on the northern batters of the mine, as seems
10 likely, was initiated by spotting from the break out of 03.44PM
11 the Hernes Oak-McDonalds Track Fire, then any activity
12 by an aircraft there would be just part of their
13 general role in relation to containment of the break
14 out; is that right?---That's correct. So our priority
15 is to try and limit its spread through the landscape 03.44PM
16 and protect assets that are under threat that are ahead
17 of the fire. So, whilst we were aware that some fire
18 had entered the mine, our priority was to deal with the
19 life and property around Morwell and to limit its
20 further spread and further impact on other assets. 03.44PM

21 Your period as Incident Controller ended at the end of your
22 shift, 7 p.m. on 9 February?---That's correct.

23 You commenced a further shift on the day shift of the 10th,
24 the following day. That's correct, yes.

25 At that point in time, what had started as the Hernes 03.45PM
26 Oak-McDonalds Track Fire had been renamed the Hernes
27 Oak-Morwell Fire. Have I got that terminology
28 right?---Morwell-Hernes Oak.

29 Morwell-Hernes Oak Fire. Until a separate Incident Control
30 structure was established for the Hazelwood Mine, as of 03.45PM
31 10 February the Mine Fire still fell under your

1 jurisdiction, did it not, in the ICC?---That's correct.
2 On the 10th? If I can just briefly ask you about your
3 activities on the 10th, please. We've been provided
4 with an Incident Shift Plan, or the Inquiry's been
5 provided with an Incident Shift Plan for 10 February. 03.46PM
6 Was there such a document for 9 February, for the day
7 that we've been talking about?---No. Not to my
8 knowledge.
9 Perhaps if the Shift Plan for 10 February could please be
10 brought up. You're identified in this Shift Plan as 03.46PM
11 the Incident Controller, and that's consistent with the
12 evidence you've already given, isn't it,
13 Mr Jeremiah?---That's correct, yes.
14 If you turn to page 5 of the plan please. The bottom of
15 that, just a little bit further down please, do you see 03.48PM
16 under the heading "Safety", there's a dot point, "The
17 State Controller has reinforced the need to appoint a
18 Safety Officer to Incident Management Teams"?---Yes.
19 That reference to State Controller is a reference to the
20 Fire Services Commissioner?---Or his delegate. 03.48PM
21 In any event, that's a standard note in Incident Shift
22 Plans, is it not?---That's correct.
23 There wasn't a Safety Officer, was there, for the Incident
24 Management Team under your control on
25 10 February?---No, there wasn't. 03.48PM
26 It was a requirement, wasn't it, under the Standard
27 Operating Procedure 3.04 that there be a Safety
28 Officer?---Yes, that's correct.
29 And this, once again, was the subject of a recommendation in
30 the Bushfire Royal Commission; are you aware of 03.49PM
31 that?---Yes, I am.

1 Can you help us with understanding why there wasn't a Safety
2 Officer in that Incident Management Team?---Our Safety
3 Officers are often dual qualified as Operations
4 Officers or Incident Controllers. So again, it's that
5 issue of limited resources. I could have had a Safety 03.49PM
6 Officer but then been obligated to go without an
7 Operations Officer, so it was a matter of prioritising
8 of resources.

9 Without wanting to labour the point, a Safety Officer is
10 intended under the SOP to be a dedicated role that 03.49PM
11 doesn't have operational responsibilities?---That's
12 correct.

13 That's under the AIMS structure, is it not?---That's
14 correct.

15 The other thing I need to ask you about in this Incident 03.49PM
16 Action Plan is the incident objective on page 4. Do
17 you see the first dot point there, "To have fires
18 contained by 1100 hours on 11 February 2014." Was that
19 the objective - did that include the fire in the mine?

20 I suspect not but you tell us?---Generally not. So 03.50PM
21 Steve Warrington arrived late on the Sunday prior to my
22 shift finishing. He was having a number of
23 conversations with Brian Russell and the Regional
24 Control Team. When I commenced shift on the Monday,
25 what had been put in place overnight was that the mine 03.50PM
26 would be run as a separate division, with its own

27 Division Commander, and as of 1200 hours on the Monday
28 there's formal - Steve Warrington is formally appointed
29 as a Deputy Regional Controller with responsibility for
30 the mine. So, in the morning of the Monday, whilst the 03.51PM
31 formality - the documents hadn't been formally signed,

1 there was certainly a lot of discussion and the fire
2 fight in the mine was largely being led directly
3 between Steve Warrington and Peter Lockwood, which I
4 was comfortable with given all the rest of the fire in
5 the landscape that I was still dealing with. So, yes, 03.51PM
6 this Incident Action Plan relates to the broader fire
7 in the landscape. My understanding is, there were some
8 other objectives specifically for the mine that Peter
9 was working with.

10 I understand. In fairness to you, Mr Jeremiah, whilst the 03.51PM
11 document on its face clearly incorporates the fire in
12 the mine, it was the case, was it not, as you've
13 described, that on 10 February there was a process of
14 establishing a completely separate Incident Control
15 structure for that fire?---Yes. 03.52PM

16 With ultimately Mr Warrington at the apex of that
17 structure?---That's correct.

18 And then from that time onwards you had no further
19 controlling responsibility for the fire in the
20 mine?---My understanding is that from the morning of 03.52PM
21 Tuesday the 11th a separate Incident Management Team
22 was fully functioning.

