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TRANSCRIPT OF PROCEEDINGS

O/N H-1185344

ACM MARK BINSKIN AC (Retd), Chair
The HON. DR ANNABLE BENNETT AC SC, Commissioner
PROF ANDREW MACINTOSH, Commissioner

**IN THE MATTER OF THE ROYAL COMMISSION INTO
NATIONAL NATURAL DISASTER ARRANGEMENTS**

CEREMONIAL HEARING

CANBERRA

8.01 AM, THURSDAY, 16 APRIL 2020

MS D. HOGAN-DORAN SC appears as Counsel Assisting

COMMISSIONER BINSKIN: Good morning. This is the first public hearing of the Royal Commission into National Natural Disaster Arrangements. By necessity, today's proceedings will be in an e-hearing format. I begin by acknowledging the traditional owners of the land on which we meet today, the Ngunnawal People, and
5 pay my respects to their elders past, present and emerging. I would also like to acknowledge and pay my respects to the traditional custodians of country throughout Australia, their connections to land, sea and community, and to all elders past, present and emerging.

10 I extend that respect to all Aboriginal and Torres Strait Islander People who may also be watching today. I would also like to acknowledge and welcome my fellow Commissioners, the Honourable Dr Annabelle Bennett and Professor Andrew Macintosh, who, due to the current restrictions, have joined today's proceedings online. I now invite the Official Secretary to read the Commonwealth letters patent.

15

MS ANNA HARMER:

ELIZABETH THE SECOND, by the Grace of God Queen of Australia and Her other Realms and Territories, Head of the Commonwealth

20 **TO**

Air Chief Marshal Mark Donald Binskin AC (Retd),

The Honourable Dr Annabelle Claire Bennett AC SC, and

Professor Andrew Kerr Macintosh

GREETING

25 *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.*

30 *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.

35 *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
5 disaster coordination arrangements are the best they can be.

NOW THEREFORE We do, by these Our Letters Patent issued in Our name by Our 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 and every other enabling power, appoint you to be a
10 Commission of inquiry, and require and authorise 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
15 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
20 management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;
- c. whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies,
25 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;
 - 30 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
35 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,
40 administrative or structural reforms.

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

- 5 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;*
- 10 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:*
- 15 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.*

20 *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.*

25 *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:*

- 30 h. *the need to establish mechanisms to facilitate the timely communication of information, or the furnishing of evidence, documents or things, in accordance with section 6P of the Royal Commissions Act 1902 or any other relevant law, including, for example, for the purpose of enabling the timely investigation and prosecution of offences;*
- 35 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.*

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

AND We declare that you are a relevant Commission for the purposes of sections 4 and 5 of the Royal Commissions Act 1902.

AND We declare that you are a Royal Commission to which item 5 of the table in subsection 355-70(1) in Schedule 1 to the Taxation Administration Act 1953 applies.

- 5 *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 any of Our Governors of the States or by the Government of any of Our Territories.*
- 10 *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-General any interim recommendations that you consider appropriate; and*
- 15 *m. require you to submit to Our Governor-General 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.

WITNESS General the Honourable David Hurley AC DSC (Retd), Governor-General of the Commonwealth of Australia.

20 *Dated 20 February 2020*

Signed David Hurley AC DSC (Retd), Governor-General

By His Excellency's Command

*Signed Scott Morrison, Prime Minister
Prime Minister*

- 25 COMMISSIONER BINSKIN: Thank you. As set out in the letters patent, we've been appointed as Royal Commissioners under the Royal Commission Act 1902 to inquire into Australia's preparedness for, response to and recovery from natural disasters, as well as improving resilience and mitigating the risks of changing climatic conditions. This Royal Commission was prompted by the extreme 2019-
- 30 2020 bushfire season referred to by the Prime Minister and others as the Black Summer. These fires had a profound impact on our nation and have deeply affected the lives of so many Australians. We acknowledge the devastation experienced by fire ravaged communities right across the country, including the tragic loss of life of those involved in fighting the fires and from the broader community, the destruction

of thousands of homes and the significant loss of wildlife and livestock and millions of hectares of forest.

