

**Mr Euan Ferguson AFSM
Special Inquirer
Waroona Bushfire Special Inquiry
Level 6 Dumas House
2 Havelock Street
WEST PERTH
Western Australia 6005**

Submission by Hon Dr Sally Talbot MLC, Member for South West Region, Legislative Council, Parliament of Western Australia

4 March 2016

Dear Mr Ferguson

Thank you for the public invitation to make a submission to the special inquiry into the recent fires that affected the Shire of Waroona, the Shire of Harvey and the town site of Yarloop in January 2016, all of which lie within my electorate.

The fires have devastated a significant area across the shires of Harvey and Waroona and I fear that the effects of the shock and loss experienced by a large number of residents will be felt for years to come. I must say at the outset, however, that I have been extremely impressed by the effectiveness of the response by the two shires both during the emergency and in the aftermath. I have seen and heard reports of some exceptional teamwork, innovative thinking and a cool, calm resilience that merit the highest commendation as we continue to look for ways to reduce the risk of bushfire and improve our capacity to respond to serious incidents. As community leaders, both Cr Tania Jackson, Shire President of Harvey, and Cr Maree Reid, Shire President of Murray, have earned the deepest respect of their communities and thoroughly deserve the heartfelt thanks of us all.

I know that you will receive some very detailed and insightful submissions from those who were involved with the responses coordinated by the two shires. I would urge you to give those submissions very close and careful consideration as I am confident from my discussions with the shires that the insights and observations they will provide will be of inestimable value as you formulate your recommendations and findings.

There is one specific incident that I would like to draw to your attention and request you to investigate further under your first and third terms of reference which require you to examine and report on the response to the January 2016 Waroona fire and the need for further reform. This incident relates to the decision to facilitate the transport of workers to the Alcoa's Wagerup Refinery on Friday 8 January. The sequence of events was outlined to me in the days after the bushfire by several workers who had been directly involved in the incident.

I realise that decisions taken by Alcoa about management of its workforce are beyond the scope of your inquiry. My concerns, however, relate directly to the involvement of emergency service agencies and the decisions made and advice given by people in those agencies in relation to the transport of workers to the Wagerup Refinery on that day.

This was, of course, only a matter of hours after the townsite of Yarloop had been destroyed. The fire was still categorised as out of control, and a significant number of people were unaccounted for. Local residents throughout the shires of Harvey and Waroona who were being housed in evacuation centres on Pinjarra and Leschenault could not ascertain whether their properties had been destroyed, saved or were still under threat.

Workers who were due to report at Wagerup on Friday 8 January were advised by Alcoa late on Thursday 7 January that they should not attempt to drive to the refinery and should instead report to the Pinjarra hub by 5.30am the next day. My understanding is that two buses were provided to take the workers to the worksite and, sometime around 9.00am, approximately 80 people boarded those buses. A much smaller group met in Bunbury and were also provided with a bus to take them to Wagerup.

At some point on the journey south from Pinjarra, the buses were met by one of the Alcoa managers who was driving private vehicle. His advice was that he had come from the refinery and the road was clear. The buses proceeded, and at some point were joined by an emergency services escort vehicle. According to the people on the bus, their progress was halted by the collapse of the road bridge (presumably the bridge at Hamel), at which point the buses had to reverse and search for an alternative route which involved driving through the fire-ground for some distance on unbituminised tracks.

According to the driver of the Bunbury bus, he had been promised an escort from the checkpoint en route to Wagerup. When he reached the checkpoint, however, he was told no escort was available and waved through.

What I heard from the accounts given to me was that for all these workers the journeys south from Pinjarra and north from Bunbury into the worksite were extremely frightening. Fire fronts were actively burning on all sides of them and they were clearly being driven through fire-grounds where the fires had yet to be brought under control.

I understand that the return journeys, which took place at about 9.00pm that night, were equally hazardous and that no emergency service escort vehicles whatsoever were provided for any of the buses.

I think it is also worth drawing your attention to the fact that the workers who were transported to their shifts on this day were not emergency workers, or critical incident managers or first responders of any description. Had this been the case, I think a different assessment of the situation might have been possible. Critical incident managers clearly undertake particular and specific duties in an emergency situation and are trained accordingly. I emphasise that these were not essential staff, in the sense that such a category becomes relevant in an emergency situation.

This is an important point, because the second element of this incident that seems to me to warrant further detailed investigation is the risk to which the workers were exposed once they reached the worksite. As these conditions were reported to me, there is certainly a serious question which needs to be answered by emergency response managers about whether allowing these workers into the refinery exposed them to an unacceptable level of risk. According to the witness reports I have received, the worksite perimeters were surrounded by fire and the whole site was blanketed by smoke. It should be borne in mind that there are live gas feeds at this site, yet workers were provided with no safety briefing at any point during the day, and there were no evacuation procedures in place. There

were also no communication facilities at the worksite with phone and internet connections having been cut as a result of the fire.

Since the fire, I have asked several questions in Parliament in an attempt to clarify how decisions were made that resulted in the workers being transported to and from the worksite and spending many hours in what appear to be unacceptably hazardous conditions. I have attached the questions and answers for your information. As you will note, the answers have not shed light on the matter.

