

TRANSCRIPT OF PROCEEDINGS

ACM MARK BINSKIN AC (Retd), Chair

THE HON DR ANNABELLE BENNETT AC SC, Commissioner

PROF ANDREW MACINTOSH, Commissioner

**IN THE MATTER OF THE ROYAL COMMISSION INTO
NATIONAL NATURAL DISASTER ARRANGEMENTS**

HEARING BLOCK 1, DAY 5 TRANSCRIPT

CANBERRA

9:00 AM, WEDNESDAY, 3 JUNE 2020

Mr A TOKLEY QC and Ms D HOGAN-DORAN SC with Mr T GLOVER and Ms A SPIES and Ms J AMBIKAPATHY appeared as Counsel Assisting

Mr S FREE SC appeared on behalf of the Commonwealth of Australia

Ms S PRITCHARD SC with Ms K EDWARDS and O JONES appeared on behalf of the State of New South Wales

Mr R ATTIWELL QC with E NEKVAPIL appeared on behalf of the State of Victoria

Mr J HORTON QC with Ms E HOIBERG appeared on behalf of the State of Queensland

Mr T GOLDING appeared on behalf of the State of South Australia

<RESUMING 9:05 AM>

PROCEDURAL HEARING

5 COMMISSIONER BINSKIN: Good morning everyone. I note we've delayed six
minutes. I've been watching the technology and the practice is we are trying to get
the States on. Mr Tokley, I know we will take appearances from those appearing this
morning; we will go through that order in a minute. The purpose of today's
10 I will just do a check in on the States, make sure we've still got everyone on. I
understand Western Australia is participating not participating but just watching, so
we won't check them in. South Australia, are you up? Mr Golding?

15 MR GOLDING: Golding for South Australia. We're having some technological
problems and we know that we can be heard but our video link is not working.

COMMISSIONER BINSKIN: No, we can hear you. We'll just turn that volume up.
Thank you. Mr Attiwill for Victoria.

20 MR ATTIWILL QC: Victoria, yes, Commissioner.

COMMISSIONER BINSKIN: Again, we will need to turn that volume up. We can
see you. Thank you. Ms Pritchard from New South Wales.

25 MS PRITCHARD SC: Yes. I'm online, Commissioner.

COMMISSIONER BINSKIN: Thank you. Mr Horton from Queensland?

30 MR HORTON QC: Yes, with Ms Hoiberg, Chair.

COMMISSIONER BINSKIN: And no video but just audio, I assume. And Mr Free
representing the Commonwealth?

35 MR FREE SC: Yes, Commissioner.

COMMISSIONER BINSKIN: Thank you. We can hear you well. Thank you very
much. So I propose to deal with matters in the following order today. One will be
technology, we may as well start with that and carry on with that. Number two will
be offer of provision of assistance. Number three will be timely notification of
40 witnesses; and number four will be timely notification of topics. How I propose to do
this is to have counsel assisting just discuss briefly the issue at hand, and then I will
go round the States in the order that I just checked you all in, and then we will
address each of the issues and move on to the next matter as we go through the
process. Mr Tokley.

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MR TOKLEY QC: Thank you very much, Chair. Chair, the first issue is concerned with technology and it concerns the ability of counsel for the States with leave to appear to engage directly with yourselves in respect of witnesses that have been called and whether they will wish to raise an objection to a question during the course of that witness's evidence.

Commissioners, you may remember that yesterday, during the opening remarks by Ms Dominique Hogan Doran, senior counsel, during the course of the Commission, that she mentioned that counsel assisting are concerned to facilitate the ability of parties with leave to appear to engage with the Commission where appropriate during the hearings, particularly for those occasions which may give rise to a need to protect information from disclosure or to object to a line of questioning due to concerns that the answers would disclose, or tend to disclose, matters that are properly subject to public interest immunity.

Now, over the course of time, we have made significant changes to enhance parties' participation. The parties have always had the opportunity to be able to present, be present on a video conference when their witnesses are giving evidence but, from yesterday, a party's counsel may unmute themselves to directly seek leave to examine or object to a question. So that change has been made as of yesterday.

Parties have always had other opportunities to engage in respect of witnesses and, for example, if there was a witness, they were able to previously indicate to counsel assisting that they have concern about a question or they wish for a question to be asked. Yesterday we have also identified a technical option which may allow parties' counsel to unmute themselves to address the Commission at any point in time during the hearing. However, this would only provide an audio feed and not video feed for counsel and, in accordance with the practice guidelines, the option to do so should not be used inconsistently with those guidelines.

In other words, the use of the button to unmute and to raise a point is in respect of that party's witness to object to a question, should it result in, for example, the disclosure of public- information covered by public interest immunity or to object to a question in respect of that party's witness because there is a particular problem with the question. We can't have all parties, obviously, raising objections to witnesses that are not theirs: that would cause chaos with the system.

COMMISSIONER BINSKIN: So, Mr Tokley, you're talking about operating consistent with the proceedings of the Royal Commission?

MR TOKLEY QC: Yes.

COMMISSIONER BINSKIN: Okay.

MR TOKLEY QC: Yes.

COMMISSIONER BINSKIN: All right. All right. Mr Golding? Comments there, please?

5 MR GOLDING: Commissioner, the States have agreed, discussion amongst themselves, about these matters and, in order to save time because the States largely are united about these matters, it was resolved that it would be preferable if Mr Horton from Queensland, who sent the email about this matter, be able to address first. Is that convenient?

10 COMMISSIONER BINSKIN: So Mr Horton first and then you all agree with what he says; is that what I'm hearing?

MR GOLDING: Well, potentially, yes.

15 COMMISSIONER BINSKIN: Either you agree with him or you don't. All right, Mr Horton.

MR GOLDING: Sorry, I didn't understand

20 COMMISSIONER BINSKIN: Mr Horton, your views, please.

MR HORTON QC: Yes, Mr Chairman, could I refer to my email of 1 June 2020 sent at 2.08 pm to senior counsel assisting the Commission and address you on this point of the technology. This is really the direct access point. We seek to be able to directly
25 engage with you, the Commissioners, more widely than presently permitted, for this reason: this joint Royal Commission is one in which I have instructions actively to assist you. But it's relevant also to procedural fairness; that is, we would wish to engage with you directly not only when it's our own witness, but more widely.

30 There might be questions, there might be objections, there might be elaborations, there might be answers to questions, and there might be points we wish to raise with you directly, Commissioners. We do not think that would result in chaos; it normally does not in hearings. It is a facility which is well made available in many- every Royal Commission and court hearings, and the fact that

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COMMISSIONER BINSKIN: Sorry, this isn't a court hearing. It's a Royal Commission, Mr Horton.

40 MR HORTON QC: Yes. So I would like we would wish to avail ourselves of the usual practice in Royal Commissions; that is, in effect, stand up at the bar table, when appropriate, on important matters and I want to emphasise that, not chaotically and not in..... way, but to assist you. And I, at the moment, personally, with the instructions I have actively to assist you, cannot fulfil those instructions if I'm only
45 permitted to engage with you directly when my witness is in the box. It may be, and it is likely to be we've had an example already where other witnesses that I do not represent raise matters criticising matters that have happened in Queensland, with

which we disagree, for example, and we would wish, in your investigation of the truth, your full and thorough inquiry to assist you with that so that you receive only evidence which has been tested and exposed to testing.

5 We do see that ability to engage with you directly in a way not limited to our own witnesses, more fully as a matter not only of procedural fairness but to assist you fully in this joint Royal Commission with- as a party with leave to appear. And the same applies to the SMS facility which relates to technology. It places between the Commission and counsel a barrier that's unnecessary. At the moment if an objection
10 is raised, I have to text the solicitor assisting and that solicitor assisting has to raise it with counsel assisting, and then counsel assisting can raise it with the Commissioners.

15 But that is unnecessarily, in our respectful submission, unnecessarily circuitous and somewhat thwarts that right it purports to facilitate. We would urge, at least for Queensland, a simple system where we can raise these matters with you directly and responsibly, and efficiently and simply. They're our submissions on the technology point, Commissioners.

20 COMMISSIONER BINSKIN: Commissioner Bennett, your views, please.

COMMISSIONER BENNETT: Thank you, Chair. Mr Horton, I'm sorry, I think either one of us is under a misapprehension. I thought I heard as far as objections are concerned, I understand the point you are making about the need to make objections.
25 On my understanding, that's precisely what Mr Tokley just referred to, and that is that now there is an ability to unmute yourself and to make an objection at the time that the witness as your witness is being asked a question. So I don't understand why you're still saying that that's a problem. Can you explain that, please?

30 MR HORTON QC: Yes, because it's limited to our witness.

COMMISSIONER BENNETT: No, no, no. Let's just take this one step at a time. I'm sorry, one step at a time. You said that there was an inability to object to a question as the question was being asked. I understand that that has now been fixed by the
35 technology. Do I take it the ability to object to a question let's just take the technology side of it the ability to object to a question has now been fixed. Isn't that the case? Is there still an issue let's take it with your own witness at the moment that if a question is asked to which you object you can now raise that objection concurrently with the evidence. Is that still a problem?

40 MR HORTON QC: No.

COMMISSIONER BENNETT: Thank you. Then we get on to the next point that I understand you are making which is you, and all the States, would like open ended
45 ability without leave to cross examine every witness that's coming before the

Commission. Is that what you're seeking? I'm sorry, did you hear me, Mr Horton? I asked a question.

5 MR HORTON QC: Yes, Commissioner, I did hear you. No, that's not what, as I understand it, is being sought.

10 COMMISSIONER BENNETT: Well, I'm sorry, I just listened to what you said and you said on your own behalf and behalf of, as I understand it, all of the States, that each of you would like the opportunity to cross examine broadly every witness that comes before the Commission. I understand that was the position you were putting. If that's not the position, could you clarify it, please?

15 MR HORTON QC: The position is this: for Queensland at least, we wish to engage with you for each witness, if necessary, on what we might do; and that is, we wish to be able to rise at the bar table, figuratively speaking, and perhaps in a particular instance, we do that, but at the minute, if we only have the ability to unmute ourselves, when our witness is on, to make an objection we're deprived of the ability with respect to other witnesses. Not as far as I understand for Queensland anyway not asserting a general right to cross examine, it is a general right to address you directly and seek from you directions, and explain to you the basis for what we might seek to do. The usual course in a Royal Commission is what we seek.

25 COMMISSIONER BENNETT: Look, can you just stop raising this "usual course in a Royal Commission". We are dealing with this Royal Commission. We are dealing with a Royal Commission that has two inhibiting factors. One is a very tight time frame and the second is that it is totally being done by means of technology and not in person. So this idea of being able to jump up at the bar table is simply not possible, and I'm not sure that it would be allowed in any Royal Commission to give unfettered rights. You still haven't clarified for me exactly what you're talking about, bearing in mind that there was no objection made at the time of the issue of the practice directions of the basis upon which counsel were given leave to appear and the way that the virtual hearings were to be conducted.

35 Now, there are two matters that I think I would like you to address because you still haven't clarified them. First, as I understand it, you are seeking open ended ability to cross examine every witness that comes before the Commission, and I take it that each of the States would like that. So the timing and the difficulty of that is one. That's one point. The second is, if a witness is coming if you're notified that a witness is coming and you have statements and matters such as that and the documents upon which we rely, I don't quite understand what the difficulties are in the existing procedure, which is that you can notify counsel assisting of areas that you would wish to ask a question about, if you do wish for leave to appear to ask questions of that witness, or to understand the issues that is that witness is raising.

45 So there is a clarification issue. Could you please just clarify for me exactly what it is that the States would like to do with every witness that comes before the

Commission? Is that to jump up and ask questions ad hoc during the course of that witness's evidence or as soon as that evidence is concluded, because if that's what you're asking for, that does raise some extraordinary procedural and timing issues. So would you please clarify that, because there have been some inconsistencies in what you've put so far.

MR HORTON QC: The ability to

COMMISSIONER BENNETT: We're now having exactly that sort of problem. I'm sorry, who is wishing to speak: Ms Pritchard or Mr Horton? I thought Mr Horton was speaking on behalf of all of the States? Ms Pritchard, did you wish to intervene?

MR HORTON QC: The answer to your question

MS PRITCHARD SC: Yes, Commissioner, just to clarify the position: discussed amongst the representatives of the States' parties with leave to appear this morning was an order of address. In general terms, as Mr Horton indicated, we are in agreement in relation to some amendments to the procedure that we seek. But the States obviously have slightly different positions in relation to different aspects of it.

Commissioner, you have sought from Mr Horton, several times now, clarification in relation to the position concerning examination of other parties' witnesses. It's certainly not the case that New South Wales is seeking an open ended ability, without leave, to cross examine any witness. That is certainly not what is sought by New South Wales. What is sought is an opportunity, within a realistic time frame, to have the opportunity to notify you, Commissioners, so that you can exercise, you might exercise your jurisdiction of any topics that we wish to have explored with other witnesses.

At the moment, the difficulty that we have is that sometimes there are no statements provided this week and last week in relation to numerous witnesses called. There were no statements previously, so we didn't have the opportunity to obtain instructions in relation to them. The practice note in paragraph 4, the practice guideline 4, on virtual public hearings remains problematic from the perspective of New South Wales because it requires notification 24 hours in advance of topics and questions to counsel assisting, and it provides for counsel assisting to make the ultimate decision that's the language of the practice guideline in relation to whether those topics or questions are permitted to be explored.

In our submission, that is not consistent with the function of the Commission pursuant to section 5FA of the Royal Commissions Act. That is not a matter for counsel assisting to decide to make the ultimate decision. That's ultimately a question for the Commission to decide whether there will be a grant of leave to States' parties to explore questions with other witnesses. That's the difficulty that we have: first, the interposition of counsel assisting, rather than the Commissioners making the decision

in relation to that, and also this notification of questions and topics with a request for leave 24 hours prior to other parties' witnesses being called.

5 COMMISSIONER BENNETT: Well, I must say all right, that seems to be another
matter that's being raised other than the ones that have been addressed in writing so
far and now we're left in the position, I'm not sure who is taking what position about
what because Mr Horton, as I understood it, was speaking on behalf of everybody.
So either we have to go around the room and work out, as it were, the virtual room,
and work out exactly what position what State is taking about what, which is going
10 to be quite difficulty in the timing. It seems to me that the following is appropriate, if
I can deal with it more broadly and someone can tell me whether or not it's an
appropriate position. The first is, you all have the opportunity now to object
concurrently with your own witnesses' evidence of any objections to questions. So I
take it, unless someone is going to tell me to the contrary, that that issue is now
15 finalised.

Secondly, the practice note does say that there are exceptional circumstances, and
with leave, whereby parties can ask questions other than with the 24 hour prior notice
and that was specifically reserved in paragraph 13 of the practice note. So, clearly, if
20 you're given the material at the very last minute first, you do know in advance
because you are being given a lot of material. You're getting the material actually
ahead of the Commissioners because it's being uploaded to you and then to us in hard
copy. So members of the bar, I would have thought, would be used to the fact that
material sometimes does not come in well in advance and it's just not feasible and
25 not practicable. We are doing everything we can to get the material to you and you're
getting it often in advance of us, as I've said. So if, in fact, you can't I mean, first,
you know what your own witnesses are doing. You've got the Terms of Reference.
You have had notices to give which has indicated some of the matters, the matters to
which we are particularly addressing it, and you have got your own witnesses and
30 surely you know what they are going to say.

So that's one factor. If, in fact, by the reason of the timing of the provision of
evidence you don't have 24 hours, that would be an exceptional circumstance. If
there is plenty of time, I don't understand why this procedure doesn't work. If you
35 give notice to counsel assisting and counsel assisting does not accede to what it is
you want, then it could constitute as circumstances where you could come directly to
the Commission. But we would have to have prior notification of that because, as
this morning showed, with the best will in the world the technology has its limits,
even the best technology, especially where there are multiple parties and, as it turns
40 out, taking different positions.

So, again, I just go back to trying to work out exactly what it is that the parties
whether it's one party speaking, like Mr Horton for everybody or Ms Pritchard now
speaking for New South Wales and perhaps others are agreeing with her. As I
45 understand it, I would like to know exactly what is still in issue. Clearly, counsel,
with some notice, can make an application, and obviously we are going to do

everything we can to hear matters but the sort of open ended matters that have been framed by Mr Horton in his letter about telling us in advance what issues we should be dealing with, you've got the I mean, all of that, we want all the assistance we can get from the States. And it is simply going to be a matter of working out strategically
5 I don't mean that in any sort of pejorative sense but efficiently the best way to enable that to happen, bearing in mind that we have a technological issue, and we have a very restricted time frame.

10 Obviously, any notice that the Commissioners can get in advance of the position counsel assisting, there's nothing unreasonable, as I see it, about where it is feasible to do so, you tell counsel assisting in advance issues which you wish to have examined. This is not a finger pointing Royal Commission. This is a Royal
15 Commission that is trying to have a very positive approach in how it deals with the issues, and try to come up with the best available position going forward, which is what the Terms of Reference ask us to do. So there's no threats here. There's no blame games that you have to all be sensitive about.

20 So if you're trying to assist us then by all means please do so, but do it when it comes to the way in which we can do this in what is practicable, considering with the number of parties that we have and the existing technology. So if I could go back and ask exactly what it is that is the problem, because we will do everything we can to facilitate it as long as it does not obstruct the work of the Commission. So I don't know who wants to speak to that now.

25 Let's assume that we've dealt with witnesses. We are not giving open ended leave, open ended leave for each of the States to cross examine every witness. And unless you can give me a very good reason why that should be the case then I don't understand, speaking just for myself, I do not understand why that leave should be given in advance in an open ended fashion, which is what I understood Mr Horton
30 was asking for. Over to you people.

MR HORTON QC: could I address that briefly, Commissioners? Mr Horton here. We don't seek open ended leave. We simply seek the capacity to address you in relation to witnesses as the need arises, but not open ended leave but the ability to
35 approach you for leave in the appropriate case; that was all.

COMMISSIONER BENNETT: There is nothing wrong Mr Horton, if there is a particular matter that a State wishes to address the Commission on, then obviously the appropriate way is to do it with some notice to the Commission because we have
40 a very structured we have a timetable we have to deal with, and we don't have the luxury of having randomised applications made during the course of a Commission hearing. So we will happily sit, as we are doing today, and we can do it again on other occasions, and I think as we foreshadowed we can sit in advance of the hearing on a particular morning to deal with a procedural matter, if necessary, but we have to
45 have written notice of that.

MR ATTIWILL QC: Commissioners, can I address on behalf of the State of Victoria?

MR HORTON QC: I'm sorry.

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COMMISSIONER BINSKIN: I think that's Mr Attiwill.

MR ATTIWILL QC: Yes. Thank you. Could I address you just in relation to this issue that you have identified to be addressed first, which is the issue of technology.

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COMMISSIONER BINSKIN: Yes, please.

MR ATTIWILL QC: What we seek on yes, what we seek on behalf of the State of Victoria and I will make it very clear why we do so and how we say it can be done without chaos and without disrupting the work of the Commission is this: what we seek is that the practice guidelines would be amended to make it clear that a lawyer for a party, with leave to appear, may participate in the Commission's video conferencing facility during the public hearings and have the ability to directly unmute themselves and address the Commission.

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Now, it is quite correct that, due to recent amendments with the practice guidelines, we now have that ability when our own witness is called. The only other occasions in which we expect that such an ability would be taken is this: it would be taken where we would wish to make claims of privilege or public interest immunity during the course of the hearing, where we would only and this is only seek leave from you, Commissioners, to examine another party's witness, so to seek leave from you to do that, and to raise any other important matter that we wish to do so during the hearing.

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Now, we certainly do not intend to disrupt work of the Commission. We only wish to make a positive contribution to its good work. I say that the provision of that ability will not disrupt the work of the Commission. If it did, it would I would expect it would be stopped. So that what that means is, if I could just outline briefly the present position so that I can get across to you how we are currently acting. At present, if we wish to seek leave from you to examine a witness, then we've got to give 24 hours notice by the paragraph 13 of the practice guideline 4. Now, of course we will endeavour to provide 24 hours notice where we can do so, but there will be circumstances in which we cannot do so.

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So, for example, if, during the course of evidence, matters arise, well, then we might seek leave to cross examine, or examine that witness. Now, at present, the constraint is that we've got to notify these matters to counsel assisting. And then what happens, pursuant to paragraph 13 of practice guideline 4, is that that matter is then referred to counsel assisting, and then, as the practice guideline makes clear, it is counsel assisting who is said to be able to make the ultimate decision on that matter. Now

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COMMISSIONER BENNETT: Can I just interrupt you for a second Mr Attiwill?

MR ATTIWILL QC: Yes.

5 COMMISSIONER BENNETT: I think you're misreading paragraph 13, and I think
we're on the same page actually, if I can put it that way. So where you can give 24
hours notice, that clearly is the preferable position. There's a time delay in the voice
but you can nod if you agree. But what paragraph 13 provides for is that there can be
exceptional circumstances. Clearly, this is if something happens during the course of
10 a witness's evidence, for example, or if indeed you don't get notice of 24 hours, you
can't have 24 hours notice or something you haven't got notice of.

Quite clearly, that is what is envisaged. But also, during the currency of a witness
giving evidence, if something arises that you wish to seek leave for, clearly that is
what is provided for, other than exceptional circumstances, and with the
15 Commission's leave, that's then assessed instead. So let's just make it clear. If that
happens then clearly that would be a sort of circumstance where you could seek
leave from the Commission directly. That's exactly what's envisaged. Does that
clarify that point?

20 MR ATTIWILL QC: That does clarify paragraph 13, and so what we would
appreciate would be the ability then to raise that matter directly with the
Commission.

COMMISSIONER BENNETT: I think that is also what is envisaged in paragraph
25 13. That is what it says, you know, with exceptional and with the Commission's
leave. Anyway, that can be clarified because, clearly, you can't go through counsel
assisting. I mean, we will all be in the room together. The more difficult matter, as I
understand it, and I'm looking into the room for the technology, is this ability to be
there by video conference during the whole day, because we do separate video
30 conferences for each witness; so people are coming in and out. There's no constant
ability for you to be video conferenced in, other than with your own witnesses you
know what I mean? Through the whole day for everyone to be video conferenced in
from, you know, 9 am or 10 am to 4, as different witnesses come and go.

35 That is technically either not possible or almost impossible or extremely difficult,
and it's going to drop in and out like a yo-yo anyway. So we have to think of a
procedure. I understand public interest immunity, and that's exactly what Mr Tokley
referred to as the sort of thing that would happen. That is most likely, I would have
thought, to be when one- for that to be happening on the run when one of your own
40 witnesses is giving evidence and you will be directly able to interfere, if I can call it
that, or interrupt or deal with that by this instantaneous objection point.

With regard to other witnesses, you will have the material in advance and at least,
you know, at least in advance of the morning's hearing starting. So you will be able
45 to identify areas of potential public interest immunity that might come up from
another witness. But what we have to do is to think of a way in which you can,

5 during the currency of the hearing, get your desire to seek leave to do something during the currency of that hearing. And it seems to me that, technically, because I think it will actually be more efficient technically than trying to deal with the technology, would actually be an SMS text message to counsel assisting. That will actually be more efficient than trying to interrupt the technology in the video conferencing sense. Does that work?

10 MR ATTIWILL QC: Commissioner, with respect, you have identified the issue that we're seeking to ventilate. That is, that what we're seeking is to have a direct means by which we can communicate our real interest in raising a matter with the Commissioners directly. Now, if it is impossible or totally impractical for us to participate in the live screening of the Commission's work, and that's just not possible, so it's not possible for us to simply unmute ourselves and then to say something

15 COMMISSIONER BENNETT: Hang on a second: there is for your own witness. There is for your own witness.

20 MR ATTIWILL QC: Yes. Yes, and we appreciate that Commissioners. I'm addressing now the matter which has been raised which is outside of that. And so, outside of that, if there was a means by which we could communicate directly, say to solicitors assisting, that we wish to be heard and then that was communicated directly to you Commissioners

25 COMMISSIONER BENNETT: Okay.

MR ATTIWILL QC: then that might address our concerns.

30 COMMISSIONER BENNETT: Mr Attiwill

MR ATTIWILL QC: If I could just...

35 COMMISSIONER BENNETT: Can I just interrupt you to make one thing clear. If you saw what was happening yesterday you would appreciate that the Commission paused and asked counsel assisting if anybody had raised any issues, and that was to deal with that. If your concern is that an instantaneous application during the course of the hearing has to be vetted and determined by counsel assisting, if that's your concern, I think you can take it from what happened yesterday that because it would happen during the currency of a hearing, and assuming that by in the role of assisting the Commission to do its work, you would only be raising something during the

40 the Commission to do its work, you would only be raising something during the course of the hearing that needed to be dealt with instantaneously and directly by the Commission.

45 If you were to make such a quick SMS text and we asked at appropriate times whether that occurred, then that would inform us that we then wish to bring you in. It does not mean that then there would be an adjournment while counsel assisting

decided with you whether or not your concern would be raised. It would be, in effect, as I understand it and I am looking at the Chair who is nodding that that would be in direct contact with the Commission, if you know what I mean. If that was your concern, then we would say, as happened yesterday, "Has there been any question raised by anybody, any of the States?" If the answer is "Yes", we will then technically bring you in, either audio or visual or whatever, to enable you to make that application to the Commission. That is what has been envisaged, as I understand it. Does that solve that issue?

10 MR ATTIWILL QC: Commissioner, you've solved that issue from the point of view of the State of Victoria because, Commissioner, you have dealt with two things. One is delay: we were very concerned about delay and being really only able to send text messages and then for that to be processed and looked at by solicitors assisting and counsel assisting. So I very much appreciate your indication in relation to that.

15 In relation to the second matter, which is a substantive matter which is still present in the guidelines, is that we wish to obviously have a communication directly to you, as the Commissioners. So although we might alert, by SMS, our objection or our application to ask another party's witnesses questions, we wish that to be determined by you directly. And at the moment the practice guidelines use terms such as the "Counsel assisting who will make the ultimate decision about matters", and "Counsel assisting who will, if necessary, raise a matter" and that sort of terms in the practice guidelines really give, in effect, without wishing to be too legal about it, but really give a power, in effect, to counsel assisting to determine whether something is actually raised with you.

25 COMMISSIONER BENNETT: I think

MR ATTIWILL QC: We say that that's inappropriate.

30 COMMISSIONER BENNETT: I think I understand, on re-reading it, that what I can understand that a person looking at it other than I'm not suggesting this is not a criticism other than beneficially, but being concerned as to what exactly is being envisaged might be a bit of a concern, but you will have noticed that that is why there was a specific provision. What we were trying to achieve, what I think the practice note is trying to achieve, is to encourage a system whereby matters are dealt with collegiately with counsel assisting, where possible, and that's practically to enable the Commission to do its business in the most efficient manner, but reserving the position where that process is either not possible or not appropriate for parties with leave to appear to make applications directly to the Commission.

MR ATTIWILL QC: And so, Commissioner, I appreciate that it has been made very clear to the State of Victoria that the sorts of things that are sought to be achieved by paragraphs, say, 13 and 16 of practice note 4 were to, in effect, have the matter dealt with between counsel at an early opportunity and resolve those matters as soon as possible, knowing that it's to really minimise the interruption, if I could just explain

that, in the Commissioner's work, given the fact that it's on a video conferencing platform. So I appreciate that.

5 And in circumstances, really, in which we will have more, you know, in effect a direct communication to the Commission, then that would alleviate our concerns in relation to delay and any sort of imposition of counsel assisting. The only remaining part is that but it's not a part in which I myself are expert in, but to the extent that we were able to participate in the video conferencing in a live way and to be able to simply unmute ourselves, would be our preferred position, but if it's simply not
10 possible or totally impracticable, then I can't say much more about that.

COMMISSIONER BENNETT: We have looked into it, Mr Attiwill, and we're told that it just it isn't feasible. We will continue to obviously, this is being done, you know, in live time, if I can call it that, in terms of dealing with the technology. At the
15 moment the best solution is the one that we've proffered, you know, which is the at least during the course of your own witnesses. At the moment, I'm told that the other is not feasible. Whether it can be finessed, if I can use a better term, where there are particular days that can be foreshadowed or particular, you know, incidents for particular counsel in particular States with you know, whether that can be if it's not
20 an all or nothing, whether there can be on a particular occasion a halfway house, we will continue to investigate that within the realms of practicability and I think we will do that as an ongoing matter.