5 On behalf of the Commission, I extend my deepest sympathy to those who have lost loved ones, or those who have suffered injuries or loss throughout this tragedy and acknowledge the ongoing direct and indirect effects still being experienced in many communities across Australia today. As Commissioners, we will listen and we will learn from you. There can be no doubt that the harrowing experiences of this bushfire season will long linger in our national psyche. The pervasive smoke
10 haunting our towns and cities, the red skies turning black, the thunderous roar and thick smoke that accompanied the wall of flames, and the utter devastation.

We have heard from people who were trapped in their own country for days, physically cut off from the outside world in their own communities without food,
15 water, electricity or fuel, and in some cases less than 30 kilometres away from the centre of a capital city, but we've also heard stories of survival and heroism, of community spirit and courage in the face of catastrophic conditions. We've heard of the unrelenting efforts of our volunteer fire-fighting organisations, our emergency services personnel and volunteers from all walks of life. Throughout our history
20 volunteers have been the heart and soul of this nation. Our volunteer force worked hard, hand-in-glove with the nation's first responders, supported by many organisations and businesses along with permanent and reserve members of the Australian Defence Force in responding to and recovering from the fires.

25 Without their dedication and professionalism of all these people, the impact of the 2019-2020 bushfires would have been far, far worse. In a country which rates among the most inhospitable climates in the world and whose people have faced the challenge of regular natural disasters, it is through qualities such as adaptability, resilience, mateship and community that we continue to thrive, and never have these
30 qualities been more clearly on display than in response to the bushfires that Australia endured in 2019-2020. While we've already heard many people's experiences, we want to hear more stories of those who were on the ground in effected communities and we want to learn from you. We understand what we're asking of you is difficult. For some, reliving the bushfire experience will open unseen wounds, but the
35 Commission cannot do its work without you. Your knowledge and insight are critical to our understanding of what happened and applying the lessons learned so that we can do things better in the future.

40 We understand and we have support available for you if you need, and the details for that support is on our webpage.

Royal Commissions have a proud history in Australia, having led to or at least hastened many substantial changes in our society. This Royal Commission into national natural disaster arrangements, or bushfires Royal Commission, as it is often
45 called, will be no different. We are here to identify ways in which our governments at all levels can learn from past experience, adapt and improve, and work together more collaboratively for the safety and benefit of all Australians. This is what the

Australian community expects, and rightly so. As we have heard, the letters patent set out precisely what we are to do.

5 But to briefly summarise our focus, this Royal Commission will examine options for improving natural disaster management and coordination across all levels of government; increasing Australia’s preparedness for and response to natural disasters in the context of changing global climate conditions; and the legal framework for the Commonwealth involvement in responding to national emergencies and its interaction with each of the various state and territory legal frameworks. The letters patent exhort us to focus on national coordination. Importantly, the letters patent require us to conduct our inquiry as expeditiously as possible and to deliver a report with recommendations by 31 August 2020.

15 This short timeframe will ensure we provide practical recommendations ahead of the next bushfire season. It also means the scope of our inquiry must be well-defined. While I will let counsel assisting provide more detail on what is meant by the term “natural disaster,” we do not intend, for example, to inquire into matters such as biological disasters like the ongoing COVID-19 pandemic, or droughts. Examining those matters in depth would risk drawing our attention away from the Commission’s core focus, and that is to deliver practical recommendations in time for the next bushfire season. However, there may be lessons or recommendations from this Royal Commission that would be relevant to and inform the effective management of other disasters in the future as well.

