

In the matter of the *Commissions of Inquiry Act 1950*  
*Commissions of Inquiry Order (No.1) 2011*  
2011 Queensland Floods Commission of Inquiry

**Witness Statement of Air Vice-Marshal Kevin John Paule**

1. I, Kevin John Paule, of the Department of Defence, Russell Offices, Canberra in the Australian Capital Territory, make this statement from a combination of my own knowledge and belief after making enquiries within the Department of Defence.
2. The Commonwealth has been asked by solicitors instructing the 2011 Queensland Floods Commission of Inquiry to provide a witness statement dealing with a number of matters relevant to the ADF's involvement in the 2010/2011 flood events in Queensland, including specifically the ADF's involvement in the recovery of the Brisbane markets precinct at Rocklea and the ADF's response efforts in Toowoomba, the Lockyer Valley, Grantham, Forest Hill, Oakey and the Western Downs.
3. I currently hold the rank of Air Vice-Marshal in the Australian Defence Force (ADF). I have held this rank since 25 October 2007. My current role is as Head of Military Strategic Commitments Division (MSC). MSC provides strategic level management and situational awareness of potential and current Australian Defence Force commitments. MSC supports the national crisis management arrangements along with providing the coordinated joint military strategic input for engagement with Government, other agencies, allies and coalition partners.
4. I joined the Royal Australian Air Force in 1977 and I am a graduate of the Advanced Staff Course conducted at the Royal Air Force College in Bracknell, England.
5. My more recent military service includes appointment as Director General Joint Operations and Plans from October 2003 until December 2005 and Commander Training - Air Force (subsequently Commander Air Force Training Group) from December 2005 until October 2007. On promotion to Air Vice-Marshal, I was appointed as Commander Integrated Area Defence Systems (Five Power Defence Arrangements) in Butterworth, Malaysia. On 10 December 2010, I became Head MSC.

**QFCI**

Date: 11/05/11

Exhibit Number: 338

## Overview of Defence Response Capabilities

6. The Defence White Paper 2009 (**White Paper**) states that the '*principal task for the ADF is to deter and defeat armed attacks on Australia by conducting independent military operations without relying on the combat or combat support forces of other countries.*<sup>1</sup> Consistent with this priority, the White Paper indicates that Defence will provide a supporting element of the Commonwealth response to emergencies and natural disasters; '*Defence's vital role in supporting domestic emergency response efforts will continue, and Defence will continue to support these areas of Commonwealth responsibility.*<sup>2</sup> The White Paper further highlights that Defence's force structure is based on war fighting capabilities, some of which can be used for supporting emergency response. Notwithstanding, the ability to assist in domestic emergency response '*does not necessarily create a requirement to maintain an extensive range of specialised capabilities within Defence, as these tasks are primarily the responsibility of civil authorities.*<sup>3</sup>'
7. An outcome of the Australian Government's direction on the development and use of Defence capability is that the capability deployed in support of war fighting may not be easily or rapidly redirected to support an emergency response. For example, the ADF involvement on operations overseas requires the deployment of significant forces that could not be easily re-deployed to support domestic humanitarian assistance or disaster response operations.

## Arrangements for Accessing Defence Resources

8. State and Territory authorities have a responsibility, within their boundaries, for coordinating and planning the response to disasters and civil emergencies. When the total resources (Government, community and commercial) of an affected State or Territory cannot reasonably cope with the needs of the situation, the State or Territory Government can seek assistance from the Commonwealth Government. The Commonwealth Government prepares plans for providing Commonwealth physical resources in response to such requests.

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<sup>1</sup> Defence White Paper 2009 – Defending Australia in the Asia Pacific Century: Force 2030, para 7.2 page 53.

<sup>2</sup> Defence White Paper 2009 – Defending Australia in the Asia Pacific Century: Force 2030, para 2.33 page 24.

<sup>3</sup> Defence White Paper 2009 – Defending Australia in the Asia Pacific Century: Force 2030, para 8.10 page 59.

9. The Commonwealth Attorney General is responsible for disaster-related matters at the national level. Emergency Management Australia (EMA), a Division within the Commonwealth Attorney-General's Department, is nominated as the agency responsible for planning and coordinating Commonwealth assistance to the States and Territories under the Australian Government Crisis Management Framework. Coordination of these functions is carried out from the Australian Government Crisis Coordination Centre within EMA. The Commonwealth Government Disaster Response Plan (COMDISPLAN) provides the framework for addressing State and Territory requests for Commonwealth physical assistance arising from any type of emergency. The COMDISPLAN is administered by EMA, and is normally activated when Commonwealth assistance for emergency response or short-term recovery is requested, or likely to be requested.
10. After the provision of Commonwealth assistance for a particular emergency is approved by the Attorney General, the Director General of EMA is authorised to activate COMDISPLAN and request appropriate Commonwealth agencies to provide assistance.
11. When a request is received by Defence from EMA, it is normally in the form of an outcome or effect that is being sought. For example, a requested outcome or effect may be to provide accommodation for 500 people, provide fresh water for 1000 people for four weeks, or provide transport for equipment or supplies in response to an unfolding natural disaster. Ideally, the request does not normally seek the provision of a particular asset. Rather, Defence receives a request for the desired effect, reviews what capabilities are available to Defence to achieve that effect and, if available, provides available assets to achieve the effect, such as providing ADF units to support flood relief and recovery efforts. Co-ordination of local emergency response assistance to the States and Territories is often conducted through the Joint Operations Support Staff located in capital cities and where there is a large military presence.
12. When the request for Defence support is received and agreed, CDF issues direction to Defence, primarily Headquarters Joint Operations Command and the three Services (Army, Navy and Air Force) to provide assets. Headquarters Joint Operations Command controls operations, joint exercises and other activities (which include DACC tasks) on behalf of CDF. Joint Operations Command conducts detailed planning to operationalise CDF's direction for execution. Forces are allocated to Headquarters Joint Operations Command by the Services which are then

assigned to a Joint Task Force (JTF). The JTF reports on the conduct of operations to CDF through the Chief of Joint Operations at Headquarters Joint Operations Command.

13. Defence contributes to the annual EMA briefing to the relevant State/Territory emergency response agencies on potential assistance to the States and Territories in the event of a disaster. Defence participated in the EMA briefing provided to the Queensland emergency agencies on 12 November 2010. Requests or inquiries about DACC should be directed to Military Strategic Commitments, Headquarters Joint Operations Command or the regional Joint Operations Support Staff in the first instance.
14. Support provided by the ADF is referred to as Defence Assistance to the Civil Community (DACC). DACC support is grouped into categories, reflecting the extent and duration of the support and the level of Defence authorisation required. Defence DACC categories are explained in Defence Instruction (General) Operations 05-1 DACC (at Annexure KP1). The provision of emergency DACC to State or Territory Governments proceeds (where time permits) only with authorisation from the Minister for Defence or the Chief of the Defence Forces (except for Category 1 assistance).
15. DACC is divided into two classes, emergency and non-emergency, and comprises six categories. It includes Defence assistance to State/Territory Governments, other Government Departments, commercial enterprises, welfare and charitable organisations, community groups and the Australian population at large.
16. Defence becomes involved in the provision of emergency assistance only after State and Territory resources have been exhausted or cannot meet the circumstance of the emergency. Although Defence maintains situational awareness of emergencies and disasters as they unfold, ADF response is not usually pre-emptive, and will be enacted following a request for assistance with the resources available at the time. Defence assistance is generally deployed from within its own resources.
17. The following points are considered by internal approving authorities within Defence when assessing a DACC request (excluding DACC Category 1):
  - 17.1. the responsibility of State, Territory or local Government to provide a response and or resources in the first instance;

- 17.2. the effect on Defence operations, force availability and force preparation commitments and other associated core programs, such as maintenance and supply;
- 17.3. the nature of assistance qualifying as DACC or an alternate type of assistance such as ceremonial activities or Defence Force recruiting which are funded separately;
- 17.4. the full cost and the budgetary effect of providing the support;
- 17.5. the basis and application of cost recovery;
- 17.6. the circumstances in which cost recovery variation or cost recovery waiver may apply;
- 17.7. the protection of the Commonwealth by the provision of indemnity and or insurance against liability for personal injury, death, property loss or damage, or third party claims arising from the execution of the task;
- 17.8. the availability of commercial alternatives to meet the request and the possibility of competing with the private sector, leaving Defence open to criticism;
- 17.9. the possibility that the provision of DACC may be seen as a substitute for the usual avenues of funding or assistance available to non-profit organisations or Government agencies;
- 17.10. the motive of non profit or charitable organisations is not in itself a sufficient reason to provide assistance;
- 17.11. the possibility of establishing a precedence of Defence assistance, which may lead to additional requests for DACC;
- 17.12. the possibility that the provision of DACC may provide unacceptable risk to safety or risk of completion of the task itself; and
- 17.13. the merit of the request for assistance in terms of issues such as community need, urgency, risk to life, property and the risk to the ADF's reputation in not acting.

#### *Emergency DACC*

18. Emergency DACC is support provided to the civilian community where immediate action is necessary to save human life or alleviate suffering, prevent extensive loss of animal life, prevent widespread loss/damage to property or to prevent environmental damage, and when

State/Territory resources are inadequate. It also encompasses assistance associated with recovery from a civil emergency or disaster.

19. At the local level, commanders are also able to assist in emergency response. However, each base has differing levels of capability and the response options at each base will vary depending on those capabilities.

#### *Categories of Emergency DACC*

20. DACC Category 1 is emergency assistance for a specific task(s) authorised by the Senior ADF Officer (SADFO), Local Unit Commanders, or Administrators, from within their own resources in localised emergency situations. Provision of DACC Category 1 assistance would not normally exceed 24 hours.
21. DACC Category 2 is emergency assistance, beyond that provided under Category 1, during a more extensive or continuing disaster.
22. DACC Category 3 is assistance associated with recovery from a civil emergency or disaster, which is not directly related to the saving of life or property.

#### *Non-emergency DACC*

23. Non-emergency DACC involves Defence assistance, of a non-emergency nature, to the Australian community. The scale and scope of assistance can be varied and range from support to events of national significance (for example, Australia Day activities) to support to local fund raising events.

#### *Communications*

24. The level of assistance that is required by the civil community will likely determine who is contacted within Defence. All inquiries about DACC, regardless of the category, are often directed to the regional Joint Operations Support Staff, in the first instance, who can provide advice on how a request should proceed.
25. Emergencies, such as the Queensland flood disaster, that fall under DACC Categories 2 or 3 require extensive response or recovery support are referred to EMA. EMA is responsible for planning and coordinating Commonwealth assistance to the States and Territories under the Australian Government Crisis Management Framework.

26. Contact between EMA and Defence occurs regularly within the DACC arrangements. These arrangements serve to complement the COMDISPLAN.
27. Communication will occur by various means best suited to the identified points of contact. Defence has its own communication channels for the Defence point of contact at the site of an incident or in a State/Territory control centre, through to each level of command. Defence has communication channels from its key command locations to EMA. In particular, EMA maintains a permanent liaison officer (LO) within Headquarters Joint Operations Command.
28. Liaison with supported civil agencies during DACC disaster relief operations should, where appropriate and necessary, be conducted through suitably experienced ADF LOs deployed with contingents.

*Operation QUEENSLAND FLOOD ASSIST*

29. Operation QUEENSLAND FLOOD ASSIST was the codename for the ADF's contribution to the Queensland Government led whole-of-government disaster relief and response to the flood crisis. Operation QUEENSLAND FLOOD ASSIST commenced on 28 December 2010. The number of ADF assets deployed in support of Operation QUEENSLAND FLOOD ASSIST was substantial. Large scale ADF support ceased after about five weeks commensurate with the improved situation on the ground and transition to the long term recovery phase under the Queensland Reconstruction Authority. A timeline of key events can be found at **Annexure KP2**.
30. Defence provided personnel, equipment and maritime assets to Operation QUEENSLAND FLOOD ASSIST under DACC Category 2. Defence committed resources to the Operation as requested by the Queensland Government, while managing existing and potential operational commitments throughout the world. These resources included Reserve personnel, who were utilised throughout the Operation to augment regular Defence personnel. The use of Reservists is, and will continue to be, an important source of capability for the ADF.
31. Defence, in consultation with the State and Commonwealth authorities, employed a robust decision making process to determine the capabilities required for Operation QUEENSLAND FLOOD ASSIST.

### **Overview of the ADF response to the 2010/11 Queensland Floods**

32. On 28 December 2010, the initial ADF response to Queensland Government requests for assistance was through provision of ADF helicopters to assist with emergency evacuation in the vicinity of Theodore.
33. On 31 December 2010, due to the size of the unfolding crisis, a JTF was created to control ADF support to Emergency Management Queensland (EMQ) and coordinate further ADF assistance (including aircraft, boats, ground vehicles and personnel) as required. JTF 637, initially led by Colonel Luke Foster, was established on 1 January 2011.
34. As a result of the extent of the flooding, the task force fielded a wide range of capabilities including aviation, engineering, supply, general support and specialist support (detailed below) to conduct crisis response operations in support of the civil authorities.
35. On 17 January 2011, Operation QUEENSLAND FLOOD ASSIST transitioned from a crisis response phase to the recovery phase under the command of Brigadier Paul McLachlan, Commander 7th Brigade. The composition of the JTF also changed over time to ensure the ADF contribution best met the emerging needs of the recovery phase. Defence worked closely with, and in support of, EMQ throughout the evolving crisis.
36. JTF 637 was disestablished on 4 February 2011 with the drawdown of most ADF elements supporting the recovery complete by 5 February 2011. Some specialist ADF elements continued to support the Queensland Government beyond this date under extant DACC arrangements.
37. To assist the Queensland Government, Major General Michael Slater, Commander 1st Division, and a small ADF planning element were released by the Chief of the Defence Force (CDF) to support the Queensland Government flood response and recovery effort as leader of the Queensland Flood Recovery Task Force, later transitioning to the Queensland Reconstruction Authority.

### ***Liaison with Queensland Disaster Management Groups or Disaster Coordinators***

38. Initial requests for Defence assistance were received through EMA, however once Operation QUEENSLAND FLOOD ASSIST had commenced, the JTF established a direct line with EMQ for receipt of tasks through the deployment of LOs at various levels within the State disaster



management construct. Annexure KP3 illustrates the tasking process, locations of LO and linkages between the civilian and military chain of command.

39. Requests were normally received from the Joint Operations Support Staff LO at the State Disaster Coordination Centre (SDCC) via email. At times, verbal requests were received by deployed commanders from local authorities, but effort was made to have all tasks confirmed with the LO at the SDCC and formal requests subsequently provided.
40. If a subordinate Task Group headquarters was collocated with a District Disaster Coordination Centre (DDCC), or identified tasks were of a critical and/or time sensitive nature, the Task Group had the authority to respond to tasking at this level. An example where this occurred was within the two districts of Ipswich and the Lockyer Valley.
41. The LO network afforded Commander JTF 637 the ability to closely monitor the decision making process within the various organisations and posture in preparation for requests as they developed. The focus was on ensuring the right people, with the appropriate rank/experience were embedded in the right organisations. The JTF embedded LO into the following State and local areas:
  - Headquarters EMQ;
  - Rockhampton City Council;
  - Brisbane City Council;
  - Ipswich City Council;
  - Lockyer Valley Council; and
  - St George Council
42. In addition, Commander JTF 637 was appointed as a member of the State Disaster Management Group, chaired by the Queensland Premier. This provided Defence with excellent visibility of the overall disaster response, and provided the opportunity for the Commander JTF to liaise with the heads of State Government Departments.
43. Additionally, Chief of Staff JTF 637 attended the State Disaster Coordination Committee - one level down from the State Disaster Management Group. This meeting would incorporate all the local district disaster coordinators and discussed issues from the local level. From this meeting a large amount of tasking would be generated for action by EMQ, some of which

would be directed to the ADF. Also attending this meeting was the Joint Operations Support Staff LO, which ensured a regular ADF presence if the Chief of Staff JTF 637 was unable to attend. The Disaster Coordination Committee meetings included teleconferencing, so if key JTF personnel could not be there in person, 'attendance' could still be achieved.

44. In all locations, the ADF used mobile phones to communicate with both Headquarters JTF and local authorities. Military radio communications were also employed by the deployed forces. No significant communication problems were experienced by JTF 637.

