

Hazelwood Mine Fire Inquiry

Supplementary Practice Direction–Public Hearing for Term of Reference 8, 9 and 10

Non-Publication Orders – s.73 of the *Inquiries Act 2014* (Vic.)

Introduction

1. The purpose of this Supplementary Practice Direction is to provide guidance to anyone who wishes to make an application to the Board of Inquiry pursuant to s.73 of the *Inquiries Act 2014* (Vic.) for the prohibition or restriction of publication of information provided to the Board.
2. This Supplementary Practice Direction is to be read together with Practice Direction No. 3-Public Hearing for Terms of Reference 8, 9 and 10.

An open and transparent Inquiry

3. The Board has determined that its Inquiry will proceed in an open and transparent manner. The Board is inquiring into matters of considerable public interest and it wants members of the public and the media to have the ability to follow and report on the proceedings as fully as possible.
4. To this end, and subject to this Supplementary Practice Note, the Board will follow the process outlined in paragraph 46 of Practice Note 3 in relation to evidence given at the public hearings in December 2015.

5. The Board will exercise its powers under s.73 within the context of the principles of openness and transparency described above.

Applications under s.73 made before 8 December 2015

6. An application under s.73 in relation to particular information or evidence that is made before the commencement of the hearings on 8 December 2015, must be in writing and must be addressed to Ms Justine Stansen, the Solicitor to the Board, at:
 - a. justine.stansen@hazelwoodinquiry.vic.gov.au; or
 - b. Hazelwood Mine Fire Inquiry, Level 8, 121 Exhibition St Melbourne 3000.
7. The application is to be accompanied by an affidavit in support.
8. The application should identify whether prohibition or restriction of publication is sought and if publication is sought to be restricted, the manner in which it is to be restricted.
9. The application should identify which paragraphs of s.73(2) are relied upon. This should be particularized appropriately. For example, if s.73(2)(a) is relied upon, the ‘person’ should be identified and particulars of ‘prejudice’ or ‘hardship’ specified in the affidavit. If s.73(2)(b) is relied upon, the manner in which the information is said to be ‘sensitive’ is to be described in the affidavit.
10. Consideration should be given to whether the concerns can be met by redaction of part of the information before it is published.

Applications on or after 8 December 2015

11. An application made after the commencement of the public hearings on 8 December 2015 should be made in accordance with this Practice Direction if practicable.
12. If a person wishing to make an application under s.73 is not able to comply with this Practice Direction, the person should contact Counsel Assisting the Board of Inquiry, Mr Peter Rozen or Ms Ruth Shann.

Contacting the Board

13. Any person wishing to contact the Board about any matter should contact Justine Stansen, the Solicitor to the Board at:
justine.stansen@hazelwoodinquiry.vic.gov.au