But the idea of you all being live- live video-ed into every all day and every day with
25 all witnesses, at the moment we're told this is not doable. But I think the other does provide a reasonable alternative. So, Mr Attiwill that has been very helpful. I don't know while you've got the floor, is there anything else you wish to add or we might go round to the other States or I will hand it back to the Chair

30 MR ATTIWILL QC: No.

COMMISSIONER BENNETT: to go round the other States and see if there are any other outstanding matters.

35 COMMISSIONER BINSKIN: I appreciate you being succinct in the issues there. The other thing I should raise is, the hearing room that we have here isn't your traditional hearing room. So I actually have eyeball contact with everyone who's a participant. So if something does come up on an SMS I can see it pretty much straightaway if there is an issue with the solicitor assisting or the counsel assisting
40 there. So it's not a huge courtroom by any matter: in fact, the opposite of that.

COMMISSIONER BENNETT: Except we are socially distanced.

45 COMMISSIONER BINSKIN: 1.5 metres. All right. Okay. Can we just go around to the States then. Mr Attiwill, thank you for your part there.

COMMISSIONER BENNETT: Sorry, and the Commonwealth.

COMMISSIONER BINSKIN: Sorry, the States and the Commonwealth, yes. So South Australia, Mr Golding?

5

MR GOLDING: Thank you, Commissioner. South Australia takes comfort from what has in particular fallen from Commissioner Bennett about how practice guidelines 13 and 16 are to be read and interpreted and applied, and is content with the technology side of things.

10

COMMISSIONER BINSKIN: Okay. Thank you for that. Ms Pritchard?

MS PRITCHARD SC: Yes, thank you, Commissioner. Likewise, the State of New South Wales take comfort from what has fallen from Commissioner Bennett. The States are keen to participate as constructively and efficiently, effectively in the work of the Commission. It is the case, however, we wish to make clear that we are raising important matters of procedural fairness which go to the jurisdiction of the Commission, and we've done so constructively.

20 From the point of view of New South Wales our preference would be for some slight amendments to be made to the practice guideline to make absolutely clear to all parties with leave to appear how these procedures are now understood to operate, because there may be other parties given leave to appear for particular days or another State may seek leave to appear generally. In the interests of clarity and transparency, our preference would be for the practice guidelines to be amended to reflect what has fallen from Commissioner Bennett.

25

COMMISSIONER BENNETT: Can I just raise two matters.

30 MS PRITCHARD SC: Otherwise.....

COMMISSIONER BENNETT: The first is, it goes without saying that the Commission looks to the States for assistance and, in particular, you know, you're going to be providing your own evidence and witnesses to assist us, and we are very keen and very anxious to receive that evidence and the assistance of the States at all times. That goes without saying. And, you know, you will have all your own hearing days and witnesses to deal with that will help that. So far as any proposed amendments to the practice note, perhaps the best course would be, if I could ask the States, to the extent that you can agree or come up with a joint proposal and let us have in writing and the Commonwealth, I'm not leaving the Commonwealth out, Mr Free perhaps if the parties, all the parties with leave to appear could get together and give us a proposed tracked change that you are all happy with, the Commission will look at that.

35

40

45 Clearly, you know, this is a first time for all of us to have something in this time frame, with this technology, and having to deal with it. If there are any matters that

5 you feel require specific formal clarification in the practice note, if you could do it
singly. If you don't agree, then give us a different coloured tracked document
indicating who suggests what but it would be very helpful if we could get something
that you propose jointly, that we can deal with and see what that is, and we can deal
with anything like that that comes in, in writing. Thank you.

10 COMMISSIONER BINSKIN: And also, I have to say, the structure of the hearings
so far have been a lot of background information to now. And so the issues from now
on that we start to address, will actually have the States a lot more as a part of what
we're looking at, noting that the Terms of Reference. Mr Horton?

MR HORTON QC: We are at one with what has been said by the other States.

15 COMMISSIONER BINSKIN: Thank you. I appreciate that. Mr Free?

MR FREE SC: Yes, can I just raise one very narrow practical point and it really goes
to the situation where a witness.....

20 COMMISSIONER BINSKIN: You are cutting in and out, Mr Free.

COMMISSIONER BENNETT: Could you start again, Mr Free. We didn't hear any
of that.

25 MR FREE SC: Sorry, Commissioners. Is that any better? Commissioners, it's a
narrow point I wish to raise to deal with the scenario where a witness is appearing
and it's not a witness for whom we act, so there won't be a live connection. And it's
really to deal with the scenario, which is quite unlikely to arise but can't exclude the
possibility, that the witness says something that raises a to take a public interest
immunity issue and we won't have that facility. If it's simply impossible or
30 impractical to have a live connection, we won't be able to immediately object, and
we will have to instead use the facility of notifying by SMS that there is an issue to
bring to the attention of the Commission.

35 It may be that, in that scenario, a slightly longer delay in the broadcast of the
proceedings is required because at the moment, as I understand it, there's about a 45
second to a minute delay. Now, if we're watching, we now have the benefit of both
live transcript and the live video, and if I'm watching another witness and detect that
there's something that has been said that trespasses into an issue of concern with
public interest immunity, I want to bring that to the attention of the Commission
40 straightaway. We will get on the text as quickly as we can, but it may be that that
goes to air before the issue is really raised. So if there was scope to slightly extend
the delay of the broadcast, so there's more chance that the party could notify by SMS.

45 COMMISSIONER BINSKIN: Yes, we can have a look at that, Mr Free. The reason
for the shorter delay was to make sure everyone watching had the chance to see it as

quickly as they could, with a balance there. Now we've got other means to potentially so do that, we will look at a longer delay as well. I think we will just work it.

MR FREE: Yes.

5

COMMISSIONER BINSKIN: We will work with you to look at what that delay may need to be. I appreciate the point, and 45 seconds isn't a long time when you're trying to do that. So we will work with you and the States to look at what an appropriate delay may be. It won't be too long, but just a bit, just to make sure that you can interject, yes. Thank you.

10

MR FREE SC: That's all I wanted.

COMMISSIONER BINSKIN: Okay. Mr Tokley, have we missed anything there?

15

MR TOKLEY QC: Not in relation to technology, Commissioners. I think there are three other matters which have been raised but in respect of each of those matters, to some extent they have been addressed during the course of the technology discussion, and so I don't think these matters will take as long. Very briefly

20

COMMISSIONER BINSKIN: I thought we've addressed all those as well.

MR TOKLEY QC: Yes.

25

COMMISSIONER BINSKIN: Yes. So can we just go around and see if there as I understood it, the States then, we had actually addressed most of the issues. Commissioner Bennett had brought those in and addressed them all. Is there anything outstanding from there, just briefly, as we go round the States? So, South Australia, Mr Golding?

30

MR GOLDING: Commissioner, there's nothing additional that South Australia wishes to address.

35

COMMISSIONER BINSKIN: Thank you. Mr Attiwill, and again thank you for being succinct previously in bringing it all together, I appreciate that. Is there anything that we missed there?

MR ATTIWILL QC: I only wish to briefly address you in relation to the future conduct of the public hearings, if now is a convenient time. I will only be a moment.

40

COMMISSIONER BINSKIN: Sorry? Speak up, please.

45

MR ATTIWILL QC: I would only wish to address you briefly just in relation to the future conduct of the public hearings and just in relation to matters of timing, if now is a convenient time to address you on that?

COMMISSIONER BINSKIN: Yes, please raise the issue.

MR ATTIWILL QC: Commissioners, obviously we're concerned about timing, because and I don't need to tell you this but obviously the Commission is working to
5 a very tight time reporting date, and obviously COVID 19 is still impacting everyone. In Victoria we also have the additional matter, Commissioners, that the Inspector General for Emergency Management is also undertaking a very important inquiry in relation to the fires, and phase one of that report is due at the end of July; and the State agencies and departments are currently, and will increasingly be
10 engaged in responding to that.

Obviously, the State of Victoria wishes to make a substantial and meaningful contribution to your work. That's very important. And, in that context, I just wish to raise three very discrete matters in relation to timing and I just haven't had an
15 opportunity yet to raise these with counsel assisting.

The first one is just it would be terrific to obtain some further information just about the panel hearing that's coming up, Commissioners, on 6 to 18 June 2020: critically, just whether or not any State witnesses are intended to give evidence in that panel
20 hearing and just the nature of the topics. We know it's to be about fuel management and the like, but if any further detail would be able to be provided, that would be greatly appreciated.

The second matter is that we know that State witnesses are to be called in the two
25 weeks commencing 29 June. Now, it's obvious and it almost goes without saying, but the more notice that we are given about the identity of potential witnesses and the proposed topics, obviously the more meaningfully we can engage. The State of Victoria provided some identification of its witnesses on 15 May. I acknowledge that we've just provided a large body of information by our responses to the notices to
30 give, but it would be very good to learn as soon as possible, and we would obviously be very prepared to work cooperatively and straightaway that is, right now after this.

COMMISSIONER BINSKIN: So I think I can go where your concerns are and I will let you work that with counsel assisting.

35 MR ATTIWILL QC: Yes.

COMMISSIONER BINSKIN: I appreciate you want to have meaningful engagement. In fact, we want that as well.

40 MR ATTIWILL QC: Yes.

COMMISSIONER BINSKIN: We're just finalising now the timings of the blocks of hearings. As you would expect, the first two weeks here we've got a lot of
45 information. Now we actually have most of the States' information, we are distilling that. But we will get that information to you as soon as we can to get the most out of

those hearings. And 16 to 18 June, we were just discussing this morning, so I will let
counsel assisting contact you and the other State representatives to give you that
information as that develops. But our aim is pretty much to review the information
literally that has just arrived, in particular from Victoria, and be able to provide that
5 to you with the witnesses and all that as soon as we can. But I will let you talk to the
counsel assisting after this. But thank you for raising that, I appreciate it.

MR ATTIWILL QC: Thank you. There's only one other last matter, and thank you
for that indication, that's very helpful. The last matter was it would also be terrific
10 going forward, and we know that there are time constraints and we know things are
difficult, but if we could at least have, say, three clear days notice, not as an absolute
rule but just as a usual practice, whereby we would receive notice of the evidence to
be called, including witness statements, responses to notices and documents to be
tendered. Just, really, to give ourselves the ability to carefully review that material,
15 so that we're able to give, for example, the 24 hours notice of matters to be raised if
we do seek to examine another party's witnesses, but also to particularly in relation to
reviewing matters for things like public interest immunity. So we're not seeking any
absolute rule but just an indication that, going forward, that would be good to have,
just the three say three days notice.

20 COMMISSIONER BENNETT: Mr Attiwill, I think I said it earlier and I reiterate, we
are giving you believe me, we are giving you as much notice as we can of everything
and, as I said earlier, we're doing the midnight to dawn shifts as well because you're
actually getting some of it ahead of us.

25 MR TOKLEY QC: Right.

COMMISSIONER BENNETT: I hear what you say. Counsel assisting, I think these
are matters I think are best dealt with between the States and counsel assisting. But
30 everyone is working very hard to get everything to you, appreciating, you know,
you've worked hard to get the material to us. We have to digest it. We're trying very
hard to get the material to you. And I think, you know, in a beautiful world, you
know, we would all have weeks of notice for all of this, but we're not in that world
and I think we all are trying very hard to do that and not to give you surprises at the
35 last minute. And there's no if it does happen it's because the force of circumstances
and we all just have to work with that as much as we can.

COMMISSIONER BINSKIN: Yes, and also we are fully aware of the time lines for
the Victorian, New South Wales and South Australian inquiries as well, and we
40 appreciate the delivery dates that they are working to with that.

MR ATTIWILL QC: No other matters to raise.

COMMISSIONER BINSKIN: Thank you. I appreciate that. Ms Pritchard?
45

MS PRITCHARD SC: Thank you, Chair, Chairperson. We thank you for your acknowledgement of the fact that New South Wales, like Victoria and South Australia, is also engaged in a current commission of inquiry which has consequences for the resources for our agencies in New South Wales. We would also
5 appreciate, like Victoria, further insights into what is contemplated for the 16 to 18 June hearing in relation to management of fuel loads, including prescribed Indigenous land management and mechanical hazard reduction in order that we can understand what is there proposed.

10 We have noted what has fallen from the Commissioners in relation to timeliness of notification of topics, engagement re witness lists, and documents to be tendered. We're well aware of the difficulties under which the Commissioners and those assisting it are labouring, but we would be very grateful for as timely possible notification as possible. We think that perhaps one mechanism for improving
15 communications amongst counsel would be for there to be group emails amongst counsel for all States and the Commonwealth with leave to appear, so that there's a consistency of communications in relation to those matters. That, perhaps, is not a matter for the Commissioners to address but we would like that

20 COMMISSIONER BINSKIN: I will let you work that with counsel assisting. Thank you.

MS PRITCHARD SC: Thank you. And then the final matter that we wish to address briefly on is the question of the status in the hearing of pre-recorded video evidence.
25 There have been issues raised by a number of the parties with leave to appear. Some of the videos contain material which is perhaps understandably, given it is community members' testimony, makes criticism of agencies. It would be conventional, in our experience, for the Commission to make clear that that testimony, which will not be capable of being tested, will not be the subject of any
30 adverse finding by the Commission.

That has been the experience in other Royal Commissions when community member testimony is adduced without any opportunity for it to be tested. For example, I'm instructed that in relation to one of the video testimonies which was proposed to be
35 played, there are matters asserted in relation to New South Wales State agencies, which a review of documents suggests may not be entirely correct.

COMMISSIONER BENNETT: Yes, Ms Pritchard

40 MS PRITCHARD SC: So we would be seeking an assurance from the Commission in that regard.

COMMISSIONER BENNETT: I think you can take it as a matter of basic I mean, the rules of evidence don't apply but I mean the basic matter is very simple. The fact
45 that a person has an opinion, is that that is an opinion or a statement they made, clearly the Commission does not take that as evidence of the underlying fact. And the

Commission would not be making adverse findings based upon that sort of evidence, and certainly appreciating that you appreciate you haven't had the chance to test it, and it may not be appropriate to test it with a community witness because it's just their story, but clearly if it was a matter that you felt was needed to be addressed in evidence by any of the States felt it was evidence that needed to be addressed directly, then that's a matter for you to bring that evidence forward.

But, of course, speaking for myself and I think I speak for all of the Commissioners, we would not be making adverse findings as findings of fact based upon the sort of evidence that you- you know, where a community witness is telling their story. If it raises I mean, it's evidence of their own experience and as they see it, but if there was a criticism directed, for example, to an agency, that would not form the basis of an adverse finding.

MS PRITCHARD SC: Thank you, Commissioner.

COMMISSIONER BINSKIN: Mr Horton?

MR HORTON QC: Yes, Commissioners, one short matter. Queensland has asked to put before the Commissioners a written brief, written opening submission. We would not seek to address orally as a way of getting a framework in Queensland, some of the history and some matters you might consider in terms of findings and recommendations in due course, but only on an opening basis and we would ask that you receive that.

COMMISSIONER BINSKIN: Yes.

COMMISSIONER BENNETT: Well, first, of course, there has always been an opportunity for anyone to put on a public submission. That has been part of our process. But directly, dealing with the matter that you raise, on the basis that you suggest, of course anyone who wishes to put in a short opening submission is welcome to do so and it could indeed be helpful. But it's not necessary because the States, any of you will have any of the parties with leave to appear, and indeed anyone can put in a public submission but any of the States with leave to appear can address will have the opportunity to provide submissions in due course. But if any party wishes to put on an opening submission that they believe will be helpful, clearly we will receive it. The only thing that we plead speaking for myself at the very least, that I plead with you, please make it

COMMISSIONER BINSKIN: Succinct.

COMMISSIONER BENNETT: succinct and, you know, first something that we can read in font and type. I know that recently some of the Federal Court have taken to making word limits rather than page limits for that very reason. But if you could make it something short, bearing in mind it is an opening submission, of course, we will receive it from any of the parties that wish to put one in.

MR HORTON QC: Thank you. There are no other matters from Queensland.

5 COMMISSIONER BENNETT: It is not a requirement. We're not directing it or ordering it, and nothing will be taken one way or the other if any of the parties decide not to do that.

MR HORTON QC: Thank you, we understand. Thank you for receiving it.

10 COMMISSIONER BINSKIN: Thank you. Mr Free.

MR FREE SC: Commissioners, thank you.

15 COMMISSIONER BINSKIN: Okay. Your lips have stopped. I think that means that we're good. Thank you very much.

20 COMMISSIONER BENNETT: All of this has done, really, is highlight some of the difficulties that, with the best platforms, hardware, software, including even Mr Horton's hardware and software, you know, the difficulties that can arise in the course of this. But I think we all have to work with what we've got in terms of the virtual nature of these hearings.

25 COMMISSIONER BINSKIN: And so, with that, we will conclude today's procedural hearing. I just want to make one thing quite clear though. The aim of the Royal Commission is to be as transparent as we can with our proceedings and how we work with the technology to move forward to meet the time lines that we have to meet. So if you have issues, I think we resolved those today, in fact, I know we resolved those today. But counsel assisting is here to work very closely with you so we can get the results for the betterment of the nation and that's what we are after. So
30 I appreciate that.

35 COMMISSIONER BENNETT: I was just going to add, if there is anything specific that you do want to bring to the Commissioners' attention, bearing in mind I'm assuming you would all be very careful about I don't mean careful about doing it, and only bring matters of real concern and substance, the Commission is prepared to sit earlier or later outside of hearing times.

COMMISSIONER BINSKIN: Yes.

40 COMMISSIONER BENNETT: You know, formal hearing times, so that we don't prejudice the actual hearings and the witnesses who have put their time away aside to give evidence to deal with any necessary procedural matters. But as to that, of course, we would like notice of that is, if it's at all possible.

45 COMMISSIONER BINSKIN: Thank you. So with that the Commission will now adjourn until 10.30. Thank you.

<ADJOURNED 10:08 AM>

<RESUMING 10:40 AM>

5

HEARING BLOCK 1, DAY 5

COMMISSIONER BINSKIN: Ms Hogan-Doran, are we ready to proceed?

10 MS HOGAN-DORAN SC: Yes, Commissioner. The first step, I tender the bundle of documents at bundle 5.1 of today's tender list, which is Mr Robert Cameron's witness statement, 25 May 2020, and annexures, as well as an additional document which I will take him to. Those are documents numbered 5.1.1 through to 5.1.38.

15 COMMISSIONER BINSKIN: Yes. Those documents will be received as exhibits as marked.

EXHIBIT 5.1 MR ROBERT CAMERON'S WITNESS STATEMENT DATED 25
MAY 2020, AND ANNEXURES, AND ADDITIONAL DOCUMENT,
20 DOCUMENTS NUMBERED 5.1.1 THROUGH TO 5.1.38

MS HOGAN-DORAN SC: Sorry, Commissioner, I've misplaced my opening remarks.

25 COMMISSIONER BINSKIN: Okay. We can take a pause for a second while you get that.

MS HOGAN-DORAN SC: Commissioner, you may recall that we had proposed to call Mr Cameron last Friday. Because of additional documents coming to the
30 Commission from a number of sources, he and the other witnesses were stood over. Mr Cameron has very graciously assisted us by making himself available this morning. For the assistance of the parties and, as I indicated to you, Commissioners, it is proposed to take Mr Cameron's evidence in two parts. That is, matters for reform and other improvements for the future will be addressed in the Commonwealth
35 hearing block that we identified yesterday, which will be in the block in late June, commencing - and July.

COMMISSIONER BINSKIN: Okay. Thank you.

40 MS HOGAN-DORAN SC: I know Mr Cameron has been waiting for some time, so I think if I may, Commissioner, I will just go straight to calling him.

COMMISSIONER BINSKIN: Yes, please. Yes.

45 MS HOGAN-DORAN SC: I call Robert Cameron.

COMMISSIONER BINSKIN: Mr Cameron, thank you for joining us this morning.

MR CAMERON: Thank you Commissioner, and good morning.

5 MS HOGAN-DORAN SC: Mr Cameron, do you take an oath or an affirmation?

MR CAMERON: An affirmation, counsel.

<ROBERT CAMERON AFFIRMED>

10

EXAMINATION BY MS HOGAN-DORAN SC

MS HOGAN-DORAN SC: You provided the Royal Commission with a witness statement dated 25 May pursuant to notice issued by the Commonwealth.

15

MR CAMERON: That's correct.

MS HOGAN-DORAN SC: Do you have a copy of that statement with you?

20

MR CAMERON: I do.

MS HOGAN-DORAN SC: I understand there's a minor correction to be made to page 9, the table. I will just have that document brought up. It's HAF.8001.0001.0001 at 0009. In the first block of text, 1 January, into the third sub-paragraph:

25

"Advise whether supplies required for restoration of water are available in Australia."

30

Is there a correction to that paragraph?

MR CAMERON: Look, there is. It's a transcription error which I regret. It should read:

35

"Advise whether supply is required for restoration of telecommunications are available in Australia."

Not "water".

40

MS HOGAN-DORAN SC: Thank you, Mr Cameron. So, other than that correction, are the contents of that statement true and correct?

MR CAMERON: I believe that to be the case, thank you.

45

MS HOGAN-DORAN SC: All right. Together with that statement I should have said. Now, Mr Cameron, could you assist the Commissioners just by outlining what

your role is as Director-General of the Emergency Management Australia which, as I understand, is a division in the Department of Home Affairs?

5 MR CAMERON: I'm sorry, counsel, you just faded out at the end of your question there.

10 MS HOGAN-DORAN SC: I'm sorry, just one moment, Mr Cameron. I will see if I can bring the microphone, and see if it is the microphone and not our video conferencing facility. Could you assist the Commissioners, just by- to commence by outlining your role as Director-General of the Emergency Management Australia in the Department of Home Affairs?

15 MR CAMERON: Yes, of course. So I'm the Director-General of Emergency Management Australia and, as you say, it's a division of the Department of Home Affairs. In my role as the director-general I'm responsible for the oversight and management of Emergency Management Australia, which I will refer to hereafter as EMA. EMA is the Australian Government and, therefore, the national disaster management organisation, in Australia. EMAs remit spans disaster risk reduction, disaster preparedness and capability development, critical incident planning, crisis and security management and disaster recovery. And it's my job as the director-general to advise government, ministers and the Prime Minister on current and emerging risks, and the efforts that the Australian Government can - can take to assist remedy those.

25 MS HOGAN-DORAN SC: Now, Mr Cameron, you spoke about risk and, as I understand it, there is a - part of the role that you play is providing advice relating to the coordination of Australia's response to crises; is that right?

30 MR CAMERON: That's correct Ms Hogan-Doran.

MS HOGAN-DORAN SC: Now, that includes natural disasters, but may we take it- it also includes other risks or other crises that Australia faces?

35 MR CAMERON: Yes, you can, counsel, you can. I think the best way to view this is that EMA is - is really the natural hazards organisation in a crisis management sense, but - and it's very important but - some parts of EMA, and particularly the Crisis Coordination Centre, are responsible for situational awareness and planning to remediate the consequences, if you like, real world consequences, of all crises. So that could be things like the real world consequences of a cyber-attack, not the cyber incident itself but whatever manifested on the ground, and long-term - well, in fact, short, medium and long-term sequelae from terrorist attacks of other descriptions, to name - to name a few.

45 MS HOGAN-DORAN SC: I'm going to take you to a number of documents that the EMA has provided and you've provided with your statement. Just to get some

context to it, EMA is now part of the Department of Home Affairs, or part of the home affairs portfolio. Has that always been its home?

5 MR CAMERON: No, it hasn't. So its predecessor organisation, the Natural Disasters Organisation, or NDO, was created in mid-1974 in the Department of Defence, and in the early 2000s in, I think from memory, in November 2001 in - some machinery of government changes at that time, moved from the Department of Defence to the Attorney-General's Department and then two and a half years ago moved to the then
10 newly created Home Affairs Department. EMA has never been an agency, a stand-alone agency. It has always been part of either Defence Department, the Attorney-General's Department, and now the Home Affairs Department.

MS HOGAN-DORAN SC: Has the scope of activities as the sort of all hazards situational awareness and disaster or all crisis coordination activities, has that always
15 been part of its remit, even through back to its initial establishment as you've just described?

MR CAMERON: Well, obviously, before my time it.....

20 MS HOGAN-DORAN SC: To your knowledge.

MR CAMERON: To my knowledge, that's right. Look, no, it hasn't always had an explicitly all hazards remit. It was started explicitly as the Natural Disasters Organisation. The impetus for its creation was the flooding in Queensland and in and
25 around Brisbane in early 1974. So very much a natural hazards focus early on. But as emergency management doctrine in Australia has matured over the successive decades, all parties concerned agree that - all parties involved agree that an all hazards approach is best. It makes a lot of sense to have the same governance structures and mechanisms for the consequences of all hazards, as best is - as best
30 you can, and as much as is possible to avoid creating - having to create new structures on the fly.

MS HOGAN-DORAN SC: Okay. Now, as you just mentioned you haven't been with
35 EMA all that time. How long have you been with EMA and in the role of director-general?

MR CAMERON: Well, to answer the second part of your question first, I've been the director-general formally since September 2018, but I was acting in the role from
40 April 2018. So a tick over two years in this role. Before then I was three years as the head of the crisis - what is now the Crisis and Security Management Branch in Emergency Management Australia. So five years this time around, and I was at EMA in the early 2000s for a period of, from memory, six and a half years, or thereabouts, 2000 to 2006.

45 MS HOGAN-DORAN SC: Now, you mentioned just a moment ago the Crisis Coordination Centre. As I understand it, that's a business unit of EMA; is that right?

MR CAMERON: That's right. It's part of the structure of EMA.

5 MS HOGAN-DORAN SC: All right. And it's a 24/7 crisis management information and whole-of-government coordination facility?

10 MR CAMERON: That's true. In technical structural terms, counsel, the Crisis Coordination Centre comprises two parts. There's a - use the term somewhat informally - a watch floor. That's the 24 hour, seven day a week, 365 days a year function that is responsible for information collation, collection where possible, and collation into national situational awareness for current and emerging risks. The other part of the Crisis Coordination Centre is the planning and engagement function which is responsible for, as the name suggests, planning, maintenance of crisis plans and coordination of responses. Both of those entities together comprise the Crisis
15 Coordination Centre.

MS HOGAN-DORAN SC: Does that have a standing staff and/or does it have a surge capacity? That is, does staffing change depending on the nature of the crisis?

20 MR CAMERON: It has both. It has a standing staff. Obviously, to maintain a 24 hour seven days a week watch function, there's a standing staff. So there's a rostered shift structure that maintains that capability all the time, literally all the time, supported by - supported by, as we refer to it inside EMA in local management terms, a day shift. And then a support team as well which does a lot of the
25 management and supporting activity which doesn't work 24/7, works normal business hours.

The planning and engagement team works normal business hours, however, is stood up into a - an incident specific crisis coordination team and that can have people
30 from - from the rest of EMA, from the rest of the security and resilience group of the department in which EMA sits, from the rest of home affairs, and indeed from other parts of the public service when required. So standing body and surge.

35 MS HOGAN-DORAN SC: When there's a surge or secondees into the staff of the Crisis Coordination Centre, are they solely from within Commonwealth agencies or from State and Territory agencies as well?

40 MR CAMERON: We've had - we've had people from other parts of the public service from time to time when it's required. We've had surge people or secondees, if you like, particularly where we've needed specific expertise, from States and Territories and, indeed, we've had people from other - from other countries. Two examples: there was a re-entry of space debris a couple of years ago that could possibly have had some hazardous material on board. We were able to have
45 seconded a Hazmat expert, hazards materials expert, from ACT Fire and Rescue Service, which was gratefully received. So that officer was seconded in. And during the bushfires, during the '19-'20 bushfires most recently, we had two people from the

newly created National Emergency Management Agency of New Zealand come and assist in the crisis coordination team at short notice, which was also gratefully received by EMA.

5 MS HOGAN-DORAN SC: We had some evidence yesterday in relation to EMA liaison officers. As I understand it, those are officers of EMA who go into other agencies and/or other organisations. How many, or what kind of quantum are we talking of in terms of the number of staff that operate at the height of a crisis as liaison officers?