25 I also acknowledge that a number of Commissions and inquiries have been held into natural disasters in the past, including, for example, the 2009 Victorian bushfires Royal Commission. Similarly, we recognise that some states are conducting their own reviews in the 2019-2020 bushfires. This Commission intends to work with other inquiries that are underway to avoid duplication and consider how broader preparedness, resilience, and recovery can be enhanced. With this in mind, it is important for me to state that we do not intend to reopen the findings of these other inquiries, nor do we seek to point fingers or apportion blame to any jurisdiction, government, or individual.

35 Rather, we are focused on national coordination and on the looking – on looking for lessons for the future. While burning across more than 10 million hectares, the 2019-2020 bushfires showed us that natural disasters in Australia can occur on a national scale. As we have heard from the Official Secretary, our terms of reference start from the premise that Australia has just experienced an “extreme bushfire season, resulting in the devastating loss of life, property, and wildlife, and environment destruction across the nation”. We accept that the extreme conditions we witnessed across the country in 2019-2020 can and most likely will happen again.

45 With this as our starting point, it is this Royal Commission’s task to learn from the catastrophic experience and consider how we can take a national and a coordinated approach to preparation and response in the future. We are assisted in this regard by the grant of complimentary letters patent by the states of New South Wales, Victoria,

South Australia, Queensland, and Tasmania, and the cooperation of territory governments with the inquiry. We will shortly hear from counsel assisting about the work of the Commission to date, and during the course of the inquiry so far and into the future, but I would like to mention how, over the past month and a half,

5 Commissioners have visited many fire-devastated regions and held 17 community forums throughout fire-affected areas.

The aim of these forums was to gather experiences and to gather insight from people in communities which experienced the bushfires directly. Many people have shared
10 deeply personal stories with us. We've met with tearful families describing their harrowing near misses. We heard firsthand of the courage of those fighting the fires on the ground and in the air and challenges associated with working across lines drawn on a map. And we visited devastated communities who pulled together during the fires and in the aftermath. We are truly grateful for the level of engagement from
15 these communities. The information we received has been very helpful for framing our upcoming formal hearings.

Unfortunately, while we continued with some fire ground visits in the last few weeks, we have not been able to complete the remainder of our scheduled forums
20 before the COVID-19 health measures meant we could no longer conduct face-to-face community engagement. But each area is equally important to the Commissioners and we have strongly encouraged anyone affected by the bushfires to make a written submission to us.

The advent of COVID-19 has also meant that we must significantly adjust the way we conduct our business. I will ask shortly for the counsel assisting to provide that detail. This Royal Commission is a rare opportunity to come together as a nation and consider how we are to work together to prepare for, respond to and recover from natural disasters. It provides a means through which the tragic loss of life and
30 livelihoods that occurred during 2019-2020 bushfires may be avoided or at least minimised in the future as our climate and our society changes.

It is also an important forum for community members to have their stories heard and their loved ones remembered. Their contributions will truly be valued. As I said
35 earlier, the Australian public expects all levels of government to work together for the safety and benefit of all Australians. Through this Royal Commission, we intend to examine just that. I will now take appearances, please. Ms Hogan-Doran.

MS D. HOGAN-DORAN SC: My name is Dominique Hogan-Doran. I have been
40 appointed by the Attorney-General as Senior Counsel assisting this Royal Commission. Other counsel have also been appointed by the Attorney-General to assist the Commission in its work. However, because of public health restrictions, they are still residing in their home cities and do not appear with me in person today. Andrew Tokley of Queens Counsel is in Adelaide. Three junior counsel are in
45 Sydney. They are Trent Glover, Anna Spies and Jesmini Ambikapathy. The fourth junior counsel, Kess Dovey, is in Melbourne.

As Counsel Assisting, we stand in the shoes of the Attorney-General and represent the public interest in the conduct of this Royal Commission. We are instructed by Solicitors Assisting the commission from the law firm King & Wood Mallesons.

5 Royal Commissions occupy a unique place in the Australian system of government. They are the highest and most prestigious form of inquiry on matters of public importance. As the letters patent record, the changing global climate carries risk for the Australian environment and Australia's ability to prevent, mitigate and respond to bushfires and other natural disasters.

