



IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

Case: S ECI 2020 01699

Filed on: 26/05/2021 12:02 PM

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

AFFIDAVIT OF JOHN KERAMIDAS

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

I, **JOHN KERAMIDAS**, of 47 Industrial Drive, Sunshine West VIC 3020, Business Development & Export Manager, make oath and say as follows: -

1. I am the Business Development & Export Manager of Tri-Tech Chemical Co Pty Ltd (**Tri-Tech**). Tri-Tech is an Australian based chemical company which produces products including esters, sulfonates, succinates and amides.
2. I make this affidavit from my own knowledge, information and belief save where otherwise stated.

My recent work history

3. I have worked in the chemical industry since around 2004. During the calendar years 2015 to 2017, I worked for Australian Solvents and Chemical Company Pty Ltd (**ASCC**) for

approximately 18 months. ASCC specialises in the supply of solvents, fluids, chemicals, resins and other raw materials. I first came across Bradbury Industrial Services Pty Ltd (in liquidation) (**Bradbury**) was when I was working with ASCC. ASCC sold items such as acetone to Bradbury.


4. In April 2017, I left ASCC to work for Geocycle Pty Ltd (**Geocycle**) as National Sales Manager. Geocycle provides waste management solutions to a wide range of industries and is a leader in the field of waste to energy and hazardous waste treatment. Geocycle processes hazardous and industrial waste into alternative fuels and raw materials. At the time I commenced at Geocycle, one of its major customers was Bradbury.
5. In or about March 2018, I moved from Geocycle to Bradbury, where I had accepted a position as the National Sales Manager. I stayed in that role until the end of June 2019. I thought that Bradbury had a great business model, which involved charging its customers to collect and recycle their solvents and return clean products to them.

Site visits

6. In around October 2018 the Victorian WorkCover Authority (VWA or WorkSafe) and the Environment Protection Authority Victoria (EPA) began to attend Bradbury's premises at 16-18 Thornycroft St Campbellfield (the **Campbellfield Site**). I was informed by Bradbury's manager, Mark Anderson, that the EPA and VWA were conducting due diligence on Bradbury, so that Bradbury could potentially be engaged to assist in the clean-up of eight unrelated industrial waste clean-up sites.
7. I had little involvement with the VWA and the EPA at the time of those inspections as I was the National Sales Manager of Bradbury and was only involved to the extent of any commercial matters that were relevant to my role.
8. I became more involved at the end of January 2019 following a site visit by each of the VWA and EPA on 29 January 2019. Now produced and shown to me marked "JK-1" is a copy of the EPA Entry Report issued to Bradbury, for an entry at the Campbellfield site dated 29 January 2019 – Inspection report No. 80018715. Now produced and shown to me marked "JK-2" is a copy of the VWA Entry Report issued to Bradbury, for an entry at the Campbellfield site dated 29 January 2019 – visit number V01037900025L.
9. On or about 31 January 2019, Paul Bristow, the then director of Bradbury, called me and said words to the effect, that he needed someone to "step up" as the most senior person in Victoria, as he was in New South Wales.




10. On the same day the EPA and VWA took me to an additional Bradbury site, which was located at 9-11 Brooklyn Court, Campbellfield (**Brooklyn Court**). Prior to that day, I had no knowledge of the existence of the Brooklyn Court site. The only Bradbury sites I was aware of were the Campbellfield Site, and 15/1745 Sydney Road, Campbellfield, which was used as a sales and administration office, and for truck storage.
11. On 31 January 2019, when WorkSafe and the EPA attended Brooklyn Court to inspect the premises, the following people were present:
 - (a) Brett Thompson, Richard Mason, and Joseph Barcelona from WorkSafe;
 - (b) Sam LeRay, Chris Peska, Stephen Pugh, and Helen Szabo from the EPA; and
 - (c) Paul Bristow and me.
12. When I entered the Brooklyn Court site, I saw a very large number of intermediate bulk containers (**IBCs**) stacked three high (the **Brooklyn Court IBCs**). They looked like the kind of IBCs that I had seen many times before at both Geocycle and at Bradbury, typically containing substances described as 'burner fuel', 'furnace oil' or 'AFR'.
13. The Brooklyn Court IBCs appeared to be in second-hand condition and were not labelled at all. During the inspection, I assisted both the VWA and EPA with their enquiries to the best of my abilities. I assisted the EPA by taking samples from around half a dozen of the IBCs, which were selected at random by the EPA.
14. When I took the samples, I asked the EPA officers, Sam LeRay and Chris Peska, words to the effect of "when would we receive the test results back?". I do not recall which one of them replied, but whichever it was said words to the effect of "we will let you know." As it happened, they never let me know.
15. After the Brooklyn Court inspection on 31 January 2019, two entry reports were issued by each of the EPA and VWA to Bradbury. I have reviewed those entry reports and believe they generally are accurate. Now produced and shown to me and marked:
 - (a) "JK-3" is a copy of the first VWA Entry Report issued to Bradbury at Brooklyn Court dated 31 January 2019 – visit number V00016305285L
 - (b) "JK-4" is a copy of the second VWA Entry Report issued to Bradbury at Brooklyn Court dated 31 January 2019 – visit number V00046204093L;



- (c) "JK-5" is a copy of the first EPA Entry Report issued to Bradbury at Brooklyn Court dated 31 January 2019 – inspection report No. 80018729; and
- (d) "JK-6" is a copy of the second EPA Entry Report issued to Bradbury at Brooklyn Court dated 31 January 2019 – inspection report No. 80018760.
16. On or about 31 January 2019, Paul Bristow gave me a copy of an Improvement Notice from WorkSafe, in respect of Brooklyn Court, for alleged contravention of regulation 27 of the *Dangerous Goods (Storage and Handling) Regulations 2012* (**Bristow Improvement Notice**). The Bristow Improvement Notice was directed to Paul Bristow personally. It stipulated that all of the Brooklyn Court IBCs were to be removed from Brooklyn Court before 28 March 2019. It read relevantly as follows:
- BRADBURY INDUSTRIAL SERVICES PTY LTD must, as an occupier of premises where dangerous goods are stored and handled, ensure that any hazard associated with the storage and handling of dangerous goods Class 3 Flammable Liquid stored at the premises is eliminated, or if it is not reasonably practicable to eliminate the risk, is reduced so far as is reasonably practicable.*
- Compliance may be achieved by, but is not limited to, ensuring that:*
- *Removal of the dangerous goods (IBC's) from current site to that of an approved storage facility compliant with AS1940.*
- Now produced and shown to me marked "JK-7" is a copy of the Bristow Improvement Notice dated 31 January 2019 – reference no. V00016305285L/17C-01.
17. After I received the Bristow Improvement Notice, I asked WorkSafe who could assist Bradbury in respect of compliance with the notice.
18. I was advised to speak to Peter Vitali by, I believe, Joe Barcellona of WorkSafe. Peter Vitali was previously a WorkSafe officer for over 25 years, was the author of the *Dangerous Goods Practice Guide for Victoria* and was chairman of the committee responsible for the 2017 edition of AS 1940 "Storage and Handling of Flammable and Combustible Liquids".
19. On 1 February 2019, the VWA came back to check on compliance with the Bristow Improvement Notice. Now produced and shown to me marked "JK-8" is a copy of the VWA Entry Report issued to Bradbury at Brooklyn Court dated 1 February 2019 – visit number V00016305286L.
20. On 1 February 2019, WorkSafe also issued me (personally) with nine WorkSafe Improvement Notices in respect of Bradbury and Brooklyn Court (**Keramidas Improvement Notices**). The Keramidas Improvement Notices required that Bradbury:



- (a) by 4 February 2019, provide to the VWA the appropriate notice for the storage of Dangerous Goods at Brooklyn Court (Improvement Notice V00016305286L/17C-06);
- (b) by 15 February 2019, placard or label all of the 2134 unlabelled IBCs stored at Brooklyn Court (Improvement Notice V00016305286L/17C-02);
- (c) by 22 February 2019, produce a manifest for the 2134 unlabelled IBCs stored at Brooklyn Court (Improvement Notice V00016305286L/17C-03);
- (d) by 22 February 2019, create an appropriate emergency management plan for Brooklyn Court (Improvement Notice V00016305286L/17C-07);
- (e) by 28 February 2019, control the risks associated with the Vmax forklift onsite at Brooklyn Court in compliance with AS 2359 (Improvement Notice V00016305286L/111-0);
- (f) by 28 March 2019 ensure that Brooklyn Court had an appropriate fire protection system (Improvement Notice V00016305286L/17C-04);
- (g) by 28 March 2019 provide written evidence from emergency services or an appropriate authority that the fire protection system at Brooklyn Court was adequate for the dangerous goods stored at Brooklyn Court (Improvement Notice V00016305286L/17C-05);
- (h) by 28 March 2019, provide evidence that the written advice of the Metropolitan Fire and Emergency Services Board / Country Fire authority had been sought in relation to the design of the fire protection system for Brooklyn Court (Improvement Notice V00016305286L/17C-08); and
- (i) by 4 April 2019, affix warning placards (for example HAZCHEM) on the Brooklyn Court site (Improvement Notice V00016305286L/17C-01).

Now produced and shown to me marked "JK-9" are copies of the Keramidas Improvement Notices dated 1 February 2020.

Classification of Brooklyn Court IBCs - waste or product (dangerous goods)

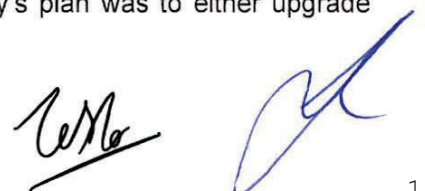
21. On 1 February 2019, between approximately 10 am and 10:45 am, Peter Vitali attended Bradbury's site at Brooklyn Court. I informed him that I was of the opinion that the IBCs did not contain industrial waste and that I had formed this view based on the following: -



- (a) I had dealt with industrial waste for the previous two years;
 - (b) the IBCs warehoused in Brooklyn Court were all uniform – dark, clear and red colours. This was contrary to my experience with industrial waste IBCs, which I had usually seen containing liquids of vastly different colours, and with open lids and material spilling over the top.
22. I provided all of the necessary and relevant information to Peter Vitali, including but not limited to:
- (a) the WorkSafe Entry Notices;
 - (b) the WorkSafe Improvement Notices;
 - (c) all necessary SDS and TDS with respect to the Burner Fuel at the time; and
 - (d) a plan as to the detail and timeframe of how to reduce stock in the warehouse over the next few weeks following my initial contact with Peter.
23. At no point did Peter Vitali suggest to me that the Brooklyn Court IBCs contained industrial waste.
24. On 3 February 2019, Peter Vitali sent to me an email referring to our meeting on 1 February 2019 and letting me know that the Brooklyn Court site needed work but was on the way to being a “very good class 3 flammable liquid store”. Now produced and shown to me marked “JK-9A” is a copy of that email.

1 February 2019 Meeting at WorkSafe

25. On 1 February 2019 between around 1 pm to 2 pm, there was a meeting at WorkSafe's offices at Essendon Fields to discuss the status of Brooklyn Court and the IBCs stored there.
26. At the meeting there were representatives from the VWA, the EPA (by telephone), the Country Fire Authority, the Melbourne Fire Brigade and Bradbury. Paul Bristow and I attended from Bradbury, Chris Peska and Sam LeRay from the EPA attended by way of teleconference. WorkSafe had three to four officers attend the meeting and two officers of MFB attended.
27. I referred to the improvement notice which had been issued the day before by the VWA requiring the Brooklyn Court IBCs to be moved to a compliant dangerous goods storage facility. I informed all present at the meeting that Bradbury's plan was to either upgrade



Brooklyn Court to be dangerous goods compliant, or to store the IBCs at external dangerous goods stores, and then for them to be returned to the Campbellfield Site.

28. At the meeting, the external dangerous goods stores discussed included Stolthaven (**Stolt**) and Toll Group. Relevantly, neither were licensed to store industrial waste. To the best of my knowledge, only Bradbury (at the Campbellfield Site) and Geocycle were licensed to store significant volumes of prescribed industrial waste. (Other operators such as Veolia, Cleanaway and Remondis were also licensed to store prescribed industrial waste, but only in small quantities.)
29. During the meeting, I stated that the classification of the material had been checked by Peter Vitali and that Peter Vitali and I had been working on a plan to convert Brooklyn Court to a dangerous goods storage site so that it was compliant for storing the product.
30. At the meeting, I informed Chris Peska and Sam LeRay of the EPA that Bradbury would not be seeking an EPA (waste) licence for Brooklyn Court as the Brooklyn Court IBCs contained a product not a waste. Chris Peska of the EPA replied to me that "that was still to be determined".
31. I made notes of my meetings and discussions with WorkSafe and the EPA between 31 January and 1 February 2019. I recorded those notes by way of an email sent to Matthew Leech and Paul Bristow on 2 February 2019. Now produced and shown to me marked "JK-10" is a copy of those meeting notes contained in my email sent at 6:19am on 2 February 2019 sent to Matthew Leech and Paul Bristow.

Compliance with Improvement Notices

32. On 5 February 2019, the VWA attended Brooklyn Court. An Entry Report issued to Bradbury dated 5 February 2019 observed that two of the Keramidas Improvement Notices (V00016305286L/17C-01 and V00016305286L/17C-06) had been complied with. Now produced and shown to me marked "JK-11" is a copy of the VWA Entry Report dated 5 February 2019 – visit number V00016305288L.
33. On 18 February 2019, the VWA provided Bradbury with an acknowledgement of notification of storage and handling of dangerous goods. Now produced and shown to me marked "JK-12" is a copy of the acknowledgement of notification of storage and handling of dangerous goods dated 18 February 2019.
34. On 18 February 2019, the VWA issued an Entry Report which confirmed that:

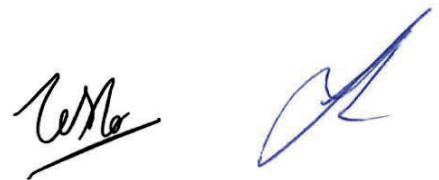


- (a) a further Keramidas Improvement Notice (V00016305286L/17C-02), had been complied with; and
- (b) 25% of the Brooklyn Court IBCs had been transferred offsite to external dangerous goods storage.

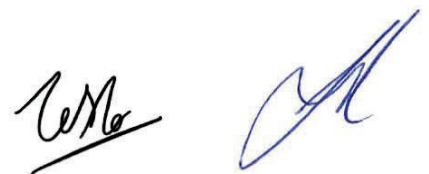
Now produced and shown to me marked "JK-13" is a copy of the VWA Entry Report dated 18 February 2019 – visit number V00016305288L.

Storage of Brooklyn Court IBCs at External DG Storage & Supervision of Transfer

- 35. The plan to upgrade Brooklyn Court to be dangerous goods compliant did not proceed, as the Brooklyn Court site not only required capital improvement but also the approval of the site owner. Once a cost benefit analysis was undertaken, it was apparent that the costs of upgrading Brooklyn Court outweighed the costs of sending the material offsite.
- 36. In or around February 2019, I contacted Stolt to ascertain how many IBCs they could take and store. I was informed by a Stolt employee, I no longer recall who, that Stolt could handle around 1,000 IBCs. Accordingly, I arranged for delivery of about 1,000 IBCs to Stolt.
- 37. Since Stolt could only take around 1,000 IBCs, Bradbury had to find another external dangerous goods store for the remainder of the Brooklyn Court IBCs.
- 38. I recall that I was informed by someone in the office at Bradbury, that Bradbury already had dangerous goods stored with David Barry Logistics Pty Ltd (DBL), and that it may be a suitable location for the remainder of the Brooklyn Court IBCs.
- 39. Towards the end of February 2019, I called Sonya Constantine of DBL and asked if DBL could store additional IBCs, which the VWA required to be stored at premises external to Brooklyn Court. I described the product as flammable material. I did not inform Ms Constantine that the Brooklyn Court IBCs contained any industrial waste, as I did not believe that they did. DBL subsequently confirmed they would accept delivery of the IBCs.
- 40. Although Bradbury had not tested the contents of the Brooklyn Court IBCs, the EPA had tested them on 31 January 2019. I know this because I helped the EPA collect samples for those tests.
- 41. In preparation for transporting the IBCs from Bradbury to Stolt and DBL, I:
 - (a) completed purchase order books;



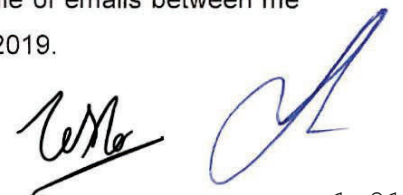
- (b) completed manifest books;
 - (c) organised for each of the Brooklyn Court IBCs to be labelled; and
 - (d) organised for placards to be placed on the side of the transport trucks.
42. I did not complete any waste transport certificates, which are a regulatory requirement for the transportation of prescribed industrial waste. I did not do so because I believed that the Brooklyn Court IBCs contained product and had been classified as dangerous goods only. If I had thought that the IBCs were both dangerous goods as well as prescribed industrial waste, I would have had to arrange for Bradbury to issue waste transport certificates because the classification of goods as prescribed industrial waste takes precedence over a dangerous goods classification.
43. If I had ever considered that the product was prescribed industrial waste (which I did not), I would not have made arrangements with either of Stolt or DBL because I was also aware at the time that only certain companies were licensed to store prescribed industrial waste and I knew that neither of Stolt nor DBL held such a licence.
44. I witnessed the Brooklyn Court IBCs being loaded on to trucks for transport to DBL. The dangerous goods licensed contractor (PJ Transport Logistics Pty Ltd) complied with the WorkSafe Improvement Notices in moving the Brooklyn Court IBCs onto the trucks. Each of the requirements in the WorkSafe Notices was ticked off as the process took place. At points in time (per the relevant entry reports) a representative of WorkSafe and/or the EPA was present observing the process, including the labelling of the Brooklyn Court IBCs, the labelling of the trucks for transportation, completion of the manifests and the loading of the trucks for delivery to Stolt and DBL.
45. On 28 February 2019, the VWA attended Brooklyn Court and took samples from at least three of the Brooklyn Court IBCs for testing. I advised the relevant VWA employee in attendance that around 652 of the Brooklyn Court IBCs were yet to be transferred to external dangerous goods storage, and that it would be completed by the end of March. Following the attendance, the VWA issued an Entry Report to Bradbury which observed that improvement notices V00016305286L/17C-03, V00016305286L/17C-07, V00016305286L/17C-05 and V00016305286L/17C-08 had been complied with at Brooklyn Court. Now produced and shown to me marked "JK-14" is a copy of the VWA Entry Report issued to Bradbury at Brooklyn Court dated 28 February 2019 – visit number V0016305312.



46. On 5 March 2019, at the request of Helen Szabo of the EPA, I filled out a notice to identify occupier, which is expressed to be under s55(3D) of the *Environment Protection Act 1970* (Vic) (**EP Act**) in respect of Brooklyn Court on behalf of Bradbury. I ended up completing the form twice because of an error in the first version of the notice I had been asked to sign. Now produced and shown to me marked "JK-15" are copies of the two notices to identify occupiers under s55(3D) of the *Environment Protection Act 1970* I signed on behalf of Bradbury.

Draft Clean Up Notice – Brooklyn Court

47. On or about 7 March 2019, approximately halfway through the transfer of the Brooklyn Court IBCs to Stolt and one third of the way through the transfer of the Brooklyn Court IBCs to DBL, Jemma Crawford (**Jemma**), a Senior Environment Protection Officer of the EPA sent me a draft clean up notice in respect of the IBCs which had been stored at Brooklyn Court. A response was requested by no later than 14 March 2019 for further comment and absent any response a final notice would be served. Now produced and shown to me marked "JK-16" is a copy of the draft clean up notice from Jemma Crawford of the EPA of 7 March 2020.
48. On 13 March 2019, I responded to the EPA advising that "Bradbury were currently acting under the instructions of WorkSafe Victoria" and that we were unable to comply with two conflicting notices". I offered to provide a copy of that notice (see JK-7 above), but in any event, the EPA should have been aware of it as we had discussed compliance with it during the meeting on 1 February 2019.
49. On 13 March 2019, the EPA attended the Campbellfield Site to assess compliance with Bradbury's EPA waste licence. During the visit, Helen Szabo of the EPA asked me to complete a third notice to identify occupier, in respect of Brooklyn Court on behalf of Bradbury, which I did. By this stage, the EPA and the VWA had become aware of the Yellowbox Warehouses (described below). Now produced and shown to me marked "JK-16A" is a copy of the EPA entry report dated 13 March 2019, and the third notice to identify occupier in respect of Brooklyn Court.
50. In a response email on 14 March 2019, Jemma of the EPA responded advising me that the EPA would provide further advice shortly and asked for notification once the works had been completed in accordance with the improvement notices from WorkSafe, and that an inspection would be completed by the EPA after this time. On the same day, I advised that we expected to be completed before 28 March 2019 and I would confirm as had been requested. After sending that email, I received no further response or draft notice. Now produced and shown to me marked "JK-17" is a copy of the bundle of emails between me and Jemma Crawford of the EPA between 7 March and 14 March 2019.



51. Bradbury sent 1,007 Brooklyn Court IBCs to Stolt and around 600 Brooklyn Court IBCs to DBL. Now produced and shown to me and marked "JK-17A" is a copy bundle of documents recording the movement of Brooklyn Court IBCs to Stolt on 27 February 2019. One of the documents, being the Inventory Movement Detail, records that the total number of IBCs to be delivered to Stolt is 1,007.

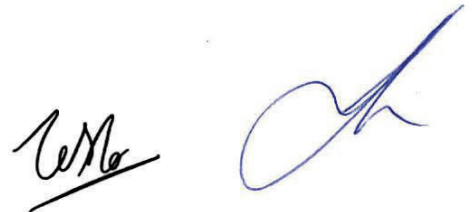
Discovery of Yellowbox Drive Warehouses

52. On or around 8 March 2019, I was contacted by someone from WorkSafe (whose name I cannot now recall) about three Bradbury warehouses in Yellowbox Drive, Craigieburn. Prior to receiving that call, I had no knowledge of any warehouses in Yellowbox Drive. The locations of these warehouses were:

- (a) 12A Yellowbox Drive Craigieburn 3064;
- (b) 20A Yellowbox Drive Craigieburn 3064; and
- (c) 20B Yellowbox Drive Craigieburn 3064.

(the **Yellowbox Warehouses**)

53. After the discovery of the Yellowbox Warehouses, from around 8 March 2019 onward, the EPA and VWA continued to attend Bradbury's sites regularly. The EPA sent numerous people to conduct testing on the IBCs both at the Yellowbox Warehouses and at Brooklyn Court (again). I cannot recall how many times they came, but it was often. During these visits, the EPA again tested some of the Brooklyn Court IBCs that were ultimately delivered to Stolt and DBL.
54. I was sent two Entry Reports of 8 March 2019 (Visit Number V01027701345L) and 8 March 2019 (Visit Number V01027701346L) both by the VWA. Now produced and shown to me marked "JK-18" is a copy of the Entry Reports of 8 March 2019 (Visit Number V01027701345L) and (Visit Number V01027701346L) provided by the VWA. Now produced and shown to me marked "JK-18AA" is a copy of the EPA's Inspection Report Nos. 80019053 and 80019054.
55. On 15 March 2019, the VWA and EPA attended the offices and truck depot of Bradbury and the VWA issued an entry report. Now produced and shown to me marked "JK-18A" is a copy of the Entry Report of 15 March 2019 (Visit Number V00016305327).



EPA Show Cause Notice, Suspension of EPA Licence, CU Notice & PAN

56. On 15 March 2019, following the visit described at paragraph 49 above, Bradbury received a letter from Paul Stacchino – the Executive Director of Regulatory Compliance of the EPA, advising that the EPA was considering suspending Bradbury's EPA licence for industrial waste, licence number 100771, requiring Bradbury show cause why its licence should not be revoked or suspended by 18 March 2019. Relevantly, that letter read as follows:

"Additionally, between 30 January 2019 and 15 March 2019 the following five locations were inspected and found to contain waste products in breach of the requirement that those premises be licence under s 20(1) of the EP Act:

- 9-11 Brooklyn Court, Campbellfield
- 20A Yellowbox Drive, Craigieburn
- 20B Yellowbox Drive, Craigieburn
- 12 Yellowbox Drive, Craigieburn
- 15/1745 Sydney Road, Campbellfield

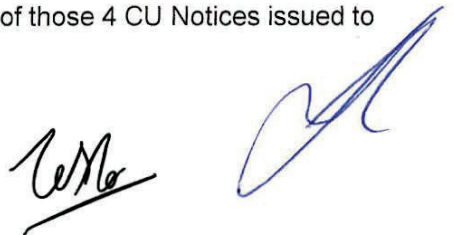
The Authority has obtained information that Bradbury is responsible for the storage of waste products at the above unlicensed premises. An estimate of the quantity of waste products required to be removed from those premises and taken to premises licence for its reprocessing, treatment, storage containment, disposal or handling is approximately 14 million litres. The need for Bradbury to undertake this activity causes the Authority concern that it will be unable to bring the licensed premises into compliance with its licence. "

Now produced and shown to me marked "JK-19" is a copy of that letter from the EPA to Bradbury dated 15 March 2020.

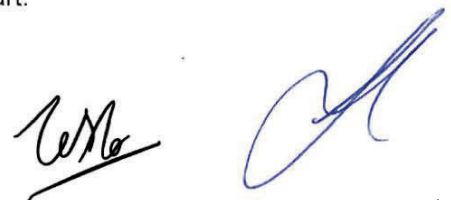
57. On 20 March 2019, the EPA suspended Bradbury's licence to store, process, or otherwise deal with waste. Now produced and shown to me marked "JK-20" is a copy of that letter from the EPA to Bradbury dated 20 March 2020 along with a suspension notice.
58. On 20 March 2019, Paul Staccio the Executive Director of regulatory compliance of the EPA issued clean up notices (**CU Notices**) under s.31A of the EP Act to Bradbury in respect of the following sites:

- (a) 20A Yellowbox Drive, Craigieburn
- (b) 20B Yellowbox Drive, Craigieburn
- (c) 12A Yellowbox Drive, Craigieburn
- (d) 15/1745 Sydney Road, Campbellfield

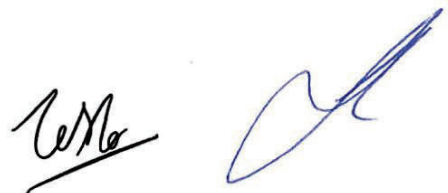
Now produced and shown to me marked "JK-21" are copies of those 4 CU Notices issued to Bradbury dated 20 March 2019.



59. On 20 March 2019, Helen Szabo of the EPA issued a pollution abatement notice (**PAN**) to Bradbury in respect of the Campbellfield site. Now produced and shown to me marked "**JK-22**" is a copy of the PAN issued to Bradbury dated 20 March 2019.
60. At no time was a CU Notice or PAN issued to Bradbury in respect of the Brooklyn Court site or the Brooklyn Court IBCs.
61. On 21 March 2019, the EPA attended the Campbellfield Site to assess compliance with the PAN, and issued an entry report no. 80019170. Now produced and shown to me marked "**JK-23**" is a copy of the EPA Entry Report issued to Bradbury dated 21 March 2019, report no. 80019170.
62. On 22 March 2019, the VWA attended the Campbellfield Site, and during that attendance:
- (a) seized documents, including documents in relation to the transport of the Brooklyn Court IBCs, the storage of the Brooklyn Court IBCs; and
 - (b) reviewed compliance issues in respect of the EPA licence suspension (described at paragraph 57 above.
- Now produced and shown to me marked "**JK-23A**" are copies of two VWA Entry Report issued to Bradbury, in respect of the Campbellfield Site, dated 22 March 2019, visit number V01031500917L and V00017804585L.
63. On 22 March 2019, Joe Barcellona, Christopher Bull and Peter Kelly of the VWA attended Brooklyn Court. Prior to their attendance, Joe Barcellona called me to let me know they wanted to check on the status of the transfer of the Brooklyn Court IBCs to DBL and Stolt. I gave Joe a status update and arranged to meet him on site. At this time there were about 150 of the Brooklyn Court IBCs left. I was present during this attendance and no further action was taken by the VWA. Now produced and shown to me marked "**JK-23B**" is a copy of the VWA Entry Report issued to Bradbury, in respect of Brooklyn Court, dated 22 March 2019, visit number V00016305335L.
64. On 26 March 2019, the EPA issued Bradbury with two notices to furnish information under s.54(1) of the EP Act (**NTFI**) in respect of the Campbellfield Site where the PAN was in effect, and in respect of Brooklyn Court, where no CU Notice or PAN was in effect. Now produced and shown to me marked "**JK-24**" is a copy of the EPA NTFI dated 26 March 2019 in respect of the Campbellfield Site. Now produced and shown to me marked "**JK-25**" is a copy of the EPA NTFI dated 26 March 2019 in respect of Brooklyn Court.



65. On 27 March 2019 at 10:30 am, the EPA attended Brooklyn Court to sample the Brooklyn Court IBCs again. At this time there were around 60 IBCs left, and the EPA officer in attendance was informed that the remaining IBCs were being moved that day, as recorded in the entry Report. On 5 April 2019, after the fire (described below), the EPA issued an entry report no 80019246 for its attendance at Brooklyn Court. Now produced and shown to me marked "JK-26" is a copy of the EPA entry Report No. 80019246.
66. On 1 April 2019, the EPA (Sam LeRay) attended Brooklyn Court to inspect the premises. By this time, all of the Brooklyn Court IBCs had been moved (as had been foreshadowed during the EPA attendance on 27 March 2019) and I confirmed with Sam LeRay the completion of the transfer of the Brooklyn Court IBCs to Stolt and DBL for storage. At some time after 1 April 2019, the EPA issued an undated entry report No. 80019260. Now produced and shown to me marked "JK-27" is a copy of the EPA entry Report No. 80019260.
67. On 2 April 2019, the VWA attended Brooklyn Court to confirm the completion of the transfer of the Brooklyn Court IBCs to Stolt and DBL for storage. During the visit, one of the VWA employees in attendance said to me words to the effect that one of the Keramidas Improvement Notices (V00016305286L/17C-04, in respect of fire protection) was no longer required, because the Keramidas Improvement Notice numbered V00016305285L/17C-01, had been complied with. Now produced and shown to me marked "JK-28" is a copy of the VWA entry Report number V00016305340L.
68. I recall at times showing EPA officers and VWA officers (I cannot recall who specifically, but they are the officers referred to in the entry reports) the manifest of what Bradbury was transferring at the particular time of their attendance from the Brooklyn Court site to Stolt and DBL. This was because I was keen to demonstrate to them that Bradbury was being compliant. The documents I showed them were of the same type exhibited as JK-17A, relevant to the particular delivery loads they were observing at the time. I do not have copies of the documents I showed them other than those exhibited as JK-17A. In addition, WorkSafe attended to complete periodic site inspections. WorkSafe completed reports of each of those site inspections as to what happened on each of those days and what was observed by them and the EPA. In the WorkSafe reports exhibited to this affidavit, it is stated that the WorkSafe inspections were completed during the presence of EPA officers.
69. On 5 April 2019, when the fire occurred at Brooklyn Court, the site was immediately shut down by the EPA.



IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-1" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-1"
Copy of the EPA Inspection Report No. 80018715 dated 29
January 2019





Inspection Report No:

80018715

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1

SUMMARY INFORMATION

Date of inspection:	29/01/2019	Start time:	14:40 HRS	End time:	15:40 HRS
Licence Number:	100771	Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Steven Pugh			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:	David Barry		Name:	John Keramidas	
	Helen Szabo			Mr. Mark Anderson	
Site representative					
Name:	Mr. Mark Anderson		Position:	General Manager	
Site representative contact details					
Email:	mark@bradburyis.com				
Phone:	03 9357 8310		Fax:		
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Premises address or site location:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Reason for inspection:					
<input checked="" type="checkbox"/> Other planned compliance inspection			Type: Local initiative - Activity strategy		
Inspection location:					
<input checked="" type="checkbox"/> Licensed premises					

2

OBSERVATIONS

- 2.1 In order to review arrangements for the receipt and management of waste from a project involving the removal of dangerous goods from sites in Epping and Campbellfield, EPA officers attended the CAMPBELLFIELD premises of Bradbury Industrial Services at 16-18 Thornycroft Street at 1440 hours on 29 January 2019. The officers:
- 2.2 Met with site representatives;
- 2.3 Discussed the site's operating model, which includes the generation of solvent products from liquid waste streams using a distillation process;
- 2.4 Were advised that additional distillation plant had recently been acquired, and that equipment for crushing small paint containers was being installed;
- 2.5 Discussed the project that was being led by Worksafe Victoria to remove dangerous goods stored at multiple sites in Epping and Campbellfield, and confirmed that Bradbury were to receive some of the waste from the lead contractor appointed to the project;
- 2.6 Discussed the uncertainty regarding the nature of materials to be received from the project, and the associated risks and potential licence non-compliance if halogenated organic solvents were accepted at the premises;
- 2.7 Were informed that there is limited storage capacity at the premises for additional incoming material from the project, and that the lead contractor had been advised of this constraint;
- 2.8 Discussed the importance of accurate tracking of the quantity and destination of all material transported to receipt sites during the project;
- 2.9 Were advised that an off-site weighbridge could be used by Bradbury to record the weights of materials received from the project, and that the lead contractor's manifest system could be incorporated into the premises' existing process for the tracking, packaging, processing and transport of materials;
- 2.10 Were advised that used intermediate bulk containers (IBCs) were disposed of by separating the plastic from the metal components after cleaning, and sending both waste streams for off-site recycling, and that metal drums were cleaned on-site and sent to a third-party recycler;
- 2.11 Conducted a walk around of the facility;
- 2.12 Were advised that the site was bunded and isolated from the off-site stormwater system, and that on-site stormwater was collected for reuse or disposal;
- 2.13 Observed the storage of finished products from the solvent recovery process inside a building;
- 2.14 Observed a working area for container washing and rinsing inside an adjoining building, and were informed that containers were only cleaned with solvent, not with caustic or detergent;
- 2.15 Observed an area where small paint containers were processed inside the building;
- 2.16 Observed the distillation plant area and were informed that the area contained both existing plant and new plant that was being commissioned;
- 2.17 Observed IBCs stored in the distillation plant area, and were informed that these were to be processed;
- 2.18 Were informed that the current distillation plant capacity was approximately 40,000 litres per day;
- 2.19 Were informed that in terms of capacity to handle additional material from the project, the premises could process 1-2 truck loads, but a higher number of loads would exceed capacity;
- 2.20 Left the premises at 1540 hours.