10

MR CAMERON: So - well, it varies, and it depends on the - it depends on the severity of the incidence, the degree of engagement, if you like, or the threshold above which the Commonwealth is engaged. But typically in any substantial incidents in a State or Territory we will seek and routinely get agreement from a commissioner or a chief in a State or Territory to deploy a liaison officer into their State level coordination centre. Various described in various jurisdictions: State Control Centre in Victoria, and State Disaster Coordination Centre in Queensland, I believe the acronym SDCC stands for, and likewise, in the other jurisdictions. We will - we will rotate people through. They generally work very long hours. It's the equivalent - those - when those centres are activated, counsel, they - they typically operate at extended hours or 24/7. So you tend to burn through people very quickly. So we will rotate them in and out to maintain - to maintain their - their wellbeing and peak efficiency.

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25 MS HOGAN-DORAN SC: So appreciating what you say that different people might fill the roles from time to time for the reasons you specify, but are the roles themselves standing roles or are they ad hoc on request? That is, are they officially recognised within the State and Territory agencies --

30 MR CAMERON: I see.

MS HOGAN-DORAN SC: -- playing a role, a fixed role that might be filled from time to time but is acknowledged as part of the operating - standard operating arrangements?

35

MR CAMERON: Well, yes, they are. If I could perhaps recall one example. In Victoria, I'm aware that when they get to a particular level of - describe it as stand-up at their State level - they will - the Victorian - our Victorian colleagues from Emergency Management Victoria, EMV, will contact us and say "We're standing up to a particular level. Would you like to deploy a liaison officer?" That's a very structured response and I think that works very well.

40

In other jurisdictions, not quite so threshold based, but if we assess in conversation with one of the - with a chief or a commissioner that there would be some value for the Commonwealth to have - for EMA to have a liaison officer in, then I will be asking if we could deploy someone into - and it's my experience - into their

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coordination centre. It's my experience in the two years that I have been in the chair and in the three years previously when I headed up that particular function in EMA that - that no one has ever said no. I think it's a valuable addition to a coordination function at the State level.

5

MS HOGAN-DORAN SC: All right. Thank you. I want to ask you some questions now about Australia's emergency management framework, the Australian Government crisis management framework. Now, that's the authorising policy for national crisis management?

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MR CAMERON: It's the authorising policy for the Australian Government's.

MS HOGAN-DORAN SC: Right.

15

MR CAMERON: It necessarily ties into the national arrangements.

MS HOGAN-DORAN SC: So let me just explore that with you a little. I'm just being told what tab it's behind. 31, thank you. If you have HAF.0003.0001.0519 brought up. Now, Mr Cameron, I'm hoping that you will be able to see this document on the screen above you. Here we go.

20

MR CAMERON: Yes.

MS HOGAN-DORAN SC: This is an Australian Government crisis management framework, version 2.2, December 2017. Now, when you said just a moment ago that it's not - I don't have quite the words - it not necessarily ties into the national coordination arrangements, are you speaking of the national coordination arrangements, that is the extent to which there are State and Territory frameworks or crisis management frameworks, or did you mean something else?

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MR CAMERON: So there's no document per se apart from the Australian Emergency Management Arrangements Manual that the Australian Institute for Disaster Resilience publishes with national agreement. Apart from that document, there's no policy document that ties together the Commonwealth's crisis management arrangements with each of the eight States and Territories and pulls in local government. What the Australian Government crisis management framework does, the document that's on the screen in front of me, does is outline the Australian Government's framework and shows how it ties to the national arrangements. And by "national" I mean the States and Territories. There's a chart in the framework.

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MS HOGAN-DORAN SC: I will just take you to that. Just one moment, Mr Cameron. As you say, it's the Australian or the Commonwealth Government's crisis management framework. It's not the crisis management framework for the governments of Australia. We can take you to page 0545, and have you zoom in, operator, on figure 2.3. I think this is the chart that you were just referring the Commissioners to, Mr Cameron?

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MR CAMERON: I was indeed.

5 MS HOGAN-DORAN SC: All right. Now, this figure 2.3 is the crisis coordination
arrangements. We see in this document a number of agencies, which I'm going to
take you through - sorry, a number of committees, and the EMA has a role in, in
time. But, speaking generally, to the left-hand side the Prime Minister and Cabinet,
and then in orange - and to the right-hand side the Premier, Chief Minister and
10 Cabinet, the right being a reference to State and Territories, and the left being a
reference to the Commonwealth.

MR CAMERON: That's correct.

15 MS HOGAN-DORAN SC: All right. Now, you wanted to mention the chart. What
did you want to say about the chart?

MR CAMERON: So I was - it was just the distinction between Australian
Government and the national- the council. So as you described it, you're quite right.
The States collectively are represented on the right-hand side of that chart. The States
20 all have similar but differently constituted, differently empowered, differently
labelled arrangements, but all effectively similar. And this, if you like, synthesises
them into one half of one chart and shows the relationship between the
Commonwealth Government on the left, and those collectively on - represented on
the right.

25 MS HOGAN-DORAN SC: You just said that the States and Territories have not the
same, or not necessarily the same but at least similar kinds of frameworks. Is there
any process or has there been any process of review to seek alignments or integration
between the Commonwealth and State and Territory frameworks, crisis management
30 frameworks, that you're aware of?

MR CAMERON: That's an interesting question. Not that I'm aware of at the level of
foundational framework. I am aware that there has been a lot of work around
interoperability going back decades, obviously starting before my time, but also on
35 national capability approaches, national capability development approaches, to
varying degrees of success or otherwise.

MS HOGAN-DORAN SC: If I could have you look at, operator, 0549. I'm just going
to take you now, Mr Cameron, to annexure- annex A, Crisis Management Response
40 Arrangements. That is a handy reckoner as to the matters that follow in the
management framework, identifying the hazard specific crises that are captured by
this framework, including international crises, domestic security related incidents
excluding terrorist incidents, and then separately arrangements for the domestic
terrorist incidents; maritime terrorist incidents within the Australian maritime
45 domain; domestic natural disasters, which is what I want to take you to in a moment;
domestic biosecurity crises; domestic public health crises; domestic energy supply

crises; incidents involving offshore petroleum facilities; and Commonwealth orders and transport incidents, maritime and aviation within Australia; the Australian exclusive economic zone of the Australian search and rescue region.

5 Appreciating there may be - perhaps you can - are you able to identify any matters there, so any matters that are not in that list but would fall within the State or Territory domains and thus might be captured by their crisis management frameworks?

10 MR CAMERON: It would be my - my assessment, counsel, that the - that the States similarly take an all hazards approach, and so their - their governance arrangements for managing crises would tend to leverage their standing structures. And I think, in fact, we've seen that during the - during the COVID response where many of the States have leveraged their emergency management arrangements to provide the whole-of-government coordination mechanism for - for that - for that response, as
15 indeed as - as has the Commonwealth.

MS HOGAN-DORAN SC: All right. And the one matter I want to take you to while we're in this annexure. If we could go to page 0561, just because it's convenient to do so because we're in it, I want to take you to the definition of "domestic natural
20 disasters" that is included in this document, just at the top paragraph there:

"A domestic rapid onset event that requires a whole-of-government response. This may include bushfires, earthquakes, floods, storms, cyclones, storm surges, landslides, tsunamis, meteorite strikes or tornados."

25 Are you able to offer any insight into how that definition was struck and what it's - well, I will ask you that question first?

30 MR CAMERON: No. I don't have any particular insight into how that definition is - was struck when this document was first - was first drafted. It's a useful - it's a useful definition. It's a useful definition.

MS HOGAN-DORAN SC: Is it only applicable in circumstances where the disaster is one that - sorry, when the natural hazard incident is one that requires a
35 whole-of-government response? Is that how you understand the operation of the framework?

MR CAMERON: I'm not quite sure I understand the question, counsel.

40 MS HOGAN-DORAN SC: All right.

MR CAMERON: Could you assist me there?

45 MS HOGAN-DORAN SC: Well, the way I understand the definition is that it's only domestic rapid onset events that require a whole-of-government response, which will

be domestic natural disasters for the purpose of this framework. That is, it must reach a level or pass a threshold that the event --

MR CAMERON: I see.

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MS HOGAN-DORAN SC: You see?

MR CAMERON: So you're focusing on the "that requires a whole-of-government response" for the cause there?

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MS HOGAN-DORAN SC: I am.

MR CAMERON: Sorry, wasn't - it wasn't quite clear to me. So one of the sort of fundamentals of managing emergencies in Australia for quite some time now, back at least all the way through to the '80s, has been some buzz words or jargon sort of, that are sort of part of our core which are about - we talk about all hazards, which we've already canvassed this morning. We talk about involved communities, which I'm sure we will get to at some point in the discussion this morning. We talk about all agencies as well. And all agencies is some slightly outdated sort of terminology for whole of government.

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Any - any government response to a disaster that has impacted on a community warrants the attention of all agencies, warrants the attention of whole of government. If the community is impacted, then - then all of the agencies, through the government of the day, need to - need to address that. Now, some - from time to time, some agencies will have a much larger role than others. Others - in other big agencies there will be a multi-agency very large coordinated response and that's what you saw in the aftermath of - of the hazard impact, the fire impacts this past summer.

25

So it's not particularly a threshold but more a - more a posture or a policy setting that says: we have a domestic rapid onset event, a disruption, an impact from a natural hazard, a source of risk, then it will require a whole-of-government response and there are some examples of the sorts of things that may be involved under this particular category of disaster.

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MS HOGAN-DORAN SC: So this crisis management framework of December 2017, there have been some machinery of government changes and ministerial changes in that time, or in the intervening period. Is the lead minister for response and recovery still the Minister for Home Affairs or the Minister for Emergency Management?

40

MR CAMERON: Yes, so that - that's a good - that's a good call. The - the - the lead minister for response and recovery is a minister in the home affairs portfolio, not - so the minister for - Minister Littleproud is cross-sworn, I understand, to the home affairs portfolio for this function.

45

MS HOGAN-DORAN SC: Now, you would appreciate crisis management has been characterised by some as a complex and challenging area. Would you agree with that?

5 MR CAMERON: Sorry. Sorry, counsel, you just broke up a little bit there. Would you mind repeating the question?

MS HOGAN-DORAN SC: Of course. Do you agree with the proposition that crisis management is a complex and challenging area?

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MR CAMERON: Inherently so.

MS HOGAN-DORAN SC: One of the matters I want to raise with you is one of the - sorry. The crisis management framework also has within it the - sorry, I want to ask a question in relation to the policies and procedures that sit under the framework to understand how that complexity or challenge is met. Now, one of them is, is it right, the COMDISPLAN, which is the Commonwealth Disaster Plan?

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MR CAMERON: That's one of the plans that gives effect to the outcomes of the framework, yes. Yes.

20

MS HOGAN-DORAN SC: And what about the National Catastrophic Natural Disaster Plan?

25 MR CAMERON: Yes, known better by its acronym NATCATDISPLAN, yes.

MS HOGAN-DORAN SC: NATCATDISPLAN. Now, are there any other plans that sit underneath this crisis management framework?

MR CAMERON: I'm told by my team that did an audit in relatively recent time, that there are more than 40 Commonwealth Government plans that deal with crisis, or disasters of one form or another. EMA is responsible for a number of those. You've mentioned COMDISPLAN, the Commonwealth Disaster Plan. You've mentioned the catastrophic disaster plan, NATCATDISPLAN. There are others as well, four or five.

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MS HOGAN-DORAN SC: Just in relation to the - I'm jumping around a bit but since we are on the proposition, the NATCATDISPLAN, a contingency plan; is that right?

MR CAMERON: That's right, yes.

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MS HOGAN-DORAN SC: All right. If we could go to HAF.0003.0001.0478. Commissioners, that's behind tab 34. Operator, I will just have you bring that up. Mr Cameron, just while that's being brought up, we will see version 2-1, December 2017. No, that's not it. HAF.0003.0001.0478. There we go. I understand - although that is marked as version 2-1, December 2017, I understand that it was actually initially adopted in July 2010?

45

MR CAMERON: I - I can't put my hand on my heart and say when it was officially adopted. But yes, that sounds about right, yes.

5 MS HOGAN-DORAN SC: All right. To assist you, I don't mean to confuse you, if we can go over to 0480, operator:

"The National Catastrophic Natural Disaster Plan was endorsed by the Council of Australian Governments on 12 July 2010."

10

I appreciate that was before your time, Mr Cameron, in this role. Just reading that:

"It functions as a contingency plan for the provision of coordinated supported by the Commonwealth and State and Territory governments to a State or States where its government and/or its capability to manage the response to and recovery from a catastrophic natural disaster has been significantly incapacitated."

15

Are you aware of this plan ever having been triggered in its life, which is some 10 years now?

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MR CAMERON: So, to the best of my knowledge, the plan has never been activated because we haven't been in a situation where a State or Territory's government literally has had its capability to manage a response to and recovery from, has been significantly incapacitated. That's a function of governance, not of capacity. This is about capability - ability to manage rather than any particular capacity limits. So we didn't see any degradation of any States' government's ability to manage, for example, during the '19-'20 bushfires.

25

MS HOGAN-DORAN SC: All right. Can I take you to 0585, operator. I want to take you to a definition within this plan and then, when we've finished with this plan, Mr Cameron, I'm going to take you to the COMDISPLAN. Paragraph 2:

30

"A catastrophic natural disaster is an extreme hazard event that affects one or more communities resulting in widespread devastating economic health, social and environmental consequences and that exceeds the capability of existing State or Commonwealth Government emergency disaster management arrangements. An event could be of sudden impact or sustained impact over an extended time frame."

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So the definition, I think, to capture what you've said, Mr Cameron, is it's quite a high threshold for activation of this plan?

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MR CAMERON: That's right. I think the operative clause there is the - the three dot points under para 3 there, and particularly the last one.

45 MS HOGAN-DORAN SC: Yes, so the last one is:

"That the effected Executive Government is temporarily incapacitated or requests urgent assistance."

MR CAMERON: That's right.

5

MS HOGAN-DORAN SC: So that's a cumulative proposition. The first being:

"Not be possible to immediately meet the needs of those requiring assistance with the existing capability of an individual State or nationally and take a considerable time from which to recover."

10

And then that third element. So it's not necessary that a State or Territory, or indeed the Commonwealth, is temporarily incapacitated. It can be if they seek urgent assistance, provided the other matters have been fulfilled. Is that right, as you understand it?

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MR CAMERON: If those other conditions have been met, yes, that's right.

MS HOGAN-DORAN SC: The second matter, and I want to take you to the scope of this plan, paragraph 6 on page 0486. So:

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"This plan applies where a catastrophic natural disaster, as defined above, overwhelms the emergency management capability of the State or the Commonwealth grant."

25

So, from that, do you understand that that would be a basis for requesting the assistance; that is, that their existing emergency management capability is unable - requires assistance?

MR CAMERON: That's - yes. Yes.

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MS HOGAN-DORAN SC: And it removes the ability of the affected government, or governments, to carry out its emergency management responsibilities in the response to and/or recovery from the disaster. The one I want to take you to is this next dot point:

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"It applies to a catastrophic natural disaster for which no national plans exist."

Are there circumstances in which there are no national plans in Australia for catastrophic natural disasters?

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MR CAMERON: Singular plans. One document which is a genuinely national plan for a national - natural catastrophic disaster. I think this is the plan, this - this is the plan for that.

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MS HOGAN-DORAN SC: I see. So the intention being that this plan will then apply where there is a catastrophic natural disaster. I see. Now --

MR CAMERON: It's probably useful - sorry.

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MS HOGAN-DORAN SC: No, no, please proceed, Mr Cameron.

MR CAMERON: I think it's probably useful to view, and just harking back to your questioning of me a little while ago about that chart in the Australian Government crisis management framework, to view that as a whole, to view that as a total piece. So there may not be a single document for a catastrophic natural disaster apart from this very plan, but together the State arrangements plus the Commonwealth arrangements comprise, if you like, a national planning framework set of arrangements that deal with these. And this sorts of disasters which are at the - at the top end of the scale, for want of a - a poor description, including this - including this document, comprise - comprise the national planning framework.

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MS HOGAN-DORAN SC: All right. If we go then to paragraph 7 which is principal --

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COMMISSIONER BENNETT: Can I just raise one thing?

MS HOGAN-DORAN SC: Yes, Commissioner.

COMMISSIONER BENNETT: Can you go back to that for a second. Sorry, can I raise one thing, Mr Cameron. I'm reading paragraph 6 and I see the word "and" coming up all the time, so it suggests it's cumulative. And then if you go to the dot - just on that question of no national plans, it also then has the next dot point which says:

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"Covers strategic national coordination arrangements to support existing plans and arrangements."

Is that the sort of thing you were referring to earlier?

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MR CAMERON: Bear with me Commissioner. Let me just --

COMMISSIONER BENNETT: The next point.

MR CAMERON: Yes. Yes, thank you. Well, yes, I suppose I was. I wasn't focusing on that, but that's right, yes.

40

MS HOGAN-DORAN SC: So apart from impaired functioning of a State, otherwise this operates on a request basis? Is that how you understand the scope of the operation?

45

MR CAMERON: Well, if you go back to the previous paragraph, I think the - I think there was the - the notion of a request there from an impacted State, that's right.

5 MS HOGAN-DORAN SC: Now, could I take you to the principles section which is in paragraph 7 below:

"The following principles apply in relation to the application of this plan."

10 First dot point states:

"A primary responsibility for the management of emergencies within their jurisdictions, and are responsible for determining their own internal coordination mechanisms."

15 As at 2020, is that your understanding as to the current state of affairs?

MR CAMERON: Absolutely.

20 MS HOGAN-DORAN SC: Second matter:

"States retain overall responsibility for executive decision-making and State legislation remains in place at all times."

25 Again, reflecting the current position?

MR CAMERON: Yes. Yes, absolutely. Also --

MS HOGAN-DORAN SC: All right. The next --

30 MR CAMERON: There is no --

MS HOGAN-DORAN SC: No, please.

35 MR CAMERON: Sorry, I over-spoke. There is no - there is no Commonwealth emergency management legislation that could - that could override the internal coordination mechanisms of a State.

40 MS HOGAN-DORAN SC: Yes, I think the - excuse me, Mr Cameron, I actually can't see that far with these glasses. And otherwise it operates, just going down to the next paragraph:

"Any support action will be at the request of, and in support of, a legitimate Commonwealth Government or State authority."

45 Do you have any insight into the use of the word "legitimate" in that dot point?

MR CAMERON: Well, my working assumption, given that I wasn't involved in the drafting of this, but it would be - it would actually be advice that I would give on any day - would be that it's a reflection of the sovereignty of the - of the component parts of the federation in this particular area.

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MS HOGAN-DORAN SC: We will come back to that. The next dot point:

"As far as possible, existing plans and arrangements will continue to apply in a catastrophic natural disaster."

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So just noting otherwise arrangements to persist. The last matter:

"When a catastrophic natural disaster overwhelms and/or removes the ability of the Commonwealth Government or a State or States to manage the response to and/or recovery from a disaster other Australian Governments will organise to provide and/or coordinate assistance upon request from the affected jurisdictions."

15

Are there any plans in place that support that final portion of that dot point? That is, what other Australian governments will do in order to fulfil that commitment or the principle to organise to provide and/or coordinate assistance?

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MR CAMERON: Well, yes, indeed. So if it's the Commonwealth assisting a State - and you've already mentioned COMDISPLAN a couple of times, COMDISPLAN can come into effect there. For the benefit of the Commission, COMDISPLAN is the planning framework that enables the Commonwealth Government to provide assistance from its own resources to a State or Territory. That's short-handing it mightily there. And there are well-practised arrangements, that I know you've heard about already, from the CEO of AFAC yesterday about the arrangements for interstate assistance. So if you're asking me about how --

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MS HOGAN-DORAN SC: Mr Cameron, I will take you to the detail of all of that shortly.

MR CAMERON: Well, they're two examples, counsel.

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MS HOGAN-DORAN SC: Yes.

MR CAMERON: Of the way that coordinated assistance would be provided to a government, if so requested.

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MS HOGAN-DORAN SC: What if the government requiring assistance was the Commonwealth Government? Is there any framework or arrangements that would apply in which the other Australian governments would organise to provide and/or coordinate assistance? That is, is there any document that deals with, at a State and Territory level, that coordinates as between them or themselves?

45

MR CAMERON: I would have to refresh my memory of what the model arrangements look like that are referenced in this plan. I know they're annexed at the back of it.

5 MS HOGAN-DORAN SC: All right.

MR CAMERON: And I have to confess, counsel, that I'm not familiar with what might be present in every State and Territory about assisting the Commonwealth.

10 MS HOGAN-DORAN SC: No. No.

MR CAMERON: But I would suggest to you that that's an un - and I'm in the business of managing unlikelihoods, so that's really what we're about - but it is unlikely that - it's unlikely that the Commonwealth Government would be, or its capability would be so degraded that it couldn't function. There are reasonably well-practised plans, planning frameworks and supporting mechanisms for the continuity of executive government. Of course, every government has those. They're part of the normal operations of government. So it would be most unlikely, I think, that the Commonwealth Government would be in a position that required this, but there is - there are avenues for - for that to - for that to be provided if it was required.

MS HOGAN-DORAN SC: You mentioned the model arrangements for leadership during emergencies of national consequence. I think that was what you were referring to, the attachment to this document. If we could go to 0491, just get you to see that, Mr Cameron, and tell me if that's what you - 0491. Is that the model arrangements? Is that what you were referring to when you said "model arrangements" before?

MR CAMERON: Yes, that's right, I was, yes. This is the, if you like, the underpinning agreement from the elected leadership of the federation that is given effect by the NATCATDISPLAN.

MS HOGAN-DORAN SC: All right. Do you know if there's a program for review of these arrangements for the States and Territory governments in consultation with the Australian Local Government Association?

MR CAMERON: So the model arrangements or for NATCATDISPLAN?

MS HOGAN-DORAN SC: For the model arrangements.

MR CAMERON: No, I'm unaware of any mechanism for review of this. But I would say --

MS HOGAN-DORAN SC: To be fair to you, Mr Cameron, let me show you paragraph 5 on page 0492. The arrangements contemplate in paragraph 5 that they will be reviewed by the Commonwealth, State and Territory governments in

consultation with the Australian Government Local Government Association after three years or earlier as agreed, and it also goes on to say that:

5 *"The arrangements may be amended by agreement in writing between the parties at any time."*

10 Taking that in two steps: this version that has been included is a December 2017 version. Do you know if there is any plan for there to be a review in or by December 2020 of this NATCATDISPLAN?

15 MR CAMERON: So we are reviewing all of our work in relation to catastrophic disasters. That's a long-running program of work that necessarily needed to build on just this plan. And, in fact, I think we have tendered in evidence the capability development framework for severe to catastrophic disasters which goes to a much broader explanation of the capabilities required for dealing with catastrophic disasters. The review function in the model arrangements, to be frank, I'm - I don't know whether that was reviewed after three years or earlier.

20 MS HOGAN-DORAN SC: That's all right, Mr Cameron. I think I indicated that the version we have is 2-1 December 2017, whether it was this part of the framework that was reviewed - sorry, this part of the plan that was reviewed or some other part, we can take that on board and make some inquiries. I will just take you to COMDISPLAN which you have raised. Sorry, Commissioners, just before I pass from that document, did you have anything else? Would it assist you if I just pause?

25 COMMISSIONER BINSKIN: I don't. I think it's progressing well, getting the points out at the moment at that strategic level, but I will just, Commissioners? No.

30 MS HOGAN-DORAN SC: Thank you. Could the witness be shown HAF.8001.0001.0180? This is behind tab 6 of your bundle, Commissioners. This is the COMDISPLAN 2017 the Australian Government Disaster Response Plan. No. Operator, if you could take that down, please, and just not have anything up. Just before I do get you to that, since we are having some trouble bringing that up, there is another framework that seems to be related in some way, but I'm not quite sure, to
35 NATCATDISPLAN which is the Australian Disaster Preparedness Framework for Severe to Catastrophic Disasters, which I understand was developed in 2018 and endorsed by the ANZ EMC in February 2019 in the Ministerial Council of June 2019. Are you able to assist the Commission in relation to that preparedness framework?

40 MR CAMERON: Yes, in fact I mentioned it just a minute ago. There are a number of capabilities that have been agreed in - in quite an exhaustive series of collaborative exercises with our State and Territory colleagues, with local government, with- in fact with some international partners as well, required for the
45 development of capability to deal with catastrophic disasters. That framework goes through those and offers insights into how - into what in the first instance and

some - and you're testing me, counsellor, I think there are some 21 or 2 particular capability headings, if you like, subject matters, that are described in that framework and how we might go about developing those. So that's what that's about.

5 MS HOGAN-DORAN SC: Right. We don't have that in your materials. Does that framework sit above or below NATCATDISPLAN?

10 MR CAMERON: Sit above or below? I see. In a hierarchical sense, it sits on a different side. One is an operational plan, giving effect to a desired outcome. One is a policy framework for capability developments. They're not quite in the same hierarchy. But, generally speaking, if this is helpful to you and to the Commission, you would say above.

15 MS HOGAN-DORAN SC: Above, all right. Now, I was attempting to take you to COMDISPLAN. Here we have it.

MR CAMERON: Yes.

20 MS HOGAN-DORAN SC: The 2017 Australian Government Disaster Plan. Now, I might just have you explain first how does COMDISPLAN sit with the State and Territory plans?

25 MR CAMERON: Well, so in a State or Territory, if Commonwealth assistance is required, their plans will reflect that - COMDISPLAN is the Australian Government plan that would give effect to that assistance. That's - that's how that works. So in COMDISPLAN there are nominated points of contact, authorised points of contact, in each of the jurisdictions who may assist - who may request assistance from the Commonwealth. That's how that ties in. Counsel, can I just perhaps assist here?

30 MS HOGAN-DORAN SC: Yes.

35 MR CAMERON: COMDISPLAN, and indeed much of the Australian Government's Commonwealth's emergency management posture to date, is predicated on the basis of - on the basis of, as was outlined in some of the principles that you saw in NATCATDISPLAN and you read out, the States and Territories being principally responsible for response recovery within their jurisdiction. To date, the Commonwealth's planning framework has been predicated on providing assistance when asked. So COMDISPLAN, this version of it, which is the current operating version, reflecting the machinery of government changes from late 2017, is the mechanism by which that assistance is requested and what the Commonwealth does, 40 the processes involved in the Commonwealth to date to provide that assistance.

45 MS HOGAN-DORAN SC: And I think the language that is often used is that the COMDISPLAN is activated; is that right?

MR CAMERON: That's true. That's a responsibility that I have for activating it.

MS HOGAN-DORAN SC: And what are the circumstances in which you would activate it?

5 MR CAMERON: Well, there are basically two. One is in anticipation of a request for assistance, where we anticipate that something on the ground, a disaster, is unfolding to such an extent that Commonwealth assistance to a State or Territory may be required, and to - to put my own people - my staff or the staff in - that the people in other agencies on notice, I may activate - may activate the plan. Or, indeed, if we've
10 had acute onset events, you know, very sudden impacts, and Commonwealth request - Commonwealth assistance has been requested, we will activate it obviously to - to provide the operating framework in which to provide - to provide that assistance.

15 MS HOGAN-DORAN SC: So just two matters from that. The first is you said you would activate it in anticipation of a request, or - is that as what is described, the position of being in a stand-by phase of COMDISPLAN?

MR CAMERON: Yes, could be. Could be.

20

MS HOGAN-DORAN SC: All right.

MR CAMERON: Yes.

25 MS HOGAN-DORAN SC: So if I could just take to you 0184 which is the guiding principles, para 1.4.5:

"Contingency planning prior to a formal request for Australian Government nonfinancial assistance is undertaken in the stand-by phase of COMDISPLAN."

30

That is where I took the language of stand-by. I'm not sure it's coextensive with the way that you were describing the threshold, so to speak, of when you activated --

MR CAMERON: Perhaps - counsel, I don't think I've got a copy of that in - yes, I do.

35

MS HOGAN-DORAN SC: Just wait one moment, Mr Cameron. We can't hear you for some reason. We've lost your audio. Could you try again? Still can't hear you. It might be that when you were moving the papers the audio feed was interrupted.

