



Australian
National
University



Disaster Risk
Science Institute

Short Professional Course

EMERGENCY MANAGEMENT
IN THE AUSTRALIAN FEDERATION:
LEGAL AND CONSTITUTIONAL ISSUES

ANU

> 2019 and 2020 have posed unprecedented challenges for emergency management with catastrophic bushfires, flooding, hail storms and the world-wide COVID-19 pandemic.

These catastrophic events have brought into sharp focus critical legal issues such as:

- Authority and legal responsibility of the Commonwealth and the States
- The role and jurisdiction of the Commonwealth and its agencies such as the Australian Defence Force
- Legal and societal limits around the protection of individuals and communities
- Liabilities for governments and agencies in the short and longer term.

Course Content

This course for emergency management professionals explores response issues over three 2 hour online interactive sessions:

1. The Constitution and the role of the Commonwealth in natural disasters (including pandemics);
 - a. When is a disaster a national disaster?
 - b. When can the Commonwealth take charge – and should they?
 - c. What can the ADF do when providing assistance to the Civil Community and the Civil Authorities?
 - d. What does the Royal Commission into National Natural Disaster Arrangements recommend and will it help?
2. Power and authority
 - a. Who has the power to order what? And what are the consequences?
 - b. What can the chief health officer, the state controller and the local police sergeant or fire brigade captain do or expect others to do?
3. Common law and liability
 - a. How does it all look in the wash-up?

Teaching Staff

This course is convened by Honorary Associate Professor Michael Eburn. Michael is a leading researcher and expert in the area of emergency services, emergency management and the law in Australia. He is the author or co-author of three books and has made over 80 contributions to book chapters, journal articles, professional publications and conference and professional development presentations. Michael also runs the respected emergency management blog, Australian Emergency Law (<https://emergencylaw.wordpress.com/>).

Expected outcomes

Participants attending this short course can expect to gain knowledge and understanding of how the law interacts with emergency management.

At the end of the course participants will have the skills and knowledge to

1. Explain the ambiguity of federal/state relations that are inherent in the Australian Constitution;

2. Reflect on the legal implications of granting, and exercising emergency powers;
3. Understand the principles that are applied when considering common law liability in the context of an emergency;
4. Understand and apply current legal requirements and obligations for disaster management using scenarios in the Australian context;
5. Source networks and professional contacts through active participation in the course.

Course schedule

ENROLLED ONLINE SESSIONS: Tuesday 4-6pm on September 15, 22, 29; 2020.

Participants will be expected to do 2 hours of preparatory reading and online peer discussion in preparation for each online sessions.

Learning Experience

The course includes three 2-hour zoom sessions with Hon Assoc Prof Michael Eburn that will include presentations, case studies and Q&A sessions. In addition, participants will network and collaborate on group scenarios offered through the online discussion forum to practice their knowledge and application of course content. Feedback will be given to students throughout to assist their development. Zoom sessions will be recorded for enrolled participants.

Assessment

This short course is not formally assessed however an ANU Participation certificate will be provided for enrolled participants demonstrating an active contribution during the online sessions and forums.

Is the course for credit at ANU?

No. This short course is not formally assessed. Completion of the course does not provide ANU course credit, and you will not receive an ANU transcript.

Fees, associated costs, cancellation advice and refund policy

The total course cost is A\$950 per person, GST Inclusive.

The Disaster Risk Science Institute reserves the right to cancel the course or change course title, content and dates. We also reserve the right to decline registrations where registrations exceed capacity (over 30 participants) or cancel the course due to insufficient registrations. In the event of cancellation, at least two weeks' notice will be provided to students registered for the course.

Refunds:

Under the circumstances outlined below, students may be eligible for a full refund of their fees.

- If DRSI is unable to offer the course
- If a student cancels their place in the course in writing 7 days before the course start date

No fees will be refunded if the student withdraws from the course after the course start date.