



**THE POLICE
ASSOCIATION
VICTORIA**

Australia's Disaster Resilience Plan: The Need for a Cooperative Model

Submission to the Select Committee on Australia's
Disaster Resilience





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Submission to the Select Committee on Australia's Disaster Resilience

The Police Association of Victoria (the Association) thanks the Select Committee on Australia's Disaster Resilience (the Committee) for the opportunity to provide input into the inquiry into Australia's preparedness, response and recovery workforce models, and alternative models to disaster recovery.

The Police Association of Victoria

The Association is an organisation that exists to advance and represent the industrial, legal, professional and welfare interests of its members. The Association's membership of approximately 18,000 is drawn exclusively from sworn Police Officers at any rank, Protective Services Officers, Police Reservists and Police Recruits who serve in Victoria Police. Membership of the Association is voluntary. By virtue of its constitution, the Association is not affiliated with any political party.

The Association asserts that a cooperative model between the Australian Defence Force (ADF), state emergency services, and volunteer organisations is essential to Australia's disaster resilience plan. In this submission the Association addresses TOR(a)i, TOR(a)ii, TOR(a)iv, and TOR(c). It submits that a cooperative model between state emergency services, the ADF, and not-for-profit volunteer organisations is needed to ensure Australia's disaster resilience. The Association identifies that while Australian civil and volunteer groups, not-for-profit organisations and state-based services play an important role in responding to domestic disasters, overreliance cannot be placed on these bodies. Finally, the Association draws attention to the Special Constable provisions in the *Victoria Police Act 2013* (Vic), arguing under TOR(c) that such a model should be adopted with respect to the ADF to give the ADF limited powers to respond to domestic disasters in an efficient and timely manner.

TOR (a)i. The role of the Australian Defence Force in responding to domestic disasters

In Australia state and territory governments are primarily responsible for disaster response, including for police, ambulance, and fire and emergency services.¹ The Association's members are a surge workforce, called in to assist with a wide range of emergencies and disasters. For example, Victoria Police and PSOs played an instrumental role supporting the Victorian community throughout the recent Victorian bushfires and the COVID pandemic. As an essential emergency service, police have a critical role to play with respect to both preparedness and response to disasters as they occur.

¹ *Royal Commission into National Natural Disaster Arrangements* (Report, 28 October 2020) 6.

Despite their essential role, only 27.9 percent of police and PSOs recently surveyed by the Association indicate that current large-scale emergency management is very effective.² Furthermore, only 21 percent of the Association's members feel that Victoria Police is adequately or entirely prepared for future responses to pandemics, while 24.8 percent feel that Victoria Police is not at all prepared.³ The recent 2019-20 bushfires made it clear that Victoria Police's systems are not adequately equipped to deal with an event of this scale, and that better planning is required to effectively account for the logistics task of supporting such a large emergency operation, as well as adequately provide for our members' welfare.

While the Association acknowledges that domestic disaster response is not the primary role of the ADF, it is also not the primary role of Victoria Police. The Association submits that the ADF play an essential role in responding to domestic disasters. Currently, this role is providing ancillary support, providing capabilities and resources such as logistics, communications, transport by sea, land and air, and additional personnel.⁴ The Commonwealth needs to be readily prepared for domestic disasters. The Association submits that disaster resilience requires a standing commitment for the ADF to provide disaster support. The ADF has the standing capacity to provide logistics during disasters. It is the ADF who has the capacity to 'build a town' overnight, rather than any state.⁵ Due to this, the Association contends that it is essential for the ADF to maintain their ancillary role in domestic disaster response.

