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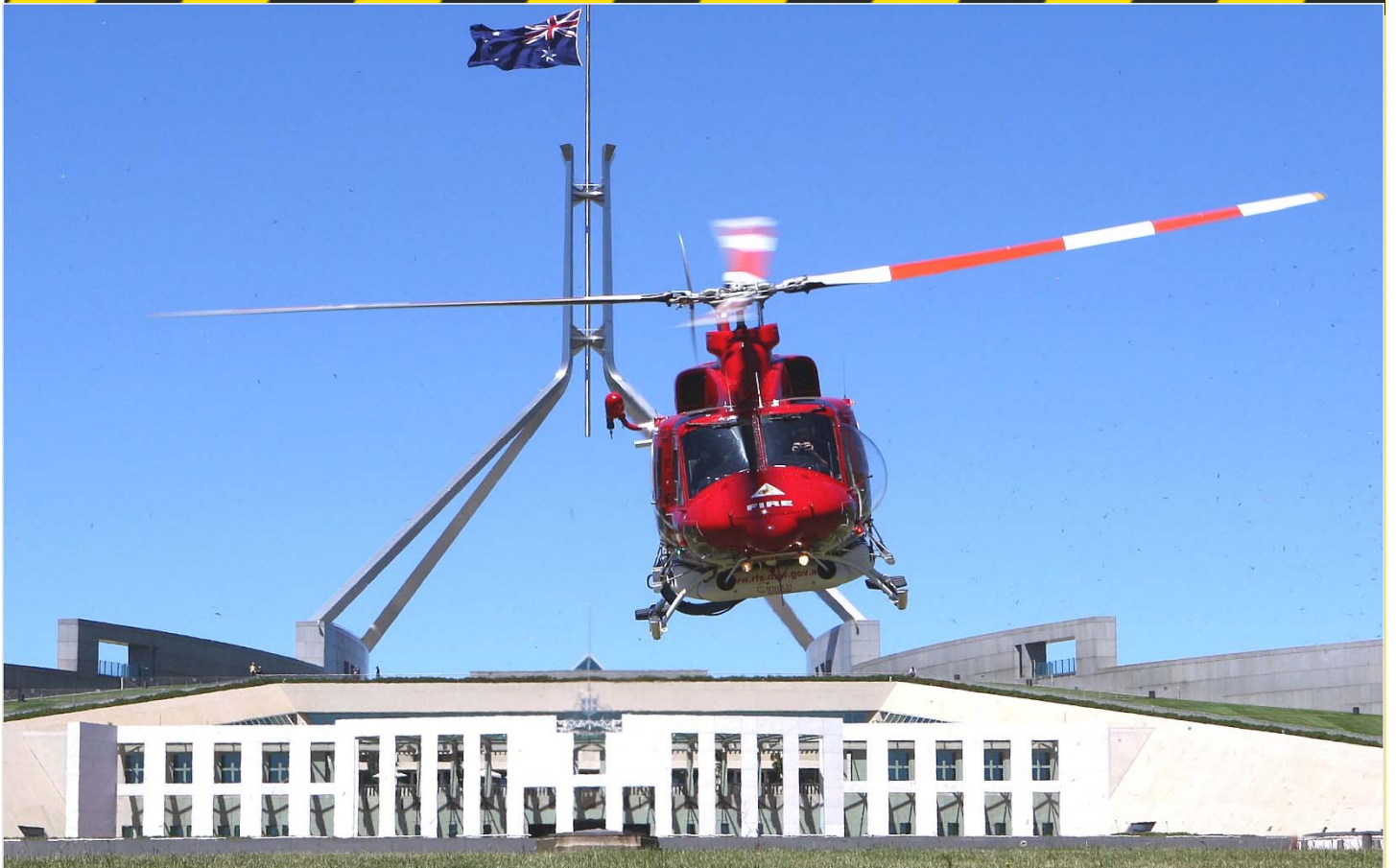
bushfire&natural
HAZARDSCRC

POLICIES, INSTITUTIONS AND GOVERNANCE OF NATURAL HAZARDS

Annual project report 2014-2015

Dr Michael Eburn

The Australian National University
Bushfire and Natural Hazards CRC





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Cover: A helicopter lands on the lawns in front of Parliament House in Canberra for the launch of the Bushfire and Natural Hazards CRC in December 2013.