3**ACTIONS TAKEN**

3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')

3.1.1 None taken.

3.2 Confirmation of compliance advice given by EPA

3.2.1 Close liaison with the lead contractor, and careful monitoring of incoming loads, will be required to ensure that waste from the project is accepted in accordance with licence conditions.

3.2.2 A system is to be developed and implemented to allow accurate tracking of all material received from the project, with large containers (>200 litre) to be tracked individually, and smaller containers to be tracked by batches.

3.3 s62B directions given by EPA where imminent danger arises¹

No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4

MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input checked="" type="checkbox"/>	Follow-up assessment and/or inspection	EPA will conduct regular inspections during the course of the project, to maintain oversight of the movement of waste.
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5

AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Steven Pugh

Date: Signature: 

6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-2" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-2"
Copy of the VWA Entry Report No. V01037900025L dated 29
January 2019



29 JAN



ENTRY REPORT



Visit Number: **V01037900025L**

Entry Date and Time : **29/01/2019 09:15 AM** Departure Date and Time: **29/01/2019 10:45 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
 ABN: **80121279847** ACN: **121279847**

16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061

Phone Number: **0437 863 740**

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	The Occupier	johnk@bradburyis.com

Name of person copy given to:	Person's Position:	Email Address:
HSR Not Available	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods Storage and Handling project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I entered this workplace to view the waste treatment facility to be utilised as part of Campbellfield and Epping Dangerous Goods sites cleanup. I met with John Keramidas the National Sales Manager and Mark Anderson the General Manager. John informed me the site receives predominately Class 3 wastes usually paint or ink related and can process 46,000 tonnes per annum. There are two streams for waste, distillation and recovery for products such as gun wash or closed loop return to customers and burner fuel residue from sludges and viscous wastes that are sent to the Geocycle facility in Dandenong for consolidation who then send to Geocycle cement kilns(waste to energy) in Railton Tasmania.

I was informed that drivers undertake both WorkSafe approved Dangerous Goods courses and EPA prescribed waste courses. I was informed that the site runs regular toolbox meetings and that only the most experienced staff members operate the distillation area.

We undertook a site walk around and viewed the upper warehouse containing products, the lower warehouse that tests incoming IBC/drums for suitability for distillation or consolidates burner fuel residue and the distillation area. I was informed that the tests that can be run on incoming products in house are flash pt, gas chromatography, calorific value, pH and viscosity. I was informed that if chlorinated organics are received they are sent onto another waste treatment facility that can process them. I observed processed waste drums to be sent to Geocycle with both Class 3 dangerous goods markings and EPA waste codes.

I observed, Dangerous Goods placards at warehouse building entrances, spill kits, fire extinguishers and hose reels in the warehouses and a concrete wall between upper and lower warehouse that I was informed is 4 hour fire rated and that the fire door undergoes regular testing. I observed that there are roll-over kerbs at entrances and exits to warehouse and between the upper and lower warehouse.

I observed the distillation area has a control room area separated from the distillation areas by a fire wall. Air compressors and steam generation are on the control room side of the fire wall. I was informed that LPG bullets provide fuel to generate steam. The distillation area contains 1 alcohol fractionating column, 2 x LOMI 3500L batch distillation units which I was informed can process 800-1200L/hr and another 4 pieces of distillation equipment that I was informed have been relocated from the South Australian Cleanaway facility and are in the process of being commissioned. A series of batch tanks act as feedstock and product tanks to the distillation units. The entire distillation area is bunded. IBCs are pumped into the feedstock tanks using a diaphragm pump, and the tanks are manifolded so they can dispense product into IBCs. I was informed that all equipment in the distillation area is hazardous area rated.

2. I observed an emergency manifest box at the front entrance to the site and observed its contents. It contained an emergency plan with clearly readable A3 plans, contact details and a folder of Safety Data sheets. I also observed the MFB Dangerous Goods Department Advice Report 850088 by Geoff Jowett dated 25 June 2018 and a letter from the MFB dated 17 August 2018 acknowledging actions in regard to Fire Protection Advice have been completed.

The site manifest listed the following			max quantites
Store A	paint and ink	UN 1263 Class 3 PG II	
	flammable liquid	UN 1993 Class 3 PG II	280 T
Store B	paint and ink	UN 1263 Class 3 PG II	
	flammable liquid	UN 1993 Class 3 PG II	270 T
Store C	paint and ink	UN 1263 Class 3 PG II	
	flammable liquid	UN 1993 Class 3 PG II	300 T
Loading Pad	paint and ink	UN 1263 Class 3 PG II	
	flammable liquid	UN 1993 Class 3 PG II	200 T
Grassed Area LP Gas			UN1075 Class 2
			7,500 L

Due to limited area for storage wastes must be processed rapidly, the logistics of bringing in wastes and removing processed products needs to be carefully managed.

3. Electronic Communication
During discussions with John Keramidas on the method of issuing of this entry report

and he consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.
I informed John that I was unable to issue the entry report during the visit and would email the report.

4. Inspect, examine and make enquiries (including documents)

In accordance with Section 99(a) and (b) of the Occupational Health and Safety Act 2004 and Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report or as follows:

Bradbury Industrial Services Company Brochure
Site Manifest signed by MFB including folder of Safety Data Sheets
MFB Dangerous Goods Department Advice Report 850088 Geoff Jowett 25 June 2018
Letter MFB 17 August 2018 acknowledging actions in regard to Fire Protection Advice

INSPECTOR INFORMATION

Name of Inspector: **Amanda Yvonne Treadwell**

Telephone Number of Inspector: **4243 7611**

Email address of Inspector: **amanda_treadwell@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
 - * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
 - * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
- For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-3" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-3"
Copy of the VWA Entry Report No. V00016305285L dated 31
January 2019





ENTRY REPORT



Visit Number: **V00016305285L**

Entry Date and Time : **31/01/2019 10:30 AM** Departure Date and Time: **31/01/2019 06:30 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Left for a person**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Brett Thompson,**
Richard Stewart Mason

THIS REPORT GIVEN TO

Name: **Paul Bristow** Person's Position: **Director**

Name of person copy given to: **No** Person's Position: **Health and Safety Representative**

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Brett Thompson, Richard Stewart Mason and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above stated location with EPA representatives Sam Leray, Chris Peska & Helen Szabo to establish if Dangerous Goods are being stored on site. At time of arrival I explained the purpose of the visit and met with the following persons:

- * Paul Bistow, Brandbury Industrial Services Executive Director
- * John Keramidas, Bradbury Industrial Services National Sales Manager.

Note; During the course of the inspection Inspector Brett Thompson & Inspector Richard Mason also arrived on site to provide further assistance.

The following issues were observed and discussed:

At time of arrival I observed within the warehouse approximately 2134 IBC's. These IBC's were stacked 3 high and filled the warehouse. In the course of the inspection it was established via MSDS that the contents inside these IBC's is Dangerous Goods class 3 PG III flammable liquid Burner Fuel. Total quantities of this product is estimated at approximately > 2 Million L.

The premises was not displaying any outer warning placarding.

2. WorkSafe Victoria engaged the services of an independent Hygienist - Paul Ludowyk who carried out air sampling through out the warehouse. The results of the air monitoring indicated that the Volatile Organic Compound (VOC) levels were below risk levels, therefore it was deemed safe to enter and fully inspect the warehouse.
3. Dangerous Goods Risk

It is my belief that there is a risk to the health and safety of persons and damage to property due to the inappropriate storage of dangerous goods class 3. At time of arrival I observed within the warehouse approximately 2134 IBC's. These IBC's were stacked 3 high and filled the warehouse. In the course of the inspection it was established via MSDS that the contents inside these IBC's is Dangerous Goods flammable liquid class 3 PG III Burner Fuel. Total quantities of this product is estimated at approximately > 2 Million L.

I observed that 2 IBC's located near the East side emergency exit shows signs of previous leakage from valves and one IBC was bulging with the potential to split. This creates risk of spills and or fire and fall of the damaged IBC.

I Also observed that some IBC's are store in close proximity to ignition sources such as electrical switch boards.

This may result in persons being at risk of injury and/or damage to property should a fire or explosion occur.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305285L/17C-01.

4. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, Brett Thompson, Richard Stewart Mason and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report or as follows:

*Burner Fuel Material Safety Data Sheet

INSPECTOR INFORMATION

Name of Inspector: Joseph Barcellona

Telephone Number of Inspector: 9223 6846

Facsimile Number of Inspector: 9223 6801

Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do

not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-4" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Type text here

Exhibit "JK-4"
Copy of the VWA Entry Report No. V00046204093L dated 31
January 2019





ENTRY REPORT



Visit Number: **V00046204093L**

Entry Date and Time : **31/01/2019 01:00 PM** Departure Date and Time: **31/01/2019 04:45 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Joseph Barcellona**

WorkSafe Staff: **Richard Mason**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
Mr. John Keranidas	Employer Representative	coota@bradburyis.com

Name of person copy given to:	Person's Position:	Email Address:
No HSR	Health and Safety Representative	N/A

Purpose for entry:

Joseph Barcellona and I entered this place to respond to a request for an inspector to deal with an alleged health and safety issue.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended this workplace at the request of Group Leader Mr. Richard Mason to provide assistance to Inspector Mr. Joseph Barcelona at the afore mention address in relation to the unsafe storage and handling of Dangerous Goods alleged to have been stored in this workplace.

The purpose of the visit was to facilitate the safe entry of Environmental Health Solutions Specialist Mr. Paul Ludowyk, Occupational Hygienist whom had been engaged by WorkSafe to take readings and determine exposure and flammable Hazards associated with material stored at 9-11 Brooklyn Court, Campbellfield.

I met Mr. John Keranidas, General Manager of BRADBURY INDUSTRIAL SERVICES PTY LTD and identified myself as WorkSafe Inspector by introduction and displayed my WorkSafe identification card.

I was informed by Mr. Keranidas the workplace was leased by the employer and was currently storing an estimated 2134 International Bulk Carrier containers (IBC, 1000 litre capacity).

I was informed the containers were in use for the storage of single product identified as Burner Fuel. Mr. Keranidas made arrangement to obtain copies of the Safety Data Sheet I was informed by Mr. Keranidas that the safety Data Sheets correctly identifies the product.

I observed the Safety Data Sheet listed the product Burner Fuel as Class 3 Flammable liquid UN 1993 Packing Group III Dangerous Good.

I observed 4 members of the Environmental Protection Agency being Authorised Officer's and MFB member Mr. Barry Byrne attended the workplace and made enquiry.

I observed samples from several containers were taken by EPA Officers with assistance of Mr. Ludowyk and Mr. Keranidas.

I observed atmospheric monitoring was conducted by Mr. Ludowyk for the duration of the access and sampling activities. I observed samples were taken and labelled by EPA Officers including photographs of source containers.

2. At the time of the visit I was informed that warehouse at 9-11 Brooklyn Court Campbellfield held up to 2134 International Bulk Carriers being 1000 litre capacity plastic cubes.

I was informed the IBCs held a uniform product being Burner Fuel Class 3 Packing Group III UN 1993 Dangerous Good.

I observed Environmental Health Solutions Specialist Mr. Paul Ludowyk, Occupational Hygienist operate air monitoring equipment that I was informed indicated the presence of Volatile Organic Compounds in the atmosphere consistent with the presence of Volatile Organic compounds.

I observed IBC containers that bulged, top screw cap loose and partially collapsed that I believe is consistent with potential stresses that may lead to container failure or release of contents.

I formed the reasonable belief the method of storage of the Dangerous Goods as stored in 3 high IBC stacks with in 1 to 2 meters of the roof presented potential risk of failure and product release.

I observed indication of minor leakage from several IBC containers including stains consistent with product escape.

I observed the internal electrical installation with in the warehouse located at 9-11 Brooklyn Court Campbellfield was not suitable for use in a potential Flammable environment as the observed equipment including light fitting and power outlets and distribution boards were not EX rated equipment. Incomputable electrical equipment in flammable zone as expected with in warehouse environment storing Class 3 Flammable Goods may represent potential to introduce ignition sources causing fire or explosion.

Section 17K of the Dangerous Goods Act 1985

Inspector may issue direction concerning damaged or spilled dangerous goods

(1) This section applies if an inspector believes on reasonable grounds that danger to any person or property exists, or may arise, from any dangerous goods—
(a) that are damaged or spilled; or

At the time of the visit to ensure the immediate risk associated with electrical ignition sources was controlled or reduced so far as is reasonable practicable I provided a direction to Mr. John Keranidas under 17K(1)(a) of the Dangerous Goods Act 1985 to engage the services of competent person to ensure the electrical installation of the warehouse located at 9-11 Brooklyn Court Campbellfield be isolated to effect disconnection of the mains electrical supply to the internal mains voltage electrical installation.

Mr. Keranidas complied with this direction by engaging the service of Reload Electrical Mr. Ralph Costanzo.

Mr. Costanzo informed me his Registered Electrical Contractor number is 12143 and Electrical License is A 28430.

I observed Electrician Mr. Costanzo confirm electrical isolation and attached Lock Out mechanism to main distribution panel including Danger Tags to the 3 Phase Circuit Breakers of the external meter and distribution panel and securely locked the panel.

3. Inspect, examine and make enquiries (including documents)

In accordance with Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries.

4. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report or as follows:

Material Safety Data Sheet Resolve Burner Fuel DATE OF ISSUE March 2016 Class 3 Dangerous Goods UN1993.

5. Documents produced

In accordance with Section 100(1)(a) of the Occupational Health and Safety Act 2004 (OHS Act) I required BRADBURY INDUSTRIAL SERVICES PTY LTD to produce Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report or as follows:

Safety Data Sheet Resolve Burner Fuel DATE OF ISSUE March 2016 Class 3 Dangerous Goods UN1993. in the Mr. John Keranidas's possession or control and BRADBURY INDUSTRIAL SERVICES PTY LTD produced them.

In accordance with Section 100 (1)(b) and (c) of the OHS Act an inspector is able to examine the document or part, and require a person at the place to answer any questions put by the inspector.

Under Section 100(2) of the OHS Act, any person who without reasonable excuse fails to produce any document required pursuant to Section 100(1)(a) of the OHS Act by an

inspector shall be guilty of an offence. In the case of a body corporate, the offence carries a penalty of 300 penalty units. In any other case, the offence carries a penalty of 60 penalty units.

In accordance with Section 124 of the Occupational Health and Safety Act 2004, you are hereby notified that copies of Safety Data Sheet Resolve Burner Fuel DATE OF ISSUE March 2016 Class 3 Dangerous Goods UN1993. as requested have been received.

6. Assistance in exercising powers

In accordance with Section 19A of the Dangerous Goods Act 1985, for the purposes of exercising my powers, I sought the assistance of Environmental Health Solutions Specialist Mr. Paul Ludowyk, Occupational Hygienist for the purposes of sampling and monitoring environmental condition with in the warehouse located at 9-11 Brooklyn Court, Campbellfield for the presence and concentration of Volatile Organic Compounds associated with the storage of Class 3 Dangerous Goods stored on IBC's

The purpose in engaging the services of an Occupational Hygienist was to facilitate and provide specialist opinion based on air sample to identify hazard and risk to facilitate safe access to assess the condition of IBCs for potential leak, deforming and conditions with in the warehouse.

Hazards and Risk include potential Lower Explosive Levels Explosive atmospheres associated with release of vapour from Class 3 Flammable liquids.

Hazard and Risk to Health to persons exceeding exposure standards in relation to the inhalation of potentially hazardous atmospheric borne fumes or vapours.

You are advised that a failure to allow entry to a person assisting the inspector is an offence under the Dangerous Goods Act 1985.

Penalty:

60 penalty units for a natural person

300 penalty unit for a body corporate

7. Assistance in exercising powers

In accordance with section 122 of the Occupational Health and Safety Act 2004 for the purposes of exercising my powers, I sought the assistance of Environmental Health Solutions Specialist Mr. Paul Ludowyk, Occupation Hygienist for the purposes of air monitoring and sampling of the atmosphere with in the warehouse located at 9-11 Brooklyn Court, Campbellfield to facilitate safe entry and assessment of stored materials.

8. Electronic Communication

During discussions with Mr. John Keranidas General Manager on the method of issuing of this entry report and record of direction and compliance.

Mr. Keranidas consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.

INSPECTOR INFORMATION

Name of Inspector: **Brett Thompson**
Telephone Number of Inspector: **4243 8297**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **brett_thompson@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health

and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-5" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-5"
Copy of the EPA Inspection Report No. 80018729 dated 31
January 2019





Inspection Report No:

80018729

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1

SUMMARY INFORMATION

Date of inspection:	31/01/2019	Start time:	10:21 HRS	End time:	11:00 HRS
Licence Number:		Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Sam LeRay			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:	Chris Peska		Name:	Mr. Paul Bristow ?	
				Joeseeph Barcellona	
Site representative					
Name:	Mr. John Keramidas		Position:		
Site representative contact details					
Email:	john@bradburyis.com				
Phone:	93578310		Fax:		
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Premises address or site location:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Reason for inspection:					
Inspection location:					
<input checked="" type="checkbox"/> Licensed premises			<input checked="" type="checkbox"/> Industrial		

2 OBSERVATIONS

- 2.1 In response to a pollution report, EPA officers with the assistance of a member of WorkSafe Victoria, attended the premises of Bradbury Industrial Services PTY LTD ["Bradbury"] located at 16-18 Thornycroft Street CAMPBELLFIELD ["the premises"] on 31 January 2019 at approximately 1021 hours. The officers:
- 2.2 Met with site representatives that included the General Manager and Director of Bradbury.
- 2.3 Were informed by site representatives that Bradbury Industrial Services PTY LTD hold a lease for a warehouse located at Unit 2, 9-11 Brooklyn Court, CAMPBELLFIELD ["Brooklyn Court Premises"].
- 2.4 Were informed by site representatives that the lease was signed on 1 August 2016.
- 2.5 Were informed by site representatives that there is liquid waste was stored at the Brooklyn Court Premises.
- 2.6 Were informed by site representatives that there is no tracking of the liquid waste moved from 'the premises' to the Brooklyn Court Premises.
- 2.7 Were informed by site representatives that the liquid waste was likely to consist of 'burner fuel' that was stored for a potential future project, likely to be used for fuel for a concrete kiln.
- 2.8 Were informed by site representatives that the waste is a Class 3 flammable liquid stored in Intermediate Bulk Containers.
- 2.9 Were informed by the site representatives that the burner fuel is a residue from the distillation of waste paints and solvents processed at the premises.
- 2.10 Were informed by site representatives that there are no other premises leased by Bradbury.
- 2.11 Were informed by the site representative that the liquid waste would usually got to the DANDENONG premises of Geocycle for treatment and disposal.
- 2.12 Left the premises at approximately 1100 hours.

3 ACTIONS TAKEN

- 3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')
 - 3.1.1 None taken
- 3.2 Confirmation of compliance advice given by EPA
 - 3.2.1 None given
- 3.3 s62B directions given by EPA where imminent danger arises¹

No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4 MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input checked="" type="checkbox"/>	Other	EPA to inspect the premises located at 9-11 Brooklyn Court, CAMPBELLFIELD

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5 AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Sam LeRay

Date: 05/02/2019

Signature: 

6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

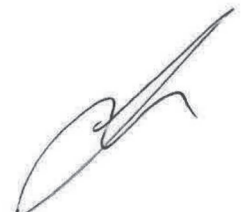
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-6" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-6"
Copy of the EPA Inspection Report No. 80018760 dated 31
January 2019





Inspection Report No:

80018760

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1

SUMMARY INFORMATION

Date of inspection:	31/01/2019	Start time:	11:15 HRS	End time:	16:28 HRS
Licence Number:		Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Sam LeRay			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:	Steven Pugh			Name:	Mr. Paul Bristow
	Helen Szabo				Joeseeph Barcellona
	Chris Peska				Brett Thompson
					Richard Mason
Site representative					
Name:	Mr. Paul Bristow			Position:	
Site representative contact details					
Email:	paul@bradburyis.com				
Phone:	0422008088			Fax:	
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Premises address or site location:					
9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061					
Reason for inspection:					
Inspection location:					
<input type="checkbox"/> Unlicensed premises			<input type="checkbox"/> Industrial		

2 OBSERVATIONS

- 2.1 In response to a pollution report, EPA officers with the assistance from a member of WorkSafe Victoria ["WorkSafe"], attended a CAMPBELLFIELD premises leased by Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 9-11 Brooklyn Court ["the premises"] on 31 January 2019 at approximately 1115 hours. The officers:
- 2.2 Met with site representatives that included the General Manager and Director of Bradbury
- 2.3 Were informed by site representatives that Bradbury hold a lease for the premises
- 2.4 Observed a strong odour when entering the building resembling solvents.
- 2.5 Observed a large quantity of intermediate bulk containers ["IBC s"] stacked 3 units high inside the warehouse building at the premises.
- 2.6 Observed IBCs containing unknown liquid waste stored inside the warehouse building at the premises
- 2.7 Observed IBC's containing liquid waste of different colours, including red, yellow, white and brown, black like colours.
- 2.8 Observed approximately 2000 IBC's being stored within the warehouse.
- 2.9 Observed an estimated volume of liquid waste of approximately 2 million litres stored in the IBC's.
- 2.10 Were informed by the General Manager that there were approximately 1850 to 2000 IBC's stored in the warehouse
- 2.11 Were informed by the General Manager that there was approximately 2 million litres of liquid waste stored in the IBC's.
- 2.12 Observed no bunding or spill controls at the premises.
- 2.13 Observed inadequate fire safety controls inside the building to prevent a fire.
- 2.14 Observed a stormwater pit drain in the forecourt of the premises.
- 2.15 Observed no dangerous goods placard inside or outside of the warehouse.
- 2.16 Were informed by the General Manager that the contents of all IBC's contains Class 3 flammable liquid waste referred to as 'burner fuel'.
- 2.17 Were informed by the General Manager that the burner fuel is a residue from the distillation of waste paints and solvents processed at the CAMPBELLFIELD premises of Bradbury located at 16-18 Thornycroft Street.
- 2.18 Were informed by the site representative that the liquid waste would usually be transported to the DANDENONG premises of Geocycle for treatment and disposal.
- 2.19 Observed a Material Safety Data Sheet ["MSDS"] provided by the General Manager for the waste product 'burner fuel' / hydrocarbon blended which stated the 'burner fuel' was a flammable liquid, containing blended hydrocarbons with a flash point <60 degrees Celsius and a dangerous goods rating of Class 3, flammable liquid.
- 2.20 Observed 1 IBC bulging, with 2 IBC's stacked above it, located in the northern portion of the warehouse adjacent to the emergency exit.
- 2.21 Observed 2 IBC's in rear of warehouse, near the East side emergency exit which showed signs of previous leaking.
- 2.22 Observed approximately 10 crate cages stacked 3 units high, located outside on the North Western end of the premises driveway. Observed 4 crate cage containers with the labels stating 'class 3 flammable'.
- 2.23 At approximately 1200 hours, an additional 2 EPA officers, 2 WorkSafe inspectors, a Worksafe appointed independent hygienist and a scientific officer from Metropolitan fire Brigade arrived to assist with the inspection.

- 2.24 Observed the hygienist monitor air using a handled volatile organic compound (VOC) as each IBC number 1 through to 7 was opened and sampled.
- 2.25 Were informed by the hygienist that air monitoring indicated the presence of VOC's with VOC levels below risks levels and that it was safe to take samples inside the warehouse.
- 2.26 Instructed the General Manager to take samples of the liquid waste from each IBC identified as IBC 1 through to 7, and place the liquid in labelled and numbered EPA sample bottles as instructed by EPA officers.
- 2.27 Observed the General Manager collect samples from IBC's, then pass the samples to an EPA officer, who placed the samples in a labelled tamper proof bag.
- 2.28 Took photos.
- 2.29 Left the premises at approximately 1628 hours.

3

ACTIONS TAKEN

- 3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')
 - 3.1.1 None taken.
- 3.2 Confirmation of compliance advice given by EPA
 - 3.2.1 EPA officer advised the General Manager that EPA will be in contact to take a statement as he collected the samples on behalf of EPA
- 3.3 s62B directions given by EPA where imminent danger arises¹
 - No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4 MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5 AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer:

Date:

Signature: 

6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-7" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-7"
Copy of Improvement Notice Ref No. V00016305285L/17C-01
dated 31 January 2019





Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:

- * bring the notice to the attention of all persons whose work is affected by the notice; and
- * display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: **Joseph Barcellona**, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 31/01/2019

Notice issued to a person who is or appears to be the occupier of the place: **BRADBURY INDUSTRIAL SERVICES PTY LTD**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

ABN: 80121279847

ACN: 121279847

Notice given to: *Paul Bristow*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 27 of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: It is my belief that there is a risk to the health and safety of persons and damage to property due to the inappropriate storage of dangerous goods class 3. At time of arrival I observed within the warehouse approximately 2134 IBC's. These IBC's were stacked 3 high and filled the warehouse. In the course of the inspection it was established via MSDS that the contents inside these IBC's is Dangerous Goods flammable liquid class 3 PG III Burner Fuel. Total quantities of this product is estimated at approximately > 2 Million L.

I observed that 2 IBC's located near the East side emergency exit shows signs of previous leakage from valves and one IBC

was bulging with the potential to split. This creates risk of spills and or fire and fall of the damaged IBC.

I Also observed that some IBC's are store in close proximity to ignition sources such as electrical switch boards.

This may result in persons being at risk of injury and/or damage to property should a fire or explosion occur.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must, as an occupier of premises where dangerous goods are stored and handled, ensure that any hazard associated with the storage and handling of dangerous goods Class 3 Flammable Liquid stored at the premises is eliminated, or if it is not reasonably practicable to eliminate the risk, is reduced so far as is reasonably practicable.

Compliance may be achieved by, but is not limited to, ensuring that:

* Removal of the dangerous goods (IBC's) from current site to that of an approved storage facility compliant with AS1940.

Interim directions or conditions on the carrying on of an activity(s) to which this notice relates:

1. Provide bunding to keep any potential spills leaks within the confines of the building and away from any drains or pits and external area's. Spill kit's should be provided.
2. Developing procedures for the clean-up and disposal of contaminated waste using absorbent material during removal process.
3. Provide security - Denying access to unauthorised persons, keeping gates fully closed and constant surveillance of premises.

This contravention must be remedied by: 28/03/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that

you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

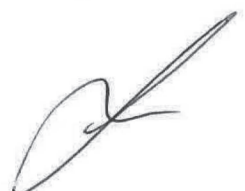
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-8" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-8"
Copy of the VWA Entry Report No. V00016305286L dated 1
February 2019





ENTRY REPORT



Visit Number: **V00016305286L**

Entry Date and Time : **01/02/2019 09:15 AM** Departure Date and Time: **01/02/2019 01:45 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Left for a person**

THIS REPORT GIVEN TO

Name: **John Keramidas** Person's Position: **Employer Representative**

Name of person copy given to: **No** Person's Position: **Health and Safety Representative**

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above stated workplace as follow up to previous visit undertaken on the 31/01/2019; to establish if the interim measures specified in Improvement Notice V00016305285L/17C-01 have been implemented. At time of visit I met with Bradbury Industrial Services National, General Manager John Keramidas.

The specified interim measures are as follows:

1. Provide bunding to keep any potential spills leaks within the confines of the building and away from any drains or pits and external area's. Spill kit's should be provided.
2. Developing procedures for the clean-up and disposal of contaminated waste using absorbent material during removal process.
3. Provide security - Denying access to unauthorised persons, keeping gates fully closed and constant surveillance of premises.

2. The following issues were observed and discussed:

At time of arrival I observed that the access to the premises was locked with chain and lock and the front entrance door was also locked. I was informed by John Keramidas that a system of work is being formalised regarding scheduled monitoring and surveillance for after hours. I was further advised that Bradbury Industrial Services has engaged the services of a consultant who will provide further advice and guidance on security requirements and procedures for removal.

I observed that:

- * Spill kit now on site.
- * Boom socks are in place to all doors including roller doors.
- * Absorbent bags of Premium Vermiculite is available on site.
- * Chemical resistant bags on site.

3. Outer warning placards

I observed dangerous goods of class 3 PG III flammable liquids are stored and handled at the premises in quantities that exceed those specified in the Schedule 2 table column headed 'Placarding Quantity' in the Dangerous Goods (Storage and Handling) Regulations 2012. I observed within the warehouse approximately 2134 IBC's of class 3 dangerous goods. Total quantities of this product is estimated at approximately > 2 Million L.

I observed that the occupier of the premises has failed to display HAZCHEM outer warning placard/s at the premises.

When no placarding is provided persons including emergency response service personnel may be exposed to increased risk through incorrect information being available during an emergency, which may result in injury to persons or damage to property.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-01.

4. Placarding

I observed that approximately 2134 Intermediate Bulk Containers (IBC's) containing dangerous goods class 3 flammable liquids class 3 are stored at these premises. These IBC's are not placarded therefore the occupier has not provided placards in accordance with the requirements of the Dangerous Goods (Storage and Handling) Regulations 2012.

When no placarding is provided persons including emergency response service personnel may be exposed to increased risk through incorrect information being available during an emergency, which may result in injury to persons or damage to property.

Placards provide visual warning of the hazards associated with the dangerous goods at the premises and if placarding is not provided in accordance with the Dangerous Goods (Storage and Handling) Regulations 2012, persons could be placed at risk of injury or property could be damaged.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-02.

5. Manifest Required

I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid stored and handled on site that exceed the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012.

No evidence could be provided that Bradbury Industrial Services as the Occupier has prepared a manifest which contains the information specified in Schedule 3 of the Dangerous Goods (Storage and Handling) Regulations 2012 and is kept on the premises in a place where it is readily accessible to the emergency services authority and approved by the MFB.

If current information relating to the class of dangerous goods, quantities and locations held is not available there is a risk of injury to emergency services personnel, other persons and damage to property.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-03.

6. Fire protection - General

I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises in quantities that exceed those specified in the column headed 'Fire Protection Quantity' in the table in Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012. The occupier is required to have a fire protection system in accordance with Regulation 53(1) of the Dangerous Goods (Storage and Handling) Regulations 2012.

This site without a fire protection system that:

- is designed and constructed for the types and quantities of dangerous goods and the conditions under which they are stored and handled, and
- uses fire fighting media that are compatible with the dangerous goods and are effective in the control of incidents involving the types and quantities of dangerous goods stored and handled, and
- is properly installed and maintained, and
- is at all times accessible to persons on the premises and to the emergency services authority, and
- is capable of being used, without adaptation or modification with the equipment used by the emergency services authority.

If the fire protection system at this premises where dangerous goods are located is inadequate persons may be exposed to risk during an emergency incident. This may result in serious injury to persons and damage to property.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-04.

7. Fire protection to be established

I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises in quantities that exceed those specified in the column headed 'Fire Protection Quantity' in the table in Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012. . No evidence could be provided that the occupier has requested the written advice of the emergency services in relation to the design of the fire protection system for the premises.

I informed the occupier that in establishing a fire protection system for the premises, the Occupier must have regard to the written advice of the MFESB/CFA.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-05.

8. Notification of Dangerous Goods

I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises.

These quantities of Dangerous Goods exceed the quantity specified in the column headed "Manifest Quantity" in the table in Schedule 2 of the Dangerous Goods (Storage & Handling) Regulations 2012. Bradbury Industrial Services as the Occupier was unable to provide evidence that WorkSafe Victoria (the Authority) has been notified within 14 days of the presence of dangerous goods in manifest quantities, as required by Regulation 66 of the Dangerous Goods (Storage & Handling) Regulations 2012.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-06.

9. Emergency management plan required

I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises exceeding the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012.

No evidence could be provided that Bradbury Industrial Services as the Occupier has developed and communicated a written plan for dealing with any emergency associated with the storage and handling of the dangerous goods.

If there is no documented plan for emergencies in place persons may be exposed to increased risk through not having adequate information during an emergency incident which may result in injury to persons or damage to property and delay response times.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-07.

