

PREPARING FOR THE UNPRECEDENTED

Workshop #3: Civil/military cooperation in the new legal and policy environment



Australian
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Framing Questions

- How should all local and state governments interact in crisis response?
- What is the role of the Commonwealth?
- How should we think about the use of the ADF to support crisis response?
- What is the role of communities in responding to crises?
- How should the relationship between communities and government be expressed in crisis response planning?

Kiama Floods, 2012. © Anna Lukaszewicz



Workshop Scenario

The Scenario

It has been a summer of extremes. **Bushfires** are burning across the south-Eastern states whilst **cyclones** threaten both Queensland and Western Australia.

Each affected jurisdiction has declared a disaster/emergency (as the case may be) and state emergency response procedures are in place. The state coordinators are deploying resources and working with each other to share resources to manage the response.

- What are the processes for coordination across state jurisdictions?
- How effective are they in a situation of multiple crises?
- Are they capable of resource allocation and response across jurisdictional boundaries?
- What is the role of the Commonwealth in this situation, and how can it exercise that role?

In areas that have already been affected by bushfire, exclusion orders are in place to keep people out given the dangers in the fire ground. A defence base is in the path of a fire. What are the processes for coordination across state jurisdictions?

In both the fire and cyclone threatened areas, evacuation orders are in place for some areas, but local residents are refusing to leave preferring to wait and see.

- Who has the authority to force people to evacuate against their will? How is that authority exercised?
- What are the practical constraints on enforcing evacuation orders?
- Are there alternative approaches?



Workshop Scenario

The Scenario (cont'd)

The Commonwealth, in accordance with COMDISPLAN, has been requested to provide assistance in the form ADF resources to provide staging posts for the firefighting effort. In areas already affected by cyclones the ADF have been tasked with assistance to remove debris and clear the streets.

There are also calls from the public for the ADF to provide security in areas that have been evacuated for fear of looting given that police are tied up with the urgent and immediate response.

- How is the ADF response coordinated and how is the authority to provide assistance obtained and delegated?
- What authority does the ADF have under legislation?
- What are the practical constraints on the exercise of that legislated authority?
- What does security in this situation entail and what are the limits that the ADF would be operating under?

The Minister of Defence has made a declaration under the Defence Act 1903 (Cth) s 123AA(2) directing the ADF provide 'assistance in relation to [the] natural disaster'. In a press release the Minister has announced that the ADF will move in to remove people who have been ordered to leave.

In both the fire and cyclone threatened areas, evacuation orders are in place for some areas, but local residents are refusing to leave preferring to wait and see.

- What does this legislation give the ADF the authority to do? How would the ADF interact with civil authority in these circumstances?
- What is the relationship between ADF command and local jurisdictions?
- How should the Commonwealth and State jurisdictions prepare for these contingencies?



Workshop Scenario

The Scenario (cont'd)

The Minister has also announced that ADF personnel will enter exclusion zones and construct fire breaks to defend their threatened base. How is the ADF response coordinated and how is the authority to provide assistance obtained and delegated?

- Does the legislation put restrictions on what the ADF may do to defend a 'threatened' base?

Finally the Minister has said that local residents are frustrated at being excluded from their homes so the ADF may be used to make areas 'safe' to allow residents to return. It is not clear what that may involve.

- What limits does legislation place on using the ADF to make areas safe? What does 'safe' mean?

Consider that you are a local emergency controller or defence commander operating in one of these areas.

- How will you coordinate and work with the emergency services/ADF? What challenges do you foresee?
- What would mitigate these challenges?

View from suburban backyard in Conder, ACT December 2020. © Rafal Lukasiewicz



THANK YOU

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