Photo by the Bushfire and Natural Hazards CRC.



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EXECUTIVE SUMMARY

The resilience of a community is dependent on more than just engineering and preparation. Government policies, institutions and governance arrangements fundamentally affect how individuals and communities prepare for, respond to and recover from natural hazard events. Understanding relevant institutions and how they influence disaster management is essential to develop whole of government and whole of community understanding of risks and how to manage them.

This research project will shed invaluable light on current policy, institutional and governance arrangements with a view to developing new approaches to shared responsibility (COAG 2011) to increase community resilience to all natural hazards. This project will deliver:

- Evidenced based suggestions for policy, institutional and governance reforms to improve the ability of communities to actively participate in emergency risk management (Theme 1);
- Information for communities, agencies and government on the perverse incentives and hidden barriers to shared responsibility for emergency management (Theme 2); and
- Recommendations for a revised post event inquiry process to better identify lessons from past events (Theme 3).



END USER STATEMENT

John Schauble, *Emergency Management Victoria, VIC*

This project is bravely tackling three of the toughest public policy issues current in the emergency management world – shared responsibility, insurance and accountability.

Two of themes at the heart of this investigation centre on community. To what extent can community be expected to share responsibility for the risks and consequences of disasters? What is the role of insurance and how does it affect the acceptance of risk and the building of community resilience?

The third theme goes to the heart of how we understand and learn from emergencies and disasters. In short, it is asking whether there is a better way to learn from events than the traditional legal forms of inquiry?

While there is every reason to be confident that the project will find answers – or at least partial answers – to the questions these issues pose, the answers might not necessarily be popular with government, its agencies or the community at large.



INTRODUCTION

The resilience of a community is dependent on more than just engineering and preparation. Government policies, institutions and governance arrangements fundamentally affect how individuals and communities prepare for, respond to and recover from natural hazard events. Understanding relevant institutions and how they influence disaster management is essential to develop whole of government and whole of community understanding of risks and how to manage them.

This project builds on work done by the Australian National University and the Bushfire CRC. Whilst there are many policies and institutions that contribute to and influence hazard management, this project is looking at:

- What is 'community' and how can governments share responsibility with communities as well as individuals?
- How can insurers play a more active role in communicating risk and encouraging hazard mitigation? and
- Is there a better process or institution for effective lesson sharing after natural hazard events?

This research project will shed invaluable light on current policy, institutional and governance arrangements with a view to developing new approaches to shared responsibility (COAG 2011) to increase community resilience to all natural hazards. This project will deliver:

- Evidenced based suggestions for policy, institutional and governance reforms to improve the ability of communities to actively participate in emergency risk management (Theme 1);
- Information for communities, agencies and government on the perverse incentives and hidden barriers to shared responsibility for emergency management (Theme 2); and
- Recommendations for a revised post event inquiry process to better identify lessons from past events (Theme 3).



PROJECT BACKGROUND

This project is a multi-disciplinary project involving academics and students from both the ANU College of Law and the Fenner School of Environment and Society. The project, along with our colleagues from the University of Western Sydney and their project on 'Scientific diversity, scientific uncertainty and risk mitigation policy and planning' forms part of the **Governance and Institutional Knowledge** cluster.

The project is working on three thremes:

1. Sharing responsibility with community;
2. Peverse incentives in disaster insurance; and
3. Improves institutions for lesson learning.



WHAT THE PROJECT HAS BEEN UP TO

THEME 1

Timelines on our project were varied to move work on this theme to the end of the project, rather than the start. The theme will be informed by work from research students. Sue Hunt, a PhD student and BNHCRC scholarship holder has continued work on her thesis 'Implementing policy for enabling adaptive capacities for disaster resilience in the Australian federation'. Ignatious Cha completed a thesis for the award of Honours in Law looking at the 'Role of Government in Emergency Management and Protecting People from Disasters in Australia from a Rights-Based Perspective'. Work from both these thesis will be used to inform the final project output on sharing responsibility with communities.