10. Fire extinguishers

I observed that the fire protection devices such as the fire extinguishers and fire hose reel on site where the storage and handling of dangerous goods of class 3 is carried out have been poorly maintained and now may be ineffective and or inoperative. I observed that the test tags attached to the fire extinguishers located within the warehouse indicate they were last inspected in 2009. The fire hose reel that is located outside West driveway was last inspected and tested in 2002.

If the fire protection system at the premises where dangerous goods are located is not able to be operated, and alternative fire protection measures are not implemented, persons may be exposed to risk during an emergency incident and may result in serious injury to persons and damage to property.

Under Section 17C(1) of the Dangerous Goods Act 1985, I issued Improvement Notice V00016305286L/17C-08.

11. Vmax Forklift

I observed that Bradbury Industrial Services has not ensured that the risks associated with the Vmax Forklift serial number VF250 have been eliminated or reduced so far as is reasonably practicable. During my observations of the Forklift it is in my belief there is a risk to the health and safety of persons due to the following faults that were detected on the forklift:-

- * illegible lever decals
- * torn / damaged seat
- * missing flashing light
- * illegible safe load chart
- * missing brake lights

These faults individually or collectively may cause forklift to operated in an unsafe manner.

Note: forklift was not operational was not being used.

Under Section 111(1) of the Occupational Health and Safety Act 2004, I issued Improvement Notice V00016305286L/111-01.

12. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

INSPECTOR INFORMATION

Name of Inspector: Joseph Barcellona
Telephone Number of Inspector: 9223 6846
Facsimile Number of Inspector: 9223 6801
Email address of Inspector: joseph_barcellona@worksafe.vic.gov.au

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

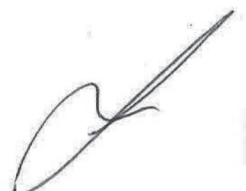
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-9" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-9"
Copies of various WorkSafe Improvement Notices dated from 4
February 2019 to 4 April 2019





Dangerous Goods Act 1985
IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:
* bring the notice to the attention of all persons whose work is affected by the notice; and
* display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: **Joseph Barcellona**, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: **BRADBURY INDUSTRIAL SERVICES PTY LTD**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

ABN: 80121279847

ACN: 121279847

Notice given to: John Keramidas

Service method: Left for a person

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 47 of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed dangerous goods of class 3 PG III flammable liquids are stored and handled at the premises in quantities that exceed those specified in the Schedule 2 table column headed 'Placarding Quantity' in the *Dangerous Goods (Storage and Handling) Regulations 2012*. I observed within the warehouse approximately 2134 IBC's of class 3 dangerous goods. Total quantities of this product is estimated at approximately > 2 Million L.

I observed that the occupier of the premises has failed to display HAZCHEM outer warning placard/s at the premises.

When no placarding is provided persons including emergency response service personnel may be exposed to increased risk through incorrect information being available during an emergency, which may result in injury to persons or damage to property.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must, as the occupier of the above stated premises where dangerous goods are stored and handled, ensure that a 'HAZCHEM' outer warning placard as specified in schedule 4 is displayed.

Compliance may be achieved by, but not limited to,
- Displaying a HAZCHEM outer warning placard at each relevant entrance as required for the particular premises specified in regulation 47 (1)(a)&(b) of the Dangerous Goods (Storage and Handling) Regulations 2012.

For guidance refer to the Code of Practice for Storage and Handling of Dangerous Goods.

This contravention must be remedied by: 04/02/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985
IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:
* bring the notice to the attention of all persons whose work is affected by the notice; and
* display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: **Joseph Barcellona**, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: **BRADBURY INDUSTRIAL SERVICES PTY LTD**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

ABN: 80121279847

ACN: 121279847

Notice given to: John Keramidas

Service method: Left for a person

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 53(1)(b) of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed that the fire protection devices such as the fire extinguishers and fire hose reel on site where the storage and handling of dangerous goods of class 3 is carried out have been poorly maintained and now may be ineffective and or inoperative. I observed that the test tags attached to the fire extinguishers located within the warehouse indicate they were last inspected in 2009. The fire hose reel that is located outside West driveway was last inspected and tested in 2002.

If the fire protection system at the premises where dangerous goods are located is not able to be operated, and alternative fire protection measures are not implemented, persons may be

exposed to risk during an emergency incident and may result in serious injury to persons and damage to property.

Directions as to the measures to be taken to remedy the contravention: BRADBURY INDUSTRIAL SERVICES PTY LTD An occupier of premises where dangerous goods are stored and handled must ensure that the fire protection system is properly installed, tested and maintained.
For further guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods 2013
This contravention must be remedied by: 22/02/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985
IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:
* bring the notice to the attention of all persons whose work is affected by the notice; and
* display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 48 of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed that approximately 2134 Intermediate Bulk Containers (IBC's) containing dangerous goods flammable liquids class 3 are stored at these premises. These IBC's are not placarded therefore the occupier has not provided placards in accordance with the requirements of the *Dangerous Goods (Storage and Handling) Regulations 2012*.

When no placarding is provided persons including emergency response service personnel may be exposed to increased risk through incorrect information being available during an emergency, which may result in injury to persons or damage to property.

Placards provide visual warning of the hazards associated with the dangerous goods at the premises and if placarding is not provided in accordance with the Dangerous Goods (Storage and Handling) Regulations 2012, persons could be placed at risk of injury or property could be damaged.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must, as the occupier of premises where dangerous goods are stored and handled, provide placard(s) of the type and form specified in Schedule 4 of the Dangerous Goods (Storage and Handling) Regulations 2012 for any container or other storage of dangerous goods stored in bulk.

Compliance may be achieved by, but is not limited to, providing placards in the type and form specified in Schedule 4 of the Dangerous Goods (Storage and Handling) Regulations 2012 or having the dangerous goods removed from this premises. For guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods.

This contravention must be remedied by: 15/02/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:
* bring the notice to the attention of all persons whose work is affected by the notice; and
* display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 45 of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately *> 2 Million L. of dangerous goods* of class 3 flammable liquid stored and handled on site that exceed the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the *Dangerous Goods (Storage and Handling) Regulations 2012*.

No evidence could be provided that Bradbury Industrial Services as the Occupier has prepared a manifest which contains the information specified in Schedule 3 of the Dangerous Goods (Storage and Handling) Regulations 2012 and is kept on the premises in a place where it is readily accessible to the emergency services authority and approved

by the MFB.

If current information relating to the class of dangerous goods, quantities and locations held is not available there is a risk of injury to emergency services personnel, other persons and damage to property.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must as the occupier of premises where dangerous goods are stored and handled in quantities that exceed the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012 ensure that a manifest is maintained and kept on the premises in a place where it is readily accessible to the emergency services authority.

Compliance may be achieved by, but is not limited to,
- ensuring the dangerous goods manifest includes the information prescribed in Schedule 3 of the Dangerous Goods (Storage and Handling) Regulations 2012 or
- reduce the site storage capability of dangerous goods stored and handled to below that listed as "Manifest Quantity" in Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012.

For guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods 2013.

This contravention must be remedied by: 22/02/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:
* bring the notice to the attention of all persons whose work is affected by the notice; and
* display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 53(1) of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises in quantities that exceed those specified in the column headed 'Fire Protection Quantity' in the table in Schedule 2 of the *Dangerous Goods (Storage and Handling) Regulations 2012*. The occupier is required to have a fire protection system in accordance with Regulation 53(1) of the *Dangerous Goods (Storage and Handling) Regulations 2012*.

This site without a fire protection system that:
· is designed and constructed for the types and quantities of dangerous goods and the conditions under which they are

stored and handled, and

- uses fire fighting media that are compatible with the dangerous goods and are effective in the control of incidents involving the types and quantities of dangerous goods stored and handled, and
- is properly installed and maintained, and
- is at all times accessible to persons on the premises and to the emergency services authority, and
- is capable of being used, without adaptation or modification with the equipment used by the emergency services authority.

If the fire protection system at this premises where dangerous goods are located is inadequate persons may be exposed to risk during an emergency incident. This may result in serious injury to persons and damage to property.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must ensure that the premises are provided with a fire protection system in accordance with the requirements of regulation 53 of Dangerous Goods (Storage and Handling) Regulations 2012:

- is designed and constructed for the types and quantities of dangerous goods and the conditions under which they are stored and handled, and
- uses fire fighting media that are compatible with the dangerous goods and are effective in the control of incidents involving the types and quantities of dangerous goods stored and handled, and
- is properly installed and maintained, and
- is at all times accessible to persons on the premises and to the emergency services authority, and
- is capable of being used, without adaptation or modification with the equipment used by the emergency services authority.

For guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods 2013

This contravention must be remedied by: 28/03/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:

- * bring the notice to the attention of all persons whose work is affected by the notice; and
- * display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: **Joseph Barcellona**, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: **BRADBURY INDUSTRIAL SERVICES PTY LTD**

**9-11 BROOKLYN COURT
CAMPBELLFIELD 3061**

ABN: 80121279847

ACN: 121279847

Notice given to: **John Keramidas**

Service method: **Left for a person**

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 54(1)(a) of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises in quantities that exceed those specified in the column headed 'Fire Protection Quantity' in the table in Schedule 2 of the *Dangerous Goods (Storage and Handling) Regulations 2012*. No evidence could be provided that the occupier has requested the written advice of the emergency services in relation to the design of the fire protection system for the premises.

I informed the occupier that in establishing a fire protection

system for the premises, the Occupier must have regard to the written advice of the MFESB/CFA.

If the fire protection system at this premises where dangerous goods are located is not adequate for the quantities and classes of dangerous goods held on site, persons may be exposed to risk during an emergency incident and may result in serious injury to persons and damage to property.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must request the written advice of the [Metropolitan Fire and Emergency Services Board / Country Fire Authority] in relation to the design of the fire protection system for the premises.

Compliance may be achieved by providing evidence that the written advice has been sought from the [Metropolitan Fire and Emergency Services Board / Country Fire Authority]. For further guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods 2013

This contravention must be remedied by: 28/03/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

UIC 15
05 15
28/3

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:

- * bring the notice to the attention of all persons whose work is affected by the notice; and
- * display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 66 of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises.

These quantities of Dangerous Goods exceed the quantity specified in the column headed "Manifest Quantity" in the table in Schedule 2 of the *Dangerous Goods (Storage & Handling) Regulations 2012*. Bradbury Industrial Services as the Occupier was unable to provide evidence that WorkSafe Victoria (the Authority) has been notified within 14 days of the presence of dangerous goods in manifest quantities, as required by Regulation 66 of the *Dangerous Goods (Storage & Handling)*

Regulations 2012.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must, as the occupier of premises where dangerous goods are stored and handled, notify WorkSafe Victoria within 14 days of the presence of dangerous goods when the quantities of dangerous goods stored and handled at the premises exceed the quantity specified in Schedule 2 of the Dangerous Goods (Storage and Handling) Regulation 2012. The notification must contain the following information:

- the name of the occupier, and
- the address of the premises where the dangerous goods are stored and handled, and
- the occupier's contact details, and
- the nature of the principal activities involving the dangerous goods, and
- the Class and the maximum quantity of the dangerous goods stored and handled in bulk or as packaged dangerous goods, and
- descriptions and details and the maximum quantity of any C1 combustible liquids stored and handled in bulk or as packaged dangerous goods, and
- the product name and the maximum quantity of goods too dangerous to be transported.

Guidance is available from the Code of Practice for the Storage and Handling of Dangerous Goods 2013. The Notification of Dangerous Goods Storage and Handling form can be accessed via the WorkSafe website www.worksafe.vic.gov.au.

Note that Regulation 66(3) states that the occupier must ensure that WorkSafe is provided with further notification, containing the information required under regulation 66(2), every 5 years, or at such longer intervals as are specified by WorkSafe.

This contravention must be remedied by: 04/02/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate.

Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:

- * bring the notice to the attention of all persons whose work is affected by the notice; and
- * display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 55 of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises exceeding the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the *Dangerous Goods (Storage and Handling) Regulations 2012*.

No evidence could be provided that Bradbury Industrial Services as the Occupier has developed and communicated a written plan for dealing with any emergency associated with the storage and handling of the dangerous goods.

If there is no documented plan for emergencies in place

persons may be exposed to increased risk through not having adequate information during an emergency incident which may result in injury to persons or damage to property and delay response times.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must develop, implement and communicate a written plan for dealing with any emergency associated with the storage and handling of dangerous goods at the premises.

In developing or reviewing the emergency plan the occupier must request the written advice of the [Metropolitan Fire and Emergency Services Board / Country Fire Authority] and have regard to that written advice, or reduce or remove the quantities of dangerous goods held on the premises to below that listed as "Manifest Quantity" in Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012.

Any written plans for dealing with any emergency associated with the storage and handling of dangerous goods at the premises must be communicated in accordance with the requirements to regulation 55(2)(b) of the Dangerous Goods (Storage and Handling) Regulations 2012.

Guidance on emergency plan requirements is available in the Code of Practice for the Storage and Handling of Dangerous Goods 2013.

This contravention must be remedied by: 22/02/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Occupational Health and Safety Act 2004
IMPROVEMENT NOTICE



This notice is issued under section 111 of the *Occupational Health and Safety Act 2004*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 115(2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. Otherwise, and for an employer given a copy of a notice issued to an employee, the person must:

- * bring the notice to the attention of all persons whose work is affected by the notice,
- * give a copy to each health and safety representative who represents employees whose work is affected by the notice; and
- * display a copy of the notice in a prominent place at or near the workplace or part of the workplace where the affected work is being performed.

Issued by: **Joseph Barcellona**, an Inspector appointed under the
Occupational Health and Safety Act 2004.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to: **BRADBURY INDUSTRIAL SERVICES PTY LTD**
9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

ABN: 80121279847

ACN: 121279847

Notice given to: John Keramidas

Service method: Left for a person

Provision of this Act and / or the Regulations that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Section 21(1) & 21(2)(a) of the *Occupational Health and Safety Act 2004*

Basis for this belief: I observed that Bradbury Industrial Services has not ensured that the risks associated with the Vmax Forklift serial number VF250 have been eliminated or reduced so far as is reasonably practicable. During my observations of the Forklift it is in my belief there is a risk to the health and safety of persons due to the following faults that were detected on the forklift:-

- * illegible lever decals
- * torn / damaged seat
- * missing flashing light
- * illegible safe load chart
- * missing brake lights

These faults individually or collectively may cause forklift to operated in an unsafe manner.

Note: forklift was not operational was not being used at time of inspection.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must control the risks associated with the Vmax Forklift serial number VF250 by ensuring that the risks are eliminated, or if not reasonably practicable to eliminate, reduced so far as is reasonably practicable.

Compliance may be achieved by, but is not limited to:

have a competent forklift maintenance and repair engineer inspect the forklift and provide a documented report as to the mechanical repairs required to return the forklift to the original manufactures specifications and the condition / specification required by AS 2359. Thereafter, institute/ commission any such additional repairs including the obvious faults observed this day as follows,

This contravention must be remedied by 28/02/2019.

See Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation to ensure workplace health and safety.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:
* bring the notice to the attention of all persons whose work is affected by the notice; and
* display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 54(1)(a) of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises in quantities that exceed those specified in the column headed 'Fire Protection Quantity' in the table in Schedule 2 of the *Dangerous Goods (Storage and Handling) Regulations 2012*. No evidence could be provided that the occupier has requested the written advice of the emergency services in relation to the design of the fire protection system for the premises.

I informed the occupier that in establishing a fire protection system for the premises, the Occupier must have regard to the

written advice of the MFESB/CFA.

If the fire protection system at this premises where dangerous goods are located is not adequate for the quantities and classes of dangerous goods held on site, persons may be exposed to risk during an emergency incident and may result in serious injury to persons and damage to property.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must request the written advice of the [Metropolitan Fire and Emergency Services Board / Country Fire Authority] in relation to the design of the fire protection system for the premises.

Compliance may be achieved by providing evidence that the written advice has been sought from the [Metropolitan Fire and Emergency Services Board / Country Fire Authority]. For further guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods 2013

This contravention must be remedied by: 28/03/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.



Dangerous Goods Act 1985

IMPROVEMENT NOTICE



This notice is issued under section 17C of the *Dangerous Goods Act 1985*. This notice requires the person (which can mean a body corporate) to whom it is issued to remedy a contravention of the Act or its Regulations. Section 17G (2) places obligations on the person to whom an improvement notice is issued. If that person is an employee, he or she must give a copy of the notice to the employer. If the person is not the occupier of the place to which the notice relates, he or she must give a copy to the occupier as soon as possible. The occupier must:

- * bring the notice to the attention of all persons whose work is affected by the notice; and
- * display a copy of the notice in a prominent place at or near the place or part of the place that is affected by the notice.

Issued by: *Joseph Barcellona*, an Inspector appointed under the *Dangerous Goods Act 1985*.

Signature: _____

Date of Issue: 01/02/2019

Notice issued to a person who is or appears to be the occupier of the place: *BRADBURY INDUSTRIAL SERVICES PTY LTD*

*9-11 BROOKLYN COURT
CAMPBELLFIELD 3061*

ABN: 80121279847

ACN: 121279847

Notice given to: *John Keramidas*

Service method: *Left for a person*

Provision of this Act or the Regulation that is being contravened: I reasonably believe that BRADBURY INDUSTRIAL SERVICES PTY LTD is in contravention of Regulation 54(1)(a) of the *Dangerous Goods (Storage and Handling) Regulations 2012*

Basis for this belief: I observed approximately > 2 Million L. of dangerous goods of class 3 flammable liquid are stored and handled at this premises in quantities that exceed those specified in the column headed 'Fire Protection Quantity' in the table in Schedule 2 of the *Dangerous Goods (Storage and Handling) Regulations 2012*. No evidence could be provided that the occupier has requested the written advice of the emergency services in relation to the design of the fire protection system for the premises.

I informed the occupier that in establishing a fire protection

system for the premises, the Occupier must have regard to the written advice of the MFESB/CFA.

If the fire protection system at this premises where dangerous goods are located is not adequate for the quantities and classes of dangerous goods held on site, persons may be exposed to risk during an emergency incident and may result in serious injury to persons and damage to property.

Directions as to the measures to be taken to remedy the contravention:

BRADBURY INDUSTRIAL SERVICES PTY LTD must request the written advice of the [Metropolitan Fire and Emergency Services Board / Country Fire Authority] in relation to the design of the fire protection system for the premises.

Compliance may be achieved by providing evidence that the written advice has been sought from the [Metropolitan Fire and Emergency Services Board / Country Fire Authority]. For further guidance refer to the Code of Practice for the Storage and Handling of Dangerous Goods 2013

This contravention must be remedied by: 28/03/2019.

Note: see Review and Offence provisions below

Internal Review

As the person to whom this improvement notice has been issued, you or another eligible person can apply to WorkSafe Victoria (WorkSafe) for internal review of the reviewable decision to issue an improvement notice. Your application must be in the approved form and must be received by WorkSafe's Internal Review Unit within 14 days after the day on which the decision first came to your notice or came to the eligible person's notice. WorkSafe may however allow a longer period of time within which the application has to be lodged in appropriate cases. The applicant may also request a stay of the operation of the reviewable decision pending the outcome of the internal review. The request for a stay must accompany the application for internal review. WorkSafe must make a decision to grant a stay with or without conditions or not to grant a stay and communicate that decision within 24 hours of receipt of the request for a stay. If no decision is made WorkSafe is considered to have granted a stay. If no request for a stay is made the operation of this improvement notice remains in force. An inspector must not give written certification that the activity or matters to which the notice relates have been remedied whilst there is an internal review pending.

Applications for internal review can be made online on the WorkSafe website - www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

If you have lodged an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive a decision that you are not happy with you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the decision or non-decision came to the attention of the applicant. Applicants seeking external review must be an eligible person.

Offence

A person to whom an improvement notice is issued and who does not comply with the improvement notice shall be guilty of an indictable offence against the Act. In the case of a natural person, the indictable offence carries a penalty of not more than \$79,285. In the case of a body corporate, the indictable offence carries a penalty of not more than \$396,425.

The issue, variation or cancellation of this notice does not affect any proceedings for an offence against this Act or the regulations in connection with any matter in respect of which the notice was issued.

U/c 155
05 15
28/3

Privacy And Confidentiality Notice

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

COMPLIANCE WITH THIS NOTICE DOES NOT indicate that the person to whom it is issued complies with all health and safety requirements, NOR does it affect the continuing obligation in relation to dangerous goods.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

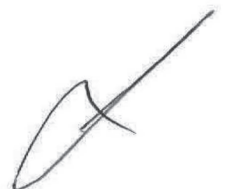
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-9A" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-9A"
Copy of email from P Vitali to J Keramidas dated 3 February
2019



John Keramidas

From: Peter Vitali <peter@chemvit.com.au>
Sent: Sunday, February 3, 2019 5:29 PM
To: John Keramidas
Subject: FW: Flammable Liquid warehouse storage - Campbellfield

Hi John,

Thank you for seeing last Friday. The good news that I bring to you is that your warehouse at Brooklyn Ave is in my view 75% on its way to being a very good class 3 flammable liquid store.

This building has the proper design to allow up to **1,200,000 L** of class 3 flammable liquids to be stored without sprinklers once we make some additional improvements. Once these improvements are done, please tell your Management that the company will have a good store that will comply with all regulatory requirements.

If the landlord has a simple plan of the existing warehouse, I could get this later by email if possible along with a copy of the SDS for the current products stored inside.

I can do the full review with a detailed report, with drawing to explain what we need to do. I will also help you with any issue of WorkSafe notices and how best to deal with these until everything is finished.

I can do the report within 10 -12 working days and my total fixed cost to do this will be **\$4975** plus GST. My costing is fixed and after issuing my report, I will be with you from start to finish until this project is finished with the building owner and his contractors, even this it may take some period of time. I am with you from start to finish on this project. Should you want a more formal quotation sent out, please let me know.

I will await your further instructions on this matter before I start on any review work.

Regards
Peter

Peter Vitali
Director and Principal Consultant
P: 0411 258 266 | www.chemvit.com.au



BE GREEN, READ FROM THE SCREEN
IMPORTANT -

- (1) The contents of this email and its attachments may be confidential and privileged. Any unauthorised use of the contents is expressly prohibited. If you receive this email in error, please contact us, and then delete the email.
- (2) Before opening or using attachments, check them for viruses and defects. The contents of this email and its attachments may become scrambled, truncated or altered in transmission. Please notify us of any anomalies.
- (3) Our liability is limited to resupplying the email and attached files or the cost of having them resupplied.
- (4) We collect personal information to enable us to perform our functions. For more information about the use, access and disclosure of this information, refer to our privacy policy at our website.
- (5) Please consider the environment before printing. "This message and any attached files is intended solely for the use of the individual or entity to whom it is addressed and may contain information that is privileged, confidential, proprietary and/or exempt from disclosure under applicable law. Personal and health information is highly sensitive. You should not disclose or retain such information unless you have consent or are authorised by law. If you are not the intended recipient of this message, please delete all copies and notify the sender. Any views expressed in this message are not necessarily the views of ChemVit Consulting Pty Ltd."

From: John Keramidas <johnk@bradburyis.com>
Sent: Friday, 1 February 2019 8:49 AM
To: peter@chemvit.com.au
Subject: Worksafe W/house clean up

Hi Peter,

Thanks for your time and I look forward to meeting you.

The site is at 9-11 Brooklyn Ave Campbellfield.

It would take me 5-10 mins to get there after you call.

Kind regards,

John Keramidas
National Sales Manager

Bradbury Industrial Services Pty Ltd
16-18 Thornycroft Street
Campbellfield Vic 3061
Phone (03) 9357 8310
Mobile: 0437 863 740
Email: johnk@bradburyis.com
www.bradburyis.com



IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-10" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-10"

**Copy of the email from J Keramidas to M Leech and P Bristow
dated 2 February 2019**



John Keramidas

From: John Keramidas
Sent: Saturday, 2 February 2019 6:19 AM
To: Matthew Leech; Paul Bristow
Subject: EPA / Work Safe / MFB / CFA / Hume Council / Peter Vitali update as at 2/2/19

Hello Paul , Matt,

An update and some notes and key points for future reference.

31st January 2019 from 9.30am till 4.30 pm

EPA and Work Safe entered BIS to advise they wanted to search 9-11 Brooklyn Crt Campbellfield.

EPA: Chris Peska & Sam Leray

Work Safe: Joseph Barcellona

BIS: Paul Bristow & John Keramidas

Paul advise that Mark Anderson advised him the day before of the storage and that he had made a massive error of judgment¹¹, to which Paul said that you must go immediately. Management at BIS were advised at that point (John Keramidas, Matt Leech and Yue Li). Paul asked if John Keramidas could take up a care taker role as GM for the immediate future.

PB verified he was the owner of BIS and had signed the lease in late 2016 for the Brooklyn Property, but Mark had advised him that it was for empty IBCs only. It was unknown how the product was transported or what volumes were there. EPA were very concerned that Mark had advanced warning of their discovery and Paul advised that Mark had stated the EPA had called him the day before.

Work Safe and EPA were advised that it was expected the material was burner fuel , a product and not waste, but JK could verify on site by viewing the material. Keys to the site were found in Mark's desk draw and all parties met on site at about 10.30am.

On site JK did open doors and locks with keys and entered the building with all parties, count was conducted and 2134 IBC were identified as Burner Fuel.

2 additional EPA personal arrived Helen Szabo and Steven Pugh.

Work safe had Nickos Likouresis (most senior), Brett Thompson, Richard Mason arrive including the Hygienist.

MFB – Barry Byrne DG inspector

Many positive comments were made by all with the exception of 2 EPA officers Chris Peska & Sam Leray that were very critical , suspicious and doubted our version of events. Chris Peska " I doubt you could misplace this much product" to which I replied , "its only about 5-10 weeks of residue production"

Other comments:

Helen Szabo " Mark is a good man, but he has made a bad decision" *one*

Steven Pugh "it is what it is, at least is no where near as bad as the waste w/houses"

JK also assisted in drawing 21 samples from 7 randomly chosen IBC (because EPA were not capable of doing it)

Again , many supporting comments for Work Safe Brett Thompson " we are here to work with you to rectify the situation, not force your company to close down of have financial hardship"

JK provided a MSDS for Burner Fuel (2014) that shows this to be a Class 3 Flammable Liquid, it was agreed and noted by Work Safe that we are dealing with DG Flammable Liquid not waste. *

SAU
Improvement notice was issued by JB and JK immediately complied with ~~skit~~ kits , booms placemat on exits and suspect IBC (3 identified), electrical isolation and locking up / security. JK also asked JB if there was a company or consultant that maybe able to assist us with further compliance and procedure... PB offered Peter Vitali's card and said he was an ex Work Safe employee and highly regarded – (But I should make my own decision on this).

1st February 2019 9.00 -9.30am

Joseph Barcellona called JK to meet on site and inspect if the initial improvement notice was adhered too. Joe said "excellent, you have done everything requested so far and I wish I had more people as responsive as Bradbury" I

advised Joe that we have engaged with Peter Vitali and that I would be meeting him that morning for the initial consultation. Joe said "whatever Peter says goes... he literally wrote the book as he was the Author of Dangerous Goods Act 1985 – code of practice for the storage and handling of dangerous goods." Joe advised there will be additional Improvement notices issued and this was normal practice.

10-00 – 10.45am

Peter Vitali – ChemVit Consulting, Peter gave me a signed copy of Dangerous Goods Act 1985 – code of practice for the storage and handling of dangerous goods. Peter said the w/house was in very good condition as said I should consider bringing it upto spec with estimated costs of 80-100K. Peter advised we could "very easily" store 600,000L in each w/house as there is a fire wall between them. Some work needs to be done on bunding / fire proof shutters doors etc ... all in all 1.2 million L could be stored there by end of March. I engaged Peter at \$185 per hour and expect the report to be 20-25 hours in duration. Peter said he will then work with us until the matter is complete and that included gaining extensions if required.

1.00pm – 2.00pm

Meeting at Work Safe

② Key meeting.

Worksafe: Richard Mason, Nickos Likouresis and additional Senior Manger

EPA: Chris Peska & Sam Leray by Phone

CFA: 1

MFB: 2

BIS: JK in person and PB by phone

JK commenced meeting by brief intro as to why we were in this situation and that we had multiple strategies that can work concurrent. External DG storage at Stolt Haven or Toll with most likely both being used. Returning material back to Thornycroft for bulking up to Geo and possibility of making current w/house compliant. Everyone in the room was aware of ChemVit except for CFA but was advise by Work Safe who he was. Everyone showed a very positive response with the exception of the EPA. Chris Peska did go on to say that the plan of making the site compliant was very unlikely and he didn't believe that was viable, he also added why would BIS think EPA could give a further license for Brooklyn when the EPA had not decided what PANs would be served and if we had a license suspension or cancellation. I advised Chris that our consultant who is the foremost expert in the field said we could at a cost of 80K, given that would be 2 months storage fee it was a viable option. Also we were not seeking an EPA license for Brooklyn but a DG licenses as the material is a product not waste... He said that is yet to be determined, but I could see people in the room getting agitated by the EPAs attitude. I did state that I was very concerned and felt threatened by the EPA stating they may suspend / cancel our license and I did state as the GM (for all of 24 hours) I really need to consider if that is a real possibility, it may be more prudent for me to wind up the business and deliver some financial benefit to the shareholders and pay out staff entitlements rather than have the EPA put us out of business. EPA also said, "you advised us that Mark was an very important part of BIS so how will you continue to function?" I responded with Mark is a massive loss to our business and we have a knowledge vacuum, however we have very committed people and they (management / staff) have all said they will support me and the business, the massive loss is in operations but we have our Production Manager 2 day team leaders 18 day staff, two night team leaders and 11 night staff. We will also look at reducing less profitable parts of the business such as drums crushing, in all we are confident we will meet the existing business requirements, the requirements of the clean-up job and our requirements to be compliant for Brooklyn court. Nikos Likouresis brought the meeting back to order and said to EPA we are working the problem for best outcome to all, effectively shutting down the EPA negative remarks. CFA (don't have name) asked "how will this impact on the Veolia clean up" is responded with BIS are still very committed to supporting the cleanup, "if I was to make a purely financial decision given our current predicament with Brooklyn Court we would need to withdraw our offer and just spend the recourses in becoming compliant. However Paul & I discussed this morning and came to the opinion that this clean up is for the greater good for everyone, if BIS exit at this point the 8-12 months clean up could be a 4-6 year proposition and that's not good for anyone".

Teleconference concluded but a further discussion took place and it was clear all people in the room are supportive of BIS making the most of this situation, I was thanked and encouraged to continue. MFB officer out of the offices one on one said ... "off the record, EPA guys are tossers !"

2.30pm – 3.30pm

MFB visits with local fire station on site came in a massive fire truck, conducted (4 in total) full site visit / inspection, MFB (Gary) – “good housekeeping” referring to isles being straight no litter on the floor and exists not blocked (except one roller door). They advise I can expect many more visits and I said we welcome them anytime.

4.30pm

Joseph Barcellona issues further 9 improvement notices (Standard Operating Procedure) to Thornycroft Street Reception.

D VWA
5.00pm Nickos Likouresis phoned me “internally we had a discussion about the meeting we had this afternoon and we have raised to our senior managers in the referencing and terminology used by the EPA, in a very difficult meeting you handled yourself very well and we have utmost confidence that you will find the workable / viable solution that will benefit all parties” “John I just want you to know we are supporting you and will do what we can to ensure all agencies are on the same path”

IMPROVEMENT NOTICES ISSUED BY WORK SAFE

DIRECTION by Brett Thompson for immediate isolation / disconnection of electrical supplies – as this was done by our electrician while Brett was still on site – no improvement notice was issued and it was noted we immediately complied to direction – Completed

V00016305285L/17C-01 DATED: 31/1/19 MUST BE COMPLETED BY: 28th March 2019

1. Provide Bunding of Building and away from Drain or Pits and external Areas. Spill Kitts should be provided – JK immediately action and set up 3 spill kits with Vermiculite, chemical resistant bags, absorbent booms on each entry exit and on identified high risk IBS units. – Completed and Ongoing
2. Develop Procedures for clean-up and disposal of contaminated waste using absorbent material during removal process. – JK engaged ChemVit Consulting for assistance and recommendations Ongoing
3. Provide Security – Denying access to unauthorized persons, keeping gates fully closes and constant surveillance of premises. – JK will ensure all locked up and have visual / photo update through the day and night (Log) – to discuss with ChemVit if external security is required. – Completed and Ongoing

V00016305286L/17C-01 DATED: 01/02/19 MUST BE COMPLETED BY: 4th February 2019

1. Displaying HAZCHEM sign – 2 acquired and JK installed 2nd Feb 19 – COMPLETED

V00016305286L/17C-02 DATED: 01/02/19 MUST BE COMPLETED BY: 15th February 2019

1. Displaying Flammable Liquid 3 sign – 2 acquired and JK installed 2nd Feb 19 – COMPLETED

V00016305286L/17C-03 DATED: 01/02/19 MUST BE COMPLETED BY: 22nd February 2019

1. Displaying Emergency INFORMATION / Manifest / SDS – 1 acquired and JK installed 2nd Feb 19 – Completed and Ongoing

V00016305286L/17C-04 DATED: 01/02/19 MUST BE COMPLETED BY: 28th March 2019

1. Supply fire protection system, as per code of practice for storage and handling of dangerous goods 2013 – To BE COMPLETED

V00016305286L/17C-05 DATED: 01/02/19 MUST BE COMPLETED BY: 28th March 2019

1. Written Advice by MFB and CFA – To BE COMPLETED

V00016305286L/17C-06 DATED: 01/02/19 MUST BE COMPLETED BY: 4th February 2019

1. Notify WorkSafe of manifest as per code of practice for storage and handling of dangerous goods 2013 – To BE COMPLETED

V00016305286L/17C-07 DATED: 01/02/19 MUST BE COMPLETED BY: 22nd February 2019

1. Written plan for the MFB and CFA as per code of practice for storage and handling of dangerous goods 2013 – To BE COMPLETED

V00016305286L/17C-07 DATED: 01/02/19 **MUST BE COMPLETED BY: 22nd February 2019**

1. Certifying existing fire protection equipment – **To BE COMPLETED**

V00016305286L/111-01 DATED: 01/02/19 **MUST BE COMPLETED BY: 28th February 2019**

1. VMAX Forklift VF250 – bring up to spec as per AS 2359 standards – **To BE COMPLETED**

Kind regards,

John Keramidas
National Sales Manager

Bradbury Industrial Services Pty Ltd
16-18 Thornycroft Street
Campbellfield Vic 3061
Phone (03) 9357 8310
Mobile: 0437 863 740
Email: johnk@bradburyis.com
www.bradburyis.com



IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

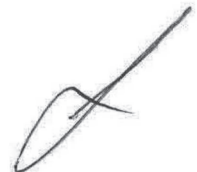
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-11" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-11"
Copy of the VWA Entry Report No. V00016305288L dated 5
February 2019





ENTRY REPORT



Visit Number: **V00016305288L**

Entry Date and Time : **05/02/2019 09:30 AM** Departure Date and Time: **05/02/2019 09:45 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com

Name of person copy given to:	Person's Position:	Email Address:
no	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended your workplace to follow up on two Improvement Notice's issued on the 01/02/2019 in relation to the storage and handling of dangerous goods. At time of visit I met with Bradbury Industrial Services National, General Manager John Keramidas.

