



## GENERAL OPERATIONS

2



## 2 GENERAL OPERATIONS

The Commissioners—Chairperson the Hon. Bernard Teague AO and Commissioners Ronald McLeod AM and Susan Pascoe AM—were appointed on 16 February 2009 upon the issuing of letters patent by the Governor of Victoria. Commissioners Teague and Pascoe were based in Melbourne and Commissioner McLeod relocated from Canberra to Melbourne for the duration of the inquiry.

There was an expectation that the Commission would begin work immediately, but the challenge of quickly setting up an organisation and its operations cannot be underestimated. To begin with, there were no staff, no systems, no facilities and no infrastructure and only a borrowed office.

After consultation with the Commission Chairperson, and on behalf of the Commission, on 16 February the Victorian Government Solicitor engaged Mr Jack Rush QC as senior counsel assisting the Commission. Ms Jane Brockington, the interim and subsequently ongoing Chief Executive Officer to the Commission, was also appointed on that day.

Consistent with its guiding principles, the Commission had two initial priorities. First, it was anxious to engage directly with affected communities by means of on-site facilitated consultation. Second, it was important to speedily establish systems, infrastructure and processes so that the more formal part of the inquiry could begin as soon as possible.

The Commission reviewed the reports of recent royal commissions and inquiries in Australia in order to learn about their establishment. It concluded that from an administrative and operational perspective it was essential to do several things:

- establish independent offices and operations as a priority
- develop a transparent procurement regime that supported prompt engagement of contracted services while ensuring that the highest standards of probity were maintained
- make use of extensible contracts, to ensure continuity if the initial time lines and scope were exceeded
- consider the long-term archival requirements and build these into the design of all systems, policies and practices.

Within three-and-a-half months the Commission had leased premises, recruited staff, engaged counsel assisting and solicitors instructing, appointed a document management firm, organised the construction of facilities for hearings, arranged the installation of IT systems, held a month of community consultations and begun formal hearings. Less than three months later it released its first interim report, which contained 51 recommendations about changes aimed at improving preparations for and the response to the 2009–10 fire season. The Victorian Government accepted all the recommendations.

### 2.1 ESTABLISHMENT ASSISTANCE

Having few initial resources and no infrastructure, the Commission was greatly assisted during the hectic set-up stage by several government agencies. Without this assistance, it would not have been possible to begin work and operate independently when it moved from the offices of the Department of Justice to its permanent offices at 222 Exhibition Street, Melbourne, on 16 March 2009. The following government departments and agencies provided practical administrative and operational support:

- The Department of Premier and Cabinet assisted with matters relating to the letters patent and ensured government-wide support in establishing the Commission—including quickly finding staff.
- The Victorian Government Solicitor's Office, in consultation with the Chairperson of the Commission, helped with the selection and engagement of counsel assisting.
- The Department of Justice provided work space and administrative assistance at its offices for four weeks, provided advice on hearing room design, engaged (on behalf of the Commission) building contractors to do the building fit-out, and seconded several staff to the Commission.
- The Department of Treasury and Finance provided expertise and support in establishing the lease arrangements for 222 Exhibition Street and quickly obtained independent IT and procurement consultants on behalf of the Commission by means of whole-of-government purchasing arrangements.
- The Public Record Office Victoria provided advice on setting up systems consistent with the long-term archival requirements for public records and the secondment of a staff member for the duration of the Commission.

The Commission thanks these agencies, their leadership and staff for this assistance. In addition, in the early stages a number of departments engaged consultants and contractors on behalf of the Commission—for example, to allow building to start on the hearing rooms, the cost of which was ultimately borne by the Commission.

The need to protect the actual and perceived independence of the Commission and recognition of the State of Victoria's interest as a party before the Commission meant that beyond this initial establishment phase the Commission had only minimal contact with government.

## 2.2 OFFICE ACCOMMODATION

The Commission had an immediate need for secure offices that offered flexibility for its administrative activities and could accommodate fluctuating levels of personnel. The Department of Treasury and Finance, having oversight of building stock and leases for the Government, was asked to find suitable accommodation. Floors 11 and 12 at 222 Exhibition Street, which were already under lease to the Government and had recently been vacated by the Transport Accident Commission, were identified. The Commission agreed that this accommodation was suitable.

The building owner, AMP Capital Investors, and the Transport Accident Commission, the Department of Treasury and Finance and the Commission quickly agreed that the Commission would occupy the space and a memorandum of understanding was exercised within days to allow the necessary fit-out and building works to begin promptly. The Minister for Finance signed a licence-to-occupy agreement with the relevant parties on behalf of the Commission. The agreement provided for the Commission to occupy the premises until 30 September 2010, when the original lease was due to expire, with the option of two six-month extensions. The Commission moved the first group of staff in on 16 March 2009.

The expeditious set-up and move to 222 Exhibition Street were crucial to allowing the Commission to settle in quickly and concentrate its personnel on one site. Floor plan designs were soon resolved, and the major work required to fit out the offices and build a new hearing facility began.

Level 12 of 222 Exhibition Street housed the Commission's offices and meeting rooms. The existing fit-out was largely retained so as to limit costs and to allow the earliest possible occupancy. The Commissioners, staff, counsel assisting, solicitors instructing, and records management and IT personnel moved in progressively from 19 March 2009. Work on level 12 concluded in May. The following facilities were available on level 12:

- offices for the Commissioners
- offices, open-plan work space and break-out areas
- meeting and conference rooms
- secured communications and an IT server room
- a secured document registry
- video conferencing and audiovisual equipment.

## 2.3 HEARING ROOMS

In view of the very strong interest in the events of Black Saturday and in the establishment of the Commission, it was necessary that the Commission's hearing facility had the capacity to accommodate a large number of represented parties and potentially large numbers of members of the general public. Construction of the purpose-built hearing rooms began on 23 February 2009. It was a large-scale, complex structural and electronic fit-out covering two hearing rooms and associated amenities. Work was substantially completed by the end of May.