23 And so the answer to my question is, yes, you had no further
24 involvement?---That's correct.

25 Thanks very much for your evidence. I think I should tender 03.52PM
26 the Shift Plan for day shift, 10 February 2014.

27
28 #EXHIBIT 16 - (FSC.0006.001.0001) Shift plan for day shift,
29 10 February 2014.

30 MR ROZEN: I have no more questions for Mr Jeremiah. I 03.53PM
31 understand Mr Riordan has about half an hour for

1 Mr Jeremiah.

2 <CROSS-EXAMINED BY MR RIORDAN:

3 I think you have given evidence that you took over on the

4 Saturday morning at about 7 a.m. in your statement, but

5 I think you said it may have been 7 a.m. or 9 a.m., is 03.53PM

6 that right?---Somewhere between 7 a.m. and 9 a.m.

7 As I understand your evidence you've given, that there was

8 no Incident Shift Plan prepared for that change over.

9 Is that correct?---Nothing was handed to me at that

10 time. 03.54PM

11 You've just been giving evidence about an Incident Shift

12 Plan that you prepared on 10 February and one that

13 you've signed off; is that correct?---That I signed?

14 If you could have a look at tab 2. Is that your

15 signature?---This is from the nightshift on the 10th? 03.54PM

16 Yes?---Yes.

17 That's your signature?---Yes.

18 So that's on the 10th. You completed one, and signed one

19 off. That's signed by the Incident Controller who's

20 completing the shift; correct?---Yes. So, normally the 03.54PM

21 controller completing the shift would approve the Shift

22 Plan for the next coming shift.

23 Did you query why you weren't provided with one on Saturday

24 the 8th?---I did, but as the fire was not at that time

25 run through the Traralgon Incident Control Centre, the 03.55PM

26 documentation would have been elsewhere, so we set

27 about collecting information we needed via different

28 lines of communication.

29 You might explain that to me. You were taking over as the

30 Incident Controller for this fire?---That's correct. 03.55PM

31 When you arrived was the previous Incident Controller

1 there?---No, they weren't.

2 Where were they?---I don't know where it was being run from,

3 I'm not sure whether it was Morwell Fire Station or

4 Newborough Fire Station or some other location; it was

5 being run locally. 03.56PM

6 You mean being run locally somewhere around

7 Morwell?---Somewhere around the fire, that's what I'm

8 saying, Morwell, Newborough, I don't know.

9 When you signed off at the end of your shift at about 7 p.m.

10 on Saturday night, did you complete an Incident Shift 03.56PM

11 Plan then?---Yes, I did.

12 And do we have that?---I don't know.

13 Can that be produced?---Yes, should be able to be. I say

14 "should"; the documents were all to my knowledge left

15 at the Incident Control Centre. They're not in my 03.56PM

16 control.

17 And so, when you took over, you had to go about getting

18 information about the fire; is that right?---That's

19 correct.

20 How do you go about doing that?---You try and contact the 03.57PM

21 people who were involved. The planning staff reporting

22 to me would make other enquiries. There are electronic

23 data storage drives that we can access and interrogate

24 that are linked State-wide, so potentially from any

25 computer we can seek any Incident Action Plan from any 03.57PM

26 incident.

27 When you arrived you had no idea of what you were dealing

28 with with the Hernes Oak Fire at all?---I received a

29 quick briefing from Russell Sullivan who was the Agency

30 Commander in the Regional Control Centre. 03.57PM

31 What did he tell you about it?---He told me that the

1 perimeter was contained and that resources were due
2 back there on the Saturday, and that the fire was still
3 burning internally?---That meant that it was a Level 1
4 fire; is that correct?---On the Friday, as it was
5 managed locally, my understanding is it was a Level 1 03.58PM
6 fire.

7 For your purposes, do you treat it as a Level 1 fire when
8 you take over control of it?---Given that we were a
9 core IMT preparing for a Level 3 incident and given my
10 assessment of its potential risk and consequences, I 03.58PM
11 operated as if it was a Level 3 fire. I'm not sure
12 exactly when it was reclassified; I can't give you the
13 time that it was reclassified.

14 By you? It was reclassified by you?---It would normally be
15 reclassified by me. 03.59PM

16 Do you know whether it was reclassified by you from Level 1
17 to Level 3?---No, I don't.

18 Are you sure it was reclassified from Level 1 to
19 Level 3?---I am, but I don't have that time reference
20 in my log; it could have been agreed at one of the IMT 03.59PM
21 meetings.

22 Is a reclassification nothing more than a thought bubble
23 that you might have, or does it require some objective
24 step?---Can I refer you to the definitions of the
25 Level 1, Level 2, 3 incidents which is in - - - 03.59PM

26 No, don't look at the definitions. What I'm trying to work
27 out is how one is actually reclassified; whether it's a
28 document or whether it's a statement or whether it's
29 just a state of mind of Incident Control?---We provide
30 regular situation reports electronically via electronic 03.59PM
31 systems from the incident to State level, and each of

1 to as being given in paragraph 43?---That's correct.
2 Would I be able to look at that document, please?---Yes,
3 certainly. That's a copy. I'm not sure where the
4 original is.