10 The purpose of this inquiry is to give Australians confidence that natural disaster coordination arrangements are the best they can be. As will be seen, there is much to do. The terms of reference are broad. Our time is short.

15 In this opening address, Chair, I will outline the steps taken to establish this Commission, the upcoming hearings and the multi-pronged approach we will adopt to assist the Commission.

20 Following my address, we will play a video interview with someone directly affected by last summer's devastating bushfires.

25 Much has been done since 20 February 2020 to facilitate the establishment of this Royal Commission. Premises have been set up here in Canberra. Able and qualified staff have been recruited. A website has been launched.

30 However, the logistics are proving demanding. In mid-March a global pandemic was declared by the World Health Organisation. A novel Coronavirus and the potentially fatal disease it causes, COVID-19, has prompted governments throughout Australia to impose restrictive public health measures to combat the outbreak. These measures have had a significant impact on the work and planning of this Royal Commission. As for all Australians, we, too, are adjusting to a new way of living and working. Indeed, the majority of those assisting the Commission and its staff have been working from home in recent weeks.

35 Fortunately, the Commission moved quickly to engage directly with local communities and organisations. As you noted, Chair, from early March, the Commission travelled to fire-affected communities throughout Australia. There were visits and community meetings in the Adelaide Hills and Kangaroo Island in South Australia, in Marcoola in Queensland, in Darwin in the Northern Territory, in 40 the Swan Valley in Western Australia, in New South Wales in the Blue Mountains west of Sydney, Tenterfield and Casino to the north, Tumbarumba in the Snowy Mountains, and from Ulladulla to Eden on the South Coast, and then down to Mallacoota and Orbost in Victoria.

45 In April, additional tours of fire grounds closer to Canberra and the Southern Highlands were conducted alongside representatives from the Rural Fire Service. This work enabled the Commission to observe first-hand the devastating effects of

the recent bushfires and to appreciate how truly national this natural disaster has been. Those visits have also helped inform the lines of inquiry we will pursue during our public hearings.

5 Regrettably, large group work has had to cease due to social distancing requirements. Whether that work resumes will depend upon public health measures in the future. But the important work of this Royal Commission will not stop.

10 We have actively explored ways of continuing to engage with the community. We will not work only in private. New arrangements are being made so that public hearings can continue in a digital format. Those hearings may need to be fewer and shorter than we had originally planned, but they will proceed. As is the case today, it is unlikely that members of the public will be permitted to attend any of our electronic hearings in person, but these e-hearings will be public in the sense that
15 they will be livestreamed and accessible via the Commission’s website.

Before each e-hearing, a document indicating the scope of the hearing will be published. We also anticipate uploading additional papers and material so that the public can engage with our ongoing work.

20

A transcript and recording of all public hearings, including today’s, will be published on the website. So too will information about the dates, times and, if relevant, locations of future public hearings.

25 Of course, not every issue that arises for consideration can be, or needs to be, the subject of public hearings and oral evidence. A great deal of the Commission’s work will be conducted through the painstaking task of extracting and reviewing documents provided to the Commission. Behind the scenes, we have a team of policy officers, solicitors, and paralegals who will assist in that task.

30

Public submissions continue to be welcomed. In making those submissions, we ask:
*“based on your experience, what areas of the bushfire emergency response worked well? What didn’t work well? What needs to change to improve arrangements for the preparation, mitigation, response and recovery coordination for national natural
35 disaster arrangements in Australia?”*

So far some 400 submissions have been received. Each submission has been read and considered with care. Many of them relate to more than one aspect of the terms of reference. Key themes have emerged, and many practical suggestions for
40 improvement. We thank all those who have made submissions and we welcome further submissions from individuals, community groups and the broader community. These submissions will form an important aspect of the information available to the Commission. The deadline for submissions has been extended to 28 April. Submissions can be lodged via the website, by mail, or by telephoning the
45 Commission’s offices.

