



## NOTICE OF SPECIAL COUNCIL MEETING

To: Mayor Jan-Claire Wisdom

Councillor Ian Bailey
Councillor Kirrilee Boyd
Councillor Nathan Daniell
Councillor Pauline Gill
Councillor Chris Grant
Councillor Linda Green
Councillor Malcolm Herrmann
Councillor John Kemp
Councillor Leith Mudge
Councillor Mark Osterstock
Councillor Kirsty Parkin
Councillor Andrew Stratford

Notice is hereby given pursuant to the provisions under Section 82 of the *Local Government Act 1999* that a Special meeting of the Council will be held on:

**Tuesday 12 May 2020**

**6.30pm**

**To be held in the Zoom virtual meeting room**

Business of the meeting:

1. Bushfire Royal Commission Notices

A copy of the Agenda for this meeting is supplied under Section 83 of the Act.

Meetings of the Council are open to the public and members of the community are welcome to attend. Public notice of the Agenda for this meeting is supplied under Section 84 of the Act.

**Andrew Aitken**  
**Chief Executive Officer**



## AGENDA FOR SPECIAL COUNCIL MEETING

Tuesday 12 May 2020

6.30pm

To be held in the Zoom virtual meeting room

### ORDER OF BUSINESS

**1. COMMENCEMENT**

**2. OPENING STATEMENT**

“Council acknowledges that we meet on the traditional lands of the Peramangk and Kurna people and we recognise their connection with the land.

We understand that we do not inherit the land from our ancestors but borrow it from our children and in this context the decisions we make should be guided by the principle that nothing we do should decrease our children’s ability to live on this land.”

**3. APOLOGIES/LEAVE OF ABSENCE**

3.1. Apology

3.2. Leave of Absence

**4. DECLARATION OF INTEREST BY MEMBERS OF COUNCIL**

**5. PRESIDING MEMBER’S OPENING REMARKS**

**6. BUSINESS OF THE MEETING**

6.1. Bushfire Royal Commission Notices

*Council resolves:*

1. *That the report be received and noted*
2. *That the Council responds to Notice in the terms contained in Appendix 2.*
3. *That the Council provides documents in response to Notice NTP-HB2-255 as indicated in Appendix 2.*
4. *That the Chief Executive Officer, or his delegate, be authorised to act for and on behalf of the Council in finalising the submission subsequent to this meeting, making the submission and providing any follow-up or supplementary information requested in relation to the aforementioned Notices.*



**7. CONFIDENTIAL ITEM**  
Nil

**8. CLOSE SPECIAL COUNCIL MEETING**

**ADELAIDE HILLS COUNCIL  
SPECIAL COUNCIL MEETING  
Tuesday 12 May 2020  
AGENDA BUSINESS ITEM**

**Item:** 6.1

**Responsible Officer:** David Waters  
Director Bushfire Recovery  
Office of the Chief Executive

**Subject:** Bushfire Royal Commission Notices

**For:** Decision

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**SUMMARY**

The purpose of this report is to seek adoption of responses to Notices issued by the Bushfire Royal Commission. The Council must respond by 4:00pm, Wednesday 13 May 2020.

**RECOMMENDATION**

**Council resolves:**

1. That the report be received and noted
  2. That the Council responds to Notice in the terms contained in *Appendix 2*.
  3. That the Council provides documents in response to Notice NTP-HB2-255 as indicated in *Appendix 2*.
  4. That the Chief Executive Officer, or his delegate, be authorised to act for and on behalf of the Council in finalising the submission subsequent to this meeting, making the submission and providing any follow-up or supplementary information requested in relation to the aforementioned Notices.
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**1. GOVERNANCE**

➤ **Strategic Management Plan/Functional Strategy/Council Policy Alignment**

*Strategic Plan 2020-24 – A brighter future*

Goal Community Wellbeing

Objective C4 An active, healthy, thriving and resilient community

Priority C4.5 Take an all hazards approach to emergency management so we can support the emergency services and the community before, during and after disaster events.

➤ **Legal Implications**

The Royal Commission has been established under both the *Royal Commissions Act 1902* (Cth) and the *Royal Commissions Act 1917* (SA).

The Notices described in this report have been issued pursuant to those Acts. The legislation contains rights and obligations of a person served with a Notice and a statement of these rights is attached to the Notices contained in **Appendix 1**.

In short, the Council is obliged to respond.

The proposed responses have been subject to a legal review.

➤ **Risk Management Implications**

Responding to the Royal Commission Notices will assist in mitigating the risk of:

*Failing to respond to a properly served notice under Royal Commission legislation leading to breach of legal obligations with potential criminal charges.*

Inherent Risk	Residual Risk	Target Risk
Extreme (4A)	Medium (4D)	Low

The inherent risk assumes no action taken in response to the Notices. The residual risk accounts for the work done by the Administration in preparing responses and putting them to Council for consideration. The target risk level can be achieved by the Council adopting responses and the submission being made by the deadline.

➤ **Financial and Resource Implications**

Not applicable.

➤ **Customer Service and Community/Cultural Implications**

Not applicable.

➤ **Sustainability Implications**

Not applicable.

➤ **Engagement/Consultation conducted in the development of the report**

Consultation on the development of this report was as follows:

*Council Committees:* Not applicable.

*Council Workshops:* Not applicable.

*Advisory Groups:* Not applicable.

*Administration:* Chief Executive Officer  
Director Bushfire Recovery  
Director Infrastructure and Operations  
Manager Open Space  
Manager Waste and Emergency Management

*External Agencies:* NormanWaterhouse Lawyers.  
Solicitors Assisting the Royal Commission

*Community:* Not applicable.

## 2. BACKGROUND

On 20 February 2020 the Governor-General established by letters patent, the Royal Commission into National Natural Disaster Arrangements, also known as the Bushfire Royal Commission.

On 3 March 2020, the Royal Commissioners visited the district and the Mayor and staff participated in a meeting with them at Woodside.

The Council subsequently resolved (Res 56/20) to make a formal submission to the Royal Commission at its meeting held on 24 March 2020. The submission was lodged on 3 May 2020.

On Friday 1 May 2020, the Council received Notices from the Royal Commission as follows:

1. NTG-HB2-269 (Notice and Summons to Give)

This Notice contains 31 questions to which the Council must respond.

2. NTP-HB2-255 (Notice and Summons to Produce)

This Notice requires the Council to produce to the Royal Commission certain documents.

Copies of the Notices, together with the covering letter, are contained in **Appendix 1** and are reasonably self-explanatory. It should be noted that the Administration requested a subsequent extension to the deadline for responses to 13 May 2020 to enable the Council to consider the matter at a Special Council Meeting on Tuesday 12 May 2020. This was granted.

## 3. ANALYSIS

The Administration has prepared recommended responses to each question and request for documents and these are contained in **Appendix 2**. The recommended responses are largely self-explanatory. While most of the questions seek factual responses, where prompted by a question to put forward an opinion or 'views', the Administration has endeavoured to arrive at a position that would reflect a constructive and evidence-based position demonstrating the Council's commitment to working with other agencies and

helping build resilience in the community. The responses also echo much of what was included in the Council's previous submission to the Royal Commission.

The proposed responses have been subject to legal review.

#### **4. OPTIONS**

Council has the following options:

- I. Respond to the Royal Commission Notices in the terms set out in this report, or with minor changes not materially affecting the responses. (Recommended)  
Should the Council resolve to do so, its responses will be made by the Administration by the deadline of 4:00pm 13 May 2020 and the Council will have discharged its legal obligation to do so.
- II. Respond to the Royal Commission Notices in terms and significant variance to that recommended. (Not Recommended)  
Should the Council consider substantially different responses to be required, it is suggested that it resolve that those responses be subject to a legal review and authorise the Chief Executive Officer to finalise the responses while still meeting the deadline of 4:00pm 13 May 2020
- III. Not respond to the Royal Commission Notices. (Not Recommended)  
The Council would most likely be in breach of legislation if it chose not to respond.

#### **5. APPENDICES**

- (1) Notices issued by the Royal Commission
- (2) Draft responses to the Notices issued by the Royal Commission

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# **Appendix 1**

*Notices issued by the Royal Commission*

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**Royal Commission**  
into National Natural  
Disaster Arrangements

1 May 2020

To: Mr David Waters  
Director Bushfire Recovery  
Adelaide Hills Council  
[dwaters@ahc.sa.gov.au](mailto:dwaters@ahc.sa.gov.au)

Dear Mr Waters

**Royal Commission into National Natural Disaster Arrangements (RCNDA) - NTP-HB2-255 and NTG-HB2-269**

Thank you for your email dated 24 April 2020 providing your written comments on draft notices NTP-HB2-255 and NTG-HB2-269 (**Notices**) issued to the Adelaide Hills Council. We appreciate the time taken in considering the draft Notices.

Please find **attached**, by way of service, the following final Notices for the Adelaide Hills Council's attention:

Entity	NTP	NTG
Adelaide Hills Council	NTP-HB2-255	NTG-HB2-269

The Commissioners (via the Solicitors Assisting) have considered your comments and, in issuing the final Notices, provide the following responses.

**General comments**

**Extension of time**

The Commission is conscious of the current climate and unprecedented concurrency of demands arising from COVID-19. As such, and consistent with the Council's request, the Notices now both have a return date of 4:00 p.m. on 11 May 2020.

## Specific Comments

NTG-HB2-269

The table below sets out responses to the comments provided in relation to draft Notice to Give issued to the Adelaide Hills Council. We have not addressed those matters in which the Council has simply commented “Yes” indicating the Council’s ability to prepare a response to the Notice as drafted.