The following actions have been taken:

Improvement Notice V00016305286L/17C-01 - placards

I observed dangerous goods of class 3 PG III flammable liquids are still stored and handled at the premises in quantities that exceed those specified in the Schedule 2 table column headed 'Placarding Quantity' in the Dangerous Goods (Storage and Handling) Regulations 2012. I observed within the warehouse approximately 2134 IBC's of class 3 dangerous goods. Total quantities of this product is estimated at approximately > 2 Million L.

Bradbury Industrial Services has erected the appropriate outer warning HAZCHEM

signage and class 3 diamonds. These placards are displayed at the front and side entrance to the premises and now provided correct information in case of an emergency.

I believe that this Improvement Notice has been complied with.

2. Improvement Notice V00016305286L/17C-06 - Notification

I observed the company is still storing approximately > 2 Million L. of dangerous goods of class 3 flammable liquid at this premises. These quantities of Dangerous Goods exceed the quantity specified in the column headed "Manifest Quantity" in the table in Schedule 2 of the Dangerous Goods (Storage & Handling) Regulations 2012.

Bradbury Industrial Services as the Occupier has now notified WorkSafe Victoria of the presence of dangerous goods in manifest quantities, as required by Regulation 66 of the Dangerous Goods (Storage & Handling) Regulations 2012.

Notification was provided to WorkSafe Victoria on the 04/02/2019. Total Quantities specified on the Notification is 2,134,000L of burner fuel.

I believe that this Improvement Notice has been complied with.

A follow up visit will be arranged regarding remaining Improvement Notices.

3. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

4. Electronic Communication

John Keramidas consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.

INSPECTION OUTCOMES SUMMARY

STATUS OF NOTICES THAT WERE MONITORED DURING THIS ENTRY

Notice Number	Action
V00016305286L/17C-01	Complied with
V00016305286L/17C-06	Complied with

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-12" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-12"
**Copy of the acknowledgement of notification of storage and
handling of dangerous goods dated 18 February 2019**



ACKNOWLEDGEMENT OF NOTIFICATION OF STORAGE AND HANDLING OF DANGEROUS GOODS

Occupier's Name and Address

BRADBURY INDUSTRIAL SERVICES P/L
16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061

Premises where Dangerous Goods are Stored and Handled

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Notification Date

18/02/2019

Renewal Required By

17/02/2024

Notification Number

DSH 98080621

Contact Telephone Number

0393578310

Dangerous Goods and Maximum Quantities for Which Notification Applies

Class/Details of Dangerous Goods	Description of Dangerous Goods	Maximum Quantity of Dangerous Goods Stored and Handled	Principal Activities involving Dangerous Goods
3	Dangerous Goods Stored in Packages Flammable Liquids	2134000 lt	<ul style="list-style-type: none">Storage/Warehousing

ACKNOWLEDGEMENT

This Acknowledgement of Notification of Storage and Handling of Dangerous Goods is provided under regulation 67 of the Dangerous Goods (Storage and Handling) Regulations 2012 (the Regulations).

Further notification is required every 5 years or such longer intervals as are specified by Worksafe in accordance with regulation 66(3) of the Regulations.

Worksafe does not take any responsibility for the accuracy of the information provided in notifying WorkSafe as the occupier of the premises of stored and handled dangerous goods in excess quantities as required under regulation 66 of the Regulations.

Please read this document carefully and immediately advise of any inaccuracies by writing to:

Licensing Branch, WorkSafe Victoria
GPO Box 4293, MELBOURNE VIC 3001
Phone: 1300 852 562

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

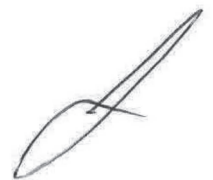
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-13" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-13"
Copy of the VWA Entry Report No. V00016305288L dated 18
February 2019





ENTRY REPORT



Visit Number: **V00016305305L**

Entry Date and Time : **18/02/2019 09:00 AM** Departure Date and Time: **18/02/2019 09:45 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**
9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.co
Name of person copy given to:	Person's Position:	Email Address:
No elected	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended your workplace to follow up on Improvement Notice V00016305286L/17C-02 issued on the 01/02/2019. At time of visit I met with General Manager, John Keramidas & Contractor from PJ Waste Solutions, Charlie Munro.

I observed the following actions have been taken:

I was advised and observed that approximately 25% of the IBC's have been removed off site, all from the front warehouse. I was informed that the removal is being done by Bradbury and Stolthaven. I observed Dangerous Goods Bulk Placards are now displayed on the IBC's that are ready to be removed. I was informed that the placards are placed on the IBC's as soon as they are accessible.

I was further informed that before removing the IBC's they are assessed and fitted with new end caps and breathable top caps are fitted if required. (I observed spare caps on site).

I believe that this Improvement Notice has been complied with.

2. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

3. John Keramidas consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.

INSPECTION OUTCOMES SUMMARY

STATUS OF NOTICES THAT WERE MONITORED DURING THIS ENTRY

Notice Number	Action
V00016305286L/17C-02	Complied with

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au



ENTRY REPORT



Visit Number: V00016305307L

Entry Date and Time : 21/02/2019 12:00 PM Departure Date and Time: 21/02/2019 02:00 PM

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: 80121279847 ACN: 121279847

9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: Delivered electronically

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: Christopher Bull,
Warren Johnston

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com

Name of person copy given to:	Person's Position:	Email Address:
No	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Christopher Bull, Warren Johnston and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above stated workplace with WorkSafe Inspector Warren Johnston and WorkSafe Investigator Chris Bull to continue with inquires into the storage and handling of dangerous goods. At time of visit I met with Contractor from PJ Waste Solutions, Charlie Munro and spoke with General Manager, John Keramidas via phone.

I observed that even more IBC's have been taken away off site. I was advised by Charlie Munro that a further 336 IBC's have been removed from site since my previous visit undertaken on Monday 18 February.

During visit I provided assistance to Investigator Chris Bull in taking measurements and sketches of workplace layout.

No further action taken during today's visit.

2. Taking of Photographs, Measurements & Sketches

Under Section 13B(1)(f) of the Dangerous Goods Act 1985 you are hereby notified that during an inspection at the above address, photographs, measurements & sketches were taken. The photographs, measurements & sketches will be available for inspection at the WorkSafe office located at 171 -191 Hammond Avenue Essendon Fields by appointment on 92223-6888.

3. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, Christopher Bull, Warren Johnston and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

* Site Manifest

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
 - * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
 - * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
- For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

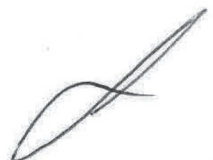
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-14" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-14"
Copy of the VWA Entry Report No. V0016305312 dated 28
February 2019





ENTRY REPORT



Visit Number: **V00016305312L**
Entry Date and Time: **28/02/2019 09:00 AM** Departure Date and Time: **28/02/2019 10:30 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**
9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Christopher Bull** Other Persons: **Shape & Howells P/L representative**
John Franceschini

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com
Name of person copy given to:	Person's Position:	Email Address:
No elected	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Christopher Bull and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended your workplace to follow up on 4 Improvement Notice's issued on the 01/02/2019. At time of visit I met with General Manager, John Keramidas.

I observed the following actions have been taken:

Note: At time of visit no activity was being undertaken (removal of IBC's) due to the availability of personnel. I was advised by John Keramidas that there is approximately 652 IBC's (652,000L) remaining to be removed off site. It is envisaged that the entire contents within the warehouse should be cleared out by end of March 2019.

Improvement Notice V00016305286L/17C-03

The quantities of dangerous goods remaining on site at this stage still exceed the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012. The company has engaged the services of ChemVit Consulting who has prepared a Manifest for Bradbury Industrial Services P/L. The Manifest is kept on the premises in a place where it is readily accessible to the emergency services authority.

I observed that the Manifest contains relevant information as prescribed in Schedule 3 of the Dangerous Goods (Storage and Handling) Regulations 2012.

I believe that this Improvement Notice has been complied with.

Improvement Notice V00016305286L/17C-07 & 05

I observed approximately 652,000L of dangerous goods of class 3 flammable liquid are still stored and handled at this premises which exceed the quantities specified in the column headed "Manifest Quantity" of Schedule 2 of the Dangerous Goods (Storage and Handling) Regulations 2012.

Bradbury Industrial Services P/L has now developed a written plan for dealing with any emergency associated with the storage and handling of the dangerous goods at this site. The company has requested written advice of the from the Metropolitan Fire and Emergency Services Board on the 18/02/2019 (copy of email sighted). The MFB has acknowledged the email, however, no date has been committed to on visiting the site.

I believe that these two Improvement Notice's have been complied with.

Improvement Notice V00016305286L/17C-08

Bradbury Industrial Services P/L as the occupier of premises where dangerous goods are stored and handled has now ensured that the fire protection system is properly installed, tested and maintained. Bradbury Industrial Services P/L engaged the services of Fire Equipment Services who inspected and tested the fire equipment within the warehouse including the fire hose reels located out side.

Service report 2825753 sighted.

I believe that this Improvement Notice has been complied with.

2. Taking of Samples

In accordance with section 13D of the Dangerous Act 1985 You are hereby notified that during an inspection at 9-11 BROOKLYN COURT CAMPBELLFIELD 3061, samples of the liquid contents inside 3 IBC's were taken (without payment) and may be used for further analysis.

- BRADBURY INDUSTRIAL SERVICES PTY LTD is hereby notified that the samples have been divided into 3 x 3 parts and one part of each sample was offered to Bradbury Industrial Services P/L who declined the offer.
- one part was kept by the inspector for future comparison, and
- one part will be retained as the original
- one part was will be submitted to an analyst

3. Taking of Photographs

Under Section 13B(1)(f) of the Dangerous Goods Act 1985 you are hereby notified that

during an inspection at the above address, photographs were taken of the IBC's where samples were taken from. The photographs will be available for inspection at the WorkSafe office located at 171-191 Hammond Avenue Essendon Fields by appointment on 9223 6888.

4. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, Christopher Bull and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

INSPECTION OUTCOMES SUMMARY

STATUS OF NOTICES THAT WERE MONITORED DURING THIS ENTRY

Notice Number	Action
V00016305286L/17C-03	Complied with
V00016305286L/17C-05	Complied with
V00016305286L/17C-07	Complied with
V00016305286L/17C-08	Complied with

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at

internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

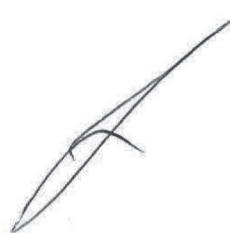
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-15" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-15"
Copies of Notices to Identify Occupiers





ENVIRONMENT PROTECTION ACT 1970 SECTION 55(3D)

NOTICE TO IDENTIFY OCCUPIER

IMPORTANT: See definitions and supplementary information overleaf

No. 568131

To: BRADBURY INDUSTRIAL SERVICES PTY LTD

ACN: 121 279 847

Address: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

1. Our reason for issuing this notice

I Helen Szabo observed that, in relation to the premises at
9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061
you BRADBURY INDUSTRIAL SERVICES PTY LTD appear to be; or appear to have been:

[Choose **ONE** of the following]

☐ the occupier of the above premises

☐ the occupier of the following part of the premises

☒ in control of the following plant, process or activity at the above premises DEPOSIT AND STORAGE OF BURNER FUEL

[Choose **ONE** of the following]

☐ upon or from which waste is being, has been or is likely to be discharged ☐ from which noise is being, has been or is likely to be emitted

☐ from which waste is being, or is likely to be emitted

☐ from which motor vehicles are displayed for the purpose of sale

☒ from which waste is being or is likely to be stored or upon which any industrial waste is being stored, reprocessed, treated or otherwise handled

between the dates of 01/01/2019 and 05/03/2019

2. Requirements

You are required to provide to me in writing, the name and address of any person that was in occupation of the premises, part of premises, or was in control of the plant, process or activity as specified in section 1 above, during the dates specified in section 1 above. You must provide me with this information using the response slip below, or any other written, signed response. Your written response can be provided to me in person, or mailed to me at:

VIC

or email PDF of signed response to Helen.Szabo@epa.vic.gov.au

This information must be provided to me by 4pm on: 07/03/2019

AUTHORISED OFFICER

[Signature]

Date of issue: 05/03/2019

RESPONSE SLIP: Notice to identify the occupier - Environment Protection Act 1970 Section 55(3D)

No. 568131

I JOHN KOLAMIDAS provide the following information in response to the notice to identify the occupier issued by EPA authorised officer Helen Szabo on 05/03/2019

BRADBURY INDUSTRIAL SERVICES P/L 121 279 847 was;

[Choose **ONE** of the following]

☐ the occupier of the premises

☐ the occupier of the following part of the premises

☒ in control of the following plant, process or activity at the premises

9-11 BROOKLYN COURT CAMPBELLFIELD VIC 3061

between the dates of 1/1/19 and 5/3/19

Signature: [Signature]

Position: GENERAL MANAGER

Date: 5/3/19

Return the signed response to the EPA authorised officer in person, or by mailing to the address or email shown in the requirements section of the notice





SECTION 55(3D) NOTICE TO IDENTIFY OCCUPIER

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we have issued this notice: Under section 55(3D) of the EP Act, an authorised officer may issue a notice to any person who appears to be, or have been, the occupier of the premises specified in the notice, and during the period specified by the notice. The notice requires the recipient to confirm in writing to the authorised officer, the name and address of the person who was in occupation of the premises, or part of the premises, or was in control of any plant, process or activity, as specified in the notice.

What you are required to do: Section 55(3D) of the EP Act requires you to respond to the requirements in this notice.

When you are required to act: You are required to comply with this notice by the date specified on the notice.

What happens if you don't comply: If found guilty of contravening this notice, you may be guilty of an offence against the EP Act and liable to pay a fine of up to 240 penalty units (\$38,686) or imprisonment for six months, or both.

Contact EPA: Call 1300 372 842 (1300 EPA VIC) or visit epa.vic.gov.au

Definitions:

'You' means the recipient of this notice or your authorised representative.

'Premises' means the site at the premises address, as specified in the notice.

'Person' means a natural person (human being), corporation (e.g. private or public company), statutory corporation, statutory authority, incorporated association, cooperative or other entity created under a statute.

'Occupier' means a person who is in occupation or control of the premises, whether or not that person is the owner of the premises and, in relation to premises of which different parts are occupied by different persons, means the respective persons in occupation or control of each part. (Please note the 'occupier' may be a different person to the owner of the premises).



ENVIRONMENT PROTECTION ACT 1970 SECTION 55(3D)

NOTICE TO IDENTIFY OCCUPIER

IMPORTANT: See definitions and supplementary information overleaf

No. 568120

To: **BRADBURY INDUSTRIAL SERVICES PTY LTD** ACN: 121 279 847
Address: **16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061**

1. Our reason for issuing this notice

I **Helen Szabo** observed that, in relation to the premises at
9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061
you **BRADBURY INDUSTRIAL SERVICES PTY LTD** appear to be; or appear to have been:

[Choose **ONE** of the following]

- ☒ the occupier of the above premises
☐ the occupier of the following part of the premises
☐ in control of the following plant, process or activity at the above premises

[Choose **ONE** of the following]

- ☐ upon or from which waste is being, has been or is likely to be discharged
☐ from which noise is being, has been or is likely to be emitted
☐ from which waste is being, or is likely to be emitted
☐ from which motor vehicles are displayed for the purpose of sale
☒ from which waste is being or is likely to be stored or upon which any industrial waste is being stored, reprocessed, treated or otherwise handled

between the dates of **01/01/2019** and **05/03/2019**

2. Requirements

You are required to provide to me in writing, the name and address of any person that was in occupation of the premises, part of premises, or was in control of the plant, process or activity as specified in section 1 above, during the dates specified in section 1 above. You must provide me with this information using the response slip below, or any other written, signed response. Your written response can be provided to me in person, or mailed to me at:

VIC
or email PDF of signed response to **Helen.Szabo@epa.vic.gov.au**

This information must be provided to me by 4pm on: **07/03/2019**

AUTHORISED OFFICER **[Signature]** Date of issue: **05/03/2019**

RESPONSE SLIP: Notice to identify the occupier - Environment Protection Act 1970 Section 55(3D)

Separate here
No. 568120

I **JOHN KERAMIOPO** provide the following information in response to the notice to identify the occupier issued by EPA authorised officer **Helen Szabo** on **05/03/2019**

BRADBURY INDUSTRIAL SERVICES P/L **121 279 847** was;

[Choose **ONE** of the following]

- ☒ the occupier of the premises
☐ the occupier of the following part of the premises
☐ in control of the following plant, process or activity at the premises

9-11 BROOKLYN COURT CAMPBELLFIELD VIC 3061

between the dates of **1/1/19** and **5/3/19**

Signature: **[Signature]** Position: **GENERAL MANAGER**

Date: **5/3/19**

Return the signed response to the EPA authorised officer in person, or by mailing to the address or email shown in the requirements section of the notice





SECTION 55(3D) NOTICE TO IDENTIFY OCCUPIER

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we have issued this notice: Under section 55(3D) of the EP Act, an authorised officer may issue a notice to any person who appears to be, or have been, the occupier of the premises specified in the notice, and during the period specified by the notice. The notice requires the recipient to confirm in writing to the authorised officer, the name and address of the person who was in occupation of the premises, or part of the premises, or was in control of any plant, process or activity, as specified in the notice.

What you are required to do: Section 55(3D) of the EP Act requires you to respond to the requirements in this notice.

When you are required to act: You are required to comply with this notice by the date specified on the notice.

What happens if you don't comply: If found guilty of contravening this notice, you may be guilty of an offence against the EP Act and liable to pay a fine of up to 240 penalty units (\$38,686) or imprisonment for six months, or both.

Contact EPA: Call 1300 372 842 (1300 EPA VIC) or visit epa.vic.gov.au

Definitions:

'You' means the recipient of this notice or your authorised representative.

'Premises' means the site at the premises address, as specified in the notice.

'Person' means a natural person (human being), corporation (e.g. private or public company), statutory corporation, statutory authority, incorporated association, cooperative or other entity created under a statute.

'Occupier' means a person who is in occupation or control of the premises, whether or not that person is the owner of the premises and, in relation to premises of which different parts are occupied by different persons, means the respective persons in occupation or control of each part. (Please note the 'occupier' may be a different person to the owner of the premises).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

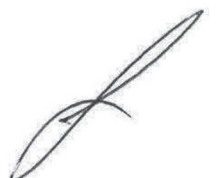
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-16" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-16"
Copies of draft EPA clean up notice





ENVIRONMENT PROTECTION ACT 1970 SECTION 62A

CLEAN UP NOTICE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD ACN: 121 279 847

ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

PREMISES: 9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061

LEGAL REFERENCE: EP Act 1970 s.62A(1) Clean up and ongoing management measures required

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve remedial notices: Remedial notices are served to prevent or remedy actual or likely pollution, environmental hazards and a range of non-compliances with the EP Act.

What you are required to do: Section 62A(1) of the EP Act requires you to comply with the requirements in this notice with one or more actions to prevent or remedy an actual or likely non-compliance. Under section 60A(1), if someone plans to take control of your premises, you must notify them of this notice and your progress towards compliance.

When you are required to act: Immediately, from the date below.

If you want compliance dates extended: An application to extend a compliance date listed in Section 3 of this notice must be received *at least 10 working days prior to the compliance date*. Application forms, available at www.epa.vic.gov.au/business-and-industry/forms must be addressed to the Manager of the EPA office listed on this notice with the subject line: "Notice amendment application". Your served notice remains legally binding until EPA advises of any change. Refer to the Remedial notices policy (publication 1418) for further information on amendment applications.

What happens if you don't comply: If found guilty of contravening a requirement of this notice, you may be ordered to pay a fine of up to 2400 penalty units (\$386,856).

What your review rights are: An application for review of this notice can be made to EPA and/or the Supreme Court. Applications for an EPA review must be made within 7 calendar days from the notice issue date (below). Application forms are available at www.epa.vic.gov.au/business-and-industry/forms, or from our offices. For more information on your review rights, refer to the Remedial notice review policy (publication 1531) or contact us on 1300 EPA VIC (1300 372 842).

For the purpose of this notice 'You' means the recipient of this notice and 'Premises' means the site at the premises address, as identified above.

DATE OF ISSUE:

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details what was observed during the inspection.

2 REASONS FOR VIEW FORMED

This section interprets the observations and articulates why the authorised officer believes a clean up notice should be issued in accordance with section 62A of the EP Act.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

Considering the view that has been formed, this section lists the requirements or actions to address the environmental risk(s) or impact(s).

4 AN EXAMPLE OF HOW YOU CAN COMPLY

This section provides an example of how you may achieve compliance with the requirements of this notice.

1 EPA OBSERVATIONS

1.1 In response to a pollution report, EPA officers with the assistance from a member of WorkSafe Victoria ["WorkSafe"], attended the CAMPBELLFIELD premises of Bradbury Industrial Services PTY LTD ["Bradbury"] located at 9-11 Brooklyn Court ["the premises"] on 31 January 2019 at approximately 1115 hours. The officers:

- 1.1.1 Met with site representatives that included the General Manager and Director of Bradbury
- 1.1.2 Were informed by site representatives that Bradbury hold a lease for the premises
- 1.1.3 Viewed a copy of the lease for the premises of Factory 1 & 2 9-11 Brooklyn Court, Campbellfield between the landowner and Bradbury which was drafted by WhiteCleland Lawyers and Consultants, and signed by the Director of Bradbury.
- 1.1.4 Observed a strong odour when entering the building resembling solvents.
- 1.1.5 Observed a large quantity of intermediate bulk containers ["IBC s"] stacked 3 units high inside the warehouse building at the premises.
- 1.1.6 Observed IBCs containing unknown liquid waste stored inside the warehouse building at the premises of varying colours, including red, yellow, white and brown, black.
- 1.1.7 Were informed by the General Manager that the contents of all IBC's contains Class 3 flammable liquid waste referred to as 'burner fuel'.
- 1.1.8 Were informed by the General Manager that the burner fuel is a residue from the distillation of waste paints and solvents processed at the CAMPBELLFIELD premises of Bradbury located at 16-18 Thornycroft Street. This site is licensed by EPA to receive prescribed industrial waste.
- 1.1.9 Were informed by the General Manager that there were approximately 1850 to 2000 IBC's stored in the warehouse holding approximately 2 million litres of liquid.
- 1.1.10 Were informed by the site representative that the liquid waste would usually be transported to the DANDENONG premises of Geocycle for treatment and disposal. The Officer noted that Geocycle also hold an EPA licence to receive prescribed industrial waste.
- 1.1.11 Observed no bunding or spill controls at the premises.
- 1.1.12 Observed inadequate fire safety controls inside the building to prevent a fire.
- 1.1.13 Observed a stormwater pit drain in the forecourt of the premises.
- 1.1.14 Observed 1 IBC bulging, with 2 IBC's stacked above it, located in the northern portion of the warehouse adjacent to the emergency exit.
- 1.1.15 Observed 2 IBC's in rear of warehouse, near the East side emergency exit which showed signs of previous leaking.
- 1.1.16 Observed the material safety data sheet for the burner fuel which Identified Bradbury Industrial Services Pty Ltd of 16-18 Thornycroft Street, Campbellfield, Victoria as the supplier. It also labelled the burner fuel as a dangerous goods Class 3 stating the 'burner fuel' was a flammable liquid, containing blended hydrocarbons with a flash point<60 degrees Celsius.

1.2 On 5 March 2019 EPA issued two Notice's to Identify the Occupier pursuant to 55(3D) of the EPA Act, regarding the occupier of the premises and the occupier of the activity of the deposit and storage of burner fuel. EPA received a response to the notices the same day indicating that Bradbury Industrial Services Pty Ltd were in control of both the premises and the activity.

2 REASONS FOR VIEW FORMED

Bradbury Industrial Services Pty Ltd has a licensed waste treatment facility at 16-18 Thornycroft St, Campbellfield premises. As part of their treatment process a liquid waste product is created which is a dangerous good class 3. This waste has been named burner fuel.

Approximately 2million litres of burner fuel is being stored at a site at 9-11 Brooklyn Court, Campbellfield (the premises), which is an unlicensed facility. Section 27A(2)(a) prevents the deposit of industrial waste at sites not licensed to accept it.

The storage at the premises includes IBC's stacked three high, with one IBC at the base observed to be bulging, and previous leaking observed. This storage is likely to cause an environmental hazard as the liquid is flammable with toxic characteristics.

On this basis, and considering the observations previously stated, I have formed a view and I am satisfied that industrial waste or a potentially hazardous substance is being handled in a manner which is likely to cause an environmental hazard, as per section 62A(1)(d) of the EP Act.

In order to address this, you must take the clean up and ongoing management measures listed in this notice.

DATE OF ISSUE:

DRAFT

3

REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

General Requirements

3.1 You must immediately cease the deposit of industrial waste at the premises.

3.2 By 28 March 2019 you must remove the industrial waste stored at the premises and take to a waste treatment facility that has an EPA licence to accept that waste type.

Reporting Requirements

3.4 By 4 April 2019, you must, in writing to the authorised officer listed on page 4 of this notice, provide a report that:

a) specifies and demonstrates how requirements 3.1 and 3.2 were achieved; and

b) is signed by your managing director, most senior executive, or a person authorized to speak on behalf of the company.

DRAFT

4**AN EXAMPLE OF HOW YOU CAN COMPLY**

One way of achieving compliance with this notice would be to:

4.1 You must not accept any industrial waste at the premises effective immediately from the date of this notice.

4.2

- a) Develop a plan for the staged removal of industrial waste from the premises. This should include:
- i) Details for appropriate controls to prevent liquids accessing any drainage or stormwater outlets including bunding to incorporate all external boundaries and the driveway;
 - ii) details for appropriate controls to suppress and extinguish any fires;
 - iii) Plans to validate the receival sites ability to accept that waste type in a safe manner.

b) Remove all industrial waste by the date required in section 3.2 of this notice and take them to facilities with an EPA licence to accept that waste type.

4.3 You must call EPA on 1300 372 842 or email contact@epa.vic.gov.au with the reference 90009680 and alert the officer listed on page 4 of this notice that the prescribed industrial waste is to be moved.

4.4 Provide EPA with a signed letter advising of the completion of required works, accompanied by all relevant documents relating to the prescribed industrial wastes removal and disposal. This would include all invoices, waste transport certificates weigh-bridge dockets and receipts from the recycling or landfill facilities. Ensure the documents include the following information:

- a) Details of the wastes removal, including:
- Dates of the removal;
 - Times of the removal;
 - Types of waste removed;
 - Volumes of waste removed; and
 - Identification of transporters.
- b) Details of the wastes acceptance at a licensed or permitted facility, including:
- Dates of acceptance;
 - Times of acceptance;
 - Types of waste accepted;
 - Volumes of waste accepted;
 - Identification of receivers; and
 - waste transport certificates.

DRAFT

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

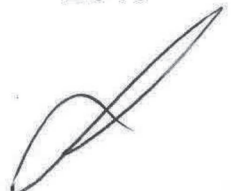
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-16A" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-16A"
Copy of EPA Inspection Report No. 80019140 dated 13 March
2019





Inspection Report No:	80019140
-----------------------	----------

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1 SUMMARY INFORMATION

Date of inspection:	13/03/2019	Start time:	09:37 HRS	End time:	13:11 HRS
Licence Number:		Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Chris Peska	Phone:	1300 EPA VIC		
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:	Helen Szabo	Name:	John Keramidas		
	Chris Peska		Nicola Rivett		
Site representative					
Name:	Mr. Paul Bristow	Position:			
Site representative contact details					
Email:	paul@bradburyis.com				
Phone:	0422008088	Fax:			
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1	2	1	2	7
	9	8	4	7	
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Premises address or site location:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Reason for inspection:					
Inspection location:					
<input type="checkbox"/> Licensed premises					

2 OBSERVATIONS

- 2.1 As part of a licence compliance assessment, EPA officers conducted a site inspection of the EPA licensed premises [EPA licence# 1007711] of Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 16-18 Thorncroft Street, CAMPBELLFIELD on Wednesday 13 March 2019 at approximately 0930 hours. The officers:
- 2.2 Met with two representatives of Bradbury who identified themselves as the General Manager and Director.
- 2.3 Observed a waste receiving area and distillation shed located in the western portion of the premises.
- 2.4 Observed trucks with chemicals and waste being unloaded in an unbunded area at the premises. This is a non-compliance with licence condition LI_WM7 of Licence 100771.
- 2.5 Observed a pallet with five boxes of 4 litre plastic containers labelled Class 8 corrosive liquid including phosphoric acid solution and hydrofluoric acid. This is a non-compliance with licence condition LI_WA1 of Licence 100771.
- 2.6 Observed approximately 450 intermediate bulk containers ["IBCs"] and pallets with 200L drums containing liquid waste stored inside and outside the warehouse. It was estimated that approximately 450,000 litres of liquid waste was being stored at the premises during the inspection. This is a non-compliance with licence condition LI_WM1 of Licence 100771.
- 2.7 Observed containers holding Class 3 Flammable liquid waste and Class 8 corrosive liquid waste stored next to each other.
- 2.8 Observed containers holding waste without adequate labelling that detailed what the contents was or who the waste producer was. This is a non-compliance with licence condition LI_WM2 of Licence 100771.
- 2.9 Were informed by the General Manager that he could not be certain as to where or what was in containers holding liquid waste at the premises due to inadequate labelling.
- 2.10 Took samples from IBCs at the premises.
- 2.11 Took photographs.
- 2.12 Left the premises at approximately 1311 hours.

3 ACTIONS TAKEN

- 3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')
 - 3.1.1 None Taken
- 3.2 Confirmation of compliance advice given by EPA
 - 3.2.1 None Given
- 3.3 s62B directions given by EPA where imminent danger arises¹

No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4 MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	EPA has suspended EPA Licence 100771 and replaced the conditions of the licence with a Pollution Abatement Notice
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5 AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Sam LeRay

Date: 20/03/2019

Signature:



6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).



ENTRY REPORT



Visit Number: **V01027701347L**

Entry Date and Time : **13/03/2019 03:15 PM** Departure Date and Time: **13/03/2019 05:15 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Joseph Barcellona**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
Paul Bristow	Director	paul@bradburyis.com

Name of person copy given to:	Person's Position:	Email Address:
No HSR	Health and Safety Representative	N/A

Purpose for entry:

Joseph Barcellona and I entered this place to respond to a reported incident.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Joseph Barcellona and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. **Inspector Barcellona and I entered this workplace as part of a response to an emergency.**

Whilst on site, I met, explained the purpose of my visit and identified myself to the following people;

- Paul Bristow, Bradbury Industrial Services Director
- John Keramidas, Bradbury Industrial Services National Sales Manager

I was advised that this is a workplace of Bradbury Industrial Services

I was advised that, BRADBURY INDUSTRIAL SERVICES PTY LTD has premises where BRADBURY INDUSTRIAL SERVICES PTY LTD is normally or occasionally in charge of or exercise control or supervision over in any capacity, these premises are identified as;

- 20A Yellowbox Drive, Craigieburn 3064
- 20B Yellowbox Drive, Craigieburn 3064

- 16 - 18 Thornycroft Street, Campbellfield 3061
- 9 - 11 Brooklyn Court, Campbellfield 3061

My observations, discussions held and health and safety issues identified are detailed below.

