



PREMIER OF TASMANIA

4 JUN 2020

Committee Secretary
Senate Finance and Public Administration Committees
Email: fpa.sen@aph.gov.au

Dear Committee Secretary

Inquiry into the lessons to be learned in relation to the Australian bushfire season 2019-20

Thank you for the opportunity to provide a submission to your Inquiry. This letter constitutes the Tasmanian Government's submission and it may be published on the Committee's website.

Tasmania did not suffer impacts of the scale experienced in some other jurisdictions during the 2019-20 fire season, but did suffer an extraordinary fire season in 2018-19 where a significant area of the State was impacted by fire. Tasmania acknowledges that national arrangements for natural disasters merit review in the light of lessons learned from the response to these unprecedented events and the likelihood that Australia will face similar challenges in the future.

The frequency and intensity of natural disasters are increasing in Australia. The changing climate and changing land use are two significant drivers of these increases. Australian states and territories are expected to experience longer fire seasons with more frequent and intense bushfire events. This is likely to pose a major challenge to fire management, increase disruptions to the economy, and impact globally significant natural and cultural values.

Tasmania's comments relate to the Inquiry's Terms of Reference (b): *the respective roles and responsibilities of different levels of government, and agencies within government, in relation to bushfire planning, mitigation, response, and recovery.*

I Emergency management is a state and territory responsibility, but the Australian Government should, in consultation with the state and territory governments, be able to declare a national emergency to enable national coordination of the response to a natural disaster.

Tasmania supports clarification of the roles of the Australian, state and territory governments in response to an emergency of national significance. As noted below, the Emergency Management Agency (EMA) should be resourced to lead any work to further develop national arrangements for preparedness for, response to, resilience to, and recovery from, natural disasters.

Emergency management is appropriately a state and territory responsibility. The Tasmanian Government does not support any referral of powers to the Australian Government in relation to response to natural disasters. States and territories have individual arrangements in relation to emergency management that reflect local needs and it is appropriate that responses to natural disasters are locally led.

However, the Tasmanian Government does support arrangements for the Australian Government to be able to declare a national emergency, in consultation with the states and territories, to enable national coordination of the response to a natural disaster. The experience from the current arrangements in relation to the response to the COVID-19 health emergency, including the operation of the National Cabinet and the Australian Health Protection Principal Committee should inform the governance model for coordination. Both bodies are examples of the Australian, state and territory governments working collaboratively to make a strategic response to a national emergency, allowing national coordination and state-based solutions.

Any such arrangement needs to take account of the needs of smaller jurisdictions and there should be a framework for allocation of resources in response to an emergency based on agreed principles. Such principles should ensure that resources are not allocated simply on the basis of population but also consider underlying community vulnerabilities which are likely to reflect needs for assistance.

Deployment of the Australian Defence Force (ADF) should continue to be at the request of states and territories only. There is scope for the ADF roll-out process to be improved so that there is greater clarity in relation to what resources and capabilities the ADF can provide in an emergency situation, and the estimated costs associated with deployment as these costs may need to be covered by the requesting jurisdiction. These costs are not always made available at the time of the request and the scale of expense is not always anticipated. Work to provide guidance on scenarios where costs will be waived or incurred by the jurisdictions before ADF resources are committed would be of value. An example of this was the uncertainty around what costs would be incurred by Tasmania if the Joint Task Force 1111 was to undertake activities in support of Tasmania's response to the 2019-20 fire season. It should be noted that potential costs for ADF support in response to COVID-19 has been clearly articulated as part of the Memorandum of Understanding that is signed as part of each request for assistance. The difference in this scenario is that the scope and duration of the assistance has been more easily articulated.

2 Emergency Management Australia should be resourced to lead the development of national response and recovery frameworks, guided by the Australia New Zealand Emergency Management Committee

Australia's approach in relation to natural disaster risk mitigation is well articulated in the *National Strategy for Disaster Resilience* and the *National Disaster Risk Reduction Framework*, however national arrangements in relation to emergency response and recovery are less well developed. EMA is the appropriate entity to lead policy development in these areas, but needs to be adequately resourced to undertake the policy development required.

