

# SPECIAL REPORT

December 2008 — Issue 19

## All in a day's work Business and Australian disaster management

### Report of an Independent Task Force



#### Executive Director's introduction

Many Australians would recall events such as the 1983 Ash Wednesday fires, *Cyclone Tracy* and in 2006, *Cyclone Larry*. The scale and speed of such natural events can threaten our normal way of life across significant areas of the country.

The last decade has seen the evolution of a new approach to risk assessment, with a shift in focus towards cost-effective, evidence-based disaster mitigation. Key to this is an *all-hazards* philosophy, building greater self-reliance and community involvement in the preparedness of all citizens.

Improving our emergency response is becoming more important due to the apparent increase in frequency and scale of disasters due to climate change and demographics.

For all these reasons, the Australian Strategic Policy Institute established an Independent Task Force to examine the role of business in Australian disaster response.

**The Task Force members were Anthony Bergin, Alex Candetti, Kate Carnell, Andrew Ethell, Bruce Howard, Damian McMeekin, Warren Mitchell, David Parsons, Kellie Phillips, Brian Spalding, Mark Triffitt, John Valastro, Anthony Wilson and Athol Yates.**

The study found that the role of business has not been fully thought through in disaster planning in Australia.

The Task Force makes a number of important recommendations to integrate the private sector into our disaster response capabilities to ensure Australia becomes a more resilient nation.

On behalf of ASPI, I thank all Task Force members, a diverse group comprising experienced business leaders, peak body representatives and policy analysts, who contributed their depth of experience and commitment to this important project.

I also thank Anthony Bergin, Director of Research Programs at ASPI for capably and knowledgeably bringing this project to fruition and Athol Yates, Executive Director, Australian Homeland Security Research Centre, for offering his expertise as Rapporteur for the Task Force.

All those involved have produced an important study that points the way toward a much better integration of business into Australian disaster response.

**Peter Abigail**  
Executive Director

## ***Executive summary***

*Australian business already makes a significant contribution to disaster management. However, it can do far more, both in terms of its own resilience efforts and its assistance to the community, before, during and after a disaster.*

*In Australia, the relationship between business and disaster management organisations is best characterised as ad-hoc and exists only for the period of the disaster. The Task Force concludes that this is not acceptable and that a partnership between business and other emergency stakeholders is required.*

*This report examines the current involvement of business in disaster management and why it is becoming increasingly important that the private sector is involved in disaster management. It identifies the increasing influence and disaster-related capabilities of the corporate sector, while highlighting factors which inhibit business involvement in disaster management.*

***Recommendation 1: An agreed statement of principles on the involvement of business in disaster management should be developed and endorsed by all disaster management stakeholders.***

***Recommendation 2: Governments should accelerate the implementation of national approaches to disaster management arrangements.***

***Recommendation 3: A national review of legislation should be undertaken to provide an improved and clarified legal environment in which business can be involved in disaster management.***

***Recommendation 4: Partnerships between business and disaster management organisations should be established to enhance disaster management.***

***Recommendation 5: Business should increase the quality and uptake of business resilience practices and become more involved in disaster management.***

## Aims and current involvement of business in Australia's disaster management

The Task Force had three broad objectives:

1. identify ways in which business can better work in partnership with the community, emergency services, other private sector organisations and governments to improve Australia's disaster management capability
2. identify the policy, administrative, regulatory and legislative impediments which limit business from becoming partners in disaster management
3. make recommendations to enhance the contribution of business to Australia's disaster management.

Australia's private sector contribution to disaster management can be divided into two categories.

The first is business resilience efforts which aim to enable companies to resist the impacts of disasters or other adverse events, and to recover quickly from them. When business activity resumes quickly, the scale and duration of a disaster's consequences on the community, economy and environment are significantly reduced.

The second is via business assistance to the community before, during and after a disaster. This assistance comes in many forms. It includes the supply of goods and services before the event which reduces the direct impact of a disaster, delivery of specialised surge capacity to assist the disaster response effort, and the provision of long-term human and physical resources to ensure rapid recovery.

This report discusses both categories of activities, as together they offer significant opportunities for improving Australia's disaster management.

## Business resilience

In May 2008, the Australian Strategic Policy Institute released the report, *Taking a punch: Building a more resilient Australia*. This noted the importance of building resilience and stated that a resilient community has the capacity to withstand a disaster and its consequences, return to its pre-disaster state quickly and learn from the disaster experience to achieve higher levels of functioning.<sup>1</sup>

In an address in August 2008, the Commonwealth Attorney-General, The Hon Robert McClelland MP, stated that 'The Rudd Government shares [with ASPI] this analysis ... I see this approach being taken up enthusiastically by most emergency sectors within governments, and by many in the private sector'.<sup>2</sup>

Business resilience encompasses the disciplines of risk, security, emergency and business continuity management to better help an organisation survive disasters, incidents and turbulent times. The outcome is a resilient organisation which is far better able to continue meeting business objectives when faced with challenging circumstances in their operating environment.<sup>3</sup>

Central to business resilience, and common across the disciplines of risk, security, disaster recovery, emergency and business continuity, are a series of activities. These involve: preparing regular risk assessments; developing and updating action plans and procedures to mitigate potential hazards and risks; and integrating the plans into normal business operations through regular system tests and exercises. In relation to disaster preparation, specific activities include the identification and prioritisation of key business processes, impact analyses, and notification and management of customers.<sup>4</sup> (See Box 1.)

### Box 1: Resilient enterprises

Resilience is a combination of culture and attitude, process and framework. There is no single blueprint for a resilient organisation. However, resilience is strongest in organisations that show all or some of the following traits:

- a capacity to anticipate threats and the ability to understand their impact
- an understanding of business impacts and the upstream and downstream dependencies
- supportive partnerships with critical stakeholders in their supply chain, sector and community
- an ability to respond to and recover from disruptions as a unified whole-of-organisation team
- adaptation to the changing environment
- leadership which articulates clear organisational objectives and establishes a strong sense of purpose in response to and recovery from a disruption.

