

2019

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**RESPONSE TO CORONER'S REPORT INTO A FIRE AT THE PREMISES OF ENERGY SERVICES
ENVIRONMENTAL**

**Presented by
Mr Mick Gentleman MLA
Minister for Police and Emergency Services**

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The Inquiry was into a fire that occurred at the business premises of ESI at 60 Dacre Street, Mitchell, on 15 September 2011.

On 7 November 2018, the Office of the Coroner wrote to the Attorney-General and myself to provide a copy of the Coroner's Report, pursuant to section 57 of the *Coroners Act 1997* (the Act).

Chief Coroner Walker's key findings in the report were:

- prior to the explosion and fire on 15 September 2011, the ESI facility was appropriately managed and the operational risks were identified and managed;
- the response of ACT public authorities to the explosion and fire was appropriate;
- despite significant investigation by multiple agencies, no cause or origin of the fire is able to be established, due to the ferocity of the explosion and subsequent fire;
- the cause and origin of this fire is unascertained.

Chief Coroner Walker reported her findings without any recommendation.

I take this opportunity to update the Assembly about some of the matters mentioned in the Coroner's report.

Since the fire at the premises of ESI, the ACT Government has introduced a number of improvements to planning and environment protection legislation and regulation to strengthen the management of dangerous substances. These changes were introduced to respond to recommendations of the Lloyd Review, which was an independent review commissioned by the government and released in April 2012.

In 2013, a cross-directorate working group was established to consider actions to respond to the review. The Environment Protection Authority

also strengthened its referral process to Worksafe ACT and the Emergency Services Agency for matters relating to hazardous chemicals and waste.

In 2014, model harmonised regulations were adopted under the *Work Health and Safety Act 2011* and a rigorous interrogation of all leases in industrial zones in the ACT commenced to identify high risk sites where potentially hazardous activities could occur. This leasing review, completed in 2015, was an essential precursor to the recent amendments to the *Planning and Development Act 2007* to provide for more rigorous planning assessment of the storage of hazardous chemicals.

The amendments to the Planning and Development Act came into effect on 29 March 2018 and make the storage of hazardous chemicals an action that requires development approval. Development approval is now required for a lessee to commence storage of a hazardous chemical at or above a specified quantity as determined by the Dangerous Substances (General) Regulation 2004. This allows a site, for example a warehouse in an industrial area, to be assessed from a planning perspective as to the suitability of the premises being used to store a hazardous chemical.

The 2018 changes also implemented the *Globally Harmonised System of Classification and Labelling of Chemicals*, which is an international system for classifying and labelling chemicals. This system was developed by the United Nations to provide a standard way to identify the physical hazards, health hazards and environmental hazards of chemical products, so that they can be safely used, handled and stored.

These legislative and regulatory changes have improved the ACT Government's processes for managing the risk posed by hazardous

chemicals. The ACT Government is taking a proactive approach to regulation and is more prepared to respond to any future incidents.

It should also be noted that the fire at the premises of ESI was the first time that ESA utilised the Emergency Alert system. A number of lessons were learned from the incident and the use of the Emergency Alerts system has significantly advanced since this time.

Since that time, ESA has improved its processes, procedures and training in relation to the use of the Emergency Alert system in response to emergencies. In addition, the system has undergone regular testing and exercise scenarios to ensure its capability readiness for an emergency event. This includes public testing of the system, which has occurred in the ACT community.

Following the fire, ESA and the Security and Emergency Management Senior Officials Group reviewed relevant emergency plans to make sure they remain appropriate. ACT emergency plans are tested via exercises on a routine basis, and are reviewed at regular intervals as part of the broader ACT emergency management arrangements.

In the report, Chief Coroner Walker commended Mr Darren Coffey for his courage. Mr Coffey was the first person to observe the ESI premises on fire. He attempted to enter the premises in order to ascertain if anyone needed assistance but retreated after the explosion and when overcome by smoke. Mr Coffey put the safety and lives of others ahead of his own safety in seeking to assist anyone potentially trapped in the building. I also recognise Mr Coffey for his actions.

I note that Chief Coroner Walker also thanked all agencies involved in conducting this investigation for their diligence and expertise in this matter. The response to the fire involved all directorates and multiple

agencies from across the ACT Government, and I extend my thanks to all those involved for their efforts in response to the fire, and to the EPA, WorkSafe ACT, ESA and ACT Policing in particular for their efforts during the subsequent inquiry.

I thank Chief Coroner Walker for her findings in this matter. In line with the position of the Chief Coroner, I am satisfied with the action taken by all those involved and thank those members for their service.