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Secretary to the Federal Executive Council

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

TO

Mr Richard Ian Hanger AM QC

GREETING

WHEREAS a measure, known as the “Energy Efficient Homes Package”, was announced by former Prime Minister Kevin Rudd on 3 February 2009.

AND a component of that Package was the “Homeowner Insulation Program”, which was replaced on 1 July 2009 by the “Home Insulation Program” (both of which form the *Program*).

AND it is claimed that the deaths of Matthew Fuller, Rueben Barnes, Mitchell Sweeney and Marcus Wilson may have arisen from the implementation of the Program.

AND it is important in the public interest that claims that deaths, serious injuries, financial loss or damage to pre-existing home insulation businesses, effects on families and other matters arising from the implementation of the Program be fully explored.

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 Commission of inquiry, and require and authorise you, to inquire into the matters that may have arisen from the development and implementation of the Program, and related matters, and in particular, without limiting the scope of your inquiry, the following matters:

- (a) the processes by which the Australian Government made decisions about the establishment and implementation of the Program, and the bases of those decisions, including how workplace health and safety and other risks relating to the Program were identified, assessed and managed;
- (b) whether the Australian Government was given, or sought, any advice, warnings or recommendations by or from industry representatives, regulatory authorities or other agencies of the Commonwealth, a State or a Territory during the establishment and implementation of the Program, and what action the Australian Government took in response to any such advice, warnings or recommendations;
- (c) whether, in establishing or implementing the Program, the Australian Government:
  - (i) failed to have sufficient regard to workplace health and safety or other risks relating to the Program; or
  - (ii) failed to have sufficient regard to advice, warnings or recommendations mentioned in paragraph (b); or
  - (iii) failed to deal adequately with the risks, advice, warnings or recommendations;

and, if so, why sufficient regard was not had to the risks, advice, warnings or recommendations, or why they were not dealt with adequately;

- (d) whether the death of:
  - (i) Matthew Fuller; or
  - (ii) Rueben Barnes; or
  - (iii) Mitchell Sweeney; or
  - (iv) Marcus Wilson;

could have been avoided by the appropriate identification, assessment or management, by the Australian Government, of workplace health and safety and other risks relating to the Program;

- (e) whether the Australian Government should have taken action, in relation to the identification, assessment or management of workplace health and safety and other risks relating to the Program, that you consider would or may have avoided the deaths of the persons named in paragraph (d);

- (f) the effects of the Program on:
  - (i) the families of the persons named in paragraph (d); and
  - (ii) pre-existing home insulation businesses;
- (g) whether the Australian Government should change its laws, policies, practices, processes, procedures or systems for the purpose of seeking to prevent the recurrence of any failure identified by your inquiry.

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 to consider:

- (h) all relevant matters occurring during the period:
  - (i) starting at the commencement of the policy development that led to the introduction of the Program; and
  - (ii) ending at the termination of the Program; and
- (i) all remedial measures undertaken by the Australian Government after the Program was terminated.

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 declare that you may:

- (j) consider:
  - (i) damage to property claimed to have arisen from the implementation of the Program; and
  - (ii) the effects on pre-existing home insulation businesses resulting from the damage; and
- (k) make findings or recommendations about those matters;

but you are not required by these Our Letters Patent to do so.

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 any of the following:

- (l) the inquests in Queensland and New South Wales into the deaths of the persons named in paragraph (d);
- (m) the findings of any court or tribunal inquiring into serious injuries, or loss or damage, claimed to have arisen from the Program;
- (n) inquiries by State or Territory governments, police forces or other agencies into the deaths of the persons named in paragraph (d) or into serious injuries, or loss or damage, claimed to have arisen from the Program;
- (o) the findings of the Report by the Australian National Audit Office into the Program;
- (p) the findings of the Review of the Administration of the Program;
- (q) any other relevant inquiry, proceeding or finding.

AND We direct you to make any recommendations arising out of your inquiry that you consider appropriate.

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 in these Our Letters Patent:

***pre-existing home insulation business*** means a business of installing insulation in domestic premises that was in existence before 3 February 2009.

AND We:

- (r) require you to begin your inquiry as soon as practicable; and
- (s) require you to make your inquiry as expeditiously as possible; and
- (t) authorise you to submit to Our Governor-General any interim report that you consider appropriate; and
- (u) require you to submit to Our Governor-General a report of the results of your inquiry, and your recommendations, not later than 30 June 2014.

IN WITNESS, We have caused these Our Letters to be made Patent.

WITNESS Quentin Bryce, Governor-General of the Commonwealth of Australia.

Dated 2013

Governor-General

By Her Excellency's Command

Attorney-General