



APPENDIXES



APPENDIX A

THE COMMISSION'S TERMS OF REFERENCE

Following are the Commission's terms of reference, as issued on 16 February 2009.

**ELIZABETH THE SECOND BY THE GRACE OF GOD
QUEEN OF AUSTRALIA AND HER OTHER REALMS AND TERRITORIES,
QUEEN, HEAD OF THE COMMONWEALTH**

To The Honourable Bernard George Teague AO
Ronald Neville McLeod AM
Susan Mary Pascoe AM

GREETINGS:

WHEREAS:

- A. On Saturday 7 February 2009, the State of Victoria experienced the most devastating bushfires in its history, resulting in a catastrophic loss of life and public and private property.
- B. The State of Victoria is recognised as a region subject to a very high fire risk and has previously experienced extensive bushfires, most notably in 1939, 1944, 1969, 1977, 1983, 2003, 2005 and 2006.
- C. A range of inquiries conducted after those bushfires has led to the development of a coordinated State-wide approach to planning for, and responding to, bushfires and an extensive network of career and volunteer emergency services personnel.
- D. The weather conditions on 7 February were unprecedented in terms of high temperatures, low humidity and wind speeds, following years of drought. The conditions on that day also followed a heatwave and bushfires, including in Gippsland, in late January 2009.
- E. Over 4,000 fire service volunteers and career staff immediately responded to combat more than 300 fires across Victoria on 7 February and over 10,000 personnel were subsequently involved in the largest coordinated emergency response and community recovery operation in the State's history.
- F. The State acknowledges and commends the significant dedication and efforts of staff and volunteers in responding to this emergency in extremely difficult conditions.

- G. Notwithstanding the scale of these efforts, there was an unprecedented loss of life, extreme property damage, and major community trauma and displacement.
- H. The Governor of the State of Victoria, in the Commonwealth of Australia, by and with the advice of the Executive Council, has therefore deemed it to be expedient that a Commission should issue to you in the terms set out below.
- I. It is anticipated that in conducting Our Commission you will take into account the important role and functions of the Coroner, Victoria Police, the Director of Public Prosecutions and the Victorian Bushfire Reconstruction and Recovery Authority, and that you will consult with each of those persons or bodies to the extent that you consider appropriate in order to avoid the inquiries of Our Commission from interfering unnecessarily with the functions of those persons or bodies.

NOW THEREFORE 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 88B of the **Constitution Act 1975**, appoints and constitutes you

The Honourable Bernard George Teague AO
Ronald Neville McLeod AM
Susan Mary Pascoe AM

to be Our Commissioners

AND HEREBY APPOINTS The Honourable Bernard George Teague AO to be Chairperson of the Royal Commission.

FOR THE PURPOSE of inquiring into and reporting on the following matters:

- 1. The causes and circumstances of the bushfires which burned in various parts of Victoria in late January and in February 2009 ("2009 Bushfires").
- 2. The preparation and planning by governments, emergency services, other entities, the community and households for bushfires in Victoria, including current laws, policies, practices, resources and strategies for the prevention,

identification, evaluation, management and communication of bushfire threats and risks.

3. All aspects of the response to the 2009 Bushfires, particularly measures taken to control the spread of the fires and measures taken to protect life and private and public property, including but not limited to:
 - (a) immediate management, response and recovery;
 - (b) resourcing, overall coordination and deployment; and
 - (c) equipment and communication systems.
4. The measures taken to prevent or minimise disruption to the supply of essential services such as power and water during the 2009 Bushfires.
5. Any other matters that you deem appropriate in relation to the 2009 Bushfires.

AND WE direct you to make such recommendations arising out of your inquiry as you consider appropriate, including recommendations for governments, emergency services, other entities and the community on:

6. The preparation and planning for future bushfire threats and risks, particularly the prevention of loss of life.
7. Land use planning and management, including urban and regional planning.
8. The fireproofing of housing and other buildings, including the materials used in construction.
9. The emergency response to bushfires.
10. Public communication and community advice systems and strategies.
11. Training, infrastructure, and overall resourcing needs.

AND WE do by these presents give and grant you full power and authority to call before you such person or persons as you shall judge likely to afford you any information upon the subject of this Our Commission, and to inquire of and concerning the premises by all other lawful ways and means whatsoever.

AND WE declare the powers of the Commission at the discretion of the Chairperson may, at any time, be exercised by one or more Commissioners.

AND WE will and command that this Our Commission shall continue in full force and virtue and that you shall and may from time to time and at every place or places proceed in the execution thereof, and of every matter and thing therein contained although the same be not continued from time to time by adjournment.

AND WE direct you to conduct your inquiry as expeditiously as possible and to furnish US with:

- (i) an interim report focusing on immediate actions that can be taken prior to the 2009-2010 fire season, by 17 August 2009; and
- (ii) a final report by 31 July 2010 or such later date as WE may be pleased to fix.

IN TESTIMONY WHEREOF WE have caused these Our Letters to be made Patent and the Seal of the State to be hereunder affixed.



WITNESS His Excellency Professor David de Kretser, Companion of the Order of Australia, Governor of Victoria and its dependencies in the Commonwealth of Australia at Melbourne this 16th day of February Two thousand and nine in the fifty-eighth year of Our reign.

Handwritten signature of David de Kretser.

By His Excellency's Command

Handwritten signature of the Premier of Victoria.
Premier of Victoria

Entered on the record by me in the Register of Patents Book No 44 Page No 111 on the 16th day of February 2009.

Handwritten signature of the Secretary, Department of Premier and Cabinet.
Secretary, Department of Premier and Cabinet