

LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

Inquiry into recycling and waste management

Melbourne—Tuesday, 6 August 2019

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WITNESSES

Mr Robert Timmins, and

Ms Che Stockley.

The CHAIR: I welcome Mr Robert Timmins and Ms Che Stockley. Thank you for making yourselves available to address the committee.

All evidence taken at this hearing is protected by parliamentary privilege, as provided by the Constitution Act 1975, and further subject to the provisions of the Legislative Council standing orders. Therefore the information you give today is protected by law. However, any comments repeated outside this hearing may not be protected. Any deliberate false evidence or misleading of the committee may be considered a contempt of Parliament. All evidence is being recorded, and you will be provided with a proof copy or version of the transcript in the next few days. We have allocated 5 minutes for an opening statement each, and then we will go to questions. Again, welcome. Who would like to go first? Mr Timmins.

Mr TIMMINS: Thank you. My name is Rob Timmins. I am the owner of Campbellfield Powder Coating. We have been in the family business for 15 years. We were located on the back wall to the Bradbury's fire and were downhill to them and consequently were wiped out.

If I can give you a little bit of an idea of a time line and how it happened. On Friday, 5 April, myself and my staff turned up for work at about 5 to 7, which was pretty much the normal time for us. Obviously as I was travelling down the highway I could see the fire was going, and it was pretty obvious it was pretty close to us. When we turned up, as I said, in Scammel Street we could see the burning in the factory behind us. I got there at 5 to 7, as I said. I opened up the gate. My boys were all in the street parked out the front, where I said that we would not be going to work—'Sit across the road and we'll wait and see how this unfolds'.

I went inside to the factory, opened the gate, turned off the gas, turned off electricity and figured I would wait for the fire brigade. At about five past, as I was walking back across the road, a black SUV, 'Incident Controller' written on the door—fire brigade—turned up. He asked us if everybody was cleared; we said, 'Yes'. I said, 'I've opened the gate up so that you guys can do what you've got to do over the roof', because I see it on TV all the time—that is how you fight fires—and we proceeded to go across the road and wait. That was the last time I saw the fire brigade for the morning until 8.24. They were fighting the fire from the Thornycroft side of the street. They were there, I understand it—as I said, it was going before we got to work, so it was probably going from around 6.30, they tell me, or thereabouts.

As in most chemical fires I imagine there is a fair bit of liquid. We were downhill. It was pretty obvious to me and anybody else who wants to think about it that the liquid was going to come downhill, and sure enough at about 8 o'clock we were onto the emergency services—we were ringing 000—trying to get them to identify the fact that the fire was now spreading to us, and nobody turned up. They would not take our call initially and said that they were aware of a fire and therefore they did not need to do anything. In the end one of our group said, 'It's a new fire', and at about that point they—this is 000—accepted that call, and we then got a fire brigade truck to turn up in our street at 8.24, as I said. We had them on our phones; that is the only reason we know the exact times.

Their first job by then was to put out the fire that had now spilled. We have an easement between the two buildings that I work in. The easement is there because water runs off the back, and it has a major 600 ml pipe in the bottom of it. When that filled up with liquid, the liquid was burning like molten lava. It burnt down our easement, through the gutters and then down the street. When the fire brigade turned up the first thing they had to do obviously was stop the fire from spreading down the gutters, which is obvious. Then they put the fire out that was in our easement. By then the fire had burnt through our back door and had flowed through the factory and destroyed everything inside.

So that was really the impact on us. I mean the impact on us is a lot more. Obviously business finished that day—we were out of action. We had been there for 15 years. We had nine people out of work. So yes, it was about the end of us. I have not got a great deal more to say.

Ms STOCKLEY: I would like to begin by thanking the committee for conducting this inquiry and also giving community members like us the opportunity to tell you about the impact of poor waste management practices on our community. I requested the opportunity to speak with the committee to talk specifically about the poor response of my youngest child's school, Kingsville Primary School, and the department of education in supporting the school on the day of the West Footscray fire.

