



Victoria Government Gazette

No. S 134 Wednesday 18 March 2020
By Authority of Victorian Government Printer

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

TO

Air Chief Marshal Mark Donald Binskin AC (Retd),
The Honourable Dr Annabelle Claire Bennett AC SC, and
Professor Andrew Kerr Macintosh

GREETING

WHEREAS the Governor-General of the Commonwealth of Australia on the advice of the Federal Executive Council and under the *Constitution of the Commonwealth of Australia*, the **Royal Commissions Act 1902** (Cth) and every other enabling power, has by Letters Patent appointed you to be a Commission of inquiry to inquire into, and report upon, certain matters relating to national natural disaster arrangements.

AND the Governor-General has declared that you are authorised to conduct that inquiry in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission issued, or under any order or appointment made, by any of the Governors of the States or the Government of any Territory.

AND WHEREAS the Governor of the State of Victoria, by and with the advice of the Premier, has deemed it expedient that a Commission should issue to you in the terms set out below.

WHEREAS Australia is experiencing an extreme bushfire season in 2019–2020, resulting in devastating loss of life, property and wildlife and environmental destruction across the nation.

AND these bushfires have profoundly affected communities across Australia and engaged the responsibilities and powers of State and Territory Governments as well as those of the Commonwealth Government.

AND the changing global climate carries risks for the Australian environment and Australia's ability to prevent, mitigate and respond to bushfires and other natural disasters.

AND recognising that Australia as a nation must take action, including the development and implementation of adaptation actions, to address the consequences of longer, hotter, drier seasons and severe weather events.

AND recognising that, while all levels of government will review various operational aspects of the 2019–2020 bushfire season as they consider necessary, an inquiry focused on national coordination, conducted jointly between the Commonwealth and State and Territory Governments will give Australians confidence that natural disaster coordination arrangements are the best they can be.

NOW THEREFORE the Governor of the State of Victoria, by and with the advice of the Premier and acting pursuant to section 5 of the **Inquiries Act 2014** (Vic.) and every other enabling power, appoints and constitutes you to be our Commissioners, and requires and authorises you to inquire into the following matters:

- (a) the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;
- (b) Australia's arrangements for improving resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;

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- (c) whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:
- (i) thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;
 - (ii) whether the Commonwealth Government should have the power to declare a state of national emergency;
 - (iii) how any such national declaration would interact with State and Territory emergency management frameworks;
 - (iv) whether, in the circumstances of such a national declaration, the Commonwealth Government should have clearer authority to take action (including, but without limitation, through the deployment of the Australian Defence Force) in the national interest;

(d) any relevant matter reasonably incidental to a matter referred to in paragraphs (a) to (c).

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate, including recommendations about any policy, legislative, administrative or structural reforms.

AND We direct you, for the purposes of your inquiry and recommendations, to have regard to the following matters:

- (e) the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that you consider relevant, including any available State or Territory inquiries relating to the 2019–2020 bushfire season, to avoid duplication wherever possible;
- (f) ways in which Australia could achieve greater national coordination and accountability – through common national standards, rule-making, reporting and data-sharing – with respect to key preparedness and resilience responsibilities, including for the following:
 - (i) land management, including hazard reduction measures;
 - (ii) wildlife management and species conservation, including biodiversity, habitat protection and restoration;
 - (iii) land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;
- (g) any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.

AND We further declare that you are not required by these Our Letters Patent to inquire, or to continue to inquire, into a particular matter to the extent that you are satisfied that the matter has been, is being, or will be, sufficiently and appropriately dealt with by another inquiry or investigation, or a criminal or civil proceeding.

AND, without limiting the scope of your inquiry or the scope of any recommendations arising out of your inquiry that you may consider appropriate, We direct you, for the purposes of your inquiry and recommendations, to consider the following matters, and We authorise you, as you consider appropriate, having regard to the date by which you are required to submit your final report, to take (or refrain from taking) any action arising out of your consideration:

- (h) the need to provide or disclose information, or give any document or other thing, to any person or body, in accordance with section 44 of the **Inquiries Act 2014** (Vic.) or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;
- (i) the need to establish appropriate arrangements for information-sharing in relation to any other inquiries or reviews, in order to support concurrent inquiries or reviews as well as your own, in ways consistent with relevant obligations, and in ways that avoid unnecessary duplication, improve efficiency and avoid unnecessary trauma to witnesses.

AND We appoint you, Air Chief Marshal Mark Donald Binskin AC (Retd), to be the Chairperson of the Commission.

AND We declare that you are a Royal Commission for the purposes of section 5 of the **Inquiries Act 2014** (Vic.).

AND We declare that you are authorised to conduct your inquiry into any matter under these Our Letters Patent in combination with any inquiry into the same matter, or a matter related to that matter, that you are directed or authorised to conduct by any Commission, or under any order or appointment, made by the Governor-General of the Commonwealth, or the Governor of Victoria, or the Governor of any other State, or the Government of any Territory.

AND We:

- (j) require you to begin your inquiry as soon as practicable; and
- (k) require you to make your inquiry as expeditiously as possible; and
- (l) authorise you to submit to Our Governor any interim recommendations that you consider appropriate; and
- (m) require you to submit to Our Governor a report of the results of your inquiry, and your recommendations, not later than 31 August 2020.

IN WITNESS, We have caused these Our Letters to be made Patent and the Seal of the State to be hereunder affixed.

WITNESS

Her Excellency the Honourable Linda Dessau,
Companion of the Order of Australia, Governor
of the State of Victoria in the Commonwealth
of Australia at Melbourne this 17th day of
March two thousand and twenty.

(L.S.)

LINDA DESSAU
By Her Excellency's Command
THE HON DANIEL ANDREWS MP
Premier of Victoria

Entered on the record by me in the Register of Patents Book No. 47 Page No. 99 on the 17th day of March 2020.

CHRIS ECCLES AO
Secretary, Department of Premier and Cabinet

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