

5 November 2015

Ms Justine Stansen  
Principle Legal Adviser  
Hazelwood Mine Fire Inquiry  
Level 11, 222 Exhibition Street  
Melbourne Victoria 3000

Dear Ms Stansen

### **Hazelwood Mine Fire Inquiry**

Thank you for the invitation to comment on Counsel Assisting's proposed submission to the Board of Inquiry in relation to recommendation 10 (Long-Term Health Study) of the First Inquiry's Report. I note Counsel Assisting's concerns in relation to the fulfilment of dot points 2 and 3 of Recommendation 10.

As recently discussed with you, in responding to the draft submission it is important that I clearly describe my role in relation to the Hazelwood Mine Fire Inquiry Report recommendations.

As you are aware, Recommendation 1 of the First Inquiry's Report was that;

The State empower and require the Auditor General or another appropriate agency to:

- oversee the implementation of these recommendations and the commitments made by the State and GDF Suez during the Inquiry, and
- report publicly every year for the next three years on the progress made in implementing recommendations and commitments.

When the Report was tabled in Parliament on 2 September 2014 the then Deputy Premier responded by supporting the recommendations and announcing my appointment (noting my former roles as the former Victorian Bushfires Royal Commission (VBRC) Implementation Monitor (BRCIM) and head of the 2010/11 Victorian Floods Review) to monitor the implementation of the recommendations. I commenced as the Hazelwood Mine Fire Inquiry Implementation Monitor on 20 October 2014.

My role is described on the DPC website as;

*to monitor and report on the actions that the State and the Hazelwood Coal Mine operator, GDF Suez, have committed to undertake to implement the Inquiry Report for three years.*

My contract of appointment confines my monitoring role exclusively to the actions committed to by the Victorian Government as set out in Chapters 3 and 4 and Appendices 1 and 2 of the State's Implementation and Monitoring Plan (IMP) October 2014, as well as any actions taken by GDF Suez in response to recommendations and affirmations relevant to it in the Report. This monitoring role does not require me to "oversee the implementation of these recommendation" as specified in Recommendation 1. I am required to submit my Annual Reports to the Secretary DPC by 31 October for three years.

This contrasts with my former role as the BRCIM that was enshrined in the BRCIM Act 2011 (the Act). Section 12(1) of the Act required me to monitor and review progress by lead agencies in completing actions, but also to consider the effectiveness of the implementation methods used and the efficacy of any action implemented. Section 13(1) of the Act also required me to provide advice to the Minister as requested on any action carried out in response to VBRC Interim or Final Reports. My BRCIM reports were presented directly to Parliament.

The IMP outlines a number of actions that have been /will be done to implement recommendation 10 of the Report (regarding the long term health study). The IMP also relates Affirmations 25 (modelling and health impacts of smoke) and 28 (long term health impacts) to recommendation 10. These commitments comprise 13 discrete but related actions (see attachment 1). The Department of Health (now Health and Human Services (DHHS)) is nominated as the lead agency for these commitments.

As part of monitoring these actions, I formally requested and subsequently received evidence from DHHS on 18 March and 10 July 2015. My first Annual Report, which was presented to the Secretary DPC on Thursday 29 October 2015, is therefore based upon evidence received up to 10 July 2015. Apart from the first commitment (to engage the successful tenderer for the study), at the time of drafting my 2015 report, all of these actions were still in progress. I will therefore continuously monitor, review and report on these actions until they are fully implemented.

As outlined above however, the actions to which the State has committed are not necessarily identical to the recommendation. Recommendation 10 is clearly such a case.

Thank you for the opportunity to comment on Counsel Assisting's proposed submission in relation to this matter. I would be pleased to provide further advice or assistance at any time as required.

Yours sincerely

Neil Comrie AO, APM  
Hazelwood Mine Fire Inquiry Implementation Monitor