#### *Deployment of Assets*

45. At the peak of the crisis the following assets were deployed:

- 1976 Defence personnel<sup>4</sup> (including 131 Navy, 1198 Regular Army, 356 Army Reserve, 266 Air Force, 19 Air Force Reserve and six contractors) from the following units:
  - Army 1st Division elements (troops and vehicles);
  - Army 7th Brigade (which includes 8th/9th Royal Australian Regiment, 7th Combat Services Support Battalion, 6th Battalion Royal Australian Regiment, 139th Signal Squadron, 1st Field Regiment, 2nd Combat Engineer Regiment, 2nd/14th Light Horse Regiment Queensland Mounted Infantry);
  - Army Reserve 2nd Division elements (including 9th Royal Queensland Regiment and 31st/42nd Royal Queensland Regiment);
  - Army 6th Engineer Support Regiment (includes 17th Construction Squadron, 21st Construction Squadron, 1st Topographic Survey Squadron);
  - Army 6th Aviation Regiment;
  - HMA Ships Huon (Coastal Mine Hunter), Leeuwin (Hydrographic Ship), Shepparton and Paluma (Coastal Hydrographic Survey);
  - Navy Aviation Group;
  - Navy clearance divers;
  - Deployable Geo-spatial Survey Team (mapping and image analysis); and

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<sup>4</sup> This number includes only Defence personnel and contractors actually assigned to the JTF. It does not include, for example, additional Defence personnel (including ground crew) who supported the conduct of strategic air lift operations from their home unit locations.

- Air Force Combat Support Group (1st Airfield Defence Squadron), 84 Wing and 86 Wing.
  - 19 helicopters from:
    - Army 6th Aviation Regiment (CH-47 Chinook, S-70A Blackhawk, 206B-1 Kiowa);
    - Navy Aviation Group (S70-B Seahawk, A-109 Augusta and SK-50 Sea King helicopters);
  - seven fixed wing aircraft from Air Force Number 84 Wing (C-130 Hercules and B-350 Super King Air) and 86 Wing (C-17 Globemaster);
  - 17 Army Bushmaster vehicles (protected mobility vehicle – effectively an armoured wheeled troop carrier);
  - numerous trucks; and
  - engineer plant equipment (such as graders, bulldozers, excavators).
46. From 28 December 2010, Defence provided assistance to the following Queensland communities and their surrounding areas: Brisbane, Brisbane River, Bundaberg, Condamine, Dalby, Dirranbandi, Emerald, Gladstone, Grantham, Ipswich, Lockyer Valley, Moreton Bay, Rockhampton, Roma, Somerset, St George, Surat, Theodore, Toowoomba and Townsville. Moree (in NSW) also received support through the provision of 300 camp stretchers to the Moree Evacuation Centre.
47. A brief summary of the total support provided during the operation is as follows:
- fixed wing aircraft flew over 300 hours and helicopters flew over 770 hours;
  - over 738 tonnes of stores were carried and delivered by ADF aircraft;
  - in excess of 2 million litres of water purified and delivered;
  - 831 passengers were carried by ADF fixed wing aircraft; and
  - 933 passengers were carried (which includes rescues) by ADF helicopters.
48. The nature of support provided throughout Operation QUEENSLAND FLOOD ASSIST included:
- **Rotary wing support.** Defence helicopter assistance included air evacuation, search and rescue, aero-medical evacuations, air-lift of food and emergency supplies, tactical

air-lift and support to Queensland government agencies (Police, Coroner and Mortuary).

- **Fixed wing support.** Defence fixed wing aircraft provided strategic air-lift of personnel, food, water and emergency supplies by C-130 Hercules and C-17 Globemaster. It also involved tactical air-lift and aerial imagery collection by B-350 King Air.
- **Engineering support.** Defence engineering assistance included the provision of water purification, engineering advice, earth moving and machinery support for road clearance and rubbish removal, provision of amphibious vehicles for riverine search, as well as engineering inspection of levees, weirs and roads.
- **Supply support.** Supply support included petroleum supply, food resupply by road, general ground transportation, as well as accommodation and rationing for interstate police and emergency services.
- **General support.** General support tasks included road traffic control, ground search and rescue, sandbagging, rubbish removal, door knocking, evacuation and cleaning.
- **Specialist support.** Specialist support included hydrographical survey of the Brisbane River and Moreton Bay, clearance diver inspections of Brisbane River bridges and debris removal in Brisbane waterways, geographical imagery analysis, the provision of environmental health teams, psychological support teams and specialist planning teams to support the Queensland Government led reconstruction effort.

49. The JTF Headquarters and associated JTF was disestablished on 5 February 2011, however the ADF continued to provide ongoing reconstruction and recovery support through DACC Category 2. The enduring commitment was approximately 300 personnel and included an Engineer Task Group, B-350 King Air and an Image Analysis Team. This commitment was progressively drawn down as tasking was completed and the situation on the ground improved.

50. As of 18 February 2011, the Engineer Task Group and B-350 King Air completed all assigned tasking and ceased operations. The Image Analysis Team completed all remaining analysis tasking and ceased operations on 16 March 2011. Command and control of the Queensland flood recovery is now the responsibility of the Queensland Reconstruction Authority.

51. Major General Slater, subsequently appointed to the role of chair of the Queensland Reconstruction Authority Board on 19 January 2011, a small Defence planning team and several ADF advisors continue to provide support to the Queensland Government. Any future requests for DACC support were made in accordance with extant DACC arrangements through EMA.

*ADF's Role in the Recovery of the Rocklea Markets over the period 15 to 20 January 2011*

52. Throughout the period 15-20 January 2011, the JTF provided general clean-up support, debris removal and assistance to the recovery effort at the Rocklea Markets (a major food distribution centre) and surrounding urban areas in Brisbane. These tasks were completed according to the priorities set by the Brisbane City Council, in close support of emergency services, and with the assistance of local residents and business owners.
53. Whilst JTF elements were already working in the areas surrounding the Rocklea Markets, the initial request for specific ADF support to the Rocklea Markets was made at approximately 0800 hrs on 15 January 2011. This request was received by a telephone call from the ADF LO within the Brisbane City Council's Office of the Lord Mayor to the JTF Task Group operating in the area. This telephone conversation provided some details of the situation at the Rocklea Markets and a telephone number for the Chief Executive Officer (CEO) of the Rocklea Markets in order to enable further liaison.
54. The Commander of the Task Group telephoned the CEO of the Rocklea Markets to determine the nature and extent of the task. During the call it was agreed that a force of approximately 20 soldiers would be adequate to complete the requested tasks. Specialist equipment was not requested at the time.
55. The impact of the flooding was such that the Rocklea Markets could not conduct trading. Most, if not all, food holding areas and food stock, machinery and equipment were significantly water damaged. Task Group personnel observed that flood waters had risen to two metres high in most areas of the Rocklea Markets and as high as four metres in other areas of the Market. This inundation was exacerbated by the presence of a significant amount of silt. Water movement within the Markets had dislodged and scattered the produce across many hectares, which had then become mixed with river silt, fuels and oils. All storage, trading and produce handling areas needed to be inspected, cleaned, sanitised and repairs made as necessary.

56. The Platoon Commander assigned to the clean-up task was briefed on the requirement by his Task Group headquarters and deployed from Enoggera within approximately 30 minutes. The Platoon (21 personnel) operated two trucks and one Land Rover as a command vehicle. The Platoon brought brooms, shovels and personal safety equipment to complete the task. Entry to the task area was achieved by a combination of vehicles and foot. Due to the state of the road systems, the Platoon was required to dismount the vehicles and walk approximately nine kilometres to the task site.
57. Upon arrival, the Task Commander was oriented to the ground and the main issues at the task site. A command post, first aid post and stores distribution areas were established concurrent to the commencement of the task.
58. The Platoon assisted the Rocklea Markets Management Group to plan and then coordinate the employment of available resources. Planning and discussions focused on identifying key areas that could be restored in order to permit trading to recommence. The general concept was for the markets to be restored in stages. The Market's trading areas drew the majority of the effort. A step-by-step process was developed, presented to, and endorsed by the Brisbane City Council Health Team. Once each stage was completed, the Brisbane City Council Health Team conducted an inspection and certified the areas of the market as open for trade.
59. The Rocklea Markets Management Group's ability to provide logistic support to the recovery effort was impacted due to the destruction of their warehousing and stores service. Concurrent with cleaning tasks, Platoon logistic staff assisted in operating a logistics supply system and an administration area. This enabled the distribution of supplies such as petrol and other lubricants, safety equipment, sanitation, chemicals and tools permitting uninterrupted activity for the recovery efforts, operation of specialist equipment, and support to tradesmen and market holders. The Platoon first aid post provided support to both military and civilian workers at the site.
60. Focussing on the task and liaison issues, the Platoon was split into two groups, each with integral planning, leadership and transport capabilities. These groups (approximately 10 personnel in each) concentrated on high priority tasks that contributed to restoration of the Market trading areas. The Platoon Commander maintained communication with the local Queensland Fire and Rescue Service (QFRS) in order to coordinate the use of high pressure water hoses to clean thoroughfares.

61. The response was considered adequate for the task and almost immediate. The response group arrived at the Markets by approx 1100 hrs on 15 January 2011 and were released from the task at approx 1500 hrs on 16 January 2011. Whilst dedicated support to the Markets concluded on 16 January 2011, JTF 637 elements continued to provide support to the suburban areas surrounding the Rocklea Markets.
62. On 20 January 2011, the JTF's role in supporting the clean-up of the suburban areas directly surrounding the Rocklea Markets concluded in close consultation with the Brisbane City Council.

*ADF's Role in Toowoomba and the Lockyer Valley Region (including Forrest Hill) from 10 January to 15 February 2011*

63. There are no standing contingency plans at the local level for Army units (both Australian Regular Army and Army Reserve) in regional Barracks/Depots in the vicinity of Toowoomba to provide assistance, except for the provision of support to DACC Category 1 tasks (eg, saving immediate life). As JTF 637 was established prior to the flash flooding event that occurred in Toowoomba and the Lockyer Valley region on 10 January 2011, support was provided under DACC Category 2 via direct requests from the SDCC.
64. The JTF's General Support Task Group provided the focus of the efforts within the Toowoomba and the Lockyer Valley regions, supported by helicopter and fixed wing aircraft during the initial search and rescue response. On conclusion of the search and rescue efforts, as the labour intensive duties of cleaning and rubbish disposal became the priority, the General Support Task Group remained to assist. When labour intensive tasks were completed, the General Support Task Group was drawn down and the JTF priority shifted to the Engineer Task Group who provided the heavy plant support and engineer advice to the Brisbane City Council and Ipswich City Council. Throughout the transition from general support to engineer tasks the supporting effort was commensurately drawn down with personnel returning to their parent units.
65. Initial requests for assistance during this period were received by the JTF from the SDCC which resulted in the deployment of the forces mentioned above. Once in location, the Task Group Commander liaised directly with the Local Disaster Management Group or District Disaster Coordinator (in this case a Queensland Police Service Officer) through the deployed JTF LO for specific tasks. When these tasks appeared outside the guidance provided to the Task Group

Commander, the Task Group sought clarification from HQ JTF 637 or passed the request to the JTF headquarters which was then passed to the JTF LO at the SDCC for clarification and prioritisation.

66. **10 January 2011.** JTF 637 received initial warning of possible support tasks in the vicinity of Toowoomba and the Lockyer Valley on the afternoon of 10 January 2011 (approx 1600 hrs local time). Late in the afternoon, as events in the Toowoomba region deteriorated, Commander JTF 637 directed two SK-50 Sea Kings to reposition from Roma to RAAF Base Amberley at first light on 11 January 2011 in order to support likely response efforts. In support of the emerging threat in south east Queensland, an additional two S-70 Blackhawks were also assigned to JTF 637. These helicopters were placed on 2 hrs notice to move from 0600 hrs local time on 11 January 2011. EMQ advised that the priority task for early 11 January 2011 was a search of creek lines / rivers and isolated properties to the east and west of Toowoomba. JTF 637 also received a request to provide aviation fuel to civilian helicopters at RAAF Base Amberley conducting searches, which was approved to commence on the morning of 11 January 2011.
67. **11 January 2011.** ADF helicopters operated in extremely adverse conditions throughout most of the day evacuating over 400 people from the Lockyer Valley. In accordance with Commander JTF instructions on 10 January 2011, two SK-50 Sea Kings departed Roma at 0730 hrs and landed at Oakey by 0910 hrs. The Sea Kings then launched from Oakey and crossed the range to operate in the Lockyer Valley along with the two S-70A Blackhawks (force assigned on 10 January 2011) to assist in evacuation operations in the Lockyer Valley. Due to adverse weather and a fire warning light in one of the Sea Kings that required technical inspection, helicopter operations were initially delayed, however 158 civilians were evacuated and one winch rescue of a person trapped in flood water was conducted prior to last light that day in the Lockyer Valley and Toowoomba regions. Army trucks evacuated 75 civilians from Laidley Hospital to Plainland Hotel on the Warrego Highway. The two S-70A Blackhawks deployed from Oakey to Amberley and commenced search and rescue operations in vicinity of Forest Hill within the Lockyer Valley at first light. The Blackhawks transported 259 civilians in support of evacuation operations between Forest Hill and Gatton. They also completed 24 hoist recoveries
68. **12 January 2011.** At approximately 1530 hrs, HQ JTF 637 received a request from SDCC to assist with subsequent search operations in the Lockyer Valley. The operations staff at JTF 637



headquarters liaised directly with the Toowoomba Major Incident Room and the Queensland Police Service Search Coordinator to scope the support requirements. The task was formally accepted at approximately 1700 hrs. A Motorised Company from 8/9 RAR (the Emergency Support Force – approximately 120 personnel) was force assigned to JTF 637 at 1700 hrs to assist with this task. The Emergency Support Force deployed to Amberley on the night of 12/13 January 2011 in order to arrive at Grantham at approximately first light on 13 January 2011. JTF helicopters supported search and rescue tasks and transport of civilian emergency services personnel (police, health, essential services) to remote areas to conduct tasks throughout the period 12-17 January 2011

69. **13 January 2011.** The Emergency Support Force Company concentrated at Grantham at approximately 0700 hrs on 13 January 2011 in order to finalise planning prior to commencing search operations with the Queensland Police Services in the Lockyer Valley, Toowoomba Range and Murphy's Creek. The Emergency Support Force liaised with JTF 637 headquarters to coordinate helicopter support directly from Grantham. Defence water trucks commenced the distribution of drinking water throughout the Lockyer Valley. Search operations using helicopters (Sea King, Blackhawk and Kiowa), dismounted personnel and Bushmaster vehicles commenced mid-morning. Helicopters also conducted aerial photography.
70. **13-16 January 2011.** JTF assets conducted bulk water distribution (approximately one million litres) within the Lockyer Valley region.
71. **14 January 2011.** At 0835 hrs, JTF 637 headquarters received a request from the SDCC for a further 150 personnel to assist in the search and recovery operation in the Lockyer Valley due to difficult terrain disrupting search efforts in remote areas. An additional three Platoons (approximately 30 soldiers in each Platoon) from 6<sup>th</sup> Engineer Support Regiment (6 ESR) were subsequently allocated to reinforce the JTF search operations in conjunction with the Queensland Police Services. JTF helicopters transported a State coronial party from Toowoomba around the Grantham area.
72. **15 January 2011.** The three Platoons from 6 ESR allocated to the search and recovery task deployed to the Lockyer Valley at 0800 hrs. The three Platoons arrived at Grantham at approximately 1100 hrs to commence tasking.