Paragraph	Comments	Response
9	<p>South Australian Country Fire Service is better placed to respond to this question as they are the lead agency dealing with bushfire behaviour.</p> <p>If the question was rephrased to a focus on bushfire events themselves (as a collective), rather than actual fire behaviour Council could respond to the adequacy of resources relating to supporting the emergency services.</p>	<p>The Commission has redrafted paragraph 9 to include a reference to “bushfire events” rather than “bushfire behaviour.” In the final Notice.</p>
10	<p>The clarity of this question could be improved by stating in what context are the resources being used i.e. direct firefighting, support of the emergency services or both. In the Council’s case, it is in support of the emergency services.</p>	<p>The Commission has redrafted paragraph 10 to include a reference to the context within which resources would be used.</p>
11	<p>This question appears to be limited to resource sharing <u>between</u> levels of government and does not necessarily cover resource sharing <u>within</u> levels of government (i.e. between government agencies and between different councils). Including both would provide for greater depth of responses.</p>	<p>The Commission has redrafted paragraph 11 to include the word “within” in the final Notice.</p>
12	<p>Seeking clarity on whether this question is just asking about the Council’s access to roads (as it reads), or the community’s access to roads in the Council area.</p>	<p>The Commission confirms that the appropriate response to this question would address the community’s access to roads in the Council area rather than Council’s access itself.</p> <p>The final Notice has been redrafted to reflect the above change.</p>
13	<p>South Australia Police/SACFS would be best placed to answer this question. Council does not have a direct role in evacuations.</p>	<p>The Commission acknowledges that the Council may not have a direct role in evacuations and is content for any response to this question to be</p>

Paragraph	Comments	Response
		caveated in this manner.
20	The SA CFS is the agency primarily responsible for communicating fire danger day information and emergency warnings.	The Commission acknowledges that the Council may not be responsible for fire danger day information and emergency warnings and is content for any response to this question to be caveated in this manner.

*NTP-HB2-255*

The table below sets out responses to the comments provided in relation to draft Notice to Produce issued to the Adelaide Hills Council. We have not addressed those matters in which the Council has simply commented “Yes” indicating the Council’s ability to prepare a response to the Notice as drafted.

Paragraph	Comments	Response
1	To be more specific, the request could be for the Council to provide:  The Council’s <i>Incident Operations Manual</i> (the document developed and utilised by the Council to guide its role in emergency events)	The Commission has redrafted paragraph 1 to include a reference to “ <i>Incident Operations Manual</i> ” in the final Notice.
2	To be more specific, the request could be for the Council to provide: <ul style="list-style-type: none"> <li>Adelaide and Mount Lofty Ranges Bushfire Management Area Plan</li> <li>Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan</li> <li>Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan (Public Summary)</li> <li>Adelaide Hills Council Development Plan (online)</li> <li>Climate Change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island Region Southern &amp; Hills LGA Regional Public Health Plan 2015</li> </ul> <p>This is a particularly broad question in that there are many documents contributing to this initiative, so we have suggested those perhaps most relevant.</p>	The Commission has redrafted paragraph 2 to include the specific documents referred to by the Council.

Paragraph	Comments	Response
3	The Council does not operate evacuation centres.	The Commission acknowledges that the Council may not have direct knowledge of evacuation centres and is content for any response to this question to be caveated in this manner.
4	If it is of interest to the Royal Commission, the Council can provide copies of its <i>Recovery Action Plan</i> , which is an evolving plan produced after the bushfire. It should be noted that this plan takes the form of an online register of objectives, activities and achievements.	The Commission confirms that it is content for the Council to provide copies of its <i>Recovery Action Plan</i> .
5	To be more specific, the request could be for the Council to provide: A breakdown on the allocation of Commonwealth funding for recovery used in response to the 2019-2020 bushfire season and other natural disasters	The Commission has redrafted paragraph 5 as proposed by the Council.
6	No such MOU or arrangement exists specifically between Adelaide Hills Council and the ADF.	The Commission acknowledges the Council is unable to comment on any MOU or arrangements between the Council and the ADF, and is content for the response to this question to be caveated in this manner.

### Limitation on Information and Documents

The Commission encourages agencies to provide short-form responses to the requests within the Notices to Give, and reiterates its initial request that the responses provided be:

- no more than 10-20 pages in length;
- in dot point format; and
- without annexures, unless specifically identified in the response as being necessary to answer the questions.

We confirm that, unless otherwise specified, requests for documents within the Notice to Produce **are not intended to capture** draft documents or superseded versions of documents. Further, the Commission does not require the review and production of hardcopy documents at the present time, and emphasises its willingness to discuss the staged production of documents in the event that full compliance with the Notices is not possible by the due date.

If you would like to speak further with the Commission, please approach the Solicitors Assisting the Royal Commission on [RCNDA.Notices@royalcommission.gov.au](mailto:RCNDA.Notices@royalcommission.gov.au) or 1800 909 826 at your earliest convenience.

Thank you for your continued assistance.



**Emma Costello**

Solicitor Assisting the Royal Commission

COMMONWEALTH OF AUSTRALIA

*Royal Commissions Act 1902*

and

SOUTH AUSTRALIA

*Royal Commissions Act 1917*

ROYAL COMMISSION  
INTO  
NATIONAL NATURAL DISASTER ARRANGEMENTS

NOTICE AND SUMMONS TO GIVE

To: The Proper Officer  
Adelaide Hills Council  
63 Mt Barker Road  
Stirling SA 5152

Pursuant to section 2(3C) of the *Royal Commissions Act 1902* (Cth) and section 10(2) of the *Royal Commissions Act 1917* (SA), I AIR CHIEF MARSHAL MARK BINSKIN AC (Retd), Commissioner of the Royal Commission established under the Commonwealth Letters Patent dated 20 February 2020 and Chairman of the Royal Commission established under the South Australian Letters Patent dated 5 March 2020, in response to the extreme bushfire season of 2019-20,<sup>1</sup> require you to give this Notice and Summons, and the information described in the Schedule, to:

The Solicitor Assisting the Commission at  
  
King & Wood Mallesons, Level 61, Governor Phillip Tower,  
  
1 Farrer Place, Sydney, NSW  
  
on or before Monday, 11 May 2020 at 4:00 p.m. AEST.

**SCHEDULE**

**Preparedness: risk assessments and emergency management framework**

1. Describe what steps the Council took to prepare for the 2019/2020 bushfire season.

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<sup>1</sup> The terms of reference of the Royal Commission, contained in the Commonwealth Letters Patent dated 20 February 2020 and the South Australian Letters Patent dated 5 March 2020, are set out as Annexure A to this Notice and Summons.

2. Describe the Emergency Response Plans or management frameworks currently in place that inform the Council's response to natural disasters. Detail the current status of the Emergency Response Plans or management frameworks and when they are expected to be reviewed and whether they were implemented in the 2019-2020 bushfire season.
3. Describe the level of engagement (i.e. frequency and nature of interactions and information sharing) by the State of South Australia with the Council and other local authorities regarding natural disaster preparedness, response and recovery.
4. Describe the areas (if any) where the Council has responsibility and accountability to act in preparing for a bushfire but is unable to do so because another entity/agency holds the authority.
5. Does the Council consider that there is a need for, or value in developing, national standards for disaster preparation, response and recovery? In your response, describe any opportunities which the Council can identify for the Commonwealth to provide additional support to improve standardisation across State and Territory and local government.

#### **Coordination of response**

6. In the context of the 2019-2020 bushfire season, describe the Council's experiences relating to the coordination of response and recovery (and the division of responsibility), including when natural disasters occur at or around State and Territory borders. Describe whether there are any opportunities for improvement.
7. Does the Council consider that there would be benefit in additional Commonwealth involvement in facilitating a coordinated response between Commonwealth, State and Territory and local governments and authorities in relation to preparing for, responding to and recovering from natural disasters?
8. How was local knowledge used and integrated during firefighting operations and responses in the 2019-2020 bushfire season? How can the utilisation of local knowledge during natural disasters be improved?

#### **Resources**

9. In the context of bushfire events which were observed during the 2019-2020 bushfire season, describe the extent to which the Council had adequate access to Resources, including:
  - a. fuel;
  - b. water;
  - c. electricity;
  - d. telecommunications; and
  - e. firefighting personnel.

in order to respond to those bushfire events.
10. From the perspective of the Council, and given budget constraints, describe the priorities for improving access to Resources, including in support of the emergency services.

11. Describe any opportunities that the Council can identify, including in response to the 2019-2020 bushfire season, to improve resource sharing between and/or within the relevant Commonwealth, State and Territory agencies and local authorities.

#### **Access to Roads**

12. In the context of the 2019-2020 bushfire season, describe the extent to which the Council had adequate access to roads (including key access roads and evacuation routes).
13. Identify any issues encountered during the 2019-2020 bushfire season regarding road access hindering the evacuation of individuals from fire-affected areas in the State of South Australia.
14. Describe how the Council communicated and coordinated with State fire authorities to support evacuations during the 2019-2020 bushfire season and identify any challenges experienced and any areas for improvement.
15. Identify any issues encountered (if any) during the 2019-2020 bushfire season regarding reopening of roads, including to provide access to property owners.

#### **Emergency communication**

16. Describe with reference to specifications, the emergency warning systems and the communication systems (including radio and paging) utilised by the Council during the 2019-2020 bushfire season and describe how effective those systems were and any material weaknesses in those systems.
17. Describe any opportunities which the Council can identify, including in response to the 2019-2020 bushfire season, to revise, update or enhance emergency warning systems and communication systems and procedures within the local area.

#### **Dissemination of information to emergency services**

18. In the context for the 2019-2020 bushfire season, did the Council have access to timely and effective situational awareness information? Describe any weaknesses or limitations with the information and any challenges encountered by the Council in relation to the dissemination of information, including in relation to access to telecommunication systems.
19. Describe any opportunities for improvement which the Council can identify including in response to the 2019-2020 bushfire season, in relation to dissemination of information to Emergency Services during a natural disaster (including the Commonwealth's role in dissemination of information).

#### **Dissemination of information to the community**

20. Describe the emergency warning procedures and systems (if any) presently in place in the State of South Australia and utilised by the Council.
21. Identify the plans, programs, initiatives and arrangements developed by Local Governments to prepare communities for, and communicate with them during, and following natural disasters in the State of South Australia. Describe how these were plans implemented in the 2019-2020 bushfire season.



22. Describe the technologies, applications and/or communication systems utilised in the local community by the Council to disseminate information to and within communities and describe how effective they were and what worked well and any opportunities for improvement?
23. Describe whether there is a need for standardisation of information disseminated to communities and whether there is any necessity for additional Commonwealth assistance and/or intervention e.g. in setting national standards regarding emergency communication and information.

#### **Evacuation centres**

24. With regard to the 2019-2020 bushfire season, describe any opportunities which the Council can identify to improve the readiness and availability of evacuation centres for natural disasters and whether there is any additional support or practical assistance (if any) that the Commonwealth can provide.

#### **Clean-up**

25. Describe any challenges encountered by the Council in relation to the clean-up of communities.
26. Describe any opportunities for more efficient clean-up of public and private properties, including whether there is a role the Commonwealth for providing or facilitating clean up assistance.

