



# Victoria Government Gazette

No. S 91 Friday 21 March 2014  
By Authority of Victorian Government Printer

## Constitution Act 1975

### APPOINTMENT OF A BOARD OF INQUIRY INTO THE HAZELWOOD COAL MINE FIRE

Order in Council

As:

- the Hazelwood Coal Mine, associated with the Hazelwood Power Station, is situated south of Morwell in the Latrobe Valley and consists of various sections on or adjacent to land on which mining is taking place, has taken place or may take place under Mining Licence Number 5004 (MIN 5004) as in force from time to time;
- in early February a fire ignited which, on or about 9 February 2014, took hold in the Hazelwood Coal Mine ('Hazelwood Coal Mine Fire'); and
- the people of Morwell and other residents of the Latrobe Valley have been adversely affected by the Hazelwood Coal Mine Fire ('affected communities'),

the Governor in Council considers it expedient that a Board of Inquiry be appointed for the purposes of inquiring into, and reporting on, and making any recommendations that the Board considers appropriate in relation to, the matters specified below.

The Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council and acting pursuant to section 88C of the **Constitution Act 1975** and all other enabling powers, appoints:

- The Honourable Bernard George Teague AO
- Professor John Charles Catford
- Ms Sonia Anne Petering

as a Board to inquire into, and report on, and make any recommendations that the Board considers appropriate in relation to the matters specified below.

The specified matters are as follows:

1. The origin and circumstances of the fire, including how it spread into the Hazelwood Coal Mine.
2. The adequacy and effectiveness of the measures taken by or on behalf of the owner, operator and licensee of the Hazelwood Coal Mine to prevent the outbreak of a fire, and to be prepared to respond to an outbreak of a fire including mitigating its spread and severity, in the Hazelwood Coal Mine, including whether the owner, operator and licensee of the Hazelwood Coal Mine, or any person or entity acting on behalf of any of them:
  - i. implemented the recommendations arising from reviews of previous events; and
  - ii. in the opinion of the Board, breached or did not comply with the requirements of (or under) any relevant statute or regulation, including any notification or directive given under such statute or regulation and any code of practice, management plan or similar scheme, developed and/or implemented due to such requirements.
3. The adequacy and effectiveness of the application and administration of relevant regulatory regimes in relation to the risk of, and response to, fire at the Hazelwood Coal Mine.
4. The adequacy and effectiveness of the response to the Hazelwood Coal Mine Fire by:
  - i. the owner, operator and licensee of the Hazelwood Coal Mine;
  - ii. the emergency services; and
  - iii. other relevant government agencies, including environmental and public health officials,

**SPECIAL**

and, in particular, the measures taken in respect of the health and well-being of the affected communities by:

- iv. informing the affected communities of the Hazelwood Coal Mine Fire and about its known effects and risks; and
  - v. responding to those effects on, and risks to, the affected communities.
5. Any other matter reasonably incidental to the matters specified in paragraphs 1 to 4.

The Board is directed to:

- A. seek, in the conduct of its inquiry, not to prejudice any ongoing response or recovery activities or any investigations into the Hazelwood Coal Mine Fire by Victoria Police or a coroner;
- B. work co-operatively, as appropriate, with other inquiries or investigations into the Hazelwood Coal Mine Fire to avoid unnecessary duplication;
- C. conduct its inquiry otherwise as it considers appropriate, having regard to the desirability of adopting informal and flexible procedures that engage with the affected communities, ascertain the relevant facts as directly and effectively as possible and avoid unnecessary delay or cost; and
- D. report to the Governor its findings, and any recommendations, by 31 August 2014 at the latest.

The Governor in Council confirms and declares that:

- the Honourable Bernard George Teague AO is appointed as Chairperson of the Board;
- subject to the provisions of the **Evidence (Miscellaneous Provisions) Act 1958**, the powers of the Board may at any time be exercised by one or more members of the Board; and
- the Board has full power and authority to inquire into the specified matters by all lawful ways and means whatsoever.

By His Excellency's Command

Dated 21 March 2014

Responsible Minister:

THE HON DR DENIS NAPTHINE MP

Premier

YVETTE CARISBROOKE  
Clerk of the Executive Council

---

### **Financial Management Regulations 2004**

#### **AUTHORISATION FOR BOARD OF INQUIRY TO INCUR EXPENSES AND OBLIGATIONS**

##### **Order in Council**

The Governor in Council, under regulation 8 of the Financial Management Regulations 2004, authorises the Board of Inquiry into the Hazelwood Mine Fire, appointed and constituted pursuant to section 88C of the **Constitution Act 1975**, to incur expenses and obligations up to \$5,000,000.

This Order takes effect on the day it is made.

Dated 21 March 2014

Responsible Minister:

HON ROBERT CLARK MP

Minister for Finance

YVETTE CARISBROOKE  
Clerk of the Executive Council

---

This page was left blank intentionally

**bluestar** \* **PRINT**

The *Victoria Government Gazette* is published by Blue Star Print with the authority of the Government Printer for the State of Victoria

© State of Victoria 2014

This publication is copyright. No part may be reproduced by any process except in accordance with the provisions of the Copyright Act.

Address all enquiries to the Government Printer for the State of Victoria

Level 2, 1 Macarthur Street  
Melbourne 3002  
Victoria Australia

**How To Order****Mail Order****Victoria Government Gazette**

Level 5, 460 Bourke Street  
Melbourne 3000  
PO Box 1957 Melbourne 3001  
DX 106 Melbourne

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**email**

gazette@bluestargroup.com.au

**Retail & Mail Sales****Victoria Government Gazette**

Level 5, 460 Bourke Street  
Melbourne 3000  
PO Box 1957 Melbourne 3001

**Telephone**

(03) 8523 4601

**Fax**

(03) 9600 0478

**Retail Sales****Victorian Government Bookshop**

Level 20, 80 Collins Street  
Melbourne 3000

**Telephone**

1300 366 356

**Fax**

(03) 9208 3316

**Price Code A**