

# Victorian Bushfires Royal Commission

This chapter will tell you about the 2009 Victorian Bushfires Royal Commission, including how the Royal Commission works and how to be involved. Information on where you can get help and support is listed in this chapter, and at the end of this Handbook.

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## What is a Royal Commission?

A Royal Commission is set up by the government to get information about a particular issue. The Commission is led by 'Commissioners'. The Commissioners are usually judges or senior lawyers. The government chooses who they are.

The Royal Commission has to:

- investigate the issue based on the 'terms of reference' the government sets out
- make a written report about the investigation and what it finds out ('findings').

The report will include a list of recommendations that the Commission thinks should be included in government policy.

## How does the Victorian Bushfires Royal Commission work?

### What the Commissioners must do (the 'terms of reference')

The Commissioners have been asked to investigate and write about:

- how the bushfires in late January and February 2009 were started and the causes behind them
- the planning and preparation by governments, emergency services, other organisations and the public before the bushfires happened. This includes looking at laws and policies that affect bushfires and how these work 'on the ground'. Laws and policies about bushfires include how to prevent or stop bushfires, find out and tell others about the bushfires, and how to manage the bushfires (or the threat of bushfire)
- actions the government took to control the spread of bushfire and to protect people's lives, their property and public property

- actions that were taken to stop or lessen utilities, such as energy and water, being interrupted during the bushfires
- anything else that the Commissioners think is relevant to the bushfires.

The Commissioners are then asked to make recommendations for governments, emergency services, other organisations and the public to consider. This includes information about:

- how to plan and prepare for bushfires and the threat of bushfires in the future, especially how to stop deaths happening
- improving how land is divided and used for building, housing, farming and other uses
- making housing and other buildings fireproof
- the things government, organisations and people should do when there is a bushfire emergency. This includes how emergency services and other agencies work, how to tell the public there is a bushfire and how people in the community tell each other
- training, equipment and other resources that are needed.

You can read the terms of reference on the Victorian Premier's website at [www.premier.vic.gov.au/images/stories/media/mediareleases/160209\\_-\\_elizabeth\\_the\\_second\\_by\\_the\\_grace\\_of\\_god\\_queen\\_of\\_australia.pdf](http://www.premier.vic.gov.au/images/stories/media/mediareleases/160209_-_elizabeth_the_second_by_the_grace_of_god_queen_of_australia.pdf)

### Other powers the Commissioners have

The Commissioners are given power by the government to:

- hold hearings where witnesses such as government agencies, community organisations, householders and experts give evidence to the Commissioners about the bushfires (evidence is information the Commissioners can use to help find out about something and make a recommendation)
- order witnesses to appear and give evidence
- order that particular documents be presented for the Commissioners to look at and keep
- order an application to a court for a search warrant
- give information about the law being disobeyed to the government or the police.

### The Royal Commission report

The Royal Commission has to make an interim report by the 17 August 2009. This report will include recommendations that can be considered so that policy may be changed before next summer's bushfire season.

A final report must be made by the 31 July 2010. This will include recommendations from the first report and other information.

### What happens during a Royal Commission?

A Royal Commission runs a little like a court case. Witnesses are ordered ('called') to give evidence.

If you have been ordered to give evidence at the Royal Commission, get legal advice about your rights and responsibilities first.

The Commission can get other evidence and receive submissions from people or organisations who want to have their say. A submission is a written statement which includes the person's or organisation's point of view and evidence they may have about the bushfires.

Lawyers can participate ('appear') in the hearings but only by permission of the Commissioners. Lawyers can appear to:

- represent witnesses who have been ordered to give evidence
- represent people who have an interest in the Royal Commission (for example, people have been affected by the bushfires or whose work is to do with the bushfires).

The lawyers may be able to ask a witness questions if the Commissioners give the lawyer permission to do so. If you have been called as a witness and want to know whether you will be questioned by a lawyer, you can ask the Royal Commission by emailing [enquiries@royalcommission.vic.gov.au](mailto:enquiries@royalcommission.vic.gov.au). Contact Bushfire Legal Help on 1800 113 432 for legal advice.

### How is the Coroner's work different from the Royal Commission?

The Coroner's main role is to make sure that victims of the bushfires are properly identified and to investigate the cause and circumstances of all bushfire deaths. The Royal Commission's role is to look at the cause of and response to the bushfires themselves.

The Coroner's work on identifying victims should not be affected by the Royal Commission.

In some circumstances, the Coroner needs to investigate how a person died or investigate a fire. If the Coroner needs to investigate a death from the bushfires, this investigation may not happen until the Royal Commission has finished.

The Royal Commission will communicate with the Coroner (and other authorities such as Victoria Police) so that the Commission's activities do not interfere with the work of these agencies.

For more information on the Coroner's process, [see](#) the 'Coroner's process' chapter.

### When do the Commission hearings begin?

A preliminary hearing was held on 20 April 2009. At this hearing, the Royal Commission discussed its role and looked at applications from those who wished to appear, and how and when the remaining hearings might be run.

Public hearings began on 11 May 2009 at the County Court in Melbourne. You can view the public hearings live on the Royal Commission's website at [www.royalcommission.vic.gov.au/Public-Hearings](http://www.royalcommission.vic.gov.au/Public-Hearings)

### How can I get involved?

#### Write a submission for the Commissioners to read

You (or an organisation, such as a community group or government agency) can write a submission for the Commissioners to read. This can be about any of the Royal Commission's terms of reference. You do not have to live or work in a bushfire affected community to send in a submission. Your submission can include

supporting documents and materials, such as photos or footage, if you think they will help explain and support the information in your submission.

Submissions that were received by 18 May 2009 will be considered as part of the Commission's interim report (ready by 17 August 2009). Submissions received after that date will be considered as part of the Commission's further work and final report (ready by 31 July 2010). The Commissioners may ask you to appear at the Royal Commission hearing to discuss your submission.

For more information on submissions, visit the Royal Commission website [www.royalcommission.vic.gov.au](http://www.royalcommission.vic.gov.au) (click on 'Submissions') and also read the *Making a Submission* guide on that page. You can also call Bushfire Legal Help on 1800 113 432 for more information.

### Appearing in person at the hearings

Applications for seeking 'leave to appear' (permission to be involved in the Royal Commission hearings) closed on 9 April 2009. If, however, you believe your interests are or may be affected by any information that is heard during the Royal Commission hearings, you can still apply for leave to appear. Get legal advice. Call the Bushfire Legal Helpline on 1800 113 432.

### Community consultations

Community consultations were held in many bushfire affected communities until the 8 April 2009. There are no further community consultations being planned.

### Other useful Handbook chapters

See 'Coroner's process'.

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The information contained in this chapter of the Bushfire Legal Help Handbook is intended to provide general information on legal topics, current at the time of first publication. The contents do not constitute legal advice, are not intended as a substitute for legal advice and should not be relied on as such. You should get legal advice in relation to your individual circumstances and any particular matters you may have.

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