First, I want to provide you some information about the physical location of the school; second, I want to talk about the response of the school on the day of the fire, including communications with the community; and third, I would like to talk about the school's response in the aftermath. Much of what I have to say is focused on communication in between the school and the school community. I think this is important in this context because the school is a government mechanism and a leader in the community when something like this happens.

Firstly, to the physical location of the school. Kingsville Primary School is roughly 2 kilometres from the site of the West Footscray fire. Stony Creek and Cruickshank Park that were contaminated on the day of the fire share a boundary with the school, meaning that the school is a direct neighbour of the park. Many children and their families walk and ride through the park over the creek's bridges to come and go from school. Many after-school play dates and end-of-term grade catch-ups happen in Cruickshank Park on the banks of Stony Creek. Mini-excursions to the park and creek are a feature of the school's curriculum. Because of its proximity to the school it is a site of great significance to the community.

Now I would like to talk about the response of the school on the morning of the fire. Like many families we had been disturbed in the early hours of the morning by the emergency services sirens. As we tuned into ABC radio for more information, we realised the scope and impact of what was unfolding was incredibly significant. As we prepared to go to work and school I became increasingly concerned about sending my daughter to school. We could see the thick black smoke plume from our front door, and it appeared as though it was blowing directly towards the school. My main concern was knowing that I would be leaving my children in the area while my husband and I headed into the city for work. Given the uncertainty of the situation, families needed reassurance that our children would be safe that day.

I checked the school's official communication channel—it is a system called Compass—for information, and there was nothing. In the absence of information I, like many other parents, went to the school parents' Facebook page. This is an unofficial page; it is just a parent communication tool. School councillors and their partners were posting information on the Facebook page, and it appeared as though they were receiving some information from school leadership or from the department. Although this was not an official source of information, it was all that we had. There was a post that indicated the school would remain open but the children, roughly 600 of them, would be locked down in the school hall for the day. With that unofficial information I decided to keep my daughter home from school and take her to work with me.

When the first message on Compass came from the then deputy principal it only said that the school would be open. There was no information about how the school was managing the emergency. There was no information about what would happen if smoke directly impacted the school, about whether the children should be using Cruickshank Park to get to school or about the approach that would be taken should the school close at some point during the day. The only information provided was that the school was open.

I have subsequently reflected on the contrast with the approach of schools in the Dandenongs and other bushfire-prone areas when they deal with total fire ban days. Many just close. They take the safety of the school community seriously enough to make a call early that in some circumstances it is simply too dangerous to open the school. I understand that they are supported in this approach by the department of education.

On the day of the fire people were also sharing information on Facebook about various other schools, kindergartens and childcare centres in the area that were sensibly making the decision to close for the day. Additionally my eldest child's school, which is well upwind of the fire, was provided comprehensive and thorough updates on Compass. This communication continued throughout the day. Importantly the principal of that school clearly identified when information was not available and what the school was doing to get information and give it to us. The contrast with the response of other schools in the area made it appear as

though Kingsville did not have the training or support from the department in how to manage an incident such as this.

Kingsville's mitigation response—the plan to keep the children in the hall all day—should have been clearly communicated as the planned approach. This would have allowed us to make decisions early in the day whether to send children to school or not. Parents were deprived of the leadership of the school and the ability to make alternative arrangements. The fire was being reported on the news from 6.00 am. The department of education had plenty of time to plan with the school the approach it would take—or at least communicate what the plan might be should the situation change. There was no information about the department's policies on what triggers an evacuation. As it happened, the school did close at 11.30. The school did not call this an evacuation, rather it called it an orderly closure. Whatever the language used, the result was the same: parents were told to collect children from school a few hours after they were told school was open.

I now turn to what occurred after the event. Information in the school newsletter on 31 August, the following day, was difficult to understand. It covered a lot of territory about what had occurred on the day and seemed to focus on the point at which the closure was called. The newsletter talked about an orderly closure but also stated that the school did not close. There was no information in the newsletter about how teachers would talk to the children about what occurred or explore their feelings about the fire and the impact on our community and our creek and park. There was no information in the newsletter about whether a school clean-up was needed, about whether taps needed to be washed down or about the impact on the vegetable garden. There was no information about alternative routes to school, given that Cruickshank Park was significantly impacted. There was no information about whether children would be allowed near the shared boundary between the school and the park. There was also no invitation to a formal debrief for parents or an opportunity to reflect on the school's response. The manner in which the newsletter celebrated the response of the school was entirely at odds with my experience of what occurred.

