



Australian Government

Attorney-General's Department

Submission of the Attorney-General's Department

Senate Environment and Communications References Committee

***Inquiry into the response to, and lessons learnt from, recent bushfires in
remote Tasmanian wilderness***

April 2016

Introduction

This submission is made by the Attorney-General's Department (AGD) to the Senate Environment and Communications References Committee for the inquiry into the response to, and lessons learnt from, recent bushfires in remote Tasmanian wilderness.

This submission outlines the Australian Government's responsibilities in relation to emergency management and in particular aerial firefighting and financial disaster recovery assistance. The submission also provides an overview of the support provided by Emergency Management Australia (EMA) during the bushfires in Tasmania in early 2016. EMA is a division within AGD.

Role of the Australian Government in emergency management

Under Australia's constitutional arrangements, state and territory governments have primary responsibility for protecting life and property, including responding to bushfires and providing assistance for disaster affected communities. Each state and territory has emergency management legislation, plans and arrangements to respond to emergencies. The Australian Government supports state and territory governments by coordinating national efforts in building resilience through disaster research, information management and mitigation policy and practice.

Where the scale of an emergency or disaster exceeds or exhausts jurisdictional response capacity and capability, or where resources (government, community and/or commercial) cannot be mobilised in time, a state or territory may seek Australian Government assistance. The Australian Government Disaster Response Plan (COMDISPLAN) (activated by the Director General EMA [DG EMA]), facilitates the provision of non-financial Australian Government assistance to Australian states and territories, following a formal request for assistance by a state or territory. This assistance can include for example, but is not limited to, Australian Defence Force (ADF) support, satellite imagery capabilities, Australian Medical Assistance Teams and disaster victim identification.

Where civilian resources are inadequate, unavailable or cannot be mobilised in time, emergency Defence Assistance to the Civil Community (DACC) arrangements enable the ADF to contribute to save human life, alleviate suffering and prevent loss of animal life or property. Defence assistance follows a request from the relevant state or territory government to EMA in accordance with COMDISPLAN. In some circumstances, ADF support to states and territories can be approved by local ADF commanders. As a general principle, Defence support is limited to the current qualifications, skills and resources of the ADF. Firefighting, from either the ground or air, is a specialised skill that requires equipment and training that the ADF does not possess and which remains the responsibility of state and territory governments.

EMA can also support the coordination of resources between states and territories. This can be facilitated under the Arrangements for Interstate Assistance (AIA) and through the Commissioners and Chief Officers Strategic Committee (CCOSC) of the Australasian Fire and Emergency Services Authorities Council (AFAC), which is co-chaired by DGEMA, and in which all states and territories participate. The AIA enables Australian states and territories to exchange capabilities (fire services, emergency services and land management agencies) during significant incidents. The CCOSC comprises Chief Officers and Commissioners from Australia and New Zealand fire and emergency services agencies. The CCOSC was established in December 2013 to provide expert operational advice on national issues. The CCOSC can coordinate national operational matters

during significant events and provide an operational reference group for multi-jurisdictional response arrangements.

**Refers to terms of reference (b) and (c)*

Australian Government role in and contribution to national aerial firefighting

In addition to its national coordination role, the Australian Government, through AGD, directly supports firefighting efforts through its annual contribution to the national aerial firefighting capability, contributing more than \$14.8 million per year to the National Aerial Firefighting Centre (NAFC). The NAFC, an incorporated company entity limited by guarantee, coordinates firefighting aircraft lease arrangements on behalf of state and territory emergency services and land management agencies. In late 2015, the Prime Minister agreed to a one-off increase of \$0.5 million recognising the severity of the 2015-16 fire season. These contributions assisted to position more than 120 specialised aircraft across the nation for the 2015-16 season.

Given the very high cost of developing and maintaining specialist firefighting aircraft and the finite duration of the Australian fire season, the NAFC leases rather than purchases an aircraft fleet. Leasing aircraft allows (i) adjustments to be made to resourcing levels based on assessed risk and (iii) greater flexibility to introduce new technology.

The NAFC, in conjunction with all states and territories, monitors emerging capabilities and has an established multi-jurisdictional working group to closely assess the technical and economic aspects of its fleet. Aircraft selection is based on advice from state and territory experts and is underpinned by over 60 years of research in Australia. The NAFC also continues to work closely with overseas organisations involved in the evaluation of aerial firefighting capabilities.

