



COMMONWEALTH OF AUSTRALIA

COMMISSION OF INQUIRY

MONTARA WELLHEAD PLATFORM UNCONTROLLED HYDROCARBON RELEASE

**REVISED PRACTICE NOTE 3**

THE INQUIRY'S REPORT

Please note: This Practice Note has been revised to incorporate direction 2.

**Procedural fairness in relation to proposed findings concerning the circumstances and likely causes of the Uncontrolled Release**

1. The Solicitor for the Inquiry will provide a copy of a draft section of the Inquiry's report dealing with the circumstances and likely causes of the Uncontrolled Release to any person/organisation (through their legal representative if they have one):
  - (a) that was authorised to appear before the Inquiry;
  - (b) whose interests may be adversely affected by the preliminary findings contained in the draft section of the Inquiry's report (i.e. in the event those preliminary findings were to be included in the Inquiry's final report); and/or
  - (c) the Inquiry considers may be able to provide information or submissions that would be of assistance to the Inquiry relevant to preliminary findings contained in the draft section of the Inquiry's report.
2. The Solicitor for the Inquiry will provide a copy of a draft section of the Inquiry's report dealing with the circumstances and likely causes of the Uncontrolled Release to Mr Craig Duncan, Mr Chris Wilson, Mr Lindsay Wishart and Mr Paul O'Shea, by providing a copy of that draft section of the Inquiry's report to Ms Sarah Harrison of Mallesons Stephen Jacques. Ms Harrison is hereby authorised by virtue of this direction 2 to provide a copy of that draft section of the Inquiry's report to Messrs Duncan, Wilson, Wishart and O'Shea.
3. Any person/organisation that wishes to provide information and/or submissions in relation to any aspect of the draft section of the Inquiry's report dealing with the circumstances and likely causes of the Uncontrolled Release shall do so **within 7 working days** of the date on which that draft section of the Inquiry's report was provided to them under direction 1 or 2.

**Procedural fairness in relation to proposed findings concerning other Terms of Reference**

4. The Solicitor for the Inquiry will provide a copy of one or more parts of the Inquiry's draft report dealing with other Terms of Reference to any person/organisation (through their legal representative if they have one):

- (a) that was authorised to appear before the Inquiry;
  - (b) whose interests may be adversely affected by the Inquiry's preliminary findings contained in these parts; and/or
  - (c) the Inquiry considers may be able to provide information or submissions that would be of assistance to the Inquiry concerning those preliminary findings.
5. Any person/organisation that wishes to provide information and/or submissions in relation to any such part(s) of the Inquiry's report shall do so **within 5 working days** of the date on which the part(s) was provided to the them under direction 4.

### **Other directions**

6. The Solicitor for the Inquiry will give to any person/organisation (through their legal representative if they have one) who might be adversely affected, notice of adverse material that the Inquiry receives pursuant to direction 3 or 5 hereof.
7. Any person/organisation that wishes to provide information and/or submissions in response to submissions received by the Inquiry in accordance with direction 3, shall do so **within 5 working days** of the date on which any such information/submission is provided to the person/organisation by the Solicitor for the Inquiry in accordance with direction 6.
8. Any person/organisation that wishes to provide information and/or submissions in response to submissions received by the Inquiry in accordance with direction 5, shall do so **within 2 working days** of the date on which any such information/submission is provided to the person/organisation by the Solicitor for the Inquiry in accordance with direction 6.
9. Any person/organisation receiving a copy of a draft section or part of the Inquiry's report in accordance with direction 1, 2 or 4 hereof shall not publish any of the content of that draft section or part.
10. In light of the requirement that the Inquiry provide its report to the Minister on or before 18 June 2010, it is envisaged that the Inquiry's report will be finalised without regard to any information and/or submissions provided outside of the timeframes specified in this Practice Note.
11. The Inquiry reserves the right at any time to vary the above practice directions.