Source: Adapted from the *Executive Guide: Resilience* produced by the Resilience Community of Interest, Trusted Information Sharing Network for Critical Infrastructure Protection, Australian Government 2008.

Disasters have a significant impact on businesses. For instance, a Bill presented to Congress relating to *Hurricane Katrina*, stated that ‘43 percent of businesses that close following a natural disaster never reopen; [and] an additional 29 percent of businesses close down permanently within 2 years of a natural disaster’.<sup>5</sup> Consequently enhancing business resilience can significantly increase the likelihood of continued operation.

As a result of the recognised benefits of business continuity and resilience, governments and industry groups have advocated their adoption to business. For instance, the Queensland Government has developed a disaster resilience program online that will allow businesses to complete a series of checklists and then use the information to develop a customised Natural Disaster Resilience Plan.<sup>6</sup> Another example is the formation of a Resilience Community of Interest within the Attorney-General’s Trusted Information Sharing Network for Critical Infrastructure Protection (TISN). This group, consisting of representatives from a range of critical infrastructure sectors, is interested

in promoting the concept of organisational resilience within the business community generally, and critical infrastructure in particular, for the purposes of building a more resilient nation.

Despite the benefits and advocacy of resilience and business continuity in particular, there is huge variability in the uptake and quality of both in Australia. Many businesses may not be aware of these processes, while others have elected to ignore the threat that disruptions pose to their organisations and instead rely on insurance and luck as their mitigation approach.<sup>7</sup>

However, other organisations continually work at enhancing their resilience. These organisations are typically those which continually face a range of threats and suffer regular disruptions, and where a loss of their services or products has substantial community impacts. Examples of these include such critical infrastructure as power, telecommunication and water providers.<sup>8</sup>

While the term *business resilience* may be new, businesses are well aware of the need

to be able to withstand disruptions. This has been highlighted over the last few years with a number of high profile incidents. One example was the North American electricity blackout in August 2003. Following a power line outage caused by lines touching a tree, a cascading failure occurred which resulted in over 50 million people being without power. Large areas still suffered from blackouts or reduced power supply some five days later. The consequences of the outage included major disruptions to water, telecommunications and transport. The disaster claimed a number of lives and cost billions in lost revenue for tens of thousands of businesses who could not operate during this period.

### **Business assistance to the community before, during and after a disaster**

Business assistance to the community following disasters takes many forms that include:

- donation of goods and services
- loan of equipment and staff to assist in the immediate response
- supply of credit to other businesses to allow them to resume operating
- supply of credit to customers
- distribution of information to the community<sup>9</sup>
- provision of information to the Disaster Recovery Committee on damage assessments, community needs and the effectiveness of recovery actions
- supply of heavy lift or specialist equipment
- provision of medical personnel and mental health counsellors
- deployment of engineers to undertake damage assessments

- deployment of reconstruction and building trades professionals.

While these contributions are well recognised, businesses also provide considerable assistance before a disaster.

For example, if a development occurs that appears likely to pose a safety or security threat to its customers, Qantas will make aircraft available to remove people from risk areas. This action is not undertaken because of a request from government, but done to aid its customers. In doing so, it often pre-empts the need for governments to organise any evacuation or extraction efforts. A recent example occurred in Thailand in 2008, where extra services were put in place to remove passengers from Phuket due to the civil unrest in the area.

Another example is preparation activities by Woolworths. Before the cyclone season starts each year, the company distributes 'cyclone pallets' to northern Australian stores. These contain essential items such as batteries, candles, tinned goods, gas bottles and burners, and flashlights which are invariably purchased in the days before a cyclone hits. In addition, as a cyclone materialises, they pre-position goods which can be rapidly brought into the impacted area in the days after the cyclone. By undertaking these actions, there is reduced demand by emergency services to provide essential goods, and it significantly reduces the stress for individuals as they can stock up before the disaster hits.

In both of these situations, and in many others, the business response is undertaken without government direction, legislative requirement, community service obligations, or emergency service coordination. It is done notably because of a desire to assist the community, but also because it makes sound business sense.<sup>10</sup>

## Consequences of the current situation

While businesses can and do make a significant contribution to disaster management, rarely do they have any involvement with disaster management agencies or planning before a disaster. In addition, government disaster management legislation and plans only mention the private sector in the context that business is:

- recognised as playing a vital role in community resilience by ensuring continuity of their services
- a recipient of disaster assistance
- an element of the community which needs to be addressed in any recovery plan.

The lack of business recognition and involvement in formal disaster management arrangements leads to a series of consequences which combine to reduce the overall effectiveness of disaster management.

For businesses in the disaster zone, the disengagement leads to a reduction in the quality of their disaster response efforts. Specifically, in terms of prevention and preparation measures, it results in a lack of knowledge transfer from disaster management officials to businesses about local vulnerabilities, such as likely flooding areas and the reliability of infrastructure under different threats. In terms of response measures, it results in business not knowing who to contact for assistance or information, and how they can best contribute their resources to assisting the community. In terms of recovery measures, it results in reduced information flow between the Disaster Recovery Committee and business about recovery efforts, which again slows down the progress of these efforts. A lack of adequate information can lead to a breakdown in trust and confidence by

local business which can in turn influence community perceptions of the recovery effort, and thus their desire to cooperate with it.

For those involved in disaster planning, the Emergency Operations Centre (EOC) and Disaster Recovery Committee (DRC) operations, it can result in their decisions not reflecting the reality of local business vulnerabilities, local capabilities which can be used in the response and recovery phases, and the opportunities that businesses provide for dissemination of information and assistance to the community.

