



# *What do inquiries really need to know about ESOs?*



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# Inquiries

- Are single minded and respond to a particular event.
- Recommendations respond to the particular and may conflict with other competing interests and goals.
- Inquiries may make recommendations based on misconceived submissions and contribute to myths and errors.

## Senate 2003

“People that own bush blocks are dead scared of doing their own little bit of burning off, which used to be done through winter on an almost daily basis 30 years ago. Now it is, ‘If the burn gets over my fence and burns my neighbour’s grass, he’s going to sue me.’”

‘We have not come up against a situation yet where ... volunteers have been in trouble with the law’.

# Inquiries

- Cannot fully consider the budget implications of their recommendations.

## Do they deliver answers?

- It depends who's asking. Look at the outcome of the Queensland Floods and the CMC inquiries.
- Do people want 'answers' or 'answers they agree with'.
- How do we satisfy the community that the inquiry has done it's job, if no-one's forced to resign?

## Change the focus – from what went wrong:

‘We hope that the work undertaken through and by the Commission will assist in preventing a future tragedy of the scale of Black Saturday. We have never lost sight of one thing. The key reason for this Commission was the deaths of your 173 loved ones.’

## To what went well...

‘Ultimately the message is about people, not fire... By allowing us to see their personal responses to Australia’s summer menace, they have allowed us to understand better how to protect ourselves, our families and our communities.’

Ian Mannix *Great Australian Bushfire Stories* (2008, ABC Books).

# We inquiries need to know

The urgent circumstances in which decisions are made:

“I think if you ... said, ‘Royal Commission you’ve got until four o’clock this afternoon - the time’s now 10 o’clock in the morning - to come up with a report and a recommendation’ ... I don’t think the Royal Commission would be able to produce any real conclusion.”



## We inquiries need to know

- Following the manual doesn't guarantee a good outcome:
  - "... you've got the documents and then you've got the environment which you've got to operate it within. I'm yet to be convinced that the two will ever align..."

## We inquiries need to know

- Adversarial processes work when there are adversaries but
- Are they appropriate in the ‘learning lessons’ context?
  - Note Coroner Doogan’s comments.
  - Compare Teague Royal Commission with Keelty’s WA review.
  - *Lessons learned best practice* – AG’s Department, forthcoming (hopefully).

# The challenge for post event inquires

- To come up with a ‘lessons learned’ process that can genuinely identify shortcomings whilst also recognising the successes, and resisting the temptation to engage in ritual sacrifice.