2. Today I issued a letter by hand pursuant to section 13E of the Dangerous Goods Act 1985 (Vic) that allows an inspector to "make any inquiry concerning the event that he or she considers necessary for the purposes of this Act", where there has been an event including leakage of dangerous goods, damage to property or danger to the public involving dangerous goods. This section also permits an inspector to enter any place that he or she considers necessary for the purposes of the Act.

I issued a letter by hand pursuant to section 13E of the Dangerous Goods Act 1985 (Vic)

Discussions were held in relation to the letter.

3. Electronic Communication
During discussions with Paul Bristow on the method of issuing of this entry report and he consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.
4. Inspect, examine and make enquiries (including documents)

In accordance with Section 99(a) and (b) of the Occupational Health and Safety Act 2004 and Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, Joseph Barcellona and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

INSPECTOR INFORMATION

Name of Inspector: Clayton Lee Larkin

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an

internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

-
- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
 - * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
 - * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au



Environment
Protection
Authority Victoria

ENVIRONMENT PROTECTION ACT 1970 SECTION 55(3D)

ISSUED COPY

NOTICE TO IDENTIFY OCCUPIER

IMPORTANT: See definitions and supplementary information overleaf

No. # 0018358

To: **BRADBURY INDUSTRIAL SERVICES PTY LTD** ACN 121 279 847
Address: **16-18 THORNYCROFT ST CAMPBELLFIELD VIC 3061**

1. Our reason for issuing this notice

I **HELEN SZABO** Name of authorised officer observed that, in relation to the premises at
9-11 BROOKLYN CRT CAMPBELLFIELD VIC 3061
you **BRADBURY INDUSTRIAL SERVICES PTY LTD** appear to be; or appear to have been:

(Choose ONE of the following)

- ☒ the occupier of the above premises
☐ the occupier of the following part of the premises
☐ in control of the following plant, process or activity at the above premises

Part of the premises

Plant, process or activity

(Choose ONE of the following)

- ☐ upon or from which waste is being, has been or is likely to be discharged
☐ from which waste is being, or is likely to be emitted
☒ from which waste is being or is likely to be stored or upon which any industrial waste is being stored, reprocessed, treated or otherwise handled
☐ from which noise is being, has been or is likely to be emitted
☐ from which motor vehicles are displayed for the purpose of sale

between the dates of **01/08/2018** and **13/03/2019**

2. Requirements

You are required to provide to me in writing, the name and address of any person that was in occupation of the premises, part of the premises, or was in control of the plant, process or activity as specified in section 1 above, during the dates specified in section 1 above.
You must provide me with this information using the response slip below, or any other written, signed response.
Your written response can be provided to me in person, or mailed to me at:

200 VICTORIA ST CARPENTERS NO 3053
or email a PDF of your signed response to: **Helen.Szabo@epa.vic.gov.au**
This information must be provided to me by 4pm on: **14/03/2019**

[Signature] Date of issue: **13/03/2019**
AUTHORISED OFFICER

RESPONSE SLIP: Notice to Identify the occupier – Environment Protection Act 1970 Section 55(3D)

No. #

0018358

To be completed by the notice recipient or representative of the notice recipient

I **JOLYN KEMMINS** provide the following information in response to the notice to identify the
occupier issued by EPA authorised officer **HELEN SZABO** on **13/03/2019**
BRADBURY INDUSTRIAL SERVICES P/L was:

(Choose ONE of the following)

- ☒ the occupier of the premises
☐ the occupier of the following part of the premises
☐ in control of the following plant, process or activity at the premises

9-11 BROOKLYN CRT CAMPBELLFIELD VIC 3061
between the dates of **01/08/2018** and **13/03/2019**

Signature: **[Signature]** Position: **GENERAL MANAGER**
Date: **13/3/19**

Return the signed response to the EPA authorised officer in person, or by mailing to the address or email shown in the requirements section of the notice.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-17" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-17"
Copy of bundle of emails between J Keramidas and J Crawford
between 7 and 14 March 2019



John Keramidas

From: John Keramidas
Sent: Thursday, 14 March 2019 12:11 PM
To: Jemma Crawford
Cc: Helen Szabo; Amber Lock; Sam LeRay
Subject: RE: RE: Draft Notice 90009680

Thank you Jemma,

I will do as requested, we expect completion before 28th March.

Kind regards,

John Keramidas
General Manager

Bradbury Industrial Services Pty Ltd
16-18 Thornycroft Street
Campbellfield Vic 3061
Phone (03) 9357 8310
Mobile: 0437 863 740
Email: johnk@bradburyis.com
www.bradburyis.com



From: Jemma Crawford <Jemma.Crawford@epa.vic.gov.au>
Sent: Thursday, March 14, 2019 11:29 AM
To: John Keramidas <johnk@bradburyis.com>
Cc: Helen Szabo <Helen.Szabo@epa.vic.gov.au>; Amber Lock <Amber.Lock@epa.vic.gov.au>; Sam LeRay <Sam.LeRay@epa.vic.gov.au>
Subject: RE: RE: Draft Notice 90009680

Hi John,

Thanks for your comments regarding Draft Notice 90009680.

EPA will provide you further advice shortly. Please notify me when works have been completed in accordance with your improvement notices from Worksafe. EPA will conduct an inspection at this time.

If you have any questions please give me a call.

Regards

Jemma

Jemma Crawford
Senior Environment Protection Officer
Metropolitan Region

Please note I work Tuesday, Thursday and Friday

Environment Protection Authority Victoria

200 Victoria Street, Carlton VIC 3053 | GPO Box 4395, Melbourne VIC 3001 | DX 210082
☎ 1300 372 842 (1300 EPA VIC) | E jemma.crawford@epa.vic.gov.au | www.epa.vic.gov.au

Follow us    

A healthy environment that supports a liveable and prosperous Victoria, now and always.

EPA acknowledges the Traditional Owners and custodians of the land and we pay our respects to their Elders, past, present and emerging. We're an inclusive workplace that embraces diversity in all its forms.



From: John Keramidas [<mailto:johnk@bradburyis.com>]

Sent: Wednesday, March 13, 2019 7:06 PM

To: Jemma Crawford <Jemma.Crawford@epa.vic.gov.au>

Cc: Helen Szabo <Helen.Szabo@epa.vic.gov.au>; Amber Lock <Amber.Lock@epa.vic.gov.au>; Sam LeRay <Sam.LeRay@epa.vic.gov.au>

Subject: CRM: RE: Draft Notice 90009680

Hello Jemma,

~~Regarding the Draft Notice from the EPA, Bradbury Industrial Services Pty Ltd are currently acting under instructions~~
/ improvement notices from Work Safe Victoria. We are unable to comply with conflicting notices.

I can provide you a copy of each improvement notice if required.

Kind regards,

John Keramidas
General Manager

Bradbury Industrial Services Pty Ltd
16-18 Thornycroft Street
Campbellfield Vic 3061
Phone (03) 9357 8310
Mobile: 0437 863 740
Email: johnk@bradburyis.com
www.bradburyis.com



From: Jemma Crawford <Jemma.Crawford@epa.vic.gov.au>

Sent: Thursday, March 7, 2019 4:32 PM

To: John Keramidas <johnk@bradburyis.com>

Cc: Helen Szabo <Helen.Szabo@epa.vic.gov.au>; Amber Lock <Amber.Lock@epa.vic.gov.au>; Sam LeRay <Sam.LeRay@epa.vic.gov.au>

Subject: Draft Notice 90009680

Hi John,

Regarding 9-11 Brooklyn Court, Campbellfield please find attached this draft notice for your comment.

You may only comment on whether the:

- requirements are clear and easy to understand
- compliance dates are reasonable and achievable, and/or
- compliance example assists your understanding of what needs to be done.

If I do not receive a written response by close of business on Thursday 14 March 2019, I will understand that you do not wish to comment on the points outlined above and I will serve the draft notice as final.

In regards to the site inspection at Thornycroft Street on Wednesday. I will not be able to attend this site inspection, Helen will be undertaking this inspection instead.

Regards

Jemma

Jemma Crawford

Senior Environment Protection Officer

Metropolitan Region

Please note I work Tuesday, Thursday and Friday



**Environment
Protection
Authority**



Environment Protection Authority Victoria

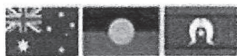
200 Victoria Street, Carlton VIC 3053 | GPO Box 4395, Melbourne VIC 3001 | DX 210082

☎ 1300 372 842 (1300 EPA VIC) | E jemma.crawford@epa.vic.gov.au | www.epa.vic.gov.au

A healthy environment that supports a liveable and prosperous Victoria, now and always.

Follow us    

EPA acknowledges the Traditional Owners and custodians of the land and we pay our respects to their Elders, past, present and emerging. We're an inclusive workplace that embraces diversity in all its forms.



This email (and any attachments) is for the intended recipient only and may contain privileged, confidential or copyright information. If you are not the intended recipient, any use of this email is prohibited, please notify the sender immediately or contact us on 1300 372 842 (1300 EPA VIC), or contact@epa.vic.gov.au and delete the original. EPA does not warrant that this email or any attachments are error or virus free and accepts no liability for computer viruses, data corruption, delay or interruption, unauthorised access or use. Any personal information in this e-mail must be handled in accordance with the Privacy and Data Protection Act 2014 (Vic).

This email (and any attachments) is for the intended recipient only and may contain privileged, confidential or copyright information. If you are not the intended recipient, any use of this email is prohibited, please notify the sender immediately or contact us on 1300 372 842 (1300 EPA VIC), or contact@epa.vic.gov.au and delete the original. EPA does not warrant that this email or any attachments are error or virus free and accepts no liability for computer viruses, data corruption, delay or interruption, unauthorised access or use. Any personal information in this e-mail must be handled in accordance with the Privacy and Data Protection Act 2014 (Vic).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

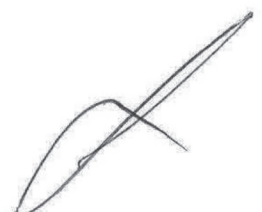
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-17A" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-17A"
Copy of bundle of documents recording the movement of
Brooklyn Court IBCs to Stolt on 27 February 2019



Inventory Movements Detail

From: 27/02/2019 To: 27/02/2019

BRIN Bradbury Industrial Services

Date MTL Ref Cust Ref
Product: Burner Fuel AB - 1000 Litres
 BRIN-2240-I-1000

27/02/2019 ST270219 103585

STOLTHAVEN AUSTRALIA PTY LTD
 401 Kororoit Creek Road, Altona
 Ph.03 98607857

Delivered To

Location: Shed 3

Product

Balance Comments

QtyAdj

QtyOut

QtyIn

Category: Hazardous

909.00

Opening Balance:

1,007.00 BRADBURY BURNER
 FUEL IBC'S X 98

98.00

0.00

0.00

98

ST270219



**GOODS MOVEMENTS RECORD
PACKAGE PRODUCT**

Docket No: 103587

Receipt: ☒

Despatch: ☐

Customer: BRADBURY

Order No: _____

Carrier: "

Date: 27/2/19

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER OIL	1000	14		OUTSIDE SHED

Comments: _____

PALLETS

IN

14 IS

OUT

CSO:

Operator:

[Signature]

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:		Date:
DRIVERS NAME (Print):		REGISTRATION NO:

ST270219



GOODS MOVEMENTS RECORD
PACKAGE PRODUCT

Docket No: _____

Receipt: ☒ Despatch: ☐Customer: BRAD RUGSOrder No: 103485

Carrier: _____

Date: 27/2/19

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER FUEL	1000	14 ✓		

Comments: _____

PALLETS

IN

OUT

CSO: Shirley L.Operator: Drex

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:		Date: <u>27. 2. 2019.</u>
DRIVERS NAME (Print):	<u>David L.</u>	REGISTRATION NO: <u>100-150.</u>

ST270219



**GOODS MOVEMENTS RECORD
PACKAGE PRODUCT**

Docket No: 103586 Receipt: ☒ Despatch: ☐
 Customer: BRAIDBURY Order No: _____
 Carrier: PJ FREIGHT Date: 270219

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER FUEL	1000	14	—	OUTSIDE SAED 6

Comments: _____

PALLETS IN 14 ISC's CSO: *[Signature]*
 OUT _____ Operator: _____

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
 DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:		Date:
DRIVERS NAME (Print):		REGISTRATION NO:

ST270219



**GOODS MOVEMENTS RECORD
PACKAGE PRODUCT**

Docket No: 103484Receipt: ☒Despatch: ☐Customer: BRADBURY

Order No: _____

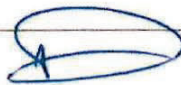
Carrier: PJ FREIGHTDate: 270219

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER FUEL	1000	14	—	OUTSIDE SHED 6

Comments: _____

PALLETS IN 14 IBC's CSO: MW
OUT _____ Operator: M

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:		Date: <u>27-2-2019</u>
DRIVERS NAME (Print):	<u>DARREN</u>	REGISTRATION NO: <u>NO 155</u>

ST270219

**GOODS MOVEMENTS RECORD
PACKAGE PRODUCT**

Docket No: 103585 Receipt: ☒ Despatch: ☐
Customer: BRAOBUR Order No: _____
Carrier: PJ FREIGHT Date: 270219

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER FUEL	1000	14		

Comments: _____

PALLETS IN _____
OUT _____

CSO: _____
Operator: _____

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:		Date:
DRIVERS NAME (Print):		REGISTRATION NO:

ST270219

**GOODS MOVEMENTS RECORD
PACKAGE PRODUCT**

Docket No: 103483. Receipt: ☒ Despatch: ☐
Customer: BRADBURY Order No: _____
Carrier: PJ FREIGHT Date: 270219

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER FUEL	1000	14		

Comments: _____

PALLETS


IN

OUT

CSO:

Operator:

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:		Date: <u>27-2-2019.</u>
DRIVERS NAME (Print):	<u>DARREN</u>	REGISTRATION NO: <u>120150.</u>

ST270219



**GOODS MOVEMENTS RECORD
PACKAGE PRODUCT**

Docket No: 103584 Receipt: ☒ Despatch: ☐
 Customer: BRADBURY Order No: _____
 Carrier: PJ FREIGHT Date: 270219

PRODUCT	SIZE	No DRUMS	BATCH NO	LOC/SHED
BURNER FUEL	1000	14	—	OUTSIDE SHEDS

Comments: _____

PALLETS

IN

14 each

OUT

CSO:

MW

Operator:

IF NO PALLETS ARE EXCHANGED ENSURE A CHEP EXCHANGE
DOCKET IS COMPLETED AND REFERENCE NUMBER IS RECORDED.

DRIVERS SIGNATURE:	<u>CM</u>	Date: <u>26-2-19</u>
DRIVERS NAME (Print):	<u>CM</u>	REGISTRATION NO: <u>15T274</u>

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

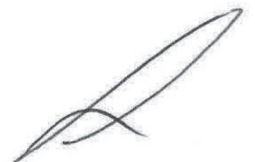
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-18" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-18"
Copies of VWA Entry Reports No. V01027701345L and
V01027701346L dated 8 March 2019





ENTRY REPORT



Visit Number: **V01027701344L**

Entry Date and Time : **08/03/2019 01:30 PM** Departure Date and Time: **08/03/2019 07:45 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

Depot/Related Address: **16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061**
Actual Visit Address: **20B YELLOWBOX DRIVE
CRAIGIEBURN 3064**

Service Method: **Left for a person**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Michael John Eather,
Nikos Likouresis, Noel
Lewis**

WorkSafe Staff: **Michael Coffey, Bill
Michail, Amy Gower**

THIS REPORT GIVEN TO

Name: **John Keramidas** Person's Position: **Employer Representative**

Name of person copy given to: **No HSR** Person's Position: **Health and Safety Representative**

Purpose for entry:

Michael John Eather, Nikos Likouresis, Noel Lewis and I entered this place to respond to a request for an inspector to deal with an alleged health and safety issue.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. Inspector Lewis, Inspector Likouresis and Inspector Eather and I attended the above stated location of 20B Yellowbox Drive, Craigieburn to establish if Dangerous Goods are being stored.
WorkSafe's Head of Hazardous Industries and Industry Practice, Michael Coffey, WorkSafe employee Bill Michail and Amy Gower also accompanied the visit.
I met with, explained the purpose and identified myself to
- John Keramidas, Bradbury Industrial Services National Sales Manager.

Note; During the course of the visit the following people attended

- EPA representatives Helen Szabo and Chris Peska.
- Country Fire Authority (CFA) Area Commander, Mark Owen

I was advised by Mr Keramidas that BRADBURY INDUSTRIAL SERVICES PTY LTD is the Occupier of the premises at 20B Yellowbox Drive, Craigieburn due to the items stored BRADBURY INDUSTRIAL SERVICES PTY LTD items.

My observations, discussions and health and safety issues identified are detailed below.

2. Through discussions with Mr Keramidas, I was advised of the following;
 - Round the clock security will be put in place to restrict entry to the premises
 - Air monitor will be installed to monitor the conditions at the premises
 - Spill containment will be installed to contain dangerous goods in a spill situation.

I observed the following prior to completing this report,

- Security in place to restrict entry to the premises
- Air monitor installed to monitor the conditions at the premises
- Spill containment installed to contain dangerous goods within the premises.

3. Direction pursuant to section 17K(2) of the Dangerous Goods Act 1985 (Vic) (DG Act)

I was advised of the following by Mr Keramidas;

- BRADBURY INDUSTRIAL SERVICES PTY LTD is the Occupier of the premises at 20B Yellowbox Drive, Craigieburn
- There are Class 3 Flammable Dangerous Goods stored at the premises
- The Class 3 Flammable Dangerous Goods include, but are not limited to solvent based liquid waste and solvent based paint

A Country Fire Authority (CFA) crew entered and inspected the premises, I was advised of the following;

- The CFA formed the belief that the premises is storing some type of dangerous goods due to smell and visual indications
- Detected levels of volatile organic compounds (VOC) up to 100ppm in the forecourt of the forecourt of 20B Yellowbox Drive, Craigieburn
- Further readings and photos were taken
- intermediate bulk containers (IBCs) and 205 ltr drums damaged and/or leaking
- Liquid on ground surface in storage area
- IBCs and 205 litre drums stored up to 5 high in block stacks
- IBCs and 205 litre drums stored from the front roller doors to the rear, the full width of the internal warehouse;

I observed that the photos taken by the CFA identified the following;

- IBCs and 205 litre drums damaged and leaking
- IBCs and 205 litre drums store 4 and 5 high in block stacks
- IBCs and 205 litre drums blocks stacks that appeared to be unstable
- IBCs and 205 litre drums stored from the front roller doors to the rear, the full width of the internal warehouse

I observed the following,

- stillages and IBCs stored in the forecourt

I formed the belief on reasonable grounds that danger to any person or property exists, or may arise, at 20B Yellowbox Drive, Craigieburn, from dangerous goods stored that are damaged and/or spilled; and/or that are in a container that is damaged.

Based on the above mentioned discussions and observations at the time of my visit, I am exercising this power under section 17K(2) of the DG Act to issue a direction to BRADBURY INDUSTRIAL SERVICES PTY LTD as the person in possession or control, or who last had possession or control, of the dangerous goods and/or containers,

- to render harmless the dangerous goods or containers; or
- to dispose of, or remove, the spilled dangerous goods and render harmless anything contaminated by them,

in a manner that is safe and without risks to health, no later than the 19 April, 2019.

BRADBURY INDUSTRIAL SERVICES PTY LTD must not, without reasonable excuse, refuse or fail to comply with a direction issued under subsection (2).

4. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 and Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report

INSPECTOR INFORMATION

Name of Inspector: Clayton Lee Larkin

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au



ENTRY REPORT



Visit Number: **V01027701345L**

Entry Date and Time : **08/03/2019 01:30 PM** Departure Date and Time: **08/03/2019 08:00 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

Depot/Related Address: **16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061**
Actual Visit Address: **20A YELLOWBOX DRIVE
CRAIGIEBURN 3064**

Service Method: **Left for a person**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Michael John Eather,
Nikola Josevski, Nikos
Likouresis, Noel Lewis**

WorkSafe Staff: **Michael Coffey, Bill
Michail, Amy Gower**

THIS REPORT GIVEN TO

Name: **John Keramidas** Person's Position: **Employer Representative**

Name of person copy given to: **No HSR** Person's Position: **Health and Safety Representative**

Purpose for entry:

Michael John Eather, Nikola Josevski, Nikos Likouresis, Noel Lewis and I entered this place to respond to an emergency.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Michael John Eather, Nikola Josevski, Nikos Likouresis, Noel Lewis and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. Inspector Lewis, Inspector Josevski, Inspector Likouresis and Inspector Eather and I attended the above stated location of 20A Yellowbox Drive, Craigieburn to establish if Dangerous Goods are being stored.
WorkSafe's Head of Hazardous Industries and Industry Practice, Michael Coffey, WorkSafe employee Bill Michail and Amy Gower also accompanied the visit.
I met with, explained the purpose and identified myself to

- John Keramidas, Bradbury Industrial Services National Sales Manager.

Note; During the course of the visit the following people attended

- EPA representatives Helen Szabo and Chris Peska.
- Country Fire Authority (CFA) Area Commander, Mark Owen

I was advised by Mr Keramidas that BRADBURY INDUSTRIAL SERVICES PTY LTD is the Occupier of the premises at 20A Yellowbox Drive, Craigieburn due to the items stored BRADBURY INDUSTRIAL SERVICES PTY LTD items.

My observations, discussions and health and safety issues identified are detailed below.

2. Through discussions with Mr Keramidas, I was advised of the following;
 - Round the clock security will be put in place to restrict entry to the premises
 - Air monitor will be installed to monitor the conditions at the premises
 - Spill containment will be installed to contain dangerous goods in a spill situation.

I observed the following prior to completing this report,

- Security in place to restrict entry to the premises
- Air monitor installed to monitor the conditions at the premises
- Spill containment installed to contain dangerous goods within the premises.

3. Direction pursuant to section 17K(2) of the Dangerous Goods Act 1985 (Vic) (DG Act)

I was advised of the following by Mr Keramidas;

- BRADBURY INDUSTRIAL SERVICES PTY LTD is the Occupier of the premises at 20A Yellowbox Drive, Craigieburn
- There are Class 3 Flammable Dangerous Goods stored at the premises
- The Class 3 Flammable Dangerous Goods include, but are not limited to solvent based liquid waste and solvent based paint

A Country Fire Authority (CFA) crew entered and inspected the premises, I was advised of the following;

- The CFA formed the belief that the premises is storing some type of dangerous goods due to smell and visual indications
- Detected levels of volatile organic compounds (VOC) up to 100ppm in the forecourt of the forecourt of 20A Yellowbox Drive, Craigieburn
- Further readings and photos were taken
- intermediate bulk containers (IBCs) and 205 ltr drums damaged and/or leaking
- Liquid on ground surface in storage area
- IBCs and 205 litre drums stored up to 5 high in block stacks
- IBCs and 205 litre drums stored from the front roller doors to the rear, the full width of the internal warehouse;

I observed that the photos taken by the CFA identified the following;

- IBCs and 205 litre drums damaged and leaking
- IBCs and 205 litre drums store 4 and 5 high in block stacks
- IBCs and 205 litre drums blocks stacks that appeared to be unstable
- IBCs and 205 litre drums stored from the front roller doors to the rear, the full width of the internal warehouse

I observed the following,

- stillages and IBCs stored in the forecourt

I formed the belief on reasonable grounds that danger to any person or property exists, or may arise, at 20A Yellowbox Drive, Craigieburn, from dangerous goods stored that are

damaged and/or spilled; and/or that are in a container that is damaged.

Based on the above mentioned discussions and observations at the time of my visit, I am exercising this power under section 17K(2) of the DG Act to issue a direction to BRADBURY INDUSTRIAL SERVICES PTY LTD as the person in possession or control, or who last had possession or control, of the dangerous goods and/or containers,

- to render harmless the dangerous goods or containers; or
- to dispose of, or remove, the spilled dangerous goods and render harmless anything contaminated by them,

in a manner that is safe and without risks to health, no later than the 19 April, 2019.

BRADBURY INDUSTRIAL SERVICES PTY LTD must not, without reasonable excuse, refuse or fail to comply with a direction issued under subsection (2).

4. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 and Section 99(a) and (b) of the Occupational Health and Safety Act 2004, Michael John Eather, Nikola Josevski, Nikos Likouresis, Noel Lewis and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report

INSPECTOR INFORMATION

Name of Inspector: Clayton Lee Larkin

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
 - * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
 - * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
- For general enquiries contact our Advisory Service on 1800 136 089 (toll-free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

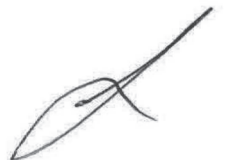
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-18AA" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-18A"
Copy of VWA Entry Report No. V00016305327 dated 15 March
2019





ENTRY REPORT



Visit Number: **V00016305327L**

Entry Date and Time : **15/03/2019 01:30 PM** Departure Date and Time: **15/03/2019 08:15 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

UNIT 15
1745 SYDNEY ROAD
CAMPBELLFIELD 3061

Service Method: **Left for a person**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Nikos Likouresis, Simon Renehan** Other Persons: **EPA representatives, Helen Szabo, Chris Peska, Sam Leary.**

THIS REPORT GIVEN TO

Name: **John Keramidas** Person's Position: **Employer Representative**

Name of person copy given to: **No elected** Person's Position: **Health and Safety Representative**

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Chemical Storage Interagency Operation project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Nikos Likouresis, Simon Renehan and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above stated workplace as part of the as part of the Chemical Storage Interagency Operation project to assess the to the adequacy of measures implemented to control risks associated with the storage and handling of dangerous goods.

At time of visit I met with General Manager, John Keramidas.

The following issues were observed and discussed:

I was informed by General Manager, John Keramidas, that the company receives mixed class dangerous goods in various types and sizes of receptacles that include IBC's, 205L

drums, Bulk Bags, open cut IBC's steel and plastic containers for the purposes of storage.

2. I observed the following:

- There are receptacles with dangerous goods labels class 3 class 8, class 2, class 5.1 and class 9.
- Included in these are UN 1170 Ethanol, UN 1203 Gasoline or Petrol & UN 1950 Aerosols
- I observed IBC's in some area's are stacked 4 high
- It is estimated that the total quantities of mixed dangerous goods stored and handled on site is approximately 5 Million Litres. Approximately 5000 IBC's of unknown substances.
- I formed the belief that the premises is storing dangerous goods due to smell and visual labelling.
- I observed that a double stacked pallet located outside loading area containing 20L steel containers of dangerous goods class 3 flammable liquid is damaged and leaking.
- Liquid was observed on ground surface in storage area and out side loading area's.
- Company has no Manifest / Emergency Information Book
- There is no separation distance between incompatible dangerous goods
- No spill containment in place. The building size is approximately 2000m2 and any major spill run off will be to public area and potentially to a major arterial road (Sydney Road) and a Shell Service Station located approximately 50 meters away.
- There is a high voltage sub station located on the South boundary in close proximity to warehouse.
- MFB identified VOC (Volatile Organic Compound) levels to be 50 ppm and peaked at 100 ppm
- MFB identified unstable stacking of dangerous goods class 3 (palletised packages) within the warehouse.
- MFB also identified leakage / spill of dangerous goods. Minor spills inside warehouse. Evidence of previous spills i.e. dried paint. Wet spills potentially solvent based
- MFB identified bulging / damaged IBC's
- It is unknown if the internal sprinkler system is operative and or adequate for this premises.

It is my belief that danger to any person and or property exists, or may arise, at 15/1745 Sydney Road Campbellfield, from dangerous goods that are stored and handled on this site.

Based on the above mentioned discussions and observations at the time of my visit, I am exercising this power under section 17K(2) of the Dangerous Goods Act 1985 to issue a Direction to Bradbury Industrial Services P/L as the person in possession or control, or who last had possession or control, of the dangerous goods and/or containers,

- to render harmless the dangerous goods or containers; or
 - to dispose of, or remove, the dangerous goods and render harmless anything contaminated by them,
- in a manner that is safe and without risks to health, no later than the 20 May, 2019.

Part of this action is to implement the recommendations specified by the MFB which include the following:

- > To monitor L.E.L alarm at > 5% call MFB Fire Communications on 9665 4497
- > To monitor L.E.L alarm at > 10% call 000.
- > For suspicious activity call 000

- > Any observed spill notify MFB Fire Communications on 9665 4497
- > In the event that any material is observed to be leaving the site or entering the storm water, to immediately contact 000 directly for emergency response by fire services.
- > Roller doors left up to keep the VOC and LEL levels within safe limits.
- > Site management to request attendance of sprinkler maintenance company to ensure system goes on line
- > ASE 30610003 needs to be reconnected to monitoring company

Bradbury Industrial Services P/L must not, without reasonable excuse, refuse or fail to comply with a direction issued under subsection (2).

3. Security

During visit Bradbury Industrial Services P/L engaged the services of Citywatch Security who will provide 24/7 Hazardous sentry and security service. Placement commenced at 3:00 pm today. I was advised by Citywatch National Operations Manager that 12 hour shifts will be in place.

All Bradbury Industrial Services P/L staff on site have been relocated to another premises.

Photographs

Photographs were taken by the MFB which were made available to WorkSafe Victoria.

4. In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, Nikos Likouresis, Simon Renehan and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
 Telephone Number of Inspector: **9223 6846**
 Facsimile Number of Inspector: **9223 6801**
 Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the

Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your

premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

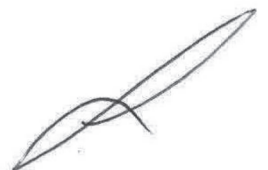
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-18AA" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-18AA"
Copies of EPA Inspection Reports No. 80019053 and 80019054
dated 8 March 2019



INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1

SUMMARY INFORMATION

Date of inspection:	08/03/2019	Start time:	18:00 HRS	End time:	18:30 HRS
Licence Number:		Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Chris Peska			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:	Helen Szabo		Name:	John Keramidas	
				Mark Owen	
				Nikos Likouresis	
				Mr. Nathan Shell	
				Michael Coffey	
Site representative					
Name:	John Keramidas			Position:	General Manager
Site representative contact details					
Email:	johnk@bradburyis.com				
Phone:	0437863740			Fax:	
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Premises address or site location:					
12A YELLOWBOX DRIVE, CRAIGIEBURN VIC					
Reason for inspection:					
Inspection location:					
<input checked="" type="checkbox"/> Unlicensed premises					

2 OBSERVATIONS

- 2.1 In response to a report of storage of waste in an unlicensed facility from WorkSafe, EPA officers along with representatives from WorkSafe Victoria ["WorkSafe"], Country Fire Authority ["CFA"] and Victoria Police, attended a premises leased by Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 12A Yellowbox Drive CRAIGIEBURN ["the premises"] on Friday 8 March 2019 at approximately 1800 hours. The officers:
- 2.2 Met with a representative from Bradbury who identified himself as the General Manager.
- 2.3 Were informed by a neighbouring person that he had not seen any activity at the premises for approximately 18 months.
- 2.4 Observed a closed warehouse with a small forecourt storing blue wooden pallets.
- 2.5 Observed a concrete surface in the forecourt.
- 2.6 Observed a glass entrance door on the western side of the warehouse.
- 2.7 Observed two intermediate bulk containers ["IBC"] through the glass entrance door.
- 2.8 Observed a slight odour that resembled solvents and/or paints.
- 2.9 Requested a member from the CFA to assist in taking photos of the internal contents of the warehouse using an intrinsically safe camera because of the unsafe nature of the contents of the warehouse.
- 2.10 Observed officers from CFA enter the premises via force entry.
- 2.11 Observed the photos taken by the CFA of the contents within the warehouse.
- 2.12 Observed a photo showing a large quantity of IBCs stacked up to four high within the warehouse with an estimated warehouse size of 313 m²
- 2.13 Observed a photo showing IBCs with the tops cut off, containing paint tins.
- 2.14 Observed a photo showing IBCs containing a variety of liquid waste and stored in the warehouse.
- 2.15 Observed a photo showing IBCs filling the entire warehouse.
- 2.16 Observed a photo showing two IBCs leaking red fluid.
- 2.17 Observed a photo showing a label on an IBC with the text "BRADBURY WORKING IN PROGRESS".
- 2.18 Observed no bunding or spill controls in the forecourt or on the photos.
- 2.19 Were informed by the General Manager that the photos showed that the contents in the warehouse is waste.
- 2.20 The CFA did not observe any fire safety systems within the warehouse.
- 2.21 Left the premises at approximately 1830 hours.
- 2.22 1.2 On 13 March 2019 an EPA Authorised Officer observed Bradbury EPA licence number 1000771. Observed the premises was not listed on the licence as a premises licensed to receive waste.
- 2.23 1.3 On 13 March 2019 EPA issued two Notices to Identify the Occupier pursuant to 55(3D) of the EP Act, regarding the occupier of the premises upon or from which waste is being, has been or is likely to be discharged (notice number 0018356) and from which waste has been or is likely to be stored or upon which any industrial waste is being stored, reprocessed treated or otherwise handled (notice number 0018357).
- 2.24 1.3.1 On 13 March 2019, the General Manager of Bradbury Industrial Services PTY LTD signed the notice to identify occupier notices 0018356 and 0018357 identifying Bradbury Industrial Services PTY LTD as the occupier of the premises at 12A Yellowbox Drive CRAIGIEBURN, Vic 3064

3 ACTIONS TAKEN

3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')

- 3.1.1 EPA officers observed the General Manager placing temporary bunding along the bottom of the warehouse roller door.