The main hearing room was generally used for the Commission's Melbourne-based hearings from 1 June. It could accommodate the three Commissioners, the considerable numbers of counsel and solicitors assisting the Commission and representing parties before the Commission, as well as witnesses and the hearing support staff.

The public gallery in the hearing room was regularly attended throughout the hearings, and occasionally viewers spilled out into the foyer or the communications room, where proceedings could be followed on large screens.

**Image 2.1 The hearing room at 222 Exhibition Street**



Source: 2009 Victorian Bushfires Royal Commission.

The main hearing room contained the following:

- a long, raised bench for the Commissioners
- three bar tables, seating up to 32 barristers and 32 solicitors
- a witness box
- a public gallery, seating up to 50 people
- space for document operators, tipstaff and a stenographer
- seating for eight journalists and a 'pool camera' and stills photographer
- embedded e.court and audiovisual systems—allowing documents and other materials to be viewed on desktop monitors by the Commissioners, witnesses and those at the bar tables, as well as on several large screens in the room
- direct access to the Commission's secure computer system for Commission personnel
- web access via cable for the parties
- video conference facilities
- webstreaming capacity.

Image 2.2 The hearing room at 222 Exhibition Street



Source: 2009 Victorian Bushfires Royal Commission.

The second, smaller hearing room, known as ‘the annexe’, was used for the 23 days of the inquiries into the fire-related deaths and for two prehearing conferences of experts; it was also used as a staff project room. The annexe had the same infrastructure, e.court and audiovisual facilities as the main hearing room but less seating for parties and the public.

Other associated infrastructure was available on Level 11:

- an entry security cordon and X-ray screening
- a private room for the Commissioners
- secure communications and audiovisual server rooms
- a large foyer area with seating and screens showing the hearing room proceedings
- several meeting rooms that were regularly used by the parties and witnesses during the hearings and by Commission personnel more generally
- a dedicated private room for families and friends attending the hearings into the fire-related deaths
- a dedicated counselling room
- a communications room where media representatives did video crosses as well as a media work room
- the Black Saturday Gallery in the public foyer space.

The Commission made a considerable investment in the electronic infrastructure in the hearing rooms. The purpose was to support efficient hearings and maximise use of the electronic records systems by the Commission and the parties.

The video conference facilities installed in both hearing rooms were especially useful. They proved to be both time and cost effective, allowing interstate and international witnesses to give evidence without having to travel to Melbourne. Similarly, a number of family members who were unable to travel to Melbourne were able to view and participate in the inquiries into the fire-related deaths.

In total, the Commission had 14 video conferences, mainly within Australia but also with individuals in the United States and France. Generally, a third party connected the Commission and the witnesses, did pre-conference testing, and monitored the connection for the duration of the conference. In a small number of instances some technical challenges were experienced, but these were readily overcome. Use of this technology added much value to the Commission's inquiry.

**Image 2.3 The hearing room at 222 Exhibition Street, witness appearing by video conference**



Source: 2009 Victorian Bushfires Royal Commission.

The cost of the building fit-out for levels 11 and 12 at 222 Exhibition Street, Melbourne, was about \$2,600,000. Appendix F shows the floor plans for levels 11 and 12.

### 2.3.1 THE COUNTY COURT

Before its own facilities were completed, the Commission needed a venue for its initial hearings, and the County Court generously offered its facilities.

The Commission's first day of hearings, 20 April 2009, attracted a substantial number of people. At this hearing the Commission dealt with applications for leave to appear, and opening statements were made by the Chairperson and counsel assisting. The County Court lent its largest hearing room to the Commission for the day, as well as two other rooms into which the proceedings were video-linked to accommodate the overflow from the public gallery.

With the assistance of the Supreme Court, proceedings at the County Court were webcast, allowing remote public viewing. The State Library of Victoria and several regional libraries showed the webstreaming.

The first three weeks of the first block of the Commission's hearings began on 11 May 2009. Again, the County Court provided a large hearing room plus additional video-linked rooms to cater for overflows, and the proceedings were webcast. The County Court also provided tipstaff and facilitated court reporter services during this period; additionally, it provided private rooms for the Commissioners. Document management support in these hearings was provided by the Commission's solicitors, Corrs Chambers Westgarth, through their Legal Technology Services group using Ringtail™ systems. The Commission thanks the County Court for its help during these initial hearings.

24 Although it proved an excellent short-term option, it was obvious the court could not accommodate the Commission's hearings for an extended period; in any case, that would not be appropriate in view of the County Court's own needs. Apart from the scale of the facility it required, the Commission needed flexibility in its hearing



schedule without imposing too much on the existing court infrastructure. Moreover, from a convenience and efficiency perspective it was highly desirable that the Commission's offices and hearing rooms be co-located. This was the rationale behind the Commission's purpose-built facility.

### 2.3.2 REGIONAL HEARINGS

The Commission held nine days of hearings in regional locations. The hearings dealt with some of the individual fires, and holding them in regional centres meant that witnesses and other interested community members in places distant from Melbourne did not have to travel so far. The hearings were held in Myrtleford, Horsham and Traralgon to examine the Beechworth and Coleraine, Horsham, and Churchill fires respectively. The hearings in Myrtleford and Horsham were held during the week of 14 September 2009; those in Traralgon were held in the week of 19 October 2009.

**Image 2.4 At the Traralgon regional hearing**



Source: 2009 Victorian Bushfires Royal Commission.

A range of venues were used—a large hall in Myrtleford, a room in a period home that catered largely for weddings in Horsham, and the functions venue of a winery in Traralgon. All three venues worked well, and the Commission thanks the proprietors for their assistance.