The Association notes that throughout the COVID pandemic, authority to facilitate a cooperative model between the ADF and police exercising powers, such as those requiring people to evacuate, were essential. The ADF assisted with measures such as checkpoints, roadblocks and roaming patrols, through to logistical cell and planning roles and the guarding of quarantine facilities. The Association emphasises that, in Victoria, the scope of the emergency was such that our members could not have effectively responded to the situation as it unfolded without the assistance of the ADF. Furthermore, the Association notes that police are moved away from the operational frontline to deal with domestic disasters. If the support of the ADF during domestic disasters is withdrawn, greater numbers of police will be removed from the frontline, further stretching an already thin resource. Although the primary role of the ADF is defending and protecting Australia, not responding to domestic disasters,⁶ the Association highlights that neither is it the primary role of Victoria Police. As Victoria Police is required to stretch into other areas, the Association considers that the ADF should also stretch into ours.

Further, The Inquiry into the COVID-19 Hotel Quarantine Program (the Inquiry) concluded that the decision to utilise private security contractors instead of the ADF in the program was not considered or assessed.⁷ Victoria was ultimately criticised for dragging its feet in calling in ADF personnel and, instead, relying on private contractors to manage the hotel quarantine scheme.⁸ Indeed, the Inquiry concluded that breaches in the program ultimately led to the second wave of the spread of the disease in the community, which resulted in disastrous economic and social impacts for Victoria.⁹

² The Police Association of Victoria (2021) Priority Policing Issues 2020 Survey Report, East Melbourne: TPAV, p. 20

³ Ibid.

⁴ Royal Commission into National Natural Disaster Arrangements (Report, 28 October 2020) 188 [7.13].

⁵ Tom Lowrey, 'Should natural disaster responses be part of the Australian Defence Force's job?', *ABC News* (online, 9 March 2022) [33] <https://www.abc.net.au/news/2022-03-09/adf-support-nsw-qld-floods-disasters/100893234?utm_campaign=abc_news_web&utm_content=link&utm_medium=content_shared&utm_source=abc_news_web>

⁶ Royal Commission into National Natural Disaster Arrangements (Report, 28 October 2020) 188 [7.1].

⁷ Victorian Government (2020), *COVID-19 Hotel Quarantine Inquiry Final Report And Recommendations Volume 1* (Report, December 2020) 152.

⁸ RMIT ABC Fact Check, 'How is the Australian Defence Force assisting states during COVID-19?', *ABC News* (online, 12 August 2020) [1] <<https://www.abc.net.au/news/2020-08-12/fact-check-defence-force-coronavirus-fact-file-hotel-quarantine/12522492?nw=0&r=HtmlFragment>>

⁹ Victorian Government (2020), *COVID-19 Hotel Quarantine Inquiry Final Report And Recommendations Volume 1* (Report, December 2020) 13.

TOR (a)ii. The impact of more frequent and more intense natural disasters, due to climate change, on the ongoing capacity of the Australian Defence Force

Over the last five years a series of events have challenged our members, emergency service workers, and the broader community. The Australian Parliament has found that the frequency, severity, and cost of natural disasters is increasing as climate change progresses.¹⁰ For example, the 2019-20 Black Summer bushfires resulted in an unprecedented extent of high-severity fire across eastern Australia, and the February-March 2022 east coast floods saw record levels of rainfall across south-east Queensland and north-east New South Wales.¹¹ The 2020 Royal Commission into National Natural Disaster Arrangements Report noted that natural disasters are expected to become more unpredictable, complex, and difficult to manage, and to have cascading effects on the economy, critical infrastructure, and essential services.¹²

The Association submits that as the frequency of domestic disasters increases, so will the strain on Victoria Police. For this reason, the Association argues that it is essential for the ADF to continue its involvement in domestic disaster response.

TOR (a)iv. The role of Australian civil and volunteer groups, not-for-profit organisations and state-based services in preparing for, responding to and recovering from natural disasters, and the impact of more frequent and more intense natural disasters on their ongoing capacity and capability

The Association submits that an overreliance on Australian civil and volunteer groups, not-for-profit organisations, and state-based services in preparing for, responding to, and recovering from natural disasters should be avoided. While strong networks boosted by volunteers support the operation of emergency management, the Association asserts that Australian civil and volunteer groups, not-for-profit organisations and state-based services are not the full solution; such bodies do not have enough resources and lack the overall coordination to plug a gap left by the ADF. The recent floods demonstrated this shortcoming. Communities in New South Wales that were affected by the floods in 2022 highlighted the issues with over reliance on volunteers. When seeking to rely on such organisations, it must be remembered that volunteers in these bodies are unpaid, not properly resourced to conduct complex and large-scale responses to domestic disasters and are also often subject to the disaster itself.