A specific and very damaging problem that can arise from a lack of formal participation is that decisions made by those involved in the EOC and DRC can actually worsen the business impacts. An illustration of this is that roadblocks established around an impending disaster zone can prevent organisations from undertaking critical prevention and preparation activities, such as removing stock from the path of a flood or stocking up a bank with cash before a cyclone. The decision to block entry is often made by police or delegated emergency service officers who are not aware of the consequences of preventing entry.

An illustration of a decision which undermines economic recovery is the provision of cash grants before there is a local supply of goods in demand. The result is that this money has to be spent outside the impact area, significantly undermining local economic activity.

For businesses outside of the disaster zone, it can result in delays and mismatches in the provision of needed goods and services. Specifically, businesses do not know who to contact to offer their assistance, and do not know what assistance is actually required and when.

Finally, companies require surety of their legal responsibilities, such as duty of care and professional indemnity, and will not have undertaken activities to address potential concerns. Consequently, they may be far more cautious in contributing or even decide against contributing at all.

Any lack of contribution by the private sector has the consequence that business and the community will be less well prepared, suffer more damage and take longer to recover.

Speed of economic recovery is a critical issue, as delays have significant consequential impacts. Slow economic recovery means increased lower local income which reduces demand and thus, employment. This in turn results in local inhabitants departing the region in search of employment, which further reduces local demand and economic activity. In addition, slower economic activity results in increased government expenditure on business assistance, unemployment and health costs due to the link between economic disadvantage and negative health consequences.

### **Why it is becoming increasingly important that business is involved in disaster management**

The consequences of the disengagement by business in disaster management results in less than optimal preparation, prevention, response and recovery efforts. These consequences will actually worsen if the current approach of limited business engagement continues because of four main drivers:

- increasing disaster intensity, frequency, impact zone size and number of affected people
- increasing public expectations of post-disaster efforts

- reducing numbers of deployable disaster resources controlled by government
- increasing role of the private sector in delivering essential community services.

### **Increasing disaster intensity, frequency, impact zone size and number of affected people**

There are three factors which are increasing disaster intensity, frequency, impact zone size and the number of people affected by a disaster.

Firstly, the scale and frequency of natural disasters is expected to increase due to climate change. The 2007 technical report *Climate change in Australia* by the CSIRO stated that by 2030, average temperatures will rise by about 1°C over Australia and by 2070, by between 1°C and 2.5°C assuming low greenhouse gas emissions.

The consequences are an increase in:

- temperature extremes, with substantially more days over 35°C (heat waves are Australia's largest natural disaster killer)
- high-fire-danger weather in southeast Australia
- the intensity of tropical cyclones
- sea levels.<sup>11</sup>

Secondly, the numbers of people affected by disasters are expected to increase due to demographic changes. The movement of people from rural areas to cities, the urbanisation of the seaboard and the northwards migration from southern states is placing more people and property into areas which are more likely to experience extreme weather related impacts, such as tidal surges, floods and cyclones.

In addition, the ageing of the population means that more people will require assistance in preparing for disasters and

following them. If this does not occur due to a lack of emergency service staff, family, friends or by neighbours, the consequence will be more fatalities compared with past disasters.

Compounding these impacts is that the impact zone of disasters is likely to increase due to infrastructure and business interdependencies. Due to the tight coupling between infrastructure, such as between electricity, water and telecommunications, a loss of one infrastructure can have cascading consequences in the others. These consequences can be well away from the site of the original problem.

### **Increasing public expectations of post-disaster efforts**

The last few decades have seen a continual growth in public expectations of the efficiency, scale and speed of post-disaster efforts. Specifically, people now expect earlier and more accurate warnings of impending threats, more rapid response by emergency services, faster return to service of infrastructure, and a quicker return to normality.

In addition, the public now classifies a greater range of goods and services as essential than in the past. This means that they expect these also to be available as quickly as traditional infrastructure. Examples of such goods and services are the internet and pet care products.

Another specific area of expectation growth is public communication, and in particular targeted information and communications. This can be very challenging for disaster management officials particularly in the early stages of the response when no complete situation awareness picture has been compiled, there is a lack of operating communication channels to disseminate information, an inability to provide information in real-time due to decision

making processes, and limited ability to produce targeted information in various languages and on specific issues.

While there may be legitimate reasons for any problems relating to the efficiency, scale and speed of disaster efforts, the public's tolerance to delays appears to be diminishing unless they are fully explained and are deemed reasonable. Some causes of delays, such as cross jurisdictional coordination caused by different procedures and incompatible communications equipment, are likely to be considered less reasonable, meaning governments will be blamed for the delay.

A political lesson learnt from disasters which were perceived to be badly handled by government, such as the 2005 *Hurricane Katrina* impact in New Orleans, is that the public will punish those they consider are responsible politically.

To counter these growing expectations, disaster management officials have made considerable efforts to encourage the public to be more resilient. Actions here include pre-disaster preparation such as developing evacuation plans, holding off-site copies of essential documents for insurance purposes, and stockpiling food and water. Importantly, they have attempted to counter the perception that a call to the Emergency Call Service 000 will result in a rapid response by emergency service organisations regardless of the scale of a disaster.

While these efforts may have moderated some public expectations, it is likely they will continue to rise, albeit more slowly.

### **Reducing numbers of deployable disaster resources controlled by government**

Historically, the vast majority of the resources required for disaster management were



owned or controlled by governments. These resources included the paid emergency service organisations, government-based volunteer emergency service organisations, local governments, state public services and the Australian Defence Force.

However, the last decade has seen a significant reduction in the numbers of deployable disaster resources controlled by government compared with the growth in demand.