40 MR CAMERON: Can you hear me now?

MS HOGAN-DORAN SC: Yes, we can.

MR CAMERON: I'm sorry, my elbow hit the mute button. My apologies,
45 Commission.

MS HOGAN-DORAN SC: That's all right. We do appreciate you wearing the ear phones and microphone because it has improved the audio quality for the benefit of those in the hearing room and the Commissioners. But we appreciate there can be some unexpected technological impediments.

5

MR CAMERON: That's all right.

MS HOGAN-DORAN SC: I was asking you about paragraph 1.4.6 in relation to stand-by.

10

MR CAMERON: Yes, that's right. So perhaps I could assist you here. If I could - so the answer to my - sorry, I just need to correct my previous answer which you asked about in anticipation, this would take place in stand-by phase. So, no. No. Stand-by is the - stand-by is the default resting position for this plan, for want of a better description. When it's not activated it's at stand-by. If I could take you to --

15

MS HOGAN-DORAN SC: Yes, 0186 I think at two pages over, is that right, Mr Cameron? I think it says "involved".

20

MR CAMERON: Response phases and activities. Yes, that's the page. So you can see there that stand-by is where we monitor, we plan and we train and exercise; and all of those things, of course, are true. If you go to the next paragraph down, if I'm allowed to lead you to that.

25

MS HOGAN-DORAN SC: 2.2.2, "Activated".

MR CAMERON: Activated. So this is where those sorts of activities are - those sorts of activities are conducted.

30

MS HOGAN-DORAN SC: All right. And then the last matter is 2.2.3, "Deactivated".

MR CAMERON: That's right. So - so the incident is concluded and no - particularly no further requests for Commonwealth assistance are expected. We will - after a - after review and consideration and discussion with the State or Territory, we will - or I will authorise the plan to be deactivated and all stakeholders are notified.

35

MS HOGAN-DORAN SC: All right. Now, you say in your statement in paragraph 42 that:

40

"COMDISPLAN was activated eight times during the 2019-2020 bushfires, seven of which related specifically to the fires with more than 70 individual tasks requests that delivered Commonwealth assistance to State and Territories."

45

I'm going to take the Commissioners to tab 37 which is HAF.0003.0002.0009. And just wait for that document to come up. Mr Cameron, this is an Excel spreadsheet, as

I understand, which identifies COMDISPLAN activations during the 2019-2020 bushfire season. Is that going to be able to be displayed, operator?

COMMISSIONER BENNETT: Counsel, did you say tab 37?

5

MS HOGAN-DORAN SC: I think I did. Could you, operator, could you go to the first tab, Time Line of Activations. Now, Commissioners, do you have that document? It has a white page before it and then it has the Excel spreadsheet on the next page. No? All right. That's all right, Commissioners. Mr Cameron, we will return to that perhaps after the short adjournment.

10

COMMISSIONER BINSKIN: No, go ahead with the screen.

MS HOGAN-DORAN SC: Just speaking generally, given the Commissioners don't have it and we will try to take you to them, just could you provide examples to the Commission of the type of assistance that was activated under the COMDISPLAN in the 2019-2020 bushfire season? I see the first date on that Excel spreadsheet is 6 September 2019.

15

MR CAMERON: So the sorts of assistance provided during the 2019-'20 bushfires were actually quite extensive. You can see in the - it's a bit hard to see on my screen here, it's a little bit narrow, but the column headed Details basically describes the sorts of assistance that was provided. So you can see there that the request on 6 September was from Queensland, and it was to accommodate firefighters and to provide transport for the fires that were burning in and around the south-east corner of - of that State, in the Gold Coast Hinterland. From memory, in and around, well, Canungra obviously, and then I think or some very immediately or very shortly thereafter, down at Binna Burra, those locations, to accommodate firefighters and to provide transport. The army base at Kokoda Barracks near Canungra at was - was available and was provided.

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25

30

MS HOGAN-DORAN SC: I just want to ask you briefly about the mechanisms and the process by which a COMDISPLAN activation takes place. There's a reference there to "task requests". Does the task request come into you personally or into the Crisis Coordination Centre or some other Commonwealth authority?

35

MR CAMERON: So it comes into the Crisis Coordination Centre, but it would be a mistake to think that once - that's the first we've heard of it. So perhaps I could step you through our COMDISPLAN process, would that help?

40

MS HOGAN-DORAN SC: That would assist. Thank you.

MR CAMERON: All right. Well, I'm happy to do so. So a situation unfolding on the ground, particular requirements identified. Generally described as an effect being sought; you know, we need a base camp or accommodation for firefighters in this particular part of the countryside, to use the example there from 6 September. If we

45

have a liaison officer in the State Disaster Control Centre at that point, that will be talked about with that liaison officer.

5 If a liaison officer happens not to be there at that time - and sometimes with acute onset disasters that happens, of course - there will be a conversation by phone with either me or one of my team, usually the planning - someone from that planning and engagement function in the Crisis Coordination Centre, that I outlined to you earlier in my evidence. And usually immediately a discussion ensues with whichever
10 Commonwealth agency can provide that assistance. And it is fair to say, counsel, that in the majority of cases the vast bulk of Commonwealth assistance is provided by Defence; that's for what should be obvious reasons. And that is then formalised into a request.

15 That's when the request in a formal sense, as per COMDISPLAN, lands into the CCC. While that's all happening, the agency that can provide - that might be in a position to provide that assistance, is working up its internal authorities. And then we put a formal request to the minister responsible for emergency management, currently Minister Littleproud as I mentioned before, with a recommendation, and then he considers - the minister considers - makes a decision and advises. That comes
20 back to - back to us, back to the CCC. And then a task request is - which has been formalised, which says "These are the effects being sought, here's what we've planned already. Please, you know, can you give effect to this, and do you accept the task?" which is, if you like, a formal step, is then - is then given to the agency and we then proceed to implement.

25 This - it's very important for the Commission understand, in my view, that this is not a - this is not a transaction by correspondence alone. It would be a mistake to think that. This is work done in conjunction with the requesting jurisdiction, the agencies that can, or could, provide the effect required and then - and then given effect after
30 ministerial consideration.

MS HOGAN-DORAN SC: Commissioner, I note the time. I expect I will be with Mr Cameron until lunchtime but we will finish before lunchtime. Would it
35 assist - are you proposing to take any short adjournment between now and lunchtime or go right through?

COMMISSIONER BINSKIN: No, I think we will go through. We do have a couple of questions for Mr Cameron but you're progressing quite well here. But Mr Cameron has done a fantastic job with his technology. Do you want a - do
40 you need to take an adjournment just to -

MS HOGAN-DORAN SC: I'm just wondering if the Commissioners would be assisted by having the document. I will see if I can get it brought in for you.

45 COMMISSIONER BINSKIN: If you work to that, I will have a question for Mr Cameron and it relates back to the NATCATDISPLAN, and it's hypothetical and I

note that all the principles, rightly so, respect the positions of the State and their responsibilities. And however unlikely - and you and I have both worked in the unlikely regimes that actually become reality sometimes - but none of the plans contemplate, however bad it may be, that a State government mechanism ceases to be able to function, for however short a period or long a period there. Has that ever been discussed at the high levels of what might occur in that unlikely event?

MR CAMERON: Thanks - thanks, Chair. I think actually NATCATDISPLAN does contemplate that. Your question is predicated on there being, if I understand the question correctly, sir, the - your question is predicated on there being absolutely no - and I'm going to use some fairly graphic language here.

COMMISSIONER BINSKIN: No, I appreciate that and that's all - that is unlikely.

MR CAMERON: Yes.

COMMISSIONER BINSKIN: I know where you're going but I would look at in the principles, which was at para 7, the second dot point was:

"The State retains overall responsibility for executive decision-making."

So in that sense some of these seem to be counter to each other. I think in a roundabout way para 7 of the principles answers that it has been contemplated but there's cancelling dot points there, and I'm just wondering if that has ever, sort of, been discussed?

MR CAMERON: Well, I wasn't part of the - thank you, operator. Those dot points under para 7 in NATCATDISPLAN are all hold. Your question is predicated on the - on the assumption that there is absolutely no one left in the chain of the executive government or its agencies to make a request for assistance. And, if that's the case then, and I'm speaking very bluntly here, Chair --

COMMISSIONER BINSKIN: No, that's okay.

MR CAMERON: Chair, then I think we're beyond the niceties of this planning framework and dealing with cessation of a State as an entity. That's not what this plan is about. This plan is about assisting the executive government, providing assistance to the executive government while its own capacity can be restored.

COMMISSIONER BINSKIN: Yes.

MR CAMERON: And a request could be from anyone in the chain of command. I mean, to use some old - some old language, perhaps from, you know, the order of battle: we'll find someone down the chain of command in the executive government to - to make a request.

COMMISSIONER BINSKIN: No, I wasn't necessarily --

MR CAMERON: If it can't be immediately apparent --

5 COMMISSIONER BINSKIN: It wasn't necessarily last man standing. It could have
been that all communications are taken out or there's - we're lucky in this country
that we don't live in that environment, as some countries do. I can see where those
principles were going but I just think that they don't go to that ultimate point. They
10 seem to be a bit counter there, and I was just interested in whether it had actually
ever been discussed or thought about?

MR CAMERON: Well, I'm unaware of that particular contingency being --

15 COMMISSIONER BINSKIN: Okay.

MR CAMERON: contemplated.

COMMISSIONER BINSKIN: Thank you. And we now have the spreadsheets. So
20 thank you.

MR CAMERON: Thanks, Chair. I don't.

MS HOGAN-DORAN SC: Excuse me.

25 COMMISSIONER BINSKIN: We will put them up and we will zoom in on the areas
that you may need to have zoom in on, if that's the best way for us.

MR CAMERON: Thank you.

30 MS HOGAN-DORAN SC: I just wanted to take you to - the activation speaks to
COMDISPLAN 1, 2, 3, 4 and 5, and actually right through to 7, but if we go to the
final page, sorry, which will be a different tab in the Excel spreadsheet, that suggests
that it's not a sequential or chronological number that has been applied to the
35 activation but is rather just for the purposes of identifying - it's just not clear to me if
those are thresholds of task requests, or resource application as part of the activation
or some other kind of ordering principle?

MR CAMERON: It's a numbering convention counsel, just to ensure we understand
40 which particular activation we are talking about.

MS HOGAN-DORAN SC: All right. Now, in relation to - if we go back to the time
line of activations, operator, you mentioned that a number of these were the
Australian Defence Force undertaking these tasks.

45 MR CAMERON: That's correct.

MS HOGAN-DORAN SC: Operator, if you can go back to the top, into the period for November, I think we see the first reference to the ADF, 11 November 2019. That's the first reference to the words ADF. But, as I understand from what you said earlier in relation to the September activation for Queensland, that's the Kokoda Barracks - that is the utilisation of a base - or, sorry, a resource, the Kokoda Barracks in Queensland, which is - I'm told there's a name for it - Canungra.

MR CAMERON: At Canungra.

10 MS HOGAN-DORAN SC: Is that the first activation of - is that the first activation of a response to a task request that involves the ADF during the 2019-2020 season?

MR CAMERON: That's the first activation under COMDISPLAN.

15 MS HOGAN-DORAN SC: Right.

MR CAMERON: Of - of assistance from the Commonwealth that involved the ADF, yes.

20 MS HOGAN-DORAN SC: All right.

MR CAMERON: The - in that spreadsheet there under the - in the column headed Details, the vast bulk of those, I think perhaps with one exception that I can see.

25 MS HOGAN-DORAN SC: Can we scroll down for you?

MR CAMERON: No, that's okay. Please don't.

MS HOGAN-DORAN SC: Can I - whoops, we've lost it. Perhaps it's the --

30 MR CAMERON: No, that's okay.

MS HOGAN-DORAN SC: -- 13 November, is that first one not the ADF-International Charter for Space and natural disasters?

35 MR CAMERON: Yes. That's what I was - that's the one I was hunting for. Thank you, counsel. Yes, I think that's perhaps the only one that isn't and just because the phrase or the acronym ADF doesn't appear in that Details column doesn't necessarily mean - or it- it wasn't provided by the ADF.

40 MS HOGAN-DORAN SC: All right. And I think you said before, and we will pursue this further in the afternoon today, but is there a reason why it's the ADF that's performing all these tasks requests?

45 MR CAMERON: Well, it's because the - by and large, the ADF has most of the - most of the personnel that are most readily applied to this kind of - this kind of

ask, they're - they're equipped, they are trained, and they're a disciplined uniform enterprise that can - that can and - and should provide assistance through State governments to Australian communities. It's - they're the predominantly enabled Commonwealth entity to be able to provide this.

5

MS HOGAN-DORAN SC: All right. I understand, Mr Cameron, your solicitors have asked if they can come in and give you a copy of this in a hard copy version, which I have no trouble with them doing, particularly as the Commissioners now have a hard copy may have some questions to ask. So we will just pause and have that brought in to you.

10

MR CAMERON: Thank you.

MS HOGAN-DORAN SC: And if you can just let me know when that happens.

15

MR CAMERON: Done, got it.

MS HOGAN-DORAN SC: You've got it now? Terrific.

20

MR CAMERON: Thank you.

MS HOGAN-DORAN SC: I just want to understand two more things in relation to this and then I will just pause with the Commissioners. The first is that - is this a contemporaneous document, that is a document that is collated during the course of CCC's work, and when I say CCC I mean the Crisis Coordination Centre's work, or is this a subsequent document prepared for the purposes of assisting the Commission?

25

MR CAMERON: Most definitely, on my understanding, the latter.

30

MS HOGAN-DORAN SC: And how is it sourced? How is this information - from what source is this information collated?

MR CAMERON: So the - the CCC, the Crisis Coordination Centre, uses an incident information management system to record all its information transactions. And it will be compiled from - from that system and from - from email traffic to and from either individual officers or group accounts as part of EMA's email - email structure.

35

MS HOGAN-DORAN SC: And does that incident management system enable the tracking of the stages of the task and the response to the task?

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MR CAMERON: Does the system enable the tracking? Well, the people operating the system do the tracking.

45

MS HOGAN-DORAN SC: Facilitating.

MR CAMERON: Using the system. That's right.

MS HOGAN-DORAN SC: And does it enable those operating the system to have a real-time picture as to the status of the task?

5

MR CAMERON: The system is only as good as the information that goes into it. And I mentioned to you before in my evidence to you, counsel, that when I was describing the process of a COMDISPLAN request about the - the engagement with the States and with the agencies, that is ongoing and it happens all the way through - all the way through a task being executed as well. You asked me about liaison officers earlier in this, and I should - perhaps should have mentioned in my evidence at that point that we take ADF liaison officers into the crisis coordination team as well.

10

15 So there is a direct line from the various components of the Australian Defence Force which is a very large organisation, perhaps even best described as organisations. It's straight into to the crisis coordination team in the CCC and that also assists us track - track how things are going.

20 MS HOGAN-DORAN SC: So just on that next tab, operator, which is the last page in this bundle, of the hard copy bundle, that refers to EMA LO deployments. LO, is that liaison officer?

MR CAMERON: That's true. That's right, yes, liaison officer.

25

MS HOGAN-DORAN SC: Were you talking just a moment ago about EMA's liaison officers with respect to these tasks as opposed to ADF liaison officers that might assist EMA?

30 MR CAMERON: Yes. I'm sorry, I may have confused there. That was not my intent.

MS HOGAN-DORAN SC: No, no.

MR CAMERON: I'm talking about both. So EMA deploys its own people. So my staff will go and work inside State coordination centres. They are EMA LOs. From time to time State people - I described an example of a Hazmat expert from the ACT Fire and Rescue, or Defence employee- ADF people will come and work in the CCC and they are liaison officers coming into. So we both deploy out and we bring in, so that we are as well informed as we possibly can be.

40

MS HOGAN-DORAN SC: Commissioners, I'm going to pass from that document but it's connected to - if we can just go back to the first tab, the November period, Time Line of Activations. So we can see some activation on 4 November, 8, 9, 9, and then we see an activation - activation on 11 November for Queensland and also one for New South Wales. I want to take you at that point to a document. The Commissioners, do you have anything further on this document?

45

COMMISSIONER BINSKIN: No, thank you.

5 MS HOGAN-DORAN SC: HAF.505.101.0014. 39. Now, I'm going to do a few things in relation to this to try and speed it up, Mr Cameron. One of the roles, as I understand, that EMA performs is it coordinates meetings of the Australian Government Crisis Committee; is that right?

10 MR CAMERON: That is correct.

MS HOGAN-DORAN SC: And the Australian Government Crisis Committee meets, on your evidence, met for the first - sorry, I will start that again. The date of this document on its face is Monday, 11 February 2019 but was provided to the Commission subsequent - recently with the file name 11 November 2019 and I can take you to the contents of it to indicate that it is an 11 November 2019 - likely to be that date. Is that your understanding that this is a document setting out the outcomes of the Australian Government Crisis Committee for 11 November 2019?

20 MR CAMERON: That is my understanding.

MS HOGAN-DORAN SC: All right. And in your statement you speak of the meetings of the Australian Government Crisis Committee. Is that the first meeting of that committee in respect of the 2019-2020 bushfire season?

25 MR CAMERON: I believe that's the case, yes.

MS HOGAN-DORAN SC: All right. Now, just capturing for the Commissioners what the Australian Government Crisis Committee is, it is a whole-of-government - we've seen that phrase before - a whole-of-government coordination committee in relation to responding to domestic crises; is that correct?

35 MR CAMERON: That's true. It's the Commonwealth's - Commonwealth Government's agency level crisis - crisis committee.

MS HOGAN-DORAN SC: All right. So it has a number of standing member agencies?

40 MR CAMERON: That's right, yes. I think - I think in my - in my evidence I've got the terms of reference for that.

MS HOGAN-DORAN SC: Yes, you do. I don't think I need to take the Commissioners to that. Did you participate in all of the AGCC meetings over the 2019-2020 bushfire season?

45

MR CAMERON: No, not all. You might appreciate that they were quite frequent and there were competing demands on my time, but where I could attend, which was the bulk of them, I did.

5 MS HOGAN-DORAN SC: And are there other - sorry, that is at a Commonwealth Government level only; is that correct?

MR CAMERON: That's right. That is right.

10 MS HOGAN-DORAN SC: And it doesn't have any other observers from any other State or Territory agencies; is that correct?

MR CAMERON: No, there's a - there's a national - again, we go back to that distinction between Australian Government and national - there's a National Crisis Committee that does, I think, exactly what you're pointing to.

MS HOGAN-DORAN SC: That's right. And so the National Crisis Committee, if we can go to 01 - 0018, you will see EMA is after the second dot point. We will just have that passage, thank you, operator. It's not a memory test, but this document identifies that this is the first meeting and in the face of severe and catastrophic fire warnings, which were provided by way of information to this committee from the Bureau of Meteorology. There is a reference there to what you've just spoken of, which is a national crisis coordination meeting. Is that the National Crisis Committee you understood was also to be held that day?

25

MR CAMERON: Yes.

MS HOGAN-DORAN SC: All right. Now, the National Crisis Committee - I will have that pulled up - that met - paragraph 29, it's dealt with in your statement. Just bear with me. That's the National Cross-government officials' Committee? That's the best way to describe that?

30

MR CAMERON: Yes.

35 MS HOGAN-DORAN SC: All right.

MR CAMERON: If cross-government means all the jurisdictions in the federation, yes.

40 MS HOGAN-DORAN SC: And the committee, that committee, that is the NCC, provides a bridge between the Commonwealth Government and the State and Territory governments to facilitate cooperation and coordination around the response to domestic crises?

45 MR CAMERON: Yes.

MS HOGAN-DORAN SC: You said earlier in your evidence that you attended a number but not all of the AGCC meetings, a frequent number of meetings by the AGCC over the course of the bushfires - over the 2019-2020 bushfire season. How many meetings of the National Crisis Committee were there held in that period, to your recollection?

MR CAMERON: Two.

MS HOGAN-DORAN SC: Do you have an explanation as to why there were only two such meetings?

MR CAMERON: So there were two. There was one on that day that you've just referred to and there was another one in early January. I don't have the exact - I'm sure I do in my pack here somewhere, I don't have the exact date.

MS HOGAN-DORAN SC: The 13th.

MR CAMERON: 13th, thank you. No explanation required other than it wasn't particularly needed. There was frequent and ongoing engagements at operational level, including at commissioners and chief officers level with each of the jurisdictions involved, and the situation was well understood. Ministers were well engaged. State governments, of course, were engaged. And there wasn't a particular need for a National Crisis Committee, a rolling series of National Crisis Committees to share information. Information was being shared and governments were in - were in frequent and routine contact.

MS HOGAN-DORAN SC: You just made reference to the commissioners and chief officers. You're co-chair of the Commissioners and Chief Officers Strategic Committee?

MR CAMERON: I am. That's the - that's the CCOSC and I saw you discuss this at length with Mr Ellis yesterday. That's right.

MS HOGAN-DORAN SC: Now, you've just mentioned the chief - the commissioners and chief officers. When you were referring in your earlier comments about the coordination, or the meetings and exchange of information happening between various organisations - sorry, I will start that again. You referred to the commissioners and chief officers and they being appraised of what was going on, in a context where there was not meetings of the National Crisis Committee. Were you attending meetings of the Commissioners and Chief Officers Strategic Committee during this period?

MR CAMERON: Yes, I was. And, if I was there, I was chairing them. I think - from memory, I think I might have been unable to attend one.

MS HOGAN-DORAN SC: Does that strategic committee feed in any way into what is discussed at the National Crisis Committee? Is there any formal or informal coordination between those two committees?

5 MR CAMERON: There's no structural link between those two - those two entities. These are - in this context these are teleconferences of people with responsibilities in each jurisdiction. There's quite an overlap between an NCC meeting about fire and - in terms of membership, and a CCOSC meeting which is the fire and emergency services chiefs. So there's no structural link, but there is - it's essentially a
10 lot of the same people.

MS HOGAN-DORAN SC: Given that it's a lot of the same people, was there a decision or was it simply the effect that there were more meetings of the CCOSC committee than the National Crisis Coordination Committee because it was related to
15 fire and fire emergency services?

MR CAMERON: Counsel, I would simply characterise it to you as there was no particular apparent need for that National Crisis Committee to meet with anything other than the frequency that it did, because there was no shortage of information
20 available to the players, to the participants. The COSC is one mechanism by which that information was being shared, and resource implications and requirements were well understood. And there was engagement directly between the elected leaders in jurisdictions, engagement bilaterally into the jurisdictions most principally impacted with the Commonwealth. So there wasn't an apparent need for that.

25 MS HOGAN-DORAN SC: Does the National Crisis Committee or National Crisis Coordination Committee. We will just go to HAF.001.0001.0171, which is the minutes for, or the outcomes document for the 11 November 2019 meeting. Is this a decision-making body or simply, I think the way you were describing this, as a
30 coordinating body?

MR CAMERON: A coordinating body. Certainly, it makes decisions in terms of agreeing things, things like - and critically in large-scale disasters, consistency of national messaging, for example, that's very important. So those sorts of things can
35 be agreed at a National Crisis Committee. Principally, my experience with these - these functions is that they are a way of achieving a shared understanding of what is happening

MS HOGAN-DORAN SC: So if we could just, before we pass, just go to 0177. Right document? 0177. Yes. So this is a 10 January 2020 meeting. Does that accord
40 with - I think you gave a January date for the second meeting of the National Crisis Committee.

MR CAMERON: I said - I said early January.

45 MS HOGAN-DORAN SC: You did.

MR CAMERON: You suggested 13th. If it was the 10th, yes, I don't have the run sheet in front of me. But I know it was early January.

5 MS HOGAN-DORAN SC: Your recollection was good, Mr Cameron. It was me who misdirected you, and that's why I wanted to show you that it was 10 January. Now, so you've said this is more a coordination and information sharing committee?

MR CAMERON: That's certainly my experience in recent times, yes.

10

MS HOGAN-DORAN SC: The- If I might ask you to, if you can, to draw a comparison between that committee and The Commissioners and Chief Officers Strategic Committee, is that merely a coordination or/and information sharing committee, or is there something more?

15

MR CAMERON: So, in practice, the NCCs as I have described, the CCOSC, the commissioners and chief officers committee of AFAC has a slightly different role. Yes, there is a lot of information sharing. If I'm chairing one of those meetings, counsel, I will typically ask each of the commissioners and chiefs to provide a very quick situational update of what is unfolding on the ground and what their likely resource requirements are, so people and equipment going forward. And then in the course of those meetings after that situational update, agreements between the chiefs and the commissioners of that - that committee in that - in that committee structure under AFAC can agree to - agree to share - share resources.

20

25

MS HOGAN-DORAN SC: So in the agreements that are reached to share resources, in your experience of chairing or co-chairing that committee, how are decisions about prioritisation of resources made?

MR CAMERON: Well, taking into account the unfolding situation, and in the context of the time frames for moving people about the countryside, either by - by air or in the context of bushfires, if rural tankers are involved, driving trucks, in the context of those time frames, what is likely to be required when. That's how - that's how priority, prioritisation is contextualised in that - in those meetings. There's a - a prioritisation guidance document that EMA has developed and sponsored. That is currently with the ANZ EMC, the Emergency Management Committee for endorsement, outlining a set of principles that should be - that we are proposing should be considered. It's a guidance document.

35

40 MS HOGAN-DORAN SC: Can I just pause you there, Mr Cameron.

MR CAMERON: Sure.

MS HOGAN-DORAN SC: Could we have AFC.502.001.0971 brought up on the screen, operator. This was in yesterday's materials, Commissioners, and I can get the exhibit number passed up to me in a moment. This is the document I took Mr Ellis to

45

yesterday, a guidance note, National Resource Prioritisation with the marking of discussion draft. Is that the same document or same guidance or guidelines of which you were just speaking, Mr Cameron?

5 MR CAMERON: Yes, it is counsel. So I think this is - I think this, the one you have on the screen there is the version that would have been sent out - would have been sent to AFAC and then issued to Commissioners and chiefs in - in mid - mid-December.

10 MS HOGAN-DORAN SC: When you say mid-December --

MR CAMERON: It has since been --

15 MS HOGAN-DORAN SC: Sorry, Mr Cameron, when you say "mid-December", is that mid-December 2018 or mid-December 2019?

MR CAMERON: 2019. Sent out - so there's a - this document has a - has a, sort of, a six or seven months life span that was started to be worked up after discussion about prioritisation and the challenges therein, particularly in the context of catastrophic
20 disasters, both at ministerial forum mid-year and then at - with officials in various forums shortly thereafter. EMA pulled together ANZ EMC nominees from each State and Territory, workshopped this guidance in October, continued to refine it and issued it in - in this discussion draft form in - in December. It's currently before the ANZ EMC for endorsement in a - in a - I suspect a marginally finalised or amended
25 form from this particular version. I think Mr Ellis has given you this version which was the one that we gave to him in - in December.

MS HOGAN-DORAN SC: Right. This document speaks to interim arrangements, if we could just go to 0973 and the paragraph:

30 *"EMA proposes the following interim guidance be adopted by Commonwealth State and Territory agencies for 2019-2020 severe weather season."*

35 Does the final document that's presently before the ANZ EMC also include interim arrangements, or have we moved past that point and it's more a standing arrangements proposal?

MR CAMERON: So - so we're proposing that this be adopted and retained as a set of interim arrangements, and the second sentence is operative here; that until we do
40 some quite detailed - as it says there - national planning, policy development and implementation work on planning and preparing for catastrophic disasters - until we reach agreement on some national guidelines, we are proposing that this set of interim arrangements be - be - be the prevailing and guiding - the prevailing guidance. This is guidance, counsellor. There is no - there is no way that this can be
45 enforced. Any - any set of considerations in this context is - is - can only be couched as - can only be couched as guidance. If you --

MS HOGAN-DORAN SC: Why do you say that, Mr Cameron?

5 MR CAMERON: Well, unless each of the States were to formally adopt into either
legislation or doctrine anything other than what is essentially a set of prioritisation
criteria for consideration, which is a longer way of saying guidance, that's all this can
be. And we haven't suggested that they do that and I haven't seen any evidence from
any of my senior State colleagues that that is what they intend to do with this. Some
10 may be looking to hardwire these sorts of things into their arrangements. Certainly,
from the Commonwealth perspective, we would be looking to have the prioritisation
criteria that's further down that page, just under that Interim Arrangements heading
there.