Holding the hearings at regional venues posed logistic and technical difficulties, especially in relation to IT and audiovisual requirements. The Commission nevertheless went to great lengths to ensure that these hearings had the same structure and features, including daily lay witnesses, as the Melbourne ones. Transcripts were made available the day after each proceeding, in the usual manner, but webstreaming was not possible.

## 2.4 RECRUITMENT AND ENGAGEMENT

A large number of people assisted the Commission in various capacities for differing periods during the 18 months of its operation. Numbers fluctuated in response to work-flow demands. Personnel were primarily of two types—seconded or fixed-term public servants or contracted service providers.

The Commission thanks all personnel for their professionalism, motivation and commitment to excellence. Appendix G lists the Commission's personnel.

### 2.4.1 STAFF RECRUITMENT

On day one a small number of staff were chosen from within government departments to provide immediate assistance in establishing the Commission. They came on short-term loan from the Department of Premier and Cabinet, the Department of Justice, and the Department of Education and Early Childhood Development. Formal secondments followed in a number of instances.

On 27 March 2009 the Secretary of the Department of Premier and Cabinet delegated to the Commission's CEO the functions conferred by s.18(1) of the *Public Administration Act 2004*. This bestowed on the CEO a wide range of delegations relating to human resource management and the authority to manage all staffing requirements and related matters.

The Commission managed its employed staff in house through the Business and Human Resources team, initially with the assistance of an experienced HR consultant. The terms and conditions of employment for these staff members were governed by the Victorian Public Service Agreement 2006, as varied and extended in June 2009. All appointments made were subject to public sector merit and equity principles and reviews, and fixed-term appointments were subject to a three-month probationary period. Most directly engaged Commission positions had been advertised on the Victorian Government's careers website, although the early secondee positions, where immediate starts were necessary, were filled on referral.

By 1 June 2009, 19 appointments to the core team of Commission staff had been made, the majority being offered fixed-term employment or seconded from within the Victorian Public Service until the end of the Commission. The work of the core team provided the administrative and research platform on which the Commission was able to build as its workload grew.

A small number of additional personnel with relevant experience and skills were brought in during peak times. For example, in the lead-up to the writing of the interim and final reports, the Commission engaged a number of seconded individuals to support the Research Team. Additional short-term administrative support, particularly during the start-up, was drawn from placement agencies.

Two initiatives that proved beneficial, both for the Commission and for those involved, were the sourcing of scribes for community consultations and an intern program. In March and April 2009 a number of recent graduates working in the Department of Treasury and Finance and the Department of Premier and Cabinet acted as scribes for the break-out groups during the community consultations. This was very helpful to the Commission because recruitment was still under way. Feedback from the graduates was positive, many of them saying they were pleased to be able to make a practical contribution to the post-fire response effort.

In association with Melbourne University, the Commission developed an intern program through which six university law students were engaged for short periods during the course of the Commission. Generally, the interns assisted the Research Team; two were engaged on a continuing part-time basis as research assistants. The feedback from the interns and from Melbourne University was that this was a valuable experience for the interns, and the program was certainly of benefit to the Commission.

### 2.4.2 CONTRACTED SERVICE PROVIDERS

From time to time it was necessary to bring in contracted service providers to supplement the Commission's own staff. Contracting allowed the Commission to engage specialists quickly and offered the flexibility to respond to changing priorities and changing work flows. The CEO was responsible for deciding on the services to be purchased and for management of the process.

As noted, the Commissioners considered it essential to adopt the highest standards of probity, transparency, professional practice, value for money and ethical practice. This—coupled with an awareness of the experience of the Metropolitan Ambulance Service Royal Commission—led the Commission to engage procurement and probity specialists Landell Consulting to provide expert advice on the development of its procurement framework and to support the selection processes for the contracts for the major legal services and records management services.



The Commission's contracting and procurement framework explicitly acknowledged the following:

- the paramount requirement that the conduct of the Commission be beyond reproach
- the need for the Commission to be, and to be seen to be, independent
- the need for the necessary personnel to be available as soon as possible to facilitate expeditious establishment and operation of the Commission
- use of competitive selection processes for major contracts linked to rigorous criteria for the evaluation of tenders
- the requirement for effective contract management in the case of providers whose services were used over an extended period
- the need for all procurements to avoid any actual or potential conflict of interest—including perceptions of a conflict of interest or bias
- the requirement that confidentiality be maintained at all times.

The Commission was not subject to the whole-of-government procurement policies set by the Victorian Government Purchasing Board. It did, however, choose to observe the high standards of probity and contracting reflected in the board's principles of value for money, open and fair competition, accountability, risk management, and probity and transparency. To protect the integrity of its engagement processes, the Commission also observed the probity principles of fairness, impartiality, consistency, transparency, confidentiality and sound record keeping. For each engaged service provider there was a written contract that clearly specified the requirements of the position and the provider's obligations. Further, all contracted personnel providing services to the Commission were bound by the requirements of the Commission's conflict of interest framework.

Among the major services obtained under contractual arrangements were legal services through Corrs Chambers Westgarth as solicitors assisting, records and information management services through e.law Australia Pty Ltd (now known as e.law Asia Pacific), information technology services through Dimension Data (or DiData), research expertise through Pirac Economics, report design services through Three's a Crowd, website design and management services through Get Started, and editorial services through Chris Pirie Comprehensive Editorial Services (including DP Plus), PrainWriting, and Tony and Valina Rainer Sound Words.

Employment relations for staff of contracted services were managed within their own organisations. As for Commission staff, contractors and consultants the Commission engaged were subject to the Code of Conduct for Victorian Public Sector Employees of Special Bodies (2007).