### *Paid emergency service organisations*

While paid emergency service organisations, specifically the fire, ambulance and police services have grown over time, their resources generally match the needs of their area of responsibility. Consequently, following a disaster, significant augmentation of the remaining local paid emergency service capacity by personnel and equipment outside the area generally cannot occur as it will degrade capacity in their own operational areas.

### *Government-based volunteer emergency service organisations*

Government-based volunteer emergency service organisations, including the State and Territory Emergency Services (SES), Australian Volunteer Coastguard and rural fire services, suffer from a declining membership, an ageing workforce and declining ability of existing members to work for extended periods in disaster zones due to other commitments.

### *Local governments*

Local governments traditionally owned large day labour forces, earthmoving and other construction equipment as part of their day-to-day operation that would be used in disaster response and recovery

efforts. The last few decades have seen these local governments replacing their in-house capabilities and contracting the work out. These contracts relate to specific statements of work and in very few cases are there any contractual provisions requiring businesses to make these resources available during a disaster. In addition, as government contracting protocols such as probity and three bid requirement are not suspended during a disaster, contracts cannot be let quickly.

### *State public services*

State public services have traditionally provided significant numbers of personnel for disaster response and recovery. For example, in *Cyclone Larry*, approximately 900 Queensland Health staff were tasked to response and recovery operations involving activities defined within the State Health Disaster, Medical Services, Population Health, Mental Health and Emergency Management plans and activities.

As the state public services have reduced their day labour forces, such as housing and construction departments, the contribution that the public services could make is now limited to professional services, such as engineering assessments, project management, health services, and planning and coordination.

### *Australian Defence Force*

Deployments of Australian Defence Force (ADF) elements have contributed in most disasters, albeit on a smaller scale. While deployments are governed by the provisions for Defence Assistance to the Civil Community (DACC), the prime determinant is the availability of military personnel, their skills and training, equipment and transport. With the present high tempo deployments of

the ADF, there are far fewer military resources now available for immediate deployment in Australia, and much less capacity for deployments lasting months, such as occurred during the recovery of Darwin following *Cyclone Tracy* in 1974.

Consequently ADF support for disasters cannot be assumed. It is important to note that the ADF neither trains nor is resourced for this activity to any significant degree.

### **Increasing role of the private sector in delivering essential community services**

The private sector's role in providing essential services to the Australian community continues to increase. Over 80% of critical infrastructure is owned by the private sector, and many traditional government service functions, such as local government engineering and social services, are now being provided by business.

The community's dependence on the business provision of essential services means that any loss of the corporate sector can have serious impacts on the community.

### **Increasing influence and disaster-related capabilities of business**

The last few decades have witnessed a massive increase in the importance of the private sector in Australian society. This is a result of the growth in private sector employment compared with the public sector, a massive increase in the volume and speed of economic activity, and an increase in the speed with which economic shocks spread throughout the nation.

This has two implications in a disaster context.

Firstly, delays in the speed of recovery for individual businesses following a disaster will result in increased unemployment and reduced economic activity.

Secondly, business now has vastly increased capabilities that are essential to rapid and effective disaster responses. This includes the provision of goods and services ranging from disaster consumables to specialised services.

In relation to disaster consumables, until July 2008 a national stockpile called the Disaster Earmark Stores, containing gloves, masks, hand tools, tenting and various other items of practical use in disasters existed. It was managed by Emergency Management Australia and maintained at the Defence National Storage and Distribution Centre at Moorebank, NSW. The disbandment of the Disaster Earmark Stores reflected an acknowledgement that these stores are immediately available in large numbers from business and Emergency Management Australia will move to entering into 'just in time' arrangements with appropriate national suppliers. The benefits of this are that the items are procured from within the affected community and the money raised through their purchase goes back into the affected community. Access to a much larger array of items will be provided with the Australian Government engaging directly with business to assist further with community recovery.

Potential considerations for the future include that the Australian Government might consider purchasing and maintaining difficult to access items, such as portable flood barriers and high volume pumps.

An example of specialised services which governments do not own is near-real-time mapping, which is used to plan evacuations, conduct needs assessments and prioritise response actions. This technology involves

flying a plane with camera equipment over an area, and processing the data very rapidly into digital information compatible with the geographical/geospatial information systems which are used by many disaster organisations.

Two areas where significant disaster capability increases have occurred over the last decade relate to companies which are national in operations. Many of these groups, such as logistics, food retailers, hardware retailers and manufacturers, now have logistic chains which can coordinate and move vast quantities of food or other goods. In addition, these national businesses are regularly involved in disasters due to their geographical spread. Consequently, their disaster, resilience and continuity teams have extensive experience in certain aspects of disasters, and the logistics and disaster expertise of these companies, in conjunction with their physical capabilities, will be increasingly useful to disaster response and recovery efforts.

In addition, business is also working collaboratively across various sectors to improve their overall continuity and disaster capabilities. (See Box 2.)

## **Challenges to increasing business involvement in disaster management**

There are two main categories of impediments which are restricting business involvement in disaster management: the slow implementation of national approaches to disaster management and legislative and regulatory uncertainty.

### **National approaches to disaster management arrangements**

The last decade has seen an increase in activity to develop national approaches to disaster management arrangements.

Examples of these include the development of the Australian Emergency Management Arrangements (AEMA), and the implementation of the Australasian Inter-service Incident Management System (AIIMS).

AEMA is a document which brings together, for the first time in Australia, the emergency management arrangements across all jurisdictions. By documenting the key elements of emergency management arrangements, it allows all jurisdictions to standardise their approaches. AEMA should be released in the near future.

AIIMS is an incident management system that can be applied to any size or type of incident, imminent or actual, natural, industrial or civil. AIIMS has been adopted by all Australian fire and land management agencies and the Australian Council of State Emergency Services. A number of public safety agencies are also adopting AIIMS. Businesses, such as Sydney Water, are using it increasingly. The key benefit of standardising incident management arrangements on AIIMS is that it enables a seamless integration of activities and resources from multiple organisations in an emergency situation.

