


APPENDIX THREE - LETTER OF INSTRUCTION

	<p>Hazelwood Mine Fire Inquiry</p>
<p>23 June 2015</p>	
<p>By Email:</p>	
<p>Mr Roderic Incoll</p>	
<p>Dear Mr Incoll</p>	
<p>Board of Inquiry into the Hazelwood Coal Mine Fire</p>	
<p>We refer to previous correspondence in relation to your engagement to provide expert assistance to the Board of Inquiry into the Hazelwood Coal Mine Fire (Board of Inquiry).</p>	
<p>Background to the Board of Inquiry</p>	
<p>As you know, in March 2014 a Board of Inquiry was established to inquire into and report on the fire that burned at the Hazelwood Coal Mine in February and March 2014. You assisted that Inquiry by providing an expert report and giving evidence at a public hearing. The Inquiry report was tabled in the Victorian Parliament on 2 September 2014.</p>	
<p>Further concerns have since been raised about the potential health impacts of the fire on the Latrobe Valley communities and future options for rehabilitating Victorian mines in the Latrobe Valley. Concerns have also been raised about the potential risk of fire at the coal mine at Anglesea, Victoria (Anglesea Mine), which is scheduled to close on 31 August 2015.</p>	
<p>The current Board of Inquiry was established under the <i>Inquiries Act 2014 (Vic.)</i> to inquire into and report on these additional matters pursuant to an Order in Council dated 26 May 2015.</p>	
<p>Brief</p>	
<p>The Board of Inquiry wishes to utilise your expertise to assist it to address paragraph 11 of its terms of reference, which requires the Board of Inquiry to inquire into and report on:</p>	
<p><i>11. Sustainable, practical and effective options that could be undertaken by the mine operator to decrease the risk of fire arising from or impacting the Anglesea Mine for the 2015/2016 summer season, noting the impending closure of the mine on 31 August 2015.</i></p>	
<p>To this end, the Board of Inquiry requests that you provide a written report that addresses the following matters:</p>	
<p>1. An outline of your qualifications and relevant experience, and attaches your curriculum vitae.</p>	
<p>Level 11, 222 Exhibition Street Melbourne VIC 3000</p>	<p>www.hazelwoodinquiry.vic.gov.au</p>
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2. The specific manner in which fire could arise from or impact on the Anglesea mine after 31 August 2015.
3. The sustainability, practicality and effectiveness of the measures taken and planned to be taken by the mine operator to mitigate the risk of fire arising from or impacting the Anglesea Mine following its closure, including its internal policies and procedures, staffing and resources, and its relationships with external agencies such as the CFA and the Surf Coast Shire Council.
4. Whether in your opinion there are any gaps or shortcomings in the existing framework for mitigating the risk of fire arising from or impacting the Anglesea Mine following its closure that should be addressed.
5. The measures that could be taken to address any gaps or shortcomings that you identify and the sustainability, practicality and effectiveness of these measures.

Documents

The following documents are provided for your information and review.

1. The Terms of Reference for the current Board of Inquiry;
2. An overview of the statutory regime governing the risk of fire at the Anglesea Mine prepared by the Board of Inquiry's Secretariat;
3. *Mines (Aluminium Agreement) Act 1961(Vic)*;
4. Parks Victoria, *Anglesea Heath Management Plan 2002* (noting that at p. 4 Alcoa is described as a co-manager of the Heath);
5. DEPI, *Strategic bushfire management plan (2014)* (see especially p. 22 which concerns Anglesea);
6. Coal Mine Emergency Management Taskforce TOR and Status Report, December 2014;
7. Statement of Christopher John Rolland dated 22 June 2015 plus attachments;
8. Statement of Warren Steven Sharp dated 22 June 2015 plus attachments;
9. Folder of Documents produced by Alcoa in response to a Notice to Produce Documents served on Alcoa by the Board of Inquiry – please note that there is an index to the documents produced which is Annexure A to a letter from Alcoa dated 19 June 2015.

We ask that the documents not be disclosed by you to any third party without prior reference to the author.

The Board of Inquiry is seeking further documents from:

1. Alcoa of Australia Ltd (including its Work Plan);
2. The Victorian Workcover Authority;
3. The Country Fire Authority (including documents relating to call-outs at the Anglesea Mine); and
4. The Coal Mine Emergency Management Taskforce.

Copies of these further documents will be provided to you when they come to hand.

Community Consultation

We note that, as part of your familiarisation with the issues, you will attend a community consultation session in Anglesea on Sunday 28 June 2015 and that you will visit the Anglesea mine. Counsel assisting the inquiry (Peter Rozen) and I will be in Anglesea on 28 June 2015 and we will be happy to discuss your role further.

Report Guidelines

You may be assisted by the **enclosed** Expert Witness Code of Conduct, which applies to expert witnesses giving evidence in the Supreme Court of Victoria. Although it is not directly applicable to the inquiry, it gives a concise explanation of what is expected of an expert witness and the matters that should be included in your report.

We request that you provide your report by **Tuesday 14 July 2015**.

In turn, we will provide your report to the parties with leave to appear before the Board of Inquiry before you give evidence. It is proposed that your evidence will be called during the public hearing in Anglesea on 30 and 31 July 2015.

Please contact me immediately by email at justine.stansen@hazelwoodinquiry.vic.gov.au or by phone on 8689 0576 if you require any documents or information not enclosed with this letter.

Yours faithfully



Justine Stansen
Principal Legal Advisor
Hazelwood Mine Fire Inquiry