73. **16 January 2011.** The JTF received a request from the Toowoomba District Disaster Coordinator (through the SDCC) for ADF support to conduct clean-up of the Lockyer Valley region on completion of search operations.
74. **16-17 January 2011.** JTF forces deployed within the Lockyer Valley (including Grantham) were progressively reinforced with additional personnel and equipment to assist search, clearance and general clean-up tasks.
75. **20 January 2011.** ADF forces in Grantham were further reinforced with additional personnel and heavy engineer equipment to support general clean-up within the Lockyer Valley.
76. **20 January – 04 February 2011.** The JTF supported repatriation of Grantham and Lockyer Valley residents into their homes. The JTF continued to assist in the clean-up of the townships, residences and critical infrastructure of Grantham, the Lockyer Valley and surrounding areas continued. The bulk of the clean-up effort was focussed on the Grantham area, but as more tasks were identified in the wider Lockyer Valley region (such as Murphy's Creek), JTF elements responded to conduct these tasks. JTF personnel, in conjunction with the Queensland Police Services, supported targeted search activity around the Lockyer Valley and Grantham regions, including Queensland Police recovery tasks in the vicinity of Helidon and Murphy's Creek, as well as between Gatton and Lowood.
77. **04-09 February 2011.** An Army Survey Team assisted the Lockyer Valley Regional Council with drainage rectification survey work within Forrest Hill township.
78. **04-10 February 2011.** JTF personnel assisted with debris removal from the Lowood, Somerset Council area.
79. **05-14 February 2011.** The JTF provided general clean-up and clearance of large scale debris (predominantly through the use of engineer plant equipment) within the Murphy's Creek and Helidon areas.
80. **08 February 2011.** The JTF's role in providing support to the Grantham area concluded in close consultation with the local council.
81. **15 February 2011.** All JTF elements completed tasking within the Lockyer Valley region.

*ADF's Role in Oakey*

82. Defence has helicopters permanently based at Oakey with the Army Aviation Training Centre. During the response and recovery phases, Oakey predominantly served as a base for helicopter operations that supported JTF 637. Additional helicopter assets deployed to Oakey at first light on 11 January 2011 to support the developing situation in the Toowoomba region.

*ADF's Role in the Western Downs from 28 December 2010 to 21 January 2011*

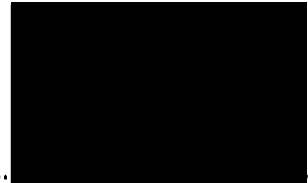
83. **28-30 December 2010.** ADF helicopters assisted civilian emergency services in the evacuation of residents from Condamine. This support was conducted in the initial stages of the evolving disaster at the request of the Queensland Government through EMA.
84. **7 January 2011.** JTF 637 helicopters transported Power-Link staff from Oakey to Braemar to effect repairs on electricity substations.
85. **17 January 2011.** Defence representatives from JTF 637 attended an EMQ meeting regarding the reoccupation of Condamine. Defence transported tradesmen into Condamine to restore essential services.
86. **18 January 2011.** JTF helicopters and ground vehicles supported repatriation of Condamine residents back into the township. The JTF helicopters also assisted in the delivery of temporary tent accommodation (flexible habitat shelters owned by Queensland Fire and Rescue Services) to provide emergency accommodation for the residents of Condamine.
87. **19-20 January 2011.** JTF elements supported the repatriation of Condamine residents, and established a water purification point to provide fresh water to the town. The JTF also supported the clean-up of the township, residences and critical infrastructure (including roads and farms).
88. **21 January 2011.** The JTF's role in providing support to the Condamine area concluded as all allocated tasks had been completed.

**Other matters**

89. During the operation there were environmental hazards present that posed a risk to ADF personnel. These hazards included asbestos and photovoltaic arrays or solar electrical generation cells within damaged structures. Direction (eg, use of personal protective equipment and instructions on avoidance of clearing hazardous materials) was provided to

deployed Task Groups regarding occupational health and safety once these risks were identified to minimise exposure or injury to ADF personnel assisting the recovery efforts.

Date: 10 MAY 11

A large black rectangular box redacting the signature of Kevin John Paule.

Kevin John Paule

**In the matter of the *Commissions of Inquiry Act 1950***

***Commissions of Inquiry Order (No.1) 2011***

**Queensland Floods Commission of Inquiry**

**First Witness Statement of Kevin Paule**

**Annexure 'KP1'**

## **Defence Instruction (General) Operations 05-1 DACC**

**In the matter of the *Commissions of Inquiry Act 1950***

***Commissions of Inquiry Order (No.1) 2011***

**Queensland Floods Commission of Inquiry**

**First Witness Statement of Kevin Paule**

**Annexure 'KP2'**

#### **ADF support - Timeline of key events**

- 26 December 2010:
  - ADF Joint Operation Support Staff Liaison Officer (LO) located in State Disaster Coordination Centre (SDCC) Brisbane and Disaster Coordination Centre in Rockhampton commenced daily liaison to scope possible DACC requests.
- 28 December 2010:
  - The Queensland Government, through EMA, requested emergency ADF support to evacuate residents from the vicinity of Theodore to Moura.
  - One Army S-70A Blackhawk was reacted and assisted the evacuation of 314 personnel.
  - Two further S-70A Blackhawks were reacted late on 28 December 2010 to conduct evacuations (inclusive of medical evacuations and emergency resupply of food and medical stores to isolated communities).
- 29 December 2010:
  - The three S-70A Blackhawks continued to conduct food and supply sorties/air drops in the vicinity of Theodore and isolated communities in the vicinity of Thangool.
  - EMA requested additional helicopter support in other flood affected areas of Queensland, including Rockhampton and Emerald.
- 30 December 2010:
  - Three S-70A Blackhawks delivered 2.5 tonnes of foodstuffs to Taroom and Thangool areas.
  - Three S-70A Blackhawks also assisted with evacuations from Emerald.
  - Two additional S-70A Blackhawks were provided to evacuate 86 residents from Condamine to Dalby.
- 31 December 2010:
  - One RAAF C-130 Hercules conducted two sorties from Amberley to Emerald to deliver temporary tent accommodation (flexible habitat) for evacuees.
  - Three S-70A Blackhawks delivered 33 tonnes of stores/food and 800 litres of milk to Emerald.
  - As the crisis escalated, CDF directed the ADF to posture accordingly and raised a JTF to control ADF support to the Queensland Emergency Services and coordinate further ADF support to the evolving crisis.
  - At about 1400 hrs, the CDF Execution Order was released for the creation of JTF 637. This JTF initially consisted of the following Task Groups:
    - Headquarters JTF 637 (which included an LO network and forward headquarters);
    - Rotary Wing Task Group (Blackhawk helicopters);
    - Air Component Task Group (fixed wing strategic lift assets included B-350 King Air and C-130 Hercules); and
    - Navy Rotary Wing Task Group (Sea King helicopters).



- 31 December 2010 to 03 January 2011:
  - S-70A Blackhawks continued rescue and relief operations in Emerald including:
    - 56 people evacuated from Emerald Hospital.
    - 42 tonnes of food delivered to isolated areas.
    - 2.5 tonnes of sand delivered (used to reinforce a dam).
    - 8 tonnes of temporary tent accommodation (flexible habitat) relocated for evacuees.
    - medical supplies delivered.
    - repatriation of two bodies (under the guidance of Queensland Police).
- 01 January 2011:
  - JTF 637, established under Colonel Luke Foster, Chief of Staff 1st Division Headquarters, assumed responsibility for the ADF response and support to civilian authorities. The initial strength of the JTF was 114 personnel<sup>5</sup>.
  - The JTF co-located a liaison and planning team within Emergency Management Queensland (EMQ) headquarters to support relief activities.
  - Headquarters JTF 637 established at Enoggera. Joint Operations Support Staff LOs were allocated to the JTF to facilitate liaison between the SDCC and JTF 637 headquarters.
  - CDF directed planning for a more expansive ADF assistance package, with the potential for more helicopters, aircraft and ADF units, as the situation demands.
  - Commander JTF 637 commenced daily attendance at State Disaster Management Group / SDCC meetings.
- 02 January 2011:
  - A JTF forward headquarters element was deployed to Rockhampton to enable direct liaison with the Disaster Coordination Centre regarding flooding events in central Queensland. This area was the JTF main effort at the time.
  - Contingency planning was conducted by the JTF headquarters to employ C-130 to conduct daily resupply of up to 50 tons of foodstuffs to Mackay for forwarding by road to Rockhampton by civil contractors.
- 03 January 2011:
  - The JTF forward headquarters (deployed on 2 January 2011) was established in Rockhampton and commenced liaison with Disaster Coordination Centre and local emergency services.
  - The forward headquarters commenced liaison with Local Disaster Management Committee at Roma via telecon regarding the situation and possible support requirements to St George/Surat region.
  - Two pallets of dry food, insect repellent, batteries and torches dropped to properties in vicinity of Emerald by three S-70 Blackhawks.
  - A C-130 delivered 17 tonnes of dry goods to Mackay.

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<sup>5</sup> The personnel numbers within this Annexure include only Defence personnel and contractors actually assigned to the JTF. It does not include, for example, additional Defence personnel (including ground crew) who supported the conduct of strategic air lift operations from their home unit locations.

- Situation in Emerald improves; S-70A Blackhawks relocate to Rockhampton to support further rescue and relief operations.
- JTF 637 commenced engagement with NSW Emergency Services to monitor potential requirement for ADF support in the northern NSW region around Goodooga.
- 03-05 January 2011:
  - A RAAF C-130 Hercules delivered approx 130 tonnes of essential non-perishable supplies (long-life milk, bottled water, canned food) in sorties to Mackay.
- 04 January 2011:
  - JTF 637 comprised approximately 115 personnel.
  - First CDF Amplification Order released to assign additional assets (including Navy helicopters) to JTF 637.
  - A C-130 delivered approximately 43 tonnes of dry goods to Mackay.
  - A Blackhawk helicopter conducted an evacuation of a sick child from Gracemere to Rockhampton.
  - JTF 637 commenced engagement and monitoring of the flood situation in NSW.
- 05 January 2011:
  - Second CDF Amplification Order released to assign additional fixed wing aircraft to JTF 637.
  - A C-130 delivered an additional 44 tonnes of dry goods to Mackay.
  - The two SK-50 Sea King helicopters in Roma provided evacuation and relief support to areas surrounding Surat and St George.
  - A Blackhawk helicopter evacuated two children, their mothers and a doctor from Gracemere to Rockhampton.
  - Major General Slater, Commander 1st Division, released by CDF to support the Queensland flood recovery effort as leader of the Queensland Recovery Task Force. A small ADF planning team was also released to support Major General Slater.
- 06 January 2011:
  - The SK-50 Detachment Commander conducted liaison with the Mayor of St George, Senior Queensland Police Services and Local Disaster Management Committee staff on provision of support using Defence helicopters.
  - A C-130 Hercules delivered two Army LOs and an Air Load Team from RAAF Base Amberley to St George to support the Sea King operations and the movement of any humanitarian stores. The C-130 was struck by lightning on the return trip from St George to Amberley. It landed safely and was immediately replaced by a second aircraft to continue to support to the floods.
  - One Army LO remained in St George to liaise with the Disaster Coordination Centre and the other LO was transported to Roma to liaise with the Roma Disaster Management Committee.
  - The replacement C-130 transported 10,000 sandbags and an Army Petroleum Detachment to St George.

- A CH-47 Chinook helicopter transported an ADF water purification unit from Rockhampton to Theodore in preparation to provide drinking water to Theodore residents.
- 07 January 2011:
  - A C-130 Hercules delivered 12,000 litres of aviation fuel to St George to support helicopter operations.
  - Two SK-50 Sea King helicopters conducted reconnaissance flights from Roma to St George and transported Power-Link staff from Oakey to Braemar to effect repairs on electricity substations.
  - An S-70A Blackhawk helicopter conducted medical evacuation of an 81 year old cardiac patient from Gracemere to Rockhampton.
  - An S-70A Blackhawk helicopter delivered 350 kg of bedding to Theodore Hospital.
- 08 January 2011:
  - A C-130 Hercules transported Queensland Fire and Rescue Services flexible habitat shelters (tents) from Roma to St George.
  - The water purification unit commenced supply of water to Theodore.
  - JTF 637 comprised of approximately 115 personnel spread from Brisbane to St George.
- 09-13 January 2011:
  - Purified water provided to Theodore.
- 09-14 January 2011:
  - ADF assets currently assigned to JTF 637 continue to focus efforts in the Rockhampton, St George and Toowoomba/Lockyer Valley<sup>6</sup> regions.
- 10 January 2011:
  - Aviation LO deployed to the Incident Response Room at Toowoomba as situation in vicinity of Toowoomba deteriorated.
  - A Blackhawk conducted an emergency evacuation of one person from a mine site near Biloela to Rockhampton.
- 11 January 2011:
  - Army given a warning order to provide additional assets, including specialist engineering capability.
  - Aviation fuel from RAAF Base Amberley was provided to civilian helicopters conducting search operations in Lockyer Valley.
- 12 January 2011:
  - JTF 637 comprised of approximately 370 personnel.
  - Third CDF Amplification Order released to assign additional aircraft and ground liaison assets to JTF 637.

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<sup>6</sup> A breakdown of the Defence effort focused in Toowoomba and the Lockyer Valley during the period 10 January to 15 February is covered in greater detail in the main witness statement commencing at paragraph 63.

- LO established at Queensland Police Services Major Incident Room in Brisbane to assist in coordination of local support requests associated with flooding in Brisbane City.
- At approximately 1530 hrs, JTF 637 headquarters received an informal request from SDCC to assist with the search operations in the Lockyer Valley. HQ JTF 637 liaised directly with the Toowoomba Major Incident Room and the Queensland Police Services Search Coordinator to scope the support requirements.
- Navy clearance diving team arrive in Brisbane to commence search and clearance of the Brisbane River.
- Personnel assisted in filling and laying sandbags in Brisbane and the surrounding suburbs to protect critical electrical infrastructure.
- A C-130 transported 300 stretchers transported from Richmond to Moree.
- Premier Bligh made additional requests to the Prime Minister for Defence assistance, including transporting search and recovery teams to remote localities and additional resources to assist in the clean-up. Premier Bligh indicated that further Defence support could be required to assist Queensland emergency agencies, engineering assessment and construction, psychological support and water purification.
- 12-17 January 2011:
  - Aviation fuel provided to Queensland Police Services helicopter operations from St George.
- 13 January 2011:
  - ADF was providing 19 helicopters (combination of Blackhawk, Sea King, Kiowa, Augusta and Chinook), seven fixed wing aircraft (combination of King Air, Hercules and Globemaster) and approximately 540 personnel.
  - LO established with local Queensland Police Services in Toowoomba to assist Local Disaster Coordination Centre.
  - A C-17 transported two Light Amphibious Resupply Craft (LARC) from Townsville to Amberley for potential use in the Lockyer Valley.
  - ADF relief efforts were focused in the Lockyer Valley and Brisbane regions as follows:
    - A Task Group concentrated at Grantham early morning in order to finalise planning and preparation prior to commencing search operations with Queensland Police Services in Lockyer Valley, Toowoomba Range and Murphy's Creek. The Task Group liaised directly with the Queensland Police Services Search Coordinator located at Grantham in order to coordinate the ADF support to search and recovery operations. Search operations, using Defence helicopters, dismounted personnel and Bushmasters commenced mid-morning.
    - The supply of critical bulk water by two Mack Water Trucks in the Lockyer Valley commenced.
    - Navy clearance divers commenced operations in the Brisbane River assessing moorings and identifying underwater obstacles.
    - A sea anchor for the Moggill Ferry was transported and positioned by Blackhawk.

- Two C-17 Globemasters delivered 176 tonnes of dry goods to Townsville to be forwarded to the disaster area, whilst C-130s delivered 13 tonnes of dry goods and a forklift to Bundaberg.
- JTF 637 was advised by NSW Emergency Services that flooding in northern NSW is manageable and within their capabilities. Engagement continued as well as monitoring the levees in Goondiwindi.
- 14 January 2011:
  - Size of the JTF grew to approximately 1200 personnel, including 19 helicopters, three assigned fixed wing aircraft and four additional fixed wing aircraft on standby for tasking.
  - JTF 637 continued to conduct search and recovery, logistics resupply, transportation (including deceased persons), general support (sandbagging/clean-up) and evacuation operations throughout all areas.
  - Bulk water supply to Lockyer Valley by two Mack Water Trucks continued.
  - A CH-47 Chinook helicopter delivered 17 pallets of food to Mt Crosby.
  - Following the request by Premier Bligh for 'minesweepers' to clear Moreton Bay and the Brisbane River, the Royal Australian Navy began deploying a Mine Counter Measure Task Group (4-5 days sailing time to be in the area of operations).
  - Defence provided accommodation and rationing for 120 NSW Firemen at Gallipoli Barracks.
  - Water Purification Unit ceased supplying water in Theodore as local water pumps had been repaired and resupply was no longer required.
  - Approximately 133 tonnes of dry goods, food stuffs and medical supplies were delivered to Bundaberg and Charleville by two C-130s and to Townsville by a C-17.
  - In response to Premier Bligh's request of 12 January, expansion of the JTF into five task groups was planned to support the restoration phase; comprising of a General Support Task Group, Engineer Task Group, Aviation Task Group, Logistic Support Task Group and a Specialist Support Task Group.
  - Monitoring of the Goondiwindi levee continued.
- 15 January 2011:
  - Size of the JTF grew to approximately 1450 personnel.
  - JTF 637 focus, whilst some search and recovery still continued, commenced transition from response to recovery. Ongoing tasks included logistics resupply, transportation (including deceased persons) and general support (clean-up, debris removal and restoration) throughout all areas.
  - Bulk water supply to Lockyer Valley by two Mack Water Trucks continued.
  - JTF 637 commenced support to clean-up and recovery of Rocklea Markets<sup>7</sup>.
  - One Blackhawk conducted a food drop in vicinity of Cecil Plains.
  - A C-17 delivered a resupply of 107 tonnes of foodstuffs and essential goods to Townsville.