5 MEMBER PETERING: I think it would be helpful for the Board 04.03PM
6 to have a look at that too.

7 MR RIORDAN: Would it be convenient, is it possible if we
8 could have some photocopies made of it?

9 CHAIRMAN: You may want to have a look at it first. Are you
10 able to tell. 04.03PM

11 MR RIORDAN: Are you able to tell me, without me taking any
12 further time on it at this point - - -

13 CHAIRMAN: Could you move on to another topic while we get
14 photocopies taken upstairs.

15 MR RIORDAN: Yes. You also refer to the fact in 04.04PM
16 paragraph 43 of your statement, the last sentence, "The
17 maps forming part of the ISP indicated that the size
18 and scope of the fire were consistent with a Level 1
19 fire." Were the maps in that document that I just saw
20 or were they separate?---My understanding, it was on 04.04PM
21 the back of the document.

22 So on the back of the document I'll find the maps, will
23 I?---Yes.

24 That, possibly with other things, informed you that the size
25 and the scope of the fire were consistent with a 04.04PM
26 Level 1 fire; is that correct?---That's correct.

27 Within the document does it otherwise describe it as a
28 Level 1 fire? If you can't remember, say so?---The
29 various documents have opportunities in various places
30 for the level to be defined, only I'd have to go 04.04PM
31 through that detail.

1 So you'd need to check the document to answer my
2 question?---That's correct.

3 After you took over control of the fire you had an IMT
4 assembled?---Core IMT.

5 And they met by 11 a.m.; is that correct?---That's correct. 04.05PM
6 I think you say you normally met every two hours but on this
7 occasion they met at 11 a.m., 1 p.m., 5 p.m. and
8 7 p.m.; is that correct?---That's correct.

9 You didn't meet at 3 p.m.?---No.

10 Was there any reason for that?---No need. There were no 04.05PM
11 active spreading fires in my area of responsibility at
12 the time. I was satisfied that the works that we
13 needed to do were happening.

14 You say that you'd made an assessment that this was low
15 risk, but there was catastrophic consequences from the 04.06PM
16 fire, presumably if it escaped and again got out of
17 control; is that correct?---That's correct.

18 And that was because you assessed the fact that it was
19 within close range of Morwell and a number of
20 significant and important pieces of State 04.06PM
21 infrastructure?---That's correct.

22 Presumably also you took into account that we're talking
23 about coal mines here that weren't only an important
24 State infrastructure, but they were extremely
25 vulnerable to fire?---That's correct. 04.06PM

26 Was it as a result of making that assessment that you
27 decided to reclassify the fire as a Level 3 fire?---In
28 part; also partly because of the risk to life and
29 property. As I say - - -

30 In Morwell?---And in close proximity to the original fire. 04.07PM
31 You say that may have in fact been reclassified at one of

1 the IMT meetings?---That's correct.

2 But you can't remember that?---No.

3 There were four IMT meetings on that day. Do you have notes

4 with respect to those four?---I believe I answered that

5 question before; there are no formal minutes of those 04.07PM

6 meetings.

7 I didn't ask you that question, I asked you a different

8 question. Have you got notes of that meeting?---Yes, I

9 have my logbook with my notes.

10 Can you go to the first of those meetings?---Time being? 04.07PM

11 11 a.m. according to your statement?---Yes.

12 There is a note there, is there, of that meeting?---Yes.

13 Without asking you from that at the moment, how long is it,

14 what percentage of an A4 page or pages?---Half a page.

15 Do you have another one for 1 p.m.?---I do. 04.08PM

16 What size?---There are only two words associated with that

17 meeting.

18 What were those two words?---One was about accommodation and

19 one was nightshift.

20 Then you have another note at 5 p.m.?---Yes. 04.08PM

21 How long is that note?---One sentence.

22 What does the sentence say?---"Resources available from 0800

23 Noojee/Erica."

24 Can you tell us what that means?---So Noojee and Erica were

25 two of the other control centres in the cluster for 04.09PM

26 which I was responsible. That's just confirming that

27 there will be some resources at those sites the

28 following day.

29 Available to those sites?---That's correct.

30 So there's nothing about the Hernes Oak Fire?---No. 04.09PM

31 Is there a note for 7 p.m.?---I have handover notes with

1 Stephen Wallis.

2 HIS HONOUR: How long are those notes?---Four lines.

3 Would you read those four lines, please?---"Safety: Working
4 under the transmission lines. Safety: Working on
5 freeway. Safety: Working on the railway line. SMEACS 04.09PM
6 situation: Low risk, extreme consequence."

7 If I could take you back to the start of your session. Is
8 there any way this Board can be informed as to what
9 resources were being deployed or employed in containing
10 the Hernes Oak Fire when you were in charge of the 04.10PM
11 fire?---I don't have evidence.

12 Let me ask you a different question then. Do you have any
13 recollection of the resources that were being employed
14 to contain the fire when you took control of the
15 fire?---My understanding, that two local CFA Task 04.10PM
16 Forces were assigned and allocated to Hernes Oak Fire
17 on the Saturday morning. They weren't on site to my
18 knowledge at the time I commenced my shift. They did
19 arrive at some time during the morning and, as I said,
20 based on the observations from aircraft we started 04.11PM
21 sourcing additional heavy plant, a local helicopter
22 from Hancock Plantations, and then the other resource
23 requests later in the day.

24 When you came on you're not sure there was anything there
25 but you think there were two task forces. What 04.11PM
26 constitutes task force?---I did answer that before;
27 five CFA trucks and a command vehicle.

