

Opening remarks—26 May 2010
Commissioner Bernard Teague, Chairperson
2009 Victorian Bushfires Royal Commission

Before we begin today, I wish to make a short statement about recent events.

The Commissioners are extremely disappointed by the pre-emptive release to the media of the written submissions of Counsel Assisting which are to be the subject of oral submissions today and tomorrow. Such action was entirely inappropriate.

One set of submissions was served on parties with leave to appear at the Commission on 13 May. Two more were served on 17 May. The three submissions were provided on trust to enable parties to prepare their own responses. We wanted a robust debate of the important issues that we must consider.

The robust debate should take place here, in the Royal Commission, where the submissions of all parties can be heard and tested. It should not take place in a single-sided manner through the media. The leaking of these submissions was grossly unfair. That was, no doubt, a result that those leaking the documents intended to achieve. We condemn those that leaked the submissions.

Further, we express great disappointment in those in the media who took advantage of those who breached our trust. Throughout the existence of the Commission we have enjoyed a constructive and positive relationship with the media. It is profoundly disappointing that at this late stage some media outlets have chosen to pre-empt our important work.

On 15 and 23 May two newspapers ran sensationalist reports on leaked submissions. On Sunday, after the second report, I issued a media release to express our dismay at the blatant breach of trust involved in the leaking of Counsel Assisting's submissions.

In that context, and in the knowledge of the unfairness associated with the further pre-emptive disclosure of details of those submissions, the report yesterday in another newspaper, with yet another sensationalist headline, demonstrated a cavalier approach to the principle of fairness and to other important issues before us.

We find sensationalist headlines, like sensationalist advocacy, tedious. Our focus will remain on substance rather than style. Over the next two days, many very important issues are to be canvassed. The Commissioners have read the written submissions carefully. We do not want repetition. We will benefit from focused attention in oral submissions on the substance of the key issues.

Counsel should bear in mind, as we will, that we all owe that focused attention to the 173 people who died on Black Saturday.