EMA is the Australian Government agency responsible for coordinating national effort on emergency management and is the home of the Crisis Coordination Centre. Arrangements during the response and recovery stages should seek to leverage off existing relationships between EMA and states and territories in preference to establishing new arrangements.

3 National arrangements in relation to recovery should reflect the importance of community led recovery and consistency in financial support.

National arrangements in relation to recovery need to acknowledge the importance of community led recovery as reflected in the *National Principles for Disaster Recovery*. It is also important that those affected in the same way by the same disaster have access to the same level of assistance. As assistance is needs-based some differences may be appropriate but inequities must be avoided.

4 There needs to be a substantial increase in Australian Government funding made available for the purposes of resilience and risk reduction.

As the total economic cost of natural disasters is forecast to grow, further investment in disaster resilience is essential. In 2014 the Productivity Commission conducted a comprehensive review of natural disaster funding arrangements and recommended that the Australian Government increase its mitigation funding to the states and territories to \$200 million per year, allocated to jurisdictions on the basis of natural disaster risk¹. The Productivity Commission noted that governments overinvest in post-disaster reconstruction and underinvest in mitigation that would limit the impact of natural disasters and that this leads to higher overall costs for the community^{2,3}.

The Australian Government recently worked with state and territory governments to develop the *National Disaster Risk Reduction Framework* but there has been a reduction in funding in real terms made available to the states and territories under the National Partnership Agreement (NPA) for Disaster Resilience (now the NPA for Disaster Risk Reduction). In 2020-21 the Australian Government is providing \$26.1 million nationally for resilience (\$130.5 million over five years, to be matched by the states and territories). This amount is much less than the \$2 billion being distributed by the National Bushfire Recovery Agency and reflects the imbalance between the priority given to resilience and recovery.

5 Commonwealth contributions to costs of defending environmental values and cultural heritage should be included as a standard measure under the Disaster Recovery Funding Arrangements (DRFA).

Under current arrangements, only firefighting costs related to the protection of infrastructure and community are eligible for assistance as a standard measure under the DRFA. Firefighting costs in defence of environmental values or cultural heritage are not eligible for partial reimbursement under the DRFA unless approved by the Prime Minister.

State and territory fire agencies allocate resources in an emergency based on their assessment of priorities within their jurisdiction. It is not appropriate for the DRFA then to allocate financial support for firefighting efforts based on an arbitrary distinction between the types of asset being protected.

Treating all firefighting costs the same under the DRFA will reduce the significant administrative burden associated with submissions for reimbursement under the DRFA, noting that states and territories are only eligible to claim extraordinary firefighting costs and that these costs must reach large expenditure thresholds before being eligible for any Australian Government contribution.

Tasmania has large areas of world and national natural and cultural heritage significance. The Tasmanian Wilderness World Heritage Area (TWWHA) covers one and a half million hectares, or around one-fifth of Tasmania's land mass and is inscribed on the World Heritage List under four criteria for "natural heritage" and three criteria for "cultural heritage". Bushfires present one of the biggest challenges to managing and protecting the values that are recognised as significant to the TWWHA's World Heritage status.

The recent fire history in Tasmanian wilderness areas shows an increase in the frequency of years with major fire events, in both the number of fires and area burnt. These fires have threatened significant environmental and cultural assets including unique, threatened and sensitive vegetation communities, some of which may not recover and Aboriginal and historic heritage areas. The associated firefighting campaigns have involved extensive inter-state support and aviation resources at considerable cost to the Tasmanian Government.

¹ Productivity Commission 2014, *Natural Disaster Funding Arrangements* p2

² *Ibid* p4

³ *Ibid* p2

The Prime Minister did agree to contribute 50 per cent of the costs of defending the TWWHA from the 2016 bushfires as an 'exceptional circumstances' measure, however Tasmania is yet to hear whether it will be reimbursed for the costs of similar activity in the 2019 fires.

