

From: Justine Stansen
To: ["Heffernan, Emily \(AU\)"; "Fox, Chris \(AU\)"](#)
Subject: Hazelwood Mine Fire Inquiry
Date: Thursday, 8 October 2015 3:27:00 PM
Attachments: [Letter to KWM 8.10.15.pdf](#)
[image001.jpg](#)

Dear Chris/Emily

Please see **attached** letter.

Kind regards

Justine Stansen
Principal Legal Advisor
Hazelwood Mine Fire Inquiry



Please consider the environment before printing this email

Notice: This email and any attachments may be confidential and may contain copyright or privileged material. You must not copy, disclose, distribute, store or otherwise use this material without permission. Any personal information in this email must be handled in accordance with the Privacy and Data Protection Act 2014 (Vic) and applicable laws. If you are not the intended recipient, please notify the sender immediately and destroy all copies of this email and any attachments. Unless otherwise stated, this email and any attachment do not represent government policy or constitute official government correspondence. The State does not accept liability in connection with computer viruses, data corruption, delay, interruption, unauthorised access or use.



8 October 2015

By email: [REDACTED]
[REDACTED]

Mr Chris Fox
King & Wood Mallesons
[REDACTED]

Dear Mr Fox

Hazelwood Mine Fire Inquiry

I refer to your letter dated 6 October 2015 which has been considered by the Board.

The Board is required by Term of Reference 6 to have regard to “any relevant evidence”. The recent reports of Associate Professor Barnett are considered by the Board to be relevant evidence. The Board notes the evidence it has heard that an examination of daily death data may well be better than an examination of the monthly figures. Associate Professor Barnett was not provided with the daily death data until 31 August 2015 when it became apparent to Inquiry staff that it had not been provided to him for the purpose of his earlier work.

Your suggestion that the reports should, in effect, have been ignored by the Board is unacceptable to the Board. This is particularly because the first Hazelwood Mine Fire Inquiry was unable to consider information provided to it by Voices of the Valley due to its late provision. The current Board wishes to explore all available evidence on this important question.

In these circumstances, the Board will proceed with the hearing on 15 October 2015. Given the Board’s reporting deadline of 1 December 2015, this is the latest date on which the hearing can be held. In terms of your ability to test the new evidence, the Board considers that the period of 15 days between the date on which the material was served and the hearing date is adequate under the circumstances.

The Board acknowledges your concerns in relation to Professor Gordon and Dr Flander. It has determined that it will only hear from Associate Professor Barnett and Professor Armstrong at the hearing. As you are aware, Professor Armstrong, who is the only expert who was retained by the Board, is aware of the new reports produced by Associate Professor Barnett. I have sought a supplementary report from Professor Armstrong which will be provided to you as soon as I receive it.

Your requests for further information from Associate Professor Barnett were addressed in my letter to you sent earlier today.

[REDACTED]

Please contact me by email at [REDACTED] or by phone on [REDACTED] if you have any questions.

Yours faithfully



Justine Stansen
Principal Legal Advisor
Hazelwood Mine Fire Inquiry

