



Hazelwood
Mine Fire
Inquiry

23 June 2015

By email: peter.stewart@vgso.vic.gov.au
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Mr Peter Stewart
Victorian Government Solicitor
Victorian Government Solicitor's Office
PO Box 4356
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Dear Mr Stewart

Hazelwood Mine Fire Inquiry

As you are aware, a Board of Inquiry is being held into the Hazelwood Mine Fire of February 2014 and other matters pursuant to Terms of Reference ("TOR") dated 26 May 2015. The Inquiry is being conducted pursuant to Part 3 of the *Inquiries Act 2014* (Vic.).

Your particular attention is drawn to paragraph 11 of the TOR. Paragraph 11 asks the Board of Inquiry to inquire into and report on "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". The Board is required to report on these matters by 31 August 2015.

The Board of Inquiry seeks a witness statement from the Victorian Workcover Authority (VWA) as the regulator responsible for administering and enforcing the requirements of Part 5.3 of the *Occupational Health and Safety Regulations 2007* (Vic.) (OHS Regulations) as they apply to the Anglesea Mine.

It is the intention of the Board to hold a public hearing on 30 and 31 July 2015 to examine this particular paragraph of its TOR. One or more representatives of the VWA may be called to give evidence at that public hearing pursuant to s. 64 of the *Inquiries Act 2014* (Vic.).

In preparation for that public hearing, the Board of Inquiry seeks from the VWA a witness statement from an employee which addresses the matters outlined below. The Board's expectation is that the maker of the statement will have made all appropriate inquiries so that s/he is able to make the statement on the VWA's behalf. You may decide that statements from more than one employee are necessary to address the matters of interest to the Board.

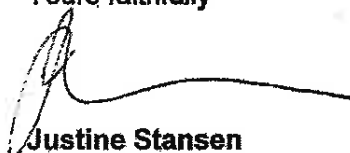
Please provide the statement no later than **Tuesday 7 July 2015**, in both hard copy and electronic form.

In addition to addressing the questions below, the witness may include in the statement any other matter that s/he considers will assist the Board in inquiring into the matters specified in paragraph 11 of its TOR. The statement should attach supporting documents including entry reports, notices, minutes, maps, plans, diagrams and photographs as necessary.

1. Detail any attendances by VWA inspectors since 2011 at the Anglesea mine in relation to risks of fire arising from or impacting on the mine.
2. Describe the role of the VWA in the Surf Coast Mine Task Force and describe any meetings of the Task Force attended by the VWA.
3. Describe any discussions between the VWA and the mine operator concerning a review of the mine's Emergency Plan in light of the decision announced in May 2015 to close the mine.
4. Advise whether the Anglesea mine is a 'prescribed mine' for the purposes of the OHS Regulations.
5. Describe what the VWA has done to require the mine operator to comply with its obligations pursuant to Part 5.3 of the OHS Regulations in light of the decision announced in May 2015 to close the mine.
6. In its role as the regulator of the risk of fire in the Anglesea mine, advise if the VWA is satisfied that the mine operator has considered and implemented all of the sustainable, practical and effective options to decrease the risk of fire arising from or impacting the Anglesea mine? If so, what is the basis of this satisfaction? If not, what is the VWA intending to do to satisfy itself of these matters prior to 31 August 2015?

Please contact me by email at justine.stansen@hazelwoodinquiry.vic.gov.au or by phone on 8689 0576 if you have any questions concerning this request.

Yours faithfully



Justine Stansen
Principal Legal Advisor
Hazelwood Mine Fire Inquiry