Another significant development is the recent establishment of a working group on the development and implementation of a nationally consistent emergency warning system in Australia. In a related development, in October 2008, a revised National Counter-Terrorism Alert System was implemented. Previously the Alert System only provided an Australia-wide assessment of the risk of terrorism. Now the Alert System allows for more specific alerts based on jurisdictions, geographic locations, sectors and industries.<sup>12</sup> It is significant to note that the revised Alert System was implemented after considerable consultation with business.

## Box 2: Industry-led projects which enhance disaster efforts

### Food retailers' disaster stocks database

Australia's three main retailers, Coles, Woolworths and Metcash (IGA), have worked collaboratively with the Australian Food and Grocery Council to develop a database which can be used to identify the stockholdings of all Australian food in the retailers' food chain. This database will be invaluable in a catastrophic disaster, such as a pandemic, and it will allow emergency managers to work with food retailers to facilitate the effective allocation of food that is already in the supply chain.

The database is a shell and will be rapidly populated with data from the three retailers when required.

### Improving health sector supply chains

The health sector, organised through the Health Infrastructure Assurance Advisory Group, is developing a project to assist the private health sector to meet challenges in the supply of essential materials and products in the face of disasters such as pandemics.

The project will develop frameworks to assist the private health sector with developing institutional or sectoral plans to meet challenges in the supply of essential materials and products. The

frameworks will be developed to assist suppliers and end-users including hospitals and pharmacists to maintain current infrastructure whilst ensuring capability during a pandemic.

The project will examine private sector health supply chain processes using a number of product items as examples, such as:

- material critical to blood supply e.g. reagents, bags, test kits
- IV fluids
- common medications supplied or made by a few companies such as Amoxicillin, oxygen, insulin or asthma medications
- medical devices such as ventilators
- basic surgical equipment: e.g. bandages, needles, syringes, scalpels, catheters and sutures
- personal protective equipment (PPE): e.g. N95 masks, caps, gowns.

The frameworks will respond to three broad scenarios in responding to the supply chain issues. These are:

- disruption to the ability to import raw or finished materials for a minimum of four to eight weeks
- disruption to the ability to transport material between capital cities in Australia, caused either by loss of fuel or staff, or international hostilities
- an acute increase in demand for materials.

From the perspective of government, the implementation of national approaches is essential to improve multi-jurisdiction disaster responses which are currently hampered by different policies, procedures and equipment

in each state and territory and between different emergency management services.

From the perspective of business, they are also essential as different approaches to disaster management arrangements become

significant impediments for organisations which operate across jurisdictions. Specifically, jurisdictional approaches require these organisations to learn each jurisdiction's approach, customise their policies and procedures for each jurisdiction, and then maintain these multiple arrangements. For organisations which manage their activities on a national basis, this customisation is extremely expensive and frustrating.

As such, national approaches would significantly aid business involvement in disaster management.

While this Task Force report focuses on public-private partnerships in disaster management, it is acknowledged that there are a number of other areas that could benefit from taking a national approach and that far more work is required to actually ensure the implementation of such approaches. Areas of specific improvement could include facilitating the qualification portability of emergency and disaster personnel and of all professional bodies (not necessarily emergency services) who might be required to assist in a disaster affecting more than one jurisdiction. Other issues relate to standardisation of communication capabilities and protocols, integration of counter-terrorism and non-counter-terrorism alert systems, and ensuring interoperability of emergency response equipment where possible across the country.

## **Legal and regulatory uncertainty**

There is considerable associated legal uncertainty when businesses become involved in disaster management. The result of this is that the private sector may be more conservative in their involvement in disaster management, to the point of not offering their resources. Legal concerns relate to three main areas.

Firstly, business is concerned about the impact of occupational health and safety (OHS) requirements associated with employing and sending staff to disaster areas. OHS places a responsibility on employers to ensure the health, safety and welfare at work of all employees and others. Specifically, it requires employers to ensure that all reasonably practicable measures have been taken to control risks against all possible injuries arising from the workplace.

Some companies are worried that if their employees are injured in a disaster environment, the business may be charged with breaching OHS requirements. Specific areas of uncertainty relate to determining what would constitute 'all reasonably practicable measures' in a disaster environment, and their degree of liability if an employee is injured during what could be described as brave or heroic action.

Secondly, business is concerned about professional liability. Professional liability arises where a professional is negligent. Specifically, it occurs when it is deemed that the professional has not performed the required task to the standard of skill, care and diligence of a reasonable person performing similar work.

This concern is particularly relevant to building and engineering professionals who are involved extensively in disasters, especially in assessments of structures in the immediate aftermath of a disaster. Where there is large scale devastation, professionals have limited time to make assessments and consequently their work may not be as fully informed or documented as normal. If a person suffers a loss because of the alleged negligent act of a professional, the person can make a civil claim for compensation for that loss. Any assessment of liability will revolve around a definition of the actual 'standard of a

reasonable person performing similar work' during a disaster.

Thirdly, business is concerned about the liability associated with providing goods or services which may not conform to the regulations and requirements specific to the jurisdiction. For example, an interstate firm may supply food but in doing so may breach state food labelling standards.

Another example is that of professionals, who might not require registration in their home jurisdiction, but are in breach if they work in a disaster affected jurisdiction. While some of these breaches may lead to civil liability, others can lead to criminal prosecution.

The law generally allows a Court to consider the disaster context and good faith intentions when assessing any breach. However, without special legislative provisions addressing the above three concerns, great uncertainty remains for businesses involved in disaster management.