**Refers to terms of reference items (b) and (c)*

Australian Government financial assistance

The Department, through EMA, is responsible for managing national disaster recovery payments including:

- the Natural Disaster Relief and Recovery Arrangements (NDRRA),
- the Disaster Recovery Payment (DRP),
- the Disaster Recovery Allowance (DRA), and
- New Zealand ex-gratia payments.

**Refers to terms of reference item (b)*

Natural Disaster Relief and Recovery Arrangements (NDRRA)

The Australian Government supports states and territories through the jointly funded Commonwealth-State NDRRA to assist with the costs of providing certain relief and recovery assistance to disaster affected communities.

Under the NDRRA, the states and territories determine the type and level of assistance available to affected individuals, communities and local governments following a disaster. There are four categories of assistance measures under the NDRRA:

- Category A: covers assistance to individuals to alleviate personal hardship and distress arising as a direct result of a disaster.
- Category B: covers assistance to the states and territories, and or local governments to restore essential public assets and conduct certain counter-disaster operations. Category B assistance also covers assistance to small businesses, primary producers, not-for-profit organisations and needy individuals.
- Category C: covers assistance for community recovery and includes clean-up and recovery grants for small businesses and primary producers and the establishment of a Community Recovery Fund. Category C assistance is only made available when the impact of a disaster is severe.
- Category D: covers assistance beyond Categories A to C in response to circumstances which are considered exceptional. Category D assistance is generally considered once the impact of the disaster has been assessed and specific recovery gaps identified.

The level of financial assistance provided by the Australian Government depends on the (i) type of assistance made available in response to a disaster event, and (ii) the level of expenditure incurred by the state and territory within a financial year. Where the NDRRA is activated, the Australian Government may fund, in certain circumstances, up to 75 per cent of the assistance available to individuals and communities.

Disaster Recovery Payment

The Disaster Recovery Payment (DRP) is a one-off, non-means tested payment of \$1000 for eligible adults and \$400 for eligible children who have been adversely affected by a major disaster either in Australia or overseas. DRP is activated when the impact of a disaster on individuals and families requires Australian Government assistance, in addition to that provided under the NDRRA.

The Disaster Recovery Allowance (DRA) is a short-term, taxable income support payment to assist individuals who can demonstrate their income has been adversely affected as a direct result of a disaster. When available, DRA assists employees, small business persons and farmers who experience a loss of income as a direct result of a disaster event. It is payable for a maximum of thirteen weeks from the date at which a customer has, or will have, a loss of income as a direct result of a disaster.

Where the Australian Government has made either payment available, the Prime Minister or Cabinet may also decide to provide a similar payment to New Zealand Special Category Visa Holders.

Actions undertaken by Emergency Management Australia in response to the Tasmanian bushfires

The response to the fires in Tasmania was significant and collaborative, with all Australian states and territories offering assistance to Tasmania. Firefighting resources, in the form of aerial and land assets and personnel, were deployed from Victoria, New South Wales, Queensland, South Australia and the Australian Capital Territory, as well as from New Zealand. The coordination of interstate assistance was facilitated under the AIA by Emergency Management Victoria after agreement was reached at the CCOSC. Many of the assets that form part of the 2015-16 NAFC fleet, partially funded by the Australian Government, were also utilised in the response to the Tasmanian fires.

On 13 February 2016, in response to a request from the Tasmanian Government, EMA activated COMDISPLAN to assist with the transport of a portable base camp to house approximately 250 interstate crews in Tasmania's north-west. The request was met by the ADF. To support the activation, EMA deployed Liaison Officers to the Tasmanian State Fire Operation Centre in order to closely monitor this event and support the provision of any further requests for Australian Government assistance.

The Australian and Tasmanian governments have activated the jointly funded NDRRA. It is important to note that under the NDRRA, the Australian Government partially reimburses state costs on a financial year basis, so the timing of the activation does not delay the provision of assistance. EMA assessed and monitored the impacts of the fires on the communities affected. While 125,000 hectares were reported as damaged, including part of the Tasmanian Wilderness World Heritage Area, there were no reports of fatalities, serious injuries, direct impacts to residences, or businesses damaged or destroyed and therefore no recommendation was provided to activate DRP or DRA. EMA continues to liaise with the Tasmanian Government regarding recovery assistance.

**Refers to terms of reference item (b)*