28 So a strike force?---Yes. Sorry, am I confusing task force
29 and - - -

30 Are they the same?---No. So a task force can be five mixed 04.11PM
31 units. A strike team is five like units; I should be

1 using the term "strike team".

2 In fact there were two strike teams, were there, being
3 assigned?---Yes.

4 You've got no note of when they arrived?---No, I don't.

5 And you've got no note of whether they stayed there during 04.12PM
6 the day and whether other appliances or units or strike
7 teams joined them, whether aerial or otherwise?---I
8 have notes that the light helicopter from Hancocks
9 Plantations was activated at 1 o'clock.

10 1 p.m.?---Yes, I have notes that an additional heavy dozer 04.12PM
11 was sourced and being deployed. I don't have the
12 detail of which trucks were online at which time.

13 When you say which trucks, which trucks from the two strike
14 teams were - - -?---That's correct, yes.

15 They could have been coming and going throughout the course 04.12PM
16 of the day as far as you know?---That's correct. The
17 CFA could change an entire strike team and I wouldn't
18 necessarily be fully aware of it; I would be monitoring
19 gross resources.

20 What information do you get as the controller of this fire 04.13PM
21 in the course of your 10 or 12 hour shift as to what
22 resources are being employed and to how the fire is
23 performing?---The Operations Officer would brief me
24 formally at the Incident Management Team meetings and
25 at other times in between, and based on the 04.13PM
26 conversations I had with them and any mapping or other
27 products they would provide me, such as the photo
28 imagery that I see, I would make an assessment of
29 whether or not the resources available and deployed are
30 making progress at the rate that I would want them to 04.13PM
31 be making so that I could then make a decision about

1 whether I increase resources or request additional
2 resources.

3 And so, the person who really would know what was happening
4 on the ground during this day was your Operations
5 Manager?---That's correct. 04.14PM

6 What he does is, he reports to you orally, or he might show
7 you photographs, aerial photographs principally I
8 presume, of the fire to demonstrate to you how it's
9 performing?---That's correct.

10 For example, would you get any written reports at all during 04.14PM
11 the course of the day?---No.

12 The photographs that you got during the course of the day,
13 would they be available?---Many of them are, they're
14 contained as attachments in emails to the Regional
15 Controller or to the Incident Controller. 04.14PM

16 So they'd be emails to the Incident Controller, being
17 you?---So, simplistically, aircraft flying around takes
18 photos out the side of the aeroplane, electronically
19 downloads them and sends them to a group email.

20 That would include you?---Yes. 04.15PM

21 And so, there'd be email records on the day of much of the
22 information with which you were provided?---That's
23 correct.

24 They'd be readily obtainable, wouldn't they?---To this
25 forum? 04.15PM

26 Yes?---Yes.

27 They could be provided and that will show the fire, how it
28 was performing during the course of the day?---Yes.

29 You give evidence about the models, the Phoenix models that
30 were being prepared. How do you receive those?---Peter 04.15PM
31 McHugh had an extract of it and he was providing me

1 with the hard copies which you've seen attached to my
2 statement.

3 But somebody presumably prepares these things?---That's
4 correct.

5 Inserts assumptions?---That's correct. 04.16PM

6 For example, you've identified an assumption is the time of
7 the break out of the fire; is that correct?---That's
8 correct.

9 But presumably also it's the end point of the fire which
10 it's shown, or modelled at least, must also be 04.16PM
11 identified, how long it's to suggest that the run's
12 going; is that right?---That's correct.

13 For example, of the ones that we saw you have produced, do
14 you know how long it was that the Phoenix program was
15 told to assume the fire would last or progress to get 04.17PM
16 to the point which was depicted?---No, I don't.

17 Who prepares these?---Most of them are run by the Fire
18 Behaviour Specialist attached to the State Control
19 Centre.

20 Do you as the Incident Controller request that they 04.17PM
21 undertake them, particularly on a busy day like this
22 day, in respect of your fire?---We can request them.
23 Some of them are run automatically under the State
24 operating arrangements and provided to us.

25 Did you request them this day or were they all given to you 04.17PM
26 automatically?---My understanding is that Peter McHugh
27 requested them and he showed me the product.

28 The two that you've produced were not the only ones you've
29 said that were produced that day?---That's correct.

30 In your statement you said that they were late in the day; 04.18PM
31 paragraph 53, you say late on Saturday?---Yes.

1 "The precise time I cannot recall. 8 February 2014 I was
2 provided with copies of the Phoenix modelling for the
3 Hernes Oak-McDonalds Track Fire." Do you know whether
4 that would have been after 5 o'clock, do you mean by
5 late on Saturday?---The one I'm referring to in 04.18PM
6 particular is the one that was made available to Nick
7 which I've seen earlier today.

8 I'm sorry, in paragraph 53 you're referring to the one that
9 you made available to Nick Demetrios. Is that
10 correct?---That's correct. 04.18PM

11 But you don't produce that one as part of your
12 statement?---No, I didn't.

13 Was that a deliberate decision?---No.

14 Why do you say that reference at paragraph 53 is a reference
15 to the Phoenix model which you didn't produce rather 04.19PM
16 than the ones that you did produce?---I indicated
17 earlier that much of the documentation associated with
18 the running and the operating of the Incident Control
19 Centre is retained at the Incident Control Centre. The
20 documents I have provided with my statement just happen 04.19PM
21 to be ones that were still in my possession at the time
22 that I generated the statement. There are a number of
23 documents that I have not been able to access.

