

**IN THE MATTER OF
The Hazelwood Coal Mine Fire Inquiry**

STATEMENT OF BARRY KENNETH FOSS

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Filed on behalf of: The State of Victoria
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Attention: Peter Stewart

I, BARRY KENNETH FOSS, of 61-63 Separation Street, North Geelong, Victoria, Operations Manager, Country Fire Authority (**CFA**), can say as follows:

A. Introduction

1. My full name is Barry Kenneth Foss. My date of birth is 20 September 1953.
2. I am the Operations Manager at the State Personal Protective Equipment and Clothing (**PPE&C**) Management Centre based at Separation Street, North Geelong, Victoria.
3. I have been in this role since December 2008. My primary responsibility involves all matters relevant to PPE&C, including liaison with CFA Fire and Emergency Management on future requirements, field introduction and performance of equipment and clothing in the field and investigations into incidents relating to PPE&C.
4. I am an accredited level 3 Incident Controller (**IC**). I have been a Level 3 IC since the mid-1990s and have been accredited since the current system of accreditation came into being.
5. I have been an employee of the CFA for 41 years and was a volunteer for over four years before that. I started with the CFA as a firefighter and worked my way up through the ranks. I have worked in a number of locations around the state including Ballarat, Dandenong, Frankston, Springvale, Morwell and Traralgon. In 2006, I was a mentor to the IC for the fire that occurred in the Hazelwood Mine at that time.
6. From 1992 to 2001 or 2002, I was based at Corio and worked in areas of risk management and operations for major hazard infrastructure. That infrastructure included the Shell LPG plant at Lara, the Shell Refinery and the Terminals, where highly volatile materials are manufactured or stored.
7. I have been shown a copy of a document entitled 'Outline of witness statement from Incident Controllers' (**Outline**) (Attachment 1) [[CFA.0006.001.0005](#)]. In this

witness statement, I address each of the matters referred to in the Outline, insofar as they relate to the period in which I was IC.

8. In addition to matters referred to in this statement, the following records of events were also kept at the time that I was IC:
 - 8.1 minutes of Incident Management Team (**IMT**) meetings;
 - 8.2 minutes of Hazelwood Mine Operations Meetings;
 - 8.3 minutes of Emergency Management Team (**EMT**) meetings. I note that it was not possible for me to attend all of the EMT meetings that occurred in the period that I was IC;
 - 8.4 Incident Action Plans (also known as Incident Shift Plans (**ISPs**)); and
 - 8.5 written fire information releases.
9. These documents contain details relevant to the matters referred to in the Outline. In the time that has been made available to me to prepare this statement, I have not had an opportunity to review these documents. I have been advised by the solicitors for the state of Victoria that the various minutes, plans and fire information releases are being collated and will be provided to the Board separately.

B & C. Preparedness and Response

10. As to questions 1-3, I was not the IC in the period referred to. I was the IC for the Hazelwood Mine (**Mine**) Fire on Thursday, 13 February, Tuesday, 18 February, Wednesday, 19 February and Thursday, 20 February 2014.
11. As to question 4, in the period that I was IC, these matters were recorded in the minutes of the IMT meetings that were conducted. The majority of the core positions of the IMT were filled. I do not know whether every member of the IMT was an accredited or endorsed Level 3 in their role. The IMT was made up of resources drawn from all over the state. Plans were in place, which I reinforced, to continue to draw additional resources so that people could continue to be made available to the IMT.
12. As to question 5, in the period that I was IC, these matters were recorded in the minutes of the EMT meetings that were conducted.
13. As to question 6, in the period that I was IC, these matters were recorded in the ISPs that were or are being produced to the Board. Prior to my arrival, I was asked by the Regional Controller Steve Warrington to think outside the box and bring any innovative ideas to the suppression strategy. Following that directive, I looked at the key risks and priorities, including the protection of life and critical infrastructure. I spoke to local operational firefighting staff, divisional commanders and worked with the Mine staff and engineers to obtain their opinions. From these conversations, I realised that access to reticulated water and the management of water used for firefighting was having and would continue to have a negative impact on the suppression effort unless addressed.
14. The lack of access to reticulated water meant it was not possible to apply appropriate quantities of water in the right locations to suppress it. This was ultimately addressed by extending the reticulation system that was already present in the Mine.

