



## How we work

The 2009 Victorian Bushfires Royal Commission was established on 16 February 2009 to investigate the causes of, preparation for, and responses to the Victorian bushfires, which swept through parts of Victoria in late January and February 2009 and the impact of the fires on infrastructure.

For a full copy of the terms of reference go to <http://www.royalcommission.vic.gov.au/Home>.

As required by the terms of reference, the Commission submitted an interim report on 17 August 2009 that included recommendations for the 2009–2010 bushfire season. It also submitted a second interim report focusing on urgent priorities for building in bushfire prone areas on 24 November 2009. The Commission's final report is due in July 2010.

This document provides an overview of the way the Commission works.

## Community engagement

The Commission's first priority was to meet and listen to people directly affected by the fires. Between 18 March 2009 and 9 April 2009 the Commission held 26 community consultations in 14 fire-affected locations attended by 1,256 local people. The sessions were professionally facilitated and counselling support was available. Scribes captured small group discussions, which were also summarised, and plenary reporting was videotaped for the use of the Commission.

To view the summaries of these consultations go to <http://www.royalcommission.vic.gov.au/Community-Consultations>.

The community consultations were an important foundation for the work of the Commission. They helped to identify key issues and themes and have been of great assistance to the Commission.

Beginning their work in bushfire-affected communities enabled the Commission to hear first hand about people's experiences and gain valuable insights into how individuals and groups understood and responded to policies and programs in place on 7 February 2009.

Following the community consultations, the Commission's legal team interviewed a substantial number of people directly affected by the fires. Many of these people have agreed to appear as witnesses in the hearings.

## Submissions

Another important way for people directly affected by the fires to share their experiences with the Commission is to write a submission. Submissions are also a way for experts, organisations and other people interested in the fires or the work of the Commission to share their views, knowledge and expertise.

The Commission began calling for submissions on 16 March 2009. More than 1,260 Submissions were received by 18 May 2009 and were analysed and considered in the development of the Commission's interim report. Submissions received by 9 April 2010 will be considered as part of the Commission's ongoing work program and final report.

There is no guarantee that any submissions received after that date will be considered by the Commission.

The Commission made a call for submissions on the topic of “building” in early July 2009 with submissions sought by the end of that month. Submissions on other specific areas of interest to the Commission may also be invited at a later date.

All submissions received by the Commission are read and analysed by the Commission’s legal team, considered by the Commissioners and placed on the Commission’s website (assuming there are no privacy, size or other constraints preventing them from being uploaded). Key issues related to the terms of reference are noted and consideration is given to inviting the writer/s to present their material as evidence at a hearing. As Practice Note No. 1 on the Commission’s website explains, a decision about whether to invite an individual to give evidence before a hearing of the Commission depends on the degree to which the submission addresses the terms of reference and the number of other witnesses formally presenting on that topic and/or the type of material that has been summonsed.

For more information about the submissions process or to view general submissions, go to <http://www.royalcommission.vic.gov.au/Submissions>.

## **Discussion papers**

On 19 November 2009, the Commission released a discussion paper on insurance and the funding of fire services through the fire services levy, and sought responses from interested parties by 21 December 2009. Responses are being considered in the development of the Commission's final report due July 2010.

For more information about the discussion paper or to view responses, go to <http://www.royalcommission.vic.gov.au/Discussion-Paper>.

If further discussion papers are released, information will be provided on the website.

## **Hearings**

Evidence is currently being provided to the Commission through its hearings. Hearings commenced on 20 April 2009 and are anticipated to conclude on 26 May 2010.

Counsel Assisting the Commission supported by the Solicitors Instructing, are the lawyers who collect and present the evidence to the Commissioners during the hearings. As such they call and are the first to question witnesses appearing before the Commission.

Parties with a legitimate interest in the work of the Commission have a right to be represented by legal counsel in the hearings. It is up to the Commissioners to determine applications by parties who wish to be granted “leave to appear”. Parties granted leave to appear may appear at hearings of the Commission at which evidence is taken or submissions received relating to issues in which the party granted leave has a substantial and legitimate interest. Parties may also cross examine witnesses appearing before the Commission. Most of the applications for leave to appear were considered by 20 April 2009, with later applications considered as they arise.

For more information about parties with leave to appear go to <http://www.royalcommission.vic.gov.au/Hearing-Schedule/Leave-to-Appear>.

The hearings are open to the public and in most cases are streamed live via the Commission’s website. People are encouraged to attend and view the proceedings, however, unless they have been formally notified, they will not be able to provide evidence. Transcripts of each day’s proceedings are available on the website.