24 Prior to seeing it referred to today or yesterday, when was
25 the last time you'd seen the one that you gave to Nick 04.19PM
26 Demetrios?---At the incident.

27 Was it only today when you saw it again that you realised
28 that's the one that you thought you got late on
29 Saturday?---I know that's the one I saw late on
30 Saturday, because that's the one that triggered me to 04.20PM
31 arrange for people living to the southwest of the

1 original fire to move out before the night.

2 When did you receive the other two?---I can't be certain.

3 Did you receive them during the course of Saturday?---That's

4 my belief.

5 What is the feature about the one that was sent to Nick 04.20PM

6 Demetrios as opposed to the two that you have produced

7 that makes you think that was the one that made you

8 concerned about the residents of Morwell which you

9 suggested might evacuate?---It uses a different trigger

10 time. It was, to my knowledge, run with an escape 04.21PM

11 happening in the early hours of the morning under the

12 influence initially of a northeast wind followed by the

13 northwest wind, which is why it has a very different

14 shape to the ones that are attached to my statement,

15 and it shows the fire spreading into and around 04.21PM

16 properties and houses in close proximity to the

17 original fire.

18 If the witness might be shown this again, if he could be.

19 If I could ask you to clarify for me, if possibly he

20 could be taken to the 9 a.m. one. To be fair, 04.21PM

21 Mr Jeremiah, you recognise this as the first of the two

22 that you did attach to your statement;

23 correct?---That's correct.

24 Does that not also show the fire, in whatever duration, from

25 a 9 a.m. Sunday morning release approaching the western 04.22PM

26 part of Morwell?---Yes, it does.

27 Was there some feature of that one which would be less

28 concerning than the other, and do you want to see the

29 other to make a comparison?---No, they all tell me the

30 same message, that both the Yallourn Mine and the 04.22PM

31 Morwell Mine and the western edge of Morwell are under

1 threat.

2 So that one would have concerned you just as

3 much?---Absolutely.

4 Can you remember when you saw that one?---No.

5 But you can remember you saw the one you sent to 04.23PM

6 Mr Demetrios?---Yes.

7 Would you not have been more concerned if you'd seen that

8 one, because that shows the imminent threat of what

9 will occur on the following morning if the fire breaks

10 its containment lines?---No, they all demonstrate 04.23PM

11 potential spread of the fire based on different break

12 out times, and they all run for a limited duration.

13 So, if you allow the fire to spread for a longer amount

14 of time, you'll get a different impact zone and they

15 all assume no suppression effort. 04.24PM

16 But you don't know what the assumptions were for these

17 different depictions as to how long the fire had run to

18 get to the point where it's depicted?---That's correct.

19 But my question is a simple one. On Saturday, would you not

20 be more concerned by what was being depicted as the 04.24PM

21 effect of a break in containment lines at 9 a.m. on

22 Sunday morning rather than 1 a.m. on Monday

23 morning?---I understand the references to 1 a.m. on

24 Monday morning. I don't understand them.

25 Possibly then if the witness could be shown page 48 of 04.24PM

26 Mr Harkins' statement. What break out time - is that

27 an expression that is satisfactory? Do you know what I

28 mean by break out time?---Yes, certainly.

29 What break out time did you understand was assumed by this

30 model?---It was a break out during the middle of the 04.25PM

31 night-early hours of Sunday the 9th.

1 What made you conclude that?---That was the advice I was
2 given at the time and it's consistent with the spread
3 rate based on the weather forecast at the time,
4 spreading initially under the influence of a
5 northeasterly wind. 04.26PM

6 Did you see the imprint at the top left corner of the
7 depiction?---I've seen reference to it; I don't
8 understand it.

9 Plainly, that's not consistent - if that's the break out
10 time, then that's not consistent with your 04.26PM
11 understanding, is it?---I don't understand what that
12 time print means.

13 Do you notice it says "2/10/2014"?---Yes.

14 It could be 2 October 2014, couldn't it?---Yes.

15 But it's more likely, isn't it, that it's a reference to 04.26PM
16 10 February and they're using the American style of
17 dating?---As I say, I don't understand that time print;
18 I don't know whether it's Australian Eastern Standard
19 Time or whether it's universal time coordinates;
20 there's a number of options it could be. 04.27PM

21 I'd better get this much clear: Do you understand that the
22 United States often uses a month, day and year rather
23 than our day, month and year?---Yes, I do.

24 Will you not assume that was a reference to 10 February?---I
25 didn't take note of it. 04.27PM

26 Was there anything on this document which indicated to you
27 what the break out time of the document was?---No. The
28 discussion I had with my planning staff was to
29 investigate what would happen if a fire broke out
30 during the middle of the night, and that's the product 04.29PM
31 I was provided with.

1 Have you got a note of this request?---No.

2 Have you got the email that you received with this
3 particular depiction?---No. I'm unaware that I got it
4 via an email. I'm assuming that Peter McHugh in
5 carrying out his duties and responsibilities within the 04.29PM
6 Planning Unit and leading the Planning Unit has
7 acquired the product and provided it to me.

8 How would he have got it? Could he have prepared it himself
9 without reference to Melbourne?---I don't know. He
10 would have been in discussions with Melbourne, he would 04.29PM
11 have had to have obtained some product from Melbourne.