In the weeks and months that followed, the Maribyrnong council, the EPA and Melbourne Water held various meetings and consultations. It appears there was never formal representation from the school at any of these meetings. Certainly nothing has been reported in subsequent newsletters. It appears as though the school has not been involved in planning for the future of the park and the creek. I cannot imagine that there would be another neighbour of Cruickshank Park and Stony Creek with less interest in the future of the area. In my view the department should have resourced, supported and ensured the school was involved.

Finally, I want to point out that Victoria has experienced devastating bushfires, and the impact of those should provide lessons for us all in how to respond to emergencies of the scale of the West Footscray fire. We still do not know what was in that warehouse. We are yet to see the full impact on first responders. We do not know what our families were exposed to on that day and since. Government infrastructure, including the education department and schools, have a special role to play in events such as these.

I have shared with you my experiences and emotions on the day of the fire and in the aftermath. Other parents from our school who I have spoken with about this share my view that it was a terrible event and our school was ill-equipped to respond. I hope that your recommendations will provide guidance to schools and the department for effective responses in future. Thank you for your time.

The CHAIR: Thank you both very much. Ms Stockley, thank you very much for sharing that story with us on behalf of the parents. I think it is always great to hear from people at the coalface. We really appreciate that. Mr Timmins, I am sorry for the loss of your business. I will start my questions with you. I am interested to find out what the status of your business is today. Is any insurance in place?

Mr TIMMINS: Oh, yes.

The CHAIR: Any compensation? What is the status in relation to the workers? Are you able to give us a bit of—

Mr TIMMINS: Yes, there is insurance in place. The building will be rebuilt in about another six to nine months. There were nine staff we managed to find jobs for within the industry. Most of them have been able to work in the powder coating game in the area. We ran around and found some options for them.

The CHAIR: And are you looking at re-establishing the business?

Mr TIMMINS: Yes.

The CHAIR: Two quick questions, because you mentioned something in relation to the buffer zone. From what you were saying to me there was no such thing, because the boundary—

Mr TIMMINS: Yes. Our wall is their boundary.

The CHAIR: Is that then, on reflection, something the authorities should look at or the regulator is looking at—a better buffer zone for facilities who actually handle hazardous material like Bradbury was? Have you got any view on that from your experience and from your bad experience?

Mr TIMMINS: Yes. It is about 120 people that are on the boundary of that factory—that is other factories that are all around the U-shape, if you like, and even across the road. There are probably 120 of them. We had a look around to work that out. All of them needed more help. I mean, in my humble opinion, these things should be in a 5-acre paddock somewhere by themselves, contained, and then the EPA, WorkSafe and the fire brigade can deal with them in the area where they are, because, you know—

I have a duty of care and a work assessment for anything that goes into the building, yet when you look at the MFB, EPA, WorkSafe—all visited this place. They do not seem to have pushed that duty of care out to us or the neighbours that have had the impact that we have had. So I just do not think there is enough information getting out there, enough information getting back to the people who are affected, and I cannot see a logic in having a place that can go up like this did in an industrial estate. It is just craziness.

The CHAIR: Well, definitely from evidence we have had so far there is evidence that things horribly went wrong in relation to regulations, policing and enforcement. And also the operators have got a lot of questions to answer. I am just going to allow other members of the committee to ask more questions.

Mr HAYES: Thank you very much for your submissions. Mr Timmins, you have answered my question about the isolation of these sorts of facilities. If we are going to store and manage toxic and flammable wastes like this, they should not be in industrial areas or residential areas or in areas where they are going to feed into important waterways too. But my concern, and Ms Stockley went to it, is about the management of a crisis like this. Whether you call it an incident or an emergency I think really it comes down to a disaster like a bushfire or something like that, and we should really have emergency protocols that we put into place for a huge incident like that—in place for any further unfortunate situations like this if they occur again, and let us hope we change the system enough that this cannot happen in areas where it affects a large amount of the public, but no other questions.