15 MS HOGAN-DORAN SC: Yes, just go down that that.

MR CAMERON: Yes, we would be looking to make that more prominent in the
Commonwealth's own - yes, thank you - in the Commonwealth's own planning
material.

20 MS HOGAN-DORAN SC: I see. Mr Ellis yesterday indicated that he thought that at
least the interim arrangements as set out in this document had been adopted by, and
applied by, the Commissioners and Chief Officers Strategic Committee during the
2019-2020 bushfire season. Is that your understanding?

25 MR CAMERON: It was certainly shared with the CCOSC members, there's no doubt
about that, and as I said before, that happened in mid-December. And if you look at
the prioritisation criteria there that's highlighted on the screen, I think you can see
that those criteria were applied. I'm unaware of any action by any fire emergency
service or, indeed, any Commonwealth agency that didn't - didn't act in that order.

30 MS HOGAN-DORAN SC: One of the matters that was raised with or by
Mr Ellis - sorry, Chair, did you?

35 COMMISSIONER BENNETT: I was going to ask for one clarification question if I
may, Mr Cameron. I heard you say that they were applied. I think the question was:
was there any formal agreement to them? Would there normally be a need for a
formal, like a resolution-type agreement, or does the CCOSC work in a way that it
just sort of happens, if you know what I mean?

40 MR CAMERON: Well, it can do both, Commissioner Bennett. It's not - it depends
on what it is. For something like this, I think having the endorsement of the
commissioners and the chiefs is pretty important and, indeed, on its way through to
the ANZ EMC as I described a minute ago for formal endorsement, which is being
sought now --

45

COMMISSIONER BENNETT: So would the formal endorsement come from CCOSC or from the ANZ EMC?

5 MR CAMERON: So, the ANZ EMC is a - is the senior official - senior emergency management officials acting for and on behalf of their governments. You spent quite some time yesterday quizzing Mr Ellis about the CCOSC as a subcommittee of AFAC. It - and that's a slightly separate discussion. But the - the endorsement of the commissioners and the chiefs through the CCOSC, important, and has been endorsed. My notes tell me that - my recollection is that that happened in late April
10 this year on its way through to the ANZ EMA. So that has happened, its formal endorsement, but it was provided to the CCOSC last December as guidance, even if - to invent a word - unendorsed or sort of informally provided because I think - and my strong view is that - my strong view is that some guidance, even if - even if not formally endorsed is better than no guidance at all.

15 COMMISSIONER BENNETT: Can I ask one more question to clarify one other thing arising out of yesterday's matter? Is there any formal reporting from, or oversight of, the CCOSC by EMA or the Department of Home Affairs?

20 MR CAMERON: Formal oversight or reporting to - well, I participated in and I co-chaired the meetings.

COMMISSIONER BENNETT: I understand that.

25 MR CAMERON: But oversight? Oversight, no.

COMMISSIONER BENNETT: Thank you.

30 MS HOGAN-DORAN SC: The CCOSC principally uses the National Resource Sharing Centre of AFAC which we heard some evidence of yesterday and you address in your statement. HAF.502.001.0014, I will just have the operator take you to paragraph 46. Do you want me to give you that again, operator? HAF.502.001.0014. Or do I need to give you the first page of the statement? Just before we pass from this document, the guidance note, for the purposes of the record,
35 is exhibit 4.1.20. This is from yesterday. No success? All right. I will just take to you it, Mr Cameron, in the interests of time. You make the observation that:

40 *"CCOSC principally uses the NRSC of AFAC to give effect to inter-jurisdictional resource sharing."*

And it's your observation that the AFAC NRSC arrangements work well. You then go on to say that you have, however:

45 *"Previously expressed to CCOSC member colleagues some reservations about whether the authorising environment for inter-jurisdictional resource sharing via the NRSC is appropriately created under the auspices of AFAC, a nonprofit company."*

What are the reservations that you have expressed?

5 MR CAMERON: Counsel, it's really a governance risk reservation. And I must - I must preface my comments here by saying that the CCOSC, as a collective, works very well, and I think I say that in my - in my evidence. And the NRSC also works very well, and I say that in my evidence. It's - and I wouldn't like to see the capability of the NRSC diminished in any fashion whatsoever. And I say very clearly in my statement to the Commission that we - we all welcome the presence of interstate
10 crews, fire, emergency services, every - every fire season. These are - these are critical - these are - the ability to share efficiently and rapidly between our jurisdictional organisations is a critical component of the national capability, and it must continue.

15 My reservation - my reservation is only about the authorising environment in which the agreements to share are created. My view is that that probably should be the province of governments, rather than the province of a not-for-profit company. And I say it again, I'm not diminishing the value of the exchange, it's just the authorising architecture.

20 MS HOGAN-DORAN SC: When you've expressed these reservations, do you understand why, notwithstanding these reservations and that they've been expressed, that the authorising environment continues? Put it another way --

25 MR CAMERON: I'm not sure I understand.

MS HOGAN-DORAN SC: I will put it another way, Mr Cameron. Despite having expressed these reservations, the authorising environment has continued, is it your - do you have an explanation for why that is?

30 MR CAMERON: Because it's going to - well, because that's the extant authorising environment, and until and unless we agree to change it, it will remain. The - the comment in paragraph 46, the last sentence:

35 *"I will be seeking to explore this reservation further with AFAC and CCOSC colleagues to validate and, if required, mitigate that risk."*

That's my intention there.

40 MS HOGAN-DORAN SC: All right. Is the --

COMMISSIONER BINSKIN: I am sorry. And we know Mr Cameron is coming back again, but that will be an area that we would like to explore as to what a potential way forward may be.

45 MS HOGAN-DORAN SC: Before I --

MR CAMERON: I'd be very happy to talk about that.

5 MS HOGAN-DORAN SC: Yes. Before I pass from that, and you're right, Commissioner- Chair, that is intended further for stage two. Is the guidance note that you prepared, the National Resource Prioritisation Guidance Note that I took you to a moment ago, related in some way to this reservation or this observation that you've made, and the concern to mitigate the risk or the governance risk?

10 MR CAMERON: Look, it is, thematically I would suggest to you, counsel. So the evidence of - the evidence is unequivocal in relation to more severe, more frequent natural hazard impacts on Australian communities, regrettably. If - if we are to do as much planning as we possibly can to make sure that our governance is as safe as possible, then I want to make sure that, together with - together with senior
15 colleagues in each of the States and Territories, with the commissioners and the chiefs, and with AFAC colleagues, that our operating environment is as - again, as safe as possible. I don't mean safe in a physical sense, I mean safe in a governance sense.

20 And if you take the - you take the impact of the changing climate into account, we're going to have, again regrettably, more disaster impacts which will stretch our capacity. And if you take that to its ultimate end, we could be faced, at some future point, with a decision that needs to be made collectively where - where resource element A can - can be applied to incident B or incident C, but not both. And that
25 requires very safe governance arrangements to make those sorts of decisions because the impacts on the community to which the - the capability is not deployed could be dire and, indeed, are likely to be so. So I want to just make sure that, as best I can, that those governance arrangements are safe.

30 MS HOGAN-DORAN SC: Mr Cameron, I'm going to leave that matter just for now. But in the paragraph above, and I'm not sure that we've been able to - have we been able to get the statement up? All right. You make the observation, paragraph 44 for those following, that the CCOSC- that in your opinion:

35 *"The CCOSC is an extremely valuable vehicle for assisting and creating a shared national operating picture."*

I just want to take that observation and go back to what is going on within the Australian Crisis Coordination Centre. Amongst the materials that you've provided to
40 the Commissioners are incident briefs. Is there any linkage between the preparation of the incident briefs by the Crisis Coordination Centre and the national operating picture that is derived at the CCOSC level? That is, is there any connection between what's going on in CCOSC, the situational awareness, the operating picture, the national picture in relation to interstate assistance and exchange of resources, is there
45 any connection between what's going on there and what's going on in the Australian

Crisis Coordination Centre and then its creation or identification of a national operating picture?

5 MR CAMERON: Yes, of course there is. The Crisis Coordination Centre
collects - collates information from a wide variety of sources, either directly
from - from the Commonwealth's own observations, from the met bureau, from
Geoscience Australia, from the ADF, from - from wherever. From - directly from
10 State and Territory fire and emergency services. We talked about liaison officers a
minute ago: that's a key piece in that information collection and the creation of a
shared understanding, both liaison officers both in and out of the Crisis Coordination
Centre. That's a key information conduit. And then either up-to-date new or
information from it - from exchanges like those provided in CCOSC meetings.
So - so, yes, there is a - there is a direct information there.

15 MS HOGAN-DORAN SC: Could I just have recorded for the benefit of the
transcript that the references I have been giving to - my references have been
incorrect and I should have been referring to HAF.502.001.0014 which is - can we
just see if we can get that up. HAF.502.001.0014. Still no luck? Right. Taking you
20 back to this, Mr Cameron, I'm sorry to divert you, you were talking about creating
the incident picture and the incident information that is collated by the Australian
Crisis Coordination Centre, and the different components or integers of the
information that is gathered.

25 Could we have shown HAF.8001.0001.0661. Commissioners, this document is
behind tab 21, I believe. There we go. Now, Mr Cameron, this is an
incident - document marked as an Incident Brief of the Australian Crisis
Coordination Centre, 18 January 2020 with a National Bushfire Overview Version
58. Could you just tell the Commissioners briefly what is this document and it says
30 it's version 58. Are we right to take from that that there's 57 that preceded it?

35 MR CAMERON: You are right to assume that, yes, of course. Commissioners, this is
an overview of the national bushfire situation at the date of - at the date marked on
the top of the page. It gives some key summary indicators of the current state of play
there. It goes to, regrettably, the lives that were lost to date, to that date. It goes to the
40 areas of land burned. It goes to the current status of fires at that - at that time. Inside
the CCC, we would typically but not formally refer to this as a rolling incident brief,
hence the fifty - what was it? - 58 iterations to this point. Subsequent pages will
provide a State-by-State breakdown with some key - with some key indicators about
impacts.

MS HOGAN-DORAN SC: I will just pause you there, Mr Cameron. I will just pause
you there and we will just go across to --

45 MR CAMERON: Sure.

MS HOGAN-DORAN SC: Actually we might just scroll through, is probably the best way as we see some notations. There's a reporting on a national and then New South Wales and so on State-by-State basis, identifying fatalities, injuries, total fires, fires of concern, resources deployed, damage assessments - next page - transport matters, road, rail, telecommunications. Next page - power, liquid fuels, water. Then down the page, health, agriculture and evacuation centres. And then we see a similar thing for each other State and Territory. If we could go then through to page 13, if we turn the document, which is 0673, the national fire danger ratings. And then the next page, the national weather forecast. Then we move through several pages of disaster recovery funding arrangements. One of the matters - just go to, yes - one of the matters that your statement details is that EMA has a role as administering the Australian Government Disaster Recovery Payments and - arrangements, I should say. The --

15 MR CAMERON: That's true.

MS HOGAN-DORAN SC: Yes.

MR CAMERON: So the disaster recovery funding arrangements, we do also administer the Disaster Recovery Payment and the Disaster Recovery Allowance.

MS HOGAN-DORAN SC: Thank you for that. I'm just going through. I'm reminded, when we passed through those earlier pages, there were some yellow highlighting on particular portions of the text. Does that signify something in particular?

25 MR CAMERON: Well, usually that indicates new information.

MS HOGAN-DORAN SC: I see. So you said before --

30 MR CAMERON: Probably a flag on the front page.

MS HOGAN-DORAN SC: You said before that it was a rolling incident brief. So may we take it that as new information is added at a particular version, that will be highlighted as the new information?

35 MR CAMERON: That's - that's usually the case, that's right, yes.

MS HOGAN-DORAN SC: All right. Now, I want to take you through then to the page 0680. So after several pages of these recovery assistance details, we have a daily all-hazards report. My first question in relation to this is, to whom is this incident brief and including this daily all-hazards report distributed to?

MR CAMERON: So they're two separate products.

45 MS HOGAN-DORAN SC: Okay.

MR CAMERON: That's the first point. And regardless of whether there's an incident that has prompted the production of an information piece like that rolling incident brief that you've just been asking me about, counsel, the all hazards report is issued every day - every day - and deals with all of the current and emerging sources of threatened risk that are - that are worth - that are worth in our assessment reporting at a national level.

MS HOGAN-DORAN SC: Could we just go to the next page.

10 MR CAMERON: So, the two --

MS HOGAN-DORAN SC: Just to get a sense of that. So that's the executive summary, the significant events. And this is, of course, for 18 January so it's some way in and through the 2019-2020 bushfire season?

15

MR CAMERON: That's right. That's right. So you can see there that on that day, the - what is - what is currently coming are those two heatwave ratings. You can see a summary there of the national terrorism threat level. I've spoken about the all-hazards approach earlier in my evidence to you. And you can see there a short list, see RD Australian Government plans that are currently being activated. You can see there that COMDISPLAN is activated for those - for the fires.

20

MS HOGAN-DORAN SC: All right. Just scrolling down so we can see all of those on that page, there we go. Now, I just want to just close this out. If we can go over to page 0689, International Emergency Management, this is a tropical whether forecast for the South Pacific Ocean on what looks like development of a tropical low, potentially tropical cyclone - or, indeed, it is Tropical Cyclone Tino. Is the CCCs purview beyond just Australia, tracking all this information as well internationally?

25

MR CAMERON: Look, we do. Yes, we do. Obviously, the Department of Foreign Affairs, indeed as per the Australian Government Crisis Management Framework that you asked me about earlier this morning, is the lead agency for offshore crises. But we track this as well. We work very closely. The Crisis Coordination Centre in the Department of Home Affairs, works very closely with the Global Watch Office in the Department of Foreign Affairs, and there really shouldn't be any information delay between the two operation centres.

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We track these sorts of incidents very closely because if the - if the government makes a decision to mount, for example, a humanitarian relief operation from - well, using this - using this example, this cyclone - with one of our near neighbours, then much or some of the government's response will be drawn from our domestic emergency management capability. Just two examples: our - Australia has two - two internationally accredited urban search and rescue teams - one run out of New South Wales Fire and Rescue, one run out of Queensland's Fire and Emergency Service - and they could be deployed offshore if required.

40
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Likewise, Australia has a very sophisticated medical assistance team capability, AUSMAT. The Commissioners may have heard of that being referred to in other contexts. And EMA, at the request of, operating on behalf of DFAT plays a coordination role in deploying those sorts of capabilities. So we monitor - we
5 monitor the international emergency management quite closely, particularly - particularly in the Pacific and in our region. We're interested - counsel and Commissioners, we are interested in sources of threatened risk to Australians - Australia and things that Australians value.

10 MS HOGAN-DORAN SC: I see. The incident brief that this page is included in - sorry, I will take that again. You indicated a moment ago that these are two separate reports; is that right? This is an all-hazards report and then the incident brief. Are we right to understand that the all hazard report is incorporated into the incident brief?

15 MR CAMERON: No, counsel, they're separate products. There's - much of the information is the same of course, particularly in relation to what the incident brief is about. The incident brief is about the fires, in this case. The all-hazards brief is, if you like, what might be useful here, is the daily bulletin of all of the things that are
20 happening.

MS HOGAN-DORAN SC: All right. So let me just take that into a couple of stages. I think in our bundle they're together. The all-hazards report, to whom is that distributed?

25 MR CAMERON: It's distributed every morning at 6.30 am to about 800 or so Commonwealth State and Territory, local government, email addresses. Also sent to about 200 or thereabouts email addresses that end in .com, so the private sector, key private sector partners. And many of those - many of those addresses are to
30 mailboxes that obviously then just forward them on throughout their organisation. That happens in Defence we know. That happens in some of the States and Territories we know. So --

MS HOGAN-DORAN SC: Just pausing there: you mentioned key private sector
35 partners. You also address, in your statement, members of the Trusted Information Sharing Network, TISN. Are those key private sector partners members of TISN? That is - is there some alignment?

40 MR CAMERON: Well, that's a typically --

MS HOGAN-DORAN SC: Or that's a different --

45 MR CAMERON: Yes. No, no, that's right, because a companion piece to the - to the - describe it as the daily bulletin, the all-hazards daily report - a companion piece to that is a telephone briefing for Commonwealth and State agencies should they wish to dial in. That happens at 8.45 every morning: a short, sharp, situational update

on what is happening. Once a week, on Tuesdays, in partnership with the Critical Infrastructure Security Division which is that element of the department that administers the TISN, in partnership with that division, we have for the last, I would say 12 months or so - it may be longer or shorter - have invited industry members to
5 join the teleconference, and once a week did a briefing that is tailored to - to their perspectives, and with an opportunity for them to ask questions as well. And the membership, or the participants of that once-a-week briefing are essentially drawn from the TISN membership.

10 MS HOGAN-DORAN SC: Commissioners, I note the time. I'm happy to be completed at this point.

COMMISSIONER BINSKIN: Okay. I've got one question in multiple parts for Mr Cameron which leads into this afternoon. And so can we go back to the National
15 Crisis Committee outcomes, minutes that we have, which is HAF.8001.0001.0171.

MS HOGAN-DORAN SC: Tab 5.

COMMISSIONER BINSKIN: Tab 5, yes. That one there. So Mr Cameron, and I
20 may have missed it in there and I apologise, this was the first meeting of the NCC. Noting the fires had been burning I think late July, early August, what was the trigger for this NCC to come together?

MR CAMERON: So we had originally planned, Chair, to have a National Crisis
25 Committee a couple of days after, scheduled for, I think, the 13th, on the 13th.

COMMISSIONER BINSKIN: Yes.

MR CAMERON: There was a forecast catastrophic fire weather period in New
30 South Wales, from memory.

COMMISSIONER BINSKIN: Yes.

MR CAMERON: That prompted us to bring this forward to make sure that everyone
35 had a - as I've described, the function of the NCC had a shared understanding. You can see the record of the conversation in the - in the outcomes document there -

COMMISSIONER BINSKIN: Yes.

MR CAMERON: - was the - it was the forecast for that catastrophic fire weather that
40 prompted this to be held on that date.

COMMISSIONER BINSKIN: Okay. And so a shared understanding, being the first
45 meeting of the NCC I would take "shared understanding", and from experience, to be just a chance for States to baseline where they are, Commonwealth agencies to baseline where they're at and really get that first higher level, even though the

mechanisms have been working before, really make sure everyone's on the same music sheet. Would that be the best way of putting it?

MR CAMERON: It's a way of putting it, sir. Yes, it's a - yes, I think so.

5

COMMISSIONER BINSKIN: Okay. So can I go to page - and this really is just so we can lead into this afternoon - 175. I just want to just draw out a couple of points here that will help us this afternoon and just confirm something. Go down where it's got EMA and ADF, so if you can just highlight for us just to confirm the minutes reflect how this meeting went, is leading into this, EMA and the Australian Defence Force, I assume Sunday, i.e. the day before:

10

".. have looked at how the Commonwealth may be able to support States as a force multiplier. That, based on that, States request to make requests from ADF and other resources as far in advance as the need is possible."

15

That does mention that LOs are being - liaison officers have been deployed. Now, I go down to the Defence Force:

20 *"CDF saw that units respond locally and proactively to assist States."*

And if we go to the next page, again:

"Make requests of resources as far in advance as possible."

25

And the COMDISPLAN shows they were requesting, so that was good, but:

"States should not be constrained to the capabilities listed."

30 And so we will take that up with the ADF this afternoon about how the ADF conveyed what other capabilities might be available at the State level. But to me that indicates that on 11 November the Commonwealth had been quite forward leaning with the States on what was available, had refreshed the processes and the like for how to request those resources, on what generally may be available and that was made at the NCC; is that correct?

35

MR CAMERON: That is correct.

COMMISSIONER BINSKIN: Thank you. That will help us baseline into this afternoon's discussions with the witness. I appreciate that very much. Commissioner Bennett?

40

COMMISSIONER BENNETT: No, I have no questions. But thank you very much. That was very helpful.

45

COMMISSIONER BINSKIN: Commissioner Macintosh?

COMMISSIONER MACINTOSH: Thanks Chair. Just one quick question. You've made mention in your witness statements on a number of occasions to the national bushfire intelligence capability. I understand that's only a relatively new concept. But
5 I just wondered whether you could give us - or capable of giving us a better idea of what that might include?

MR CAMERON: Thanks, Commissioner. So I preface my answer here by saying that we don't - it is - to my way of thinking, it is unfortunate that we don't, in
10 Australia, have nationally consistent hazard, in particular bushfire information systems. Each of the States and Territories quite rightly, for a whole range of legacy reasons and abilities to invest and likewise the Commonwealth is dealing with legacy systems and stand-alone systems. So we're coming at this from a - from, you know, if you like, nine different jurisdictional perspectives.

15 An example of that is the - even things as simple as a national fire map, which, in fact, COAG in March asked Australian Data and Digital Council to work with ministerial council, police and emergency management to develop a national fire map. Those maps are - those maps that you see, and I'm sure you've got several
20 throughout your evidence, are essentially manually compiled collations, syntheses of jurisdictional products.

A national bushfire intelligence capability is conceptually designed to have a genuinely common operating picture that picks up where fires are burning, what the
25 fuel loads and the like might be, where areas of risk exist, where communities or other elements at risk - to borrow some risk management doctrinal language - are located and where forecasts might be.

Much - much of the - much of the conceptual model for a national bushfire
30 intelligence capability already exists and there has been some fantastic work done in the Australian Fire Danger Ratings System, the AFDRS. There's been some truly groundbreaking work done in that front and we want to be able to leverage that to make a genuinely national bushfire intelligence capability.

35 COMMISSIONER MACINTOSH: So that would cover things like, just to rephrase, fire tracking, fire forecasting, fire scar mapping, I assume also fire severity assessments, all those sorts of capabilities?

MR CAMERON: All of those sorts of capabilities, Commissioner. I hope we can get
40 a long way further than just fire mapping. Fire mapping, past tense, where fires have burned, burn scars -

COMMISSIONER MACINTOSH: Yes.

45 MR CAMERON: - should be - should be the - be the most transactional baseline.

COMMISSIONER MACINTOSH: Thanks very much. Nothing more, Chair.

COMMISSIONER BINSKIN: Commissioner Bennett, one more question?

5 COMMISSIONER BENNETT: I was just going to comment, the detail of how some of this information sharing works, we're going to deal with that in a subsequent hearing so far as this is concerned, are we?

MS HOGAN-DORAN SC: No, I don't think so. Well, we can, of course.

10

COMMISSIONER BINSKIN: We can.

COMMISSIONER BENNETT: It's probably a follow-on a little bit from what Commissioner Macintosh asked, and that's matters such as paragraph 83 of Mr Cameron - of your statement, Mr Cameron, where you talk about:

15

".. the general challenges to hazard related information sharing across jurisdictions."

20 And:

"The willingness to standardise and integrate data feeds "

And that's a part of what you just put into the area of your answer or the area of your statement where you've dealt with:

25

"Describe any opportunities for better information sharing across jurisdictions."

Is there anything - you dealt with some of that in some detail in paragraph 82 and then really going through to 86. Am I - I just - it's reasonably detailed but I wondered if you wanted to expand on any of that at the moment in a more general sense? Or specific?

30

MR CAMERON: Well, commissioner Bennett, the only thing I would add to my - the evidence I've tendered is that I think this is probably one of the - the - the areas most ripe for progress where we can achieve the biggest gains. Information going into fire or emergency service authority forms the basis of - or any government agency for that matter - forms the basis of what is then provided to community members. And as a - as a general proposition, in my role I would like to see our community - members in our community, you know, running businesses, contributing to the economy, being afforded as much information as is possible, that is readily consumable and is as accurate as possible, about the risks they face.

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The - the consistent theme between the national disaster resilience strategy that's been in place for quite some number of years now and the national disaster reduction framework goes to understanding disaster risk. And one of the key components of

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understanding disaster risk is having good information, and that applies just as equally as it does to the fire and emergency services agencies - my own included - as it does to the community. So information into these organisations being shared to a highly mobile community is critical.

5

COMMISSIONER BENNETT: Thank you. Well, while I'm at it, I had just one other matter if I can ask you to explain to me. In paragraph 101 of your statement, where you, I think, repeat an answer that you gave earlier, you say:

10 *"The department also considers in relation to category C activation processes reforms are needed."*

And you talk about:

15 *".. streamlining State and Territory government requests to provide greater flexibility for Commonwealth, States and Territories to make decisions about where assistance should be made available."*

And critically:

20

"Use jurisdiction-based application assessment process to determine eligibility for assistance, rather than geographic location."

Could you explain that to me, please?

25

MR CAMERON: Yes, of course. So this relates to financial assistance post-disaster, under the Disaster Recovery Funding Arrangements, the DRFA. It's a - it's a - the arrangements are a mechanism by which the Commonwealth shares costs of disaster recovery with States, varying categories for varying - varying categories of assistance for varying categories of assistance, not necessarily severity. It's a mistake to think that category A assistance is for a less severe disaster than for category D, for example. They're just different sorts of assistance. You - am I right that your main query is about the jurisdiction-based application assessment process?

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35 COMMISSIONER BENNETT: Yes. Yes, it was.

MR CAMERON: So much of category C is tied to local government activations, and if you were to go - pass your mind back to that rolling incident brief that counsel had on the screen before, you will have seen at one point a table that showed which local government areas were activated for category C assistance, tick boxes and the like for various measures.

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Our view at this point of this review process, which has been commissioned by COAG and is underway, is that there are - rather than tying - rather than tying assistance to people that happen to live in a local government area, and then applying some kind of assessment process, do away with the geographic location process, tie it

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to the incident and have the assessment process itself determine whether someone is eligible for assistance.

5 And the sorts of assistance we're talking about here, Commissioner, could be a
concessional loan or a grant, be it small business or primary producers, these sorts of
assistance measures. I'm sure Mr Colvin, when he appears before you, will be able to
talk more about that. But I would rather - our view at this point, of this review
process, is to - is to say that - is that, at the risk of missing someone who might be
equally impacted but is - happens to be outside a geographic boundary, and it doesn't
10 happen to meet a threshold in that boundary, a particular percentage, a particular
economic function, for example, I would rather have - have that dealt with on an
individual needs-based assessments process rather than being, perhaps inadvertently,
misconstrued by a geographic boundary.

15 COMMISSIONER BENNETT: Thank you very much. I think we're coming to that
sort of subject matter at a later stage, but I was worried that I wouldn't have you there
to explain that particular terminology to me. Thank you very much, Mr Cameron.

MS HOGAN-DORAN SC: Yes, Commissioner, I haven't addressed financial
20 assistant with Mr Cameron because we are having Mr Colvin tomorrow. But we, of
course, take his evidence - Mr Cameron's evidence in relation to financial assistance.
The second matter, I just wanted to identify that I misdirected you, Commissioners -

COMMISSIONER BINSKIN: I can't believe that.
25

MS HOGAN-DORAN SC: - because I didn't appreciate the context in which the
question was being asked of me by Commissioner Bennett. When I said you were
asked the detail of how some of this information sharing works, are we going to deal
with that in a subsequent hearing, I thought so far as this is concerned - that's how
30 you put it, Commissioner Bennett - at that point I thought you were referring to the
incident briefing and that material being further disseminated as opposed to
hazard related information sharing across jurisdictions which is, indeed, a matter we
will be pursuing further.

35 COMMISSIONER BENNETT: Sorry I jumped the gun.

COMMISSIONER BINSKIN: Indeed with the community as well, because if we're
going to have the community make those decisions depending on the various
warnings and alerts that are out there, they obviously need the information to be able
40 to do that. Mr Cameron, thank you very much for your flexibility. We really
appreciate that, over the last couple of days, and thank you for your testimony today.
We really appreciate that as well.

MS HOGAN-DORAN SC: Commissioner, could I just confirm, I haven't been
45 notified of any application or communication.

COMMISSIONER BINSKIN: Right.

5 MS HOGAN-DORAN SC: By any parties with leave to appear or indeed Mr Free who represents the Commonwealth, and whilst that's just being further confirmed, I do note though that we will be asking Mr Cameron to return in the later hearing block, and --

COMMISSIONER BINSKIN: On a separate summons?