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<sup>7</sup> A breakdown of the Defence effort focused in Rocklea Markets during the period 15 to 20 January is covered in greater detail in the main witness statement commencing at paragraph 52.

- Engineers began assessing levees and infrastructure (Dirranbandi).
- Monitoring of the Goondiwindi levee continued.
- 16 January 2011:
  - Size of the JTF grew to approximately 1530 personnel.
  - The supply of bulk water to Lockyer Valley by Mack Water Trucks ceased.
  - Continuation of cleaning operations of communities, main supply routes and vital assets. Key areas included Rocklea Markets, Brisbane Western Suburbs, Karalee (North Ipswich) and the Lockyer Valley.
- 17 January 2011:
  - Brigadier Paul McLachlan, Commander 7th Brigade, assumed command of JTF 637.
  - Due to the improving flood situation, Operation QUEENSLAND FLOOD ASSIST commenced transition from a crisis response to the recovery.
  - JTF 637 had an approximate strength of 1650 personnel.
  - Helicopters provided support to Water Police searches along the Brisbane River to Wivenhoe Dam.
  - Engineer Task Group conducted reconnaissance of suburban areas of Brisbane and Ipswich, including preparations for an inspection of the Gateway Bridge.
  - A Sea King helicopter delivered two civilian medical personnel and medical supplies to the Gatton area.
  - A CH-47 Chinook delivered 13 tonnes of food and supplies to Dirranbandi.
- 18 January 2011:
  - JTF 637 had an approximate strength of 1880 personnel.
  - Key tasks included provision of fixed and rotary wing support, engineering support, supply support, general support and specialist support to the recovery efforts.
  - HMAS HUON (Mine Hunter), the first ship of the Maritime Mine Counter Measure Task Group, arrived Brisbane to commence clearance of Moreton Bay and Brisbane River.
  - A C-17 transported 50 sailors and 14 clearance divers with equipment from Sydney to Amberley.
- 19 January 2011:
  - JTF 637 had a strength of 1976 personnel (peak manning for Operation QUEENSLAND FLOOD ASSIST).
  - Key tasks included continued provision of fixed and rotary wing support, engineering support, supply support, general support and specialist support to the recovery efforts.
  - Remainder of Maritime Mine Counter Measure Task Group (HMA Ships PALUMA and SHEPPARTON) arrived at Brisbane to commence clearance of Moreton Bay and Brisbane River.
  - Debris clearance activity continued: Chelmer, Graceville, Yeronga, Fairfield, Karalee, Kenmore, St Lucia, Brassall, Booval, Goodna, and Grantham.

- A CH-47 Chinook transported personnel, stores (including the Queensland Fire and Rescue flexible habitat) and equipment to Condamine.
- Premier Anna Bligh announced the establishment of a new Queensland Reconstruction Authority and that Major General Slater would chair the Queensland Reconstruction Authority Board.
- 20 January 2011:
  - The Maritime Task Group continued surveys in the Brisbane River and Moreton Bay shipping channels (through until 3 February).
  - Navy clearance divers conducted operations near the Gateway Bridge.
  - JTF elements supported the repatriation of Condamine residents and established a water purification point to provide fresh water.
  - JTF 637 began to commence a gradual draw down of personnel as the number of support tasks reduced.
  - JTF 637 had reduced in strength to approximately 1900 personnel.
- 20-31 January 2011:
  - The JTF continued the draw down of personnel and Defence capabilities allocated to support the recovery phase of Operation QUEENSLAND FLOOD ASSIST through out the latter half of January.
  - Key tasks included continued provision of fixed and rotary wing support, engineering support, supply support, general support and specialist support to the recovery efforts. Significant tasks completed over this period included:
    - JTF Task Groups continued engineering and general clean-up tasks across Brisbane and the south east.
    - Clearance diver teams conducted search and clearance of the Brisbane River.
    - Maritime Task Group completed detailed survey and clearance of the Moreton Bay shipping channels, anchorages and approaches.
    - A water purification unit provided clean water to the residents of Condamine.
    - Engineering clean-up tasks focused on Helidon, Grantham and Murphy's Creek. Support was provided to the Queensland Police for missing persons search and removal of bulk debris was conducted.
    - An Environmental Health Team provided insect spraying in Grantham, Ipswich, Esk and the Lockyer Valley.
- 24 January 2011:
  - Two S-70B Seahawk helicopters were redirected from the Queensland recovery efforts to DACC Category 2 assistance to the Victorian floods recovery effort.
- 27 January 2011:
  - Rotary Wing Task Group stood down from support to JTF 637. During the Queensland flood crisis, the task group logged 773 air hours.

- 28 January 2011:
  - CDF Execution Order released requesting nominations from the three Services for ADF LOs to be seconded into selected Queensland Councils to provide planning expertise to support the recovery efforts.
- 31 January 2011:
  - Fourth CDF Amplification Order released to prepare the JTF for disestablishment and transition to enduring support under DACC Category 2 arrangements.
  - JTF 637 had reduced in strength to approximately 800 personnel.
- 01 February 2011:
  - JTF 637 had reduced in strength to approximately 730 personnel.
  - Strategic lift assets on standby for support to Operation QUEENSLAND FLOOD ASSIST were redirected to conduct evacuation of 183 patients and staff from Cairns Base Hospital in preparation for the arrival of Tropical Cyclone Yasi.
- 02 February 2011:
  - JTF 637 had reduced in strength to approximately 720 personnel.
  - Reconnaissance teams were sent into the Somerset regions to determine the scope of future support tasks.
- 03 February 2011:
  - Maritime Task Group stood down from support to JTF 637 after completing the search and clearance of Brisbane River and Moreton Bay.
- 04 February 2011:
  - CDF Cease Order released to disestablish JTF 637.
  - ADF continued to perform general clean-up, aerial survey and image analysis tasks in support of the Queensland Reconstruction Authority using forces already assigned to Operation QUEENSLAND FLOOD ASSIST under DACC Category 2 arrangements.
  - Ongoing support was provided by an Engineer Task Group, supported by a RAAF King Air aircraft, initially consisting of approximately 400 personnel.
- 05-17 February 2011:
  - Engineer Task Group continued to provide engineering, supply and general support to the reconstruction and recovery efforts. Significant tasks included:
    - Electrical works in Ipswich.
    - Survey team assisting the Lockyer Valley Regional Council with drainage rectification works in Forest Hill.
    - Support to Queensland Police Services.
    - Support to the Lockyer Valley Regional Council with debris removal, drainage rectification and demolition of structurally unsound houses.
    - Recovery tasks in Grantham, Helidon and Murphy's Creek ranging from re-opening of isolated property access roads to bulk silt/debris removal from properties.



- Debris removal at Lowood in support of Somerset Council.
- Reconnaissance teams deployed into the Somerset region to assist the Council and Emergency Services to complete damage surveys.
- Aerial imagery of the flood affected areas.
- As the number of tasks required to be completed continued to reduce, the Engineer Task Group continued a progressive draw down of personnel and specialist equipment.
- 09 February 2011:
  - CDF Amplification Order released to second an ADF Advisor to a selected Queensland Council to support the reconstruction and recovery effort under the Queensland Reconstruction Authority.
- 18 February 2011:
  - The Engineer Task Group and King Air ceased operations in support of the Queensland Reconstruction Authority.
  - An Imagery Analysis Team continued to conduct analysis of captured images in support of the Queensland Reconstruction Authority.
- 24 February 2011:
  - Second CDF Amplification Order released to second an ADF Advisor to a selected Queensland Council to support the reconstruction and recovery effort under the Queensland Reconstruction Authority.
- 10 March 2011:
  - Third CDF Amplification Order released to second an ADF Advisor to a selected Queensland Council to support the reconstruction and recovery effort under the Queensland Reconstruction Authority.
- 16 March 2011:
  - Image Analysis Team completed image analysis tasking.
  - All Defence support ceased to the Queensland flood crisis, outside of Major General Slater, his administrative planning team and the ADF Advisors.

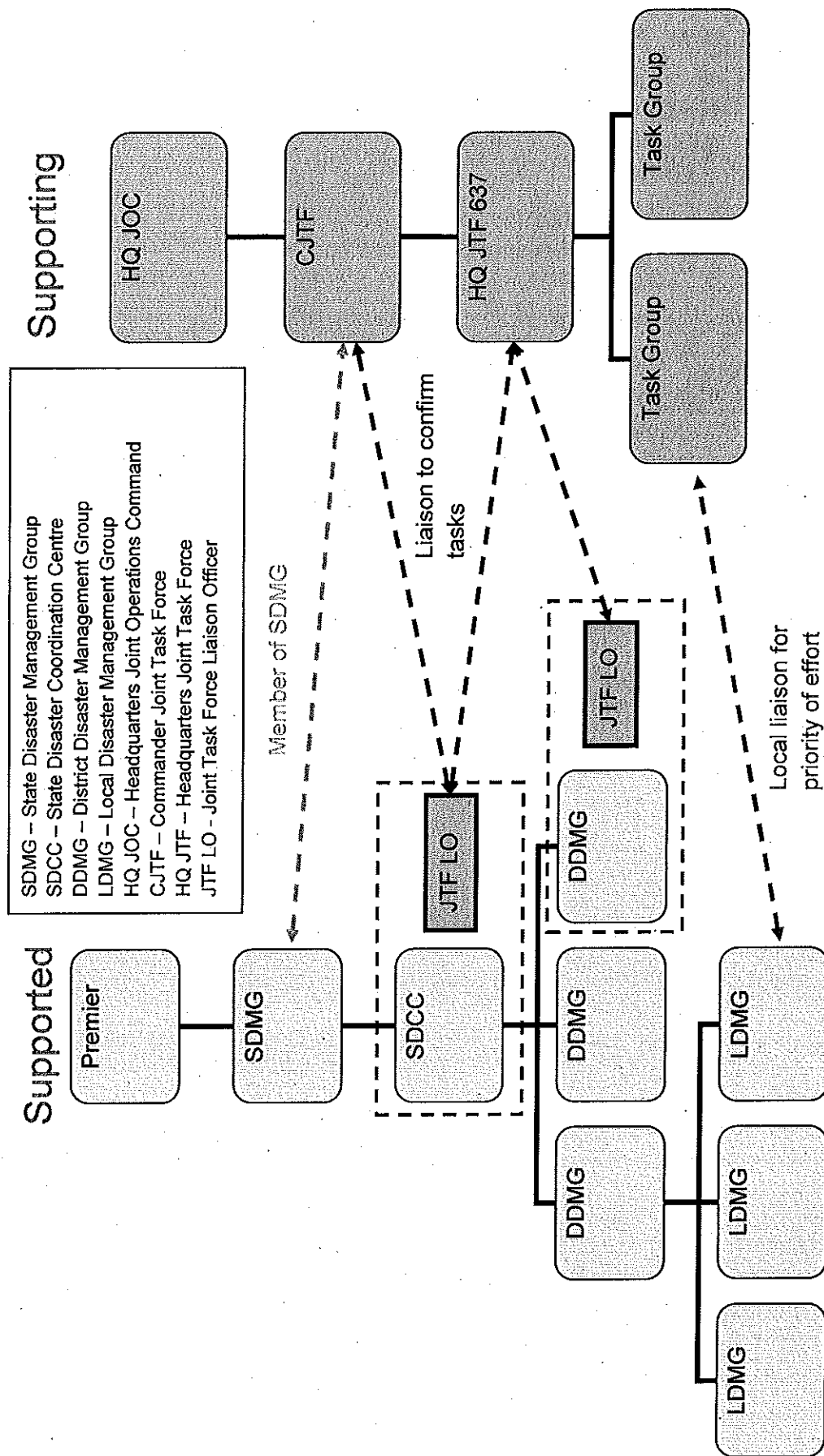
**In the matter of the *Commissions of Inquiry Act 1950***

***Commissions of Inquiry Order (No.1) 2011***

**Queensland Floods Commission of Inquiry**

**First Witness Statement of Kevin Paule**

**Annexure 'KP3'**





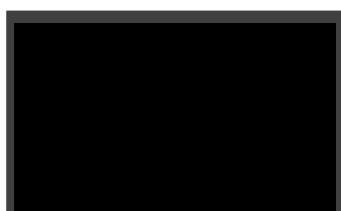
**Australian Government**  
**Department of Defence**

# DEFENCE INSTRUCTIONS (GENERAL)

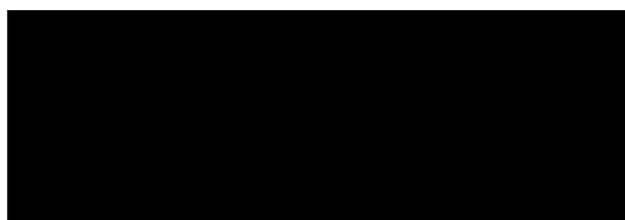
Department of Defence  
 CANBERRA ACT 2600

16 March 2004

Amendments to Defence Instruction (General) OPS 05–1 are issued pursuant to section 9A of the *Defence Act 1903*.



R.C. SMITH, AO, PSM  
 Secretary



P.J. COSGROVE, AC, MC  
 General  
 Chief of the Defence Force

## LIST B—ISSUE NO OPS B/2/2004

### Amendment

OPS 05–1 *Defence Assistance to the Civil Community—policy and procedures*  
 AMDT NO 9  
**Complete Revision**

### Single Service filing instructions

This instruction should be filed as:

1. NAVY OPS 11–2
2. ARMY OPS 49–1
3. AIR FORCE OPS 1–2

### Cancellation

DI(G) OPS 05–1 pages 1 to 10, annexes A to G ISSUE NO OPS B/1/92 of 9 APR 92 (AL3), annex I and appendix 1 ISSUE NO OPS B/5/2002 of 19 JUN 2002 (AL8), annex J and appendixes 1 and 2, annex K ISSUE NO OPS B/1/92 of 9 APR 92 (AL3), annex L ISSUE NO OPS B/4/2002 of 8 MAR 2002 (AL7), annex M and appendix 1, annex N and appendixes 1 and 2 and annexes O and P ISSUE NO OPS B/1/92 of 9 APR 92 (AL3) is cancelled.

### Note

This is a **reprint** of the issue cover sheet only as the cancellation information was omitted. Replace with this revised issue cover sheet.



# DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY—POLICY AND PROCEDURES

## INTRODUCTION

1. There are two distinct types of Defence assistance provided to civil authorities and organisations, namely:

- a. Defence Assistance to the Civil Community (DACC); and
- b. Defence Force Aid to the Civilian Authorities (DFACA).

2. This instruction, which is sponsored by Commander Australian Theatre (COMAST), addresses the policy and procedures applicable to DACC and supersedes the previous Defence Instruction (General) (DI(G)) OPS 05–1—*Defence Assistance to the Civil Community policy and procedures*. In addition to these instructions, the Government or the Minister may approve alternative policy or procedures in particular instances. Policy on DFACA is contained in DI(G) OPS 01–1—*Defence Force Aid to the Civil Power—Policy and Procedures*.