Dr RATNAM: Thank you so much for your evidence. Mr Timmins, also I wanted to say I am really sorry for what you have experienced and your loss. And thank you, Ms Stockley for your really detailed evidence. That has given us a really good account of what happened. Just a couple of questions I am happy to ask in one, if you would like to answer. Mr Timmins, were there problems before the fire that you can account for or recall—that is, incidents at Bradbury prior, authorities contacting you? And I am also interested to know, you talked about having a tough time getting the fire authorities to pay attention to the risks you all were starting to face on the day, but post that have you all had much intervention from the agencies like EPA and WorkSafe?

Mr TIMMINS: No, no information at all. The only information we have gathered since then is of course what has been in the paper and what has been on some of the MFB reports, and even the MFB at a couple of meetings I went to indicated that they had been there multiple times with the EPA. So all of those visits we would know nothing about prior to post the fire, if you like, after we had attended public meetings. We had no idea there was an issue going on in that factory—certainly I and the people I have talked to, which is the other factories in the area. They knew nothing.

Dr RATNAM: Thank you. And, Ms Stockley, as well, post the fire, post the immediate incident and the response, you have detailed where that response could be improved. Has there been any further communication or anything from any other government agencies?

Ms STOCKLEY: I am aware of what the EPA and what Melbourne Water and Maribyrnong council have done through their joint response, but not as far as the school is concerned. And as far as I am aware, the school actually has not been involved in those processes, which I think is a real oversight.

Mr LIMBRICK: Thank you, Mr Timmons and Ms Stockley, for your evidence today. Ms Stockley, when you spoke about the schools there were two stories that you told really. One was about a school that managed the communications fairly well by the sound of it. The other one there were some problems with the communication. It sounded like they both used the same communications platform, Compass, so there is no difference there. What would you recommend to the committee as the things that the school that did things well did versus the one that did not do things well? What are the differences there, and what were the shortcomings or the things that they did well? What would you recommend to the committee that we should see as the good points there or the bad points?

Ms STOCKLEY: I think when a school or any organisation does emergency management planning one of the key things that they do is learn about how to communicate about something that is going on. The other school I was talking about was Footscray City College, and their communication was clear, it was decisive and it identified if they did not have information to hand. And they demonstrated a sense of leadership that reassured us that the children in their care were safe. The communication that came from Kingsville did not come from the principal, it came from other staff members. It was confusing. It was indecisive, and it also did not acknowledge that we did not know what was unfolding. We knew there was a big fire but we did not know how that was going to play out over the day or how that might change their plan to have the school open and what they would do should the situation change. Even if you do not know that things might change, you need to say, 'This is how we will manage if things do change'.

Mr LIMBRICK: So you feel that Kingsville did not have the appropriate preparation and training to be able to deal with this as the other school did.

Ms STOCKLEY: Yes. That is correct.

Ms BATH: I have one question for each, thank you. Mr Timmins, can you just clarify for me the time delay in response from when you first rang 000 and said, 'I see that there's fire now on my premises'—on your powder coating premises—to when the fire services turned up and acted. Can you paint that picture, and what would you have liked to have seen?

Mr TIMMINS: Yes. Well, I cannot clarify why. We knew that there were 20-plus appliances in the upper street. We knew that we could see snorkels being placed over the top of the buildings to the north and the west, but nobody came to put anything over our roof to contain the fire from where I was sitting. And because there is an easement and it went downhill and there is always water flowing, by definition, at some stage, if the liquid turned to fire, which is what it did, it had to come to us. We still do not understand why there was never a fire truck in our street. There was, I think, from the initial phone calls that we were making—and I was not the only one making them; there were several people who were neighbours, if you like, on my side from where we were sitting in the factory across the road—and I do not know this for a fact, but I believe, because 000 knew about the Thorneycroft fire, when the people kept reporting the fire, it was perceived to be the same fire. It was not until we started to get excited and suggest that this is now in Scammel Street, which is our street, that something happened and somebody sent the units around. We could even see fire trucks at the top of the street queued up waiting to get around, but nobody came down. Nobody came down to our street until the fire was in the gutters and running down the hill further to the multiple—well, by then it was heading towards the rivers, or the creek if you like, and the factories downhill from us. But the liquid was in the drain system and on fire all the way down. In fact you could see flames coming out of the gutters as it moved down the street.

