Learning lessons

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This presentation will

• Report on our findings from a Bushfire CRC funded project; and

• Introduce the next stage to be funded by the Bushfire and Natural Hazards CRC.
Mainstreaming EM into law and policy

• Emergency management is a whole of government and cross-sectoral challenge. It need to be a mainstream issue – it’s everyone’s business.

• We asked “How does law impact upon emergency management and in particular the emergency services?”
What we found:


– Reporting on literature review and review of evidence before the 2009 Vic Bushfires Royal Commission to identify perceived legal impediments to effective mainstreaming.

– Opportunities for mainstreaming do exist (extent), but may disagree with implementation (strength).
What we learned?

• Measures of success are not clearly defined – it’s hard to know who’s doing a good job if we don’t know what a ‘good job’ looks like.

• We may not have the best model to learn lessons – see Eburn and Dovers, *Australian Journal of Public Administration*, forthcoming.
What we said:

“Einstein is reported to have said “Insanity: doing the same thing over and over again and expecting different results.” The insanity may not lie in responding to fires and emergencies the same way, and facing another tragedy, but in reviewing these events in the same way and expecting the quasi-judicial process to identify how to prevent the next one. It is time to do the post event review in a different way and see if that does not produce different results when it comes to preparing the community for the inevitable impact of the next overwhelming event.”
Why we said it:

• Post event reviews may be:
  – Internal, departmental or agency inquiries;
  – Inquiries under existing legislation;
  – Ministerial or Parliamentary inquires; or
  – The Royal Commission!
Quasi-judicial

- Look like a court;
- Staffed by lawyers, Royal Commissioners are usually judges; coroners are also Magistrates.
- Adopt court room procedures and behaviour.
Coroners

- Date back to 12th century.
- Investigate deaths and fires.
Royal Commission

• An *ad hoc* inquiry, established to investigate a particular matter and limited by its terms of reference. They:
  – Are independent of government;
  – Have coercive powers;
  – Take evidence in public.

• The Royal Commission is the high profile way to say ‘we take this seriously’.
Collection

• Many inquiries report that volunteers fear liability. Our study suggest it’s not ‘liability’ but this sort of public, aggressive scrutiny.

• The other fear is that people believe, after a Royal Commission, ‘it won’t happen again’, so there is concern when it does – why weren’t the lessons learned?
Analysis

• Look at a particular event, rather than policy as a whole.
• May conflict with other policy objectives.
• May not test the submissions of witnesses.
• May not consider budget implications – bury the powerlines? Buy a SkyCrane helicopter?
Implementation and monitoring

• What happens to the recommendations? It’s hard to know.

• 2009 Victorian Royal Commission recommended an ‘implementation monitor’.
Study of coroner's recommendations in 2004 found

- 44% where implemented or partially implemented.
- 13% not implemented; and
- 43% it could not be identified whether they’d been implemented or not.
What we’re doing

• Reviewing 1729 recommendations from fire inquiries – 1939-2013.
• Reviewing three inquiries into the 2003 Canberra fires – if they produced the same results why did it take 11 years? If they’re different, how do you make sense of that?
Some suggestions

• Reframe the terms of reference – What went well, not what went wrong.

• Learn from other industries – medical ‘open disclosure’; aviation, no fault and near miss reporting.

• The US Wildland Fire Lessons Learned Centre.
A new model

Panel of inquiry

Specialist panel 1

Specialist panel 2

Specialist panel 3
Developing these ideas

• Will be the subject of ongoing research with the Bushfire and Natural Hazards CRC.

• We aim to make recommendations for a better approach to learning lessons that doesn’t forsake goodwill, and in particular the goodwill of volunteers.
Thank you for your attention.

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