## AIM

3. The aim of this instruction is to promulgate Australian Defence Force (ADF) policy and procedures for DACC.

## POLICY

### General

4. As a general principle, the provision of DACC should be regarded as the exception rather than the rule. Defence resources are intended to be used for Defence purposes only. Requests for DACC may receive favourable consideration if there is no suitable alternative source of assistance particularly in instances of emergency and for other requests where worthwhile training or public affairs benefits will accrue to Defence as a result of the provision of assistance. All DACC tasks, especially Category 4 tasks, that are justified, in part or full, on their public affairs value require the active involvement of Head Public Affairs and Corporate Communications (HPACC) in the decision making process. HPACC will consider relevant research and Defence priorities in the assessment of such requests.

5. Before DACC is provided, it is to be formally requested, offered and accepted. A flow chart to determine the correct DACC category assessment is in [annex A](#). In non-emergency situations, where life and/or property are not threatened, the conditions governing the provision of assistance are to be specified, the resources required accurately detailed and the recipient clearly identified. An application for non-emergency assistance is to be recorded on the pro forma provided in [annex B](#) and accompanied by the required supporting documentation. The pro forma indicates the minimum information required to process the DACC request.

6. **Guidance on classification.** The types of assistance mentioned specifically in this instruction do not constitute a definitive list of DACC tasks. Guidance from Headquarters Australian Theatre (HQAST) (J34) is to be sought by Local Commanders/Administrators if doubt exists as to the classification or category of a request for assistance.

7. **Participation in advertising campaigns.** As a general rule, Defence is not to participate in commercial advertising campaigns, either by providing uniformed personnel or unique Service venues. Sponsorship by commercial enterprises may however be acceptable in some instances for special public relations activities and events, excluding those associated with alcoholic beverages or tobacco products. All requests for DACC that include involvement in advertising campaigns or activities are to be referred to HQAST (J34) for processing. HQAST will then consult with HPACC. In all cases, requests for assistance from media organisations, including producers of commercials, television programs, documentaries and films, must be referred to HPACC using the procedures in DI(G) ADMIN 17-3—*Policy and Procedures for Use of Defence Resources in Support of Public Information Activities*.

## DEFINITIONS

8. For the purpose of this instruction, the following definitions apply:
- a. **DACC.** The provision of Defence resources, in response to a request for assistance, for the performance of tasks that are primarily the responsibility of the civil community or other government organisations.
  - b. **Ceremonial activities.** Ceremonial activities are occasions of national or State significance such as ANZAC Day and Australia Day, where Defence has a national obligation, or is directed, to support such activities.
  - c. **Defence resources.** Includes personnel, equipment, stores, supplies and facilities, and expenditure from Defence outlay on administration, personnel support, equipment operation, repair and maintenance.
  - d. **Civil community.** Includes Commonwealth and State/Territory Government departments, agencies and authorities, including law enforcement agencies and emergency services, and the Australian community at large, including clubs, organisations and commercial enterprises.
  - e. **Local Commander/Administrator.** Includes unit, ship, base or formation commanders of all three Services, Managers of Defence Corporate Services and Infrastructure Centres (CSIC) and Defence Science and Technology Organisation Laboratory Directors.
9. DACC includes Defence assistance to State/Territory Governments during emergencies/disasters, for events of public significance and civil counter disaster training. DACC also includes assistance to Commonwealth or State/Territory Governments and their civil authorities in the performance of law enforcement related tasks, where there is no likelihood that Defence personnel will be required to use force. It also includes the provision of training assistance to Federal/State/Territory police forces and other Government agencies and organisations.

### Note

where there is any possibility that force may be required to be used by Defence personnel, the activity is defined as DFACA.

### Associated instructions

10. Additional policy documents which should be read in conjunction with this instruction are:
- a. DI(G) OPS 01-3—*Policy and Procedures for Department of Defence Response to Overseas Disasters*.
  - b. DI(G) OPS 03-1—*Special Aeromedical Evacuation*.
  - c. DI(G) OPS 05-2—*Flypasts and Flying Displays*.
  - d. DI(G) OPS 31-1—*Provision of Support to Commemorative Activities Associated with Past Wars*.

- e. *National Search and Rescue Manual*—which provides detail on ADF support to Search and Rescue operations.
- f. DI(G) ADMIN 17–3. (Defence participation in advertising campaigns is addressed in this instruction).
- g. DI(G) ADMIN 35–1—*Procedures for the Use of Defence Estate Assets by non-Defence Organisations or Individuals Including Commercial Contractors*.
- h. DI(G) LOG 07–13—*Hire and Loan of Defence Stores and Equipment*.
- i. DI(G) PERS 28–1—*Defence Force Participation in Work Experience Programs for School Students*.
- j. DI(G) PERS 46–1—*Tri-Service Ceremonial Guards of Honour*.

## TYPES OF ASSISTANCE

### Counter disaster and emergency assistance

11. The Australian States/Territories have Constitutional responsibility for the protection of the lives and property of personnel within their boundaries. Where a disaster is actually or potentially of such a magnitude that State or Territory resources are inadequate, unavailable or cannot be mobilised quickly, the Commonwealth accepts a responsibility for providing support when requested.

12. The principle to be applied to the provision of emergency DACC, is that the State/Territory Governments are primarily responsible for combating disasters and civil emergencies, using available State/Territory professional and volunteer services and commercially available resources. Commonwealth Government resources (including Defence assets) may be made available in situations where the State/Territory authorities are unable to react with sufficient speed, or lack the necessary resources or skills.

### Categories of counter disaster and emergency assistance

13. **Category 1.** DACC Category 1 is emergency assistance for a specific task(s) provided by Local Commanders/Administrators, **from within their own resources**, in **localised emergency situations** when immediate action is necessary to save human life, alleviate suffering, prevent extensive loss of animal life or prevent widespread loss/damage to property. Provision of DACC Category 1 assistance should not normally exceed 24 hours. The procedure for processing Category 1 requests is in [annex C](#).

14. **Category 2.** DACC Category 2 is **emergency assistance**, beyond that provided under Category 1, in a **more extensive or continuing disaster** where action is necessary to save human life or alleviate suffering, prevent extensive loss of animal life or prevent loss/damage to property, and when State/Territory resources are inadequate. The procedure for processing Category 2 requests is in [annex D](#).

15. **Category 3.** DACC Category 3 is assistance associated with recovery from a civil emergency or disaster, **which is not directly related to the saving of life or property**. The procedure for processing Category 3 requests is in [annex E](#).

### Note

ADF procedures for assistance following disasters within Australia are also detailed in Australian Operational Concepts (AOC) SECCA and MODOS. Further information is contained in the Emergency Management Australia (EMA) sponsored *Commonwealth Government Disaster Response Plan* (COMDISPLAN) and *Australian Contingency Plan for Radioactive Space Re-Entry Debris* (AUSCONPLAN SPRED). COMAST sponsors and develops AOC. AOC are posted to the HCAST (Defence Secret Network) web site.



## Defence assistance to overseas disasters

16. Policy and procedures for the provision of Defence assistance following overseas disasters are detailed in DI(G) OPS 01–3, AOC VALENT, and the related EMA *Australian Government Overseas Disaster Assistance Plan* (AUSASSISTPLAN).

## NON-EMERGENCY ASSISTANCE

17. Requests for DACC in other than emergency situations will normally involve the use of specialist personnel or facilities and/or the loan, hire or sale of Defence stores or equipment. When examining requests for non-emergency assistance, consideration is to be given to the following factors, particularly in the context of the policy guidelines detailed in [paragraphs 4.–10.](#) of this instruction:

- a. the possibility of competing with the private sector, which may leave Defence open to criticism;
- b. the responsibility of State/Territory/Local Governments to provide the resources in the first instance for such tasks;
- c. the possibility that DACC may be seen as a substitute for the usual avenues of funding or assistance available to non-profit organisations or Government bodies;
- d. non-profit motives of charitable organisations are not in themselves sufficient reason to support such activities;
- e. the precedent set when granting assistance, which may lead to additional requests for Defence resources;
- f. the hire out of equipment should, where appropriate, be considered on a package basis, ie the equipment should be hired with a person(s) who is trained to operate the equipment; and
- g. resource implications (these considerations are further expanded in [paragraph 28.](#))

## Categories of non-emergency assistance

18. **Category 4.** DACC Category 4 is **non-emergency assistance** provided to other Government departments or authorities, to State/Territory/Local Government or other authorities or organisations, commercial enterprises, non-profit organisations, or individuals or bodies in the general community. The procedure for processing Category 4 requests is in [annex F](#). Ad hoc requests from police forces for **training** assistance are to be treated as DACC Category 4 (note that **law enforcement** assistance is DACC Category 6):

- a. **Public Events of Significance (PES) (Special Category of DACC 4).** PES program is a biannual program that is submitted to the Minister for Defence (MINDEF) for the periods January–June and July–December). The PES program may include National, State or Territory events, such as the Commonwealth Games, tattoos, displays and other significant sporting or public interest events. The procedure for processing PES tasks is in annex F, [appendix 1](#).
- b. The PES concept allows the ADF to support nominated significant events in accordance with approved guidelines and also addresses the relevant cost implications. Events included in the PES program are to be costed on a direct cost basis, unlike other DACC Category 4 tasks, which are costed on a full cost basis (see annex F, [appendix 1](#)).
- c. **Participation by Service Bands.** The procedure for processing tasks for the participation of Service Bands in DACC activities is in annex F, [appendix 2](#).

19. **Category 5.** DACC Category 5 is **non-emergency assistance of a minor nature** which can be provided to local organisations from within the resources and authority of the Local Commander/Administrator, and which does not compromise unit effectiveness or readiness. The procedure for processing Category 5 requests is in [annex G](#). The following activities are prohibited under DACC 5:

- a. **Support to media organisations.** No support is to be provided to media organisations, including producers of commercials, television programs, documentaries and films, as DACC Category 5. In all cases, requests for assistance from media organisations must be referred to HPACC in accordance with DI(G) ADMIN 17–3.
- b. **Use of aircraft.** Aircraft are not to be used for DACC 5 tasks **except that the carriage of cargo on scheduled flights** (excluding personnel, animals and dangerous cargo) on a space available basis, is permitted, in accordance with the criteria in [annex G](#).

20. **Category 6.** DACC Category 6 is support to civil authorities in the performance of non-emergency law enforcement related tasks where there is no likelihood that Defence personnel will be required to use force. The procedure for processing Category 6 requests is in [annex H](#).

21. In addition to the general DACC tasks identified above, specific tasks are addressed in detail as follows:

- a. **Special Aeromedical Evacuation (AME) of civilians .** Procedures for AME are covered in DI(G) OPS 03–1. As special AME flights for Australian citizens normally fall within DACC Category 1 or 2, cost recovery will not normally be sought. However, AME of foreign nationals to Australia, whilst not considered to be DACC, would normally be undertaken on a full cost recovery basis as if the task was DACC Category 4.
- b. **Ship visits, ceremonial support and related Sea Day activities.** The unique nature of ship operations provides the ability to assist third parties with indirect support during the conduct of normal ship transits or deployments. Such assistance can take the form of *seariders* (Fisheries and Customs officers) and familiarisation, representational or ceremonial tasks which, given flexibility within the Fleet Activity Schedule, can be accommodated within the ship's program. Such tasks entail minor additional costs as they are undertaken on an opportunity basis and subject to operational priorities. These are not to be treated as DACC but recognised as standard maritime activities and subject to the discretion of the Maritime Commander Australia. Where doubt exists over the extent of this type of support, HQAST (J34) is to be consulted.

## DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY APPROVING AUTHORITIES

22. The following table details the reviewing and approving authority for DACC tasking. This is a generic guide and doubts over the DACC category or concern that the request may result in public controversy should be resolved by seeking guidance from HQAST (J34):

DACC	Provider	Reviewing Authority	Approving Authority	Remarks
1	single Service	single Service Headquarters (HQ)/COMAST	Local Commander Administrator	Reviewed after 24 hours
2	single Service/Joint	COMAST/ Director-General Emergency Management Australia (DGEMA)	Parliamentary Secretary	
3	single Service/Joint	COMAST/DGEMA	Parliamentary Secretary	

DACC	Provider	Reviewing Authority	Approving Authority	Remarks
4	single Service/Joint	single Service HQ/COMAST/ Head Strategic Operations (HSO) Division	single Service HQ/ HSO Division/MINDEF	
5	single Service	single Service Headquarters	Local Commander  Administrator	
6	single Service/Joint	COMAST	Chief of the Defence Force/ Secretary of Defence  COMAST	

## COMMAND, CONTROL AND COORDINATION

### Command and control

23. Command and control of DACC Categories 1, 4 and 5 will normally be effected using the HQAST/Service chain of command. Command arrangements for DACC during emergencies/disasters, or when providing non-emergency law enforcement related assistance, are no different to any other operation. Accordingly, for Category 2, 3 and 6 DACC tasks, COMAST may either:

- a. direct the operation,
- b. direct operations through one of the Theatre Component Commanders, or
- c. establish a force under the operational command of a Joint Force Commander.

### Coordination

24. ADF liaison on DACC matters with State/Territory authorities on a day-to-day basis is the responsibility of the Operations Support Staff located in the major Defence CSIC except, in the case of Northern Territory, where Commander Northern Command is responsible. COMAST (via J34 HQAST) is to be kept informed of any significant DACC tasks or issues that arise.

25. EMA coordinates the provision of Commonwealth assistance to the States and Territories following a disaster or civil emergency. EMA staff will liaise directly with HQAST when provision of Commonwealth (Defence) assistance has been requested by State/Territory authorities to ascertain whether the ADF is able to provide the necessary resources. HQAST will liaise with Australian Defence Headquarters (ADHQ) Operations (Strategic Operations Division) who will seek the approval of the Parliamentary Secretary to MINDEF for assistance. COMAST will then advise EMA and direct and coordinate the subsequent activity.

26. ADF liaison with supported civil agencies during DACC disaster relief operations (Categories 1–3) should, where appropriate and necessary, be conducted through suitably experienced Liaison Officers deployed with contingents.

## FINANCIAL AND ACCOUNTING PROCEDURES

### General

27. The overall approach to financial and budgetary management within Commonwealth Departments and agencies reflects the Government's commitment to a more commercial approach through recovery of costs for the provision of Government services. The cost recovery requirements for each category of DACC are described below and in [annexes C–H](#). The definitions of full, direct and additional costs referred to in this instruction are in [annex I](#). It is the responsibility of the Service Chiefs to ensure that commanders are aware of and adhere to the requirements of these instructions.

## RESOURCE CONSIDERATIONS

28. As DACC requires the diversion of resources from normal Defence activities, the following considerations need to be addressed when considering requests:

- a. the full costs and the budgetary effects of providing DACC;
- b. the effect on Defence operational and training commitments and programs;
- c. the basis and application of cost recovery;
- d. the circumstances in which cost recovery variation or waiver may apply; and
- e. the protection of the Commonwealth (by the provision of indemnification and/or insurance) against liability for personal injury/death, property loss/damage and/or third party claims arising from the activity.

## COST RECOVERY

29. The policy for cost recovery is:

- a. **Categories 1 and 2—Emergency Assistance.** No cost recovery.
- b. **Category 3—Emergency Assistance.** Full cost recovery (unless a cost waiver/variation is approved).
- c. **Category 4—Non-Emergency Assistance.** Full cost recovery (unless a cost waiver/variation is approved). HPACC is responsible for negotiating a commercial deal with the event organisers to gain maximum benefit from support provided.
- d. **Category 5—Non-Emergency Assistance of a Minor Nature (Good Neighbour activities).** No cost recovery for community or charitable groups. (Requests from commercial activities/events are to be processed as DACC Category 4.)
- e. **Category 6—Assistance to Law Enforcement Agencies.** Full cost recovery (unless a cost waiver/variation is approved).

### Variation/waiver of cost recovery

30. If special circumstances involved in the provision of DACC Categories 3, 4 or 6 justify variation or waiver of cost rates, the relevant appointment, listed below, with the concurrence/advice of Director-General Navy Business Management (DGNBM), Director-General Corporate Management Planning—Army (DGCMP-A), Assistant Secretary Resource Planning—Air Force (ASRP-AF), J05 HCAST (Director Business Management), or Budgets and Financial Planning Division (Costing and Analysis Section) as appropriate, may approve such variation or waiver. 'Special circumstances' could include tasks that have significant public affairs, recruiting or training value for Defence or a task of a one-off nature involving only a minor cost. First Assistant Secretary Budgets and Financial Planning (FASBFP) concurrence is mandatory before any cost waiver submission requiring Ministerial approval is referred to the Minister.