We are also considering the work of past inquiries. Indeed, Chair, it seems to us that disaster response has been one of the most reviewed issues in the history of Australian governance. Already the Commission staff have identified over 240 inquiries and reviews into natural disasters in Australia. This includes inquiries by
5 early Royal Commissions as well as Parliamentary committees, coroners, government entities and independent reviewers. Commissioners, we detect a worrying consistency in the themes explored and repetitiveness in the recommendations made. This is no time to reinvent the wheel.

10 We are mindful, too, that there are concurrent inquiries at a state and territory level. Those are reviewing operational aspects of the 2019-2020 bushfire season as they consider necessary. The work of those inquiries is important. It can and will contribute to the work of this Royal Commission.

15 Those assisting you will continue to monitor that work and where appropriate seek cooperation and assistance. We will seek to avoid duplication, waste of resources and, importantly, unnecessary trauma to witnesses.

20 We are also interested in consulting with stakeholders, be they from community organisations, businesses, or any of the three levels of government. Where practicable, we propose to use digital roundtables and workshops to canvass issues and practical measures to improve national coordination arrangements.

25 Commissioners, I now need to outline the revised plan for public hearings. Those assisting you have worked hard in recent weeks to reorganise and refocus the work plan for the public hearings. Many changes have had to be made to account for the limitations of time and logistics created by the pandemic. The first phase of the public e-hearings will now commence in approximately one month's time. The hearing will be livestreamed from the Commission's offices here in Canberra.
30 The first phase will set the scene for our inquiry into natural disaster coordination and accountability arrangements. There will understandably be a focus on the recent extreme bushfire season.

35 Chair, already we know that 33 lives were lost, more than 3000 homes and 7000 outbuildings and other structures were destroyed. Over 10 million hectares were burnt amounting to some 1.6 per cent of Australia's total land mass. Over 80,000 head of livestock and over 2000 bee hives were destroyed, and millions of native plants and animals were lost, including severe impacts on many World Heritage areas.

40 The financial impact of the bushfires has been immense. As at 28 March over \$600 million had been paid out in insurance claims, and 100 Local Government Areas have been activated as impacted under the Disaster Recovery Funding Arrangements.

45 In Phase 1, we will examine the Commonwealth's responsibilities relating to natural disasters, but not just bushfires but also other naturally occurring, rapid-onset events

that cause a serious disruption to a community or region. This includes floods, cyclones, storms and storm surges, tornadoes, earthquakes, landslides and tsunamis.

5 We will examine the legal and policy framework for the Commonwealth's involvement. We will ask: should the Commonwealth have clearer authority to take action in the national interest?

10 We will assess the power of the Commonwealth government to declare a state of national emergency. We will explore: what might be the consequences of such a declaration? What powers might it enliven? How should such a declaration interact with the state and territory emergency management frameworks? What of the role of the Commonwealth agency, Emergency Management Australia, in the Department of Home Affairs? What of the deployment of the Australian Defence Force?

15 We also anticipate exploring the responsibilities of government generally for the resilience of Australia's critical infrastructure, in particular its telecommunications and their preparedness for emergency situations. We will consider broader issues concerning the dissemination of information to the public in the context of natural disasters.

20

We will then foreshadow some of the themes to be taken up further in the subsequent phase of public hearings. We expect those hearings to commence in late June.

25 In that later phase, we anticipate exploring in more detail the Commonwealth's coordination with state and territory and local governments. We will ask: what should be done to improve those arrangements, including with respect to resource sharing? What of the coordination of emergency responses across state and territory borders? The integration and interoperability of emergency resources including communications, firefighting equipment, and aerial assets? What about disruption to basic services? As always, we will consider these issues with a view to identifying practical recommendations that can be implemented for the future.

30

35 We expect also to explore Australia's arrangements for improving resilience and adapting to the changing climate. What action should be taken to mitigate bushfire risks? To protect lives, livelihoods, infrastructure and habitat? We anticipate exploring options for national standards and a nationally consistent accountability and reporting framework.