#### **Defence and Australian Defence Force Assistance**

27. During the 2019/2020 bushfire season what requests were made to Defence and/or the ADF for assistance?
28. If applicable, please provide a summary of the assistance Defence and/or the ADF has provided, or is providing, as part of the recovery efforts in connection with the 2019-2020 bushfires season. To the extent possible, please provide a response that details the types of activities in which Defence and/or the ADF has been involved and how effective that assistance has been in the recovery process?

#### **Financial assistance**

29. Describe the Council's experiences in seeking to obtain State and Territory and Commonwealth financial assistance, including any challenges or obstacles.
30. Describe any opportunities that the Council can identify for improving efficiencies to existing financial assistance arrangements.

#### **Other relevant matters**

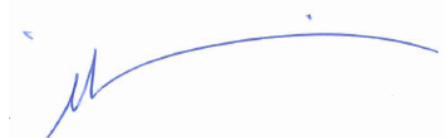
31. Describe (in summary terms) any other matters which the Council considers relevant to its responses to this Notice, or the Commissioners' inquiries regarding preparing for, responding to, and recovering from natural disasters within Australia, in response to the Terms of Reference.

## DEFINITIONS

In this Notice and Summons, and the Schedule hereto, the following terms and expressions have the following meanings:

- 1        **'Council'** means the Adelaide Hills Council.
- 2        **'State and Territories'** comprise each of New South Wales, Victoria, Western Australia, Northern Territory, South Australia, Queensland, Tasmania and the Australian Capital Territory.
- 3        **'Natural disaster'** is a naturally occurring rapid onset event that causes a serious disruption to a community or region, such as flood, bushfire, earthquake, storm, cyclone, storm surge, tornado, landslide or tsunamis.
- 4        **Resources** includes fuel, water, electricity, telecommunications, personnel, equipment
- 5        **'ADF'** means the Australian Defence Force.

Dated this 1st day of May 2020



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Name: AIR CHIEF MARSHAL MARK BINSKIN AC (Retd)  
Commissioner of the Royal Commission established under the Commonwealth Letters Patent dated 20 February 2020  
Chairman of the Royal Commission established under the South Australian Letters Patent dated 5 March 2020

## NOTES

- 1        *Rights and obligations arising from a Notice to Give under the Royal Commissions Act 1902 (Cth)*

Annexure B to this Notice and Summons sets out the rights and obligations of a recipient of a notice issued under section 2(3C) of the *Royal Commissions Act 1902 (Cth)*.

- 2        *Consequence of neglecting to attend in obedience to a summons to attend before a Commission under the Royal Commissions Act 1917 (SA)*

Pursuant to section 11 of the *Royal Commissions Act 1917 (SA)*, if any person who has been personally served with a summons to attend as a witness before the commission, and whose expenses have been paid or tendered:

- a. neglects to attend in obedience to such summons, the chairman may commit the person to gaol for any term not exceeding three months or may impose on him a penalty not exceeding \$1 000, and in default of immediate payment of such penalty the chairman may commit the offender to gaol for any term not exceeding three months unless the penalty is sooner paid; and

- b. fails to attend in obedience to such summons, and fails to give a reasonable excuse for his non-attendance, the chairman, upon proof that such person has been duly served with such summons and that such expenses have been paid or tendered to him may issue a warrant to bring such person before the commission to give evidence.

*3 Production by email or electronically*

To comply with this Notice and Summons, you may produce the documents described in the Schedule to the Notice and Summons to the address stated in the Notice and Summons by emailing an electronic copy of the documents to [RCNDA.Notices@royalcommission.gov.au](mailto:RCNDA.Notices@royalcommission.gov.au). Please specify the reference number of the Notice and Summons in the subject line of your email. Where production by way of email is not practicable (such as for production of large quantities of documents), you may produce such documents by way of a USB or other form of electronic storage device delivered to the address set out in the Notice and Summons.

*4 Production of things*

You may comply with this Notice and Summons by delivering or posting things sought by the Notice and Summons which are unable to be produced in electronic form to the address specified in the Notice and Summons.

*5 Confidentiality and legal professional privilege*

The Royal Commission has published (and may continue to publish) practice guidelines on its website relevant to claims of confidentiality and legal professional privilege: <https://naturaldisaster.royalcommission.gov.au/>

## ANNEXURE A

### TERMS OF REFERENCE

The Letters Patent dated 20 February 2020 requires and authorises the Royal Commission to (amongst other matters) inquire into the following matters:

- c. the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;
- d. Australia's arrangements for improving resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;
- e. whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:
  - i. thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;
  - ii. whether the Commonwealth Government should have the power to declare a state of national emergency;
  - iii. how any such national declaration would interact with State and Territory emergency management frameworks;
  - iv. whether, in the circumstances of such a national declaration, the Commonwealth Government should have clearer authority to take action (including, but without limitation, through the deployment of the Australian Defence Force) in the national interest;
- f. any relevant matter reasonably incidental to a matter referred to in paragraphs (a) to (c).

AND for the purposes of the inquiry and recommendations, to have regard to the following matters:

- g. the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that are relevant, including any available State or Territory inquiries relating to the 2019-2020 bushfire season, to avoid duplication wherever possible;
- h. ways in which Australia could achieve greater national coordination and accountability — through common national standards, rule-making, reporting and data-sharing — with respect to key preparedness and resilience responsibilities, including for the following:
  - i. land management, including hazard reduction measures;
  - ii. wildlife management and species conservation, including biodiversity, habitat protection and restoration;

- iii. land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;
- i. any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.

## ANNEXURE B

### STATEMENT OF RIGHTS AND OBLIGATIONS OF A PERSON SERVED WITH A NOTICE UNDER SECTION 2(3C) OF THE *ROYAL COMMISSIONS ACT 1902* (CTH)

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**1 Pursuant to subsection 3(6A) of the *Royal Commissions Act 1902* (Cth) ("the Act"), a person served with a notice under subsection 2(3C) of the Act must not refuse or fail to give information or a statement that the person was required to give in accordance with the notice.**

**The penalty for this offence is imprisonment for 2 years.**

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**2 Subsection 3(6B) of the Act provides that subsection 3(6A) does not apply if the person has a reasonable excuse.<sup>2</sup>**

**3 Subsection 3(6C) of the Act provides that it is a defence to a prosecution for an offence against subsection 3(6A) if the information or statement is not relevant to the matters into which the Commission is inquiring.**

**4 Pursuant to subsection 6AB(1) of the Act, a person commits an offence if the person had refused or failed to produce a document as required under subsection 2(3C), the Commissioner has decided to reject a claim that the document (or relevant part of the document) is subject to of legal professional privilege under subsection 6AA<sup>3</sup> and the person refuses or fails to produce the document as the Commissioner requires after that decision under s 2.**

**This is an offence and the penalty for this offence is imprisonment for 2 years.**

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**5 Pursuant to subsection 6A(1A) of the Act, it is not a reasonable excuse for the purpose of subsection 3(6B) of the Act for a person to refuse or fail to give information or a statement that the person is required to give under subsection 2(3C) on the ground that giving the information or statement might tend to:**

- (a) incriminate the person; or
- (b) make the person liable to a penalty.

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**6 Pursuant to subsections 6A(3) and (4) of the Act, subsection 6A(1A) of the Act does not apply to the refusal or failure to give information or a statement if:**

- (a) the production might tend to incriminate the person in relation to an offence or make the person liable to a penalty; and
- (b) the person has been charged with that offence, or proceedings in respect of the penalty have commenced; and
- (c) the charge, or penalty proceedings, have not been finally dealt with by a court or otherwise disposed of.

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**7 Subsection 6AB(4) provides that section 6AB(1) does not apply if the person has a reasonable excuse. Pursuant to subsection 6AB(5), it is not a reasonable excuse for the purposes of subsection 6AB(1) for a person to refuse or fail to produce a**

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<sup>2</sup> The term 'reasonable excuse' is defined in sub-section 1B(1) of the Act.

<sup>3</sup> See Practice Guideline 3 for the requirements for making a claim of legal professional privilege.

document that the document is subject to legal professional privilege, unless a court has found the document to be subject to legal professional privilege.

- 8 Pursuant to subsection 6D(3) of the Act, the Commissioner may direct that the contents of any document, or a description of any thing, given under a notice under subsection 2(3C) of the Act, shall not be published, or shall not be published except in such manner, and to such persons, as the Commission specifies.

The penalty for the offence of failing to comply with a direction made under subsection 6D(3) is, on summary conviction, a fine not exceeding 20 penalty units or imprisonment for a period not exceeding 12 months.

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- 9 Pursuant to subsection 6DD of the Act, a statement or disclosure made by the person in writing given in response to a notice under subsection 2(3C) is not admissible in evidence against the person in any civil or criminal proceedings in any court of the Commonwealth, a State or a Territory, except in proceedings for an offence against the Act.

- 10 Pursuant to subsection 6F(2) of the Act, where the retention of a document or other thing produced or given under a notice under subsection 2(3C) by the Commission ceases to be reasonably necessary for the purposes of the inquiry to which the document or other thing is relevant, the Commission shall, if a person who appears to the Commission to be entitled to the document or other thing so requests, cause the documents or other thing to be delivered to that person unless the Commission has furnished the document or other thing to a person or body referred to in subsections 6P(1), (2), (2A) or (2B).

- 11 Pursuant to subsection 6K(1) of the Act, a person commits an offence if:

- (a) the person acts or omits to act; and
- (b) this results in a document or other thing being concealed, mutilated, destroyed, or being made unidentifiable, or, in the case of documents, rendered illegible or indecipherable; and
- (c) the person knows, or is reckless as to whether, the document or thing is one that is or may be required in evidence before a Commission; or the person has been, or is likely to be, required to produce the document or thing pursuant to a summons, requirement or notice under section 2 of the Act.

**This is an indictable offence, which is punishable on conviction on indictment by imprisonment for a period not exceeding 2 years or by a fine not exceeding 100 penalty units, or, on summary conviction, by a fine not exceeding 20 units or imprisonment for a period not exceeding 12 months.**

**COMMONWEALTH OF AUSTRALIA**

*Royal Commissions Act 1902*

**and**

**SOUTH AUSTRALIA**

*Royal Commissions Act 1917*

**ROYAL COMMISSION  
INTO  
NATIONAL NATURAL DISASTER ARRANGEMENTS**

**NOTICE AND SUMMONS TO PRODUCE**

To: The Proper Officer  
Adelaide Hills Council  
63 Mt Barker Road  
Stirling SA 5152

Pursuant to section 2(3A) of the *Royal Commissions Act 1902* (Cth) and section 10(c) of the *Royal Commissions Act 1917* (SA), I AIR CHIEF MARSHAL MARK BINSKIN AC (Retd), Commissioner of the Royal Commission established under the Commonwealth Letters Patent dated 20 February 2020 and Chairman of the Royal Commission established under the South Australian Letters Patent dated 5 March 2020, in response to the extreme bushfire season of 2019-20,<sup>1</sup> require you to give this Notice and Summons, and the documents and/or other things described in the Schedule, to:

The Solicitor Assisting the Commission at  
  
King & Wood Mallesons, Level 61, Governor Phillip Tower,  
  
1 Farrer Place, Sydney, NSW  
  
on or before Monday, 11 May 2020 at 4:00 p.m. AEST.