31. Appointments authorised to approve variations or waivers of cost recovery, and their financial delegations, calculated on a full cost basis are as follows:

Appointment	Financial Limit
MINDEF or Minister Assisting the MINDEF, with Minister for Finance and Administration concurrence and the requirement that officials have first consulted the FASBFP.	Unlimited
MINDEF or Minister Assisting the MINDEF and the requirement that officials have first consulted the FASBFP.	\$150 000
HSO Division with the advice of the FASBFP.	\$100 000
Deputy Chiefs of Service (Deputy Chief of Navy, Deputy Chief of Army, Deputy Chief of Air Force) with the advice of DGNBM, DGCMP-A, ASRP-AF as appropriate.	\$50 000
COMAST (for DACC Category 6 tasks only), with the advice of the HQAST J05.	\$50 000

**Note:** The Deputy Chiefs of Service have been delegated the responsibility, for their particular Service, for the approval of DACC Category 4 tasks, including cost waiver approvals up to the limit specified above. DACC submissions that originate in a particular Service should be progressed through the chain of command for vetting, before seeking the Deputy Chief's approval. Should any DACC request be of a sensitive or controversial nature (often with media coverage), it should be staffed through HQAST to ADHQ and the relevant Service HQ for resolution before forwarding to the Minister either for information, if resolved, or for approval. DACC Category 4 tasks involving resources from more than one Service are to be staffed to HQAST (J34) for processing.

## PRO FORMA AGREEMENTS

32. No memorandum to, or agreement with, the recipient of assistance is required for DACC Categories 1 and 2. For DACC Categories 3–6, assistance to elements of the Commonwealth (ie other Commonwealth Departments or agencies under Commonwealth direction), **a memorandum in the form set out in annex J is to be completed by the party to be assisted before the commencement of the task.** In all other cases, which include Government Statutory Authorities and Government Business Enterprises (GBE), an agreement in the form of an exchange of correspondence as set out in annex K, is to be completed before the commencement of the task. Parties are to be fully aware of the terms and conditions for Defence assistance as set out in annex K, [appendix 1](#). Each agreement is to be signed by a representative of the party to be assisted who is authorised to bind the party to be assisted.

33. The advice of the Regional Office of the Australian Government Solicitor is to be sought if any doubt exists in relation to:

- the status of the party to be assisted and whether the form in [annex J](#) or [K](#) is to be used,
- the adequacy of the terms set out in the appropriate annex and whether specific clauses are needed to cover the particular circumstances of the assistance, or
- the appropriate person to sign on behalf of the party to be assisted.

## INDEMNITY AND INSURANCE

34. All Defence personnel (including Defence civilians) are covered under COMCOVER for accidents and incidents occurring during normal Defence activities. Defence participation in all categories of DACC is considered a normal Defence activity.

35. Departmental policy, in relation to the financial risks and liabilities necessarily associated with DACC Categories 3–6 (except for Special Aeromedical Evacuation (SAME) of civilians DI(G) OPS 03–1) as DACC Category 4), is that the **recipient shall be solely responsible** for personal injury, public risk

and property loss or damage and that **non-Commonwealth recipients shall indemnify the Commonwealth** against all liability arising out of the assistance, except where such liability was caused by, or arose out of, any act or omission by the Commonwealth, its officers, employees or agents in providing assistance. Indemnity relieves the Commonwealth from ultimate liability for claims made by recipients of DACC, or third parties, for any loss, damage or injury to any person or property arising from DACC assistance where the Commonwealth was not at fault. The procedures for arranging indemnity and insurance are detailed in annex K, [appendix 2](#) to of this instruction.

36. Recipients of Defence assistance (excluding State/Territory and Local Government recipients<sup>1</sup>, and activities in support of dedicated ceremonial activities) for all DACC tasks in Categories 3, 4 and 6, must produce documentary evidence of having obtained appropriate insurance cover for the assistance requested, at its own expense, naming the Commonwealth as an assured party. This documentary evidence must be produced before assistance is provided. A task risk analysis may determine that under special circumstances, insurance cover for assistance to State/Territory or Local Governments may be required.

37. **Waiver of insurance requirement.** Some latitude can be applied to the insurance requirement for DACC Category 5. The decision to insist on insurance coverage to support the indemnity for Category 5 activities is a risk management decision, and whilst being mindful of the desirability of reducing the exposure of the Commonwealth to financial risk, the Local Commander/Administrator or approving authority should consider the ability of the requesting party to afford insurance coverage. However, if the insurance requirement is waived, the local Commander/Administrator or approving authority must still ensure that an indemnity form is signed by the requesting party relieving the Commonwealth from ultimate liability for claims made by recipients of DACC Category 5 assistance. Details of authorised persons approved to bind the Commonwealth through Indemnification are in *Chief Executive Instructions*, section 2.5.A—Appointments authorised to bind Commonwealth through indemnification.

#### Note

Insurance policies are to be scrutinised by a Defence Legal Officer to ensure that they fully meet the Department's requirements. If there is any doubt as to the adequacy of insurance cover, legal advice is to be sought from the Regional Office of the Australian Government Solicitor. Under the user pays principle, the requesting unit can expect to be charged for such advice. While these costs will have to be met from unit funds, consideration should be given to including these costs in the cost recovery calculations.

38. Specific variations to the indemnity/insurance requirements are as follows:

- a. **State/Territory and Local Governments.** For DACC Category 3, 4 and 6, and for DACC Category 5 where it has been decided not to insist on insurance, annex K, appendix 1, [paragraph 8](#). (concerning insurance), is to be deleted.
- b. DI(G) OPS 03–1 as DACC Category 4, annex K, appendix 1, [paragraphs 7.](#) and [8.](#), (concerning indemnity and insurance), are to be deleted. Otherwise, variations to the forms in [annex K](#) are not to be agreed with the party to be assisted without prior clearance from relevant areas in the Department and from the Regional Office of the Australian Government Solicitor.

39. All agreements are to be retained indefinitely by the Regional CSIC unless disposed of in accordance with DI(G) ADMIN 27–2—*Implementation of the Access Provisions of the Archives Act 1983 in the Department of Defence*.

## TASK REGISTRATION AND REPORTING

40. **Task registration.** On receipt of a request for DACC, the recipient organisation is to notify the relevant Regional Defence CSIC (for Operations Support Staff) of the details of the task. The name of the requesting agency, support requested (if confirmed) and dates requested are to be advised. The CSIC will register the request and issue a registration number that is to be used in all future correspondence.

<sup>1</sup> Including their Departments, Agencies and Entities, but excluding Statutory Authorities and GBE. In in doubt, contact Regional Office of Australian Government Solicitor.



41. **Task situation reports (SITREP).** SITREP and/or Operational Summaries for DACC Category 1, 2, 3 and 6 are to be forwarded to COMAST and Service HQ every 24 hours or as stipulated by COMAST. COMAST will provide daily SITREP to ADHO Operations (Strategic Operations Division) who are responsible for advising the MINDEF and Parliamentary Secretary.

42. **Post task reports.** DACC post task reports are used to quantify the resources used and to calculate the total expenditure on providing assistance to the civil community. The resources used in support of DACC are included in the Defence Annual Report and are regularly used to provide answers to questions raised during the Senate Legislative Committee Hearings.

43. A DACC post task report for **ALL** categories of assistance, including counter disaster training, is mandatory and is to be submitted on completion of the task in the format in [annex L](#). Reports are to be forwarded in accordance with the following table:

Category	Addressees
Cat 1	Command HQ/Regional Defence CSIC <sup>(a)</sup> /HQAST <sup>(b)</sup> /HPACC.
Cat 2 and 3	Command HQ/Defence Regional CSIC <sup>(a)</sup> /HQAST <sup>(b)</sup> /EMA <sup>(c)</sup> /HPACC.
Cat 4	Command HQ/Defence CSIC <sup>(a)</sup> /HQAST <sup>(b)</sup> /HPACC.
Cat 5	Command HQ/Regional Defence CSIC <sup>(a)</sup> /HQAST <sup>(b)</sup> /HPACC.
Cat 6	Command HQ/Regional Defence CSIC <sup>(a)</sup> /HQAST <sup>(b)</sup> /HPACC.

#### Notes

- (a) Defence CSIC—for Operations Support staff.
- (b) HQAST for J34.
- (c) EMA Message address 'Emergency Management Australia Canberra'.

44. **Annual DACC reports.** Corporate Services and Infrastructure Group is responsible for maintaining a task database that captures the information shown in [annex L](#). The integrity and accuracy of this database is dependent on full and accurate registration and reporting by units providing DACC support. By mid-July each year, this information is to be provided to Service/Command HQ, who are responsible for confirming the completeness of the reports before forwarding them, in the format shown in [annex M](#) (by no later than 01 August each year), to HQAST (J34), Defence Improvement Division (Director Statutory Reporting and Accountability), and the relevant Service HQ. The collated reports will be summarised in the DACC section of the Defence Annual Report. Units/agencies submitting an annual DACC report are required to maintain a progressive register of DACC tasks undertaken in the format in [annex M](#), [appendix 1](#).

#### Annexes:

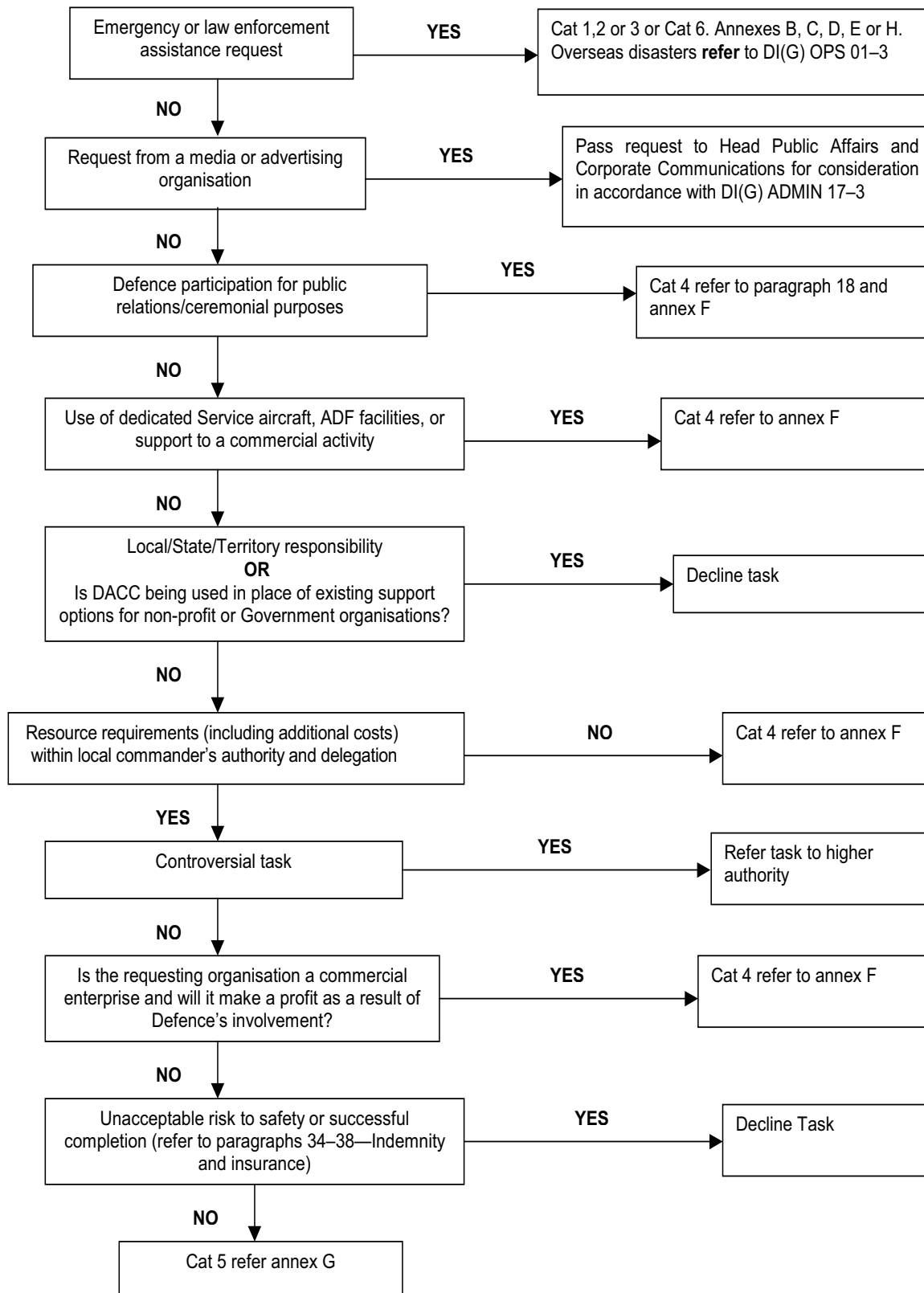
- A. [Defence Assistance to the Civil Community—flow chart](#)
- B. [Pro forma Request for Non-Emergency Defence Assistance to the Civil Community](#)
- C. [Procedures for the provision of Defence Assistance to the Civil Community Category 1](#)
- D. [Procedures for the provision of Defence Assistance to the Civil Community Category 2](#)
- E. [Procedures for the provision of Defence Assistance to the Civil Community Category 3](#)
- F. [Procedures for the provision of Defence Assistance to the Civil Community Category 4](#)
- G. [Procedures for the provision of Defence Assistance to the Civil Community Category 5](#)
- H. [Procedures for the provision of Defence Assistance to the Civil Community Category 6](#)
- I. [Definition of Costs](#)
- J. [Pro forma Memorandum to other Commonwealth Departments or agencies under Commonwealth Direction](#)
- K. [Pro forma Agreement](#)
- L. [Defence Assistance to the Civil Community Task Report](#)
- M. [Defence Assistance to the Civil Community Annual Report](#)

**Sponsor:** COMAST

**ANNEX A TO  
DI(G) OPS 05-1**

File as:  
(NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY—FLOW CHART







**ANNEX B TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PRO FORMA REQUEST FOR NON-EMERGENCY DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY**

### **PART A (Completed/provided by the requesting authority)**

1. **Authority/Organisation Initiating Request:**  
 Authority/Organisation—Name: .....  
 Requesting Officer—Name: .....
2. **Contact Officer:** ..... **Telephone Number:** .....
3. **Government Department/Commercial Enterprise/Charity/Local Organisation\***
4. **Nature/Location of Assistance Required:** .....  
 .....  
 .....  
 .....
5. **When assistance required (Dates):** ..... to .....

---

### **PART B (Completed by Defence Agency receiving request)**

6. **Accurate Description of Defence Resources required to satisfy request:\*\***  
 .....  
 .....  
 .....  
 .....
7. **Defence Assistance to the Civil Community (DACC) Reference Number:** .....  
 To be supplied by Regional Corporate Services and Infrastructure Group office on receiving agency registering request.
8. **Request to be satisfied by Service/Civil Establishment**  
 Establishment/Unit: ..... Location: .....  
 Establishment/Unit: ..... Location: .....  
 Establishment/Unit: ..... Location: .....
9. **Agreement type required:** (see [paragraphs 32.–33.](#) of this instruction)  
 Not applicable/Pro forma Memorandum/Pro forma Agreement/Legal Advice sought from the Regional Office of the Australian Government Solicitor.\*
10. **Agreement concluded with authorised Representative of Authority/Organisation requesting DACC:** (see [paragraphs 32.–33.](#) of this instruction)  
 Yes/ No \* \*\*\* If No—give reason: .....  
 .....

11. **Insurance in support of Indemnification Obtained:** (see [paragraphs 34.–39.](#) of this instruction)

Yes/No \* \*\*\* If No—give reason: .....

.....

12. **Cost Recovery:**

Full Cost Recovery/Cost Recovery Variation Proposed/Not Applicable  
\*(see [paragraphs 29.–31.](#))

(Detailed statement to be attached to support less than full cost recovery, if proposed.)

Position Authorising Cost Waiver: Minister/Head Strategic Operations/Deputy Chief of Navy/Deputy Chief of Army/Deputy Chief of Air Force/Commander Australian Theatre (COMAST)\*

Reference Correspondence (if applicable): .....