## 2.5 ORGANISATION AND PEOPLE

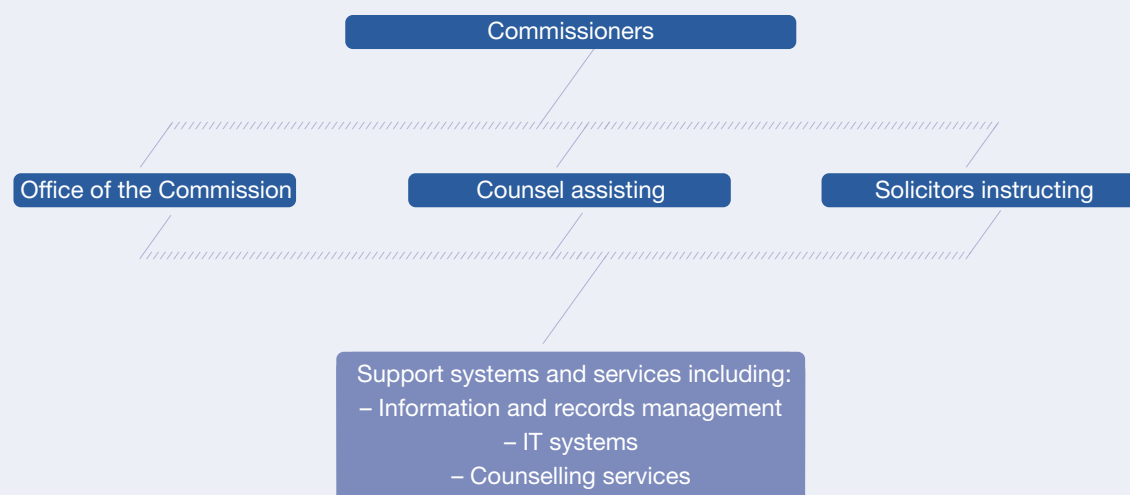
A royal commission is an unusual creature in that it starts with terms of reference and little else. But it needs to quickly form and to have the ability to scale up and down nimbly in response to changing work flows. It must also maintain its integrity and independence at all times.

Within days of the announcement of the Commission, a framework on which the organisation would be built began taking shape. The organisational structure and the specialist skills required soon became clear, ultimately evolving into six broad groups:

- the Commissioners—with overall responsibility for the Commission, its inquiries, reports and recommendations
- counsel assisting—to conduct the investigation, present evidence, propose findings and recommendations, and advise on questions of law and practice
- solicitors instructing—to support counsel assisting and provide internal legal advice as required
- the office of the Commission—to provide administrative, operational, research and policy support
- information and records management—to provide document management and e.court systems and services
- other contracted services—to provide specialised support such as information technology and counselling services.

Figure 2.1 shows the Commission's organisational structure.

**Figure 2.1 The Commission's organisational structure**



Source: 2009 Victorian Bushfires Royal Commission.

### 2.5.1 THE COMMISSIONERS

The Hon. Bernard Teague AO, Chairperson, retired from the Supreme Court in 2008, having served 20 years on the bench, the last six as Principal Judge of the Criminal Division. He was the first practising solicitor appointed as a Supreme Court judge in Victoria. As a solicitor he specialised in libel cases; as a judge he presided over more than 90 murder trials. He has also chaired the Adult Parole Board, and in 2008 he gained a Churchill Fellowship to study judicial mentoring.

Shortly after his retirement from the Australian Public Service, Mr Ron McLeod AM led the inquiry into the operational response to the January 2003 bushfires in the ACT. He had been a senior executive on the Public Service Board before that and had served as a deputy secretary in the Department of Defence for 12 years, as Inspector-General of Security and Intelligence, and as Commonwealth and ACT Ombudsman.

Ms Susan Pascoe AM has served as a commissioner with the Victorian State Services Authority, chairing a number of government inquiries into regulatory and organisational matters. Formerly chief executive of several agencies in the education sector, she has contributed to major taskforces and inquiries over a 25-year period and has represented Australia in delegations to the OECD and UNESCO.

### 2.5.2 COUNSEL ASSISTING

As noted, senior counsel, Mr Jack Rush QC, was appointed on 16 February 2009 after consultations between the Victorian Government Solicitor's Office and the Commission's Chairperson. Five barristers were engaged as junior counsel following consultations between the Chairperson and senior counsel:

- Ms Rachel Doyle, SC—elevated to senior counsel during the Commission
- Ms Melinda Richards
- Ms Lisa Nichols
- Mr Peter Rozen
- Dr Stephen Donoghue.

With the exception of Dr Donoghue, counsel assisting had offices at the Commission's premises and operated primarily out of these offices during the term of the Commission. This facilitated dialogue with the Commissioners, without compromising counsel assisting's independence.

### 2.5.3 THE OFFICE OF THE COMMISSION

The office of the Commission managed all the operational, administrative, research and financial services that supported the work of the Commission. This group, led by CEO Ms Jane Brockington, was made up of fixed-term and seconded public sector employees and a small number of professional services consultants.

The CEO was responsible for establishing and managing all aspects of administration including policy, personnel, finance, research and communications, and the provision of operational systems and services required for the Commission's efficient operation. Ms Brockington was also responsible for the operational wind-up and for archiving obligations. Figure 2.2 shows the structure of the office of the Commission.

**Figure 2.2 The office of the Commission structure**



Source: 2009 Victorian Bushfires Royal Commission.

#### The Strategic Adviser and Executive Services

The Strategic Adviser, Ms Annie Tinney, worked closely with the CEO, providing advice on complex and diverse matters related to the conduct of the Commission, and liaised with Commission work groups. The Strategic Adviser also led the Executive Services group—the main public face of the Commission. This group answered the many public inquiries via the 1800 telephone line and email, ensured that all public submissions were processed and uploaded to the website, and provided tipstaff services during the hearings.