THEME 2

Work on this theme benefited by the ability to recruit law student Varun Sundar as an unpaid research assistant. Varun was enrolled in the unit 'Law Internship' as part of his ANU Law degree. The aim of this unit was to give the student an opportunity to work with practitioners, in this context research practitioners, and write a report that forms part of their work. Working under the supervision of Associate Professors Hussey and Eburn, Varun completed a research paper on 'Perverse Incentives in Disaster Insurance Policy: Propagating Mitigation' in that paper he completed a literature review and identified some reasons why insurers were reluctant to be more active in communicating, and pricing risk, particularly with respect to bushfire. The paper also suggested some policy initiatives that might be adopted to encourage homeowners and insurers to identify and mitigate risk. This paper forms the start of their work in this area and we will work with Varun over the rest of 2015 to develop his report and findings into a paper suitable for publication.

THEME 3

In May, Dr Eburn travelled to the Sacramento, California to attend the Facilitate Learning course offered by the National Advanced Fire and Resource Institute and the US Forest Service. He then spent three days visiting the US Wildland Fire Lessons Learned Centre in Tucson, Arizona. The information gathered during these visits will contribute to the research on improved post event learning.



Apart from meeting our agreed milestones, members of the project team have made the following contributions to the sector and our understanding of policies, institutions and governance in emergency management.

- Michael Eburn gave a presentation to the Australian Government Exercise Coordination Group in Canberra.
- Michael Eburn, along with Blythe McLennan and Barbara Norman took part in a webinar on our Bushfire CRC research.
- Michael Eburn was invited by Mark Crossweller, Director General of Emergency Management Australia, to take part in a workshop at the Australian Emergency Management Institute, Mt Macedon, on planning for a catastrophic disaster.
- The ANU College of Law held an intensive course on Australian Disaster Law. This course is offered as part of various masters degrees but was also opened up as professional development opportunity for industry. Representatives from Queensland Fire and Emergency Service, Victoria's Country Fire Authority, South Australia's Country Fire Service and the National Aerial Firefighting Centre attended. Having a mix of practitioners and students helped ensure a lively discussion. The course was convened by Michael Eburn and included presentations from Steve Dovers and Sue Hunt.
- Michael Eburn travelled to Perth to talk about emergency management arrangements to various stakeholders, including Airport Rescue and Fire Fighting Service, at Perth Airport (11-13 August) and then to Albany to give a presentation to Albany Council volunteer bush fire brigades (14 August).
- Sue Hunt gave a presentation on her PhD research and her continued candidature in the program was confirmed.
- Jamie Pittock hosted Brigadier General Gerry Galloway from the US Army Corps of Engineers who gave a public lecture and then a closed forum looking at flood management. Michael Eburn, Sue Hunt and Caroline Wenger attended those functions along with Sam Chard a project end user and others including representatives from NSW SES. Although this was not an event conducted under the auspices of the CRC it related to our work and was useful for our researchers.
- Steve Dovers was a keynote speaker at the BNHCRC sponsored forum on 'Disasters: the challenges for Australia and the region' held at the ANU's University House, Canberra. Posters from Sue Hunt and Caroline Wenger were displayed at the event.
- Michael Eburn attended a meeting of the AFAC AIIMS Steering Group to provide advice based on the next iteration of AIIMS doctrine; and
- Jamie Pittock and Michael Eburn were invited to join a Climate Change Adaptation Workshop to advise the ACT government on developing links between government, industry and researchers;



- The research team met with Desiree Beekharry to discuss further developing end user engagement.
- Steve Dovers has been contracted to produce, with Alan March of the University Melbourne, a chapter on disasters for a new Australian urban planning textbook.
- Dr Hussey has submitted final Research Forum proceedings for delivery on the CRC website.
- Michael Eburn delivered the plenary keynote address at the Annual Wildland Fire Litigation Conference, Monterey California.
- Michael Eburn gave a presentation on 'Preparing for scrutiny - Legal issues in emergency management' at a workshop hosted by the Australian Maritime Safety Authority (AMSA), Canberra.
- Steve Dovers and Michael Eburn attended the BNHCRC Research Advisory Forum, Sydney.
- Michael Eburn was an invited speaker at the NSW Rural Fire Service Canobolas Zone end of year conference.
- Whilst not directly related to this project:
 - Michael Eburn travelled to Italy in June to attend a workshop on the International Law Commission's Draft Articles on the Protection of Persons in the Event of Disasters and to present a paper on regional cooperation on hazard management in the pacific. In that paper he discussed the arrangements between AFAC agencies and fire agencies in the South Pacific.
 - Michael Eburn also completed a draft chapter on the international law of wildfire for inclusion in the *Research Handbook, Disasters and International Law* to be published by Elgar.