13. Recommending Officer's details:

Rank/Title: ..... Name: .....

Appointment: ..... Date: .....

Comment in support of recommendation:

.....

.....

.....

.....

.....

#### **PART C (Completed/determined by the approving authority)**

14. **Request Received by: (Minister/Australian Defence Headquarters/Headquarters Australian Theatre/Service Unit/Civil Establishment. ) \***

Received by: ..... Location: .....

15. **Aims:** Confirm requesting Authority/Organisation's aims are acceptable to Commonwealth Government (eg would provision of assistance exceed policy guidelines or cause political embarrassment?). If in doubt, refer to higher authority.

Comment:

.....

.....

.....

B-3

**ANNEX B TO  
DI(G) OPS 05-1  
(NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)**

File as:

16. **Assessed DACC Category:** .....

17. **Task Approved/Authorised by:**

Rank/Title: ..... Name: .....

Appointment: Minister/COMAST/Service/Local Commander/

Other (specify) .....\*

Head Public Affairs and Corporate Communications consulted: YES/NO

Date: .....

18. **Assistance Provided:** Yes/No\*

If No—give reason:

.....

.....

.

\* Delete inapplicable response/s.

\*\* Elaborate on separate sheet if necessary.

\*\*\* When applicable, endorsement of the Agreement by the DACC recipient (including the provision of indemnification/insurance) and prepayment of assessed costs/lodgement of a bank guarantee are essential, prior to the provision of assistance.



**ANNEX C TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PROCEDURES FOR THE PROVISION OF DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY CATEGORY 1**

1. Defence Assistance to the Civil Community (DACC) Category 1 is emergency assistance for a specific task(s) provided by a Local Commander/Administrator, from within their own resources, when:
  - a. immediate action is necessary to save human life, alleviate suffering, prevent extensive loss of animal life or prevent widespread loss/damage to property; and
  - b. local civilian resources are inadequate, unavailable or cannot be mobilised in time.
2. This category includes the provision of emergency assistance to law enforcement agencies for tasks such as the rendering safe of explosive devices that immediately threaten life and/or property. (Less immediate assistance would normally be considered DACC Category 6.)
3. Local Commanders/Administrators may authorise DACC Category 1 from their own resources on their own initiative, in response to requests from local authorities, without seeking prior approval from higher authority. DACC Category 1 is intended to be short-term in nature and all tasks should be reviewed by Headquarters Australian Theatre (HQAAT) after 24 hours. If the task is likely to continue for an extended period of time or if the need for **immediate** emergency assistance no longer exists, the task is to be recategorised.
4. Whenever Defence resources are committed to a Category 1 task, the Local Commander/Administrator is to inform HQAAT (J34 or duty watchkeeper) as well as their Service Headquarters via the most expedient communications medium available. Information required includes:
  - a. organisation seeking assistance (name of person and appointment/organisation);
  - b. details of the request;
  - c. whether request was met, or is being met;
  - d. brief reasons if request was not met;
  - e. unit actioning the request;
  - f. outline of any significant issues/problems encountered in meeting the request;
  - g. Defence resources provided to date and an estimate of the resources required to complete the task; and
  - h. an assessment of whether the task is likely to extend into DACC Category 2.
5. Telephone advice is to be followed up by message through the normal chain of command as soon as possible. The relevant Defence Corporate Services and Infrastructure Centre (CSIC) (Operations Support Staff), Head Public Affairs and Corporate Communications and Emergency Management Australia are to be included as information addressees. The Defence CSIC will provide an **identifying registration number**. Assistance is provided without recovery of cost or the requirement for indemnification/insurance coverage. Cost reporting in accordance with [annex L](#) (Task Report) is mandatory.
6. Every reasonable effort is to be made by the unit providing the assistance to recover all non-consumable Defence resources deployed on the task. Unrecovered resources are to be accounted for in accordance with extant instructions.
7. Upon review, DACC Category 1 may transition to DACC Category 2, 3 or 6. The fact that DACC Category 2, 3 or 6 is being provided does not affect the Local Commander/Administrator's authority to respond to any new Category 1 requests.

8. HQAST will advise Australian Defence Headquarters Operations (Strategic Operations Division) of any Category 1 assistance that should be drawn to the Chief of the Defence Force/Minister's attention.

**DACC Report** (to be submitted no later than two weeks after the completion of the task).

9. On completion of the task, a DACC Report (mandatory), in the format in [annex L](#), is to be forwarded to Command Headquarters, the Regional Defence CSIC (Operations Support Staff), and HQAST (J34).

**ANNEX D TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PROCEDURES FOR THE PROVISION OF DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY CATEGORY 2**

1. Defence Assistance to the Civil Community (DACC) Category 2 is assistance in a more extensive or continuing disaster, beyond that provided by Category 1, when:

- a. action, or continuing action, is necessary to save human life or alleviate suffering, prevent extensive loss of animal life or prevent loss/damage to property;
- b. State/Territory resources, including commercially available resources, are inadequate, not available or cannot be mobilised in time; and
- c. when the assistance required is likely to be beyond the resources of Local Commanders/Administrators.

2. When an authorised State/Territory officer determines that a task is beyond the capability of their resources, a request for Commonwealth assistance can be made to Emergency Management Australia (EMA). When the request requires Commonwealth (Defence) assistance, EMA staff will liaise directly with Headquarters Australian Theatre (HQUEST) to determine what resources are required and their availability. HQUEST will liaise with Australian Defence Headquarters Operations (Strategic Operations Division) to seek the approval of the Parliamentary Secretary to the Minister for Defence (MINDEF) for Australian Defence Force (ADF) assistance. Commander Australian Theatre (COMAST) will direct and coordinate the subsequent activity and will be responsible for ensuring that the **task/s are registered** with the Regional Defence Corporate Services and Infrastructure Centre (CSIC) for task reporting. Head Public Affairs and Corporate Communications is to be advised, at an early stage, of the task.

3. Should the extent of the disaster/emergency warrant EMA's activation of the *Commonwealth Government Disaster Response Plan* (COMDISPLAN), COMAST may activate the ADF's supporting plan—Australian Operational Concept (AOC) SECCA. However, this is not essential and activation of the plan would be largely determined by the nature of the disaster/emergency and the ADF's anticipated levels of support. Conversely, COMAST may choose to activate AOC SECCA simply as a method of bringing personnel to a level of readiness in anticipation of a disaster occurring, eg the approach of an intense cyclone.

4. Agencies or persons making a request directly to Local Commanders/Administrators for emergency assistance that does not meet the requirements for DACC Category 1, are to be advised to redirect their requests to EMA through their appropriate State/Territory Emergency Services requesting authority.

5. Reserve personnel engaged in training at the time may be used in DACC Category 2. However, a Reservist may be asked if they would like to work and then be employed on a Category 2 task, provided that Reserve training days are available to that person.

6. DACC Category 2 is provided without recovery of costs or indemnification/insurance coverage. All personnel and resource costs are to be captured and reported in accordance with [annex L](#).

7. Every reasonable effort is to be made by the element(s) providing the assistance to recover all non-consumable Defence resources deployed on the task. Unrecovered resources are to be accounted for in accordance with extant instructions.

**DACC Report** (to be submitted no later than two weeks after the completion of the task.)

8. On completion of the operation, a DACC Report (mandatory), in the format in [annex L](#), is to be forwarded to Command Headquarters, the Regional Defence CSIC (Operations Support Staff), HQUEST (J34) and EMA.





**ANNEX E TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PROCEDURES FOR THE PROVISION OF DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY CATEGORY 3**

1. Defence Assistance to the Civil Community (DACC) Category 3 is assistance associated with recovery from a civil emergency or disaster which is not directly related to the saving of life or property. DACC Category 3 includes assistance given when the use of Defence resources is considered appropriate, although State/Territory or commercial resources also might be available. Examples include provision of temporary bridging, shelter and power supplies, restoration of roads and clean up of oil pollution.

2. Requests for DACC Category 3 following emergencies or disasters are passed to Emergency Management Australia (EMA) by the appropriate State/Territory Emergency Services authorities. Agencies or persons making requests for DACC Category 3 directly to Local Commanders/Administrators are to be advised to redirect their requests through their appropriate State/Territory Emergency Services requesting authority. On receipt of a request for assistance, which EMA subsequently determines is a valid DACC Category 3 task, EMA staff will liaise directly with Headquarters Australian Theatre (HQA) to determine what resources are required and their availability. HQA will liaise with Australian Defence Headquarters (ADHQ) Operations (Strategic Operations Division) to seek the approval of the Parliamentary Secretary to the Minister for Defence (MINDEF) for Australian Defence Force (ADF) assistance. Commander Australian Theatre will direct and coordinate the subsequent activity and will be responsible for ensuring that the **task/s are registered** with the Regional Defence Corporate Services and Infrastructure Centre (CSIC) for task reporting. Head Public Affairs and Corporate Communications is to be advised, at an early stage, of the task.

3. Australian Maritime Safety Authority is responsible for coordinating the provision of support for marine pollution operations. Such operations are subject to the 'National Plan to Combat Pollution of the Sea by Oil' and civilian resources will normally be used to transport clean up equipment and materials. However, should the nature of the emergency require assistance (especially with heavy lift air transport), Australian Maritime Safety Authority will request EMA assistance in arranging that support. EMA will liaise directly with HQA to determine the availability of military resources. Once the availability of the requested resources has been determined, HQA will liaise with ADHQ Operations (Strategic Operations Division) to seek the approval of the Parliamentary Secretary to the MINDEF for assistance.

4. DACC Category 3 is provided on the basis of **full cost recovery**, unless a cost variation/waiver is approved. Before Defence assistance is provided, the party requesting assistance must meet indemnity and insurance requirements as detailed in annex K, [appendix 2](#), of this instruction. All aspects of the provision of assistance must be formalised in a memorandum or agreement, as appropriate, as detailed in this instruction and set out in [annexes J](#) and [K](#).

5. When the provision of DACC Category 3 involves the loan or hire of Defence stores or equipment, policy and procedures for such loan or hire are to be in accordance with Defence Instruction (General) (DI(G)) LOG 07-13—*Hire and Loan of Defence Stores and Equipment* and appropriate Service Headquarters instructions, except that a memorandum or an agreement in the form set out in [annex J](#) or [K](#), as applicable, is to be used instead of the pro forma agreement provided in DI(G) LOG 07-13, annex A.

**DACC Report** (to be submitted not later than two weeks after the completion of the task).

6. On completion of the task, a DACC Report (mandatory), in the format in [annex L](#), is to be forwarded to Command Headquarters, the Regional Defence CSIC (Operations Support Staff), Headquarters Australian Theatre (J34) and EMA. The report is to include details of the resources actually devoted to the task. Recoverable costs will then be finalised through either Director-General Navy Business Management (DGNBM), Director-General Corporate Management Planning—Army (DGCMP-A) or Assistant Secretary Resource Planning—Air Force (ASRP-AF) (as appropriate) in consultation with HQA, Budgets and Financial Planning Division, and EMA. DGNBM, DGCMP-A or ASRP-AF will advise the Issuing Authority/Charge Code to which recovered costs are to be credited.

7. Details of the task must also be added to the DACC Progressive Pro forma, shown in annex M, [appendix 1](#).



**ANNEX F TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PROCEDURES FOR THE PROVISION OF DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY CATEGORY 4**

1. Defence Assistance to the Civil Community (DACC) Category 4 is non-emergency assistance, which is provided in response to requests received at any level of Defence or made through the Minister. The range of possible tasks is wide and may include support for significant sporting events (eg Commonwealth Games, Australian F1 Grand Prix), the loan or hire of Defence stores, equipment, facilities, or personnel, the sale of Defence stores or equipment, the use of specialist Defence resources such as engineers, aircraft or divers, and the disposal of dangerous materials (other than explosive devices). Requests from individual police forces for training assistance are also processed under this category of assistance.

### **Note**

Requests for support by media organisations are to be forwarded to Head Public Affairs and Corporate Communications in accordance with the advice contained within Defence Instruction (General) (DI(G)) ADMIN 17-3—*Policy and procedures for use of Defence resources in support of Public Information activities*.

2. The distinction between DACC Categories 4 and 5 lies in the amount of assistance (resources) involved and/or the possibility of public controversy or political sensitivity. Where doubt exists, requests are to be treated as DACC Category 4, and advice is to be sought from the Regional Defence Corporate Services and Infrastructure Centre (CSIC) or Headquarters Australian Theatre (HQUEST) (J34). Under no circumstances should a request be deliberately categorised as Category 5 so that cost recovery, or the need to raise an application for cost variation/waiver, is avoided. Requests for DACC Category 4 are to be carefully scrutinised to ensure they fall within the scope of the policy guidelines of this instruction.

3. **Task registration.** It is the responsibility of the unit or organisation receiving the request for assistance to ensure that the task is registered with the Regional CSIC Operations Support staff and that a task registration number is issued.

4. Requests for DACC Category 4 that involve only one Service are to be forwarded through normal channels to the relevant single Service Office for Deputy Service Chief approval. Requests which involve two or more Services, have any political or potentially controversial connotations, or involve either a temporary reduction in Defence capability or a significant diversion of Defence resources, are to be referred to HQUEST (J34). If Commander Australian Theatre determines that the request should be supported, appropriate Defence elements (eg Service Offices, Budgets and Financial Planning Division, Defence Science and Technology Organisation) will be consulted and ministerial, legal, financial and policy clearances obtained as necessary. DACC requests by Coastwatch Civil Surveillance Program clients that lie outside the bounds of the Program are to be directed through Coastwatch and HQUEST to the relevant Service.

5. **Full cost recovery** is normally required for DACC Category 4. However, where special circumstances exist and there is a quantifiable basis for variation or waiver of the full cost rates, the sponsoring Service or HQUEST (after consultation with the Service providing the support) may seek approval to vary cost recovery requirements. For single Service requests in particular, should a cost variation/waiver be proposed which is in excess of the Deputy Chief of Service's delegation, the DACC request may be referred to Australian Defence Headquarters (ADHQ) for Head Strategic Operations (HSO) Division approval. A cost variation/waiver in excess of HSO delegation may be referred directly to the Minister by the relevant single Service Office or through ADHQ (HSO) if appropriate.

6. When full cost recovery is to be effected for a Category 4 request which involves only a single Service, the Component/Group commander (eg Land Commander Australia, Training Command—Army, Air Commander Australia, Training Command—Air Force) may approve the request provided that:

- a. the task falls within the policy guidelines of this instruction;
- b. no variation from full cost recovery is proposed;
- c. full costs do not exceed \$100 000;

- d. any loan of Defence stores and equipment involved in the assistance falls within the authority of the Functional Commander;
- e. Defence capability is not reduced or significant resources diverted from primary tasks;
- f. provision of the assistance does not have any political or potentially controversial connotations; and
- g. the activity supported is not of a commercial (profit making) nature. Requests for support to profit making ventures are to be referred to Deputy Service Chief for consideration and processing.

7. Before Defence assistance is provided, the party requesting assistance must meet the indemnity and insurance requirements as detailed in annex K, [appendix 2](#), of this instruction. The provision of assistance must be formalised in a memorandum or agreement, as appropriate, as detailed in this instruction and set out in [annexes J and K](#).

8. Advance payment is to be sought and, in the case of other than Commonwealth Government agencies, insisted upon. Alternatively, the organisation being assisted may lodge a bank guarantee to the value of the estimated recoverable costs and pay the actual costs when invoiced by the Department. When all costs have been recovered, the bank guarantee will be returned to the originator. The appropriate Director-General Navy Business Management, ASCM-A or Assistant Secretary Resource Planning—Air Force (as appropriate) will advise the Issuing Authority/Charge Codes to which recovered costs are to be credited.

9. On occasions, the use of Defence resources for DACC Category 4 tasks could lead to criticism that Defence is in competition with the private sector. Accordingly, requesting authorities should provide adequate documentation to counter possible criticism and/or provide appropriate reasons why use of commercial means is not a viable option. This could include provision of documentary evidence of the views of relevant Government Departments (eg Department of Workplace Relations and Small Business) when such requests are lodged.