15. The management of water was also an issue because the water pumps are located on the Mine floor. It was water from these pumps that was used to fight the fire. There was a risk if too much water was applied then pump operation could be jeopardised by the failure of water containment ponds, resulting in the loss of water supply for firefighting. The inability to remove sufficient water from the mine floor could also impact on the stability of the mine. Furthermore, other critical firefighting infrastructure, such as power supplies were being threatened. The threats to this firefighting infrastructure made the suppression effort even more difficult. In order to minimise risk of mine destabilisation and loss of firefighting water capability a Water Management Plan was developed in consultation with mines personnel.
16. On Thursday, 20 February 2014 (my last day as IC), there was a breakaway of fire towards the Energy Brix facility. It took a considerable allocation of resources including tankers and aircraft to suppress this breakaway before it impacted the facility. If this fire had not been contained and the fire had impacted upon Energy Brix it would have caused a considerable impact on both the electricity supply in Victoria and other end users of briquettes, including hospitals and the dairy industry who rely on the product produced by Energy Brix in order to operate. Furthermore, if this fire had continued to run, it had the potential to directly impact private property.
17. As to question 7, in the period that I was IC, the principal difficulty was the extent of the fire and associated carbon monoxide (**CO**) conditions which on occasions limited the amount of time that firefighters and mine staff could continue to safely and effectively suppress the fire and conduct other operations such as the construction of the reticulation mains. Wind conditions also meant that at times, firefighter safety prevented firefighters and Mine staff from venturing into certain parts of the Mine because of the danger in those areas.
18. As to question 8, in the period that I was IC, the experts who informed the approach of the IMT are referred to in the minutes of the IMT meetings. In particular, I worked closely with:
 - 18.1 the Mine Operators and engineers. Those personnel were liaising with their industry group and provided valuable insights and equipment such as cranes and fixed water monitors to assist in the suppression effort. Furthermore, the manner in which the reticulation systems were extended, considering the fire situation, was impressive;
 - 18.2 those involved in firefighter safety, such as scientific advisers, Mick Smith, Deputy Chief Officer from the Metropolitan Fire Service South Australia, who provided expertise in relation CO exposure to firefighters, Dr Michael Sergeant, who also considered CO exposure, hazmat officers, health through Ambulance Victoria and the fire service health monitoring team;
 - 18.3 both observational and suppression aircraft to provide fire behaviour information and targeted suppression as required; and
 - 18.4 local firefighting personnel who had previous experience in brown coal fires.
19. As to question 9, in the period that I was IC, in addition to the matters I have already referred to, the number of incidents that were occurring simultaneously meant that the physical resources that were available to the IMT were not the same as those that

would ordinarily have been available had the Mine fire been the only fire that was burning.

20. As to question 10, I have been advised that the community information and warnings that were issued during the period that I was IC are being collated and will be provided to the Board separately.
21. As to question 11, in the period that I was IC, this was an issue that was being considered with input from relevant experts at Regional and State Level. I was aware of agency representation at Regional Level as I observed meetings being conducted one floor below the IMT.
22. Furthermore, I attended a community meeting on the night of Tuesday 18 February 2014. At that meeting there was discussion about the impact on vulnerable members of the community. An example that I recall related to the plans to take school children on excursions away from Morwell during the period that the fire was burning. The Environment Protection Authority (**EPA**), the Department of Health, Ambulance Victoria and the Department of Education (Mark Anderson) addressed the meeting. Mr Anderson said that information had been provided to school principals about limiting the exposure of school children to smoke and the provision of a protocol to schools.
23. On Wednesday, 19 February, I attended a media conference at the Kernot Hall in Morwell. Also present at this media conference were Dr Rosemary Lester (Chief Health Officer (**CHO**)), John Merritt (CEO of the EPA) and Craig Lapsley (Fire Services Commissioner). Dr Lester outlined the risks and spoke at length about advice to vulnerable people and the establishment of a community respite centre at Moe. Furthermore Dr Lester mentioned the relocation of a number of schools. Mr Merritt discussed the air monitoring capability that was in place and the manner in which the EPA would provide information to the community.
24. As to question 12, in the period that I was IC, and in particular on 13 February 2014, it would have assisted to have had some of the community liaison arrangements in place that were available from the following week including community liaison officers riding trains to and from Gippsland. Information points were also set up in and around Morwell. These techniques would have assisted in getting information to those who did not have access to electronic media including the internet.

D. Evacuation

25. As to question 13, in the period I was IC, CO readings I was receiving were not at a level that could have justified a recommendation to evacuate. In that regard, whilst there were some spikes in the readings, they did not remain consistently high. Had there been consistently high readings, however, I would have had the option to recommended evacuation, had I considered it appropriate.
26. In addition to this, Victoria Police had also produced a draft evacuation plan. This was recorded in the EMT minutes at the time. Also at that time matters of relocation were being considered at Regional Level, including the triggers that might lead to relocation. These triggers had not been finalised by the time I had finished my final shift as IC.
27. As to question 14, I was not IC on 28 February 2014.

E. Liaison with other parties

28. As to question 15, in the period that I was IC, I have described my liaison with the Mine Operator, the EPA and the CHO above. I did not have any liaison with WorkSafe within the IMT.
29. As to question 16, in the period that I was IC, liaison with the Mine staff worked well. I have described this above.

Dated: 27 May 2014

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BARRY KENNETH FOSS