**SCHEDULE**

**Preparedness and Response**

1. Key documents, including the Incident Operations Manual, used to inform the response to the 2019-2020 bushfire season and other natural disasters.

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<sup>1</sup> The terms of reference of the Royal Commission, contained in the Commonwealth Letters Patent dated 20 February 2020 and the South Australian Letters Patent dated 5 March 2020, are set out as Annexure A to this Notice and Summons.



2. The following documents which complement and give effect to the National Partnership on Disaster Risk Reduction in the State of South Australia:
  - a. Adelaide and Mount Lofty Ranges Bushfire Management Area Plan
  - b. Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan
  - c. Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan (Public Summary)
  - d. Adelaide Hills Council Development Plan (online)
  - e. Climate Change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island Region Southern & Hills LGA Regional Public Health Plan 2015
3. Documents which show current number of evacuation centres and resourcing to each of these evacuation centres within each Local Government in the State of South Australia.

### **Recovery**

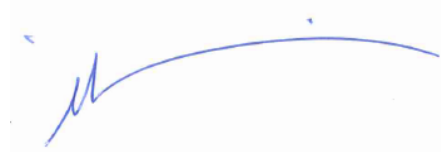
4. Key documents, such as recovery plans and recovery management frameworks, used to inform the recovery efforts following the 2019-2020 bushfire season and other natural disasters.
5. Key documents relating to of the breakdown on the allocation of Commonwealth funding for recovery used in response to the 2019-2020 bushfire season and other natural disasters.
6. Any current Memorandum of Understanding (or other similar agreements) with Defence and/or the ADF that is used to plan for, respond to, or recover from, natural disasters, including any that may have applied in the local area during the 2019-2020 bushfire season.

### **DEFINITIONS**

In this Notice and Summons, and the Schedule hereto, the following terms and expressions have the following meanings:

1. **‘document’** includes any book, report, article, register, or other record of information, however compiled recorded or stored and includes:
  - a. anything on which there is writing; and
  - b. anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
  - c. anything from which sounds, images or writing can be reproduced with or without the aid of anything else; and
  - d. a map, plan drawing or photograph.
2. **‘Natural disaster’** is a naturally occurring rapid onset event that causes a serious disruption to a community or region, such as flood, bushfire, earthquake, storm, cyclone, storm surge, tornado, landslide or tsunamis.

Dated this 1st day of May 2020



.....  
Name: AIR CHIEF MARSHAL MARK BINSKIN AC (Retd)  
Commissioner of the Royal Commission established under the Commonwealth Letters Patent dated 20 February 2020  
Chairman of the Royal Commission established under the South Australian Letters Patent dated 5 March 2020

## NOTES

*1 Rights and obligations arising from a Notice to Produce under the Royal Commissions Act 1902 (Cth)*

Annexure B to this Notice and Summons sets out the rights and obligations of a recipient of a notice issued under section 2(3A) of the *Royal Commissions Act 1902 (Cth)*.

*2 Consequence of failure to produce books, papers, documents or records (without reasonable excuse) under the Royal Commissions Act 1917 (SA)*

Pursuant to section 11A of the *Royal Commissions Act 1917 (SA)*, a magistrate may, on application by the Commission or a person appointed by the Commission:

- (a) if satisfied that there are reasonable grounds to believe that a person has possession or control of books, papers, documents or records, relevant to the inquiry, issue a summons requiring the person to appear before the commission and produce the books, papers, documents or records; and
- (b) if satisfied that a person has been served with such a summons but has failed (without reasonable excuse) to produce books, papers, documents or records in obedience to the summons, issue a warrant directed to all members of the police force for the person to be apprehended and brought before the commission.

A person who has disobeyed a summons and is brought before the commission in pursuance of a warrant issued under this section may be committed to gaol.

*3 Production by email or electronically*

To comply with this Notice and Summons, you may produce the documents described in the Schedule to the Notice and Summons to the address stated in the Notice and Summons by emailing an electronic copy of the documents to [RCNDA.Notices@royalcommission.gov.au](mailto:RCNDA.Notices@royalcommission.gov.au). Please specify the reference number of the Notice and Summons in the subject line of your email. Where production by way of email is not practicable (such as for production of large quantities of documents), you may produce such documents by way of a USB or other form of electronic storage device delivered to the address set out in the Notice and Summons.

4        *Production of things*

You may comply with this Notice and Summons by delivering or posting things sought by the Notice and Summons which are unable to be produced in electronic form to the address specified in the Notice and Summons.

5        *Confidentiality and legal professional privilege*

The Royal Commission has published (and may continue to publish) practice guidelines on its website relevant to claims of confidentiality and legal professional privilege:

<https://naturaldisaster.royalcommission.gov.au/>

## ANNEXURE A

### TERMS OF REFERENCE

The Letters Patent dated 20 February 2020 requires and authorises the Royal Commission to (amongst other matters) inquire into the following matters:

- a. the responsibilities of, and coordination between, the Commonwealth and State, Territory and local Governments relating to preparedness for, response to, resilience to, and recovery from, natural disasters, and what should be done to improve these arrangements, including with respect to resource sharing;
- b. Australia's arrangements for improving resilience and adapting to changing climatic conditions, what actions should be taken to mitigate the impacts of natural disasters, and whether accountability for natural disaster risk management, preparedness, resilience and recovery should be enhanced, including through a nationally consistent accountability and reporting framework and national standards;
- c. whether changes are needed to Australia's legal framework for the involvement of the Commonwealth in responding to national emergencies, including in relation to the following:
  - i. thresholds for, and any obstacles to, State or Territory requests for Commonwealth assistance;
  - ii. whether the Commonwealth Government should have the power to declare a state of national emergency;
  - iii. how any such national declaration would interact with State and Territory emergency management frameworks;
  - iv. whether, in the circumstances of such a national declaration, the Commonwealth Government should have clearer authority to take action (including, but without limitation, through the deployment of the Australian Defence Force) in the national interest;
- d. any relevant matter reasonably incidental to a matter referred to in paragraphs (a) to (c).

AND for the purposes of the inquiry and recommendations, to have regard to the following matters:

- e. the findings and recommendations (including any assessment of the adequacy and extent of their implementation) of other reports and inquiries that are relevant, including any available State or Territory inquiries relating to the 2019-2020 bushfire season, to avoid duplication wherever possible;
- f. ways in which Australia could achieve greater national coordination and accountability — through common national standards, rule-making, reporting and data-sharing — with respect to key preparedness and resilience responsibilities, including for the following:
  - i. land management, including hazard reduction measures;
  - ii. wildlife management and species conservation, including biodiversity, habitat protection and restoration;

- iii. land-use planning, zoning and development approval (including building standards), urban safety, construction of public infrastructure, and the incorporation of natural disaster considerations;
- g. any ways in which the traditional land and fire management practices of Indigenous Australians could improve Australia's resilience to natural disasters.

## ANNEXURE B

### STATEMENT OF RIGHTS AND OBLIGATIONS OF A PERSON SERVED WITH A NOTICE UNDER SECTION 2(3A) OF THE *ROYAL COMMISSIONS ACT 1902* (CTH)

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**1 Pursuant to subsection 3(4) of the *Royal Commissions Act 1902* (Cth) ("the Act"), a person served with a notice under subsection 2(3A) of the Act must not refuse or fail to produce a document or other thing that the person is required to produce in accordance with the notice.**

**The penalty for this offence is imprisonment for 2 years.**

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**2 Subsection 3(5) of the Act provides that subsection 3(4) does not apply if the person has a reasonable excuse.<sup>2</sup>**

**3 Subsection 3(6) of the Act provides that it is a defence to a prosecution for an offence against subsection 3(4) if the document or other thing is not relevant to the matters into which the Commission is inquiring.**

**4 Pursuant to subsection 6AA(1) of the Act, it is not a reasonable excuse for the purposes of subsection 3(5) for a person to refuse or fail to produce a document that the document is subject to legal professional privilege unless:<sup>3</sup>**

(a) a court has found the document (or the relevant part of the document) to be subject to legal professional privilege; or

(b) a claim that the document (or the relevant part of the document) is subject to legal professional privilege has been made to the Commissioner within the time allowed or such further time allowed.

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**5 Pursuant to subsection 6AB(1) of the Act, a person commits an offence if the person had refused or failed to produce a document as required under subsection 2(3A) and the Commissioner has decided to reject a claim that the document (or the relevant part of the document) is subject to legal professional privilege under subsection 6AA(2)<sup>4</sup> and the person refuses or fails to produce the document as the Commissioner requires after that decision under subsection 2(3A).**

**The penalty for this offence is imprisonment for 2 years.**

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<sup>2</sup> The term 'reasonable excuse' is defined in sub-section 1B(1) of the Act.

<sup>3</sup> See Practice Guideline 3 for the requirements for making a claim of legal professional privilege.

<sup>4</sup> See Practice Guideline 3 for the requirements for making a claim of legal professional privilege.