Some certainty, albeit under very limited situations, is provided to business by Good Samaritan laws and provisions in each emergency or disaster management Act.

Each jurisdiction has such laws. These laws are designed to protect from blame people who choose to aid others who are injured. While the laws vary in each jurisdiction, they only protect people from civil liability and not OHS or criminal liability. They also only apply when no payment is involved. Consequently, they have some relevance for companies involved in disaster management but have considerable caveats. In the disaster context, Good Samaritan laws are likely to offer no protection to companies which donate equipment or goods to the disaster, as they are not providing actual assistance to those injured. Likewise, if employees are paid, then they would generally fall outside the scope of the laws.

Each jurisdiction also has emergency and disaster management Acts that provide protection to some categories of organisations and individuals involved in disaster management. The basis on which these apply varies enormously and may not be relevant to business as they only apply to:

- assets which government has commandeered
- people and assets under formal direction from the government relating to movement within a disaster area
- people and organisations which are discharging a responsibility in accordance with a formal government disaster plan.

Other disaster-related legislation, such as volunteer protection provisions which are designed to protect volunteers from personal liability, have no relevance to business, due to their for-profit status.

## **Improving the contribution of business to disaster management**

To strengthen the ability and capability of business to contribute to Australian disaster management the Task Force makes five broad recommendations.

### **An agreed statement of principles on the involvement of business in disaster management should be developed and endorsed by all disaster management stakeholders**

The starting point for improving the contribution of business to disaster management is for all stakeholders to reach consensus on the role of business. This should take the form of an agreed statement of principles, and be endorsed by the Council of Australian Governments (COAG), emergency services, business, non-government

organisations and other stakeholders involved in disaster management.

This statement would then form the basis on which changes to disaster management arrangements at all levels of government are made. A proposed statement of principles would make it clear that disaster management is most effective when:

- business and disaster management organisations work in partnership, meaning business is engaged in all phases of disaster management
- business is recognised as a key stakeholder in enhancing disaster management, and in developing self-sufficient, resilient and sustainable communities
- business recognises that its recovery aids community recovery, and consequently that it has a responsibility to enhance its resilience
- business capabilities are integrated into disaster management arrangements
- community and economic recovery is recognised as highly dependent on business recovery and as such, business recovery needs to be a primary focus in response and recovery efforts
- business contributes to disaster management voluntarily not only because of its desire to assist the community, but also because it makes sound business sense, rather than as a community service obligation or legislative requirement
- response and recovery decisions reflect the local economic and business situation and do not undermine business re-establishment
- a combination of personal relationships and institutional relationships exist between disaster organisations and business.

Ideally the statement of principles should be included in the Australian Emergency Management Arrangements, but if this is not possible, the AEMA should explicitly recognise that business is a key partner in Australia's emergency management arrangements.

### **Governments should accelerate the implementation of national approaches to disaster management arrangements**

Governments should accelerate the implementation of national approaches to disaster management arrangements as this would reduce the costs and improve the effectiveness of business involvement, particularly for companies which operate nationally.

In addition, business should be involved in the development of national disaster management systems by their inclusion in planning, training and project activities.

These national approaches need to be reflected at the state, territory and local government levels.

### **A national review of legislation should be undertaken to provide an improved and clarified legal environment in which business can be involved in disaster management**

There are many options to create a clearer legal environment in which business can be involved in disaster management.

For instance, Good Samaritan Laws could be modified to establish that businesses and employees are not liable in a disaster context, even when they are paid. Legislation could also be introduced stating that assessment of liability should give significant weight to the disaster context when it relates to duty

of care under professional liability, consumer protection, food labelling and OHS.

Options to implement these new protections could be via new Commonwealth legislation under the Corporations Power which would override legislation in all jurisdictions, or alternatively all governments of Australia could agree to harmonise their laws. A more comprehensive approach would be to consider the merits of introducing a Commonwealth Disaster Act.

Another approach to address business concerns would be for business to work with those responsible for disaster management arrangements and formally identify their involvement and the standards required to undertake this. This would then be written into the relevant disaster planning arrangements. Such an approach may enable the general liability protection provisions in disaster or emergency management Acts to provide some protection to business. If they did not, then it may be possible for legislators to extend the protections in the Acts.

An additional approach would be for Emergency Management Australia to publish a guide for the private sector, which explains how to avoid being in conflict with the law during disasters.

Due to the complexity of these issues, it is not possible for this Task Force to recommend specific approaches to addressing the situation. Consequently, a study posing options is required. The Attorney-General of Australia should develop a reference for a study by the Australian Law Reform Commission on this topic.

However in the short-term, the Taskforce recommends that all jurisdictions recognise in their respective disaster and emergency legislation that *essential services* covers all owners and operators of critical infrastructure, as defined by the *Critical*

*Infrastructure Protection National Strategy*.

This is required because most jurisdictions typically limit *essential services* to electricity, water and telecommunications. As identified earlier in this report, essential services are now, however, more broadly defined by the community. Much of it is delivered by critical infrastructure owners and operators including banks, food manufacturers and retailers. By including all critical infrastructure owners and operators in the *essential services* definition, emergency response will be significantly enhanced.

Over time, jurisdictions should expand *essential services* to encapsulate both critical infrastructure and other goods and services.

### **Partnerships between business and disaster management organisations should be established to enhance disaster management**

The relationship between business and disaster management organisations is best characterised as ad-hoc and exists only for the period of the disaster. It certainly cannot be characterised as a partnership.

There are a few notable exceptions to this, such as critical infrastructure organisations and the Trusted Information Sharing Network (TISN) set up under the Attorney-General's Department.

The basis of this partnership should be the agreed statement of principles on business involvement in disaster management as identified in the first recommendation above.

These should be converted into a series of initiatives. There are a range of potential activities that would build partnerships.