Hearings enable witnesses presenting evidence related to the Commission's terms of reference to be heard and cross-examined. Witnesses are able to provide material in a range of formats. The evidence from the hearings has already formed the basis of the two interim reports, and will form the basis of the final report, due July 2010.

For the current weekly hearing schedule, witness list and access to daily transcripts, go to <http://www.royalcommission.vic.gov.au/Hearing-Schedule-and-Transcripts>.

For the 2010 planned hearing timetable and topics, go to <http://www.royalcommission.vic.gov.au/Hearing-Schedule/2010-Hearing-Timetable>.

### **Regional hearings**

The Commission decided to hold its hearings into some of the individual fires in the relevant regional locations so that witnesses and other interested community members from furthest away did not have to travel to Melbourne.

Accordingly, regional hearings were held in Myrtleford, Horsham and Traralgon to examine respectively the Beechworth, Coleraine, Horsham and Churchill fires. The first week of hearings, in Myrtleford and Horsham, were held in the week starting 14 September 2009. The second week of regional hearings, in Traralgon, were held in the week starting 19 October 2009.

### **Inquiry into fire-related deaths**

The loss of 173 lives, more than 60% of which were lost in, or very close to their homes, was unprecedented in Australia's bushfire history. To better understand the causes and circumstances in which people died, and to assist in its evaluation of the stay or go policy, the Commission decided to conduct a series of special hearings into the fire-related deaths.

Hearings into the fire-related deaths commenced on 21 September 2009 and have so far covered the Beechworth, Bendigo, Churchill and Murrindindi fires. The inquiry into the Kilmore East fire will commence on 1 March 2010 and be covered in five separate hearing blocks.

For further information about the dates for these hearings, go to <http://www.royalcommission.vic.gov.au/Hearing-Schedule/2010-Hearing-Timetable>.

### **Expert panels**

The Commission has to date used two expert panels, as part of its consideration of the topics of planning and fuel management. As a first step, the Commission's legal team asked the experts to prepare reports responding to a series of questions. They then reviewed each other's reports before meeting to identify among themselves, with the help of a facilitator, any areas of agreement and to clarify areas of disagreement. The experts prepared a joint written statement describing the outcomes of this conference.

Finally, the individuals in each panel appeared together as witnesses before the Commission to give their evidence.

### **Submissions of Counsel Assisting and party responses**

Once each topic has been considered by the Commission, Counsel Assisting prepares written submissions setting out their conclusions about the evidence, and suggesting findings to the Commissioners.

The other parties appearing before the Commission are able to respond in writing to these submissions, putting forward their views to the Commissioners.

A time is then scheduled in the hearing process for oral submissions to be made by Counsel Assisting as well as the parties to supplement these written submissions.

This process assists the Commissioners in determining their final recommendations.

## **Desktop research**

A small research team, together with the legal team engaged by the Commission, undertakes desktop research on aspects of the terms of reference. This research ensures the Commission is up-to-date with academic research and evidence in relation to its terms of reference. Some of the research has already led to the presentation of formal evidence through Counsel Assisting.

The Commission has also engaged recognised experts to prepare reports and provide evidence to the Commission in the hearings. If individuals believe they have expertise of relevance to the Commission's inquiries, they should make a written submission to the Commission detailing their area of expertise and their credentials as an expert witness.

## **Interim reports**

On 17 August 2009 the Commission presented its first interim report to the Lieutenant Governor of Victoria, the Honourable Marilyn Warren AC. This interim report makes 51 recommendations and was the culmination of six months' work, including four weeks of community consultations, examination of more than 1,260 submissions and eight weeks of public hearings involving a total of 87 witnesses.

On 24 November 2009 the Commission presented its second interim report focusing on priorities for building in bushfire-prone areas to the Governor of Victoria, the Honourable David de Kretser AC. This interim report contains seven recommendations which address the need for a national standard for bushfire bunkers and urgent changes to the construction requirements for building in bushfire-prone areas.

To download a copy of both interim reports go to <http://www.royalcommission.vic.gov.au/Interim-Reports>.

## **Final report**

By 31 July 2010, the Commission will provide its final report to the Governor of Victoria. The Governor then provides it to the Premier. It is up to the Premier to release the report.

## **More information**

For more information, please refer to the 2009 Victorian Bushfires Royal Commission website at [www.royalcommission.vic.gov.au](http://www.royalcommission.vic.gov.au).