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- 6** Subsection 6AB(4) provides that subsection 6AB(1) does not apply if the person has a reasonable excuse. Pursuant to subsection 6AB(5), it is not a reasonable excuse for the purposes of subsection 6AB(4) for a person to refuse or fail to produce a document that the document is subject to legal professional privilege, unless a court has found the document to be subject to legal professional privilege.
- 7** Pursuant to subsection 6A(1) of the Act, it is not a reasonable excuse for the purpose of subsection 3(5) or section 6AB of the Act for a natural person to refuse or fail to produce a document or other thing on the ground that such production might tend to:
- (a) incriminate the person; or
  - (b) make the person liable to a penalty.
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- 8** Pursuant to subsections 6A(3) and (4) of the Act, subsection 6A(1) of the Act does not apply to the refusal or failure to produce a document or other thing if:
- (a) the production might tend to incriminate the person in relation to an offence or make the person liable to a penalty; and
  - (b) the person has been charged with that offence, or proceedings in respect of the penalty have commenced; and
  - (c) the charge, or penalty proceedings, have not been finally dealt with by a court or otherwise disposed of.
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- 9** Pursuant to subsection 6D(3) of the Act, the Commissioner may direct that the contents of any document, or a description of any thing, produced under a notice served under subsection 2(3A) of the Act, shall not be published, or shall not be published except in such manner, and to such persons, as the Commission specifies. The penalty for the offence of failing to comply with a direction made under subsection 6D(3) is, on summary conviction, a fine not exceeding 20 penalty units or imprisonment for a period not exceeding 12 months.
- 10** Pursuant to subsection 6DD of the Act, the production of a document or other thing by a person pursuant to a notice served under subsection 2(3A) is not admissible in evidence against a natural person in any civil or criminal proceedings in any court of the Commonwealth, a State or a Territory, except in proceedings for an offence against the Act.
- 11** Pursuant to subsection 6F(2) of the Act, where the retention of a document or other thing produced under subsection 2(3A) by the Commission ceases to be reasonably necessary for the purposes of the inquiry to which the document or other thing is relevant, the Commission shall, if a person who appears to the Commission to be entitled to the document or other thing so requests, cause the documents or other thing to be delivered to that person unless the Commission has furnished the document or other thing to a person or body referred to in subsections 6P(1), (2), (2A) or (2B).
- 12** Pursuant to subsection 6K(1) of the Act, a person commits an offence if:
- (a) the person acts or omits to act; and

- (b) this results in a document or other thing being concealed, mutilated, destroyed, or being made unidentifiable, or, in the case of documents, rendered illegible or indecipherable; and
- (c) the person knows, or is reckless as to whether, the document or thing is one that is or may be required in evidence before a Commission; or the person has been, or is likely to be, required to produce the document or thing pursuant to a summons, requirement or notice under section 2 of the Act.

**This is an indictable offence, which is punishable on conviction by imprisonment for a period not exceeding 2 years or by a fine not exceeding 100 penalty units, or, on summary conviction, by a fine not exceeding 20 units or imprisonment for a period not exceeding 12 months.**



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## **Appendix 2**

*Draft responses to the Notices issued by the Royal  
Commission*

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## Adelaide Hills Council response to Notice and Summons to Give NTG-HB2-269

### **Preparedness: risk assessments and emergency management framework**

1. Describe what steps the Council took to prepare for the 2019/2020 bushfire season.

In the event of an incident, Adelaide Hills Council (AHC) is a supporting agency. In that role, AHC undertook the following steps:

- AHC adopted an Incident Operations Manual (IOM) to provide guidance for AHC to effectively manage its response to emergencies in support of the South Australian state emergency management arrangements
- A Council Incident Management Team (CIMT) was established to give effect to the IOM during responses to emergency events
- Training was provided to members of the CIMT incorporating two exercises relating to implementation of the IOM
- Three manager level officers of AHC were nominated as Council Commanders and undertook Incident Management Training 3
- Monitoring of the real time Fire Danger Index was undertaken in support of AHC's Work Health and Safety obligations and implementation of the IOM in regard to maintaining situational awareness.
- In AHC's role as a manager of land, AHC undertook the following steps:
  - AHC undertook ongoing bushfire mitigation measures on AHC managed land as necessary or appropriate including fire track maintenance, woody weed control, roadside and reserve slashing in line with normal maintenance regimes.
- In AHC's role as a regulatory authority, AHC undertook the following steps:
  - AHC undertook ongoing bushfire mitigation measures on privately owned land as appropriate including advice to property owners, community bushfire awareness and property inspections, and as required, issuing compliance notices for fuel reduction.
- In AHC's role representing the interests of its community and in furtherance of its strategic objectives:
  - AHC maintained representation on the Adelaide and Mt Lofty Ranges Bushfire Management Committee and the Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Committee
  - AHC maintained the Bushfire Advisory Group with representation from SA Country Fire Service (CFS) Groups within the AHC area
  - AHC worked with local SA CFS, local CFS brigades and community groups in regard to localised bushfire mitigation issues and opportunities.

2. Describe the Emergency Response Plans or management frameworks currently in place that inform the Council's response to natural disasters. Detail the current status of the Emergency Response Plans or management frameworks and when they are expected to be reviewed and whether they were implemented in the 2019-2020 bushfire season.

- Adopted in 2019, AHC's Incident Operations Manual (IOM) is the principal document that informs AHC's response to disasters.
- The IOM defines AHC's emergency response actions through the following elements contained within the manual:
  - Emergency responses based on an 'all hazards' approach
  - Council Commanders authorised to take control of AHC resources in response to emergency events
  - Council Incident Management Team with defined roles to manage disaster responses
  - Three levels or scale of incident type defined to assist determine the most appropriate response approach to be taken
  - Four functional modes of *Standby, Alert, Operations and Restore*
  - Establishment of Council Emergency Operations Centre

- Action Plans for emergencies with warning and emergencies without warning.
- Review of the IOM is provided for within the manual to formally occur every two years with interim reviews to be undertaken as required.
- During the 2019-2020 bushfire season there were several partial activations of the IOM and CIMT in response to declared extreme and catastrophic fire danger days.
- The IOM and CIMT was activated in Operations mode for a period of 11 days in response to the Cudlee Creek Bushfire that started 20 December 2019.
- The IOM was last reviewed in January 2020, incorporating minor changes from lessons learnt in the Cudlee Creek Bushfire. Prior to this, the IOM was reviewed in October 2019
- Currently, the outcome of an After Action Review (debrief) undertaken of AHC's response to the Cudlee Creek fire in December 2019 is being finalised.
- Relevant findings of the After Action Review will be incorporated into the IOM.
- In response to the COVID-19 Pandemic an IOM COVID-19 Protocols document was developed in March 2020 as a supporting document to the IOM.
- The IOM COVID-19 Protocols were established to ensure as far as practicable AHC's ability to respond to a disaster could continue to occur safely within the confines and parameters of the pandemic.

3. Describe the level of engagement (i.e. frequency and nature of interactions and information sharing) by the State of South Australia with the Council and other local authorities regarding natural disaster preparedness, response and recovery.

- AHC engages with the State of South Australia through:
  - Representation on the Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Committee
    - This body is a formal committee established under the South Australian *State Emergency Management Plan* pursuant to the requirements of the *Emergency Management Act 2004*
    - Four meetings per year
  - Representation on the Adelaide and Mt Lofty Ranges Bushfire Management Committee
    - This body is a formal committee established under the *Fire and Emergency Services Act 2005*
    - This body has four meetings per year
  - Participating in and supporting activities undertaken by the Local Government Functional Support Group (LGFSG)
    - The LGFSG is a functional support group identified in Part 2 of the State Emergency Management Plan
    - The LGFSG is a central body where requests for information, feedback and assistance from state agencies related to emergency management can be disseminated to councils.
- Participating in and responding to consultative mechanisms undertaken by the State Government relating to various emergency management activities such as reviews of legislation.
- AHC engages with the South Australian State Government's State Recovery Office to support and facilitate community recovery from bushfires once an event has occurred.
- AHC engages with the South Australian Government's Department of Treasury and Finance to seek funding to assist with managing the cost of disaster recovery activities following a natural disaster (Such as via the Local Government Disaster Recovery Assistance Arrangements).

4. Describe the areas (if any) where the Council has responsibility and accountability to act in preparing for a bushfire but is unable to do so because another entity/agency holds the authority.

- AHC has not been able to identify any areas where it has legislated responsibility and accountability to act in preparing for a bushfire but is unable to do so because another entity/agency holds the authority.

5. Does the Council consider that there is a need for, or value in developing, national standards for disaster preparation, response and recovery? In your response, describe any opportunities which the Council can identify for the Commonwealth to provide additional support to improve standardisation across State and Territory and local government.

- AHC notes that different environmental, climatic and geographic conditions occur across the country, giving rise to different risks and response approaches in different areas and to different hazards. As such, any national standards would need to provide flexibility so individual circumstances can be taken into consideration. In this context, AHC considers that national standards may be useful to provide minimum requirements and/or a framework toward best practice planning at a more localised level, i.e. state and region.
- AHC would be supportive of further consideration and exploration of the benefits or otherwise of the above.

#### **Coordination of response**

6. In the context of the 2019-2020 bushfire season, describe the Council's experiences relating to the coordination of response and recovery (and the division of responsibility), including when natural disasters occur at or around State and Territory borders. Describe whether there are any opportunities for improvement.

- AHC's experiences regarding the coordination of response and recovery in the context of the 2019-2020 bushfire season relate to the Cudlee Creek fire that occurred late December 2019.
- In the response phase (where local government performs predominantly a support role to the control agency and other supporting agencies) AHC's experience in relation to coordination was positive. AHC understood its responsibilities and abilities to act, and that of other agencies. There was little if any confusion or concern regarding coordination.
- AHC considers the coordination of its own response and early recovery activities through the Incident Management Team were coordinated successfully.
- In regard to response and early stage recovery external to AHC the Local Government Functional Support Group provided coordination between the local government sector and the agencies responding to the fire event. AHC found this to be undertaken effectively in relation to the Cudlee Creek Bushfire.
- In regard to early stage recovery, there remained some level of uncertainty in the immediate days after the beginning of the fire as to the level of State Government involvement in recovery. For instance, in South Australia, the State Government determines if it will appoint a Local Recovery Coordinator on a case by case basis. In the case of the Cudlee Creek Bushfire, the State Government moved quickly to appoint a Local Recovery Coordinator who engaged regularly and constructively with AHC. The State Recovery Office was also available to provide support and assistance when required.
- As the recovery stage progressed, coordination between the State Government and AHC continued through AHC participation on the Local Recovery Committee and through ongoing liaison with key agencies.
- In regard to the recovery phase, AHC recognises that the community generally looks to local government and local leaders for information, guidance, support and advocacy. Local government is the closest level of government to the community and tends to hold considerable local knowledge and situational awareness. As such, AHC considers it important that in scenarios where the State Government and/or the Federal Government determine to play a significant role in the recovery phase, that the local council should be closely engaged, consulted and empowered where appropriate. Examples include:
  - Being consulted on the appointment of a Local Recovery Coordinator
  - Being informed of and invited to accompany political leaders on visits to affected

