

9 May 2014

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By courier

Dear Madam,

Summons for Production of Documents dated 28 April 2014

We refer to the Summons for Production of Documents dated 28 April 2014 ("**Summons**"), the signed copy of which was provided to us on 29 April 2014.

Enclosed with this letter is a USB containing electronic copies of the documents located by our clients which are responsive to the Summons.

As you will appreciate, the Summons is broad and our clients have only had a limited period in which to search out documents in response to it. The documents provided on the enclosed USB represent our clients' best efforts at responding to the Summons in a timely fashion.

As you will see, a substantial volume of documentation is being provided.

In the interests of providing the documentation to the Board of Inquiry as quickly as possible, our clients have not had an opportunity to identify and mark information in the documents which is confidential or commercially sensitive. Our clients reserve the right to raise any confidentiality, commercial sensitivity or related concerns in respect of any documents or parts thereof, including during the course of the public hearings of the Board of Inquiry, should any of the documents be sought to be tendered.

An index of the documents on the enclosed USB is attached.

In relation to the specific paragraphs of the Summons, we make the following comments (using the numbering used therein):

Paragraph 1	Enclosed are reports dated 4 August 1996 or later reviewing or assessing fires at the Hazelwood Coal Mine (" Mine "). The enclosed reports concern: <ul style="list-style-type: none">• major outbreaks of fire;• operational fires; and• recommendations arising from fires at the Mine.
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	<p>A Country Fire Authority (“CFA”) produced report within our clients’ records, has also been supplied. Please note that the redactions within this report were by the CFA.</p>
Paragraph 2	<p>This category is particularly broad and potentially covers many records, the vast majority of which cannot be relevant to the Inquiry, and which would take a considerable time to locate and supply.</p> <p>The category is also vague and uncertain in a number of respects, for example, by virtue of what is meant by “inspection reports” and “test results”.</p> <p>As regards “test results” there are a multitude of things which may fall within this description e.g. movement surveys, data from inclinometers, extensometers, piezometers and standpipes, dewatering records and test results regarding the properties of overburden and coal within the Mine. We do not understand how these sorts of “test results” could be relevant to the Inquiry.</p> <p>In an effort to provide a meaningful response for the purposes of Paragraph 2, enclosed are a series of documents which depict in the 12 months prior to 9 February 2014 the condition of the parts of the Mine in relation to which fire activity occurred on and from 9 February 2014. The documents include:</p> <ul style="list-style-type: none"> • reports of various geotechnical inspections undertaken within the Mine licence area, containing maps, photographs and descriptions of relevant features; and • records of grass slashing and other fire preparedness measures undertaken within the Mine throughout the 2013/2014 fire season. <p>In order to provide an overview of the available data sets within the period of interest, we have provided the following high-level geotechnical reports which include a range of technical data:</p> <ul style="list-style-type: none"> • an annual batter stability report; and • a 6 monthly batter performance report. <p>If any specific data sets summarised in these reports which are of interest to the Board of Inquiry, further materials can be supplied.</p> <p>Please refer also to the Environmental Review Committee (“ERC”) reports and fortnightly/monthly Environmental Compliance Reports provided in response to Paragraph 6 below. These reports contain further “test results” relevant to the Mine.</p>
Paragraph 3	<p>The current approved Work Plan in relation to the Mine, being a Work Plan Variation approved on 11 May 2009 has previously been supplied in the volume of materials supplied to the Board on 2 May 2014 at Tab 6.</p> <p>The initial approved Work Plan in relation to the Mine has previously been supplied in the volume of materials supplied to the Board on 2 May 2014 at Tab 1.</p>
Paragraph 4	<p>Enclosed are records in relation to the following Work Plan Variations:</p> <ul style="list-style-type: none"> • May 2007; • October 2007; • December 2000; • February 2001; and