12 The other two that you do produce have got plain dates
13 written on them, don't they?---Yes.

14 You can't explain the difference?---No, I can't.

15 You sent this, was it you who sent this on to Nick Demetrios 04.29PM
16 by email? I'm now referring to page 46 of Mr Harkins'
17 statement?---To the best of my knowledge, no, I didn't
18 send it; I had conversations with Nick and with Peter
19 collectively and asked that the information be made
20 available to him. 04.29PM

21 Can I ask about this: Could the witness be shown the two
22 pages previously please. If you could turn towards the
23 bottom of that page, it says there, "From ICC
24 Traralgon". Would that have been from your
25 office?---It would have been from the Incident 04.29PM
26 Management Team. We have a number of generic logins.
27 That one has the planning section in brackets
28 afterwards. That would indicate to me that it was from
29 Peter or one of his staff.

30 And that was just sent to Mr Demetrios and - sorry, just 04.30PM
31 Mr Demetrios is the only recipient; is that

1 correct?---That's what I observe.

2 This was on your instruction it should be sent to

3 him?---Yes.

4 Had you given him personally any other models, depictions of

5 Phoenix modelling?---No, I hadn't. 04.30PM

6 I ask you to go back to your statement, please, and ask you

7 to have a look at paragraph 106. I ask you to read

8 that to yourself again. Were you not intending to

9 suggest by that when you said, "Nick Demetrios on

10 Saturday the 8th, the Chair of the CGEIG Inc and also a 04.31PM

11 member of the REMT, attended the Traralgon IMT and was

12 briefed on the potential bushfire threat associated

13 with the Hernes Oak-McDonalds Track Fire and was

14 provided with copies of the Phoenix predictions which

15 clearly showed that should the Hernes Oak-McDonalds 04.32PM

16 Track Fire containment break, spotting from that fire

17 was likely to occur in the Hazelwood Mine. The Phoenix

18 forecast pages for 9 a.m. and 11 a.m. on 9 February are

19 provided in Attachment 12." Was that intended to

20 communicate that those two were given to him?---Yes. 04.32PM

21 And were they given to him?---To the best of my knowledge.

22 When you say "to the best of your knowledge", what do you

23 mean by that? Have you got any recollection of giving

24 those two to him?---I had a conversation with Peter

25 McHugh and with Nick; Peter had the source documents 04.32PM

26 and my recollection is, I asked Peter to make them

27 available to Nick.

28 Which ones did you tell him to make available?---All of

29 them.

30 Is that a convenient time? 04.33PM

31 CHAIRMAN: I'm concerned about the time that we're going

1 over and over. I think I'd prefer you to keep going.

2 MR RIORDAN: Sir, I was going to suggest that maybe
3 overnight we may be able to get hold of some of these
4 records. My concern is that the Board is just not
5 being provided with these records.

04.33PM

6 CHAIRMAN: The trouble is, you can't guarantee that it's
7 going to be short in the morning, that's part of it.
8 There's always continuing problems with not being able
9 to get material and I'm afraid I need to keep the
10 pressure on. I think go as far as you can tonight and
11 if there's still a couple of loose ends, we aim to
12 spend as little time as possible in the morning on
13 patching up the loose ends.

04.33PM

14 MR RIORDAN: Do you know how many depictions you had when
15 you gave the instruction for them to be given to Nick
16 Demetrios?---The three we've been speaking about, the
17 two I had in my possession when I prepared my statement
18 and the other one we prepared today are the three I
19 have strong recollections of.

04.34PM

20 There may have been others?---May have been others.
21 When you asked for them to be given to Demetrios, was that
22 to be given to them by email?---My understanding, yes.
23 Nick asked for electronic copies that he could
24 distribute.

04.34PM

25 I've taken you to the email; it appears that only one was.
26 You can't explain that?---No, I can't.

04.34PM

27 On the email, if I could take you back to it, Mr Demetrios
28 seems to be of the view that "this is the latest
29 mapping from the Phoenix model at 1 a.m. hours tomorrow
30 night. Worst-case scenario this may be the fire
31 protection." Was worst-case scenario something you'd

04.35PM

1 told him was the position?---No. My interpretation
2 would be, as I said, the Phoenix model runs assuming no
3 suppression. So, it theoretically gives you a
4 worst-case scenario, as you can suppress some of the
5 fire you would expect to get a smaller footprint, small 04.35PM
6 impact area.

7 Did these tell you anything more than this fire, if it
8 breaks its containment, some unidentified time,
9 although it appears that Demetrios had a view of what
10 time it was, but if it breaks it, then after an 04.36PM
11 undefined period it could reach Morwell or the
12 mine?---That's correct.

13 It doesn't say anything as to the probability of that?---No.
14 In fact, your view was, that was a very low
15 probability?---That's correct. 04.36PM

16 It was a low risk this would occur?---That's correct.
17 You only did this because Demetrios asked for it; is that
18 right?---No. We communicated - we contacted Nick and
19 indicated that it was important that he be made aware
20 of the information we had suggesting potential impact 04.37PM
21 on a number of critical assets, Yallourn and Hazelwood.

22 Do you not think it appropriate that you might contact the
23 particular mine on the basis of this modelling, your
24 concern could be affected?---There were many critical
25 assets in and around the Latrobe Valley. I used the 04.37PM
26 conduit being the Essential Industries Group to make
27 that contact.