3.2 Confirmation of compliance advice given by EPA

- 3.2.1 EPA officers advised the General Manager that the storage of waste in the warehouse was in contravention of their license and the EP Act 1970
- 3.2.2 EPA officers advised the General Manager that a further investigation will be undertaken into how the waste became stored in the warehouse.
- 3.2.3 EPA officers advised the General Manager that he should conduct a further investigation into whether there were any more warehouses storing waste, and notify EPA immediately if more are identified.

3.3 s62B directions given by EPA where imminent danger arises¹

No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4 MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input checked="" type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	EPA are considering the next actions in accordance with the EPA Compliance and Enforcement Policy.
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5 AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Chris Peska

Date: 12/03/2019

Signature:



6

FURTHER INFORMATION

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1 SUMMARY INFORMATION

Date of inspection: 08/03/2019 Start time: 16:35 HRS End time: 17:30 HRS
 Licence Number: Incident(s): Notice(s):

Lead EPA officer in attendance

Name: Chris Peska Phone: 1300 EPA VIC

Other EPA officers in attendance

Name: Helen Szabo

Others (not EPA) in attendance

Name: John Keramidas
 Mark Owen
 Nikos Likouresis
 Mr. Nathan Shell
 Michael Coffey

Site representative

Name: John Keramidas Position: General Manager

Site representative contact details

Email: johnk@bradburyis.com
 Phone: 0437863740 Fax:

Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD

ACN: 121279847

Australian Company Number

Trading name:

Registered/principal office address: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

Premises address or site location: 20A YELLOWBOX DR, CRAIGIEBURN VIC 3064

Reason for inspection:

Inspection location:

☒ Unlicensed premises

2 OBSERVATIONS

- 2.1 In response to a report of storage of waste in an unlicensed facility from WorkSafe, EPA officers along with representatives from WorkSafe Victoria ["WorkSafe"], Country Fire Authority ["CFA"] and Victoria Police, attended a premises leased by Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 20A Yellowbox Drive CRAIGIEBURN ["the premises"] on Friday 8 March 2019 at approximately 1635 hours. The officers:
- 2.2 Met with a representative from Bradbury who identified himself as the General Manager.
- 2.3 Observed a closed warehouse with a small forecourt storing blue wooden pallets.
- 2.4 Observed a concrete surface in the forecourt with black staining adjacent to the warehouse roller door.
- 2.5 Observed an odour that resembled solvents and/or paints.
- 2.6 Requested a member from the CFA to assist in taking photos of the internal contents of the warehouse using an intrinsically safe camera because of the unsafe nature of the contents of the warehouse.
- 2.7 Observed officers from CFA enter the premises via forced entry.
- 2.8 Observed the photos taken by the CFA of the contents within the warehouse.
- 2.9 Observed a photo showing a large quantity of Intermediate Bulk Containers (IBCs) and 205L steel drums stacked up to four high within the warehouse, with an estimated warehouse size of 550 m2.
- 2.10 Observed a photo showing IBCs with the tops cut off, containing paint tins.
- 2.11 Observed a photo showing IBCs containing a variety of liquid wastes stored in the warehouse.
- 2.12 Observed a photo showing IBCs filling the entire warehouse.
- 2.13 Observed a photo showing IBCs bulging and structurally compromised.
- 2.14 Observed a photo showing IBCs leaking blue and yellow fluid onto the floor.
- 2.15 Observed a photo showing used spray paint cans in open top steel drums.
- 2.16 Observed a photo showing IBCs and steel drums wrapped in black plastic.
- 2.17 Observed a photo showing a label on an IBC with the text "BRADBURY WORKING IN PROGRESS".
- 2.18 Were informed by the General Manager that the photos showed that the contents in the warehouse is waste.
- 2.19 Observed no bunding or spill controls in the forecourt or in the photos.
- 2.20 The CFA did not observe any fire safety systems within the warehouse.
- 2.21 Left the premises at approximately 1730 hours.
- 2.22 On 13 March 2019 an EPA Authorised Officer observed Bradbury Industrial Services PTY LTD EPA licence number 1000771. Observed the premises was not listed on the licence as a premises licensed to receive waste.
- 2.23 On 13 March 2019 EPA issued two Notice's to Identify the Occupier pursuant to 55(3D) of the EP Act, regarding the occupier of the premises upon or from which waste is being, has been or is likely to be discharged (notice number 0018352) and; from which waste has been or is likely to be stored or upon which any industrial waste is being stored, reprocessed treated or otherwise handled (notice number 0018353).
- 2.24 On 13 March 2019, the General Manger of Bradbury Industrial Services PTY LTD signed the notice to identify occupier notices 0018352 and 0018353 identifying Bradbury Industrial Services PTY LTD as the occupier of the premises at 20A Yellowbox Drive CRAIGIEBURN , Vic 3064

3

ACTIONS TAKEN

3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')

- 3.1.1 EPA officers observed the General Manager placing temporary bunding along the bottom of the warehouse roller door.
- 3.1.2 EPA officers observed security guards attend the premises.

3.2 Confirmation of compliance advice given by EPA

- 3.2.1 EPA officers advised the General Manager that the storage of waste in the warehouse was in contravention of their licence and the EP Act 1970
- 3.2.2 EPA officers advised the General Manager that a further investigation will be undertaken into how the waste became stored in the warehouse.
- 3.2.3 EPA officers advised the General Manager that he should conduct a further investigation into whether there were any more warehouses storing waste, and notify EPA immediately if more are identified.

3.3 s62B directions given by EPA where imminent danger arises¹

No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4 MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input checked="" type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	Clean up of waste from warehouse
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input checked="" type="checkbox"/>	Other	EPA are considering the next actions in accordance with the EPA Compliance and Enforcement Policy including suspension or revocation of EPA License 100771.

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5 AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Chris Peska

Date: 12/03/2019

Signature: 

6

FURTHER INFORMATION

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

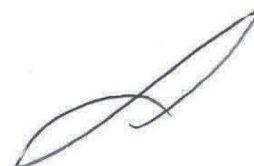
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-19" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-19"
Copy of letter from EPA to Bradbury dated 15 March 2020



15 March, 2019

Paul Bristow
Director
Bradbury Industrial Services Pty Ltd
16-18 Thornycroft Street,
Campbellfield VIC 3061

15 March 2019

Dear Mr Bristow

LICENCE NO 100771 HELD BY BRADBURY INDUSTRIAL SERVICES PTY LTD

Licence number 100771 ("the licence") was issued to Bradbury Industrial Service Pty Ltd ("Bradbury") on 17 April 2014 for premises located 16-18 Thornycroft Street, Campbellfield ("the licensed premises").

The purpose of this letter is to inform you that the Environment Protection Authority Victoria ("the Authority") is considering whether to exercise its powers under section 20(9) of the *Environment Protection Act 1970* (EP Act) to suspend the licence.

On 13 March 2019 EPA conducted an inspection of the licensed premises.

The officers observed large amounts of liquid waste (in excess of the licence limit), deliveries of waste products within an unbunded area and containers with no identified waste producer.

The Authority notes that upon this inspection the following licence conditions may be in breach:

1. LI_WM1 must not store more than 154,000 litres of liquid waste
2. LI_WM2 waste must be labelled so that waste producer can be identified
3. LI_WM7 general handling of all PIW must be conducted in a bunded area

**Environment
Protection
Authority Victoria**

200 Victoria Street
Carlton VIC 3053

GPO Box 4395
Melbourne VIC 3001

DX 210082

T 1300 372 842
1300 EPA VIC

W epa.vic.gov.au

In further review of our records the Authority has determined that you have failed to report non-compliance with licence conditions with regards to several of these matters, being a breach of condition LI_G2, which required that you must immediately notify EPA of any non-compliance.

Additionally, between 30 January 2019 and 15 March 2019 the following five locations were inspected and found to contain waste products in breach of the requirement that those premises be licensed under s 20(1) of the EP Act:

- 9-11 Brooklyn Court, Campbellfield
 - 20A Yellowbox Drive, Craigieburn
 - 20B Yellowbox Drive, Craigieburn
 - 12 Yellowbox Drive, Craigieburn
 - 15/1745 Sydney Road, Campbellfield
-

The Authority has obtained information that Bradbury is responsible for the storage of waste products at the above unlicensed premises. An estimate of the quantity of waste products required to be removed from those premises and taken to premises licensed for its reprocessing, treatment, storage, containment, disposal or handling is approximately 14 million litres. The need for Bradbury to undertake this activity causes the Authority further concern that it will be unable to bring the licensed premises into compliance with its licence.

Finally, you are reminded that failure to comply with any condition of your licence is an indictable offence and carries a maximum penalty of \$386,856 under s27(2) of the EP Act. Furthermore, s20(9)(a)(ii) of the EP Act allows the Authority to revoke or suspend a licence for failure to comply with any condition of the licence.

You are now required to show cause in writing why the Authority should not revoke or suspend the licence by 4pm on 18 March 2019. If you do not provide a response within the time specified above, the Authority may proceed to make a decision without any further notification.

Please direct any enquiries to Helen Szabo.

With Regards,



PAUL STACCHINO
EXECUTIVE DIRECTOR, REGULATORY OPERATIONS
ENVIRONMENT PROTECTION AUTHORITY VICTORIA
15/03/2019

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

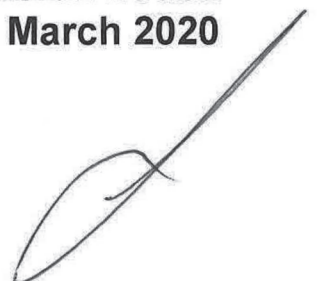
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-20" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-20"
Copy of letter from EPA to Bradbury and suspension notice
dated 20 March 2020



Ms Natalie Bannister
Hall and Wilcox Layers
525 Collins Street
MELBOURNE VIC 300

20 March 2019

Dear Ms Bannister

BRADBURY INDUSTRIAL SERVICES PTY LTD

Your client was issued an EPA licence 10071 for a waste treatment facility for the premises located at 14-16 Thornycroft Street, Campbellfield.

On 8 March 2019, EPA conducted a licence compliance inspection whereby the EPA identified several breaches of the EPA licence.

On 15 March 2019, the EPA issued a show cause letter to your client on the basis of those licence breaches, and the EPA received a response to that show cause letter on 18 March 2019.

The EPA has taken into account the contraventions identified, and the matters raised in your letter dated 18 March 2019, and has made the decision to immediately suspend Bradbury Industrial Services Pty Ltd EPA licence number 10071 under section 20(9)(a)(ii) of the *Environment Protection Act 1970*.

The Authority may consider lifting the suspension of the licence after upon inspection that you are in compliance with all licence conditions on licence number 100771.

Please see attached the Notice of Suspension, together with a Pollution Abatement Notice.

Yours sincerely

Anna Clarke
Principal Solicitor



**Environment
Protection
Authority Victoria**

200 Victoria Street
Carlton VIC 3053

GPO Box 4395
Melbourne VIC 3001

DX 210082

T 1300 372 842
1300 EPA VIC

W epa.vic.gov.au



NOTICE OF SUSPENSION OF LICENCE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD
ACN: 121 279 847

ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

PREMISES: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

Who we are: The Environment Protection Authority ("EPA") is an independent statutory authority established under the *Environment Protection Act 1970* ("the Act"). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we suspend licences: Under section 20(9)(a)(ii) of the Act, EPA may suspend a licence if EPA is satisfied that the circumstances of the case justify such an action.


What you are required to do: You must stop discharging, emitting, depositing, reprocessing, treating, storing, containing, disposing or handling waste or substances which are a danger or potential danger to the environment. You must also stop any activity that creates a potential danger to the environment.

When you are required to act: This notice takes effect immediately.

What if you don't comply: If found guilty of discharging, emitting, depositing, reprocessing, treating, storing, containing, disposing or handling waste or substances which are a danger or potential danger to the environment, or performing any activity that creates a potential danger to the environment, you may be ordered to pay a fine of up to 2400 penalty units (approximately \$300,000), and an additional penalty of up to 1200 penalty units for each day the offence continues (approximately \$150,000 a day).

Appeal rights: You may apply in writing to the Registrar, Planning and Environment Division, Victorian Civil and Administrative Tribunal ("VCAT"), 7th Floor, 55 King Street, Melbourne within 21 days of the date of issue for a review of EPA's decision. An application fee may be applicable when lodging an appeal with VCAT. Contact VCAT on (03) 9628 9777 for further details on fees associated with an appeal. A copy of the appeal should also be forwarded to the Manager, Development Assessments Unit, Environment Protection Authority, GPO Box 4395, Melbourne, 3001, within 7 days of lodgement of the appeal. During the period until the appeal is resolved you will be deemed unlicensed and subject to the requirements and penalties set out above.

For the purposes of this notice, "you" means the recipient of this notice and "premises" means the site at the premises address identified above.



Tim Eaton
Executive Director

DELEGATE OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE OF ISSUE: 20/03/2019

1

NOTICE OF SUSPENSION

Licence 100771 was issued under the Environment Protection Act 1970 ("the Act") on 17/04/2014, by the Environment Protection Authority ("the Authority") to BRADBURY INDUSTRIAL SERVICES PTY LTD for the premises situated at 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061 ("the premises").

Take notice that the Authority, under Section 20(9)(a)(ii) of the Act hereby suspends the Licence 100771.

2

REASONS FOR SUSPENSION

You have contravened the following conditions of your licence:

- LI_WM1 You must not store more than 154,000 litres of liquid wastes or 14 tonnes of solid waste on the premises at any time;
- LI_WM2 Each container holding waste at the premises must be labelled so that the contents and the waste producer can be identified;
- LI_WM7 All unloading, loading, processing, storage and general handling of contaminated water, prescribed industrial waste, oils and chemicals must be conducted in a bunded area in accordance with EPA Publication 347 'Bunding Guidelines'.
- LI_G2 You must immediately notify EPA of non-compliance with any condition of this licence.

You were issued with a Show Cause letter on 15 March 2019 requiring you to show cause why the Authority should not exercise its powers under section 20(9) of the Environment Protection Act 1970 (EP Act) to suspend the licence 10071.

The response to the Show Cause Letter failed to adequately explain the contravention of licence conditions or provide a reasonable solution to address the contravention of licence conditions, identified above.

The Authority may consider lifting the suspension of the licence after upon inspection that you are in compliance with all licence conditions on licence number 100771.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

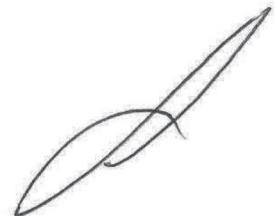
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-21" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-21"
Copies of EPA clean up notices dated 20 March 2019





ENVIRONMENT PROTECTION ACT 1970 SECTION 62A

CLEAN UP NOTICE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD ACN: 121 279 847

ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

PREMISES: 12A YELLOWBOX DRIVE, CRAIGIEBURN VIC

LEGAL REFERENCE: EP Act 1970 s.62A(1) Clean up and ongoing management measures required

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve remedial notices: Remedial notices are served to prevent or remedy actual or likely pollution, environmental hazards and a range of non-compliances with the EP Act.

What you are required to do: Section 62A(1) of the EP Act requires you to comply with the requirements in this notice with one or more actions to prevent or remedy an actual or likely non-compliance. Under section 60A(1), if someone plans to take control of your premises, you must notify them of this notice and your progress towards compliance.

When you are required to act: Immediately, from the date below.

If you want compliance dates extended: An application to extend a compliance date listed in Section 3 of this notice must be received *at least 10 working days prior to the compliance date*. Application forms, available at www.epa.vic.gov.au/business-and-industry/forms must be addressed to the Manager of the EPA office listed on this notice with the subject line: "Notice amendment application". Your served notice remains legally binding until EPA advises of any change. Refer to the Remedial notices policy (publication 1418) for further information on amendment applications.

What happens if you don't comply: If found guilty of contravening a requirement of this notice, you may be ordered to pay a fine of up to 2400 penalty units (\$386,856).

What your review rights are: An application for review of this notice can be made to EPA and/or the Supreme Court. Applications for an EPA review must be made within 7 calendar days from the notice issue date (below). Application forms are available at www.epa.vic.gov.au/business-and-industry/forms, or from our offices. For more information on your review rights, refer to the Remedial notice review policy (publication 1531) or contact us on 1300 EPA VIC (1300 372 842).

For the purpose of this notice 'You' means the recipient of this notice and 'Premises' means the site at the premises address, as identified above.

Paul Stacchino

DELEGATE OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE OF ISSUE: 20/03/2019

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details what was observed during the inspection.

2 REASONS FOR VIEW FORMED

This section interprets the observations and articulates why the authorised officer believes a clean up notice should be issued in accordance with section 62A of the EP Act.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

Considering the view that has been formed, this section lists the requirements or actions to address the environmental risk(s) or impact(s).

4 AN EXAMPLE OF HOW YOU CAN COMPLY

This section provides an example of how you may achieve compliance with the requirements of this notice.

1 EPA OBSERVATIONS

1.1 In response to a report of storage of waste in an unlicensed facility from WorkSafe, EPA officers along with representatives from WorkSafe Victoria ["WorkSafe"], Country Fire Authority ["CFA"] and Victoria Police, attended a premises leased by Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 12A Yellowbox Drive CRAIGIEBURN ["the premises"] on Friday 8 March 2019 at approximately 1800 hours. The officers:

- 1.1.1 Met with a representative from Bradbury who identified himself as the General Manager.
- 1.1.2 Were informed by a neighbouring person that he had not seen any activity at the premises
- 1.1.3 for approximately 18 months.
- 1.1.4 Observed a closed warehouse with a small forecourt storing blue wooden pallets.
- 1.1.5 Observed a concrete surface in the forecourt.
- 1.1.6 Observed a glass entrance door on the western side of the warehouse.
- 1.1.7 Observed two intermediate bulk containers ["IBC"] through the glass entrance door.
- 1.1.8 Observed a slight odour that resembled solvents and/or paints.
- 1.1.9 Requested a member from the CFA to assist in taking photos of the internal contents of the warehouse using an intrinsically safe camera because of the unsafe nature of the contents of the warehouse.
- 1.1.10 Observed officers from CFA enter the premises via force entry.
- 1.1.11 Observed the photos taken by the CFA of the contents within the warehouse.
- 1.1.12 Observed a photo showing a large quantity of IBCs stacked up to four high within the warehouse with and estimated warehouse size of 313 m²
- 1.1.13 Observed a photo showing IBCs with the tops cut off, containing paint tins.
- 1.1.14 Observed a photo showing IBCs filling the entire warehouse.
- 1.1.15 Observed a photo showing two IBCs leaking red fluid.
- 1.1.16 Observed a photo showing a label on an IBC with the text "BRADBURY WORKING IN PROGRESS".
- 1.1.17 Observed no bunding or spill controls in the forecourt or on the photos.
- 1.1.18 Were informed by the General Manager that the photos showed that the contents in the warehouse is waste.
- 1.1.19 The CFA did not observe any fire safety systems within the warehouse.
- 1.1.20 Left the premises at approximately 1830 hours.

1.2 On 13 March 2019 an EPA Authorised Officer observed Bradbury Industrial Services PTY LTD EPA licence number 1000771. Observed the premises was not listed on the licence as a premises licensed to receive waste.

1.3 On 15 March 2019, EPA conducted a system search which confirmed that the premises is not licensed to accept or store any waste types.

1.4 On 13 March 2019 EPA issued two Notices to Identify the Occupier pursuant to 55(3D) of the EP Act, regarding the occupier of the premises upon or from which waste is being, has been or is likely to be discharged (notice number 0018356) and from which waste has been or is likely to be stored or upon which any industrial waste is being stored, reprocessed treated or otherwise handled (notice number 0018357).

1.4.1 On 13 March 2019, the General Manger of Bradbury Industrial Services PTY LTD signed the notice to identify occupier notices 0018356 and 0018357 identifying Bradbury Industrial Services PTY LTD as the occupier of the premises at 12A Yellowbox Drive CRAIGIEBURN , Vic 3064

2 REASONS FOR VIEW FORMED

Bradbury Industrial Services Pty Ltd has a licensed waste treatment facility at 16-18 Thornycroft St, CAMPBELLFIELD premises.

A large quantity of liquid waste is being stored at a site at 12A Yellowbox Drive CRAIGIEBURN (the premises), which is an unlicensed facility. Section 27A(2)(a) prevents the deposit of industrial waste at sites not licensed to accept it.

The storage at the premises includes Intermediate Bulk Containers (IBC's) stacked four high, two IBC's leaking liquid, IBC's with the top cut off containing paint tins. This storage is likely to cause an environmental hazard as some of the liquids are flammable with toxic characteristics.

EPA is satisfied that Bradbury Industrial Services Pty Ltd are the occupier of the premises following the completion of a Section 55(3D) Notice to Identify Occupier dated 15 March 2019.

On this basis, and considering the observations previously stated, I have formed a view and I am satisfied that industrial waste or a potentially hazardous substance is being handled in a manner which is likely to cause an environmental hazard, as per section 62A(1)(d) of the EP Act.

In order to address this, you must take the clean up and ongoing management measures listed in this notice.

A handwritten signature in black ink, appearing to read 'Sam LeRay'.

Sam LeRay
AUTHORISED OFFICER
EPA Metro
EPA Victoria
DATE OF ISSUE: 20/03/2019

3**REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?**

General Requirements

3.1 You must immediately cease the deposit of industrial waste at the premises.

3.2 By 27 March 2019 you must supply to EPA a clean up plan that details actions to clean up industrial waste stored at the premises.

3.3 By 19 April 2019 you must remove the industrial waste stored at the premises and take to a waste treatment facility that has an EPA licence to accept that waste type.

Reporting Requirements

3.4 By 26 April 2019, you must, in writing to the authorised officer listed on page 4 of this notice, provide a report that:

- a) specifies and demonstrates how requirements 3.1 and 3.3 were achieved; and
- b) is signed by your managing director, most senior executive, or a person authorized to speak on behalf of the company.

4

AN EXAMPLE OF HOW YOU CAN COMPLY

One way of achieving compliance with this notice would be to:

4.1 You must not accept any industrial waste at the premises effective immediately from the date of this notice.

4.2 Engage a suitably qualified person to prepare a clean up plan that is submitted to EPA that addresses the following:

- a) analysis and classification of waste to be removed from site
- b) timelines for all works and reporting requirements
- c) clean up goals
- d) completion date of clean up and how this is going to be measured

4.3

- a) Develop a plan for the staged removal of industrial waste from the premises. This should include:
 - i) Details for appropriate controls to prevent liquids accessing any drainage or stormwater outlets including bunding to incorporate all external boundaries and the driveway;
 - ii) details for appropriate controls to suppress and extinguish any fires;
 - iii) Plans to validate the receiver sites ability to accept that waste type in a safe manner.
- b) Remove all industrial waste by the date required in section 3.3 of this notice and take them to facilities with an EPA licence to accept that waste type.

4.3 You must call EPA on 1300 372 842 or email contact@epa.vic.gov.au with the reference 9009774 and alert the officer listed on page 4 of this notice that the prescribed industrial waste is to be moved.

4.4 Provide EPA with a signed letter advising of the completion of required works, accompanied by all relevant documents relating to the prescribed industrial wastes removal and disposal. This would include all invoices, waste transport certificates, weigh-bridge dockets and receipts from the recycling or landfill facilities.

Ensure the documents include the following information:

- a) Details of the wastes removal, including:
 - Dates of the removal;
 - Times of the removal;
 - Types of waste removed;
 - Volumes of waste removed; and
 - Identification of transporters.
- b) Details of the wastes acceptance at a licensed or permitted facility, including:
 - Dates of acceptance;
 - Times of acceptance;
 - Types of waste accepted;
 - Volumes of waste accepted;
 - Identification of receivers; and
 - Waste transport certificates.



ENVIRONMENT PROTECTION ACT 1970 SECTION 62A

CLEAN UP NOTICE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD ACN: 121 279 847

ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

PREMISES: 20B YELLOWBOX DRIVE, CRAIGIEBURN VIC 3064

LEGAL REFERENCE: EP Act 1970 s.62A(1) Clean up and ongoing management measures required

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve remedial notices: Remedial notices are served to prevent or remedy actual or likely pollution, environmental hazards and a range of non-compliances with the EP Act.

What you are required to do: Section 62A(1) of the EP Act requires you to comply with the requirements in this notice with one or more actions to prevent or remedy an actual or likely non-compliance. Under section 60A(1), if someone plans to take control of your premises, you must notify them of this notice and your progress towards compliance.

When you are required to act: Immediately, from the date below.

If you want compliance dates extended: An application to extend a compliance date listed in Section 3 of this notice must be received *at least 10 working days prior to the compliance date*. Application forms, available at www.epa.vic.gov.au/business-and-industry/forms must be addressed to the Manager of the EPA office listed on this notice with the subject line: "Notice amendment application". Your served notice remains legally binding until EPA advises of any change. Refer to the Remedial notices policy (publication 1418) for further information on amendment applications.

What happens if you don't comply: If found guilty of contravening a requirement of this notice, you may be ordered to pay a fine of up to 2400 penalty units (\$386,856).

What your review rights are: An application for review of this notice can be made to EPA and/or the Supreme Court. Applications for an EPA review must be made within 7 calendar days from the notice issue date (below). Application forms are available at www.epa.vic.gov.au/business-and-industry/forms, or from our offices. For more information on your review rights, refer to the Remedial notice review policy (publication 1531) or contact us on 1300 EPA VIC (1300 372 842).

For the purpose of this notice 'You' means the recipient of this notice and 'Premises' means the site at the premises address, as identified above.

Paul Stacchino

DELEGATE OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE OF ISSUE: 20/03/2019

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details what was observed during the inspection.

2 REASONS FOR VIEW FORMED

This section interprets the observations and articulates why the authorised officer believes a clean up notice should be issued in accordance with section 62A of the EP Act.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

Considering the view that has been formed, this section lists the requirements or actions to address the environmental risk(s) or impact(s).

4 AN EXAMPLE OF HOW YOU CAN COMPLY

This section provides an example of how you may achieve compliance with the requirements of this notice.

1

EPA OBSERVATIONS

1.1 In response to a report of storage of waste in an unlicensed facility from WorkSafe, EPA officers along with representatives from WorkSafe Victoria ["WorkSafe"], Country Fire Authority ["CFA"] and Victoria Police, attended a premises leased by Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 20B Yellowbox Drive CRAIGIEBURN ["the premises"] on Friday 8 March 2019 at approximately 1505 hours. The officers:

- 1.1.1 Met with a representative from Bradbury who identified himself as the General Manager.
- 1.1.2 Observed a closed warehouse with a small forecourt storing blue wooden pallets and a forklift.
- 1.1.3 Observed a concrete surface in the forecourt with black staining adjacent to the warehouse roller door.
- 1.1.4 Observed an odour that resembled solvents and/or paints.
- 1.1.5 Requested two members from the CFA to enter the premises and take photos of the internal contents of the warehouse using an intrinsically safe camera because of the unsafe nature of the contents of the warehouse.
- 1.1.6 Observed officers from CFA enter the premises via force entry.
- 1.1.7 Observed the photos taken by the CFA of the contents within the warehouse.
- 1.1.8 Observed a photo showing a large quantity of IBCs and 205L steel drums stacked up to four high within the warehouse.
- 1.1.9 Observed a photo showing IBCs with the tops cut off, containing paint tins.
- 1.1.10 Observed a photo showing IBCs filling the entire warehouse, with an estimated warehouse size of 550 m²
- 1.1.11 Observed a photo showing IBCs bulging and structurally compromised.
- 1.1.12 Observed a photo showing IBCs leaking blue fluid onto the floor.
- 1.1.13 Observed a photo showing used spray paint cans in open top steel drums.
- 1.1.14 Observed a photo showing IBCs and steel drums wrapped in black plastic.
- 1.1.15 Observed a photo showing a label on an IBC with the text "BRADBURY WORKING IN PROGRESS".
- 1.1.16 Were informed by the General Manager that the photos showed that the contents in the warehouse is waste
- 1.1.17 Observed no bunding or spill controls in the forecourt or in the photos.
- 1.1.18 The CFA did not observe any fire safety systems within the warehouse.
- 1.1.19 Left the premises at approximately 1605 hours.

1.2 On 13 March 2019 an EPA Authorised Officer observed Bradbury Industrial Services PTY LTD EPA licence number 1000771. Observed the premises was not listed on the licence as a premises licensed to receive waste.

1.3 On 15 March 2019, EPA conducted a system search which confirmed that the premises is not licensed to accept or store any waste types

1.4 On 13 March 2019 EPA issued a Notices to Identify the Occupier pursuant to 55(3D) of the EP Act, regarding the occupier of the premises upon or from which waste is being, has been or is likely to be discharged (notice number 0018354) and; from which waste has been or is likely to be stored or upon which any industrial waste is being stored, reprocessed treated or otherwise handled (notice number 0018355).

1.4.1 On 13 March 2019, the General Manger of Bradbury Industrial Services PTY LTD signed the notice to identify occupier notices 0018354 and 0018355 identifying Bradbury Industrial Services PTY LTD as the occupier of the premises at 20B Yellowbox Drive CRAIGIEBURN , Vic 3064

2**REASONS FOR VIEW FORMED**

Bradbury Industrial Services Pty Ltd has a licensed waste treatment facility at 16-18 Thornycroft St, CAMPBELLFIELD premises.

A large quantity of liquid waste is being stored at a site at 20B Yellowbox Drive CRAIGIEBURN (the premises), which is an unlicensed facility. Section 27A(2)(a) prevents the deposit of industrial waste at sites not licensed to accept it.

The storage at the premises includes Intermediate Bulk Containers (IBC's) and 205L steel drums stacked four high, with a number of IBCs bulging and structurally compromised, one IBC leaking liquid onto the floor. This storage is likely to cause an environmental hazard as some of the liquids are flammable with toxic characteristics.

EPA is satisfied that Bradbury Industrial Services Pty Ltd are the occupier of the premises following the completion of a Section 55(3D) Notice to Identify Occupier dated 15 March 2019.

On this basis, and considering the observations previously stated, I have formed a view and I am satisfied that industrial waste or a potentially hazardous substance is being handled in a manner which is likely to cause an environmental hazard, as per section 62A(1)(d) of the EP Act.

In order to address this, you must take the clean up and ongoing management measures listed in this notice.



Sam LeRay
AUTHORISED OFFICER
EPA Metro
EPA Victoria
DATE OF ISSUE: 20/03/2019

3**REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?**

General Requirements

3.1 You must immediately cease the deposit of industrial waste at the premises.

3.2 By 27 March 2019 you must supply to EPA a clean up plan that details actions to clean up industrial waste stored at the premises.

3.3 By 19 April 2019 you must remove the industrial waste stored at the premises and take to a waste treatment facility that has an EPA licence to accept that waste type.

Reporting Requirements

3.4 Engage a suitably qualified person to prepare a clean up plan that is submitted to EPA that addresses the following:

- a) analysis and classification of waste to be removed from site
- b) timelines for all works and reporting requirements
- c) clean up goals
- d) completion date of clean up and how this is going to be measured

3.5 By 26 April 2019, you must, in writing to the authorised officer listed on page 4 of this notice, provide a report that:

- a) specifies and demonstrates how requirements 3.1 and 3.3 were achieved; and
- b) is signed by your managing director, most senior executive, or a person authorized to speak on behalf of the company

4

AN EXAMPLE OF HOW YOU CAN COMPLY

One way of achieving compliance with this notice would be to:

4.1 You must not accept any industrial waste at the premises effective immediately from the date of this notice.

4.2

- a) Develop a plan for the staged removal of industrial waste from the premises. This should include:
- i) Details for appropriate controls to prevent liquids accessing any drainage or stormwater outlets including bunding to incorporate all external boundaries and the driveway;
 - ii) details for appropriate controls to suppress and extinguish any fires;
 - iii) Plans to validate the receival sites ability to accept that waste type in a safe manner.
- b) Remove all industrial waste by the date required in section 3.3 of this notice and take them to facilities with an EPA licence to accept that waste type.

4.3 You must call EPA on 1300 372 842 or email contact@epa.vic.gov.au with the reference 9009777 and alert the officer listed on page 4 of this notice that the prescribed industrial waste is to be moved.

4.4 Provide EPA with a signed letter advising of the completion of required works, accompanied by all relevant documents relating to the prescribed industrial wastes removal and disposal. This would include all invoices, waste transport certificates, weigh-bridge dockets and receipts from the recycling or landfill facilities.

Ensure the documents include the following information:

- a) Details of the wastes removal, including:
- Dates of the removal;
 - Times of the removal;
 - Types of waste removed;
 - Volumes of waste removed; and
 - Identification of transporters.
- b) Details of the wastes acceptance at a licensed or permitted facility, including:
- Dates of acceptance;
 - Times of acceptance;
 - Types of waste accepted;
 - Volumes of waste accepted;
 - Identification of receivers; and
 - Waste transport certificates.



ENVIRONMENT PROTECTION ACT 1970 SECTION 62A

CLEAN UP NOTICE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD ACN: 121 279 847

ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

PREMISES: 15/1745 Sydney Road, CAMPBELLFIELD VIC 3061

LEGAL REFERENCE: EP Act 1970 s.62A(1) Clean up and ongoing management measures required

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve remedial notices: Remedial notices are served to prevent or remedy actual or likely pollution, environmental hazards and a range of non-compliances with the EP Act.