As an alternate solution, the Association submits that the answer to dealing with domestic disasters is a model of co-contribution between Victorian emergency services, the ADF, civil and volunteer groups, not-for-profit organisations, and state-based services. Volunteer groups are a valued, essential component of emergency response; but they need to be supported as part of a co-delivery model to operate optimally and with sufficient resourcing.

¹⁰ Tessa Satherley and Daniel May, 'Natural disasters and climate risk' *Parliament of Australia* (webpage) [3] <
https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook47p/NaturalDisastersClimateRisk#:~:text=Australia%20has%20always%20experienced%20natural%20disasters%2C%20but%20their,and%20cost%20is%20increasing%20as%20climate%20change%20progresses>

¹¹ Ibid [8].

¹² *Royal Commission into National Natural Disaster Arrangements* (Report, 28 October 2020) 22.

TOR (c) Consideration of the practical, legislative, and administrative arrangements that would be required to support improving Australia's resilience and response to natural disasters

The Association asserts that there should be a simplification of the process required for Australian states and territories making requests for assistance to Federal Government. When a domestic disaster occurs, state and territory agencies do not have enough time to plan for asking for assistance. The Association submits that a model similar to that in the *Victoria Police Act 2013* (Vic) that allows for the appointment of Special Constables during incidents requiring urgent cross-border assistance be established.¹³ These provisions are set out in Part 11 of the *Victoria Police Act 2013* (Vic) and provide that where the Chief Commissioner or a Deputy Commissioner declares an incident requiring urgent cross-border assistance, Special Constables may be appointed.¹⁴

Special Constables who are appointed are taken to be a police officer and have all of the duties and powers of a Constable at common law, and any duties and powers imposed or conferred on a police officer by or under the *Victoria Police Act 2013* (Vic) or by or under any subordinate instrument.¹⁵ These sections allow for a timely response to disasters that is not hindered by lengthy and complex approval processes.

The Association argues that there should be a similar process to give limited powers to the ADF when there is a national disaster. These powers do not need to be as extensive as that of a Special Constable but should include powers such as the power to force evacuation, the power to stop entry into a declared area, the power to stop civilians leaving a declared area, and the power to assist police to provide security. The granting of these powers is essential to the effective response to domestic disasters. Currently, the ADF does not have any powers other than providing logistics and physical presence. This can be quite limiting in terms of their deployment. To create a truly cooperative model between emergency services, the ADF and volunteer organisations, the powers of the ADF must be capable of urgent extension to prevent the overreliance on state emergency services and volunteer organisations.

It must be remembered that the use of the ADF in these circumstances is against the Australian civilian population, but in support of it in what amounts to an extension of its well emphasised expertise in international humanitarian endeavours.

¹³ *Victoria Police Act 2013* (Vic) Part 11.

¹⁴ *Ibid* ss 196(1), 198(1).

¹⁵ *Ibid* s 193.



Conclusion

On behalf of our members, the Association submits that:

- The ADF plays an essential role in responding to domestic disasters and that this role should continue;
- Responses to domestic disasters require a cooperative model between state emergency services, the ADF, and volunteer not-for-profit organisations;
- The increasing frequency of natural disasters will lead to increased strain on state emergency services and will require extensive, additional funding as a result;
- Although Australian civil and volunteer groups, not-for-profit organisations and state-based services play an important role in national disasters, overreliance cannot be placed on these bodies;
- The process for requesting assistance from Federal Government by state and territory governments must be simplified; and
- The ADF must be given powers to effectively respond to disasters, such as the power to force evacuation, power to stop entry into a declared area, power to keep civilians in a declared area, and the power to stop unlawful activities.

For Consideration,

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