

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

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Question No. 69

Senator Humphries asked the following question at the hearing on 20 October 2008:

It is understood that the Director General of EMA has prepared a report or other written assessment on Australia's capacity to handle a catastrophic disaster, i.e. one which overwhelms the capacity of a jurisdiction to deal with and respond adequately. Can the Committee be provided with a copy of this report?

The answer to the honourable senator's question is as follows:

The Department is unable to release the report.

The report titled *Review of Australia's Ability to Respond to and Recover from Catastrophic Disasters* was completed October 2005, was prepared by a working group of the Australian Emergency Management Council chaired by Mr Tony Pearce, prior to his appointment to EMA.

At its April 2006 meeting the Ministerial Council for Police and Emergency Management (MCPPEM-EM) considered the Report. The Council decided that the Report would not be released due to the sensitive nature of the data that was used to derive the Report's recommendations.

The Report has since been the subject of two requests, in June 2007 by the Australian Newspaper and June 2008 by Channel Nine, under the *Freedom of Information Act 1982* (the FOI Act). In the first instance MCPPEM-EM members were consulted and in the second, members of the corresponding official-level forum, the Australian Emergency Management Committee was consulted. On both occasions the original determination of the Council not to release the Report was confirmed.

Both replies denied the application on the grounds that disclosure of the document is opposed by the states and territories who co-operated with the Commonwealth in its preparation and that the document contains information communicated in confidence by, and on behalf of, a number of states and territories to the Commonwealth.

The exemptions in the responses were applied on the grounds of Section 33A (1) (a) and (b) of the Freedom of Information Act i.e. (a) "disclosure would or could reasonably be expected to cause damage to relations between the Commonwealth and a State" and (b) "would divulge information or matter communicated in confidence by a State/Territory Government to the Commonwealth Government".