40 Finally, we anticipate examining what action should be taken to enhance natural disaster recovery efforts, including the future role of the recently established National Bushfire Recovery Agency.

45 Chair, having addressed what is to come in the public hearings, I turn now to the mechanics of those hearings.

Commissioners, you have a number of compulsory powers conferred by the Commonwealth *Royal Commissions Act* of 1902 that can be used as part of the

Commission's information-gathering processes. Importantly, those assisting you will continue to work cooperatively with recipients of compulsory notices for production of documents and statements of information. We recognise the priority all governments are giving to the necessary work of those on the frontline of the responses to the social and economic impacts of the pandemic. Solicitors Assisting will seek to agree appropriate timetables for response that will take into account the impact of recent disruption, while balancing the need for this Royal Commission to report in time for the new bushfire season. Those assisting you are grateful for the cooperation that has been provided to date.

As for the hearings, as with other Royal Commissions as a general rule, it is expected that the Commission will receive the evidence of a witness in the form of a written statement to be supplemented by oral evidence where necessary. However, it may be that, unlike other Royal Commissions, this Royal Commission will use pre-recorded video testimony, particularly from isolated members of the community who are unable to participate in live e-hearings.

The process for those seeking permission to participate formally in a hearing, that is, to obtain leave to appear, has been set out in a practice guideline published on the Commission's website. As is usual, it is unlikely that the Commission will grant any person or entity unconditional leave to appear. Most grants of leave will be confined to the hearing of the particular inquiry or case study in which the person has a direct or substantial interest. The fact that an individual or entity is not granted leave should not be taken as an indication that their evidence is not relevant, nor important. Rather, it is likely that such leave will have to be granted sparingly, given the nature of the e-hearings.

It is anticipated that there may be occasions for the grant of leave to be limited. This is because there may be practical difficulties in permitting counsel representing parties to examine or cross-examine witnesses in electronic hearings which are conducted from a restricted physical location. To be plain, because of the limitations of time and the kinds of public health considerations that may continue to be in place, this could mean that, apart from the Commissioners, only Counsel Assisting the Commission will ask questions of witnesses. But where that limitation is proposed, parties with leave to appear will be invited to make submissions in advance of the hearing, and to liaise directly with those assisting the Commission to identify any particular matters they propose be taken into consideration in the examination of particular witnesses.

A Royal Commission is not adversarial litigation. It is an inquiry. This Royal Commission is not directed to pointing the finger. The letters patent do not direct you, Commissioners, to inquire specifically into any alleged, or suspected, misconduct or wrongdoing by any person or entity. For these reasons, counsel assisting do not anticipate that restrictions on permission to cross-examine will be particularly problematic for potentially affected parties.

Finally, I note that we expect also to invite formal written submissions from interested parties on discrete issues papers. Commissioners, this is to ensure that you receive all the information necessary to complete your inquiry and report by the nominated date.

5

Commissioners, that concludes what I wish to say about the arrangements for the public hearings. We move now to the final matter which involves playing a short video clip. The purpose of this exercise is to share with the public some of the insights gained from the Commission's initial community visits.

10

Commissioners, you will recall that, back in early March, you visited the Adelaide Hills in South Australia. During the community forum you heard about the extreme fire conditions they faced. You may recall that Adam Weinert, a local resident in Lobethal, joined the forum. He told you that some 84 homes were completely destroyed in the area. Adam also lost his family home.

15

Commissioners, Solicitors Assisting the Commission have since approached Adam and you will receive a formal witness statement from him during the public hearings. Today, you will receive a video which is about eight minutes long. In that clip you will see extracts from what he told you during the community forum, followed by a more detailed account of his extraordinary story.