Firstly, formal links should be developed between local, district, state and national emergency management committees and relevant businesses. These links would allow mutually beneficial opportunities to be



identified and advanced. Ways to generate these links include:

- inviting business people to join committees, such as municipal disaster planning, response and recovery committees
- inviting business people to courses and exercises run by disaster organisations
- inviting disaster officials to meetings of business associations which provide updates on local vulnerabilities and disaster planning
- inviting disaster officials to business continuity and other exercises run by business
- involving business groups in lessons-learned processes following disasters
- formally and informally sharing of information on local vulnerabilities and planning.

Secondly, the Emergency Operations Centres and the Disaster Recovery Committees structure should include a business liaison officer position, or positions for individual businesses if they are critical. The business liaison officer position would link local business with the group's decision making. For large emergencies, a Business Emergency Operations Centre should be established led by business. (See Box 3.)

Thirdly, a business-operated disaster network for the corporate sector should be established. It would provide a national help desk for businesses wanting to contribute in disasters. An element of this should be a web-based donation management system where supply could be matched with demand. This network should be linked formally with Emergency Management Australia. Such a network would not only include companies but also business-related organisations such as chambers of commerce, Rotary and Lions.

Fourthly, disaster organisations should develop standing arrangements with key businesses that have significant capability for major disasters. They could include building and construction, health, food and logistic companies. These arrangements would enable rapid provision of goods and services.

Fifthly, business and disaster organisations should jointly prepare guidelines to assist Disaster Recovery Committee members in making decisions which enhance rather than undermine local business. The guidelines would highlight the need to:

- support and promote the economic viability of the affected community
- encourage the local purchase of goods and services
- ensure that local companies have stock available when cash grants are provided
- determine when the calls for donation of goods should be replaced with calls for cash which stimulate local economic conditions better
- ensure local people are aware which local businesses are operating in the days following a disaster
- encourage local employment for recovery operations so these people do not leave the area in search of employment
- identify the disaster's impact on different segments of the business community and tailor assistance to meet special needs, such as financial counselling and encouraging sharing of facilities and equipment.

Sixthly, business and disaster organisations should run a series of joint activities to develop national or state level partnerships. These could include:

- increasing the number of business people who attend courses run by the Emergency

### Box 3: Business integration with disaster management planning and operational groups

There are a number of instances where business has been formally integrated in the groups managing emergencies, security and disasters.

One example which existed for an event's duration was the Business Liaison Centre during the APEC Economic Leaders Meeting (AELM) in September 2007 in Sydney. AELM was the most significant international gathering of an economic kind ever in Australia. The Business Liaison Centre, which held regular meetings with the AELM planning and operation groups, helped to make sure that the business sector in Sydney had effective access to frequent updates about APEC events and potential threats. This allowed them to minimise disruption to their operations

while enhancing the security of the AELM by aligning the relevant Sydney business staff accreditation processes with those used by AELM.

Another example is the Central Gippsland Essential Industries Group (CGEIG). This group has existed for over ten years since the privatisation of the State Electricity Commission of Victoria and has established relationships with state and local government, police, emergency services and municipal emergency managers. It is made up of representatives from power and water generators, the paper mill and a number of key industries. This forum is recognised as a successful private and public partnership in the field of emergency management and more recently into counter-terrorism and security matters. It meets monthly discussing global, national, state and local impacting emerging issues.

Management Australia Institute at Mount Macedon

- running a national forum to identify best practice in partnerships between emergency organisations and businesses, as part of the Australian Disasters Conference run by Emergency Management Australia
- exploring innovative ideas such as the development of national or jurisdictional-based *business first aid and recovery teams*. These teams could be deployed in major disasters to undertake disaster assessments of businesses, and provide an interface between the Emergency Operations Centre/Disaster Recovery Committee and local businesses.

It should be noted that there are a number of legislative and operational barriers to developing partnerships. Legislative barriers arise from the fact that disaster management legislation lags contemporary best practice in disaster management: legislation invariably reflects the last major disaster.

Operational barriers arise out of embedded practice and culture. An example of this is the reluctance towards information sharing with non-government personnel and organisations. With the increasing use, and overuse, of security caveats on much disaster related information, countering this and other operational barriers will be important to building partnerships.

## **Business should increase the quality and uptake of business resilience practices and become more involved in disaster management**

Business should increasingly focus on implementing business resilience practices and become involved in disaster management so as to be better able to resist the impacts of a disaster, recover from it more quickly, and implement the lessons learned from the experience into their organisation.

Specific disaster-related resilience areas which business should address are:

- considering the impact of catastrophic disasters on their operations
- considering the dependencies of their operations on other business inputs, including critical infrastructure, and business practices, such as just-in-time supply
- aligning disaster related practices with national arrangements, such as the Australasian Inter-service Incident Management System (AIIMS)
- developing a culture of preparedness and ensuring it has the resources to undertake planning, vulnerability assessments, exercise programs and to build mutually supportive relationships with disaster management stakeholders.

Business and professional associations also play a major role in increasing the quality and uptake of business resilience practices. Ways they could do this, in addition to their existing methods, are:

- support a yearly disaster preparation drive similar to the pre-season cyclone strategy in Queensland
- organise large scale disaster management exercises involving regional businesses and other disaster management stakeholders.

In addition, business should lead and accelerate the development of industry sector emergency management plans with the involvement of disaster stakeholders.