Executive Services also provided administrative support to the Commissioners, the CEO and counsel assisting and general support to the office of the Commission.

#### Business and Human Services

The Business and Human Services unit, led by Ms Kaye Fox, provided a diverse range of business services, among them human resource management, accounts and financial management, property, asset and security management, information and communication technology, information management, purchasing of equipment, corporate reporting, risk management, and other general administrative tasks. It was also responsible for the procurement and management of all contractors.

The unit remained in operation for the full term of the Commission. It is also responsible for decommissioning after delivery of the Commission's final report and will be the last area to be disbanded.

#### Community Consultation and Engagement

A small team planned and arranged the extensive community consultations that took place in March and April 2009. A further phase of community involvement was required to support the Commission's inquiry into the fire-related deaths, which began on 21 September 2009 and concluded on 19 May 2010.



The Manager, Community Engagement, Ms Lana Kolyunski, personally managed the Commission's interaction with the families and friends of people who died in the fires. The manager, the Commissioners and the legal team worked closely with Victoria Police and the Coroner to ensure that the inquiries into the deaths were conducted comprehensively yet sensitively.

### **Research**

To help respond to its terms of reference, the Commission established a small in-house research group. The principal of Pirac Economics, Ms Deborah Cope, was appointed Director of Research.

The Research team produced internal documents that helped identify priority areas for further investigation. Several research and discussion papers were also produced and tendered in evidence. A discussion paper on insurance and the fire services levy was released for public comment.

The Research team also managed the preparation and production of the interim and final reports as well as providing continuing research support to the Commissioners.

### **Communications and Media**

The Communications and Media team, led by Mr Quentin Fogarty, oversaw external communications and media management. This included preparing media releases, setting up the website, developing the style guide for the Commission's writers, negotiating the protocols for the media's attendance at the hearings (including the inquiries into the fire-related deaths), fielding requests for interviews and comments, managing the Black Saturday Gallery, and developing the communications strategies for the release of the interim and final reports.

The unit also provided daily print and electronic media monitoring services and a weekly summary based on press coverage. This media monitoring afforded the Commission information about the reactions and responses of the community, political leaders and others to aspects of the Commission's work.

## **2.5.4 CONTRACTED PERSONNEL AND SERVICES**

### **Solicitors instructing the Commission**

With the assistance and advice of the Victorian Government Solicitor's Office and the Department of Justice, the Commission used the Whole of Victorian Government Legal Services Panel to expedite the tender process for selecting solicitors to support the Commission and instruct counsel assisting. Firms on the panel were asked to identify any conflicts that would exclude them from providing legal services to the Commission. A number of firms excluded themselves on that basis.

On 3 March 2009 expressions of interest in providing legal services to the Commission were sought from three firms in the remaining pool. Representatives of each of the firms were interviewed and assessed against an evaluation plan and selection criteria. The successful firm, Corrs Chambers Westgarth, led by partners Mr Val Gostencnik and Ms Janet Whiting, began work with the Commission on 29 March 2009. Corrs was engaged to provide the following services:

- support counsel assisting in developing the inquiry
- manage the hearings
- manage relations with the legal representative of the parties
- provide legal advice as the Commission's solicitors
- provide other assistance as required—for example, court document support at the initial hearings at the County Court.

The Corrs team comprised a core team of solicitors supplemented by additional personnel during peak periods and when specialist advice was required. The solicitors were supported by legal secretaries and paralegals. Numbers fluctuated depending on the hearings program and other work-flow requirements. Most staff were located at the Commission's offices.

Under the contract Corrs team members recorded their daily involvement and were charged out to the Commission at a maximum of seven billable hours a day. The hours worked usually exceeded the hours billed under the cap. Charge-out rates, secondments and pro bono resources for the legal team were agreed for the term of the Commission in the contract. Up to four graduate lawyers rotated through the legal team, particularly during high-volume periods. Fees were invoiced to the Commission monthly, along with agreed costs and disbursements, including the costs of engaging expert witnesses.

### **Information and records management services**

With the assistance of Landells, the Commission conducted a select tender for the provision of integrated information and records management systems and services. After the Commission's probable information systems and services needs had been determined, four companies that could provide end-to-end services were interviewed and invited to respond to the request for tender. The selection panel assessed the responses against an evaluation plan and selection criteria. e.law Australia Pty Ltd (now e.law Asia Pacific), an organisation with considerable expertise in providing information services to royal commissions, was engaged on 21 April 2009, its team being led by Ms Rebecca Grant. The organisation was engaged to provide integrated systems and services to manage all the Commission's physical and electronic documents, as well as to do the following:

- manage and maintain a secure registry
- provide hearing room operator and transcription services
- provide electronic case management and hearing document support within the Commission
- provide hearing document support between the Commission and the parties appearing before it
- ensure that digital records were archived in a format that would facilitate their long-term preservation.

The Commission's records and information management policy and systems are discussed in detail in Chapter 3.

### **Information technology and support services**

On 20 February 2009, with the assistance of the Department of Treasury and Finance, the Commission selected Dimension Data (or DiData) from the Victorian government e-services panel to audit the existing information technology infrastructure at 222 Exhibition Street and prepare an IT infrastructure proposal based on the audit and the Commission's anticipated needs. On 2 March 2009 DiData was engaged to design the Commission's IT infrastructure and oversee its introduction.

Subsequently DiData was engaged for the term of the Commission, to provide IT infrastructure maintenance and support, on-site support during business hours and 24-hour call centre desktop support and business recovery support, and to assist with the Commission's operational wind-down.

The Commission's IT systems are described in detail in Chapter 3.

### **Other contracted services**

Because the Commission would operate for a finite period and needed to be fully operational quickly, purchasing specialised support on a fee-for-service basis was an efficient and cost-effective approach.