6 The process to access Australian Government disaster recovery funding should be streamlined.

States and territories find that the requirements for accessing reimbursement under the DRFA are unnecessarily onerous, time consuming and require significant resourcing. Activation thresholds and evidentiary requirements for assistance to farmers and small business mean that the provision of this assistance is sometimes delayed for months. Fifteen months after the 2019 fires that cost Tasmania \$30 million, Tasmania is still yet to hear whether it will be reimbursed for any of these costs under the DRFA. Removing complexities with the DRFA process would make it easier for state, territory and local governments to administer and facilitate shorter timeframes for submission and acquittal of financial assistance claims.

The Productivity Commission in its 2014 report described unnecessary prescriptiveness and red tape that led to wasteful spending.⁴ The DRFA reforms undertaken since the Productivity Commission report have increased the administrative burden, particularly in relation to restoring essential public assets following disasters. This may be acceptable if the reforms provided some flexibility to rebuild damaged assets to a more disaster resilient standard, but the way the DRFA is being administered, has meant that there has been no improvement on the previous Natural Disaster Relief and Recovery Arrangements (NDRRA).

The Tasmanian Government notes the importance of funding being directed toward restoring assets damaged in a natural disaster to a more resilient standard. Currently the DRFA provides for betterment but the administrative burden of establishing a case for betterment is too onerous.

There has been only one jurisdiction that has successfully made a claim under these provisions. The Tasmanian Government and local government entities in Tasmania lack the resources to fulfil the administrative requirements of an application for an Australian Government contribution to betterment. It should be noted that the risk for the Australian Government in funding mitigation activity through physical infrastructure is limited by the fact that states and territories co-fund infrastructure reconstruction projects under the DRFA.

In March 2020, the Council of Australian Governments agreed to review the DRFA. This review will include consideration of the provisions for building back better.

7 National funding arrangements should be created for critical communications capabilities

Emergency Alert

The Emergency Alert (EA) is a telephone warning system. It provides the ability to transmit computer generated voice messages to landlines and text messages to mobile phones within the designated area.

It was introduced after the 2009 Victorian Bushfires. At that time the system was required to be developed quickly and the decision was made to directly negotiate service contracts with the Australian telecommunication carriers, Telstra, Optus and Vodafone. Since 2009 the cost of maintaining EA and the service contracts has been considerable, several hundred million dollars nationally. Jurisdictions contribute to EA costs based on a per capita basis. Tasmania's share equates to approximately \$1.7 million for 2020-21.

⁴ Productivity Commission 2014, p15

It has been previously proposed that the provision of EA by the carriers should to be legislated by the Australian Government as a Community Service Obligation under the *Telecommunications Act 1995* (Cwlth). This would ensure that carriers would fund this initiative, recouping the costs through their customers and achieving the same outcome in the most efficient manner possible. The Australia-New Zealand Emergency Management Committee recently agreed that this option would be considered in the Australian Government's strategic review into telephony-based warnings technologies being conducted on behalf of the Department of Home Affairs.

Public Safety Mobile Broadband

There is increasing demand for mobile data capabilities by public safety agencies. In December 2018, COAG agreed to the Public Safety Mobile Broadband (PSMB) which "provides the flexibility for jurisdictions to opt-in to the nationwide rollout in a way that takes account of their individual circumstances" (see [PSMB Strategic Roadmap](#)).

The capability will require dedicated spectrum, which is allocated by the Australian Communications and Media Authority. COAG has previously noted the importance of ensuring public safety agencies have sufficient spectrum to enable them to meet current and future needs. The *Radiocommunications Act 1992* (Cwlth) requires the Australian Government to 'make adequate provision of spectrum for use by...law enforcement or the provision of emergency services' (s.3).

The Australian Government is currently seeking \$235 million from states and territories for the spectrum to enable the PSMB. States and territories are of the view that the spectrum should be provided at no charge given the public benefit and that they will not be using the spectrum to generate revenue.

I wish the Committee well in its deliberations on this important topic and look forward to seeing the recommendations and final report. In the meantime should the Committees have any queries in relation to the submission, please contact Mr Simon Roberts, Director, Office of Security and Emergency Management, Department of Premier and Cabinet. Mr Roberts can be contacted

Yours ~~sincerely~~

Péter Gutwein MP
Premier