PUBLICATIONS LIST

2015	Conference Paper	Hussey, K. & Dovers, S. Managing Critical Infrastructure in a Changing Climate: Risk, Roles, Responsibilities and Politics Conference Paper 2014. <i>Bushfire and Natural Hazards CRC and AFAC Wellington Conference 2014</i> (2015).
2015	Conference Paper	Eburn, M., Hudson, D., Cha, I. & Dovers, S. Learning from Adversity: What Has 75 Years of Bushfire Inquiries Taught Us? Conference Paper 2014. <i>Bushfire and Natural Hazards CRC and AFAC Wellington Conference 2014</i> (2015).
2015	Journal Article	McLennan, B. J. & Eburn, M. Exposing hidden-value trade-offs: sharing wildfire management responsibility between government and citizens. <i>International Journal of Wildland Fire</i> 24 , 162-169 (2015).
2015	Journal Article	Eburn, M. & Dovers, S. Learning Lessons from Disasters: Alternatives to Royal Commissions and Other Quasi-Judicial Inquiries. <i>Australian Journal of Public Administration</i> 1-14 (2015). doi:10.1111/1467-8500.12115
2015	Report	Eburn, M. Policies, Institutions and Governance (PIGS) of Natural Hazards Annual Report 2014. (2015).
2014	Journal Article	Eburn, M. & Dovers, S. Risk Management from a Legal and Governance Perspective. <i>Journal of Integrated Disaster Risk Management</i> 4 , 61-72 (2014).



TEAM MEMBERS 2014-2015

CLUSTER LEADERS

Cluster research leader, **Professor Stephen Dovers**, Fenner School of Environment and Society, Australian National University.



Cluster lead end user, **John Schauble**, Emergency Management Victoria.



CHIEF INVESTIGATOR

Associate Professor **Michael Eburn**, ANU College of Law, Australian National University.



RESEARCHERS

Associate Professor **Karen Hussey**, Global Change Institute, University of Queensland and Fenner School of Environment and Society, Australian National University.



Associate Professor **Jamie Pittock**, Fenner School of Environment and Society, Australian National University.



PHD STUDENTS

Sue Hunt, *Growing community disaster resilience: are our arrangements for implementing the National Strategy for Disaster Resilience fit-for-purpose?*

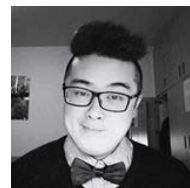


Caroline Wenger, *Flood management in a changing climate: integrating effective approaches.*



OTHER STUDENT CONTRIBUTORS

Ignatious Cha, Honours in Law (ANU College of Law): *Role of Government in Emergency Management and Protecting People from Disasters in Australia from a Rights-Based Perspective*



David Hudson, PhD (Fenner School of Environment and Society): *Uptake of sensor data in emergency management.*













Varun Sundar, Law Intern (ANU College of Law): *Perverse Incentives in Disaster Insurance Policy: Propagating Mitigation.*



END USERS

John Schauble	Emergency Management Victoria	
Monique Blason	Department of Premier and Cabinet (SA)	
Ed Pikusa	South Australia Fire and Emergency Services Commission	
Chris Irvine	State Emergency Service Tasmania	
Christine Roach	New South Wales Rural Fire Service	
Sandra Whight	Tasmania Fire Service	
Sam Ward	Attorney-General's Department	 Australian Government Attorney-General's Department
Sam Chard	Attorney-General's Department	 Australian Government Attorney-General's Department



REFERENCES

Council of Australian Governments (COAG), 2011, *National Strategy for Disaster Resilience* (Canberra).