

IN THE BOARD OF INQUIRY INTO THE HAZELWOOD COAL MINE FIRE

AND IN THE MATTER OF A REQUEST FOR A STATEMENT OF DETECTIVE INSPECTOR MICHAEL ROBERTS DATED 12 MAY 2014

Affidavit of Michael Roberts

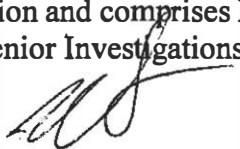
Date of document:	16 May 2014
File on behalf of:	the State of Victoria
Prepared by:	Solicitor's Code: 7977
Peter Stewart	DX 300077
Victorian Government Solicitor	Tel No: 8684 0444
25/121 Exhibition Street	Direct: 9947 1441
Melbourne Vic 3000	Ref: 1403971

I, Michael Roberts, of Victoria Police, Crime Command, Level 5, 452 Flinders Street, Melbourne **make oath and say as follows:**

1. I am a Detective Inspector of the Victoria Police and the Officer in Charge of the Arson & Explosives Squad.
2. I make this affidavit from my own personal knowledge and belief.
3. I have been a member of the Victoria Police Force for 33 years.

The police investigation

4. In the period 7 to 9 February 2014 several fires began in the area around Morwell and a little later commenced in the Hazelwood coal mine.
5. These fires include—
 - (a) Hernes Oak: a fire commenced at the corner of McDonalds Track and McGrath Track, Hernes Oak on 7 February and burnt north to the Princes Freeway Yallourn. The fire was contained on 8 February but reignited on 9 February;
 - (b) Strzelecki Series: several fires on 9 February, including fires on the Strzelecki Highway between Smiths Road and the Yinnar–Driffield Rd, Driffield on 9 February and in O'Hara's Rd, Yinnar. The fire spread north-east towards the township of Morwell.
6. A police investigation began on 26 February, and in early April 2014, Crime Command took over primacy of the fire investigation and Task Force TMESIS was formed and commenced formal operation. The Task Force is based at the Moe Police Station and comprises Detectives from Crime Command and Eastern Region. I am the Senior Investigations Officer.




- 2 -

7. The Task Force has broken the fire investigation up into two main areas of Operation, Operation Powerworks, investigating the Strzelecki Series (9 February 2014) and the Yinnar Series (28 January 2014 and 9 February 2014), and Operation Grillworks, investigating the Hernes Oak fires (7 and 9 February 2014).
8. The primary objective of the Task Force is to determine the cause and origin of the fire and in doing so, any fire found to be started under suspicious circumstances, to identify and prosecute any person responsible.
9. The investigators have identified the areas of origin for all the fires.
10. All fires have been treated by the Victoria Police as suspicious until explained or until it becomes impossible to determine.
11. The Victoria Police are satisfied that the cause of the Hernes Oak fire was not a lightning strike or as the result of power lines or other electricity assets. Investigators have been provided with weather data from the Bureau of Meteorology that indicates the weather pattern and behaviour at the time of the fires. At this stage investigators are satisfied that lightening was not the cause of this fire. Investigators are also satisfied, based on advice from Energy Safe Victoria that no power lines or other electricity assets could have ignited the fire.
12. The Victoria Police are satisfied that the cause of the other fires being investigated was not a lightning strike based on the same advice as in the previous paragraph.
13. Investigators have spoken to more than 300 people, including first callers, fire reporters, witnesses, victims, Country Fire Authority first responders and area commands, aerial fire suppression support units and other emergency services and over 100 written statements have been or will be provided by witnesses.
14. The investigation is active and continuing and the fires continue to be treated as suspicious.

Relationship of the investigation to the Inquiry being undertaken by the Board

15. I am aware that the Board has been directed by its constituting Order in Council to seek, in the conduct of its inquiry, not to prejudice any investigations into the Hazelwood Coal Mine Fire by Victoria Police.
16. I am of the certain belief that to make public any information regarding the police investigation further to that set out in paragraphs 4 to 14 of this my affidavit could prejudice fatally and irretrievably the investigation described in those paragraphs.
17. I am unable to set out the reasons for that belief because to do so would require me to state the information that would prejudice the investigation.

Public interest immunity

18. I am aware that by section 130(1) of the *Evidence Act 2008* if the public interest in admitting into evidence information or a document that relates to matters of state is outweighed by the public interest in preserving secrecy or confidentiality in relation to the information or document, the court may direct that the information or document not be adduced as evidence, and that by section 130(4) of that Act, without limiting the circumstances in which information or a document may be taken for the



- 3 -


purposes of subsection (1) to relate to matters of state, the information or document is taken for the purposes of that subsection to relate to matters of state if adducing it as evidence would prejudice the prevention, investigation or prosecution of an offence.

19. I am of the certain belief that to make public any information regarding the police investigation further to that set out in paragraphs 4 to 14 of this my affidavit could prejudice fatally and irretrievably the investigation described in those paragraphs as it seeks to determine whether the ignition of any and which of the fires constituted arson.
20. I am unable to set out the reasons for that belief because to do so would require me to state the information that would prejudice the investigation.

Sworn by **Michael Roberts** at Melbourne

in the State of Victoria on the

16th day of May 2014



} _____

Before me:



Shaun Le Grand
Assistant Victorian Government Solicitor
637 Flinders Street, Docklands 3008
An Australian Legal Practitioner
within the meaning of the
Legal Profession Act 2004