<p>communities</p> <ul style="list-style-type: none"> <li>○ Being informed of and invited to contribute to State and/or Federal Government priority setting in relation to the recovery needs of the local community</li> <li>○ Being empowered to deliver recovery support services where they relate to peculiar needs of local communities or where value could be added in local government being a 'trusted conduit' to State provided services.</li> </ul> <ul style="list-style-type: none"> <li>● Coordination of response and recovery in regard to natural disasters occurring at or around State and Territory borders is not applicable to AHC.</li> </ul>
<p>7. Does the Council consider that there would be benefit in additional Commonwealth involvement in facilitating a coordinated response between Commonwealth, State and Territory and local governments and authorities in relation to preparing for, responding to and recovering from natural disasters?</p>
<ul style="list-style-type: none"> <li>● While AHC does not have a firm position on this question at this point, it would be supportive of further consideration and exploration of the benefits or otherwise of additional Commonwealth involvement in facilitating a coordinated response between all levels of government in relation to preparing for, responding to and recovering from natural disasters.</li> <li>● It is considered important that any further Commonwealth involvement adds value to and empowers local responses rather than seeking to apply a one-size-fits-all approach or removing practical decision making from local communities.</li> </ul>
<p>8. How was local knowledge used and integrated during firefighting operations and responses in the 2019-2020 bushfire season? How can the utilisation of local knowledge during natural disasters be improved?</p>
<ul style="list-style-type: none"> <li>● From a local government response perspective local knowledge was widely used during the 2019-20 bushfire season in response to the Cudlee Creek fire.</li> <li>● When required AHC staff with local knowledge relevant to tasks to be actioned through the CIMT were assigned to those tasks.</li> <li>● AHC staff with roles involving a high degree of field work were of particular value in regard to local knowledge given their in-depth familiarity of the AHC area obtained through their day to day duties.</li> <li>● The predominant Operations Officer on AHC's Incident Management Team was from the Infrastructure and Operations directorate as the role required a person with local knowledge of the AHC area and in particular the location of roads.</li> <li>● Local knowledge was also used during interactions with the Local Government Functional Support Group.</li> <li>● The utilisation of local knowledge during natural disasters could be improved through inclusion, when required, of persons with local knowledge relevant to an event within the Control Agency Incident Management Team.</li> <li>● From a local government perspective an example would be to include a person with local knowledge as a resource in a specialist role capacity on the Incident Management Team.</li> <li>● Formalising access to a local knowledge resource would be particularly useful when resources are being deployed into an event that are not from the immediate locality such as intrastate and interstate deployments</li> <li>● The use of local knowledge could be further improved by identifying and putting in place pre-arranged access arrangements to relevant electronic information (e.g. GIS data) held by participating agencies and organisations.</li> <li>● In the recovery phase, local knowledge was utilised by the State Government through inclusion of AHC representatives and local community members on the Local Recovery Committee. At each meeting of the Committee, community members and AHC representatives were offered the opportunity to speak.</li> <li>● AHC considers there to be further opportunity to incorporate local knowledge in the recovery phase by seconding a representative of the applicable local council onto the State Recovery Operations Group (a high level State Government group involving representatives</li> </ul>

from a number of agencies and non-governmental organisations, which plans and oversees recovery activities) for the duration of formalised recovery activities.

#### Resources

9. In the context of bushfire events which were observed during the 2019-2020 bushfire season, describe the extent to which the Council had adequate access to Resources, including:

- a. fuel;
- b. water;
- c. electricity;
- d. telecommunications; and
- e. firefighting personnel.

in order to respond to those bushfire events.

- AHC's access to resources was generally adequate to enable AHC to respond to the Cudlee Creek fire.
- From an incident management perspective AHC had sufficient resources to activate and maintain AHC's Incident Management Team and Emergency Operations Centre noting fatigue management of staff involved was a key element needing to be addressed.
- It should be noted though that because managing incidents is not an 'every day' event for councils, staff were drawn from other activities, thus putting pressure on AHC's general service delivery and achievement of other 'business as usual' objectives.
- The area of fire scar within the AHC district was 15,000 hectares and approximately 170 kilometres of road network was impacted and therefore AHC required assistance from other councils for road vegetation clearance and road opening works to enable roads to be reopened in a timely manner.
- The Local Government Functional Support Group provided resource support to AHC throughout the emergency response particularly in regard to liaison with the emergency services and assistance for road vegetation clearance and opening works.
- Access to fuel, water and electricity was adequate.
- Mobile phone communications were compromised at times due to loss of service (extended power cuts) and 'blackspots' in coverage in some areas. This was also noted by community members and raised with the Council as a point of concern.
- AHC does not undertake firefighting operations and therefore resourcing of this element is not relevant to the AHC's response.

10. From the perspective of the Council, and given budget constraints, describe the priorities for improving access to Resources, including in support of the emergency services.

- Many of the resources required in response to an unfolding natural disaster are drawn from AHC's existing resources, programs and processes that form the day to day 'business as usual' operations of AHC.
- AHC also benefits from a collegiate approach to responding to emergencies in the South Australian local government community. A number of other councils made offers of support and these were accepted where they could be effectively deployed to meet a deficiency in AHC's own resource availability.
- Accordingly, access to physical and human resources in response to an emergency event are generally adequate.
- Examples include increased access to funding and ongoing support programs such as the Council Ready Program\* currently being implemented in South Australia.
- AHC considers access to telecommunications in particular to be crucial for attention for not only its own purposes but for broader community benefit. Good, reliable mobile telecommunications coverage is particularly important in high bushfire risk areas.

*\*The Council Ready program aims to support South Australian councils with emergency management planning, and activities that strengthen disaster resilience in communities. The program is being centrally coordinated by the Local Government Association of South*

*Australia. Council Ready is funded under the Natural Disaster Resilience Program by the South Australian State Government and the Commonwealth Department of Home Affairs, with proponent funding provided by the LGA Mutual Liability Scheme.*

11. Describe any opportunities that the Council can identify, including in response to the 2019-2020 bushfire season, to improve resource sharing between and/or within the relevant Commonwealth, State and Territory agencies and local authorities.

- AHC's experience in relation to resource sharing within the local government sector has been positive.
- During the Sampson Flat bushfire in January 2015 and the more recent Cudlee Creek fire in December 2019 AHC received many offers for assistance (staff, plant and equipment) from other councils.
- AHC provided assistance to councils impacted by the Pinery fire that occurred in November 2015.
- With the establishment of the Local Government Functional Support Group in November 2016, resource sharing between councils has improved through greater facilitation and formalising of process.
- AHC has demonstrated a willingness to share its resources with government agencies, particularly the SA Country Fire Service. Examples include:
  - utilising AHC plant and personnel to refill firefighting appliances
  - utilising AHC plant and personnel to create fire breaks
  - utilising AHC plant and personnel to clear roads of fallen debris to enable fire appliance access.
- The deployment of Australian Defence Force (ADF) resources during the 2019-20 bushfire season is considered a good example of sharing Commonwealth resources. Further comment on this is provided in response to another question.
- Following the September 2016 Storm Event AHC partnered with State Government (DPTI, DEW) to undertake major urgent repairs to Montacute Road. This was a deviation from normal arrangements that produced an excellent outcome in a very timely manner which may reflect an opportunity for better partnerships around use of contracts or staff/contractors between tiers of Government during times of Emergency.
- Beyond the above, AHC does not consider itself to be well placed to comment on opportunities for resource sharing between agencies in other levels of government.

**Access to Roads**

12. In the context of the 2019-2020 bushfire season, describe the extent to which the Council had adequate access to roads (including key access roads and evacuation routes).

- AHC's access to roads was adequate for its operational needs.

13. Identify any issues encountered during the 2019-2020 bushfire season regarding road access hindering the evacuation of individuals from fire-affected areas in the State of South Australia.

- AHC's role in regard to evacuations is in a support capacity as requested by the emergency services.
- AHC is not aware of any road access issues hindering evacuations during the 2019-2020 bushfire season.

14. Describe how the Council communicated and coordinated with State fire authorities to support evacuations during the 2019-2020 bushfire season and identify any challenges experienced and any areas for improvement.

- AHC was not required to support any evacuations during the 2019-2020 bushfire season.
- If such requests were received they would have been managed through AHC's Incident Management Team and the Local Government Functional Support Group.

15. Identify any issues encountered (if any) during the 2019-2020 bushfire season regarding reopening of roads, including to provide access to property owners.

- The need to promptly reopen roads to enable access for property owners and support

services can be in conflict with ensuring that roads are safe from fire-compromised vegetation (particularly roadside trees), the fire itself if it is still burning and from damaged road infrastructure.

- Noting the significant risk falling trees pose post-bushfire, a rapid assessment was undertaken by AHC in the case of the Cudlee Creek fire to identify high risk trees that needed immediate attention.
- Given the nature of vegetation, risks change over days and weeks, particularly if trees are still burning internally or at their root zones.
- The safety assessment of the significant volume of compromised roadside trees that would have normally occurred in a 'business as usual' scenario would have taken many months. In this instance, AHC needed to allocate significant resources to expedite the assessment.
- Some damaged or destroyed roadside infrastructure such as signage and roadside marker posts had not been repaired or replaced prior to roads being reopened to property owners, however priority was given to replacing safety road signage, e.g. speed limit signs and stop signs. On the basis of risk, some roads were given reduced speed limits or were closed for short durations while emergency work was carried out.
- AHC would support increased and more specific messaging regarding risks present to property owners and the broader community when roads initially reopen following a bushfire. The messaging would need to align with the 'tier' of road opening as described in any state guidelines. In the case of South Australia a [five tiered road reopening framework exists](#) based upon the degree of risk present following a fire.

#### **Emergency communication**

16. Describe with reference to specifications, the emergency warning systems and the communication systems (including radio and paging) utilised by the Council during the 2019-2020 bushfire season and describe how effective those systems were and any material weaknesses in those systems.

- AHC does not issue its own public warnings and therefore does not have in place an emergency warning system for this purpose.
- However, AHC does disseminate some warnings issued by the emergency services to the community, but in a considered manner that does not 'cut across' or confuse messaging from the lead agency.
- AHC does have in place internal processes to monitor the forecast fire danger for the following day and the real time Fire Danger Index for Work Health and Safety (WHS) and Incident Management Team purposes.
- These processes, when necessary, trigger emergency communications to staff, Incident Management Team members and AHC's waste and recycling collection operator.
- In regard to communication during emergencies AHC utilises the mobile phone network, internet and its own two-way radio system.
- In the case of the Cudlee Creek fire the mobile phone network and NBN was compromised at times.
- Under NBN many landline phones and internet services cease working when the power fails.
- AHC operates a digital VHF two-way radio system comprising two base radios, 27 hand held radios and 31 vehicle mounted radios.
- AHC's two-way radio network is prone to 'black spots' in some areas caused by hilly undulating terrain.
- AHC's two way radio system is reliant on three repeater stations located within AHC area and if one or more of these repeater stations loses functionality from fire or other unrelated cause a large amount of two way radio coverage is lost.
- For incident management communication from the Local Government Functional Support Group AHC uses online platforms X Matters and I Viss (maintained by the Local Government Functional Support Group) and the mobile phone network.