What you are required to do: Section 62A(1) of the EP Act requires you to comply with the requirements in this notice with one or more actions to prevent or remedy an actual or likely non-compliance. Under section 60A(1), if someone plans to take control of your premises, you must notify them of this notice and your progress towards compliance.

When you are required to act: Immediately, from the date below.

If you want compliance dates extended: An application to extend a compliance date listed in Section 3 of this notice must be received *at least 10 working days prior to the compliance date*. Application forms, available at www.epa.vic.gov.au/business-and-industry/forms must be addressed to the Manager of the EPA office listed on this notice with the subject line: "Notice amendment application". Your served notice remains legally binding until EPA advises of any change. Refer to the Remedial notices policy (publication 1418) for further information on amendment applications.

What happens if you don't comply: If found guilty of contravening a requirement of this notice, you may be ordered to pay a fine of up to 2400 penalty units (\$386,856).

What your review rights are: An application for review of this notice can be made to EPA and/or the Supreme Court. Applications for an EPA review must be made within 7 calendar days from the notice issue date (below). Application forms are available at www.epa.vic.gov.au/business-and-industry/forms, or from our offices. For more information on your review rights, refer to the Remedial notice review policy (publication 1531) or contact us on 1300 EPA VIC (1300 372 842).

For the purpose of this notice 'You' means the recipient of this notice and 'Premises' means the site at the premises address, as identified above.

Paul Stacchino

DELEGATE OF THE ENVIRONMENT PROTECTION AUTHORITY

DATE OF ISSUE: 20/03/2019

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details what was observed during the inspection.

2 REASONS FOR VIEW FORMED

This section interprets the observations and articulates why the authorised officer believes a clean up notice should be issued in accordance with section 62A of the EP Act.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

Considering the view that has been formed, this section lists the requirements or actions to address the environmental risk(s) or impact(s).

4 AN EXAMPLE OF HOW YOU CAN COMPLY

This section provides an example of how you may achieve compliance with the requirements of this notice.

1 EPA OBSERVATIONS

1.1 In response to a report of warehouse leased by Bradbury Industrial Services Pty Ltd ["Bradbury"], EPA officers along with representatives from WorkSafe Victoria ["WorkSafe"], Metropolitan Fire Brigade ["MFB"] and Victoria Police, attended the CAMPBELLFIELD premises of Bradbury located at 15/1745 Sydney Road ["the premises"] on Friday 15 March 2019 at approximately 1200 hours. The officers:

- 1.1.1 Met with a representative from Bradbury who identified himself as the General Manager.
 - 1.1.2 Observed a large warehouse with an adjoining office space at the premises.
 - 1.1.3 Observed a strong solvent odour emanating from the warehouse.
 - 1.1.4 Observed a forecourt to the west of the large warehouse that was using to park trucks and store empty containers in the north of the forecourt.
 - 1.1.5 Observed intermediate bulk containers ["IBCs"] stockpiled up to the warehouse roller doors.
 - 1.1.6 Observed a large amount of products stockpiled across the eastern portion of the warehouse building.
 - 1.1.7 Observed odorous, oily residue deposited within stormwater drainage pits in the warehouse and in the forecourt.
 - 1.1.8 Observed leaking 20L containers stored on the forecourt adjacent to a stormwater drain.
 - 1.1.9 Observed a label on the leaking 20L containers stating "Gamma Base" and a Class 3 Flammable Liquid label.
 - 1.1.10 Were informed by the General Manager that he was unsure whether there was an on-site stormwater management system prior to discharge off-site.
 - 1.1.11 Were informed by the General Manager that the waste was likely moved and stored after it was delivered to the EPA licensed premises located at 16-18 Thornycroft Street, CAMPBELLFIELD.
 - 1.1.12 Observed insufficient bunding that would adequately contain the liquid waste stored at the premises.
 - 1.1.13 Were informed by a representative from MFB that there were insufficient fire systems within the warehouse and in the forecourt.
 - 1.1.14 Were informed by a representative from MFB that they estimated approximately 5 million litres of liquid waste including the contents of IBCs, drums and products is being stored at the premises.
 - 1.1.15 Were informed by a representative from MFB that volatile organic compound readings within the warehouse ranged between 50 and 100 parts per million.
 - 1.1.16 Were informed by a representative from MFB that Bradbury must keep the warehouse doors open to provide sufficient ventilation.
 - 1.1.17 Were informed by a representative from MFB that products that comprised paints, detergents, sealants, fungicides, methanol and ethanol were inside the warehouse.
 - 1.1.18 Were informed by a representative from MFB that multiple areas within the warehouse and across the forecourt where leaks from IBCs, drums and products have occurred.
 - 1.1.19 Were informed by a representative from MFB that containers with Class 2, 3 and 4 Flammable labels stacked on top of and adjacent to containers with Class 8 Corrosives labels within the warehouse.
 - 1.1.20 Observed an EPA permitted truck [Victorian licence plate: 1JU 2GU] parked in the forecourt. EPA permit number 124300.
 - 1.1.21 Observed the truck with EPA permit 124300 with approximately 36 x 200L steel drums with Class 3 Flammable liquid labels stored in the back tray.
 - 1.1.22 Observed no bunding within the EPA permit trucks to prevent any spills from liquid waste during transportation. EPA Publication IWRG814.2, Vehicle Guidance: Non-tanker vehicles/trailers (dated April 2018) requires the tray to be sealed and at least 40 mm lip around the tray.
 - 1.1.23 Were informed by the General Manager that the steel drums in the truck with EPA permit 124300 were going to be delivered to Geocycle in Dandenong.
- Issued a Show Cause Letter to the General Manager via email at approximately 1818 hours.
- 1.1.24 Took photographs.
 - 1.1.25 Left the premises at 1845 hours.

1.2 On 15 March 2019, EPA conducted a system search which confirmed that the premises is not licensed to accept or store any waste types.

1.3 On 15 March 2019 an EPA Authorised Officer observed Bradbury Industrial Services PTY LTD EPA licence number 1000771. Observed the premises was not listed on the licence as a premises licensed to receive waste.

1.4 On 15 March 2019 EPA issued two Notices to Identify the Occupier pursuant to 55(3D) of the EP Act, regarding the occupier of the premises upon or from which waste is being, has been or is likely to be discharged (notice number 0018360) and from which waste has been or is likely to be stored or upon which any industrial waste is being stored, reprocessed treated or otherwise handled (notice number 0018361).

1.4.1 On 15 March 2019, the General Manager of Bradbury Industrial Services PTY LTD signed the notice to identify occupier notices 0018360 and 0018361 identifying Bradbury Industrial Services PTY LTD as the occupier of the premises at 15/1745 Sydney Road Campbellfield Vic 3061

2

REASONS FOR VIEW FORMED

2.1 Bradbury Industrial Services Pty Ltd has a licensed waste treatment facility at 16-18 Thornycroft St, CAMPBELLFIELD premises.

2.2 A large quantity of liquid waste is being stored at a site at 15/1745 Sydney Road CAMPBELLFIELD (the premises), which is an unlicensed facility. Section 27A(2)(a) prevents the deposit of industrial waste at sites not licensed to accept it.

2.3 The storage at the premises includes Intermediate Bulk Containers (IBC's) stacked four to five high, 200L drums stockpiled, products that comprised paints, detergents, sealants, fungicides, methanol and ethanol. EPA were informed by MFB and observed multiple areas within the warehouse and across the forecourt where leaks from IBCs, drums and products have occurred. This storage is likely to cause an environmental hazard as some of the liquids are flammable with toxic characteristics that may be detrimental to human health and the environment.

2.4 EPA is satisfied that Bradbury Industrial Services Pty Ltd are the occupier of the premises following the completion of a Section 55(3D) Notice-to-Identify-Occupier dated 15 March 2019.

On this basis, and considering the observations previously stated, I have formed a view and I am satisfied that industrial waste or a potentially hazardous substance is being handled in a manner which is likely to cause an environmental hazard, as per section 62A(1)(d) of the EP Act.

In order to address this, you must take the clean up and ongoing management measures listed in this notice.



Chris Peska
AUTHORISED OFFICER
EPA Metro
EPA Victoria
DATE OF ISSUE: 20/03/2019

3**REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?**

General Requirements

- 3.1 You must immediately cease the deposit of industrial waste at the premises.
- 3.2 By 22 March 2019 you must supply to EPA a clean up plan that details actions to clean up industrial waste stored at the premises.
- 3.3 By 20 May 2019 you must remove the industrial waste stored at the premises and take to a waste treatment facility that has an EPA licence to accept that waste type.

Reporting Requirements

- 3.4 By 27 May 2019, you must, in writing to the authorised officer listed on page 4 of this notice, provide a report that:
- a) specifies and demonstrates how requirements 3.1 and 3.3 were achieved; and
 - b) is signed by your managing director, most senior executive, or a person authorized to speak on behalf of the company.

4

AN EXAMPLE OF HOW YOU CAN COMPLY

One way of achieving compliance with this notice would be to:

4.1 You must not accept any industrial waste at the premises effective immediately from the date of this notice.

4.2 Engage a suitably qualified person to prepare a clean up plan that is submitted to EPA that addresses the following:

- a) analysis and classification of waste to be removed from site
- b) timelines for all works and reporting requirements
- c) clean up goals
- d) completion date of clean up and how this is going to be measured

4.3

- a) Develop a plan for the staged removal of industrial waste from the premises. This should include:
 - i) Details for appropriate controls to prevent liquids accessing any drainage or stormwater outlets including bunding to incorporate all external boundaries and the driveway;
 - ii) details for appropriate controls to suppress and extinguish any fires;
 - iii) Plans to validate the receiver sites ability to accept that waste type in a safe manner.
- b) Remove all industrial waste by the date required in section 3.3 of this notice and take them to facilities with an EPA licence to accept that waste type.

4.3 You must call EPA on 1300 372 842 or email contact@epa.vic.gov.au with the reference 9009827 and alert the officer listed on page 4 of this notice that the prescribed industrial waste is to be moved.

4.4 Provide EPA with a signed letter advising of the completion of required works, accompanied by all relevant documents relating to the prescribed industrial wastes removal and disposal. This would include all invoices, waste transport certificates, weigh-bridge dockets and receipts from the recycling or landfill facilities.

Ensure the documents include the following information:

- a) Details of the wastes removal, including:
 - Dates of the removal;
 - Times of the removal;
 - Types of waste removed;
 - Volumes of waste removed; and
 - Identification of transporters.
- b) Details of the wastes acceptance at a licensed or permitted facility, including:
 - Dates of acceptance;
 - Times of acceptance;
 - Types of waste accepted;
 - Volumes of waste accepted;
 - Identification of receivers; and
 - Waste transport certificates.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

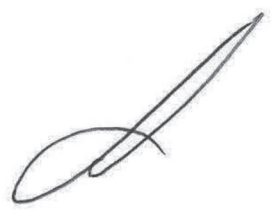
Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-22" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.


Signature of Witness

Exhibit "JK-22"
Copy of EPA pollution abatement notice dated 20 March 2019





ENVIRONMENT PROTECTION ACT 1970 SECTION 31A

POLLUTION ABATEMENT NOTICE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
(Administrator Appointed)
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD (Administrator Appointed)
ACN: 121 279 847
ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061
PREMISES: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

LEGAL REFERENCE: EP Act 1970 s.31A(1) Remedial notice required to address current or likely pollution, environmental hazard, or non-compliance

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve remedial notices: Remedial notices are served to prevent or remedy actual or likely pollution, environmental hazards and a range of non-compliances with the EP Act.

What you are required to do: Section 31A(2) of the EP Act requires you to comply with the requirements in this notice with one or more actions to prevent or remedy an actual or likely non-compliance. Under section 60A(1), if someone plans to take control of your premises, you must notify them of this notice and your progress towards compliance.

When this notice takes effect: 40 days from the date of issue below.

If you want compliance dates extended: An application to extend a compliance date listed in Section 3 of this notice must be received *at least 10 working days prior to the compliance date*. Application forms, available at www.epa.vic.gov.au/business-and-industry/forms must be addressed to the Manager of the EPA office listed on this notice with the subject line: "Notice amendment application". Your served notice remains legally binding until EPA advises of any change. Refer to the Remedial notices policy (publication 1418) for further information on amendment applications.

What happens if you do not comply: If found guilty of contravening a requirement of this notice, you may be ordered to pay a fine of up to 2400 penalty units (\$396,528) and an additional penalty of up to 1200 penalty units for each day the offence continues (\$198,264 a day).

What your review rights are: An application for review of this notice can be made to EPA and/or the Victorian Civil Administrative Tribunal (VCAT). Applications for an EPA review must be made within 7 calendar days from the notice issue date (below). VCAT applications must be made within 21 days of the notice issue date. Application forms for an EPA review are available at www.epa.vic.gov.au/business-and-industry/forms, or from our offices. For more information on your review rights, refer to the Remedial notice review policy (publication 1531) or contact us on 1300 EPA VIC (1300 372 842).

For the purpose of this notice 'You' means the recipient of this notice or your authorised representative and 'Premises' means the site at the premises address, as identified above.

Helen Szabo

DELEGATE OF THE ENVIRONMENT PROTECTION AUTHORITY

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details what was observed during the inspection.

2 REASONS FOR VIEW FORMED

This section interprets the observations and articulates why the authorised officer believes a pollution abatement notice should be issued in accordance with section 31A of the EP Act.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

Considering the view that has been formed, this section lists the requirements or actions to address the environmental risk(s) or impact(s).

4 AN EXAMPLE OF HOW YOU CAN COMPLY

This section provides an example of how you may achieve compliance with the requirements of this notice.

1 EPA OBSERVATIONS

1.1 As part of a licence compliance assessment, EPA officers conducted a site inspection of the EPA licensed premises [EPA licence# 1007711] of Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 16-18 Thornycroft Street, CAMPBELLFIELD on Wednesday 13 March 2019 at approximately 0930 hours. The officers:

1.2 Met with two representatives of Bradbury who identified themselves as the General Manager and Director.

1.3 Observed a waste receiving area and distillation shed located in the western portion of the premises.

1.4 Observed trucks with chemicals and waste being unloaded in an unbunded area at the premises. This is a non-compliance with licence condition LI_WM7 of Licence 100771.

1.5 Observed a pallet with five boxes of 4 litre plastic containers labelled Class 8 corrosive liquid including phosphoric acid solution and hydrofluoric acid. This is a non-compliance with licence condition LI_WA1 of Licence 100771.

1.6 Observed approximately 450 intermediate bulk containers ["IBCs"] and pallets with 200L drums containing liquid waste stored inside and outside the warehouse. It was estimated that approximately 450,000 litres of liquid waste was being stored at the premises during the inspection. This is a non-compliance with licence condition LI_WM1 of Licence 100771.

1.7 Observed containers holding Class 3 Flammable liquid waste and Class 8 corrosive liquid waste stored next to each other.

1.8 Observed containers holding waste without adequate labelling that detailed what the contents was or who the waste producer was. This is a non-compliance with licence condition LI_WM2 of Licence 100771.

1.9 Were informed by the General Manager that he could not be certain as to where or what was in containers holding liquid waste at the premises due to inadequate labelling.

1.10 Took samples from IBCs at the premises.

1.11 Took photographs.

1.12 Left the premises at approximately 1311 hours.

2

REASONS FOR VIEW FORMED

2.1 The premises at 16-18 Thornycroft Street, CAMPBELLFIELD has been licenced to operate as a waste treatment facility to store prescribed industrial waste and for solvent reclamation/regeneration since 2014 under licence number 100771.

2.2 On the basis of the inspection at the licensed premises on 13 March 2019, the EPA identified multiple non-compliances with conditions below:

- LI_WM1 You must not store more than 154,000 litres of liquid wastes or 14 tonnes of solid waste on the premises at any time;
- LI_WM2 Each container holding waste at the premises must be labelled so that the contents and the waste producer can be identified;
- LI_WM7 All unloading, loading, processing, storage and general handling of contaminated water, prescribed industrial waste, oils and chemicals must be conducted in a bunded area in accordance with EPA Publication 347 'Bunding Guidelines'.
- LI_G2 You must immediately notify EPA of non-compliance with any condition of this licence.

2.3 With the suspension of the licence, regulation under notice is required to prevent further environmental impacts resulting from waste treatment facility at the premises.

2.4 On this basis, and considering the observations previously stated, I have formed a view and I am satisfied that:

- a use of the premises

has caused or is likely to cause a failure to comply with a condition in a licence or permit, as per section 31A (1)(b)(iv) of the EP Act.

In order to address this, you must meet the requirements listed in this notice.



Richard Cowan
AUTHORISED OFFICER
EPA Metropolitan
EPA Victoria
DATE OF ISSUE: 20/03/2019

3

REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

General Requirements

3.1 You must not accept any waste at the premises.

3.2 By 28 June 2019, you must assess, treat, dispose or recycle the waste that is currently stored at the premises that is in exceedance of 154,000 litres of liquid waste and 14 tonnes of solid waste.

3.3 You must ensure that waste is not discharged, emitted or deposited beyond the boundaries of the premises except in accordance with this notice.

3.4 You must immediately notify EPA of non-compliance with any requirement of this notice by calling 1300 EPA VIC (1300 372 842), sending an email to contact@epa.vic.gov.au, or using the EPA Interaction Portal.

3.5 You must maintain a financial assurance calculated in accordance with the EPA method.

3.6 You must ensure that odours offensive to the senses of human beings are not discharged, emitted or released beyond the boundaries of the premises.

3.7 You must ensure that each container holding waste at the premises must be labelled so that the contents and the waste producer can be identified.

3.8 You must ensure that polychlorinated biphenyls (PCB) content of waste oil is assessed to ensure that it may be accepted at the premises.

3.9 You must ensure that before dispatching waste oil from the premises it must be assessed to ensure that the polychlorinated biphenyls (PCB) content may be accepted by the recipient.

3.10 You must ensure that all unloading, loading, processing, storage and general handling of contaminated water, prescribed industrial waste, oils and chemicals must be conducted in a bunded area in accordance with EPA Publication 347 "Bunding Guidelines".

3.11 You must ensure that any stormwater discharged from the premises is not contaminated with waste.

3.12 You must ensure that the land and groundwater is not contaminated.

3.13 By 22 March 2019, you must engage an EPA appointed Environmental Auditor (Industrial Facilities) and immediately notify EPA in writing following the engagement.

Reporting Requirements

3.14 From 27 March 2019, you must supply to EPA with a weekly waste inventory and tracking report verified by an Environmental Auditor detailing:

- a) total volumes of each waste type stored at the premises;
- b) all waste types stored at the premises;
- c) total volumes of each waste type treated at the premises;
- d) all waste tracking documentation; and,
- e) total volumes of each waste type transported to a receiving premises licensed to accept it.

f) immediately notify EPA of any waste type (including volumes) that is being stored at the premises that is not listed as an acceptable waste type on Schedule 2 of suspended licence 100771.

3.15 By 31 December 2019 you must, in writing to the authorised officer listed on page 5 of this notice, provide a report that:

a) specifies how the process, activity or use has been carried on or will be carried on, modified or controlled to achieve compliance with the notice requirements, and

b) is signed by your managing director, most senior executive, or a person authorised to speak on behalf of the notice recipient.

4

AN EXAMPLE OF HOW YOU CAN COMPLY

One way of achieving compliance with this notice would be to:

- 4.1 Do not accept any wastes for treatment at the premises.
- 4.2 Conduct an assessment of all waste types and volumes currently stored at the premises and determine whether the waste type can be treated at the premises or transported and disposed of to a facility that is licensed to accept it. All waste must be transported and disposed of in accordance with EPA IWRG 2009 guidelines. Confirm that the volumes remaining on-site do not exceed 154,000 litres of liquid waste and 14 tonnes of solid waste.
- 4.2 Prevent any wastes from leaving the premises, unless otherwise specified in this notice.
- 4.3 Within 24 hours of identifying a non-compliance with this notice, notify EPA with all relevant details of the non-compliance using one of the notification methods specified.
- 4.4 You must have a current financial assurance in place that matches the amount and type of financial assurance approved by EPA in writing.
- 4.5 Prevent odours from being discharged beyond the boundary of the premises (as shown within this notice).
- 4.6 You must have labels on each container holding waste that provides details on the contents and the waste producer.
- 4.7 You must analyse all waste oil to ensure that there are no traceable concentrations of PCB present and that the oil remain at the premises.
- 4.8 You must assess whether the receiving licenced facility is able to accept PCB in waste oil in accordance with the acceptable concentrations in their licence.
- 4.9 You must install bunding in all loading, unloading, processing and storage areas to contain leaks and spills that is in accordance with EPA Publication 347.
- 4.10 Prevent all contaminated stormwater from being discharged beyond the boundary of the premises.
- 4.11 Prevent any activities at the premises from polluting land and groundwater both within and beyond the premises boundary.
- 4.12 Engage an EPA appointed Environmental Auditor specialising in industrial facilities.
- 4.13 Provide EPA with a weekly waste inventory and tracking report that is verified by an EPA appointed Environmental Auditor. The report must include but not limited to:
 - a) total volumes of each waste type stored at the premises;
 - b) all waste types stored at the premises;
 - c) total volumes of each waste type treated at the premises;
 - d) all waste tracking documentation; and,
 - e) total volumes of each waste type transported to a receiving premises licensed to accept it.
 - f) immediately notify EPA of any wastes types not allowed to be stored at the premises.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

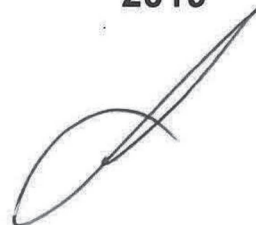
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-23" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-23"
Copy of EPA Inspection Report No. 80019170 dated 21 March
2019



INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1 SUMMARY INFORMATION

Date of inspection:	21/03/2019	Start time:	12:30 HRS	End time:	12:45 HRS
Licence Number:	100771	Incident(s):		Notice(s):	90009826
Lead EPA officer in attendance					
Name:	Richard Cowan			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:			Name:	Mr. Paul Bristow	
Site representative					
Name:	Mr. Paul Bristow			Position:	
Site representative contact details					
Email:	paul@bradburyis.com				
Phone:	0422008088			Fax:	
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Premises address or site location:					
16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061					
Reason for inspection:					
<input type="checkbox"/> Notice inspection					
Inspection location:					
<input type="checkbox"/> Licensed premises					

2 OBSERVATIONS

- 2.1 On Thursday 21 March 2019 at 12:35 hours, an EPA officer inspected the EPA suspended licenced premises (licence number 100771) BRADBURY INDUSTRIAL SERVICES PTY LTD ("BIS") located at 16-18 Thornycroft Street, CAMPBELLFIELD for the purpose of assessing compliance with Pollution Abatement Notice 90009826 ("PAN") Requirement 3.1. The officer:
 - 2.2 Met with the site representative who identified himself as the Director of BIS.
 - 2.3 Was advised by the site representative that BIS has ceased accepting waste at the premises and work was being done to clear out existing stock.
 - 2.4 Was advised by the site representative that BIS had informed its clients that they could not deposit their waste at the premises.
 - 2.5 Was advised by the site representative that no deliveries had been turned away.
 - 2.6 Was advised by the site representative that during previous inspections EPA had overestimated the amount of waste of the premises by counting empty Intermediate Bulk Containers ("IBCs") as well as full IBCs.
-
- 2.7 Observed a truck parked at the front of the premises which contained two pallets of plastic containers.
 - 2.8 Was advised by the site representative that the truck contained product for use on the premises.
 - 2.9 Observed no waste being deposited at the premises.
 - 2.10 Observed a large stockpile of IBCs and chemical drums containing flammable sludge at the front of the premises.
 - 2.11 Was advised by the site representative that the flammable sludge would usually be sent to Geocycle but Geocycle were not currently accepting the material.
 - 2.12 Took photographs.
 - 2.13 Left the premises at 12:45 hours.

3 ACTIONS TAKEN

- 3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')
 - 3.1.1 None taken
- 3.2 Confirmation of compliance advice given by EPA
 - 3.2.1 BIS appear to be compliant with PAN requirement 3.1.
- 3.3 s62B directions given by EPA where imminent danger arises¹

No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4

MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	EPA will conduct future inspections to assess compliance with the PAN
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5

AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Richard Cowan

Date: 26/03/2019



Signature:

6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-23A" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-23A"
Copies of VWA Entry Report No. V01031500917L and
V00017804585L dated 22 March 2019





ENTRY REPORT



Visit Number: **V01031500917L**

Entry Date and Time : **22/03/2019 10:00 AM** Departure Date and Time: **22/03/2019 12:30 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**

16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061
Phone Number: **0422 008 088**

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
Paul Bristow	Director	coota@braduryis.com

Name of person copy given to:	Person's Position:	Email Address:
No HSR	Health and Safety Representative	N/A

Purpose for entry:

I entered this place to conduct an investigation into an incident.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above workplace in accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, In accordance with Section 99(a) and (b) of the Occupational Health and Safety Act 2004. to make further enquiries in relation to 9-11 Brooklyn Court, Campbellfield.

2. Electronic Communication

During discussions with Paul Bristow (Executive Director) on the method of issuing of this entry report.

Paul Bristow consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.

3. Documents not produced at the time of the visit

In accordance with Section 100(1)(a) of the Occupational Health and Safety Act 2004 (OHS Act) and in accordance with Section 13(C)(1)(a) of the Dangerous Goods Act 1985 (DG Act), BRADBURY INDUSTRIAL SERVICES PTY LTD is required to produce to inspector Christopher Bull by 12pm 29th March 2019 the following documents listed

below. These documents were person's possession or control at the time of issuing this requirement.

Paul Bristow (Director)

- Position description
- PAYG Summaries year ending 30 June 2016
- PAYG Summaries year ending 30 June 2017
- PAYG Summaries year ending 30 June 2018
- Pay slips 1 July 2018 to Current

Mark Anderson (English)

- Position description
 - PAYG Summaries year ending 30 June 2016
 - PAYG Summaries year ending 30 June 2017
 - PAYG Summaries year ending 30 June 2018
 - Pay slips 1 July 2018 to last day with Bradburys
 - Employee contract
 - Any document however described in relation to the termination or resignation of Mark Anderson
-
- Employee file

Matthew Leech

- Position description
- Contract of engagement between Matthew Leech and Bradburys

BJ - Truck Driver (Left Xmas 2018 to WA)

- Position description
- PAYG Summaries year ending 30 June 2016
- PAYG Summaries year ending 30 June 2017
- PAYG Summaries year ending 30 June 2018
- Pay slips 1 July 2018 to last day with Bradburys
- Employee contract
- Any document however described in relation to the termination or resignation of "BJ"
- Employee file

Misc

- Organisation Chart for the company for the year starting 2016 and and ending 2019
- Contract between the major hazardous storage facility believed to be Stoltheaven and Bradburys for the purpose of storing material from 9-11 Brooklyn Court Campbellfield
- Contract between Bradburys and PJ Freight (Driver Hire) for 9-11 Brooklyn Court Campbellfield
- Payment record to the major hazardous storage facility believed to be Stoltheaven for the purpose of storing material from 9-11 Brooklyn Court Campbellfield
- Payment record to PJ Freight for the hire for drivers in relation to the removal of materials from 9-11 Brooklyn Court Campbellfield
- EPA transport certificates for the transport of material to 9-11 Brooklyn Court Campbellfield
- Notification to MFB for 16-18 Thornycroft Street Campbellfield

- Notification to MFB for 9-11 Brooklyn Court Campbellfield
- Notification to WorkSafe for 16-18 Thornycroft Street Campbellfield
- Notification to WorkSafe for 9-11 Brooklyn Court Campbellfield

Before requiring BRADBURY INDUSTRIAL SERVICES PTY LTD to produce documents pursuant to s.100(1)(a) of the OHS Act, and s.13(C)(1)(a) of the DG Act I produced my identity card for inspection and warned Paul Bristow (Executive Director) that a refusal or failure to comply with the requirement without reasonable excuse is an offence. I also informed Paul Bristow that he may refuse or fail to answer any question if answering the question would tend to incriminate him.

Under Section 100(2) of the OHS Act, any person who without reasonable excuse fails to produce any document required pursuant to Section 100(1)(a) of the OHS Act by an inspector shall be guilty of an offence. In the case of a body corporate, the offence carries a penalty of 300 penalty units. In any other case, the offence carries a penalty of 60 penalty units.

Under Section 13(C)(2) of the DG Act, any person who without reasonable excuse fails to produce any document required pursuant to 13(C)(1)(a) of the DG Act by an inspector shall be guilty of an offence. In the case of a body corporate, the offence carries a penalty of 300 penalty units. In any other case, the offence carries a penalty of 60 penalty units.

INSPECTOR INFORMATION

Name of Inspector: **Christopher Bull**
 Telephone Number of Inspector: **9223 6815**
 Facsimile Number of Inspector: **9223 6801**
 Email address of Inspector: **christopher_bull@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible

person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
 - * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
 - * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
- For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au



ENTRY REPORT



Visit Number: **V00017804585L**

Entry Date and Time : **22/03/2019 12:45 PM** Departure Date and Time: **22/03/2019 02:00 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**
16-18 THORNYCROFT STREET
CAMPBELLFIELD 3061
Phone Number: **0437 863 740**

Service Method: **Delivered electronically**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Joseph Barcellona** Other Persons: **Yue Li, Chemical Engineer**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
Paul Bristow	Director	paul@bradburyis.com
Name of person copy given to:	Person's Position:	Email Address:
No HSR	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Chemical Storage Interagency Operation project.

Under section 13 of the Dangerous Goods Act 1985, Joseph Barcellona and I entered the above place as I believed on reasonable grounds that dangerous goods may be found.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, Joseph Barcellona and I inspected, examined and made enquiries regarding the status of dangerous goods on site following visit made by Inspector Amanda Treadwell on 29/01/19.

2. Electronic Communication

During discussions with Paul Bristow, Director, on the method of issuing of this entry report he consented to receive this entry report by email and provided an appropriate email address.

3. Overall impression being that compliance issues are being managed well.

EPA Licence has been placed in suspension (by EPA staff) until level of waste material has been reduced to agreed levels.

Conversation during an escorted tour of the facility included GHS labelling requirements that can arise - source of knowledge is SafeWork Australia for further information.

4. On site Storage - reference Inspector A. Treadwell Entry Report V01037900025L dated 29/01/19
Store A 280 T
Store B 270 T
Store C 300T
Load Pad 200 T

All quantities are of Class 3 PG II today were advised as:

Store A 120 T
Store B 95 T
Store C 40 T
Load Pad 70 T

INSPECTOR INFORMATION

Name of Inspector: **Peter Kelly**
Telephone Number of Inspector: **4243 7547**
Facsimile Number of Inspector: **9641 1552**
Email address of Inspector: **peter_kelly@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible

person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

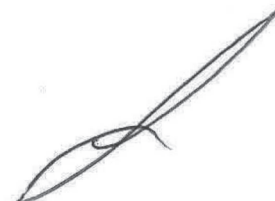
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-23B" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-23B"
Copy of VWA Entry Report No. V00016305335L dated 22 March
2019





ENTRY REPORT



Visit Number: **V00016305335L**

Entry Date and Time : **22/03/2019 11:30 AM** Departure Date and Time: **22/03/2019 12:45 PM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**
9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

OTHER PERSONS ATTENDING WITH INSPECTOR

WorkSafe Inspector: **Christopher Bull, Peter Kelly**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com
Name of person copy given to:	Person's Position:	Email Address:
No elected	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, Christopher Bull, Peter Kelly and I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above stated workplace with WorkSafe Inspector Peter Kelly and WorkSafe Investigator Chris Bull to monitor progress in relation to the storage and handling of dangerous goods. Prior to my arrival I spoke with General Manager, John Keramidas via phone and advised him of our pending inspection. I was informed by General Manager, John Keramidas that approximately 150 IBC's remain on site and it is envisaged that the remaining IBC's will be cleared off site by next Thursday 27th April.

During visit I observed that the rear warehouse has been cleared of all IBC's, I further observed that the majority of the remaining IBC's located in the front warehouse have been placarded in readiness for transportation.

No further action taken today.

Note: Prior to departing from site, the front door was locked and gates were padlocked shut.

2. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, Christopher Bull, Peter Kelly and I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

3. Taking of Photographs

Under Section 13B(1)(f) of the Dangerous Goods Act 1985 you are hereby notified that during an inspection at the above address, photographs were taken by WorkSafe Investigator Chris Bull of the IBC's and traces of spills of the empty warehouse. The photographs will be available for inspection at the WorkSafe office located at 171-191 Hammond Avenue Essendon Fields by appointment on 9223 6888.

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
 - * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
 - * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
- For general enquiries contact our Advisory Service on 1800 136 089 (toll-free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

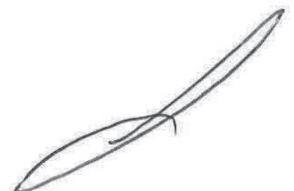
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-24" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-24"
Copy of EPA Notice to Furnish Information re Campbellfield
Site dated 26 March 2019





**ENVIRONMENT PROTECTION ACT 1970
SECTION 54(1)**

NOTICE TO FURNISH INFORMATION

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD ACN: 121 279 847
ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061
PREMISES: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

SECTION OF THE EP ACT: *Section 54(1)*

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve notices to produce: In accordance with section 54(1) of the EP Act, an authorised officer may serve a notice requiring the occupier of a premises to furnish to the Authority within fourteen days or such longer period as is specified in the Notice such information as to the manufacturing, industrial, or trade process carried out on in or on the premises or as to any waste which has been, is being or is likely to be discharged from the premises specified in this.

