
Post-Disaster Public Inquiries and + • Policy Learning o

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Why public inquiries?

- Examine lapses in public administration & other matters related to the public good.
- Assuage public concern or anxiety as to the existence of a particular state of affairs.
- Obtain information to enable the executive to perform more effectively its functions.
- Can be effective at producing 'instrumental learning' (policy tools, which lead to enhancements in eg forecasting, warnings, surveillance, inspections) and 'cognitive-organizational' learning (better appreciation of larger policy space & how can be better connected to reduce vulnerability).
- Cognitive organizational learning helps break down perceived silos & bring actors closer together disaster; instrumental learning improves effectiveness of actual crisis responses.

What are public inquiries?

- Quintessentially an aspect of public administration, ie the administration of the peace, order and good government.
- Quite unlike a process of civil or criminal justice, conducted in a court of law, governed by rules of evidence and litigation procedures.
- Process lacks any judicial power. It is 'not the nature of the facts to be found but the legal effect of the finding' which makes something judicial.
- A commission of inquiry and report affects no rights, privileges nor immunities, imposes no liabilities, exposes no legal disadvantages; it is 'sterile of legal effect'.
 - *Victoria v Australian Building Construction & Builders' Labourers' Federation* (1982) 152 CLR 25 (High Court of Australia, Brennan J at pp 152-153)
- Inquisitorial: need not be adversarial; indeed can be 'appreciative'.

Useful readings

- *Lessons for Government from Recent Royal Commissions and Public Inquiries*, Dominique Hogan-Doran, paper presented to the NSW Government Solicitors Conference, September 2019
- *Public Inquiries, Policy Learning and the Threat of Future Crises*, Alistair Stark (Oxford University Press, 2018)
- *New Directions in Royal Commissions and Public Inquiries* (Scott Prasser (ed)), (Connor Court, 2023)
- *Disaster Upon Disaster: Exploring the Gap Between Knowledge, Policy and Practice*, R Barrios and S Hoffman (eds) (Berghahn Books, 2019)
- *Lessons from History: Leading Historians Tackle Australia's Greatest Challenges* (C Holbrook, L Megarrity, D Lowe (eds)) (New South Publishing, 2022)
- *Public Inquiries: Wrong Route on Bloody Sunday*, Louis Blom-Cooper (Hart Publishing, 2017)

What is 'learning'?

Stark (2018)

- **Learning** means a **change** in an actor's **beliefs, insight, or understanding** which can result as part of a conscious choice or an unintentional process. These changes will usually, but not always, be drawn from experience.
- **Organizational** policy learning involve changes to institutional **memory** and institutionalised **routines** that improve **collective action**
- **'Single loop'** policy learning outcomes in the context of an inquiry (ie identify error to correct, without understanding why) will be reflected in an abundance of narrow, technical lessons.
- **'Double loop'** learning outcomes in the context of an inquiry (where goals and values are examined and challenged) will be reflected in lessons orientated towards values, assumptions, and cultural norms.

How to 'learn'?

Stark (2018)

- Enhance our understanding of learning '**by confronting conceptual frameworks with empirical data, not by endless theoretical pondering**'
- Recognise that different inquiry dimensions might promote a range of different kinds of learning (cognitive and behavioural) at different levels (individual or organizational) in relation to different policy objects (instruments, ideas, or discourse)
- The single criterion used for measuring the effectiveness of any type of policy learning is whether or not it reduces (or has the capacity to reduce) **vulnerability** to subsequent events of a broadly similar nature.

Are lessons able to be learned?

- Aspects concerning one disaster actually transferrable to another?
- Common understanding about basic concepts?
- Clear and consistent use of language?
- Sufficient sensitivity to the needs to anticipate disaster risks, minimise people's exposure to future hazards, and systemic response to threats before they become a disaster?
- Consideration of comparative demographic, cultural and socioeconomic, environmental and geophysical, analytical competencies and data?
- Necessary planning and managerial skills, and technical resources available?
- Long-term perspective?
- Overarching political authority situated at highest levels of government?

How to craft lessons as recommendations?

- Inquiry leads with experience of **reality** of public policy/ public management to enhance credibility & workability of recommendations.
- Demonstrate knowledge of institutional structures & differentiation of responsibilities within government & between governments at different levels
- Meet / collaborate / debate with agencies key to implementation.
- Work within existing mandates (legislation, policy directives).
- Couch suggestions in language of practitioners where relevant (training, tactical procedures, guidelines).
- Avoid radical changes to economy / government systems (because radical recommendations lead to resistance & limited implementation) but don't shy from value oriented reforms and ethical action.

How avoid institutional amnesia?

- When lessons not properly institutionalised, will be forgotten across time.
- Long-term institutionalization and knowledge recall are fundamentally important to successful lesson-learning.
- Do not reduce policy learning to a simple organizational change/no change binary, focused around a list of written recommendations.
- Include implementation and delivery guide for recommendations.
- Consider risk of political amnesia and bureaucratic amnesia as inherent vulnerabilities.
- Recommend leadership and oversight mechanisms for recommendations (eg Victorian Bushfires Royal Commission Implementation Monitor to audit the progress of the reform agenda; RCNDA recommendation for IGEMs).
- Anticipate need for active policy refinement processes (eg policy reviews, taskforces, and 'mini-inquiries').

Five lessons for academics wanting policy impact

Adam Graycar, [*The Mandarin*](#) 18 June 2023

- **Lesson 1** - do not underestimate those in government and acknowledge that they are probably as smart as you, and probably as well informed, if not more so.
- **Lesson 2** - do not assume evidence & research will have primacy over other factors.
- **Lesson 3** - note that different time scales apply, and that is not a bad thing.
- **Lesson 4** - keep it simple & structured, no need to show off how much you know.
- **Lesson 5** - establish working relationships with public servants and bring them into your research sphere, and put them onto your mailing lists.