Governments and disaster organisations should work with business and private sector associations to facilitate this work. Ways they could do this are:

- financially support business resilience facilitation staff in business associations
- support research to demonstrate the benefits to the community, and business itself, of improving business resilience practices and becoming more involved in disaster management
- develop awards to enhance recognition of business resilience and disaster excellence
- provide consultancies to business to assist them in developing and testing business resilience activities
- lobby insurance companies for reduced insurance premiums for companies which implement effective business resilience practices
- develop and promote to the private sector and governments accreditation of risk management, business continuity, emergency management and resilience professionals
- extend disaster management planning at state, territory and local government level to require businesses are invited and encouraged to be involved
- provide greater business access to Australian Government training programs such as the business continuity programs conducted by Emergency Management Australia at its Institute in Mt Macedon, Victoria

- provide funding assistance to establish forums which bring together all parties to enhance disaster coordination<sup>13</sup>
- encourage government, academic and business groups to develop evidence-based materials relevant to Australia which could be used to support a business case for the private sector involvement in emergency management<sup>14</sup>
- offer secondment opportunities in the business sector to emergency services organisations.

This Task Force has identified the opportunities to improve Australia's disaster management by increasing the quality and uptake of business resilience practices and finding more effective ways to engage business in disaster management. It also identified the factors which are restricting these opportunities and recommended a way forward.

It is now up to governments, disaster organisations, business and other disaster stakeholders to work together to leverage the power of business to improve Australia's disaster management arrangements and capabilities for the betterment of the Australian community as a whole.

Having a central national focus point for progressing the issues identified in this report would be both sensible and extremely beneficial. Consideration should be given to tasking Emergency Management Australia, the federal agency responsible for emergency management, with coordinating progress on a national basis.

## Endnotes

- 1 See David Templeman and Anthony Bergin *Taking a punch: Building a more resilient Australia*. ASPI Strategic Insights 39, May 2008.
- 2 Address by the Attorney-General, The Hon Robert McClelland MP, to the Australian Strategic Policy Institute's National Security Dinner, 21 August 2008.
- 3 Resilience Community of Interest (2008) *Executive Guide: Resilience* (2008), Trusted Information Sharing Network for Critical Infrastructure Protection, Canberra.
- 4 For details on business continuity, see the Standards Australia documents, HB 221-2004 – Business Continuity Management Handbook, HB 292-2006 – A practitioner's guide to business continuity management, and HB 293-2006 – Executive guide to business continuity management.
- 5 US Gulf Coast Back to Business Act of 2007, 110th CONGRESS, 1st Session, S. 537 (Introduced in Senate), February 8, 2007, <http://thomas.loc.gov/cgi-bin/query/D?c110:1::/temp/~c110EyAzED>, accessed on 10 September 2008.
- 6 Queensland Government, Natural Disaster Resilience Plan, 2007, <http://www.business.qld.gov.au/dsdweb/v4/apps/web/content.cfm?id=7009>, accessed on 10 September 2008.
- 7 While there are no statistics in Australia on business continuity management, (BCM) international surveys have identified that only about 40% of organisations have formal BCM plans.

- 8 Critical infrastructure is defined as those physical facilities, supply chains, information technologies and communication networks which, if destroyed, degraded or rendered unavailable for an extended period, would significantly impact on the social or economic wellbeing of the nation, or affect Australia's ability to conduct national defence and ensure national security. Trusted Information Sharing Network for Critical Infrastructure Protection (2004). *Critical Infrastructure Protection National Strategy*.
- 9 An example of this was organised by Queensland Health which utilised the Innisfail Chamber of Commerce's members after *Cyclone Larry* to distribute information sheets on typical stress reactions to disasters, and the methods and services available to respond to such reactions.
- 10 An example of this is the demonstrated increase in long-term listenership for radio stations which provided real-time information during and following a disaster, rather than providing syndicated music and news.
- 11 CSIRO, Australian Bureau of Meteorology (2007). *Climate change in Australia: technical report 2007*.
- 12 The Alert System still retains a four level (low, medium, high, extreme) alert structure and it aims to guide national preparation and planning, and to dictate the levels of precaution and vigilance required to minimise the risk of a terrorist incident occurring.
- 13 An example of a forum is the Corporate Network for Disaster Response (CNDR) in the Philippines. The CNDR is a network of business groups, associations, corporations and corporate foundations whose objective is to rationalise and institutionalise disaster management efforts of the business community. Information is available from [www.cndr.org.ph](http://www.cndr.org.ph)
- 14 Such a data set is produced by the New York based International Center for Enterprise Preparedness (InterCEP). InterCEP has compiled an annotated bibliography to provide organisational decision makers with a series of arguments to support the business case for preparedness. Information is at [www.nyu.edu/intercep](http://www.nyu.edu/intercep).

## Task Force Members

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**Alex Candetti** is the Executive Chairman Candetti Construction Group, a company experienced in all facets of construction, including commercial, civil, infrastructure and industrial projects. He is Treasurer of the Master Builders Association of SA and Chairman of Complete Industrial Electrical Pty Ltd.

**Kate Carnell** commenced as Chief Executive Officer of the Australian Food and Grocery Council in July 2008. Kate, former Chief Executive Officer of Australian General Practice Network, is a pharmacist by profession and was the first female to become the National Vice-President of the Pharmacy Guild of Australia.

She was elected to the ACT Legislative Assembly in 1992, and became leader of the ACT Liberal Party in 1993. She was elected Chief Minister in March 1995, and re-elected in 1998 becoming the first Liberal woman to be elected as Chief Minister or Premier in Australian political history.

**Andrew Ethell** is a senior executive with Toll Holdings, the Asian region's leading provider of integrated logistics services, employing around 30,000 people in more than forty-five countries.

He most recently had seven years as Senior Adviser to former Deputy Prime Minister Hon Mark Vaile MP in his portfolios of Trade and Transport and was Mr Vaile's lead adviser on the US and China Free Trade Agreements.

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MTAA members distribute approximately 90% of the non-pharmaceutical products used in the diagnosis and treatment of disease and disability in Australia. Member companies also play a vital role in providing healthcare professionals with essential education and training to ensure safe and effective use of medical technology.

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