10 MS HOGAN-DORAN SC: On a separate summons, yes, so might he be excused in those circumstances.

COMMISSIONER BINSKIN: He may be excused. Mr Cameron, thank you very much, you're excused. We appreciate you joining us.

15 MR CAMERON: Thank you, Commissioners.

MS HOGAN-DORAN SC: I have nothing further. I understand the - we propose that we adjourn till 2.15.

20 COMMISSIONER BINSKIN: We will adjourn till 2.15. Thank you very much.

<ADJOURNED 1:08 PM>

25 **<RESUMING 2:15 PM>**

COMMISSIONER BINSKIN: Ms Hogan-Doran?

30 MS HOGAN-DORAN SC: Chair, Mr Glover will be taking the witnesses this afternoon and will take up introducing the material.

COMMISSIONER BINSKIN: Mr Glover.

35 MR GLOVER: Thank you Chair. Commissioners, as you will be aware, the Australian Defence Force, or ADF as it is known, is mentioned expressly in Term of Reference C4 of the Letters Patent for the Royal Commission. The ADF supports the whole of Commonwealth Government response to natural disasters and emergencies through its defence assistance to the civil community arrangements, which are also referred to as DACC. The purpose of DACC is to provide the means through which
40 Defence can assist government and non-government organisations or agencies to deliver an outcome at a time when their resources are not sufficient or have been overwhelmed.

45 The aim of the DACC arrangements is to ensure the procedures and mechanisms for initiating, approving and obtaining defence assistance are as efficient and effective as possible. Commissioners, this afternoon you will hear from Vice Admiral David

Johnston, the Vice Chief of the Defence Force and Lieutenant General Greg Bilton who is the Chief of Joint Operations of the Defence Force. Both witnesses are able to speak to the strategic and operational considerations that inform Defence's role as part of the Commonwealth's response to natural disasters, including the recent
5 2019-2020 bushfires.

They will be giving their evidence concurrently. Before I call those witnesses, I propose to tender the relevant documents which include three pieces of video footage. I tender document bundles 5.2 through 5.5 in the tender list as notified to the
10 parties with leave to appear.

Document 5.2.1 is the witness statement of Lieutenant General Bilton which is behind tab B of the Commissioners' bundle for this afternoon. Document 5.3.1 is the witness statement of Vice Admiral Johnston which is behind tab C of the
15 Commissioners' bundle. Documents numbered 5.4.1 through 5.4.6 comprise a bundle of material produced by the Department of Defence. Material numbered 5.5.1 through 5.5.10 comprise a bundle of material produced by the Australian Defence Force; the last three exhibit numbers of that bundle, 5.5.8, 5.5.9 and 5.5.10 comprise the video footage.

20 COMMISSIONER BINSKIN: Thank you. Those documents and those videos will be received as exhibits as marked. Thank you.

25 EXHIBIT 5.2 DOCUMENT 5.2.1 WITNESS STATEMENT OF LIEUTENANT GENERAL BILTON

EXHIBIT 5.3 DOCUMENT 5.3.1 WITNESS STATEMENT OF VICE ADMIRAL JOHNSTON

30 EXHIBIT 5.4 DOCUMENTS 5.4.1 TO 5.4.6 BUNDLE OF MATERIAL PRODUCED BY THE DEPARTMENT OF DEFENCE

35 EXHIBIT 5.5 DOCUMENT 5.5.1 TO 5.5.7 BUNDLE OF MATERIAL PRODUCED BY THE AUSTRALIAN DEFENCE FORCE, 5.5.8, 5.5.9 AND 5.5.10 THREE PIECES OF VIDEO FOOTAGE

MR GLOVER: Thank you, Chair. I now call Vice Admiral David Johnston and Lieutenant General Greg Bilton.

40 COMMISSIONER BINSKIN: Vice Admiral Johnston, Lieutenant General Bilton, welcome. Thank you for joining us this afternoon.

VICE ADMIRAL JOHNSTON: Commissioners, good afternoon.

45 LIEUTENANT GENERAL BILTON: Yes, good afternoon Commissioners.

MR GLOVER: First to you, Admiral Johnston, will you take an oath or affirmation?

VICE ADMIRAL JOHNSTON: Oath, please.

5 <VICE ADMIRAL DAVID JOHNSTON, SWORN>

MR GLOVER: Admiral Johnston you have provided a witness statement dated 27 May 2020 in response to a notice issued by the Commission; is that correct?

10 VICE ADMIRAL JOHNSTON: Correct.

MR GLOVER: The document ID number is DEF.8001.0001.0001. Admiral Johnston, do you adopt that statement as true and correct?

15 VICE ADMIRAL JOHNSTON: I do.

MR GLOVER: Thank you. Turning to you, General Bilton, will you take an oath or affirmation?

20 LIEUTENANT GENERAL BILTON: An oath, please.

<GREG BILTON, SWORN>

<EXAMINATION BY MR GLOVER>

25

MR GLOVER: And, General Bilton, you provided a witness statement dated 27 May 2020 in response to a notice issued by the Commission; is that right?

LIEUTENANT GENERAL BILTON: Yes, that's correct.

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MR GLOVER: The document ID number is DEF.8002.0001.0001. General Bilton, do you adopt that statement as true and correct?

LIEUTENANT GENERAL BILTON: I do.

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MR GLOVER: Thank you. Gentlemen, may I make two introductory remarks of you. First, when I'm asking you questions this afternoon, I do not require you to answer in a way that would damage or prejudice Australia's defence, international relations or security, but please do let me know if you are asked a question that you don't think you can answer for those reasons, and obviously please don't answer the question.

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Secondly, I propose to ask particular questions of each of you throughout your evidence. Please do free to contribute to an answer even if the question is not directed to you in the first instance. So turning first then to you, Admiral Johnston,

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you are the Vice Chief of the Defence Force which is sometimes shortened to VCDF?

VICE ADMIRAL JOHNSTON: Yes.

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MR GLOVER: And prior to that you were the Chief of Joint Operations which is sometimes shortened to CJOPS?

VICE ADMIRAL JOHNSTON: That's correct.

10

MR GLOVER: Can you just explain for the assistance of the Commissioners what your position as Vice Chief of the Defence Force involves?

VICE ADMIRAL JOHNSTON: Commissioners, I've been in this role for nearly two years now. The role of VCDF is the deputy to the CDF, the Chief of Defence Force, so I deputise on his behalf when required. I'm also individually responsible to him for the preparedness of the force, that is determining what readiness notice the ADF needs to be at to meet contingencies, and for the design of the future force in determining what our requirements are to be able to ensure the ADF is able to meet government commitments.

20

MR GLOVER: Thank you. Just set the scene for the Commissioners, can you please explain the difference between the Department of Defence on the one hand and the Australian Defence Force on the other?

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VICE ADMIRAL JOHNSTON: When I would refer to Defence, I would refer to it in the collective. So the Department of Defence comprising the Australian Defence Force, the uniformed component of the Department, but the Department more broadly, of course, which has Defence Australian public service contractors and other elements that contribute to it, so the ADF is a sub-component of the broader department.

30

MR GLOVER: And the ADF itself comprises the three services: the Royal Australian Navy, the Australian Army and the Royal Australian Air Force. And of that there are both permanent members of those services and reserve members of those services. Is that right?

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VICE ADMIRAL JOHNSTON: That's right. So you - the language that we, as contemporary as we have, yes, the permanent force and the part-time force. Our people can move between both of them under what we describe as a total workforce model. Occasionally you will hear the part-time force referred to as the Reserves.

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MR GLOVER: Thank you. I'm turning to you, General Bilton, can you just explain for the assistance of the Commissioners your position as CJOPS?

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LIEUTENANT GENERAL BILTON: Yes. So I'm the Chief of Joint Operations and I'm responsible for the - to the Chief of the Defence Force, currently General Angus Campbell, for the command of all Australian Defence Force operations globally. That includes international operations and also operations conducted domestically. I
5 also have responsibility to oversee joint training exercises and activities that contribute to the readiness of our Navy, Army and Air Forces, as a joint force, when they come together in an integrated way.

MR GLOVER: And just to describe Defence's current level of international
10 deployment, can you just summarise those deployments, where ADF personnel are around the world?

LIEUTENANT GENERAL BILTON: Yes. So we currently have approximately
15 2000 people deployed. The main locations are in Afghanistan, in Iraq, in the Gulf of Oman, or the Gulf region. We have a ship deployed there currently on operations. And then we make modest contributions to a series of UN operations in Lebanon, Israel, South Sudan and Cyprus, and then we also have a small contribution we make to the multinational force and observers based in the Sinai in Egypt. On top of that,
20 we run regular operational activities within South-East Asia, related mainly to maritime situational awareness. That includes the deployment of ships and also the deployment of surveillance aircraft.

MR GLOVER: Thank you. I would like now just to ask you some general questions
25 about the Defence assistance to the civil community arrangements, so the DACC arrangements. Admiral Johnston, can you please explain for the assistance of the Commission what DACC is?

VICE ADMIRAL JOHNSTON: Commissioners, the acronym DACC is Defence
30 Assistance for the Civil Community. It's the policy framework within Defence by which we characterise different types of assistance that may be provided. It's broadly categorised under two frameworks: one being emergency, that's where life or property might be threatened; and then there is a nonemergency circumstance that covers everything from having Defence people at a public display through to the support we might provide to law enforcement agencies in a non-force manner. So the
35 DACC framework allows us to categorise different types of support that the Australian Defence Force might provide, and has different policy outcomes associated with the six categories that are part of that framework.

MR GLOVER: And when Defence is rendering DACC, or is considering rendering
40 DACC assistance to the civil community, can you please describe the overarching strategic considerations that Defence and the ADF have in mind?

VICE ADMIRAL JOHNSTON: Counsel, are you in particular referring to in
45 emergency circumstances?

MR GLOVER: Feel free to start more generally, but obviously I think, for the purposes of this Commission, we will be exploring in greater detail the emergency DACC category.

5 VICE ADMIRAL JOHNSTON: So, broadly, and it does differ, of course, whether
it's in the emergency or nonemergency category, but the types of considerations that
the Department would work through, when we are being asked to provide support to
Civil Community, would be ensuring that we understand the legal basis by which we
would contribute. We would make sure we have a clear view of the nature of the
10 task, and our ability in terms of the competency of our people, the type of equipment
that we would be able to bring to bear, and the risks associated with that particular
activity to determine the viability of Defence contribution. And a further
consideration for us would be other standing tasks or commitments that we may
have, both the national security or other commitments that may mean we have a
15 concurrency consideration of how much effort we're able to apply to a particular
activity compared to others.

MR GLOVER: Is that a recognition of the proposition that only the ADF can defend
the nation, or is tasked with defending the nation; whereas many agencies can
20 provide support to emergency services agencies and natural disasters?

VICE ADMIRAL JOHNSTON: Yes, that is a central consideration for us. And while
our Defence Force has many very good capabilities, it's agile, it is able and should
provide support to the community when it needs us to do so, but we are the only arm
25 of the Commonwealth who can defend the nation. That's what we design our force to
do. That's what we train our people predominantly for. So we construct ourselves for
that principal task that no other part of the Commonwealth is able to achieve. So
we're very conscious in those circumstances where we might be asked to perform a
mission, how it may impact that ability that we have to be able to protect the nation
30 in whatever manner that it is required.

MR GLOVER: Can I just show you a paragraph of your witness statement, please?
The reference is DEF.8001.0001.0001 at page 5, and it's paragraph 28.

35 VICE ADMIRAL JOHNSTON: Thank you counsel, I have it.

MR GLOVER: Thank you. And I just wanted to explore with you, or ask you to
expand on those other factors that you mention in that paragraph of your statement?

40 VICE ADMIRAL JOHNSTON: If I could draw on a number of examples in doing
so. The sub-paragraph A refers to commercial alternatives or the risk of competing
with the private sector, and many of these considerations are particularly at the point
where Defence assistance in the civil community starts to move from the emergency
effect, or where life and limb and property are under immediate threat, to parts of
45 that recovery phase.

An example of commercial alternatives might be as we perform during the - this summer, the Defence Force used its capabilities to move fuel, including fuel to commercial operators because of the absence of fuel, both for emergency services and others. But there becomes a tipping point where the provision or movement of something like fuel can be done by a commercial operator whose business it is, and for those whose primary income are generated by that. So a consciousness of us of when those circumstances start to arise where other options are available that are more associated with capabilities that can be provided, either by other government agencies or by commercial operators, that would lead it to being less useful and less necessary, that Defence capabilities were used for that purpose.

But the other sub-points are not too dissimilar to that para 28B which refers to other funding or assistance available to governments. That might be in the nature of aerial support, whether that's fixed-wing aircraft or rotary-wing aircraft, where other governments and States in particular may have capabilities available to them, which they are funded to do and within their resources be able to do so. So a consciousness of the circumstances where there may be other capabilities available that are funded to provide an effect very similar to that which the ADF might provide.

But the third part, or part C, which is a reflection of the time and resources that it may take us to ensure we are ready to perform a task, it might be as simple as a geographic consideration of where our equipment and people may be well distanced from the area where the effect may need to be applied, with the time it would take for us to ensure that a force was available, prepared, understood the task and moved it into location. There may be other capabilities that are more proximate or more available that may be able to identify or meet that requirement.

And sometimes it has proved to be the case that Defence, because of either our wide logistics framework, the regular relationships that we have through various contractual means, we're in a better position than others to identify when that third circumstance may apply, and we can provide advice to other agencies on how they might get a better effect using some of the capabilities that we otherwise would be able to tap into.

MR GLOVER: Thank you. Just in terms of DACC taskings and work, how long has the ADF provided this type of assistance?

VICE ADMIRAL JOHNSTON: Certainly for all of my career. I think the provision of support for the civil community has been a mainstay of the Australian Defence Forces through its existence and its predecessor, which was under the three service frameworks. To my knowledge, the - the expectation that those of us in a military uniform would support our community is a longstanding one, and one that we place enormous respect and value on in those circumstances when we can support people who need it.

45

MR GLOVER: And I imagine it might come as a bit of surprise to people who don't live in areas that are regularly impacted by natural disasters, but Defence provides significant assistance in relation to natural disasters on a regular basis?

5 VICE ADMIRAL JOHNSTON: That's - counsel, yes, that's true. And certainly at my last 10 years or so involved in the Australian Defence Force's operations, as one of the leaders in that community, it is a common element of the summer period or, in our parlance, we refer to it often as the high-risk weather season, where floods, fires, tropical cyclones are all prevalent, both domestically and in our region. But it is very
10 common that the Australian Defence Force in - sometimes in small size, as we've seen in this last summer on a large scale, is out supporting our community, and we're very proud of that contribution.

MR GLOVER: Thank you, Admiral Johnston. General Bilton, I wanted to ask you
15 next about the processes by which Defence and the ADF provide each of the categories of DACC emergency assistance. So we heard Admiral Johnston talk about the two categories of DACC assistance; that's emergency and nonemergency. But can you please run us through categories - DACC categories 1, 2 and 3?

20 LIEUTENANT GENERAL BILTON: Yes, certainly, counsel. So for DACC 1, this is the provision of support provided at the local level. This is where commanders in locations around Australia are able to authorise support to the civil community, and that can be a range of different organisations, but in this case principally State
25 governments or Territory governments to assist them with an immediate circumstance where ADF - correction, Australian Defence Force support can value add and help with that - that particular response.

So, at the local level, very agile; certain authority is delegated down. For example, as
30 a brigade commander in 7th Brigade, I was able - in Brisbane, I was able to provide support to the State government in Queensland on a routine basis for up to - normally up to 48 hours before I'd then have to refer it to higher for permission if it was to be extended.

MR GLOVER: Okay, just stopping there.
35

LIEUTENANT GENERAL BILTON: For --

MR GLOVER: Sorry, I didn't mean to- just - your reference to examples I thought
40 that might be a useful time to turn to the DACC manual itself, and bring up some categories - some examples of DACC category 1. So if we can bring up document DEF.0001.0001.0007. I will just start with the first page. So, General Bilton, this is what is known within Defence as the DACC Manual; is that right?

LIEUTENANT GENERAL BILTON: Yes, that's correct, counsel.
45

MR GLOVER: And this is the overarching policy framework and manual essentially by which Defence provides DACC assistance, both emergency and nonemergency?

LIEUTENANT GENERAL BILTON: Yes.

5

MR GLOVER: And just to round out the framework that applies to DACC, there's no legislation that Defence operates under when it's providing DACC assistance?

LIEUTENANT GENERAL BILTON: No. No legislation.

10

MR GLOVER: Thank you. Can we turn to page .0052, please. If we just look at paragraph 3.7, if that can be brought up. So, General Bilton, you started to talk about examples and I can probably just ask you, these are examples of typical DACC 1 taskings?

15

LIEUTENANT GENERAL BILTON: Yes, correct. And many of those were actually utilised during Bushfire Assist.

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MR GLOVER: Thank you. We'll turn to Bushfire Assist and the operation in a little more detail later. Turning then to DACC category 2, can you please explain the process by which Defence and the ADF provide that support?

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LIEUTENANT GENERAL BILTON: Yes, counsel. So at the time the Commonwealth Disaster Plan will be activated and then there is a request system that is utilised from States and Territories. We have joint operation support staff which are effectively Defence officers inside each emergency management agency in each jurisdiction. They are able to provide those tasks or requests for support through to the Emergency Management Australia. From there, the task goes into an area of Defence known as Military Strategic Commitments. This is a organisation that works directly for the CDF and actually sits inside the Vice Chair for Defence Force's area. They then provide advice on Defence's ability to provide the support being requested and then once the Chief of Defence Force approves it, that direction is provided then to Headquarters Joint Operations Command who action that particular request for support.

30

And in the case of DACC 2 and DACC 3, but we will get to DACC 3 later obviously, but with DACC 2, this is the provision of emergency assistance, which may also include emergency recovery. So I've describe that as immediate relief or the provisions of immediate support, such as medical, fuel or food that would be required to help people that are in distress. So it sits in that - inside that immediate recovery or immediate relief space. And then there's assistance in terms of emergency assistance that's required to deal with a threat that has emerged, and we can provide support to the State or Territory agency in dealing with that threat.

35

MR GLOVER: Thank you. If we just go to the next - Commissioner Bennett.

COMMISSIONER BENNETT: Sorry, I have one quick question and this might be an appropriate time to ask it. I understand that at State level there would be a reasonable understanding of what it is that the ADF can provide by way of coming
5 through DACC relief. But it's a bit of a chicken and egg in terms of how further down, perhaps like at local government level, people know what it is that the ADF can do in order to understand what tasks they can ask the ADF to undertake.

10 We heard some sort of anecdotal evidence of people saying they didn't really know what it was that the ADF could do. How do- is there any mechanism to go about of how it is that you engage, so that, you know, people know what you can do so they know what to ask for, so you know what you can deliver, and have the general community have a better understanding of what it is, where they can turn to the ADF for assistance?

15 LIEUTENANT GENERAL BILTON: Yes. So, Commissioner, once we deploy, we do place people at the local, regional and State level. We have a permanent presence at the State level where we're able - we have officers that are able to provide advice to the State authorities or the Territory authorities about what's available. But it's not
20 really until we deploy that we're able to give visibility in that way right down at the local level, or the regional level.

Now, in this case with Bushfire Assist, we did deploy liaison officers at each level to try and enhance that, but it's not a permanent arrangement; they don't exist
25 throughout any given year to provide advice. So we do rely on that being disseminated from States and Territory level down through the various levels that are incorporated in what I would call the standard response model: that local, regional and State level.

30 COMMISSIONER BENNETT: Thank you very much. That's very, very helpful.

VICE ADMIRAL JOHNSTON: Commissioners, if I might just add to General Bilton's answer for you. The effect you're describing is certainly easier in those locations where we have military units located. There's a habitual relationship
35 between the leaders in those military establishments and their local communities. So it is quite well facilitated in those circumstances. But as occurred over this last summer - and, at times, we did recognise there was a difference in understanding between the State level and down into some of the regions - we did place people at the incident management team level, with the concurrence of the State to do so, in
40 order to ensure, as the scale of activity moved to a point where an Australian Defence Force assistance might be - become relevant, they had the expertise available to enable them to understand what we might provide.

COMMISSIONER BENNETT: Thank you very much. That does give me a much
45 better understanding. Thank you.

MR GLOVER: And just for the Commissioners and witnesses' benefit, we will talk shortly about the role of the Defence liaison officers in the State emergency centres. Just before we leave the categories of DACC though, I think, General Bilton, I was showing you paragraph 3.11 on this page. If that could just be zoomed? Thank you.
5 And so, General, I think you have already given some of these descriptions of these are the type of taskings that were performed during the most recent bushfire season?

LIEUTENANT GENERAL BILTON: Yes. So I think to summarise those counsel, it's really about threat to life or threat to property; taking some sort of immediate
10 action in support of a State or a Territory to basically address those sorts of threats. There is a very broad list of what this may encompass, but those two principles essentially drive the range of tasks that would sit underneath this particular definition.

15 MR GLOVER: And is it right to say that it's this category of DACC support or assistance is the majority of the taskings that are provided in a natural disaster context?

LIEUTENANT GENERAL BILTON: Yes, it is.
20

MR GLOVER: So, finally, let's turn to DACC 3, DACC category 3. Can you please explain the process by which Defence and the ADF provide that category of assistance?

25 LIEUTENANT GENERAL BILTON: So this is - the process is exactly the same as DACC 2. So the Commonwealth disaster plan has been activated. The same request system is utilised. The Chief of Defence Force remains the authority for approving the support to be provided, and then it's executed by Joint Operations Command. But in this case the focus is on recovery. So the immediate threat has passed, and we're
30 looking to provide support. Now, I think there is a little bit of overlap here that's worth acknowledging.

That is, in the DACC 2 task there is provision in there to do what I describe as recovery tasks that are immediate relief. So the immediate threat to life or to property
35 has passed, and you're providing that relief just to help someone or people that find themselves in quite difficult circumstances, and so you're helping - it's almost the start of the recovery process. And then DACC 3 incorporates, I think, longer-term recovery contributions that Defence might make. And there's a range of tasks that might be included under that, and you've brought them up on the screen. And, again,
40 some of these - and I know we will get to it - but many of those were done during Bushfire Assist temporary bridging, provision of emergency shelter, power supplies, restoration of roads, clean-up of a range of different sorts of pollution, environmental support.

45 So there's a whole range of different tasks that sit under that recovery. And to go back to one of your earlier questions regarding tasking and when a task is better done

by either a State agency or a commercial agency, this is where we have to look very closely at the tasks in the recovery and make sure that we're not having a negative impact on the economy by virtue of taking on roles and functions that could be done by others that, importantly, bring economic activity back into a region or a location.

5 So it's very important for us during this particular series of tasking to make sure we're in close consultation with States and Territories to ensure we're not having a negative impact.

10 MR GLOVER: There's two particular aspects of DACC category 3 assistance that I just wanted to discuss with you before we leave this topic. The first is that, in relation to DACC category 3, there's a policy that there is to be direct cost recovery unless a cost recovery waiver or variation is approved. Can you just explain what that means and what the intention is behind that policy?

15 VICE ADMIRAL JOHNSTON: Yes. So there is an option to seek from States and Territories a reimbursement of, what's described as, net additional costs. Though aside from Defence salaries, which would be paid normally anyway, there would be additional net costs that might be associated with delivering a particular response, and there is provision here to seek a refund from the State and Territories of those net
20 additional costs; so the extra costs of Defence on top of what would be our normal costs of fielding and utilising a capability.

In the case of Bushfire Assist, the Minister of Defence exercised her authority to waiver the costs and she did it in this case for DACC 3 - 3 tasking. So whilst there
25 was some recovery of costs prior to 31 December mainly related to the provision of fuel, we did not seek to recover costs for DACC 3 tasks, post 31 December.

MR GLOVER: And the second aspect of DACC 3 I just wanted to discuss with you was the issue of insurance and indemnity requirements for DACC 3.

30 VICE ADMIRAL JOHNSTON: Yes.

LIEUTENANT GENERAL BILTON: Counsel, I might just lead, if I could, with the answer. On the assumption your question broadly is around the indemnity and
35 insurance for DACC 1, 2 and 3 collectively, is that accurate?

MR GLOVER: Yes.

LIEUTENANT GENERAL BILTON: Yes. So, to make clear, I think earlier you
40 indicated whether there was legislation under which the Department of Defence acts. Our responses for aid to the civil community are conducted under the Constitution, section 61 of the Constitution, rather than a specific legislation. One of the consequences, and this has been an area - a lesson out of this season, that is leading to us conducting a review, is that there are limitations for Defence personnel when
45 they are providing a response under the aid to the Civil Community Framework,

where the level of protection to Defence personnel is not the equivalent to other emergency service responders.

5 And that particularly applies, both in civil and in some criminal liability terms where, in the course of conducting our support, were we to cause damage to property, were we potentially to cause injury to people inadvertently from the support we were providing, the same - the level of protection often referred to as good faith or honest protections are not currently available for Defence personnel. That is a key difference that is very important to us in understanding, compared to other emergency
10 responders.

MR GLOVER: Thank you. I didn't propose to ask any more questions specifically about the DACC categories, but I thought I might just pause there to see whether the Commissioners had any questions at this stage.

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COMMISSIONER BINSKIN: Commissioner Macintosh? We will hold off, we will progress through. I'm sure there will be questions towards the end. Thank you.

MR GLOVER: Thank you, Chair. I wanted next to talk about the ADF liaison arrangements and, Admiral Johnston, this is something you mention in your statement. But it's probably not well known outside of Defence and the emergency services community that Defence regularly collaborates with State and Territory agencies to build an understanding of the capabilities that the ADF can bring, and including the standing capability of having Joint Operations Support Staff embedded with State Emergency Services personnel. Can you just explain how that process works?

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VICE ADMIRAL JOHNSTON: Commissioners, if I might answer the question in the broad and then refer to the Joint Operations Support Staff function explicitly. But our - the liaison between the Department of Defence, and State and Territories, occurs at levels from our strategic leadership level where we meet typically with, or coordinated by, the Premier and Cabinets of the various States with elements of defence broadly. That's an annual cycle of meetings at the very senior level, and it extends, as I've in part referred to, all the way down to local units who have a relationship and engagement with the authorities in their local area.

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The Joint Operation Support Staff sit in the middle, between those two ends. This is a group of Defence people located in every State and Territory. Their full-time role for their appointment as a JOSS member is to conduct that liaison and coordination between the Department of Defence and the State in which they work. But that encompasses ceremonial tasks; it can have them involved when Defence might provide support for law enforcement authorities, including under counterterrorism provisions, but it also includes, and most importantly, the support that we provide through our aid to the civil community.

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So they have a relationship that they form through their regular presence with the State command centres, with the emergency service providers. They're part of the training environment where the Joint Operation Support Staff participate in State-based training and forum in the lead-up to the summer period. They're part of their evaluation of risks and understanding of what Defence capabilities might be available. But the Joint Operation Support Staff have a permanent role in being that conduit and bridge between the Defence Force and the States which we then supplement in those circumstances where we start to provide a response by adding depth and capacity with additional liaison officers.

MR GLOVER: In terms of that liaison function, is it important for the States and Territories to know the resources that Defence can bring on the one hand, or is it more important to know what effect can be achieved by the utilisation of Defence's resources?

VICE ADMIRAL JOHNSTON: Both are important, but the - the ability of a State to be able to describe the effect it requires in those circumstances where they are looking to understand what the Australian Defence Force can provide, is the key requirement for us. And to give you an example to explain it, a State might need a particular heavy piece of cargo moved between two locations. Rather than asking for a 2130 aircraft that can move a good from point A to B, we would rather know the nature of the task, the time frame that it requires to be moved, other constraints, and we can then look at whether we would road - move it by road, move it by sea, potentially move it by air. We can identify then the most expedient or appropriate means of achieving that effect.

So it is useful to us that the States have a broad understanding of the capabilities that are available to the Australian Defence Force. But when it comes to specific tasks, what we seek to understand from them is the effect they wish for us to generate.

LIEUTENANT GENERAL BILTON: Counsel, if I may, I would like to add to that.

MR GLOVER: Oh yes. Of course. In fact, General Bilton, I was going to ask you if you could speak from your experience as time when you were commander of the 7th Brigade. But feel free to speak generally, if you would like.