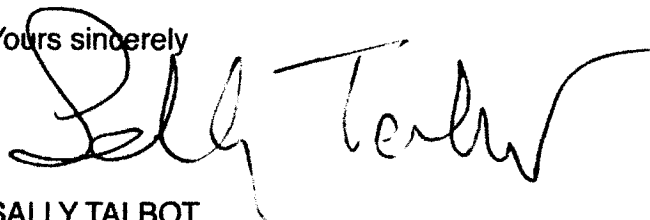
I would summarise the questions that remain to be addressed as follows:

1. What advice was sought by Alcoa from any of the emergency service providers in regard to transporting workers to the refinery on Friday 8 January and at other times when the bushfire was out of control?
2. Who provided the advice?
3. Did the advice include arrangements for the issuing of any permits, authorisations or permissions to pass through emergency service checkpoints or roadblocks?
4. What escort arrangements were in place on the inward and outward journeys between Pinjarra and Wagerup and between Bunbury and Wagerup on Friday 8 January?
5. On what basis were these escort arrangements sought?
6. Who authorised these escort arrangements?
7. What policies or protocols are in place or were referenced by (a) the employer and (b) emergency service providers regarding the transport of non-essential staff to a hazardous worksite during a bushfire emergency situation such as that which occurred in the Shire of Waroona, the Shire of Harvey and the town site of Yarloop in January 2016?

When I spoke to some of the people who had been on the buses and at the worksite on 8 January, they were clearly very shaken by the experience. I am prepared to state categorically that nobody who contacted me saw their reporting of this incident as part of an industrial campaign, and I would ask you to take into account the reluctance of individual workers to have their personal details disclosed publicly because of the risk of their employment being jeopardised. I understand that the Australian Manufacturing Workers' Union has made a submission on behalf of their affected members and I fully support the efforts of the union to inquire further into the situation.

I have included my full contact details below, and would welcome the chance to present this submission orally at a public hearing.

Yours sincerely



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YARLOOP BUSHFIRES — ALCOA WORKER TRANSPORT

8. Hon SALLY TALBOT to the minister representing the Minister for Mines and Petroleum:

I refer to reports that Alcoa workers were driven by bus from Pinjarra and Bunbury to Wagerup through the firegrounds of the Yarloop bushfires in January.

- (1) Can the minister provide details of the escort arrangements used on both the inward and outward journeys between Pinjarra and Wagerup and between Bunbury and Wagerup?
- (2) Who authorised these escort arrangements?
- (3) Is the minister intending to conduct an inquiry into the circumstances surrounding these reports?
- (4) If yes to (3), when will we know the outcome of the inquiry?
- (5) If no to (3), why not?

Hon KEN BASTON replied:

I thank the honourable member for some notice of the question. On behalf of the Minister for Mines and Petroleum —

- (1) The Department of Mines and Petroleum is carrying out preliminary investigations into these matters to establish jurisdiction and the sequence of events that transpired during the emergency. At this stage, it would appear that the issue raised by the honourable member relating to the journeys undertaken to and from the refinery does not fall under the jurisdiction of the Mines Safety and Inspection Act 1994.
- (2) Management of the roads and access during the fire was under the control of emergency services and not the Department of Mines and Petroleum.
- (3)–(5) Refer to the response to (1). An investigation is ongoing.

YARLOOP BUSHFIRES — ALCOA WORKER TRANSPORT

31. Hon SALLY TALBOT to the Minister for Commerce:

I refer to yesterday's advice from the Minister for Mines and Petroleum that investigation of reports that Alcoa workers were driven by bus from Pinjarra and Bunbury to Wagerup through the firegrounds of the Yarloop bushfires in January appears to lie outside the jurisdiction of the Mines Safety and Inspection Act 1994.

- (1) Can the minister advise whether WorkSafe will conduct an inquiry into the circumstances surrounding these reports in the absence of action by the Minister for Mines and Petroleum?
- (2) If yes to (1), when will we know the outcome of the inquiry?
- (3) If no to (1), why not?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of the question.

- (1) WorkSafe is aware of the event, due to media reports on 15 January 2016 in relation to the matter that indicated that travel was only undertaken after permission was granted by the authorities and that buses taking workers in and out were escorted by Department of Fire and Emergency Services personnel. No complaint has been made to WorkSafe, therefore, no investigation has been conducted. However, WorkSafe will make contact with the Department of Fire and Emergency Services and the Department of Mines and Petroleum to determine whether an investigation is necessary.
- (2)–(3) Not applicable.

YARLOOP BUSHFIRES — ALCOA WORKER TRANSPORT

125. Hon SALLY TALBOT to the Minister for Commerce:

I refer to the minister's advice in question time on 17 February 2016 that WorkSafe would make contact with the Department of Fire and Emergency Services and the Department of Mines and Petroleum to determine whether an investigation was necessary into reports that Alcoa workers were driven by bus from Pinjarra and Bunbury to Wagerup through the firegrounds of the Yarloop bushfires in January.

- (1) Who advised the minister that buses taking workers in and out were escorted by DFES personnel?
- (2) Is the minister now aware that this advice is wrong?
- (3) Has WorkSafe made a decision about whether to conduct an investigation?
- (4) If so, when will it start and how long will it take?
- (5) If no to (4), why not?

Hon MICHAEL MISCHIN replied:

I thank the honourable member for some notice of this question.

- (1) I was advised by the WorkSafe division of the Department of Commerce. As I indicated during question time on 17 February, WorkSafe based this advice on media reports of the incident as no complaint had been made to WorkSafe.
- (2) The detail of what occurred is still being established and as such I am not in a position to comment at this point in time.
- (3) Yes.
- (4) WorkSafe has commenced an investigation. The duration of the investigation will depend upon the information received and how long it takes for the issues to be examined.
- (5) Not applicable.