G U I D E L I N E S

# INTERSTATE

# DISASTER ASSISTANCE

INTERSTATE DISASTER ASSISTANCE

## 1. Principal Purpose

- 1.1 These Guidelines have been developed on the basis that many emergencies and disasters can require a response which is beyond the immediate capabilities of a State. The prompt, full and effective use of the resources of an Assisting State for the safety, care and welfare of people, property and the environment of a Requesting State in the event of any emergency or disaster is the underlying principle on which these Guidelines are based.
- 1.2 The principal purpose of these Guidelines is to provide a basis for arrangements for the provision of mutual assistance between States in managing an emergency or disaster.

# 2. Interpretation

- 2.1 Assisting State A State which provides resources to a Requesting State to manage an emergency or a disaster.
- 2.2 Designated Officer An officer of a State who is authorised under national emergency management arrangements to request disaster assistance from the Commonwealth Government.
- 2.3 Disaster Includes a natural disaster, a disaster arising from technological hazards and a humancaused disaster.
- 2.4 Participating State A State which makes arrangements with another State on the basis of these Guidelines.
- 2.5 **Requesting State** A State which requests resources of another State to assist in managing an emergency or disaster.
- 2.6 State Includes the Australian Capital Territory, Northern Territory, and Norfolk, Christmas and Cocos Islands.

# 3. Scope

3.1 These Guidelines do not bind a State to use the approach set out herein in preference to other agreements or arrangements the State may have with another State or States. However, they provide a template which can be readily adopted in whole or in part by Assisting and Requesting States. The Guidelines are not intended to be restrictive, but to

be adaptable and flexible to meet the particular requirements of managing an emergency or disaster. Nor are they intended to create any legal relations or to have any legal consequences; and those legal consequences that arise out of or in the course of anything done as a result of these Guidelines should be dealt with on a case-by-case basis independently of these Guidelines.

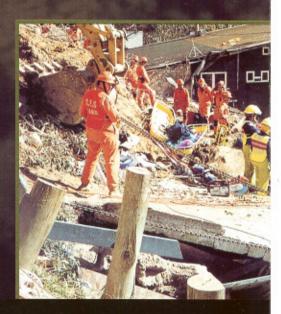
3.2 These Guidelines do not apply to assistance provided in accordance with extant inter-state cross-border contingency arrangements or for the provision of Commonwealth Government assistance to States under national emergency management arrangements other than coordination assistance referred to in clause 15.1.

#### 4. Nature of Assistance

4.1 Assistance may include but is not limited to fire services, emergency medical care, transportation, communications, public works and engineering assistance, recovery services, health and medical services, and search and rescue.

## 5. Requests for Assistance

- 5.1 No one but a Designated Officer, or his or her authorised representative, may request assistance on behalf of a Requesting State, unless the Requesting State and the proposed Assisting State otherwise agree.
- 5.2 Requests for assistance may be oral or in writing. If oral, the request must be subsequently confirmed in writing (facsimile and electronic mail are acceptable), but acceptance or implementation



must not be withheld until receipt of a written request or confirmation.

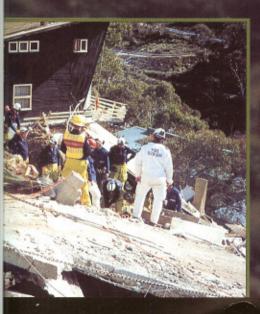
- 5.3 Requests for assistance should provide the following information:
  - 5.3.1 A description of the emergency or disaster for which assistance is needed.
  - 5.3.2 The desired outcome of assistance (to enable the Assisting State to assess the type of resources to be provided) or the amount and type of personnel, equipment, materials and supplies needed, and an estimate of how long they will be needed.
  - 5.3.3 The location and time for staging of the resources of the Assisting State response and a point of contact at that location.

#### 6. Limitations

- 6.1 A State requested to provide assistance shall endeavour to make available the resources requested. However, an Assisting State may withhold resources to the extent necessary to provide for its own needs and purposes or for any other reason.
- 6.2 An Assisting State has the right to withdraw any assistance provided to a Requesting State at any time.