Apart from the services just described, a number of other support services were engaged for specific tasks:

- procurement and probity specialists
- counselling and employee assistance
- on-site hearing room security
- report design and layout
- editorial services
- website development and maintenance
- accountancy services
- a security adviser.

The main contractors engaged by the Commission are listed in Appendix H.

### 2.5.5 WORKING TOGETHER

The diverse elements of the Commission's human resources framework needed to work together effectively. Personnel were diverse in several important respects—disciplines, skills, experience, organisations and culture—and had come to work with the Commission through varying modes of engagement. This mix allowed the Commission to draw on the strengths and skills of each group. It also presented potential difficulties, arising from differing cultural and organisational expectations and work practices. In such a short time it was a challenge to create a fully integrated organisation and culture, and the situation was exacerbated by the flow of personnel through the Commission in response to peak work flows (for example, paralegal and temporary administrative staff) and of specialists engaged for discrete tasks or stages (for example, during the set-up phase and the community consultations).

The strength of the organisation lay in the fact that everyone engaged had chosen to be involved. This resulted in high individual motivation and professional drive, which, when coupled with a shared purpose, meant these diverse people did work effectively together to support the Commission.

People's welfare was paramount. For many staff members and contractors the workload was heavy—particularly during the set-up phase, when counsel assisting were preparing submissions during the final phase of hearings, and when the interim and final reports were being prepared. Management of staff wellbeing and occupational health and safety was crucial throughout.

Commission personnel were often exposed to confronting material—written, oral, photographic—and came into contact with distressed individuals, particularly during the community consultations, lay witness interviews and the inquiries into the fire-related deaths. In recognition of this, Carfi Psychological and Rehabilitation Services was engaged to provide support to all Commission staff and was an important part of the Commission's life. Contact could be made confidentially at any time, debriefs were arranged following particularly difficult events, and impromptu contact was encouraged. The services were well received by staff and constituted an important means of attending to people's health and wellbeing.

## 2.6 COMMUNICATIONS

The Commission sought to be as open as possible with the community and with the media who followed its work. Much of this involved keeping the community informed about the work program and how to participate in the Commission's processes. The Commission did not engage in public debate outside the hearings, preferring instead to reserve its opinions for its interim and final reports.

### 2.6.1 INQUIRIES

By 24 February 2009, eight days after it had been established, the Commission had set up a toll-free inquiry line and a general inquiries email address. These points of contact were used heavily during the entire term of the Commission. Inquiries came from a wide variety of organisations and individuals—people directly affected by the fires, experts offering advice and services, members of parliament, representatives of local councils, and others with a general interest in the fires or the Commission's activities.

Commission staff responded to all inquiries. Where appropriate, the contact details for other agencies were provided—for example, for VBRRA and Bushfire Legal Help. Such referrals were particularly important in the early period, when there was sometimes confusion about which organisation or service was the best one to contact.

### 2.6.2 THE WEBSITE

On 16 March 2009 the Commission launched its website, [www.royalcommission.vic.gov.au](http://www.royalcommission.vic.gov.au). Early establishment of the website was essential: it ensured that the public had access to information about community consultation sessions and offered a means of making public submissions electronically. The website was regularly updated and provided information about all aspects of the Commission's work, such as the following:



- the Commission's terms of reference
- the Commissioners
- the Commission and how it worked
- practice notes
- community consultation details and summaries
- how to make public submissions
- copies of the submissions received
- a list of parties granted leave to appear
- the hearing schedules and witnesses
- the daily hearing transcripts
- exhibits tendered into evidence
- submissions by counsel assisting and the parties
- live webcasting links during the hearings
- discussion papers
- media releases
- the Black Saturday Gallery
- the interim reports and the final report.

The Commission's website played a vital role in the provision of information to the public. By 24 June 2010 it had received 344,542 visits and there had been 1,359,645 page views from 123 countries. The visits were predominantly from Australia; the United States, the United Kingdom, New Zealand and Canada were the other leading countries. Interest in the public submissions and hearings accounted for nearly 50 per cent of visits, there being a spike of over 15,000 visits on 17 August 2009 on the release of the first interim report. The Commission expects the number of final report hits to be much larger. The website was progressively upgraded to make it more user friendly and so that it could cope with the huge number of hits received for the Commission's reports.

Information about the Commission and its reports will continue to be available at [www.royalcommission.vic.gov.au](http://www.royalcommission.vic.gov.au) for at least a year; after that, it will be available through the website of the Department of Premier and Cabinet. In the longer term the material will be preserved through the Pandora website archive managed by the Australian National Library.

### 2.6.3 EXTERNAL COMMUNICATION

The Commission's other main communication mechanisms involved selective use of press releases. In total, the Commission issued 20 media releases, which were prepared for important events such as the community consultations, release of the first and second interim reports, the regional hearings, the start and end of hearings, and the issuing of the final report.

There were several media engagements in the early days following the Commission's establishment. On 17 February 2009 the day after their appointment, the Commissioners held a media conference to introduce themselves to the Victorian community and to make clear their intention to conduct an open, thorough inquiry and their desire to place the community at the centre of this.

The Chairperson was also interviewed on radio during the first week to explain the processes of a royal commission. A short time later senior counsel assisting was interviewed to clarify the Commission's intentions and procedures in response to concerns expressed about exclusion of the media from the then forthcoming community consultations and the granting of leave to appear before the Commission.

On 30 September 2009 the Chairperson gave an address to the Law Institute of Victoria's President's leadership lunch. On 9 November, to mark the release of the transcript from the 1939 Stretton Royal Commission, senior counsel

assisting addressed a seminar at the University of Melbourne. The only other occasion on which a Commissioner gave a media interview occurred in February 2010, when Commissioner Pascoe provided comment on a television news story about a visit to the Commission by students from Strathewen Primary School. The students had met the Commissioners when they visited the Black Saturday Gallery to see the school's exhibition.