20

First, by way of background. Adam has told us he was raised in the town of Lobethal and left when he was 18 to pursue a career in the military. He saw service from frontline combat units through to army headquarters, working in strategic policy, future planning and modernisation and development modes. He spent 22 years in the Australian Defence Force, with multiple deployments to Iraq and Afghanistan, and a peacekeeping mission as well.

25

Adam returned to Lobethal in 2016 to settle down and retire from his military career. He became the operations manager of his family's business which was begun by his grandfather in 1947. They deliver bulk fuel mostly around the Adelaide Hills, but as far north as the Barossa Valley. He became President of the local sub-branch of the RSL and the Chairman of the Lobethal Archive and Historical Museum.

30

Commissioners, Adam's family descends from one of the 18 pioneer families that settled in Lobethal from Prussia in the 19th century. When Adam returned to Lobethal in 2016 he also brought with him personal experience of the devastating Canberra bushfires back in 2003¹, and the Black Saturday bushfires in Victoria in 2009.

35

40

As Adam reminds us, that Friday before Christmas was a catastrophic fire danger day. It was the fourth day of extreme heat in much of South Australia. The temperature was predicted to reach 46 degrees Celsius. The conditions would be made worse by hot gusting northerly winds ahead of a forecast south-westerly

¹ Misstated as 2013 during the proceeding.

change. In Cudlee Creek in the Mount Lofty ranges east of Adelaide, a falling tree reportedly brought down power lines. A blaze started. It tore through nearby townships, devastating farms and vineyards. By early Saturday the Adelaide Hills fire had reportedly burnt through more than 25,000 hectares. Power and
5 communications were heavily impacted. Continuing spot fires along access routes meant local communities were cut off for many days.

In this video clip we will learn about what Adam and other local volunteers did until an official recovery centre was able to be established. It provides an insight into
10 what isolated communities cut off from relief efforts confront in the face of a natural disaster. I warn those that see this video may find parts of it distressing.

MR A. WEINERT: So I'm Adam Weinert. I'm a resident and business owner in the township of Lobethal, a town affected by the December 2019 Cudlee Creek
15 bushfires. The day itself, that Friday, was declared a catastrophic fire danger day. A lot of people around here are very aware, especially after some of the bushfires in recent years that had come close to the town but not impacted it directly. People put their fire plans where they had them into place. I made a very quick assessment, and it wasn't a difficult one to make. Do I put my effort and resources into the business
20 or saving that house in particular? I did what I could at the house. I put the water into the gutters. I did what I could to wet the place down and prepare it the best I could. This was already after I asked my family to evacuate to the city.

But then looking at the circumstances of how the fire was developing, I made a very
25 determined and resolute decision to stick with the business for the day, noting that this business, you know, is comprised of fuel trucks and fuel storage that in the event of a fire, without its own protection in a human effort sense, would not survive an ember attack.

To have lost that, where pretty much everything that's not my working life was
30 contained, my family's history, my military history, and sort of artefacts from my life as well as my hobbies and things that I worked hard all my life for. It was extremely difficult to go up there and see that in a smouldering mess after the fire had done its piece, but it was just so hot and driven by such a vicious wind, that house didn't have
35 a hope.

So the fire front in a physical sense of, you know, the wall of flames moving at high speed, fanned by, you know, strong winds, that had ended by nightfall, and the fire front itself had moved well to the southeast down beyond Woodside towards
40 Harrogate and Brukunga. It was still burning in a spot fire sense everywhere. Power, communications and physical access was cut except for the actual fire for three to four days after the initial fire front went through.

I went out into the town the next morning and did a drive around to see what I could
45 find. There was a lot of people just wandering the streets, you know, sort of looking at their phones trying to work out, you know, if they could get a signal. Every person I encountered, which probably numbered three dozen in the town was just –

and this was about 9 o'clock in the morning on the Saturday – was just wandering around, not – you know, they were in shock and they were also very frightened of the fact that they knew they couldn't leave the town. They didn't want to leave the town. They were overwhelmed. A lot of them were exhausted. And I very quickly
5 came to the point of view by about 9.30 that morning that something needed to be done.