Ms BATH: So, Mr Timmins, a more encompassing assessment of the area—is that something that you would have liked to have seen?

Mr TIMMINS: How could you not be downhill from a fire? How could you not be downhill from a liquid fire, for crying out loud?

The CHAIR: Just to follow up on that, would you then suggest something along the lines that perhaps 000 could divert your phone call to an incident controller who was actually alive to what was happening at the fire and be able to—

Mr TIMMINS: My wife suggests they just had to watch the TV. My wife was sitting at home watching the place burn, and nobody was around in our street. You only had to watch. Kochie was telling them on the TV that the factory behind is burning, and that was at 8 o'clock.

Ms BATH: Ms Stockley, thank you very much for your very succinct and really clear evidence. There would have been students that did turn up that day until the—exit we will call it.

Ms STOCKLEY: Yes.

Ms BATH: Has there been any counselling offered to, I guess, staff or any students in response to this incident through the school hierarchy?

Ms STOCKLEY: Not that I am aware of.

Ms BATH: Do you think that would have been helpful?

Ms STOCKLEY: Yes, I do. I do. The staff had to stay all day, and that was an unsafe workplace for them. Yes, as far as I am aware, nothing has been offered to staff or students.

Dr CUMMING: I would like to thank you both for your stories today. I think it is very helpful to actually hear the lived experience. It sounds, Mr Timmins, like it was extremely frightening, and Ms Stockley, when it comes to Kingsville Primary School, I think you make some really good points around emergency management of primary schools and how parents should actually understand that. It should be very clear what occurs when there is an emergency. I guess I am just making a point rather than a question because there are some things that need to be done from your testimony today that I think make it very clear how schools need to actually have those emergency plans in place and how they actually should communicate them to parents so the parents will clearly know how and what is expected of them when there is an emergency called. So thank you very much today, both of you.

Mr MEDDICK: The questions I actually wanted to ask Ms Bath has actually covered quite easily, so thank you for that. So it is really just now a thing of wanting to say to you, Mr Timmins, that in relaying your testimony here I could very clearly hear the pain in your voice about what happened with your business and your employees and how you feel for all that happening. I sincerely hope you have got plenty of people around you that are giving you the support that it seems clear to me you have needed over what has been clearly a very trying period for you personally and emotionally. I would hope that there is some other type of support around for you as well.

Mr TIMMINS: That is fine, thanks.

Ms TAYLOR: I think most of the questions have all been answered, and your testimonies were amazing and very detailed and also quite emotive. I am sorry for what you have been through. I also commend you on being able to redeploy those workers. I think that is incredible and a testament to you as an employer. So the only thing I was really going to say, and I hope it is not repetitious, is just that there seem to be obviously some gaps that have had a profound effect. So I was just wondering what sort of information both of you were looking for now that would make a difference moving forward.

Mr TIMMINS: Well, for me, I am not sure there is much that can be done to be honest. It is what it is.

Ms TAYLOR: Okay, fair enough. You do not want it to happen to someone else.

Ms STOCKLEY: I guess two things. One is about what is happening now with Stony Creek and the rehabilitation of the park. It would be great for the school to be much more actively involved in that. And the second thing is to know that, as somebody on the committee mentioned, these things should not happen, but they do, so we need to be prepared for them if they do.

The CHAIR: Thank you both very much for your contribution. It has been an excellent contribution, and we really appreciate you giving the time to share your experience with the committee. Thank you very much, and good luck.

Witnesses withdrew.