	<ul style="list-style-type: none"> July 2006. <p>As noted above, the Work Plan Variation approved in May 2009 has previously been supplied in the volume of materials supplied to the Board on 2 May 2014 at Tab 6.</p>
Paragraph 5	<p>The approved rehabilitation plan for the Mine under Part 7 of the <i>Mineral Resources (Sustainable Development) Act 1990</i> (Vic) is contained within the Work Plan Variation approved in May 2009, previously supplied to the Board in the volume of materials provided on 2 May 2014 at Tab 6.</p>
Paragraph 6	<p>No relevant records located.</p>
Paragraph 7	<p>This category is particularly broad, and covers many records which would take a considerable time to search out and locate.</p> <p>Enclosed are the following reports which have been located describing rehabilitation works undertaken within the Mine, including in the areas that experienced fire activity on and from 9 February 2014:</p> <ul style="list-style-type: none"> statistics regarding progressive mine rehabilitation since 1992/1993; statutory reports on expenditure and activities under MIN 5004 dated July 2012 and July 2013; Hazelwood Mine ERC reports from 2009-2014; Monthly Environmental Compliance Reports from 2012-2013; Fortnightly Environmental Compliance Reports from 2013-2014; and Various plans, drawings and photographs of rehabilitated areas on the southern and northern batters.
Paragraph 8	<p>A record of a notifiable incident report made to DSDBI on 9 February 2014 is enclosed.</p>
Paragraph 9	<p>Enclosed are records of notifiable incidents reported to Worksafe involving mine fire, dated:</p> <ul style="list-style-type: none"> 1 August 2011; 21 January 2012; 15 May 2012; and 9 February 2014.
Paragraph 10	<p>Enclosed is a record of a risk assessment carried out in relation to the mining hazard of mine fire dated January 2004.</p> <p>A further risk assessment in relation to the mining hazard of mine fire completed in October 2012 was previously supplied to the Board in the volume of materials provided on 2 May 2014, as follows:</p> <ul style="list-style-type: none"> Tab 26 - OHS Assessment Major Mining Hazard 7 - Mine Fire (Major Fire) – Part 1 of 2 <p>Please also refer to Appendix A of the GHD Report provided in response to paragraph 14.</p>

<p>Paragraph 11</p>	<p>Records of the risk control measures adopted in relation to the mining hazard of mine fire were previously supplied to the Board in the volume of materials provided on 2 May 2014, as follows:</p> <ul style="list-style-type: none"> • Tab 26 - OHS Assessment Major Mining Hazard 7 - Mine Fire (Major Fire) – Part 2 of 2.
<p>Paragraph 12</p>	<p>Enclosed are records of the following reviews conducted in relation to the identification of the mining hazard of mine fire, the assessment of risks to health and safety of that hazard, and the risk control measures adopted:</p> <ul style="list-style-type: none"> • A GHD Interim Report dated 2009 entitled Major Mining Hazards Assessment; and • Minutes of a Working Party review of MMH Mine Fire dated October 2012.
<p>Paragraph 13</p>	<p>The Safety Management System for the Mine in so far as it relates to the hazard of mine fire comprises:</p> <ul style="list-style-type: none"> • the risk assessment carried out in relation to the mining hazard of mine fire in October 2012, referred to under Paragraph 10 above and previously supplied to the Board; and • the risk control measures adopted in relation to the mining hazard of mine fire, referred to under Paragraph 11 above and previously supplied to the Board. <p>Copies of four reports concerning reviews of the Safety Management System as regards the hazard of mine fire are enclosed.</p>
<p>Paragraph 14</p>	<p>In addition to the documents supplied in response to Paragraphs 10 to 13 above, enclosed are four reports of safety assessments of major mining hazards, including mine fire, conducted in 2004.</p>
<p>Paragraph 15</p>	<p>Please refer to the following document previously supplied to the Board of Inquiry on 2 May 2014:</p> <ul style="list-style-type: none"> • Tab 7 - Emergency Response Plan - Hazelwood Mine - revised May 2013.
<p>Paragraph 16</p>	<p>Enclosed are two versions of the plan of the Mine prepared under regulation 5.3.36 of the OHS Regulations.</p>
<p>Paragraph 17</p>	<p>Please refer to the following documents previously supplied to the Board of Inquiry on 2 May 2014:</p> <ul style="list-style-type: none"> • Tab 7 - Emergency Response Plan - Hazelwood Mine - revised May 2013; • Tab 8 - Mine Fire Service Policy and Code of Practice revised July 2013; • Tab 9 - Hazelwood Mine Fire Instructions issued 27 July 2011; • Tab 10 - Internal Grass Slashing Specification issued 17 October 2011; • Tab 11 - Guidelines For Season & Period Specific Fire Preparedness & Mitigation Planning issued 13 September 2007; • Tab 12 - Check List for Fire Fighting Equipment Annual Inspection issued 18 January 2013; • Tab 13 - Check List For Season Specific Fire Preparedness and Mitigation

	<p>Planning issued 24 November 2008;</p> <ul style="list-style-type: none">• Tab 14 - Check List for Hazelwood Slot Bunker Fire Services Wash Down & Routine Inspection issued 18 January 2013;• Tab 15 - Mine Fireman Assessment issued 24 February 2012;• Tab 16 - Fire Person Duties Training Manual issued 23 August 2012; and• Tab 28 - GDF Suez Hazelwood Electricity Safety - Bushfire Mitigation Plan for period commencing 1 July 2013.
Paragraph 18	<p>Enclosed are:</p> <ul style="list-style-type: none">• Standing Operating Procedures in relation to CFA District 10 (included in Appendix 1 of the Emergency Response Plan for the Mine);• Central Gippsland Essential Industry Group (CGEIG) Mutual Aid Guidelines dated December 2010; and• Two CFA permits concerning fires on total fire ban days, issued in December 2012 and 2013.

Yours faithfully



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