28 Can I suggest to you that there's a major problem with doing
29 it in that way and that is that, if you don't contact
30 them directly and give them the message, then they 04.37PM
31 don't know what the probability of the fire breaking

1 its containment or how long it would take to reach
2 there, both of which are critical features, aren't
3 they, in determining their reaction to it?---Can you
4 say that again?

5 Certainly. The critical message you wanted to send, wasn't 04.38PM
6 it, through Demetrios, was to Hazelwood Mine?---No, it
7 was to all essential industries in Latrobe Valley.

8 Well, this fire on this depiction was critically going to
9 threaten the Hazelwood Mine, wasn't it?---And Yallourn.

10 To a lesser extent Yallourn, but the northwesterly run was 04.38PM
11 towards Hazelwood?---That's correct.

12 And to send that document off without any explanation as to
13 when the containment line was assumed to be broken, for
14 how long the fire would have to run before it rose at
15 that point and the possibility of it breaking 04.38PM

16 containment lines, I'm suggesting tells them
17 nothing?---They would have had access to a certain
18 amount of weather information which would have, under
19 their own preparedness plans, activated certain actions
20 within their enterprise. My endeavour was to alert 04.39PM
21 them that, with this fire should it break out the risk
22 was higher and they may need to take additional steps.

23 I put it to you, that's because you had sent them this
24 particular depiction which in fact related to Monday
25 when you would have been much better at least to send 04.39PM
26 them the one that related to Sunday morning. Do you
27 agree with that?---No, I don't.

28 CHAIRMAN: I don't know that I'm getting much help from this
29 matter being taken further. I accept what you say that
30 there are unanswered questions but I don't know that 04.40PM
31 this witness is capable of answering them.

1 MR RIORDAN: I'll move on to another topic, sir. You were
2 asked a question before about the time that the
3 Driffield Fire started and I think you say that you're
4 unaware of that and unable to assist?--My records say
5 2.30, 1430. 04.40PM

6 Do you have your records there which says that?---Yes.
7 Mr Lapsley gave evidence that it was 1337?---As I say, to be
8 definitive I would refer you to ESTA and the 000 calls.
9 I'm just wondering your record. Do you have a record there
10 that someone reported to you that it was at 2.30?---I 04.41PM
11 have a time record at 1415, a reference to the
12 Jindivick Fire, potential multiple new ignitions at
13 Strzelecki Highway. At 1435 three confirmed.
14 And the time of the first entry was?---1415.
15 1415, so that was the first you were told, that you recorded 04.41PM
16 at least that you were being told about it?---At 1415 I
17 made a time reference in relation to the Jindivick
18 Fire.
19 And I thought you added some multiple?---Yes, so there's
20 some references to potential ignitions, there's no 04.41PM
21 timestamp with that, but certainly at 1435 where I've
22 written "three confirmed". So, certainly at 1435
23 confirmed three. Somewhere between 1415 and 1435 I've
24 made the note that there's a new fire.
25 Can I just deal with the question, requests for assistance 04.42PM
26 from the CFA would not as a matter of course be
27 directed to you, I take it. From outside, from third
28 parties, from the mine, the request for assistance from
29 the CFA would not be made to you directly?---If I was
30 the Incident Controller, they should be made to the 04.42PM
31 Incident Control team. In terms of a fire wholly

1 within the mine, independent of this bushfire, if they
2 were seeking additional resources my understanding is,
3 they would contact the CFA direct.

4 But plainly enough, if the fire within the mine was a direct
5 consequence of the bushfire, it's therefore effectively 04.42PM
6 part of the bushfire, is it not, forming part of
7 bushfire?---That's correct.

8 And that's the way you treated it?---Yes.

9 And that's the way you did treat it?---Yes.

10 And you gave support to the mine as soon as you were able to 04.43PM
11 give support to the mine?---That's correct.

12 You had no doubt from an early time in the afternoon about
13 the need to provide support from the CFA to the mine as
14 soon as you were able to do so, taking into account the
15 proper priorities?---That's correct. 04.43PM

16 You say at paragraph 41 that there was no request made to
17 you for resources or assistance. The point you make
18 about that is that they didn't suggest there was any
19 separate fire there; is that the point you're
20 making?---No, this is in relation to preparedness. 04.44PM

21 Preparedness?---That's correct.

22 It's not in relation to the fact that there was a Mine Fire;
23 you were aware of that early in the afternoon?---That
24 statement is about, I alerted them of the risk; they
25 didn't come back to me and say, well, in order to help 04.44PM
26 prepare for that risk can you provide resources or do
27 other work.

28 When you say you alerted them of the risk, you told Nick
29 Demetrios?---That's correct.

30 And you now know that he, as far as you're concerned, was a 04.44PM
31 source of misinformation by sending them something

1 suggesting that it wouldn't be until a worst-case
2 scenario until 1 a.m. on Monday; that's not the message
3 you intended to be sent, was it?---My expectation is,
4 the information I provided to Nick he would pass on in
5 his role as the Chair of the Industry Group. 04.44PM

6 You did not intend him to pass on a message to say that the
7 depiction of the worst-case scenario at 1 a.m. on
8 Monday?---Can you restate that?

9 You saw the emails, have you not, that were actually
10 sent?---Yes. 04.45PM

11 And you saw the fact that, rightly or wrongly, leaving that
12 question aside for the moment, that Phoenix model was
13 depicted as being the position as at 1 a.m. on Monday
14 morning, not Sunday morning?---Did you not understand
15 that from the emails?---As I've said before, the 04.45PM
16 timestamp on that product, I don't understand.