17. Describe any opportunities which the Council can identify, including in response to the 2019-2020 bushfire season, to revise, update or enhance emergency warning systems and communication systems and procedures within the local area.

- During the Cudlee Creek fire the radio system capacity was not compromised from repeater station failure however there was loss of coverage due to steep topography, which is difficult to overcome.
- The resilience of AHC's two way radio system could be improved if mobile repeater stations were available that could be transported and deployed at strategic locations based on the location and predicted spread of a fire.
- The mobile phone network and the internet is a critical communication tool utilised by all persons involved in an emergency event including local governments, the community and the emergency services.
- Telecommunication providers could be mandated to build greater resilience and longevity into their respective networks and systems.

**Dissemination of information to emergency services**

18. In the context for the 2019-2020 bushfire season, did the Council have access to timely and effective situational awareness information? Describe any weaknesses or limitations with the information and any challenges encountered by the Council in relation to the dissemination of information, including in relation to access to telecommunication systems.

- Noting the limitations outlined below, generally speaking AHC have access to timely and effective situational awareness information through public warnings and updates provided by emergency services, media reports and online information. AHC did not have incident information provided directly to it by the control agency (SA CFS).
- Receiving information directly from the control agency during an incident may enable AHC to expedite requests for support. Provision of this information could be managed and shared with the affected councils through the Local Government Functional Support Group.
- AHC currently monitors the Fire Danger Index (FDI) on days of increased fire danger as a mechanism to increase situational awareness and assist with decision making regarding activation, or not, of AHC's Incident Management Team.
- AHC uses FDI readings from weather stations located at Strathalbyn, Kuitpo and Mount Crawford (all outside of Adelaide Hills Council) to calculate the average FDI of these three sites as a guide to the real time FDI within AHC's area.
- These weather stations are used as the only weather station located within the AHC district is located at Mount Lofty which is not representative of the AHC area due to its elevation.
- While the existing weather stations provide useful information, consideration should be given to the Bureau of Meteorology installing one or more weather stations within the AHC area, which can produce FDI information more typical of the central Adelaide Hills area. Indeed, the CFS and Bureau of Meteorology may find it equally beneficial to utilise more representative FDI data for the Adelaide Hills.

19. Describe any opportunities for improvement which the Council can identify including in response to the 2019-2020 bushfire season, in relation to dissemination of information to Emergency Services during a natural disaster (including the Commonwealth's role in dissemination of information).

- During natural disasters the dissemination of information to the emergency services from AHC is generally through the Local Government Functional Support Group or through existing local contacts. This is considered to work satisfactorily.

**Dissemination of information to the community**

20. Describe the emergency warning procedures and systems (if any) presently in place in the State of South Australia and utilised by the Council.

- AHC generally utilises the warnings provided publically through the Bureau of Meteorology, the SA CFS and SA SES.
- In the interests of clarity, avoiding duplication and consistency of messaging, AHC does not

promote itself as a principal agency for the dissemination of emergency warnings to the community – that is the responsibility of the relevant hazard and incident control agency. However, warnings of a particularly significant nature are routinely repeated via an emergency banner on the homepage of AHC's website (and repeated across every page of website content) and social media.

- AHC staff also utilise the Alert SA App as a situational awareness tool in regard to bushfires.

21. Identify the plans, programs, initiatives and arrangements developed by Local Governments to prepare communities for, and communicate with them during, and following natural disasters in the State of South Australia. Describe how these were plans implemented in the 2019-2020 bushfire season.

- AHC undertakes general community awareness prior to and during the bushfire season.
- This general community awareness includes district signage regarding bushfire season, social media campaigns throughout the year on topics such as bushfire preparation and clearing of fuel load prior to bushfire season, articles in AHC's e-newsletter, promotion of CFS education sessions e.g. Firey Women Workshops.
- AHC has in place an Emergency Management Communication Plan that sets out key communication milestones in an emergency, important contacts, media information and standard operating procedures for producing and disseminating information on AHC's communication channels.
- Emergency Response Plans are produced for any major AHC event e.g. Santos Tour Down Under with provision for emergency response.
- In the interests of maintaining clarity and consistency, communications to the community from AHC refers people to the relevant agency for more detailed information direct from the source.
- AHC's Fire Prevention Officers undertake annual property inspections which include direct advice to property owners on managing fuel loads.
- AHC's Incident Management Team includes provision for a communications officer to form part of the team so that timely and accurate messaging can be provided to the community during and following an event.
- AHC has in place a partnership arrangement with the Australian Red Cross to jointly deliver an Emergency Resilience Partnership Program\*. The Australian Red Cross deliver the partnership arrangement which is financially supported by AHC.
- All of the above was in place and was implemented in relation to the 2019-20 bushfire season.

*\*The Emergency Resilience Partnership Program aims to increase awareness and understanding of hazards and emergencies, to increase individual and community self-sufficiency and resilience and to develop leaders who can lead and support others to prepare, withstand and recover from emergencies.*

22. Describe the technologies, applications and/or communication systems utilised in the local community by the Council to disseminate information to and within communities and describe how effective they were and what worked well and any opportunities for improvement?

- AHC relies on the AHC website, social media, e-newsletters and information blasts, local newspapers, media releases, customer service telephone and face to face response staff, on hold and after hours phone messaging and emails to disseminate information to the community.
- It is understood that during the Cudlee Creek Bushfire, power and telecommunications to certain communities was interrupted. This had the effect of limiting people's ability to communicate out and to receive information through electronic means.
- The predominant root cause of outages was power failure or 'other' (for example - multiple contributing factors, a generator that needed refuelling damage to an upstream / downstream facility)\*.

- Outages caused by fire damage were minimal\*.
- In South Australia the average length of outage in days was 2.4 comprising 0.3 of a day to commence restoration and 2.1 days to restore outages\*.
- As mentioned previously, AHC is of the view that telecommunication providers should be mandated to build greater resilience and longevity into their respective networks and systems particularly in relation to vulnerability to power failure.

*\*Source: Impacts of the 2019–20 bushfires on the telecommunications network, Report for the Minister for Communications, Cyber Safety and the Arts, Australian Communications and Media Authority, accessed on line 5 May 2020, [acma.gov.au/publications/2020-04/report/impacts-2019-20-bushfires-telecommunications-network](https://acma.gov.au/publications/2020-04/report/impacts-2019-20-bushfires-telecommunications-network)*

23. Describe whether there is a need for standardisation of information disseminated to communities and whether there is any necessity for additional Commonwealth assistance and/or intervention e.g. in setting national standards regarding emergency communication and information.

- AHC supports consistent communication to the community.
- Generally speaking the content provided by local government is disseminated information obtained from the one source (normally the emergency services).
- AHC would be supportive of a sector wide approach that explores and implements minimum standards for communicating emergency information in regard to frequency and methodology. National standards could be of benefit in this regard.
- Commonwealth involvement may assist provide consistency with communications across states and territories.

#### **Evacuation centres**

24. With regard to the 2019-2020 bushfire season, describe any opportunities which the Council can identify to improve the readiness and availability of evacuation centres for natural disasters and whether there is any additional support or practical assistance (if any) that the Commonwealth can provide.

- In South Australia, councils do not generally operate evacuation, relief or recovery centres. This is the domain of the State Government, although local government facilities are often used.
- In South Australia, the model used is one of 'relief centres' rather than 'evacuation centres'. By way of illustration, in an evacuation centre, the centre can provide a place of physical refuge, meals and accommodation, whereas in a relief centre staff will typically organise emergency accommodation in public housing or hotels/motels if attendees cannot be housed with family or friends.
- Relief centres were established by the State Government on the same day as the fire commenced, in two locations close to, but safely outside of, the fire affected area. The centres appeared to be readily accessible and well resourced. AHC considers this to be a commendable achievement and feels that the community was well served by the relief centres.
- In the days immediately following the fire, it became apparent that community members were seeking relief facilities to be located closer to home, i.e. within the fire affected area.
- AHC staff worked with State Government staff to identify a suitable location for a recovery centre central to the affected community. An AHC owned site was offered and the centre was operating at Lobethal by 6 January 2020, less than 3 weeks after the fire started. The relief centres were then phased out. The recovery centre continues to function.
- AHC considers the relief centre/recovery centre operations run by the State Government to have worked well and cannot identify any obvious opportunities for additional Commonwealth support or practical assistance.
- AHC considers that there are opportunities to support a 'community ready' type program that would facilitate the identification of local assets (potential evacuation points among

<p>other things) that could be drawn upon by local communities when an emergency such as a bushfire occurs.</p>
<p><b>Clean-up</b></p>
<p>25. Describe any challenges encountered by the Council in relation to the clean-up of communities.</p> <ul style="list-style-type: none"> <li>• Clean-up of private property damage was and is primarily the responsibility of property owners. The State and Federal Governments provide a joint-funded service to demolish and clear burnt residential assets and AHC considers this to be a welcome initiative.</li> <li>• AHC assisted private property clean up by: <ul style="list-style-type: none"> <li>○ Providing large skip bins in townships throughout the fire affected area</li> <li>○ Providing free 'dump passes' for use by fire affected property owners</li> <li>○ Providing a number of free green organics drop-off days</li> <li>○ Providing the use of AHC depot premises for State Government coordinated clean-ups and material recovery exercises.</li> </ul> </li> <li>• By far the biggest clean-up activity undertaken by AHC was in relation to roadside trees. At the date of compiling this response, AHC had spent nearly \$3m on assessing and attending to roadside trees damaged by the fire.</li> <li>• The biggest challenge encountered in relation to the above was cost. For a council with total annual rate income around \$35m, a \$3m unplanned expense is significant.</li> <li>• Additional challenges included accessing sufficient contracted resources to move swiftly on roadside tree clearance and contractors to assist with fencing repairs as both of these professions were in high demand.</li> </ul>
<p>26. Describe any opportunities for more efficient clean-up of public and private properties, including whether there is a role for the Commonwealth for providing or facilitating clean up assistance.</p> <ul style="list-style-type: none"> <li>• AHC does not have any specific feedback to provide in regard to opportunities for more efficient clean-up of public and private properties and whether the Commonwealth has a role to play for providing or facilitating clean up assistance, besides noting the funding support provided by the Commonwealth to facilitate private property clean-ups was welcome.</li> <li>• AHC notes the Disaster Waste Management Capability Plan (as a supporting plan within Part 4 of the State Emergency Management Plan) is due for review by July 2020.</li> <li>• AHC would welcome the opportunity to participate in the review of the Disaster Waste Management Capability Plan.</li> </ul>
<p><b>Defence and Australian Defence Force Assistance</b></p>
<p>27. During the 2019/2020 bushfire season what requests were made to Defence and/or the ADF for assistance?</p> <ul style="list-style-type: none"> <li>• AHC made the following types of requests to the ADF: <ul style="list-style-type: none"> <li>○ Replacement of roadside white marker posts that were burnt during the fire to enable greater safety for road uses</li> <li>○ Removal of burnt/dangerous trees on private property</li> <li>○ Removal of fences and building debris from private property</li> <li>○ Provision of water for livestock</li> <li>○ Helping clear burnt and fallen vegetation of residents' fences to enable the removal of burnt/damaged fences and allow a clear path to reconstruct new fences</li> <li>○ Inspection and clearance of AHC fire tracks of fallen trees and other debris</li> <li>○ Reshaping of verges with graders (longer term)</li> <li>○ Clean-up of property adjacent to old landfill site</li> <li>○ Clearance of large trees from Lobethal Bushland Park.</li> </ul> </li> </ul>
<p>28. If applicable, please provide a summary of the assistance Defence and/or the ADF has provided, or is</p>