What you are required to do: Section 54(1) of the EP Act requires you to furnish such information as specified in section 3 of this notice by the date specified in this notice.

What happens if you don't comply: If found guilty of contravening this notice, you may be ordered to pay a fine of up to 161 penalty units (approximately \$19,320).

Appeal rights: Appeal of this notice can be obtained through an application to the Supreme Court.

Additionally: Section 54(3) of the EP Act - Any information furnished or statement made to the Authority pursuant to and requirement made under Section 54(1) of the EP Act shall not if the person furnishing the information or making a statement objects, at the time of furnishing the information or statement, to doing so on the ground that it might incriminate him, be used admissible in evidence upon any proceedings against that person except the offence of refusing or failing to comply with the requirements of a notice given under this section.

For the purpose of this notice 'You' means the recipient of this notice or your authorised representative and 'Premises' means the site at the premises address, as identified above.

Amber LOCK
AUTHORISED OFFICER
DATE OF ISSUE: 26 March 2019

NOTICE STRUCTURE

1 EPA OBSERVATIONS

This section details the observations that led the authorised officer to require further information.

2 OUR LEGAL BASIS FOR SERVING THIS NOTICE

This section explains the reason the authorised officer is issuing this notice.

3 REQUIREMENTS

This section lists the information you are required to furnish.

1

EPA OBSERVATIONS

- 1.1 On the 30th January 2019 EPA, WorkSafe Victoria ["WorkSafe"] and the Metropolitan Fire Brigade ["MFB"] conducted an inspection of the leased premises of Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 9-11 Brooklyn Court, Campbellfield ["Brooklyn premises"]. EPA observed approximately 2,000 IBCs containing approximately 2 million litres of Burner Fuel. The Burner Fuel, a waste by-product from the distillation of the waste paints and solvents processed at Bradbury's EPA licenced premises located at 16-18 Thornycroft St, Campbellfield ["licenced premises"].
- 1.2 EPA observed the Material Safety Data Sheet ["MSDS"] for the product Burner Fuel which stated that the Burner Fuel is a hydrocarbon blend, a flammable liquid with a flash point of <60 degrees Celsius and a dangerous goods rating of Class 3.
- 1.3 EPA observed that there were no bunding or spill controls at the Brooklyn premises.
- 1.4 EPA observed that there were inadequate fire safety controls at the Brooklyn premises.
- 1.5 Bradbury informed EPA that they have no other unlicensed premises where they are storing Burner Fuel/waste outside of their licenced premises.
- 1.6 Worksafe issued twelve improvement notices on Bradbury to 'make safe' the Brooklyn premises and to remove the contents.
- 1.7 On 8 March 2019 EPA, WorkSafe, Country Fire Authority ["CFA"] and Victoria Police ["Vic Pol"] conducted inspections at three additional premises leased by Bradbury at 20A, 20B and 12A Yellowbox Drive, Craigieburn ["Yellowbox premises"]. EPA observed that the Yellowbox premises contains between 1-3 million litres of hazardous liquid stored in IBCs plus steel drums and paint tins.
- 1.8 EPA observed that there were no bunding or spill controls at the Yellowbox premises.
- 1.9 EPA observed that there were no fire safety controls at the Yellowbox premises.
- 1.10 Bradbury confirmed the contents of each each Yellowbox premises was waste.
- 1.11 Bradbury informed EPA that they have no other unlicensed premises where they are storing Burner Fuel/waste outside of their licenced premises.
- 1.12 Worksafe have issued a direction to Bradbury to clean up two of the Yellowbox premises (20A and 20B) and have taken control of (12A).
- 1.13 On 15 March 2019 EPA, WorkSafe, MFB and Vic Pol conducted an inspection at a further premises leased by Bradbury located at 15/1745 Sydney Road, Campbellfield ["Sydney Rd premises"]. EPA observed that the Sydney Rd premises contained approximately 5 million litres of hazardous liquid stored in IBCs plus steel drums and paint tins.
- 1.14 This Sydney Rd premises is used as the truck parking depot for the Bradbury transport trucks.
- 1.15 EPA observed that there were no bunding or spill controls at the Sydney Rd premises.
- 1.16 EPA observed that there were no fire safety controls at the Sydney Rd premises.
- 1.17 Bradbury informed EPA that they have no other unlicensed premises where they are storing Burner Fuel/waste outside of their licenced premises.

1.18 Worksafe have issued a direction to Bradbury to clean up the Sydney Rd premises.

1.19 In relation to your licensed premises you were issued a Show Cause letter on 15 March 2019 requiring you to show cause why the Authority should not exercise its powers under section 20(9) of the Environment Protection Act 1970 (EP Act) to suspend EPA licence 10071.

1.20 On 20 March 2019 the Authority, under Section 20(9)(a)(ii) of the Act, suspended EPA Licence 100771 for the licenced premises on the basis that you contravened the following conditions of EPA licence 10071:

- LI_WM1 You must not store more than 154,000 litres of liquid wastes or 14 tonnes of solid waste on the licenced premises at any time;
 - LI_WM2 Each container holding waste at the licenced premises must be labelled so that the contents and the waste producer can be identified;
 - LI_WM7 All unloading, loading, processing, storage and general handling of contaminated water, prescribed industrial waste, oils and chemicals must be conducted in a bunded area in accordance with EPA Publication 347 'Bunding Guidelines'.
 - LI_G2 You must immediately notify EPA of non-compliance with any condition of EPA licence 10071.
-

2**OUR LEGAL BASIS FOR SERVING THIS NOTICE**

Considering the observations previously stated, I have formed a view and I am satisfied, in accordance with section 54(1) that you are likely to have information as to any manufacturing, industrial, or trade process carried on in or on the Premises or as to any waste which has been, is being, or is likely to be discharged from, or any noise which has been, is being, or is likely to be emitted from, or any waste which is being or is likely to be stored on, the Premises.

3**REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?**

REQUIREMENTS

By Tuesday 9 April, I Amber LOCK, require you, BRADBURY INDUSTRIAL SERVICES PTY LTD ["Bradbury"], or your authorised representative furnish to me information relating to:

3.1 Any premises occupied, or intended to be occupied by Bradbury or any of its subsidiary entities, or any premises known to Bradbury in Victoria Australia whereby waste/industrial waste/prescribed industrial waste is being stored excluding the premises as referred to in the observations of this notice.

3.2 Submission of the above information may be provided to EPA by one of the following ways (Attention to Amber LOCK, Major Investigation Unit)

- Copies posted to EPA Victoria, GPO Box 4395, Melbourne VIC 3001;
 - Digital copies by compact disk or USB to EPA Victoria, Level 3, 200 Victoria Street Carlton Victoria 3053;
 - Hard copies at EPA Victoria, Level 3, 200 Victoria Street, Carlton 3053.
-

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

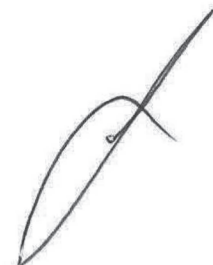
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-25" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-25"
Copy of EPA Notice to Furnish Information re Brooklyn Court
Site dated 26 March 2019





ENVIRONMENT PROTECTION ACT 1970 SECTION 55(3)

NOTICE TO PRODUCE

Mr. Paul Bristow
BRADBURY INDUSTRIAL SERVICES PTY LTD
16-18 THORNYCROFT ST
CAMPBELLFIELD VIC 3061

TO: BRADBURY INDUSTRIAL SERVICES PTY LTD ACN: 121 279 847

ADDRESS: 16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061

PREMISES: 9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061

SECTION OF THE EP ACT: 55(3)(a)

Who we are: Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why we serve notices to produce: In accordance with section 55(3) of the EP Act, an authorised officer may serve a notice requiring you to produce any reports, books, plans, maps or documents relating to an activity as specified in this notice. EPA may take copies of anything you provide.

What you are required to do: Section 55(3) of the EP Act requires you to produce any reports, books, plans, maps or documents specified in section 3 of this notice by the date specified in this notice.

What happens if you don't comply: If found guilty of contravening this notice, you may be ordered to pay a fine of up to 240 penalty units (approximately \$30,000) or imprisonment for 6 months or both.

Appeal rights: Appeal of this notice can be obtained through an application to the Supreme Court.

For the purpose of this notice 'You' means the recipient of this notice or your authorised representative and 'Premises' means the site at the premises address, as identified above.

Amber Lock
AUTHORISED OFFICER
DATE OF ISSUE: 26/03/2019

NOTICE STRUCTURE

1**EPA OBSERVATIONS**

This section details the observations that led the authorised officer to require further information.

2**OUR LEGAL BASIS FOR SERVING THIS NOTICE**

This section explains the reason the authorised officer is issuing the notice.

3**REQUIREMENTS**

This section lists the reports, books, plans, maps, or documents that you are required to produce.

1 EPA OBSERVATIONS

1.1 In response to reports from the community, EPA Officers with the assistance from a member of WorkSafe Victoria ["WorkSafe"] attended the premises leased by Bradbury Industrial Services PTY LTD ["Bradbury"] located at 9-11 Brooklyn Court, CAMPBELLFIELD ["the premises"] on 31 January 2019 at approximately 1115 hours. The EPA Officers:

1.1.1 Met with site representatives that included the General Manager and Director of Bradbury.

1.1.2 Were informed by site representatives that Bradbury hold a lease for the premises since 1 August 2016.

1.1.3 Observed a strong odour when entering the building resembling solvents.

1.1.4 Observed approximately 2000 intermediate bulk containers ["IBC"] containing liquid stacked 3 units high inside the warehouse.

1.1.5 Observed IBCs containing liquid of different colours, including red, yellow, white, brown and black.

1.1.6 Observed an estimated volume of 2 million litres of liquid stored in the IBCs.

1.1.7 Observed 1 IBC bulging, with 2 IBCs stacked above it, located in the northern portion of the warehouse adjacent to the emergency exit.

1.1.8 Observed 2 IBCs in rear of the warehouse, near the East side emergency exit which showed signs of previous leaking.

1.1.9 Observed approximately 10 crate cages stacked 3 units high located at the north-west end of the premises driveway.

1.1.10 Observed 4 of the crate cages with labels 'class 3 flammable'.

1.1.11 Observed no bunding or spill controls at the premises.

1.1.12 Observed inadequate fire safety controls at the premises.

1.1.13 Observed no dangerous goods placard inside or outside of the premises.

1.1.14 Were informed by the General Manager that the contents of the IBCs contain Class 3 flammable liquid referred to as 'Burner Fuel'.

1.1.15 Were informed by the General Manager that Burner Fuel is a residue from the distillation of waste paints and solvents processed at their EPA licenced premises located at 16-18 Thornycroft Street, CAMPBELLFIELD.

1.1.16 Were informed by the site representative that the Burner Fuel would usually be transported to the EPA licenced premises of Geocycle located in DANDENONG for treatment and disposal.

1.1.17 Observed a Material Safety Data Sheet ["MSDS"] provided by the General Manager for the product Burner Fuel, a hydrocarbon blend which stated the Burner Fuel was a flammable liquid with a flash point < 60 degrees Celsius and a dangerous goods rating of Class 3, flammable liquid.

1.1.18 Samples taken from 7 IBCs.

1.1.19 Photos taken of contents of the premises.

1.2 Bradbury are the holder of EPA licence number 1000771 issued on 17 April 2014 which allows for the storage of prescribed industrial waste and solvent reclamation/regeneration. Licenced premises address recorded as 16-18 Thornycroft Street, Campbellfield Vic. The premises is not listed on the licence as a premises licensed to store prescribed industrial waste and conduct solvent reclamation/regeneration. A search of all EPA licenced facilities shows that this premises is not licenced.

1.3 On 13 March 2019 EPA issued a Notice to Identify the Occupier pursuant to section 55(3D) of the EP Act, regarding the occupier of the premises from which waste has been or is likely to be stored or upon which any industrial waste is being stored, reprocessed treated or otherwise handled (notice number 0018358).

1.3.1 On 13 March 2019, the General Manager of Bradbury signed the notice to identify occupier notice 0018358 identifying Bradbury as the occupier of the premises between the 1 August 2016 and 13 March 2019.

2**OUR LEGAL BASIS FOR SERVING THIS NOTICE**

Considering the observations previously stated, I have formed a view and I am satisfied, in accordance with section 55(3)(a), that you are the occupier of a premises upon or from which any industrial waste is being stored, reprocessed, treated or otherwise handled, and I require any related reports, books, plans, maps or documents.

3 REQUIREMENTS - WHAT OUTCOMES ARE REQUIRED TO COMPLY?

REQUIREMENTS

3.1 By Monday 15 April 2019, you must produce to the Authorized Officer listed on page one of this notice, all reports, books, plans, maps or documents in any way relating to the deposit of wastes or the storage, reprocessing, treatment or handling of industrial waste, on or after 1 August 2016 that were sent to 9-11 Brooklyn Court, Campbellfield. These may include but are not limited to:

- 3.1.1 All inventory documentation relating to waste/industrial waste/prescribed industrial waste deposited and stored at the premises;
- 3.1.2 All documents relating to the consolidation and treatment of waste/industrial waste/prescribed industrial waste at the premises;
- 3.1.3 All documents relating to the transfer and/or movement of the waste/industrial waste/prescribed industrial waste to and from the premises including invoices, financing records, contracts and customer list;
- 3.1.4 All documents relating to the lease of the premises including certificate of title(s) and/or contracts.
- 3.1.5 All documents relating to any permits, licences and/or any such applications for such permits and licences for the premises.

3.2 Submission of the above information may be provided to EPA by one of the following ways (Attention to Amber LOCK, Major Investigation Unit)

- Copies posted to EPA Victoria, GPO Box 4395, Melbourne VIC 3001;
- Digital copies by compact disk or USB to EPA Victoria, Level 3, 200 Victoria Street Carlton Victoria 3053;
- Hard copies at EPA Victoria, Level 3, 200 Victoria Street, Carlton 3053.

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

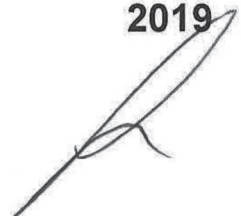
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-26" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-26"
Copy of EPA Inspection Report No. 80019246 dated 27 March
2019



Inspection Report No:

80019246

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1

SUMMARY INFORMATION

Date of inspection:	27/03/2019	Start time:	10:30 HRS	End time:	17:30 HRS
Licence Number:		Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Martin OShaughnessy			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:			Name:	Mr. John Keramidas	
				Ms. Kelly Smith	
				Charlie Munro	
Site representative					
Name:	Mr. John Keramidas			Position:	
Site representative contact details					
Email:	john@bradburyis.com				
Phone:	(03) 93578310			Fax:	
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:	16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061				
Premises address or site location:	9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061				
Reason for inspection:					
Inspection location:					
<input type="checkbox"/> Unlicensed premises					

2 OBSERVATIONS

- 2.1 In order to sample waste materials stored onsite an EPA officer inspected the CAMPBELLFIELD premises of Bradbury Industrial Services Pty Ltd at 9-11 Brooklyn Court at 10:30 hours on Wednesday 27 March 2019.
- 2.2 The EPA officer:
- 2.3 Was accompanied by a specialist assistant to help obtain samples.
- 2.4 Met the site representatives and explained the purpose of his presence onsite.
- 2.5 Observed the premises to be largely empty and hold about 60 IBCs either full or partially full of liquids and some miscellaneous equipment.
- 2.6 Was informed that all the IBCs and equipment would be removed that day for storage at an approved alternative premises.
- 2.7 Was informed that most of the the IBCs contained solvent wastes and were classed as Hazchem 3WE flammable liquids and would be labelled as such before removal from the premises.
- 2.8 Undertook the sampling of 7 IBCs stored at the premises.
- 2.9 Left the premises at about 17:30 hours.

3 ACTIONS TAKEN

- 3.1 Remedial action taken by duty-holder during inspection ('voluntary compliance')
 - 3.1.1 Duty holder had made arrangements to remove the waste from the premises for storage at approved facilities
- 3.2 Confirmation of compliance advice given by EPA
 - 3.2.1 None given
- 3.3 s62B directions given by EPA where imminent danger arises¹
 - No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4 MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1,2}	
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	EPA will make a determination of what further action upon receiving the results of the waste material analysis
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5 AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Martin O'Shaughnessy

Date: 05/04/2019

Signature: 

6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

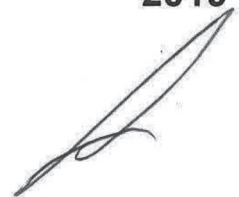
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-27" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-27"
Copy of EPA Inspection Report No. 80019260 dated 1 April
2019





Inspection Report No:

80019260

INSPECTION REPORT

Who we are: The Environment Protection Authority (EPA) Victoria is an independent statutory authority established under the *Environment Protection Act 1970* (the EP Act). Our purpose is to protect and improve our environment by preventing harm to the environment and human health.

Why you, the duty-holder are receiving this inspection report: This report is a record of EPA's observations and any actions carried out during our recent inspection of the premises or site specified below. It also identifies any other matters that may need to be followed up by EPA. Please retain this report for your reference.

1

SUMMARY INFORMATION

Date of inspection:	01/04/2019	Start time:	16:50 HRS	End time:	17:10 HRS
Licence Number:		Incident(s):		Notice(s):	
Lead EPA officer in attendance					
Name:	Sam LeRay			Phone:	1300 EPA VIC
Other EPA officers in attendance			Others (not EPA) in attendance		
Name:			Name:	John Keramidas	
Site representative					
Name:	John Keramidas		Position:	General Manager	
Site representative contact details					
Email:	johnk@bradburyis.com				
Phone:	0437863740		Fax:		
Company name/Person: BRADBURY INDUSTRIAL SERVICES PTY LTD					
ACN:	1 2 1 2 7 9 8 4 7				
<small>Australian Company Number</small>					
Trading name:					
Registered/principal office address:			16-18 THORNYCROFT ST, CAMPBELLFIELD VIC 3061		
Premises address or site location:			9-11 BROOKLYN CT, CAMPBELLFIELD VIC 3061		
Reason for inspection:					
Inspection location:					
<input type="checkbox"/> Unlicensed premises			<input type="checkbox"/> Industrial		

2

OBSERVATIONS

- 2.1 In response to a pollution report, an EPA officer attended a CAMPBELLFIELD premises leased by Bradbury Industrial Services Pty Ltd ["Bradbury"] located at 9-11 Brooklyn Court ["the premises"] on 1 April 2019 at approximately 1650 hours. The officer:
- 2.2 Met with site representatives that included the General Manager, Bradbury Industrial Services
- 2.3 Were informed by the General Manager that waste had been removed and transported to Stolthaven Terminals, ALTONA and David Barry Logistics Pty Ltd, DANDENONG SOUTH for storage.
- 2.4 Observe no waste in the warehouse.
- 2.5 Observed 3 minor spills of liquid waste on the concrete floor of the warehouse.
- 2.6 Observed 2 of the liquid waste spills on the concrete floor of the warehouse covered with sawdust.
- 2.7 Observed no bunding or spill controls at the premises.
- 2.8 Observed the concrete floor of the warehouse with a downward slope towards the roller door at the Brooklyn Court entrance of the warehouse.
- 2.9 Observed no fire sprinklers and no fire alarm safety controls inside the building to prevent a fire.
- 2.10 Observed a stormwater pit drain in the forecourt of the premises.
- 2.11 Observed dried, hardened liquid waste in the stormwater drain and stormwater pit lid in the premises forecourt.
- 2.12 Observed no waste in the driveway of the premises.
- 2.13 Observed downward sloping driveway towards Brooklyn Court.
- 2.14 Observed no dangerous goods placards inside or outside of the warehouse.
- 2.15 Took photos.
- 2.16 Left the premises at approximately 1710 hours.

3

ACTIONS TAKEN

- 3.1 **Remedial action taken by duty-holder during inspection ('voluntary compliance')**
 - 3.1.1 None taken
- 3.2 **Confirmation of compliance advice given by EPA**
 - 3.2.1 None given
- 3.3 **s62B directions given by EPA where imminent danger arises¹**
 - No matters gave rise to the need to give a direction during the inspection.

¹ Section 62B of the EP Act allows authorised officers to direct a person to conduct work where the officer is of the opinion that there is, or likely to be imminent danger to life or limb or the environment.

4

MATTERS TO BE FOLLOWED UP BY EPA

Applicable?	Follow-up required	Further details
<input type="checkbox"/>	On the basis of my observations from this inspection EPA requires no further action	
<input type="checkbox"/>	EPA will serve a notice under s55(3) of the EP Act to require further information	
<input type="checkbox"/>	The duty-holder has agreed to voluntarily provide to EPA:	
<input type="checkbox"/>	EPA will provide information to the duty-holder:	
<input type="checkbox"/>	Follow-up assessment and/or inspection	
<input type="checkbox"/>	Remedy: EPA intends to serve one or more remedial notices ^{1, 2}	
<input type="checkbox"/>	Sanction: Further consideration will be given in applying a sanction under the <i>Compliance and Enforcement Policy</i> (EPA publication 1388) ¹	
<input type="checkbox"/>	Other	

¹ Please note that any future remedial or sanctioning actions will be issued in accordance with EPA's *Compliance and Enforcement Policy* (EPA publication 1388). To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

² Please refer to EPA's *Remedial Notices Policy* (EPA publication 1418) for further information. To obtain a copy, please visit EPA's website at <http://www.epa.vic.gov.au/compliance-enforcement>.

5

AUTHORISED OFFICER'S SIGNATURE

Name of EPA authorised officer: Sam LeRay

Date:

Signature: 

6**FURTHER INFORMATION**

For further information, please visit EPA's website at www.epa.vic.gov.au, call EPA on **1300 EPA VIC (1300 372 842)** or email EPA at contact@epa.vic.gov.au.

EPA authorised officers are given powers under the EP Act to do their job. EPA expects its officers to exercise these powers with a high standard of professionalism and impartiality.

If you wish to make a formal complaint about an authorised officer's conduct, submit this in writing using the authorised officer complaint form online at www.epa.vic.gov.au

For more information see the EPA Authorised Officer Complaints Management Policy (EPA publication 1454).

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)
and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000


Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-28" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-28"
Copy of VWA Entry Report No. V00016305340L dated 2 April
2019





ENTRY REPORT



Visit Number: **V00016305340L**

Entry Date and Time : **02/04/2019 09:00 AM** Departure Date and Time: **02/04/2019 09:30 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD
ABN: **80121279847** ACN: **121279847**
9-11 BROOKLYN COURT
CAMPBELLFIELD 3061

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com
Name of person copy given to:	Person's Position:	Email Address:
No	Health and Safety Representative	N/A

Purpose for entry:

<ACCINSPECTOR>I entered this place as part of WorkSafe Victoria's proactive intervention program to provide guidance and assess and enforce compliance with specific health and safety laws. This visit is undertaken as part of the Dangerous Goods project.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended your workplace to follow up on two Improvement Notice's (V00016305286L/17C-04 issued on the 01/02/2019 & V00016305285L/ 17C-01 issued on the 31/01/2019) in relation to the storage and handling of dangerous goods. At time of visit I met with General Manager, John Keramidas.

The following observations were made:

I observed that all previously sighted IBC's within the front and rear warehouse's have now been removed off site. Both front and rear warehouse's are now empty and no dangerous goods were observed to be on site. Therefore, I believe that both of the above stated Improvement Notices have been complied with due to:

*V00016305286L/17C-04, fire protection system in accordance with the requirements of regulation 53 of Dangerous Goods (Storage and Handling) Regulations 2012 is no longer required.

* V00016305285L/ 17C-01, Bradbury Industrial Services has eliminated any hazard

associated with the storage and handling of dangerous goods Class 3 Flammable Liquid by the removal of the dangerous goods (IBC's) from current site to that of an approved storage facility.

I was informed by General Manager, John Keramidas that 2,134 IBC's were relocated to the following:

- > 1007 IBC's transported to Stolthaven Altona.
- > 800 IBC's transported to David Barry Logistics Dandenong.
- > 327 damaged IBC's were returned to Bradbury Industrial Services (Thornycroft Street).

I also observed that all dangerous goods placards (HAZCHEM) and Manifest including the Emergency Information box have been removed as they are no longer applicable to this site.

Currently no further visits are proposed at this workplace regarding the above stated issues.

2. Inspect, examine and make enquiries (including documents)

In accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985 & Section 99(a) and (b) of the Occupational Health and Safety Act 2004, I inspected, examined and made enquiries. This includes documents referenced in the body of this entry report.

INSPECTION OUTCOMES SUMMARY

STATUS OF NOTICES THAT WERE MONITORED DURING THIS ENTRY

Notice Number	Action
V00016305285L/17C-01	Complied with
V00016305286L/17C-04	Complied with

INSPECTOR INFORMATION

Name of Inspector: **Joseph Barcellona**
Telephone Number of Inspector: **9223 6846**
Facsimile Number of Inspector: **9223 6801**
Email address of Inspector: **joseph_barcellona@worksafe.vic.gov.au**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website –

www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

- * *Occupational Health and Safety Act 2004*
- * *Dangerous Goods Act 1985*
- * *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au

IN THE SUPREME COURT OF VICTORIA
AT MELBOURNE
COMMERCIAL COURT
COMMERCIAL LIST

No. S ECI 2020 01699

IN THE MATTER OF BRADBURY INDUSTRIAL SERVICES PTY LTD
(IN LIQUIDATION) (ACN 121 279 847)

BETWEEN

DAVID BARRY LOGISTICS PTY LTD
(ACN 121 644 460)

Plaintiff

and

GEOFFREY TRENT HANCOCK IN HIS CAPACITY AS LIQUIDATOR
OF BRADBURY INDUSTRIAL SERVICES PTY LTD (IN LIQUIDATION)
(ACN 121 279 847)

and others according to the Schedule

Defendants

CERTIFICATE IDENTIFYING EXHIBIT

Date of document: 26 May 2021
Filed on behalf of: The Plaintiff
Prepared by:
Hope & Co Lawyers
Level 11
460 Bourke Street
MELBOURNE VIC 3000

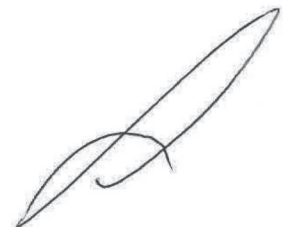
Solicitor's Code: 112105
GPO Box 1360 Melb. 3001
Tel: (613) 9132 5270
Fax: (613) 9132 5299
Ref: 2021.274
Attention: David Hope
Email: david.hope@hopeco.com.au

This is the exhibit marked "JK-29" referred to in the affidavit of John Keramidas affirmed on 26 May 2020.



Signature of Witness

Exhibit "JK-29"
Copy of VWA Entry Report No. V01031500923L dated 7 May
2019





ENTRY REPORT



Visit Number: **V01031500923L**

Entry Date and Time : **07/05/2019 09:00 AM** Departure Date and Time: **07/05/2019 10:00 AM**

PLACE ENTERED

BRADBURY INDUSTRIAL SERVICES PTY LTD

ABN: **80121279847** ACN: **121279847**

**9-11 BROOKLYN COURT
CAMPBELLFIELD 3061**

Phone Number: **0422 008 088**

Service Method: **Delivered electronically**

THIS REPORT GIVEN TO

Name:	Person's Position:	Email Address:
John Keramidas	Employer Representative	johnk@bradburyis.com

Name of person copy given to:	Person's Position:	Email Address:
No HSR	Health and Safety Representative	N/A

Purpose for entry:

I entered this place to conduct an investigation into an incident.

Under section 98 of the Occupational Health and Safety Act 2004 and section 13 of the Dangerous Goods Act 1985, I entered your place.

OBSERVATIONS AND ACTIONS OF THE INSPECTOR

1. I attended the above workplace in accordance with Section 13B(1)(a) and (b) of the Dangerous Goods Act 1985, In accordance with Section 99(a) and (b) of the Occupational Health and Safety Act 2004. to make further enquiries in relation to 9-11 Brooklyn Court, Campbellfield.

In attendance was;

John Keramidas - Bradbury IS
Sarah O'Hara - CRS Property
Andrea Rowe - Safety Action Pty Ltd

2. Taking of Photographs, Measurements, Sketches or Recordings

You are hereby notified that under Section 99(f) of the Occupational Health and Safety Act 2004 and Under Section 13B(1)(f) of the Dangerous Goods Act 1985, during an inspection at the above address, photographs and sketches were taken.

The photographs and sketches will be available for inspection at the WorkSafe Victoria's office located at 171-191 Hammond Ave Essendon Fields by appointment on 9223 6888.

3. Assistance in exercising powers

In accordance with section 122 of the Occupational Health and Safety Act 2004 and Section 19A of the Dangerous Goods Act 1985 for the purposes of exercising my powers, I sought the assistance of Andrea Rowe from Safety Action for the purposes of providing specialised advice.

4. Electronic Communication

During discussions with John Keramidas on the method of issuing of this entry report. John Keramidas consented to receive this entry report electronically, that is via email and provided me with an appropriate email address.

INSPECTOR INFORMATION

Name of Inspector: **Christopher Bull**

Telephone Number of Inspector: **9223 6815**

Facsimile Number of Inspector: **9223 6801**

INTERNAL REVIEW OF CERTAIN INSPECTOR DECISIONS

If you want to apply for internal review of a decision made by an inspector during this visit, you must lodge the approved application form with the Internal Review Unit within 14 days of the date the decision came to your notice. WorkSafe Victoria (WorkSafe) must conduct the internal review within legislated time frame of either 7 or 14 days depending on the category of reviewable decision. If WorkSafe does not notify you of the internal review decision within the required time, WorkSafe is taken to have made a decision to affirm the reviewable decision. Not all decisions can be internally reviewed and in order to seek internal review of a decision you must be an eligible person.

Applications for internal review can be made online on the WorkSafe website – www.worksafe.vic.gov.au/request-review-ohs-inspector-decision - or by downloading a form from the WorkSafe website and emailing it to internalreviewunit@worksafe.vic.gov.au or posting it to the Internal Review Unit, WorkSafe Victoria, PO Box 279, Geelong 3220.

If you lodge an application for internal review and you do not receive a decision within the required time frame (which is taken to be a decision to affirm the reviewable decision) or you receive an internal review decision that you are not happy with, you can apply to Victorian Civil and Administrative Tribunal for external review within 14 days of the date the internal review decision or non-decision first came to your attention. Applicants seeking external review must be an eligible person.

You can contact the Internal Review Unit by telephone (03) 4243 7060 or email at internalreviewunit@worksafe.vic.gov.au

OFFENCE

The following Acts, including any regulations made under them carry varying offences such as failure to meet duties and obligations, non compliance with a notice or direction issued or made by an inspector and hindering or obstructing an inspector in the exercise of their powers:

* *Occupational Health and Safety Act 2004*

* *Dangerous Goods Act 1985*

* *Equipment (Public Safety) Act 1994*

For specific details about offences and subsequent penalties refer to the specific Act or regulation.

FEEDBACK

If you want to contact WorkSafe in relation to this entry by our Inspector other than for Internal Review purposes (see above), please use the following guide:

- * to clarify any matter that is covered by the Entry Report and any associated Notices or Directions contact the issuing Inspector, whose name and contact details appear above in the Inspector Information section in this Entry Report.
- * to make comment about any aspect of how this inspection was conducted, contact the inspector's senior management via reception on (03) 4243 7000, fax (03) 8663 5451 or by writing to PO Box 279, Geelong 3220
- * to provide feedback in relation to WorkSafe activities or the legislation we administer, write to WorkSafe Victoria, Advisory Service PO Box 279, Geelong 3220.
For general enquiries contact our Advisory Service on 1800 136 089 (toll free).
Otherwise email info@worksafe.vic.gov.au

PRIVACY COLLECTION STATEMENT

WorkSafe collects, uses, discloses and stores information in accordance with the Occupational Health and Safety Act 2004, other legislation administered by WorkSafe and all applicable privacy laws. This includes information collected by WorkSafe inspectors or authorised officers. Note that non-compliance with privacy laws is permissible to the extent that those laws conflict with other legislative provisions allowing or requiring the collection of information. Note also that privacy laws do not apply to the collection of information by WorkSafe to the extent that it is exercising its law enforcement functions and non-compliance with privacy legislation is deemed necessary to fulfil those functions.

WorkSafe's Privacy Policy is on our website at worksafe.vic.gov.au

PRIVACY AND CONFIDENTIALITY NOTICE

The information contained in this document may contain privileged and confidential information and is not to be used (including copied, distributed and disclosed) for any other purpose than the prescribed purpose. All use of the information contained in this document must only be used in a manner that is consistent with the objects and purposes of Victorian occupational health and safety acts and regulations. If you have received this document in error, please notify the sender immediately and delete it or securely destroy as appropriate. Views expressed in this message are those of the sender, and are not necessarily the views of WorkSafe.

FURTHER INFORMATION

WorkSafe has a range of publications to explain your legal responsibilities and help you make your premises/site safer. To inquire about these publications, telephone 1800 136 089, or visit worksafe.vic.gov.au