

# **Inquiry into the Icepak Coolstore Explosion and Fire**

## **Terms of Reference**

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### **Background**

On 5 April 2008 at approximately 1600hrs Hamilton fire station responded two four-person crews to a reported incident at Icepak Coolstore at Tamahere, some 12 kms from Hamilton. At approximately 1630hrs, whilst the crews were making entry to the facility, an explosion occurred and all eight responding firefighters sustained severe injuries. One officer subsequently died and at the time these terms of reference were issued one other remained in a critical condition in hospital with the others listed variously as in serious, stable or discharged condition. Following the explosion, fire engulfed the facility. The coolstore facility was extensively damaged and a new type 3 fire appliance was also lost in the incident.

### **Comprehensive Inquiry**

The National Commander has responsibility under section 170(b) of the Fire Service Act 1975 to ensure that the NZ Fire Service is maintained in a state of operational efficiency. The Chief Executive also has responsibilities for workplace safety under the Health and Safety in Employment Act 1992.

The National Commander's Operational Instructions require the NZ Fire Service to undertake reviews and investigations into a range of serious incidents or near misses. These include:

- Formal Operational Reviews of all significant or major incidents;
- Fire Investigations into all fires involving significant loss or where the cause is suspicious; and
- Accident Investigations involving incidents where staff suffer serious harm or narrowly avoided serious harm.

The Icepak Coolstore incident requires investigation under all three categories. In order to minimise the potential for overlap and duplication, I have with the support of the NZ Fire Service Commission appointed a single group of expert persons to inquire into and produce a comprehensive report on:

1. The cause of the explosion and fire at the facility.
2. The general preparedness of the NZ Fire Service to manage such an incident.
3. The NZ Fire Service's response to, and subsequent management of, the incident.

## **Inquiry team**

I have exercised my powers as National Commander to initiate this inquiry but have decided it is appropriate for me to stand back from the inquiry and to appoint a suitably qualified team to undertake it without any involvement by me. The inquiry team will be:

Paula Beever, PhD CEng, BSc (Hons), FIPENZ, FIEAust, MSFPE, MIFireE (inquiry leader):

- National Director, Fire Risk Management for the NZ Fire Service.
- International standing in fire engineering discipline.
- Particular qualifications in combustion science.

Paul McGill, MA, MCGI, MIFireE:

- Director of Operations and Training, NZ Fire Service.

Paul Henderson, MBA, BA (Hons), MIFireE:

- Joined the NZ Fire Service in August 2007. Previously Chief Fire Officer of the Durham and Darlington Fire and Rescue Service, UK
- International experience in inquiries.

Steve Warner:

- President, New Zealand Professional Firefighters Union.

Given the nature of the incident and the high level of public interest I have invited an experienced and respected independent fire investigator from the New South Wales Fire Service in Australia to assist and advise the site investigation team. That team will report to the inquiry team. The inquiry team will also have access to such other independent specialist advice and assistance as may be required.

The team may take any reasonable steps to carry out the inquiry to the necessary standard and within the nominated timeframe.

## **Purpose of the Inquiry**

The purpose of the inquiry is to *understand* the cause of the incident, to *assess* the preparedness of the NZ Fire Service to respond to such an incident, and to *learn* from the operational response; all with a view to minimising the risk of such an incident being repeated in the future.

It is expressly not the purpose of this inquiry to attribute fault, blame or liability.

## **Specific Terms of Reference**

### (1) The Cause of the Explosion and Fire

The inquiry will include a detailed forensic examination of the incident, and the report will address:

- The location, design and use of the facility
- The provision of water for firefighting
- The construction materials including the insulation panels
- The passive and active safety features of the facility
- Building consent and warrant of fitness compliance history
- The origin of the explosive atmosphere within the building
- The ignition event
- The fire development
- The contribution of the coolstore contents to the explosion and fire
- Best practice on coolstore design and construction to (a) minimise the risk of fire and (b) provide a safe environment in which to fight a fire.

(2) The preparedness of the NZ Fire Service to manage such an incident

The inquiry and report will address:

- The National Commander's instructions and local instructions to manage this class of incident
- Personnel training and qualifications
- Pre-incident planning and familiarisation
- Personal Protective Equipment (PPE) and other equipment and resources
- Pre-determined responses

(3) The Fire Service response to, and management of, the incident

The inquiry and report will address:

- The notification of the incident
- Communications Centre response
- The information available to the crews on arrival at the facility
- Size-up and command and control procedures initiated at the facility
- Factors pertaining to the decisions made at the incident
- Escalation of alarm levels
- The proximate cause(s) of the injuries sustained by the 8 firefighters
- Management of ongoing incident
- Water supplies
- Communications to staff, families of injured employees
- Communications to the public, media
- Liaison with local government, health officials, and other agencies
- Use and performance of PPE and other equipment and resources
- Any other matters the inquiry team considers had a material bearing on the cause, progression or outcome of the incident, including, inter alia, the extent and adequacy of the National Commander's instructions.

## **Inquiry Principles**

The inquiry will be carried out in accordance with the following principles:

- Honest communication with all concerned to maintain confidence in the integrity of the inquiry process.
- Objective and unbiased approach.
- Not blame-focused.
- Constructive evaluation for future improvement.

## **Inquiry powers, procedures, and reporting**

The inquiry team will have full access to all NZ Fire Service personnel and records for the purposes of the inquiry. I have directed that all staff provide full assistance to the inquiry team.

The team may determine its own procedures including whom it will interview and what submissions (if any) it will call for, but the procedures it adopts must follow the principles of procedural fairness and best public sector practice.

The inquiry team will maintain confidentiality at all times, except to the extent necessary for the purposes of the inquiry and procedural fairness, and will keep all of its notes, interim conclusions and drafts confidential to itself. The inquiry team will report on the above terms of reference and make such recommendations as it considers appropriate. The team may also report on such other matters arising from the inquiry as the team, at its discretion, thinks fit. I expect the conclusions and findings of the report to be robust and defensible.

The inquiry team will submit a draft report to the Chief Executive within 90 days of these terms of reference coming into effect. The Chief Executive will provide comments on the report within ten days of receiving it. The inquiry team will then have regard to the comments of the Chief Executive, finalise its report and deliver it to the NZ Fire Service Commission.

## **Other inquiries**

There may be a Coroner's inquiry and/or inquest into the fatality. The Department of Labour may conduct its own investigation into the incident. Other inquiries and investigations are possible.

I expect the inquiry team to consult closely with the Coroner and the Department of Labour, and to liaise with other investigating agencies and persons, to help ensure that all necessary inquiries and investigations into the incident can proceed expeditiously; to address any potential overlaps with other agencies' jurisdictions; to promote co-operation and exchange of information and evidence where appropriate, possible and practicable; and to minimise the stress of repeated interviews on witnesses and other affected persons.

**Mike Hall AFSM, F.I. Fire E., FNZIM**  
**Chief Executive and National Commander, NZ Fire Service**

**14.4.2008**