Beyond this the Commission did not make public comments through the media. The Communications and Media Manager answered queries from journalists on matters of fact, the Commission's processes and time lines. Even when its first interim report was issued the Commissioners did not consider it appropriate to be interviewed, taking the view that its processes were incomplete and it was a matter for the Government to comment on the recommendations and the proposed response to the interim report.

The other important way the Commission communicated with the parties, the media and the community was through comments made by the Chairperson on behalf of the Commission in the hearing room. Typically, this was done at the opening and closing of hearings and to mark events such as the first anniversary of Black Saturday. The remarks provided insights into the Commission's approach, expectations and priorities, as well as foreshadowing milestones such as the closing date for public submissions.

Senior counsel assisting made opening and closing statements from time to time—in particular, to outline to the parties the focus and direction of the investigation in the coming weeks and months. Many of the opening and closing statements by the Chairperson and counsel assisting are available on the Commission's website.

The Commission's approach entailed some risks and presented several challenges. The Commission could have commented on specific matters but it generally chose to remain silent, leaving discussion to others and seeking only to rectify errors of fact. This meant that from time to time—as debate intensified in relation to the Commission's processes, the evidence and some of the witnesses—the Commission remained silent, reserving its comment and judgment to its reports. It was left to interested observers who closely followed and understood the proceedings and other matters to present their views, critical or otherwise.

The Commission did, however, depart from this strategy on one notable occasion. In late May 2010 the submissions of counsel assisting were leaked to the media before the final oral submissions had been heard. The speculation that ensued threatened to undermine procedural fairness and prejudice the interests of the individuals named in the submissions. The Commission determined that this called for decisive intervention. It issued a statement condemning the leaks, stressing the unfairness arising from a breach of trust on the part of individuals with legitimate access to the documents. These sentiments were restated by the Chairperson at the beginning of proceedings on the ensuing hearing day.

## 2.7 PREPARATION, PRINTING AND DISTRIBUTION OF REPORTS

### 2.7.1 PREPARATION

The Commission's first interim report was prepared and produced in six weeks after the end of the first hearing block, a particularly tight time frame considering the requirements for editing, layout and printing. Preparation of the report afforded the Commissioners their first opportunity to consider the nature of the recommendations they wanted to make and the style and tenor of the report they wanted.

It was a difficult process. That a high-quality report was delivered and was well received is testament to a great deal of hard work done under enormous pressure. Lessons were learnt about how to streamline the processes for developing and producing the final report. Nevertheless, with only nine weeks from the conclusion of hearings to the delivery of the final report to the Governor of Victoria, and a much larger, more complex report to prepare, an enormous challenge lay ahead.

A number of processes were developed in order to ensure that the final report was drafted effectively and efficiently, capitalising on the skills and expertise at the Commission. A formal project management process was implemented and supervised by the governance group. The project was sponsored by Commissioner Pascoe, and the governance

group was chaired by the CEO. The governance group convened monthly from late 2009 to provide high-level coordination of all the areas involved in drafting. The group offered a means of resolving any problems that might hinder delivery of the report within the tight time frame. It received regular updates on progress and ensured a coordinated overall approach.

The governance group began to come together more frequently as the deadline drew near, and in the final stages these meetings became weekly or more frequent, involving all staff working on the preparation, review, editing and production of the report. These meetings were chaired by the Commissioners to ensure direct guidance, quick feedback, and clarity about tasks and priorities.

Drawing from the lessons of the interim report, the Commission began planning for the final report in September 2009. By early 2010 the following had occurred:

- Scoping and procurement for contract services such as editing, layout and printing were under way.
- Style guides and templates had been developed.
- Planning based on an expected amount of content and number of volumes was under way.
- Processes and roles had been confirmed.

Drafting occurred progressively as the evidence on topics was concluded—particularly from April 2010. The transition from the hearings to the drafting process occurred after oral submissions on a topic had been received, when the Commissioners had considered the various views and proposals put forward by counsel assisting and the parties. Following their deliberations the Commissioners gave directions as to their conclusions and recommendations and the writing instructions for each topic. The Commissioners also made clear their preferences in terms of tone and style. Iterative drafting, reviewing and editing occurred for each component, and ultimately the Commissioners reviewed, settled and approved all volumes.

In scale and complexity the final report was a huge undertaking, and the time line was extremely challenging. The Commission was greatly assisted by its staff, particularly the Research team, which managed the project and distilled the voluminous amounts of evidence. The Commission was also very ably assisted by others:

- the solicitors instructing, who drafted some sections of the report and conducted legal reviews of material
- e.law, which checked all document references and hyperlinks and prepared some material
- editors Ms Chris Pirie DE (and associate Ms Debbie Phillips), Ms Llewellyn Prain and Ms Valina Rainer
- Three's a Crowd, which designed and laid out Volumes I, II and III and developed Volume IV
- website developers Get Started
- several printers, working under the most acute time pressure.

## 2.7.2 PRINTING AND DISTRIBUTION

The Commission's obligation was to deliver interim and final reports to the Governor of Victoria. It was the Victorian Government's responsibility to release and distribute the reports.

In recognition of this duality, the Department of Premier and Cabinet contracted printers on behalf of the Commission. For both the interim and final reports, Stream Solutions (Holdings) Pty Ltd, as the supplier of print and DVD production services to the Victorian Government, was responsible for coordination and management of the print procurement process for the Department of Premier and Cabinet, in close consultation with the Commission. The department signed the contracts with Stream and the selected printers and DVD production suppliers.