LIEUTENANT GENERAL BILTON: Yes. So I would like to add to Admiral Johnston's point. It's important in terms of apportioning capability. So, from my perspective, when I look at all the tasks that I'm asked to undertake - operations overseas, operations domestically - understanding what effect then enables me to look at a range of different options that allow me to essentially meet all those responsibilities and still deliver the tasks in an effective way, and balance the demands of different operations and activities that are going on concurrently.

So understanding the effect makes it much easier for me to apportion Australian Defence Force capabilities, be they aeroplanes, army units or ships. So it's - it is quite

important that we understand the effect, rather than be told that it has to be a C-17 heavy lift aircraft or a particular amphibious ship. So that's why it's critical if we can understand it. And it does impact it. If you can imagine that your Air Force planes and your ships - Air Force planes are constantly in the air, ships are constantly at sea, and you're constantly balancing a whole range of different tasks and activities that the Australian Defence Force is being asked to do concurrently.

In terms of my experience at 7th Brigade, I would relate back to the response to the Bundaberg floods in 2013, and a good task there was we needed a significant aviation capability on - in fact, it was Australia Day, Monday, a Monday the 28th of 2013 - 28 January - that we had to do significant airlift by rotary wing out of northern Bundaberg. A lot of people had failed to evacuate at the time. There was only 15,000 litres of fuel at the airfield at Bundaberg Airport and I needed to have aviation fuel delivered. Bundaberg was cut off. And the request I made was for the delivery of 50,000 litres of fuel, and that was the effect I needed to Bundaberg airfield, and that - that mission was then undertaken. It was eventually done by C-17 delivering fuel bladders, and then when we had the fuel available to not just do that immediate aviation effect, but complete aviation capabilities for the rest of the response in Bundaberg.

MR GLOVER: Thank you. I propose now to turn to the bushfires in 2019 and 2020, and perhaps staying with you, General Bilton, can you describe the assistance that Defence provided in relation to the bushfire season? And to assist with that, it might help to bring up paragraph 34 of your statement, which is DEF.8002.0001.0001 at page 6. And so if we start with - apologies, paragraph 34.

LIEUTENANT GENERAL BILTON: Yes.

MR GLOVER: And so I think it may surprise some members of the public to know that the ADF was actually providing DACC assistance from as early as 6 September 2019. So can you please start from that point in time and describe to us what phase 1 involved.

LIEUTENANT GENERAL BILTON: Yes. So in phase 1, I describe it as ongoing modest contributions to various jurisdictions between 6 September through to 31 December. So it was a constant demand. What I'd describe it as is supporting the firefight. So this included activities in South East Queensland, also in northern New South Wales. There were fires in both those locations before the more significant fires that occurred in the December/January period into February. So the response was, essentially, aviation in nature or logistics in nature.

The aviation elements basically helped firefighters map fire behaviour, understand what was happening on the fire site so that they could use that, if you like, intelligence to help them formulate their firefighting plans for the following day. We did fire spotting at night as well, and this normally involved one of the respective

firefighting services that would have personnel in the helicopters to be able to undertake that work. So we supported the firefight in that sense.

5 We also supported the fire fight logistically by moving firefighters between different fire fronts. That was normally done by transport aircraft from the Air Force, and we moved them between States in some cases, because the States were coordinating, providing resources across particularly the eastern seaboard to support the different firefighting, and there was also international firefighters involved as well, and on occasions we helped move them.

10 And then, logistically, we provided support to other firefighting, in terms of providing meals, accommodation and transport of various goods that were required for the firefight. So phase 1 was what I'd describe as enabling the firefight.

15 Phase 2 was both enabling the firefight but then also providing that immediate relief and commencing what I described as the recovery phase and then ongoing recovery. So from 31 December we had two roles as the Defence Force. One was to continue to support the firefight, and many of those tasks that I described for phase 1 continued. They were just increased in the number of - there was an increase in the number of aircraft provided to support it, increase in logistics support. We were now working in four jurisdictions concurrently: in New South Wales, the ACT, Victoria and South Australia.

25 So the scale of it had grown immensely. And then behind that was this other task or major mission which was providing that immediate relief. And in - it involved, in essence, a whole range of tasks but getting into remote localities, areas where people were cut off because of fires and the routes in and out of areas had been closed off as a consequence, and being able to provide fuel, food, immediate medical care, flying in pop-up teams from Human Services to give access to people for emergency funding. There was quite a range of different tasks in that immediate relief task right through Gippsland, southern New South Wales, on Kangaroo Island and in the Adelaide Hills. So that's a broad summary of the range of activities, but I think it's important to acknowledge these two different roles that we played.

35 MR GLOVER: Thank you. I'm not sure whether you were following the evidence of Mr Cameron, the Director-General of Emergency Management Australia before lunch, but he gave some evidence about the Australian Government Crisis Coordination Committee meetings, and obviously the Department of Defence is mentioned there, and in those minutes there is a name mentioned - and I will ask this question of you, Admiral Johnston. The name which is mentioned without title or rank is Roger Noble. Could you just explain to the Commissioners who that is and what his rank is?

45 VICE ADMIRAL JOHNSTON: Counsel, I presume, yes, you're referring to the Australian Government Crisis Committee and I think Mr Cameron made reference to the National Crisis Committee structure as well. Roger Noble is major general. He is

the head of Military Strategic Commitments. But in earlier evidence, General Bilton referred to the role of Military Strategic Commitments to perform the interagency liaison, particularly here in Canberra for us. So they are the Department of Defence representatives in those Crisis Committee structures, and General Noble attended those as the department rep.

MR GLOVER: Thank you. General Bilton, I want to go back to the phase 2 operations and perhaps if the following page of your statement can be shown. I would just like to ask you some questions about the standing up of the joint task forces.

LIEUTENANT GENERAL BILTON: Yes. So the continuation of para 35, counsel?

MR GLOVER: Yes. Thank you.

LIEUTENANT GENERAL BILTON: Yes. So from 31 December - in fact, on 1 January we started raising what are called joint task forces, and this is a command and control construct that's put in place to enable a higher level of support to each of the jurisdictions. So in this case over 1, 2 and 4 January we established joint task force headquarters in New South Wales, Victoria and South Australia. Each of those were based on standing army brigade headquarters. So in Sydney it was 5 Brigade headquarters. In Melbourne it was 4 Brigade headquarters, and then in South Australia, or Adelaide, it was 9 Brigade headquarters. 9 Brigade has units that it commands both in Tasmania and in South Australia. So it took responsibility for Tasmania and any response that we may have had to undertake there as well, and we did do planning for such a response.

Those - each of those joint task forces established themselves within the emergency management centres of each jurisdiction, and provided staff and personnel that gave State authorities immediate access in terms of having a much broader - if you like, it was a fairly large supplementation of the JOSS function. And now you had a commander; a headquarters staff of roughly 50 to 60 people; and then you had elements that I would force assign to those joint task forces that might come from the Navy, the Army or the Air Force that they could then utilise to help respond to the various tasks that the states were requiring of each task force in each of the jurisdictions.

MR GLOVER: Thank you, General Bilton. Your answer drew out a good point that I perhaps should have made or asked you about. The nature of the joint task force is that it's able to operate with elements or assets from all three services, so you don't have a single service task force in this situation. The commanders of the JTFs could deploy assets from the three services that you force assigned to them?

LIEUTENANT GENERAL BILTON: Yes. So the standing brigade headquarters are normally Army organisations, so the brigade headquarters that they were established - or the basis of them was the brigade headquarters from the reserve

organisations. We then supplemented each of those headquarters with staff from Air Force and Navy. That enabled them to have the expertise within their task force. And that's where they go from being an Army brigade headquarters to a genuine joint task force where they can have the appropriate expertise and experience in the staff that
5 enables them to command a range of joint assets, assets from Navy, Army and Air Force, and do it in an integrated way. And, frankly, it's critical for successfully responding that you have that mechanism in a joint task force.

10 COMMISSIONER BINSKIN: Counsel, can I just ask a clarifying question there. It's about the joint operations. Are those reserve brigades, do they have a standing role for preparation for natural disaster response around Australia or do they have other tasks?

15 LIEUTENANT GENERAL BILTON: Yes, sir, they have other tasks, but there has been an ongoing evolution of these particular headquarters. They have been used previously to support responses to natural disasters. Importantly, each of those headquarters already had relationships with State authorities in New South Wales, in Victoria and South Australia. So there was already an exchange of information and understanding of the various personalities both within those brigade headquarters and
20 within the State - State agencies. So they had a relationship and it was proved to be great utility to be able to draw on those once again.

For example, in Victoria, in response to the 2009 Black Saturday fires, the JTF had experience as that 4th Brigade headquarters, supplemented with joint elements, had
25 the experience of supporting Victoria during that particular response as well. And there has been a build-up of expertise and understanding over time, and I think it - personally I think it's got better and those relationships have become tighter, particularly where we've had a greater number of instances of responding to natural disasters in various jurisdictions.

30 COMMISSIONER BINSKIN: Thank you.

VICE ADMIRAL JOHNSTON: Commissioner, if I perhaps might just add to your question. One of the outcomes, both from the - particularly from this last summer,
35 but there's an adjustments that we are making is now to normalise that relationship between the reserve brigade and its State. It will be the basis by which our future responses are drawn from in order to be able to ensure those relationships between people, the understanding of effects we can generate, have some consistency to them. And it's what General Bilton has relied upon as part of the Australian Defence Force
40 response to the COVID requirement that we've learnt off the back of arrangements that were in place for the firefighting. We're now using that to support each of the States in the COVID outcome.

45 So we're looking now to normalise and regularise this particular relationship. That's that - it is a regular part, but their ability to provide humanitarian assistance and the command construct around it is a normal part of their requirement.

5 COMMISSIONER BINSKIN: Thank you, VCF, and I do know from the evidence that you have provided, there was a - from the lessons learnt there, there was a discussion of a divisional headquarters taking up that responsibility. I guess the brigades are at the State relationship, that divisional headquarters would pull it together more nationally, for commander joint operations; is that right?

10 VICE ADMIRAL JOHNSTON: Commissioner, yes. They're based predominantly on the second division as the divisional headquarters for that domestic function. So it would sit over the top of the three or the various State-based joint task forces responsible to the Chief of Joint Operations. And similarly we've made recommendations that are adjusting around how we would perform a similar divisional level headquarters structure for our offshore responses, recognising that we might need to be responding concurrently domestically, and in our region, and using the deployable joint force headquarters or the first division structure as the routine basis for forming that offshore command and control headquarters arrangement.

20 COMMISSIONER BINSKIN: Thank you. And I think you might just want to clarify: as I understand it, 1 division is a permanent Force headquarters. 2 division is more Reserve based, isn't it, going back to your original delineation, full-time, part-time force?

25 VICE ADMIRAL JOHNSTON: Reserve - or part-time based but with a full-time node built into it.

COMMISSIONER BINSKIN: Thank you. Appreciate that.

30 MR GLOVER: And just for the witnesses' and Commissioners' assistance, the document that I expect the Chair was referring to is DEF.0001.0002.0013. And can paragraph 3A be shown please? Particularly the first paragraph of paragraph 3A, "Strategic force designed for domestic disaster relief operations." The last sentence reads:

35 *"Part of the force designed for large-scale and extended operations dispersed across multiple states and/or territories demands a dedicated two-star headquarters to provide the flexibility to adapt the force's operational circumstances change."*

40 Admiral Johnston, that's essentially what you were referring to?

VICE ADMIRAL JOHNSTON: Counsel, that's right, yes.

45 MR GLOVER: And just to also be clear, the second division, the commander of the second division is a two-star major general Army ranked officer?

VICE ADMIRAL JOHNSTON: A part-time officer who is a very busy person, but yes, currently Major General Kathryn Campbell.

5 MR GLOVER: And the Deputy Commander is a full-time member of the permanent force, as would be the Chief of Staff?

LIEUTENANT GENERAL BILTON: Yes, a brigadier level ranked individual, counsel.

10 MR GLOVER: Thank you. Just in relation to phase 2 and the standing up of the three JTFs, can I just ask you, General Bilton, was the DACC policy followed as published, or did it have to be amended or modified to suit that evolving and serious threat that the bushfires presented?

15 LIEUTENANT GENERAL BILTON: Yes. So the - we followed the DACC process in terms of tracking tasking. So each and every task went through that process. But what was different was that the joint task forces from the CDF, through myself, were given authorities to make decisions and respond more immediately to various requests for support. So that relied on a judgment being made that it was appropriate
20 and sensible to do those particular tasks. But it was done so that we could speed up the response, but to make sure that we still could trace what was being done and where it was being done, the centralised tasking system was still utilised.

MR GLOVER: Thank you. Just returning to your statement, I just want to ask you
25 now about the appointment of Major General Ellwood as Emergency ADF National Support Coordinator. So if document DEF.8002.0001.0007 can be shown, paragraph 36 of General Bilton's statement. Can you just explain to us what Major General Ellwood's role was and what he did in that role?

30 LIEUTENANT GENERAL BILTON: Yes. So Major General Ellwood was appointed with that national coordinator role. He worked directly to me, based out of Canberra. But the critical function he played, from my perspective, was visited almost constantly every jurisdiction to understand what was happening on the ground, what were the key threats, what were the challenges being faced, and then
35 bringing that back to the headquarters itself at Joint Operations Command and enabling us to make broader - in particular, apportionment decisions about what Navy, Army or Air Force assets needed to be provided where to address the emerging threats.

40 So he had that coordination role. During - from 3 January onwards, each day he and I would talk to the joint task force commanders and he would have invariably visited one of them during the morning and he would be back in the afternoon, and then we would make decisions about how we might apportion particular assets to address the emerging threats. And so having that, if you like, that constant engagement at that
45 level and feeding it back into what we describe as the operational level, I think enabled a more effective decision-making.

MR GLOVER: Thank you. And so we've heard about the significance of the taskings. Now might be an appropriate time to play video footage I referred to earlier. This is DEF.0002.0001.0003. Just before we do that, I should just say a word
5 of warning that this footage may contain confronting content. It depicts dead animals and it will run for one minute and 21 seconds.

VOICEOVER: Today, members of the Australian Defence Force and the New Zealand Defence Force have participated in recovery of deceased wildlife here at the
10 Hanson Bay Wildlife Sanctuary. It's been an extraordinary day. To be honest, it's never a good thing to come across deceased wildlife. It is unpleasant. It is tough work but it's important work and that's why we're here, to work hand in glove with those valuable authorities who are taking the lead in this operation and we will support wherever we can.

15 The ADF also has a wide range of specialists such as chaplains and psychologists who are able to provide critical services to support not just the ADF but also the entire Kangaroo Island's wider community through this distressing time, and as we move forward in the recovery efforts. On a happier note, we came across four koalas
20 that survived the bushfire and, as a result, we provided them some care, and we're moving them in our vehicles to the veterinary service.

MR GLOVER: So General Bilton, just to give some context to that clip, that is some footage Defence took on Kangaroo Island, and so those members of the Defence
25 Force we saw belonged to JTF1111 which was the JTF stood up to support recovery operations in South Australia and Tasmania; is that right?

LIEUTENANT GENERAL BILTON: Yes, that's correct, counsel.

30 MR GLOVER: And so just staying with you for the time being, can we return to your statement at paragraph 55? That is DEF.8002.0001.0011. Just --

LIEUTENANT GENERAL BILTON: Yes.

35 MR GLOVER: -- going to paragraph 55 for the time being, this will give some context for the Commissioners' benefit of the scale of the ADF contribution. So there we see:

40 *"about 8000 ADF personnel, including over 2500 Reserve ADF personnel, along with nearly 500 personnel from Australia's international defence force partners supported the emergency response and recovery operations."*

In the next sentence it mentions:

45 *"Hundreds of other Reserve and full-time Defence Australian public service, Defence contractors and Defence industry personnel provided critical support."*

Can you just explain to us what roles Australian public service personnel and Defence contractors played?

5 LIEUTENANT GENERAL BILTON: Yes, certainly, counsel. So, in the case of the public service as you're aware, a number of the various groups inside Defence are - principally Australian public service personnel make up those various groups. One of those, for example, is the State Infrastructure Group. One of the key things that Defence provided was emergency accommodation in a number of States
10 enabling members of the public who may have lost their homes or were trying to travel from one location, being on holiday, to their home location, and needed to stop overnight. We provisioned accommodation in a number of different military bases. That was all delivered by Australian public servants in terms of making the various preparations.

15 Incorporated in that was also a contractor effort to support preparing the rooms and providing meals whilst members of the community were accommodated at Defence bases. That's one example. The MV Sycamore, which responded to the Mallacoota situation, is actually manned by a contracted crew, and so these Defence contractors
20 operate that vessel on behalf of the Royal Australian Navy. And so those contractors were the people that moved that ship, sailed that ship from Sydney down to Mallacoota and provided support there and ongoing support throughout our response to Bushfire Assist. And then Defence industry, those contractors on MV Sycamore have a relationship with Defence industry and provision of support for the Royal
25 Australian Navy.

I could give you a number of other examples but there was a significant number of public servants across parts of Defence. So, if you like, it was a whole-of-Defence effort. It wasn't purely the Australian Defence Force and we do rely on our public
30 service, Defence contractors and Defence industry to be able to generate capability and sustain capability. So, again, they played a key role in our - our ability to respond to the crisis and support States and Territories.

VICE ADMIRAL JOHNSTON: Counsel, if I could perhaps give another brief
35 example just to highlight how integrated and why that statement is very important. During the bushfires I visited the naval air station just south of Nowra, HMAS Albatross, and in the visit there at that time there were fires burning up to the perimeter of the base. We were using both Defence aircraft and some civil aircraft were providing broad support for the firefighting. To make that base operate, the
40 firefighting services on the base are contracted provided.

Those who were providing meals, both for the civilian and the military workforce, were civilian contractors. The Australian public service members are the base managers who were supporting the military effort and had returned off leave to
45 ensure the base was activated and available. So it's a reflection of that highly

integrated nature of the Defence workforce that is essential to enable us to make the military response effective.

5 MR GLOVER: Thank you, Admiral Johnston. It was timely that you mentioned the provision of civilian meals because if we can go to the next page of General Bilton's statement, please, and to table 2, this is a summary, I assume, of key tasks conducted by Defence during the 2019-2020 bushfire season, and we see there the sheer scale of the assistance Defence provided. In relation to the civilian meals, it's right that it's 77,000 civilian meals were prepared, is that right, General Bilton?

10 LIEUTENANT GENERAL BILTON: Yes, it's correct. I should highlight that wasn't just for civilians travelling or located in Defence places where they might have been overnighing or spending a short period of time accommodated. It includes meals for emergency services, for firefighting agencies across all jurisdictions. It includes 15 meals for the public in - we did man some of the relief centres, and provide meals, particularly in southern New South Wales. So that's where you get to that figure of 77,000.

MR GLOVER: And so can you just describe to us, the fourth column down, 20 Drinking Water Production, Kangaroo Island and Bega, what does that refer to?

LIEUTENANT GENERAL BILTON: Yes, so on Kangaroo Island the fire damaged the water treatment plant located on Kangaroo Island near Kingscote. The Australian Defence Force provided a reverse osmosis machine that enables water to be 25 converted into potable water, and we provided that and generated potable water for consumption by humans, but also consumption by stock. Prior to that, the task force on coming together and deploying to Kangaroo Island also took 65,000 litres of bottled water down to Kangaroo Island to provision immediate relief to the population, the human population, on Kangaroo Island as well.

30 And then in Bega, again using reverse osmosis machines, we provided potable water. Much of that was used to fill water tanks, both in private residences and also on farms and in public buildings. So, for example, we refilled water tanks at schools, just provisioning potable fresh water to a range of different places. So very 35 important. There was a shortage and we were able to provide some of the supply that was needed in the regions, those two regions in particular.

MR GLOVER: Thank you. Just moving to table 3 now. This shows international personnel deployed in support of the 2019-2020 bushfire emergency. And, General 40 Bilton, I have to ask you a fairly typically lawyerly question: in the heading for this table, you use the words "Bushfire Emergency" but if we go back to table 2, it uses "Bushfire Season". Do I take from that I shouldn't read anything of significance into the different terminology?

45 LIEUTENANT GENERAL BILTON: No. I guess how I'd clarify it, counsel, is I'd say that the international contribution came after 31 December.

MR GLOVER: Thank you. Just in relation to that international assistance, can you please explain for the assistance of the Commissioners the process by which international forces are integrated into the ADF Force elements?

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LIEUTENANT GENERAL BILTON: Yes. So, in each case, we had a set program put in place. So once there was a government-to-government agreement for the provision of support, we then determined where those particular capabilities would be employed. So, in the case of New Zealand, they provided aviation and engineering capability. The engineers went to Kangaroo Island. The aviation principally worked out of Nowra Air Base and supported activities in New South Wales. The Papua New Guineans provided an engineering capability that was deployed into Victoria. The Japanese provided two C-130 aircraft with crew and support staff that provided operations across Australia, moving equipment and personnel and providing a general air transport function.

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Fiji provided engineers. Singapore provided CH-47 Chinook aircraft which are large heavy-lift helicopters. Indonesia provided engineers. Canada and the United States essentially provided airlift, being in the form of C-17. So the very large heavy lift aircraft that Australia also fields as well in our Air Force; and their principal role was again moving equipment capabilities from the United States. So they moved fire retardant, for example, from the United States into - into Australia. And then Canada also helped internally. They, in fact, moved the New Zealand helicopters back to New Zealand once they had completed their tasks there - MRH-90 Taipan equivalents - back into New Zealand.

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The process for each of them was to join their particular joint task force, and there was a planned three to five-day activity where they would be briefed into the circumstances, understand the taskings they were going to be asked to employ, check that all of the appropriate safety mechanisms were in place to protect the force, and then they were integrated into the actual tasks.

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The Papua New Guineans, the Fijians were tasked in East Gippsland. The Indonesians were tasked in New South Wales, mainly around the Southern Highlands area and into the Lithgow area as well, and then the other nations were more broadly tasked across the entire - or all four jurisdictions that we operated in.

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MR GLOVER: And in terms of that international assistance, did the ADF or Defence observe any issues regarding induction, liability, insurance, employment matters related to that assistance?

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LIEUTENANT GENERAL BILTON: In terms of employment and interoperability, no concerns. We regularly exercise with each of these nations; we have a relationship with all of them. We have worked together with the particular capabilities that they brought to Australia to help respond to the bushfires. So, in that sense, the integration was - was effective. In terms of indemnity, I might need to ask the VCF, but I

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think - my understanding was they were in exactly the same circumstances as our own ADF or Australian Defence Force personnel responding in terms of the indemnity situation.

5 VICE ADMIRAL JOHNSTON: Counsel, I think the other part of your question is perhaps the international arrangements by which those partners provided their assistance. They did operate under different frameworks and it depends on the nature of the standing relationships that we have. The Commissioners might be aware that we have Status of Forces Agreements that provides a degree of coverage and
10 authority between some nations. That applied to a number of the nations that contributed. New Zealand, Papua New Guinea, all - and Singapore all operated under the status of force agreement which did provide some liability protections.

The other countries typically operated under the basis of a third party note between
15 our two nations and were subject to the full and normal law that Australian citizens operating here are subject to.

MR GLOVER: Thank you. Just moving on then to table 4, in General Bilton's statement, we see the three maritime assets that were deployed there. We will return
20 to HMAS Choules shortly but, General Bilton, can you just describe to us the capability that HMAS Adelaide brings?

LIEUTENANT GENERAL BILTON: Yes. So HMAS Adelaide is a large amphibious ship, so it's capable of carrying helicopters on the deck of the ship and
25 also within - within the ship. There are six landing zones on the ship that helicopters can operate from concurrently. And then within the ship we're able to hold a number of crew, plus also a significant number, up to 800, other elements besides the crew. So these may be Army or Air Force elements that would be embarked on, on the ship, depending on the nature of the mission that you're using the ship for.

30 And then the ship has within it a series of small landing craft that can operate from the amphibious ship and put capabilities ashore on a beach. So you're not reliant necessarily on just flying capabilities underneath helicopters at shore, but you have both that option and also the option to land forces utilising the landing craft. It's a
35 very significant capability. We have two of those ships in the Royal Australian Navy. HMAS Canberra is exactly the same ship, and they play a very important role in terms of being able to carry a range of different capabilities that you can place anywhere along the coast, depending that you can get into the beach. And so they provide great versatility in terms of being able to land those capabilities and provide
40 support to whatever State or jurisdiction you happen to be operating in.

MR GLOVER: So you mentioned MV Sycamore before as being crewed by a Defence contracted crew. Can you just describe the role that MV Sycamore played in
45 relation to the bushfire emergency?

LIEUTENANT GENERAL BILTON: Yes. So it was used. It's a much smaller vessel than either Choules or Adelaide. And it was used to respond in the first instance down at Mallacoota. It was also used during the evacuation of Mallacoota. It carried about 65 passengers from Mallacoota to Western Port Bay, and it was able to return a small number of personnel including from other agencies from the State of Victoria to enable that connectivity, given Mallacoota was cut off, enable that connectivity into Mallacoota by sea.

MR GLOVER: Thank you. Let's move now to table 5 which are the rotary-wing aircraft. So, essentially, we see there both Australian ADF assets and international assets. Am I right to say that these are basically the helicopter assets?

LIEUTENANT GENERAL BILTON: Yes. So these are all the helicopters that is were utilised in support of Bushfire Assist.

MR GLOVER: Thank you. Going now to table 6, these are the fixed-wing aircraft. And I think General Bilton, you referred to some of this capability, particularly the international forces, in your earlier answer. But we there see the assets of the RAAF and also the international forces. Perhaps that is a convenient time to play a second video clip which is DEF.0002.0001.0004. This is of RAAF Base East Sale. Just before that is played, a word of warning. This footage contains distressing content of, among other things, people in evacuation situations. It runs for one minute and 31 seconds.

VOICEOVER: As the commanding officer it's our role to provide the air-based operations support to all the aircraft assets here, Air Force, Navy, ancillary. have been providing for the isolated communities of Gippsland, including fuel, food and evacuation, and the repatriation of evacuees from the affected Gippsland areas back into Sale from We have multiple aircraft to help us with that. From the Air Force, we have the C330 Army are providing the CA3 the S70 Black Hawk aircraft, and we also have civilian aircraft such as the search and rescue chopper Victorian services, we're providing an evacuation reception centre here at RAAF Base in Sale where people can be evacuated out of the area and facilitated through this base Victorian and member I'm very proud to be part of the assistance

MR GLOVER: So General Bilton, we saw there various aerial assets that the ADF brought and which are contained in your tables. It's right, isn't it, that RAAF Base East Sale was the reception area for some of the people who were evacuated by the ADF from Mallacoota who were evacuated by air?

LIEUTENANT GENERAL BILTON: Yes, that's correct, and also other places in East Gippsland as well. There was a small number evacuated out of Omeo at one point.

MR GLOVER: Thank you. Admiral Johnston, one of the matters about the ADF assistance in this bushfire season that was well publicised was the call-out of the Reserves. So I'd like to ask you some questions about the call-out of the Reserves. Perhaps first, could you please outline the process by which the call-out was achieved?

VICE ADMIRAL JOHNSTON: Thank you, counsel. If I could usefully help because I appreciate it was the source of some confusion over the summer. Of course, we've used Reserves or the part-time forces, General Bilton, has said on many occasions to provide support to our communities, and in Victoria in 2009 was a very good example. Those circumstances are characterised as call 4. That is, the reservists have volunteered to provide service when asked to do so.

That call-out refers to a provision under the Defence Act where it becomes compulsory service. So there is a mechanism by which, on the recommendation from a minister, the Governor-General, the call-out can be enacted. The Chief of the Defence Force then has the authority to identify particular units and a time frame for that call-out to occur. And subject - if you are in that military unit and for the period that is identified in the call-out orders, you are obligated to provide service.

That was the mechanism that was used through that period when Operation Bushfire Assist was activated, and the scale of response warranted a larger force than we had made available up until that point. We had conducted a practice of that mechanism in the November/December beforehand and that was the first occasion that we had actually stepped through a call-out and enacted it. That proved to be a very useful precursor for when we did the first ever large-scale call-out which was enacted in early January.

MR GLOVER: Did that initial call-out in late 2019 assist in ironing out any administrative or legislative difficulties with the process?