17 Yes, I'm asking you a different question?---My objective was
18 to have Nick understand the risk of the fire breaking
19 out and its potential impact on the major industries
20 around the Latrobe Valley. 04.45PM

21 And rightly or wrongly, you relied upon him to communicate
22 that to the mine?---That's correct.

23 You say, if that was mis-communicated, that's not your
24 responsibility?---I delivered the best information I
25 could deliver. 04.46PM

26 The only other matter, I think paragraph 76 then probably
27 goes to the relevant question which I was driving at
28 before when you explained what paragraph 41 means, and
29 I'm grateful for that. Paragraph 76 was that you were
30 aware at an early time that there was fire in the mine, 04.46PM
31 but you were unable to divert resources to it at that

1 time because you had priority of threat to life in the
2 Morwell township and its environs that you had to
3 attend to as a priority; is that correct?---And other
4 critical assets.

5 Sir, that will complete my cross-examination, although our
6 request would be for at least the emails or any other
7 records to be produced and if we could have a look at
8 the logbook.

04.47PM

9 CHAIRMAN: I think that's a matter I'll leave you to take up
10 with counsel and we'll go from there.

04.47PM

11 MR RIORDAN: Of course.

12 MR WILSON: If the Board pleases, I had four, only four
13 questions, and with a view to releasing this witness
14 would the Board indulge me in pursuing that or is it
15 best to.

04.47PM

16 CHAIRMAN: I'd prefer you to do that, which leaves the
17 possibility that the witness may have to come back and
18 we'll endeavour to get out of the way everything we can
19 at this point.

20 MR WILSON: Thank you very much, if the Board pleases.

04.47PM

21 <CROSS-EXAMINED BY MR WILSON:

22 Mr Jeremiah, to take up the matter that our friend,
23 Mr Riordan, pursued with you at some length, two points
24 about the Phoenix imaging. How many did you give to
25 Mr Demetrios as best you recall and why did you give
26 them to him?---To the best of my knowledge the three
27 products we've seen today were all made available to
28 Nick. The reason for making them available to him was
29 to elevate his level of awareness of the risk above and
30 beyond that which we would have got from just the
31 weather forecast.

04.47PM

04.48PM

1 Second question: After resources were diverted to fight the
2 Jack River Fire, what was the consequence of that
3 diversion on your ability to deal with the Hernes Oak
4 issue?---Dealing with two fires meant we had to spread
5 the resources we had between those two fires. If we'd 04.48PM
6 been able to retain more resources on the Hernes Oak
7 Fire, potentially we would have been able to achieve a
8 different result, but given the risk to life and
9 property, under the other priorities I had to deal
10 with, I had to spread those resources. 04.49PM

11 Third question: You were asked about the reclassification
12 of the Hernes Oak Fire from a Level 1 to a Level 3. If
13 you were to give us a single most pressing reason for
14 that reclassification by you, what was it?---The
15 consequences should it escape. 04.49PM

16 Consequences to whom and to what?---To life, property and
17 infrastructure as defined by the Fire Services
18 Commissioner.

19 Last point: You were asked about the Joint Standard
20 Operating Procedure very early in questions today. How 04.49PM
21 would you describe the cooperation between agencies
22 involved in the firefighting effort with which you were
23 concerned?---Certainly for both the Incident Management
24 Team I was leading and the Incident Emergency
25 Management Team, I received full cooperation, and it 04.49PM
26 operated from my perspective in a relatively seamless
27 way.

28 If the Board pleases, those are the questions of this
29 witness.

30 CHAIRMAN: Do you want to ask any more questions? 04.50PM

31 MR ROZEN: I don't have any re-examination, subject to

1 anything further that might arise.

2 CHAIRMAN: Any matters that may need tidying up is,
3 hopefully, to be done without asking Mr Jeremiah to
4 return, but you know that there's that
5 possibility?---Yes.

04.50PM

6 Do you want to give an outline of where you now stand,
7 Ms Richards?

8 MS RICHARDS: I'll do that. So, Mr Jeremiah was the first
9 of the Incident Controllers. There are six more
10 Incident Controllers, and over the luncheon adjournment
11 we considered whether it was necessary to hear in
12 person from all of them. At this point I can say that,
13 so far as Counsel Assisting are concerned, we don't
14 require Mr Bloink to attend to answer questions, we're
15 content to just tender his statement. We're reviewing
16 whether we can excuse some of the others from attending
17 tomorrow.

04.50PM

04.51PM

18 The remaining Incident Controllers whose
19 statements we will either tender or hear from tomorrow
20 are Costa Katsikis who was a Deputy Incident Controller
21 at the same time as Mr Bloink; Barry Foss, Bob Barry,
22 John Haynes and Ross Sullivan. I will provide a
23 definite message to the State's representatives as soon
24 as we can after we break about which of those we
25 require to attend tomorrow, and there's a community
26 witness tomorrow, Doug Steley. So, I'm relatively
27 optimistic that we will complete that evidence by the
28 end of tomorrow.

04.51PM

04.51PM

29 CHAIRMAN: We'll resume at 10 tomorrow morning.

30 <(THE WITNESS WITHDREW).

04.51PM

31 ADJOURNED UNTIL THURSDAY, 29 FEBRUARY 2014