A memorandum of understanding set out in detail the roles and responsibilities and the relationships between the Commission, the department, Stream Solutions and the printers. This was in the interest of probity and clarity and to ensure adherence to the necessary separations and so protect each party's interests and integrity. Importantly, neither the department nor Stream Solutions had any involvement in the preparation of the report, nor did they have any access to its content before its delivery to the Governor. The relationship between the printer and the Commission was direct.



As noted, producing the interim report was very difficult because of the short time frame. A large number of last-minute editorial corrections were needed before going to print. To meet the delivery deadline and the distribution requirements, short-run digital printers and longer run offset print runs were used to produce several thousand copies of both the interim report and its summary volume.

The Commission delivered its interim report to the Governor on 17 August 2009 as required. The report was tabled in parliament and released by the Government the same day. It was available on the Commission's website moments after it had been tabled. Within the first 24 hours more than 200 gigabytes had been downloaded and over 15,000 hits had been received on the website. Distribution of the report was managed by the Department of Premier and Cabinet, and Information Victoria was the primary channel for distributing copies to the general public and regional libraries. The report was reprinted twice. A similar process but on a much smaller scale was followed for the preparation of the Commission's second interim report and its delivery on 24 November 2009.

Although the final report was a much bigger enterprise, the process was again similar. Both digital and offset printers were used to produce the required volumes for the day of release and beyond. This was expected to be about 20,000 hard copies of the summary and the four volumes and 15,000 copies in DVD packs. Information Victoria was again the focal point for the Government's distribution strategy. Anyone interested in obtaining a copy was encouraged to pre-register. It was expected that the summary and the DVD pack would be the primary products available.

The plan is for the Commission to 'go live' with the final report on its website once tabling of the report has been confirmed. The website will host three versions—a print-friendly version, a high-resolution version, and a hyperlinked version that provides links to all references. The Commission will serve the parties with a hyperlinked version to help minimise pressure on the website.

## 2.8 WINDING DOWN: PEOPLE, ACCOMMODATION AND RECORD KEEPING

The finite nature of the Commission's work meant that planning for winding down was built into the Commission's policies, practices and systems as initially conceived. Central considerations were the impact on staff, the future use of the Commission's facilities, and the requirement to archive the Commission's records.

### 2.8.1 PEOPLE MOVING ON

Everyone who worked with the Commission did so knowing they would be engaged for a finite period. Just as the Commission's resources were built up in early 2009, so were the numbers of people reduced in the months leading to August 2010.

Once the hearings ended, in late May 2010, people began to move on. At the end of May many of the e.law paralegals who had processed the large volume of documents coming into the Commission, as well as the hearing operators and transcription team, finished with the Commission. In early June counsel assisting began to return to their chambers as their involvement in the Commission's day-to-day activity declined. Staff and solicitors involved in contributing to the final report continued until mid-July. The report production team remained during July to manage the production process—editing, layout, proofing and printing.

By early August almost everyone, including the Commissioners, will be gone. A small team consisting of the CEO, Business and Human Services personnel, and some e.law personnel will remain to complete the wind-down, which involves settlement of all financial matters, archiving, cleansing of IT equipment, and the handover of the Commission's accommodation to the Department of Justice.

The scale and intensity of work at the Commission meant that moving back into 'normal life' might be troublesome. To ease this problem, as well as to ensure that crucial staff were available during the final phases of the work, transition support was offered during the closing months. A specialist firm was engaged to help Commission staff plan and prepare for their next step, be it a return to their home department or assuming a new role. Many staff took the opportunity to take part in this program, which involved coaching in updating their résumés, career planning, individual development plans, assessing job offers, honing of interview skills, and learning how to succeed in a new job.

Similarly, Corrs planned for the re-integration of its legal, paralegal and support staff into the firm. Many members of the e.law team, particularly the paralegals, were contract or casual staff brought into the Commission for the sole purpose of completing the project for which e.law had been contracted: a number of these people were absorbed into e.law's head office in Melbourne.

### **2.8.2 ACCOMMODATION AND ASSETS**

The Commission needed the capacity and flexibility to cope with an enormous volume of material, a large number of witnesses, and many other people (such as members of the media) with an interest in proceedings. There was an opportunity for its facilities to have a use beyond its needs, so the CEO undertook to identify a suitable body to assume its tenancy—especially the purpose-built facilities on level 11, 222 Exhibition Street, which are some of the newest and most advanced hearing rooms in Australia.

On 19 May 2010 the Attorney-General announced that the Victorian Government would take over the lease of both floors at 222 Exhibition Street on completion of the Commission's work, adding much-needed capacity to the Victorian court system. From the Commission's perspective this was an excellent result because its investment will continue to benefit the Victorian community. Moreover, the transition will be simplified by a walk out–walk in handover, including all physical fit-out, information and communications technology, furniture and chattels. All computer hard drives will be cleansed and re-imaged before being handed over to the Department of Justice. These processes were tested and approved by a qualified security adviser.

### **2.8.3 RECORDS MANAGEMENT AND ARCHIVING**

Final records management and archiving are important. The archived material will be a legacy of the Commission and will be used in years to come to help researchers, other royal commissions, government and the community to understand the Commission's inquiry systems and processes.

Documents relating to the Commission's core investigative work, including all documents received from external parties, are considered the permanent records of the Commission. Duplicate copies of documents will be destroyed unless they contain significant annotations, in which case they will be transferred to the Public Record Office Victoria. The Commission is working closely with PROV to ensure that appropriate protections are applied to certain classes of records. This has the effect of protecting private and other interests, consistent with the *Public Records Act 1973*. See section 3.1.5 for further information.

Documents identified as temporary—for example, financial and human resources documents—will be transferred to the Department of Premier and Cabinet, the successor agency of the Commission. Property, physical objects and original documents obtained from external parties will be returned. Any property that cannot be returned will be archived in accordance with PROV policies.

Image 2.5 The Myrtleford community consultation, 18 March 2009

