Overview – 4 issues

1. What are commissions of inquiry?

2. Why are they appointed?

3. How do they work?

4. What is their impact on policy?
1. What are commissions of inquiry

- Non-permanent, *ad hoc* bodies **appointed by executive govt** with members from outside govt

- **Some appointed under legislation** – investigative powers (eg royal commissions and commissions of inquiry)
  - Qld *Commissions of Inquiries Act 1950*

- **2 types:**
  - **inquisitorial/ investigative:** investigate allegations, improprieties, causes of catastrophic event (disaster/accident) eg 2011 Qld Flood Commission
  - **policy:** advice on a particular policy issue (eg *Gonski Review School Funding*)
What commissions are not!

• Not have to be chaired by legal profession

• Not ‘judicial’ inquiries – even when chaired by current or ex-members of the judiciary
  – not make judgments that are enforceable
  – not appealable in courts

• Merely make ‘assessments’ of issues at particular points of time
2. Why appointed?

- **Inquisitorial inquiries appointed to:**
  - establish accountability and responsibility; allow stakeholders to learn what happened; provide catharsis or reconciliation and rebuilding public confidence in public institutions; provide advice on key policy frameworks and specific issues

- **Perceived independence:**
  - External prestigious, expert, membership
  - Open terms of reference and inquiry processes
  - Public report and evidence availability

- ‘Institution of last resort’ – though appointed by executive govt – seen as only instrument not tainted by politicalisation/compromise
Other inquiries into disasters

- Royal Commission Torbanlea Colliery Disaster (Qld 1900)
- Royal Commission Mt Mulligan Mine Disaster (Qld 1921)
- Royal Commission Collinsville Coal Mine (Qld 1954)
- Royal Commission on Loss of HMAS Voyager (C’nth 1964) & Royal Commission Allegations by Lt Cdr Cabban (C’nth 1967)
- Royal Commission Failure of West Gate Bridge (Vic 1970)
- Royal Commission Esso Longford Gas Plant (Vic 1998)
- Special Commission into Glenbrook Rail Disaster (NSW 2000)
- Victorian Bushfire Royal Commission (2009)
3. How do they work?

• Inquisitorial: not adversarial, seek the truth, probing, research, investigative

• Public processes

• Investigative powers – greater than courts

• ‘Evidence’ – broader than courts: accept scuttlebutt/hearsay

• Make recommendations only
4. What is their impact on policy?

• **Only make recommendations** – executive govt decides and they can accept, sabotage, delay, undermine, ignore, bury, denigrate & attack

• **BUT:**
  – immense public interest and pressure on govt
  – long term ripples in policy pond in terms of:
    • clarify facts, end myths & allocate responsibilities
    • put issues on policy agenda once resisted
    • redefine policy issues/problems
    • understand emerging issues
    • promote consensus on controversial matters
    • provide policy blueprints/‘solutions’
Implementation issues

• Careful of ‘lock, stock and barrel’ acceptances

• Recommendations must be:
  – interpreted
  – tested for practicality and costs
  – assessed on impact of existing administrative arrangements and professional practices
  – distinguish between: ‘shoulds,’ ‘musts’ and “suggestions”
...No, I'm the Royal Commissioner looking into why we've got so many Royal Commissions!