providing, as part of the recovery efforts in connection with the 2019-2020 bushfires season. To the extent possible, please provide a response that details the types of activities in which Defence and/or the ADF has been involved and how effective that assistance has been in the recovery process?

- AHC commends the ADF and its personnel on their passionate and professional approach to assisting communities impacted by the Cudlee Creek Bushfire. The ADF was involved in the following types of activities:
  - Provide water to residents for the provision of watering stock
  - Felling and removal of burnt trees from private property
  - Clear burnt and fallen vegetation of residents fences to enable the removal of burnt/damaged fences and allow a clear path to reconstruct new fences
  - Clearance of AHC fire tracks of fallen trees and other debris which cleared tracks for future access (this task was done within weeks instead of potentially many months)
  - Clearance of large trees from Lobethal Bushland Park that enabled early public access to the site
  - Assisting with general tasks around the recovery centre
  - Collecting scrap metal from private properties and delivering for recycling.

#### **Financial assistance**

29. Describe the Council's experiences in seeking to obtain State and Territory and Commonwealth financial assistance, including any challenges or obstacles.

- In South Australia, there are existing arrangements in place for councils to receive State Government financial support for counter disaster activities, repairs to essential public assets and for community recovery activities. These arrangements are described in the Local Government Disaster Recovery Assistance Arrangements Guidelines (last revised December 2019) (LGDRAA).
- The LGDRAA is largely 'asset based', that is, it provides part cost coverage for cleaning up and rebuilding damaged public assets once a certain expenditure threshold is met.
- The LGDRAA does not provide assistance for costs associated with repairing sporting and recreational facilities or restoring damaged environmental assets.
- AHC is grateful for the Federal Government's initial contribution of \$1million, which was announced by the Prime Minister on 9 January 2020. This was supplemented with an additional \$225,000 on 12 February 2020.
- To date, while AHC has not received any financial support from the State Government, AHC will be making a claim under the aforementioned LGDRAA.
- At the time of compiling this response, AHC estimates incurring costs for which it is eligible to make a claim under the LGDRAA of approximately \$3.0million, comprising mostly roadside tree clean-up costs. Under the LGDRAA, AHC anticipates it will be eligible for assistance of around \$1.6million toward this cost.
- In addition, at the time of compiling this response, AHC has identified potential recovery activities costing up to another \$2.9million associated with activities not eligible for support under LGDRAA.
- To be eligible for further funding support from the Federal National Bushfire Recovery Fund, AHC has been told that it must apply through the State Government and that the State Government must be prepared to contribute 50% of any further funding provided to AHC. Thus, AHC must rely on the State's willingness to fund, in order to access Federal funding.

- Challenges and obstacles include:
  - No direct avenue for local government to put funding requests to the National Bushfire Recovery Agency
  - No established avenue for seeking State Government funding outside of those items deemed eligible under the LGDRAA
  - The State’s priorities not necessarily aligning with AHC’s priorities, meaning AHC’s funding priorities are less likely to be presented to NBRA.

A consequence of these challenges is that AHC cannot proceed as swiftly as it would like with recovery priorities it has identified for its community, leading to potential unmet needs in the community.

30. Describe any opportunities that the Council can identify for improving efficiencies to existing financial assistance arrangements.

- AHC is of the view that consideration should be given to direct liaison between the National Bushfire Recovery Agency and local government for the purposes of ensuring Commonwealth funding is finding its way to on-ground recovery activities in the most efficient way.
- AHC is of the view that Local Government Disaster Recovery Assistance Arrangements (as they existing in South Australia) should be reviewed to recognise unavoidable costs incurred by councils beyond the restoration of essential services.

**Other relevant matters**

31. Describe (in summary terms) any other matters which the Council considers relevant to its responses to this Notice, or the Commissioners’ inquiries regarding preparing for, responding to, and recovering from natural disasters within Australia, in response to the Terms of Reference.

- The Council has no further matter to add.

## Adelaide Hills Council response to Notice and Summons to Produce NTP-HB2-255

<b>Preparedness and response</b>
1. Key documents, including the Incident Operations Manual, used to inform the response to the 2019-2020 bushfire season and other natural disasters.
<ul style="list-style-type: none"><li>• AHC provides:<ul style="list-style-type: none"><li>○ AHC's Incident Operations Manual (current version).</li></ul></li></ul>
2. The following documents which complement and give effect to the National Partnership on Disaster Risk Reduction in the State of South Australia: a. Adelaide and Mount Lofty Ranges Bushfire Management Area Plan b. Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan c. Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan (Public Summary) d. Adelaide Hills Council Development Plan (online) e. Climate Change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula and Kangaroo Island Region Southern & Hills LGA Regional Public Health Plan 2015
<ul style="list-style-type: none"><li>• AHC provides:<ul style="list-style-type: none"><li>○ Adelaide and Mount Lofty Ranges Bushfire Management Area Plan <a href="https://cfs.geohub.sa.gov.au/portal/sharing/rest/content/items/77f10cb8fbcd4588b7d41b8b533ddd8d/data">https://cfs.geohub.sa.gov.au/portal/sharing/rest/content/items/77f10cb8fbcd4588b7d41b8b533ddd8d/data</a></li><li>○ Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan (pdf provided)</li><li>○ Adelaide Hills, Fleurieu and Kangaroo Island Zone Emergency Management Plan (Public Summary) <a href="https://safecom-files.s3.amazonaws.com/current/docs/adelaide_hills_fleurieu_ki_zone_public_zemp.pdf">https://safecom-files.s3.amazonaws.com/current/docs/adelaide_hills_fleurieu_ki_zone_public_zemp.pdf</a></li><li>○ Adelaide Hills Council Development Plan (online) <a href="https://www.sa.gov.au/topics/planning-and-property/development-plans/greater-metropolitan-adelaide-development-plans/adelaide-hills-council-development-plan">https://www.sa.gov.au/topics/planning-and-property/development-plans/greater-metropolitan-adelaide-development-plans/adelaide-hills-council-development-plan</a></li><li>○ Climate Change Adaptation Plan for the Adelaide Hills, Fleurieu Peninsula <a href="https://www.lga.sa.gov.au/_data/assets/pdf_file/0030/468390/RH-and-C-Adaptation-Plan_FINAL_low-res_Oct2016.pdf">https://www.lga.sa.gov.au/_data/assets/pdf_file/0030/468390/RH-and-C-Adaptation-Plan_FINAL_low-res_Oct2016.pdf</a></li><li>○ Kangaroo Island Region Southern &amp; Hills LGA Regional Public Health Plan 2015 <a href="https://www.lga.sa.gov.au/_data/assets/pdf_file/0030/468732/150601-Health-Plan-Directions-Report-FINAL-AFTER-PUBLIC-EXHIBITION.pdf">https://www.lga.sa.gov.au/_data/assets/pdf_file/0030/468732/150601-Health-Plan-Directions-Report-FINAL-AFTER-PUBLIC-EXHIBITION.pdf</a>.</li></ul></li></ul>
3. Documents which show current number of evacuation centres and resourcing to each of these evacuation centres within each Local Government in the State of South Australia.
<ul style="list-style-type: none"><li>• Evacuation centres are the domain of the State Government in South Australia. AHC does not hold documents pertaining to the planning or standing up of evacuation centres. As such, no document is provided in response to this item.</li></ul>
<b>Recovery</b>
4. Key documents, such as recovery plans and recovery management frameworks, used to inform the recovery efforts following the 2019-2020 bushfire season and other natural disasters.
<ul style="list-style-type: none"><li>• AHC provides:<ul style="list-style-type: none"><li>○ A link to the Australian Disaster Resilience Community Recovery Handbook (Australian Institute for Disaster Recovery, 2018) <a href="https://knowledge.aidr.org.au/resources/handbook-2-community-recovery/">https://knowledge.aidr.org.au/resources/handbook-2-community-recovery/</a></li></ul></li></ul>

- A link to the National Principles of Disaster Recovery  
<https://knowledge.aidr.org.au/resources/national-principles-disaster-recovery>
- Disaster Recovery Guide for Councils (South Australia) (March 2017)
- The Council's Recovery Action Plan for the Cudlee Creek Bushfire, as at 8 May 2020.

5. Key documents relating to of the breakdown on the allocation of Commonwealth funding for recovery used in response to the 2019-2020 bushfire season and other natural disasters.

- AHC provides:
  - Letter announcing initial Commonwealth funding of \$1.0m from the state Treasurer dated 10 January 2020.
  - Letter announcing supplementary Commonwealth funding of \$225,000 from Andrew Colvin, head of the NBRA, dated 12 February 2020.
  - Nominal breakdown of the allocation of the total \$1.225m in Commonwealth funding.

6. Any current Memorandum of Understanding (or other similar agreements) with Defence and/or the ADF that is used to plan for, respond to, or recover from, natural disasters, including any that may have applied in the local area during the 2019-2020 bushfire season.

- AHC does not have an existing Memorandum of Understanding (or similar agreement) with the Australian Defence Force and as such does no document is provided in response to this item.