VICE ADMIRAL JOHNSTON: Very much so. It proved extremely beneficial, both for us stepping through the legal processes associated with a call-out, but as importantly, the administrative requirements for a call-out were stepped through. The call-out practice involved about 30 people from all of the three services. And the mechanism of call-out requires, as an example for us to ensure that we do health checks on individuals to make sure they are of appropriate health to be able to perform the service. It requires a change in their pay in administration: they move from a part-time pay system or a system that supports the part-time workforce into our system for the full-time force. Superannuation condition changes. Some of the allowance structures that are available to them as part of the full-time force change. So by stepping through it, as we did in late 2019, we walked through each of these issues and it helped us identify many of those matters that would become relevant when we did the larger call-out in January.

MR GLOVER: Thank you, and so was the consequence of the call-out that once there was the call-out and reservists were rendering continuous full-time service, they were tasked as part of the ADF's response just as if any other member of the ADF was?

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VICE ADMIRAL JOHNSTON: That's true, and General Bilton could give you the specifics. But yes, once called out, then the framework for our employment of the Reserve elements are, they are very much a part of the ADF and are a supplementary component to it that particularly give us that surge ability. They become indistinguishable from a full-time member.

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LIEUTENANT GENERAL BILTON: Yes. So counsel, if I may, each of the joint task forces raised their - their - some of their own capability from the Reserve units. Initially that happened quite quickly because a number of people volunteered straight-up, and then the call-out process brought more in, but they had that responsibility. And headquarters of the second division played a critical role in just providing the administrative support for each of the joint task forces to bring those reservists into service and make sure that all the appropriate administration was undertaken to ensure they got paid and cared for, and their wellbeing was taken into account as appropriate.

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MR GLOVER: Thank you. And just before we leave this topic, perhaps for you, Admiral Johnston, just to clarify, when we talk about this form of call-out, that is different to another form of call-out that is contained in the Defence Act which is the call-out of the Defence Force under part 3AAA?

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VICE ADMIRAL JOHNSTON: Counsel, yes. The part 3AAA provisions refer - and in their most frequent instantiation when we would apply the Australian Defence Force capabilities in a counterterrorism incident, and brings with it the ability to use lethal force as part of the response mechanisms that we would employ. The call-out provisions that were conducted for the summer bushfires did not involve those elements of the provision that are more related to the application of lethal force.

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MR GLOVER: Yes. Thank you, Admiral Johnston. Back to you now, General Bilton, and I now need to ask you another lawyerly question. In your statement, you mentioned the backdating of Operation Bushfire Assist and you explain that:

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"While Operation Bushfire Assist was declared on 31 December 2019, it was subsequently backdated to 6 September 2019 to cover the full scope of Defence support."

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And the document reference is DEF.8002.0001.0001 at page 6, and it's the footnote. Can you just explain, by way of assistance to the Commission, what that means? And by all means, Admiral Johnston, if you wish to contribute, please feel free to do so.

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VICE ADMIRAL JOHNSTON: Counsel, if I might, partly because I occupy more of the bean counting financial role than General Bilton does. The backdating of the Operation Bushfire Assist was to achieve a number of outcomes for us. It enabled us to have a single mechanism to do, or to identify the costs of the Defence response, as
5 General Bilton has provided evidence to, and our own statements, we were clearly providing Defence capabilities from that very early period of September onwards.

By bringing it under a single operation, we were now able to identify the full costs to the Department of Defence through our provision of support. But the other very
10 important element it did by bringing the date back was, in our human resource management system, one of the important areas we capture in the called-in operations log, which ensures we have a record of those people who have provided operational service. It was important that we were able to identify those people who were involved between September through to the end of December, in the same
15 manner that we captured the details of all of those from late December onwards. It provides us with that consolidated record of both the people and the costs of our contribution.

MR GLOVER: Thank you. Can we now move to page 12 of General Bilton's
20 statement, to paragraph 61.

COMMISSIONER BINSKIN: While we're going there, can I just jump in and just probably for VCDF, a large administrative overhead to call out the Reserves. There are a couple of other reasons I'm sure that that's a mechanism to do and there would
25 have been factors in that. Do you just want to allude to those as well, please, just so that we've got the full picture of that?

VICE ADMIRAL JOHNSTON: Yes, Commissioner, I think if you are referring to some of the advantages that come with the employment of our Reserve workforce, and one of the areas that we're acutely conscious of are the reservists live in the
30 community in which they work. They have long-term relationships. General Bilton made the comment of some that were involved in this time from Victoria, participated in the 2009 bushfires. They bring skill sets that are different at times. They have both their military training, but they have all of the skill sets that they
35 have from their civilian life. So they are local to the area, they're proximate, they have relationships, and they broaden our skill base out in a very useful and important manner.

So being able to call on that community at a time where their own communities are under threat and bring their efforts to bear has enormous advantages to both the
40 Australian Defence Force but to our nation more broadly.

LIEUTENANT GENERAL BILTON: Commissioner, if I may just add an important
45 point. Those members of the reserve that also serve in emergency services were

protected and were not called out, just to make sure that we weren't denuding the capability of those agencies in - in the circumstances they were in.

5 COMMISSIONER BINSKIN: Thank you, I appreciate that, for clarification. And just one more: is there also an aspect of protections for the reservists from an employment perspective over a longer term? If you just cover that so that we've got the full package.

10 VICE ADMIRAL JOHNSTON: Thank you. I should have mentioned that, that by being called out there their civil employment is protected as is their employer, who then has finances made available recognising that one of their employees has been compulsorily called out. So there are both protections to the individual to ensure that they have a job to return to, and there is compensation available to their employment agency, recognising that we have brought those individuals into our service.

15 COMMISSIONER BINSKIN: Thank you.

MR GLOVER: And just to clarify, those protections are enshrined in Commonwealth legislation, aren't they?

20 VICE ADMIRAL JOHNSTON: Yes.

MR GLOVER: Just staying on the topic of funding and cost recovery, can paragraph 61 be zoomed in on, please. And so General Bilton, we're still in your statement, so I will just ask you to explain for the Commissioners' assistance what the no-win no-loss funding arrangements mean?

30 LIEUTENANT GENERAL BILTON: Yes. So this is where Defence make an application principally to the Department of Finance to recover net additional costs. In this case, we were given a provision of 87.9 million. My understanding as of the date, signing of this statement, we had drawn on 56 million of that particular allocation, and the bulk of that was in relation to Reserve salaries and conditions of service for their service during Bushfire Assist.

35 VICE ADMIRAL JOHNSTON: Counsel, I could just update that number. The 56 million was certainly accurate at the time of the statement. It is now close to 66 million.

40 MR GLOVER: Thank you. Is the effect of this funding arrangement, no-win no-loss, that Defence does not need to recover costs for the assistance from any of the States and Territories?

45 LIEUTENANT GENERAL BILTON: Counsel, you could make that connection, but I see them as separate. There's no need to go back, given the Commonwealth has provisioned us with the netted additional costs. But they are two - I still think they're two separate - separate issues. We chose, or the Minister frankly, chose not to

exercise recovery costs under DACC 3. And then we separately made this application through the Department to seek no-win no-loss for the activity. The provisions around no-win, no-loss are net additional costs of \$10 million - \$10 million or more, before you can make that application. And in this case, we were
5 successful in achieving an allocation from the Department of Finance.

MR GLOVER: And what's the period that that no-win, no-loss funding arrangement runs for, or until?

10 LIEUTENANT GENERAL BILTON: For the duration of the response to Bushfire Assist. And, of course, we're still finalising our accounts and where all the costs were. It's quite complex and you will have to separate out your normal costs against the net additional costs, and I think we're getting close to final point of that. And my understanding is it will - any application will cease at the commencement of the next
15 financial year.

MR GLOVER: Thank you. Now, I would just like to go into some of the detail about certain aspects of the Defence support and specifically the evacuation of Mallacoota, and so now might be an appropriate time to play the third piece of video footage
20 involving HMAS Choules. That is DEF.0002.0001.0002. And just before this is played, a word of warning: this footage contains distressing content of, among other things, people in evacuation situations. It runs for two minutes and 10 seconds.

25 VOICEOVER: Choules has just dropped off 1200 people who we collected from Mallacoota following the fires that had passed through that area and they were trapped and unable to get out. It was a really textbook procedure. It ran very smoothly. It far exceeded my expectations and I think pretty much everybody's expectations as well.

30 The way people react in an emergency, it's a real uplifting experience. It gives you real confidence in human spirit, the way that in times of crisis, they come together like that and were able to overcome obstacles. So many people just get on, and just the general mood. For a town and a bunch of people that have been through one of the most horrific experiences you could ever imagine, their spirits were so high. They
35 were joyful. They were a pleasure to have on board. I think that, you know, it reaffirms my belief in the human spirit.

Excellent. Absolutely - I cannot say enough, I've been well looked after. I haven't gone hungry. I have nothing. Everybody I've asked, they've helped me. I'm so happy
40 I'm here. They've looked after our dietary requirements, given us bedding, we've been warm, comfortable, we've had power points to charge our phones, and the staff have been incredible, really amazing.

We spent two nights in the car with the raging fire behind us. After 11 o'clock in the
45 morning, like, this is the highlight.

With the Navy, like, we all hear about the Army and what they do, obviously behind the scenes we don't get to see what the Navy does but we've got obviously a lot better understanding and appreciation of what you guys do. So can't thank you guys enough. Definitely no complaints, so it's been great.

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MR GLOVER: So, General Bilton, I just wanted to ask you some questions about HMAS Choules' role as a humanitarian assistance and disaster relief response vessel. Can you just explain what that capability involved, please?

10 LIEUTENANT GENERAL BILTON: Yes. So the Australian Defence Force maintains one of the amphibious ships, so that's either the Adelaide or Canberra that I spoke about before. For the Choules, on short notice, that's 48 hours notice, to move, to respond to both domestic and also international humanitarian assistance on disaster relief tasks that may arise, and in this case Choules was sitting on 48 hours
15 notice to move on 31 December.

MR GLOVER: And what time did it sail after receiving the order to sail?

20 LIEUTENANT GENERAL BILTON: So it was given an order to depart. Firstly, it was offered to the Victorian Government on 31 December as an option to deal with the emerging situation in Mallacoota. The ship - that offer was accepted by Victoria, and then the ship was tasked to depart. It had a certain number of supplies on board. Some additional capabilities were put on board, and it departed Sydney 14 hours after receiving that direction to depart, so well inside the 48 hours, and it departed on
25 1 January and set sail for Mallacoota.

MR GLOVER: And that might be an appropriate point to ask you about the possible pre-positioning of Defence assets. So in your statement you refer to the pre-positioning of HMAS Choules in relation to Cyclone Debbie in 2017. Can you
30 just describe the considerations that apply to pre-positioning Defence assets?

LIEUTENANT GENERAL BILTON: Yes. So it's a matter of understanding the emerging circumstances. So, in the case of the response to Cyclone Debbie, that cyclone was moving close to the North Queensland coast. We anticipated and were
35 told by the Bureau of Meteorology that it would cross the coast in northern Queensland. At that point, a decision was made to move Choules from Sydney to Brisbane. It moved there and it was able to embark elements of the Australian Army on board that would be utilised, capabilities that would be utilised, in response after Cyclone Debbie had passed over the coast and created the damage that it did.

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So what it enabled was a more rapid response to the circumstances immediately after Cyclone Debbie passed. And the ship sailed from Brisbane and moved into a position where it could respond once the weather conditions were satisfactory for it to move into location. And I mean, this is essentially something you're constantly trying to do.
45 You're trying to understand the threat and then pre-position elements, capabilities, so that they can respond rapidly in times of crisis.

VICE ADMIRAL JOHNSTON: Counsel, if I could add to General Bilton's comment, based on my own experience and just reinforce, that desire to shorten response times is a very important one for us. But we're equally conscious and
5 Cyclone Debbie was an example where it was a single weather event. Cyclones, while unpredictable, our forecasting from the Bureau of Met and others helps us have some clarity around where they're moving and the time scale in which they're moving. That doesn't apply to all natural disasters.

10 I think the summer fires are an example where events can change very quickly, based on local weather patterns. So being predictive can be more difficult in some circumstances and you don't want to make the wrong prediction if it prejudices an outcome that would otherwise be achieved. So we are very conscious and the Chief of the Defence Force has available to him the means to change preparedness levels in
15 the force, move or pre-position it, but the judgments around doing so are very carefully considered to make sure you're not elevating a risk in one area while trying to reduce a risk in another.

MR GLOVER: Thank you. And in relation to that capability, while we're talking
20 about Choules in its humanitarian assistance and disaster relief role, it's the case, isn't it, that Navy personnel receive training in that form of operations, or that form of tasking when they are involved in Navy force preparation?

LIEUTENANT GENERAL BILTON: Yes, and so do the embarked forces. So it's
25 not just Navy. It's those predominantly Army elements, but also Air Force elements that might be embarked on the ship as part of, if you like, a suite of capabilities that you anticipate you would utilise in disaster response or humanitarian assistance.

MR GLOVER: Thank you. And just to take that further, while we're talking about
30 the Navy, it's also the case that the Army and the Air Force personnel who are likely to be involved in these taskings, even if they're not specifically assigned to a vessel or a maritime asset, they still receive training in humanitarian assistance and disaster relief?

LIEUTENANT GENERAL BILTON: Yes, that's correct. And also I'd highlight that
35 elements were moved to Sydney from other locations in Australia, those elements that were embarked on the ship so that the - if you like, the complete capability was available in Sydney, and that was important for enabling that rapid 14 hour response rather than having to wait 48 hours.

40 MR GLOVER: And just --

VICE ADMIRAL JOHNSTON: Counsellor, if I could - if I could just briefly make
45 the point that you referred to the nature of humanitarian assistance training that we do, but I would reflect that much of the skill set and competency that we bring are drawn from our broader operational preparation: our ability to plan, to determine

logistics, to identify health requirements, to pre-position forces, to make risk judgments. They're the core skill sets that are important to our broad military function and which we hone through the full range of tasks. They're equally relevant to when we provide a disaster relief response, but they draw on core training, not training that's developed specifically around a humanitarian response scenario.

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COMMISSIONER BINSKIN: And VCF, can I just ask then, leading on from that, are you able to just talk briefly about how that works then from a centralised control, decentralised execution, what that actually means in the way the military works from the top down out to the execution of the task on the ground?

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VICE ADMIRAL JOHNSTON: Commissioner, if you're - just to make sure I understand your question, you're referring to, from the tasking process through to the execution of an operational effect?

COMMISSIONER BINSKIN: That's it, and how those authorities are delegated to people on the ground within bounds to be able to get on and do the job?

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VICE ADMIRAL JOHNSTON: Commissioners, the question, as I understand it, is just both how do we task, organise, and then be able to appropriately delegate authorities down to - through various levels of our command and control structure, to the forces that are deployed in the area where they're delivering an effect. The tasking originates from government or, in this type of circumstance, through tasks that are agreed by Emergency Management Australia and which Defence are then responding to.

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The Chief of Defence Force provides direction to the Chief of Joint Operations on the types of outcomes that are required to be achieved, and the forces that are available to the Chief of Joint Operations to do so. That's formally placed in orders that CJOPS then has authorities and capabilities to execute on. We work on a basis of mission orientation. The orders from the Chief of Defence Force will be broad enough to make clear what is required and the time frame in which it should be achieved, but then leaves flexibility with the operational commander to determine how best to achieve that outcome with those assets that are being provided to him. I might invite General Bilton then to talk through how he arranges from his central headquarters down through the tasked elements that he employs.

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LIEUTENANT GENERAL BILTON: Yes. So then, Commissioner, from that point I basically have forces allocated from the three services. Then pending the task in each of the - that were required in each of the joint task force, I would then force assign elements to each of the joint task forces, so they would be given access to those resources and then be able to use them in the response. And then there was some resources like aviation, in particular Air Force assets, that were held centrally, and we would provide support from a - from headquarters JOP, in particular the Air Operations Centre. We would then provide that centralised control but support each of the JTFs with their various requests for air support as they arose.

And, similarly, we used a similar approach with the amphibious ships as well, through the Director-General Maritime Operations at Joint Operations Command to apportion those ships to the various JTFs when we moved between different areas of operation that the JTFs were responsible for. So there was a mix of delegating elements right down to the lowest level to enable rapid response, and then centralised control of - of elements that are high use but are relatively small in number.

10 COMMISSIONER BINSKIN: On our visits we ran into a number of your lower level commanders on the ground and obviously they have delegated a fair amount of responsibility and authorities for being able to make decisions within the bounds that you've given them; is that right?

15 LIEUTENANT GENERAL BILTON: Yes, that's correct, Commissioner. So we tried to do that to enable as rapid a response to the request at a local, regional and State level.

COMMISSIONER BINSKIN: Thank you for that.

20 MR GLOVER: And just one final question on Mallacoota before we leave it. General Bilton, this is probably best addressed for you. The Commission heard, and indeed has received submissions, about possible limitations on persons who were able to evacuate on HMAS Choules. Can you just explain to us what the real position was?

25 LIEUTENANT GENERAL BILTON: Yes. So when Choules arrived, we were still working through with the Victorian Government on what location the personnel would be taken to in Western Port Bay and where they would disembark. Initially the location offered for that disembarkation was a location that would have involved personnel having to go down fairly steep ladders to get off the ship and onto - onto the shore.

30 This meant that it would have been difficult for people of an elderly age, infirm, maybe young children as well, to guarantee their safety. So at - at Mallacoota there was a series of what I would describe as town hall meetings to ascertain who in the community there and the holiday-makers would like to be evacuated. At the first meeting, we had this limitation in place because of where the disembarkation off Choules was going to take place.

40 There were four meetings in total, four town hall meetings. Subsequently, at the second meeting we found an alternate location with the Victorian Government where we could disembark people in much safer circumstances and have provision for people that might be infirm or small children. So at the second meeting this new development was highlighted and, working with other agencies, State agencies and also the Red Cross who helped us manage the evacuation, we were able to communicate that.

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There was two subsequent meetings that ultimately confirmed the first, if you like, packages of people that would be evacuated, both on Choules and Sycamore. I think - it's my assessment that some people attended the first town hall but may have not attended the subsequent ones, and still believed that there were restrictions. I think you can see from the footage clearly we were able, fortunately, to evacuate everyone, regardless of their physical condition or age. But there was that - there was that problem in terms of just finding the right location in Western Port to enable everyone to be disembarked.

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MR GLOVER: Thank you. I note the time but I have one final topic of questions for these witnesses, and that relates to lessons learned.

COMMISSIONER BINSKIN: We will continue.

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MR GLOVER: Yes, thank you. So, Admiral Johnston, can you please explain the role, and we are thinking it's a new position of Director-General, Lessons Learned of Operation Bushfire Assist, that's Brigadier Brewer.

VICE ADMIRAL JOHNSTON: Counsel, yes. Very early on we recognised the scale of the Defence role and the scale of the full impact to those States that were impacted by this bushfire season was such that we needed to ensure we were capturing lessons as we went, and our observations, such that we were able to start acting on them and to prepare what was likely to be needed from the Department to provide insights to our responses. But Brigadier Brewer's role is a temporary role, one I'm very grateful that he has done, but he became the lead of a very small unit that started to collate our observations and lessons from that very early stage of our response in order to ensure we were well placed.

MR GLOVER: And is that review that's being undertaken, is that the strategic level review of Operation Bushfire Assist? Is that what he's leading?

VICE ADMIRAL JOHNSTON: Yes, it is. We have already stepped through one set of considerations from a Department's point of view of what were our key observations and takeaways from the experience that we had over the summer, that has been distilled into a series of tasks that have been tasked by the Secretary of the Department, and the Chief of Defence Force for respective lead areas to commence working on in order to improve our ability to respond in the future.

MR GLOVER: And is that review just looking at Operation Bushfire Assist, or does it seek to incorporate Defence's experiences as part of the whole of Commonwealth Government response to the recent COVID-19 pandemic?

VICE ADMIRAL JOHNSTON: That particular review was focused on Bushfire Assist, but there are strong parallels between the type of response we provided to the community for the bushfire support, and that which we are currently providing as

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part of the COVID-19 response. So there is certainly a relationship between the two. They are different in nature but where there are parallels, we're identifying where that is the case, and understanding that our response needs to incorporate the effects we've generated over two separate but common areas of operational activity.

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MR GLOVER: Is Defence's response to COVID-19 considered part of DACC?

VICE ADMIRAL JOHNSTON: It is being conducted under the Aids of the Civil Community arrangements, yes.

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MR GLOVER: And, gentlemen, you will note that in the evidence that has been tendered, we have a briefing note containing initial departmental insights. That's the briefing note to the Secretary. It's a document that's dated in February. Do I take from your answer, Admiral Johnston, that now the Secretary and CDF have tasked various leaders within Defence to take those recommendations forward?

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VICE ADMIRAL JOHNSTON: That's correct.

MR GLOVER: And are you able, for the Commission's assistance, just to outline in general terms, if you're able, what those recommendations were?

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VICE ADMIRAL JOHNSTON: I could talk through just some of the examples of those areas of work, and it draws on some of the evidence that we've provided already. A number of the responses that we have recognised we can do more on, include our preparations for forthcoming seasons. That would include the manner by which we work with Emergency Management Australia, our ability to collaboratively pre-identify risks, understand the basis of potential State capabilities and that by which the Department of Defence might respond. So more work upfront around risk identification and responses before fire risk weather seasons.

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We're doing some work around our own preparations, how we incorporate international forces; it's something that we haven't had to frequently do in the past. We mentioned the call-out arrangements, we believe there can be improvements there. At the moment there's areas where we would seek to have greater flexibility in call-out. It would - one example would be that that which would enable us to have noncontinuous service. At the moment call-out is a continuous period of service when it's enacted. We could see benefits and flexibility of individuals being able to serve under those arrangements but not with continuous service being applied to them.

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Our administrative preparations for call-out, I mentioned a system, adjustments, medical system, how - and, as we discovered, it was particularly difficult to perform, given the summer is our national holiday season, including many of those parts of Defence that provide the administrative support for the movement of people onto full-time service, how we could facilitate that in a more expeditious manner.

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The immunities and protections available to Defence people under the Defence Act, we are currently in a process of looking broadly at the Defence Act and how it might need to be adjusted around a whole series of requirements. This is a contemporary example of where one of those areas might be required. In our States, I don't think it has been often that we've had to accommodate people, evacuees. In our State, we're quite adept at providing support to emergency services operating from our State, but bringing families, their dogs, their pets in with them and how we ensure that their State is ready to receive people. These were experiences that we had over last summer that are not common to us, that we recognise we can improve on, that we can be better prepared for in the following season, and reflect some of those adjustments we are looking to make.

MR GLOVER: Thank you. Commissioners, I have no further questions.

COMMISSIONER BINSKIN: I have got one. A small one, but Commissioner Macintosh?

COMMISSIONER MACINTOSH: No questions from me, Chair. I just want to say thank you to you both for your evidence and for the effort you put into your witness statements.

COMMISSIONER BINSKIN: Commissioner Bennett?

COMMISSIONER BENNETT: I don't have any other questions either but I support from Commissioner Macintosh said: that your evidence has been very helpful, very powerful, and very efficient in the way it has described the material to us, and reflective of the work that the ADF did during Bushfire Assist. Thank you.

COMMISSIONER BINSKIN: Mine is just one question. It pops up in the media in comments occasionally. Could you address the issues and factors and limitations around using ADF personnel on the ground to fight fires, please, and the consideration?

VICE ADMIRAL JOHNSTON: Yes, Commissioner. In our - I think in our evidence we have indicated that the Australian Defence Force does have trained firefighters, but they are firefighters that have specific purposes around our generation of military capability. On airfields we provide a firefighting service to enable us to manage the safe operation of aircraft in a military airfield. On board ships, because of the remote nature of the work that naval personnel do, they must be able to fight a fire on a ship were that to eventuate. So our firefighting skills are very specific to the requirements that we have to generate military capability.

We do not train as bush firefighters and this is one of the areas that, after the summer, we've certainly sought to better understand. I think we've looked at some of the models that the various State Emergency Services use for their own firefighting training. If I could perhaps use the example of the New South Wales Rural Fire

Service who I understand has - their basic package of training is about 26 hours worth to bring an individual up to a rudimentary but safe level of being able to work in a supervised environment, having done some other series of training before it, but a specific element of firefighting training about 26 hours that I understand is delivered through a variety of mechanisms.

But the point that was made to us is that basic firefighting needs, for an individual then to become competent at it, you need to do that in a fireground or experience a fire to do so and under the supervision of people who clearly have more experience and provide for the safety of those who are new to that environment.

For a military and an army unit to gain that experience, the nature of our service means that individuals change units and location. We don't have people in a circumstance where year-on-year they're able to be reliably available to both do the training, but potentially experience bush firefighting support and then to grow in that competence. So very difficult for us to have confidence that a person would get the range of experiences that are necessary.

Commissioner, you're also aware, our model of military command means that we have a tiered rank relationship where it's a requirement for military service that you are under a military command structure. If I'm in the RFS, I can be confident that the supervisors have gained that experience and the additional competencies. If I'm a sergeant or a warrant officer in an army unit who are responsible for the supervision of their people, the ability for us to build that experience in firefighting into those individuals is, at best, highly dubious and variable.

So it's very difficult for us to replicate the model that is very important and relevant for the volunteer fire service and the professional fire service, given the nature of our employment for our people, and added to by the significant demands that we have on just building the military skill set that we need for our people. It won't be a surprise to any of the Commissioners that the environment in which we're providing military effects is increasingly complicated. The equipment that we use, whether you are a member of an army unit through to those involved in our naval or air capabilities, is increasingly complex and technical in its nature. That requires more training and more practice for our people to become proficient in their equipment and the environment in which we might need to employ it. So the capacity of the ADF to be able to pick up ancillary skills that are not at our core role is a very complicated issue for us.

COMMISSIONER BINSKIN: Thank you for the concise answer. I appreciate that. And one other element: is there a workplace health and safety issue, or an obligation that is a factor?

VICE ADMIRAL JOHNSTON: Commissioner, yes, we are obligated, and particularly for our domestic operations, to comply with the Workplace Health and Safety Act in the same manner that others within Australia are required to do so. For

Defence, that means we need to ensure our people are appropriately trained and equipped for the roles that they are employed in. When it comes to disaster relief, that's one of the very important reasons why we seek to provide our support in a manner that is complementary to our core skill sets.

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For a helicopter crew that is search and rescue, ability to fly in difficult circumstances but in a manner that is consistent with the training that they receive. As Defence leaders, all the way down through our command chain, we are obligated to make sure we only employ our people in those areas where they have the competency and equipment to do so.

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COMMISSIONER BINSKIN: Okay. Thank you very much. Mr Glover?

MR GLOVER: Thank you, Chair. I will just pause there to make sure there is --

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COMMISSIONER BINSKIN: While we do that, on behalf of the Commission, Vice Admiral Johnston and Lieutenant General Bilton, can you please thank the ADF members that participated in Bushfire Assist, as well as Defence civilian personnel, the contractors and industry. I'm sure all of Australia appreciates it. Thank you.

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MR GLOVER: Chair --

VICE ADMIRAL JOHNSTON: Commissioner, be a pleasure to do so.

25 COMMISSIONER BINSKIN: Thank you.

MR GLOVER: Chair, there are no further questions from the parties with leave to appear, so may the witnesses be excused?

30 COMMISSIONER BINSKIN: Witnesses may be excused. Thank you, gentlemen. Appreciate it.

LIEUTENANT GENERAL BILTON: Thank you, Commissioners.

35 VICE ADMIRAL JOHNSTON: Thank you, Commissioners. Thank you, counsel.

LIEUTENANT GENERAL BILTON: Thank you counsel, yes.

COMMISSIONER BINSKIN: Ms Hogan-Doran?

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MS HOGAN-DORAN SC: Nothing further for this afternoon, Chair.

COMMISSIONER BINSKIN: Tomorrow, 10 o'clock I think?

45 MS HOGAN-DORAN SC: 10 am with Mr Colvin.

COMMISSIONER BINSKIN: So the Commission is adjourned until 10 am tomorrow morning. Thank you.

<ADJOURNED 4:34 PM TO THURSDAY, 4 JUNE 2020 AT 10:00 AM>

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