At that meeting, I went through what I knew, what I didn't know, what I was doing about it and what I wanted the people of the town who remained to do themselves,
10 and that included things like looking after their neighbours in terms of getting into their houses, making sure they were safe, no one was there, looking for, you know, food and water supplies to get us through, because one of the things that I, you know, highlighted to them was we don't know when we're going to be able to come and go from the town physically. We don't know when we're going to get power back. We
15 don't know if we're going to lose reticulated water. We don't know when we're going to get communications again.

And so really the function of that was to try and at least give people something rather than nothing, and what I found at the conclusion of that meeting – and people asked a
20 lot of questions, which I sort of took on notice until I could found out more information, which I then decided to hold that same town meeting every day at 11 o'clock so people knew that they could come somewhere and be together with their community in a group to discuss the issues, to make a plan, and to do things like declare that channel 20 on the UHF band was then the town's means of
25 communication.

It probably comprised at its peak 60 people. Those people were divided up into functional areas. So we had a triage cell, a team of about 12 people that were just involved in receiving people either who needed help or who could help or offer help,
30 and then they would put all those details into a spreadsheet, which we maintained throughout this entire effort, so that we could refer back, we could then record what help people had been given.

We could also look at who hadn't been given help yet and where we had capability gaps. But then the rest of the headquarters was – in the recovery centre was divided up into functional areas such as finance and donation management, trade tasking, so
35 plumbers and electricians, generators. We had a full logistics team aspect, which dealt with physical foodstuffs, household items, which includes, you know, clothing and blankets and things like that, and then also we had a separate area in the logistics cell which was purely focused on stock feed and stock water.
40

One of the key things we did was we had people coming in who were quite vulnerable, physically vulnerable elderly people who we knew would have to hunker down in their homes for some days, hot weather. We managed to corral a significant
45 number of generators and then we had a team of tradespeople, electricians, who took those generators out to some of these vulnerable people once they had been triaged

and prioritised to put the generators onto the people's homes so that they could live a bit more comfortably until the situation was alleviated.

5 And, indeed, it was 16 days of isolated operation that our disaster relief effort
operated for until 6 January when the State Government's recovery centre was
opened up inside of Lobethal in the fire scar. Until that point in time, I knew a lot of
families and a lot of individuals who would not leave the town, because they were
too frightened to and too mentally shocked to go to a recovery centre or a relief area
or any other government agency that sat outside the town. So they were isolated in
10 the town relying on this spontaneous volunteer organisation, that itself wasn't
perfect. That centre bridged a gap the likes I've not seen nor heard of in my lifetime
in a pretty special, rare, unique situation in a town that was isolated in so many ways.

15 I think the key aspect of impact on the local area has been both the economic and
social shock value the bushfire and its aftermath has imparted. It's upset a lot of
industry. It's upset a lot of social network. But, in the same vein, it's also drawn the
community as a – you know, a microcosm, closer together in some aspects. But I
think the trauma goes on, particularly for those who have been impacted from an
economic sense, but also from the sense of having their homes, their life's work,
20 their collections, their hobbies and things like that either deeply impacted or
destroyed.

MS HOGAN-DORAN SC: Commissioners, we thank Adam for his time and
contribution to today's proceeding. We hope that the Commission will receive
25 further video contributions from those who have suffered the consequences of the
longer, hotter, drier seasons and the severe weather events. Accounts like these
suggest an urgent need for Australia, as a nation, to take coordinated action. As you
said, Chair, the Australian community expects governments to learn from past
experience, to adapt and improve and to work together more collaboratively for the
30 safety and benefit of all Australians. Commissioner.

COMMISSIONER BINSKIN: Thank you, Ms Hogan-Doran. On behalf of the
Commission, I and my fellow Commissioners would like to thank everyone who's
35 been following today's proceedings. The Commission will now adjourn.

ADJOURNED

[8.58 am]