#### 7. Powers

7.1 Each Requesting State shall endeavour to afford to members of an Assisting State the same powers, duties, rights and privileges as are afforded to members of the Requesting State performing equivalent roles or functions.



#### 8. Command, Control & Coordination

- 8.1 The Requesting State shall have primary responsibility for control and coordination of organisational units provided by an Assisting State but personnel from the Assisting State shall continue under their own command arrangements.
- 8.2 Where appropriate, the Assisting State shall assign a liaison officer to the headquarters, agency or operations centre as specified by the Requesting State.

#### Cost Recovery

- 9.1 Expenditure incurred in responding and providing assistance is to be met initially by the Assisting State.
- 9.2 Reimbursement of salaries of personnel provided by an Assisting State shall not be sought from the Requesting State, except for over-time and penalties which shall be calculated at the rates applicable in the Assisting State. The Requesting State shall meet other reasonable additional costs incurred by the Assisting State and for any loss, damage, costs or expense incurred in providing assistance. However, the Assisting State may lend equipment or provide services to the requesting State without charge or cost as it sees fit.
- 9.3 Where cost recovery is sought, the Assisting State shall provide the Requesting State with a detailed account of costs claimed.
- 9.4 If there is a dispute as to the account or the costs being claimed, the disputing States shall each appoint appropriate officers to resolve the dispute.

# 10. Liability

10.1 Except to the extent that a relevant law including the common law of the Requesting State or the Assisting State or a separate agreement or any indemnity otherwise provides, the Requesting State shall be solely responsible for liability incurred by the Assisting State or its personnel arising from personal injuries, death, public risk, property loss, damage, litigation and associated expenses including legal representation arising during the course of providing assistance to the Requesting State.

10.2 Participating States will endeavour to ensure that their workers and regular volunteers are covered for the whole of Australia by their statutory personal injury and property damage/loss compensation schemes.

# 11. Third Party Claims

11.1 The Requesting State and the Assisting State will consult concerning the handling of any third party claims that may arise out of the provisions of assistance based on these Guidelines.

## 12. Settlement of Disputes

12.1 The States concerned will endeavour to resolve any disputes arising from the interpretation or implementation of arrangements based on these Guidelines by consultation or negotiation.

#### 13. Media

- 13.1 During the provision of assistance, the Requesting State shall be responsible for provision of information to the media.
- 13.2 It is recognised that there will normally be significant interest by the media in activities of personnel from an Assisting State. Comments to the media by Assisting State personnel should be restricted to administrative matters as far as possible with questions on operational matters, in particular, being referred to the Requesting State unless there is prior agreement from the Requesting State to the contrary.

#### 14. Communication

14.1 The Assisting State is responsible for providing communication facilities for use within its own organisational units, and for providing any link required to networks in its own State. 14.2 The Requesting State is responsible for providing communications from the organisational units of an Assisting State to headquarters, agencies or operations centres of the Requesting State.

#### 15. Commonwealth Government Involvement

- 15.1 These Guidelines do not envisage involvement of the Commonwealth Government. However, a Requesting State, through a Designated Officer, may seek assistance from the Commonwealth, through Emergency Management Australia, for coordination of resources to be provided by an Assisting State or States.
- 15.2 Where the inter-state provision of resources is likely to require use of Commonwealth assets, such as military aircraft, prior approval is to be obtained for such Commonwealth assistance through Emergency Management Australia.

# Variation and Review of Arrangement

16.1 Arrangements resulting from use of these Guidelines may be reviewed at any time by the Participating States at the request of a Participating State.

# 17. Withdrawal from Arrangement

17.1 A Participating State may, by written notice to Participating States, withdraw at any time from arrangements based on these Guidelines.

#### 18. Commencement Date

18.1 An arrangement based on these Guidelines shall come into operation immediately it is endorsed by any two States, either by their peak emergency management body or by any other means to secure endorsement as may be determined by the State concerned. Thereafter, it shall be inclusive of other States on their endorsement.

These Guidelines were approved by the National Emergency Management Executive Group on 17 August 1999.

#### For further information contact:

Emergency Management Australia PO Box 1020, Dickson ACT 2602

Tel: +61 (0)2 6266 5402

Fax: +61 (0)2 6257 7665

Email: ema@ema.gov.au