10. As DACC Category 4 is provided in non-emergency circumstances, sufficient time should always be allowed for the necessary authorisations and approvals to be obtained before any assistance is provided. While many Category 4 tasks can be processed quickly, as a guide, five weeks should be allowed for the processing/approval of such requests. An additional three weeks should be allowed if other than full cost recovery is proposed.

11. When the provision of DACC Category 4 involves the loan or hire of Defence stores or equipment, policy and procedures for such loan or hire are to be in accordance with DI(G) LOG 7-13—*Hire and Loan of Defence Stores and Equipment* and appropriate Service instructions, except that a memorandum or an agreement in the form set out in [annex J](#) or [K](#), as applicable, is to be used instead of the pro forma agreement provided in DI(G) LOG 7-13, annex A.

12. Where DACC Category 4 requests involve the use of Defence facilities and property, agreement to their use is to be obtained from Corporate Services and Infrastructure Group (Defence Estate) and, if agreed, will be provided on a commercial basis. Inquiries in the first instance are to be directed to the appropriate Regional Estate manager.

#### **Exceptions to Defence Assistance to the Civil Community Category 4 Criteria**

13. Australian Defence Force support provided to ANZAC Day and Australia Day ceremonies, although DACC Category 4 tasking, is provided without cost recovery. This does not apply to requests received from profit making organisations for support to activities organised for either of these two nationally significant days.

14. A flypast able to be provided in support of a community activity that is assessed as having significant public affairs or recruiting benefit, and which can be accomplished as part of a planned sortie, should generally be provided without cost recovery with the relevant cost waiver delegate approval.

**DACC Report** (to be submitted no later than two weeks after the completion of the task).

15. On completion of a Category 4 task, a DACC Report (mandatory), in the format in [annex L](#), is to be forwarded to Command Headquarters, the Regional Defence CSIC (Operations Support Staff) and HQAST (J34).

16. Details of the task must also be added to the DACC Progressive Pro forma, shown in annex M, [appendix 1](#).

**Appendixes:**

1. [Defence participation in Public Events of Significance](#)
2. [Participation by Service Bands in Defence Assistance to the Civil Community Activities](#)



**APPENDIX 1 TO  
ANNEX F TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **DEFENCE PARTICIPATION IN PUBLIC EVENTS OF SIGNIFICANCE**

1. Defence participation in tattoos, displays and Public Events of Significance (PES) attracts public attention and may help to maintain a favourable public image for Defence. The combined benefits of an enhanced public image and any training value that may accrue must be balanced against the impact on Defence resources.

2. This annex is intended to indicate the extent to which Defence may participate in tattoos, displays and PES, that are organised by civilian authorities, including those from which the organiser intends to make a profit. Participation by Defence on a single Service basis in local community activities involving only local resources may be authorised by Local Commanders/Administrators, within the constraints in [annex G](#), as DACC Category 5. Some small-scale tattoos and displays may be covered under PES as part of a larger activity scheduled against the PES program. Any assistance with larger scale activities is Defence Assistance to the Civil Community (DACC) Category 4 and is to be provided in accordance with the requirements of [annex F](#).

3. For the purpose of this annex, the following definitions apply:

- a. **Tattoo.** A tattoo is a public performance by the Australian Defence Force, in response to a request from a civilian authority, where the performance is managed by that authority. Tattoos are performances in their own right, normally conducted at public venues, and are essentially based upon a musical program accompanied by marching and precision drill movements. Current policy is that the ADF will generally only support tattoos with local resources. Interstate resources, such as bands, will not normally be provided.
- b. **Display.** A display is an exhibition by Defence or by a civilian organisation in association with Defence, which may be static or dynamic in nature. A display may be staged at a public venue in response to a civilian request, or at a Defence establishment for both Service and civilian spectators.
- c. **PES program.** A PES activity or event is one which is a special occasion or event of National or State/Territory significance, in which the ADF wishes to be involved because it provides substantial public affairs and/or recruiting opportunity.

4. **PES program.** The PES program is submitted to the Minister for Defence (MINDEF) on a six-monthly basis. (January to June and July to December). The PES concept allows the ADF to support nominated significant events in accordance with approved guidelines, and also addresses the relevant cost waiver implications. The PES program includes major National, State or Territory events, such as the Commonwealth Games, other significant sporting or public interest events. The contribution Defence is asked to make may involve special Defence skills, logistic or management support:

- a. Because of the public affairs/recruiting value of the PES program and, on some occasions the training value, the PES program may qualify for full or partial cost waiver that may require ministerial approval. In addition, the PES program may involve substantial resources, which dictates that the MINDEF be advised and/or concurrence sought.
- b. The PES Working Group, with membership from Headquarters Australian Theatre (HQUEST) (J34-Chair), the single Service Headquarters, Budgets and Financial Planning (BFP) Division (Costing and Analysis Section), Head Public Affairs and Corporate Communications and Director-General Defence Force Recruiting, is responsible for developing the PES program. The PES Working Group considers events for inclusion in the program that have been nominated by the various headquarters, Commands and Defence Corporate Services and Infrastructure Centres (called for in March and September of each year). Following deliberations by the PES Working Group, the draft PES submission is prepared by HQUEST and forwarded to BFP Division (Costing and Analysis Section), for examination and onforwarding to the Department of Finance and Administration for working level clearance. Once clearance is obtained, the financial concurrence to the cost waiver is sought from First Assistant Secretary Budgets and Financial Planning and advised to HQUEST for finalisation of the

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PES submission. Commander Australian Theatre forwards the final submission to Australian Defence Headquarters Strategic Operations Division (Head Strategic Operations) for onforwarding to the MINDEF (two months prior to commencement of the PES program) for approval, and to the Minister for Finance and Administration for cost waiver approval (if outside the MINDEF's financial delegation).

- c. Defence participation in civilian sponsored events is to be carefully considered in respect of the policy guidelines detailed in [paragraphs 4.–10.](#) of this instruction and the following criteria:
  - (1) Indemnity, Insurance and Pro forma Agreement requirements, as detailed in [paragraphs 32.–39.](#), are to be applied to all event organisers. In addition, organisers of commercial events are to provide Defence with appropriate insurance cover for any aircraft support (eg air displays, flypasts, parachute displays etc).
  - (2) The organisers of commercial events are also to provide Defence with a written undertaking to provide Defence with the indemnity and appropriate insurance cover at least four weeks before the event. Failure to provide this undertaking will mean that the event will not be included in the PES program.
  - (3) Events included in the PES program are to be costed on a direct cost basis (unlike other DACC Category 4 tasks, which are costed on a full cost basis).
  - (4) Participation in the PES program is to be limited to special occasions of major National or State/Territory significance, with each case being decided on its merits by the PES Working Group.
  - (5) Defence should not commit itself to any particular event on a regular basis.
  - (6) The level of Defence participation should be relative to the significance of the activity. A minor event should normally attract only minor Defence involvement, whereas substantial involvement could occur for a major event.
  - (7) The civilian organisation making the request should be responsible for the management of the event.
  - (8) While Defence normally seeks a cost waiver for support under the PES program, this should not preclude the possibility for the recovery of some or all costs, especially from profit making organisations.
- d. On occasion, an event may arise at comparatively short notice which is considered to be a significant public event but which was not identified in time to be considered by the PES Working Group for the PES submission. This does not preclude the event from being considered as a stand alone DACC Category 4 task in accordance with [annex F](#) to the DACC instruction. Events considered for, but not included in, the PES program may also be considered for Defence support as a stand alone DACC Category 4 event.

**Enclosure:**

1. [Tattoos, Displays and Other Public Events of Significance Approval Process](#)





**APPENDIX 2 TO  
ANNEX F TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PARTICIPATION BY SERVICE BANDS IN DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY ACTIVITIES**

1. Service Bands perform a number of roles which can be broadly grouped into six areas:
  - a. provision of musical support for Australian Defence Force (ADF) and single Service sponsored activities;
  - b. provision of musical entertainment to enhance morale and esprit de corps for Service personnel both at home and abroad (including operational areas);
  - c. public performances to enhance the image of both the individual Service and the ADF;
  - d. recruiting and public relations;
  - e. provision of musical support for ceremonial activities sponsored by Federal, State and Local Governments; and
  - f. provision of musical support to non-government civilian organisations including commercial entities, schools and charitable organisations.

**Note**

Tasks associated with [subparagraphs a., b., c. and d.](#) above are military tasks, not Defence Assistance to the Civil Community (DACC).

2. Requests from civilian organisations for Service Band support are to be treated in the same manner as any other DACC Category 4 request and require registration and reporting as per [annex F](#). However, casual band performances in support of local community requests which can be accommodated or offset within the band's approved annual program and which incur minor costs can be treated as DACC Category 5 tasks.

**Note**

Requests are not to be incorrectly classified as Category 5 to permit the provision of support and/or the waiver of cost recovery requirements.

3. The requirements for indemnification and insurance, and the memorandum or agreements, apply to the participation of Service Bands in DACC activities in accordance with [annex F](#), if Category 4, or [annex G](#), if Category 5.

4. **Task registration.** All DACC tasks performed by Service Bands are to be registered with the Regional Corporate Support and Infrastructure Centre and the post task reporting requirements for DACC Category 4 and 5 (as appropriate) are to be followed.



**ANNEX G TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PROCEDURES FOR THE PROVISION OF DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY CATEGORY 5**

1. Defence Assistance to the Civil Community (DACC) Category 5 is non-emergency assistance of a minor nature which, with the exception relating to Service Bands detailed in annex F, [appendix 2](#), is normally limited to assistance which does not attract additional costs and thus may be provided without recovery of costs. DACC Category 5 may be provided at the Local Commander/Administrator's discretion, without cost recovery, in response to requests from local authorities/organisations. Approval should normally be limited to minor local assistance in circumstances where the low level of resource use can be accounted for without recovery of costs and where there is no detriment to operational effectiveness or readiness. The following tasks are prohibited under DACC Category 5:

- a. The use of aircraft for DACC Category 5 tasks, **except that the carriage of cargo on scheduled flights** (excluding personnel, animals and dangerous cargo) on a space available basis and in accordance with the following criteria, is an acceptable task:
  - (1) limited to recognised charity or community organisations;
  - (2) load limit of 500 kilograms per request;
  - (3) does not involve the carriage of personnel, animals or dangerous cargo;
  - (4) support is on a space available basis on a scheduled flight; and
  - (5) all off-airfield handling (transport, customs etc) arranged by assisted party.
- b. Requests for assistance to **media organisations**, including producers of commercials, television programs, documentaries and films, are not to be approved as DACC Category 5. Any request for support from a media organisation is to be referred to Head Public Affairs and Corporate Communications (see Defence Instruction (General) (DI(G)) ADMIN 17-3—*Policy and Procedures for Use of Defence Resources in Support of Public Information Activities*).
- c. Requests which might be considered controversial or at variance with stated Government policy are not to be approved as DACC Category 5.

### **Note**

Tasks prohibited under [subparagraphs a.](#) and [c.](#) above are to be processed as DACC Category 4. Any doubt over the categorisation or suitability of a task is to be referred to the regional Defence Corporate Services and Infrastructure Centre (CSIC) Operations Support office for advice, or to Headquarters Australian Theatre (HQA) (J34).

2. A low level of resource use, however, does not remove the obligation to consider all non-emergency DACC requests in accordance with the following general principles:

- a. DACC is an exception, not a rule;
- b. Defence resources are intended to be used for Defence purposes only;
- c. no suitable alternative assistance is available;
- d. benefits to Defence can be demonstrated;
- e. provision of assistance does not compete with the private sector;
- f. DACC is not a substitute for service responsibilities of other Government authorities;
- g. assistance does not establish a precedent to support further requests; and
- h. the aims of the requesting organisation are identified and it is appropriate for Defence assistance to be provided.

3. Before Defence assistance is provided, the party requesting assistance must meet indemnity and insurance requirements as detailed in annex K, [appendix 2](#), of this instruction. The provision of assistance must be formalised in a memorandum or agreement, as appropriate, as detailed in this instruction and set out in [annexes J](#) and [K](#).

4. When the provision of DACC Category 5 involves the loan or hire of Defence stores or equipment, policy and procedures for such loan or hire are to be in accordance with DI(G) LOG 7-13—*Hire and Loan of Defence Stores and Equipment* and appropriate Service Headquarters instructions, except that a memorandum or an agreement in the form set out in [annex J](#) or [K](#), as applicable, is to be used instead of the pro forma agreement provided in DI(G) LOG 7-13, annex A<sup>1</sup>.

5. Where the DACC Category 5 involves the use of Defence facilities and property, agreement to this use is to be obtained from the Defence Estate Organisation and, if agreed, will be provided on a commercial basis. Enquiries in the first instance are to be directed to the appropriate Regional Estate Manager.<sup>2</sup>

6. **Task registration.** It is the responsibility of the unit or organisation receiving the request for assistance to ensure that the task is registered with the Regional CSIC (Operations Support Office) and that a task registration number is received.

**DACC Post Task Report** (to be submitted no later than two weeks after the completion of the task).

7. On completion of Category 5 assistance, a DACC Report (mandatory), in the format in [annex L](#), is to be forwarded to Command Headquarters, the local CSIC (Operations Support Staff) and HQAST (J34).

8. Details of the task must also be added to the DACC Progressive Pro forma shown in annex M, [appendix 1](#).

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1 The loan or hire of unit stores and equipment should not be considered except in exceptional circumstances. If authorised, a loan under DACC Category 5 is intended to assist community organisations contiguous to the location of the providing unit.

2 Provision of accommodation to the general public, and use of facilities by commercial or professional organisations, including professional sporting organisations, is DACC Category 4.

**ANNEX H TO  
DI(G) OPS 05-1**

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(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PROCEDURES FOR THE PROVISION OF DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY CATEGORY 6**

1. Defence Assistance to the Civil Community (DACC) Category 6 is limited to the provision of Defence support to civil authorities in the performance of non-emergency law enforcement related tasks where there is **no** likelihood that Defence personnel will be required to use force. If there is any possibility that force may be required to be used by Defence personnel, the activity is defined as Defence Force Aid to the Civilian Authorities (DFACA), which is outside the scope of this instruction. DFACA procedures are addressed in Defence Instruction (General) OPS 01-1—*Defence Force Aid to the Civil Power—Policy and Procedures*.

### **Notes**

Emergency assistance to law enforcement agencies, such as the rendering safe of an explosive device which is an immediate threat to life and/or property, is to be treated as DACC Category 1.

Australian Defence Force support to the Civil Surveillance Program is a Cabinet directed national task that is routine Defence activity. Support to Coastwatch and its client agencies under the Civil Surveillance Program is not DACC Category 6 or DFACA.

Force includes physical contact that simply restricts freedom of movement.

2. The use of Defence resources for DACC Category 6 tasks is to be authorised by Commander Australian Theatre as Chief of the Defence Force (CDF)/Secretary's delegate. However, where there is political sensitivity surrounding the task, significant Defence resources are required or performance of the task is likely to attract adverse publicity, the Minister's and CDF/Secretary's concurrence are to be sought through Australian Defence Headquarters Operations (Strategic Operations Division). Head Public Affairs and Corporate Communications is to be advised, at an early stage, of the task.

3. The following conditions must be satisfied when DACC Category 6 is being provided:

- a. The request is made by a Police Commissioner, their delegate or a superior authority through established State/Territory/Commonwealth channels of communication. Where it is necessary to seek the Minister's approval, CDF (delegate Head Strategic Operations) is to keep the Minister informed of action taken.
- b. An assurance is given by the requesting authority that the assets available to that authority (Commonwealth, State/Territory) have been utilised to the maximum possible extent and that the only other suitable resource is available from Defence.
- c. The civil authority accepts responsibility for the provision of access to the task area and for the physical protection of Defence personnel.
- d. Defence personnel providing support are not to carry arms.
- e. personnel are to wear approved military uniform.

4. The Local Commander/Administrator is to forward situation reports to Headquarters Australian Theatre (HQAST), through the chain of command, during the period that Defence personnel are involved in the provision of DACC Category 6.

5. Training assistance to Police Forces and other civil authorities is to be provided as DACC Category 4.

6. DACC Category 6 may take the following forms:

- a. non-emergency Explosive Ordnance Disposal relating to commercial explosives and chemicals (disposal of explosive ordnance of military origin is a military responsibility and should not be treated as a DACC task);
- b. assistance in post-blast analysis;



- c. surveillance (including helicopter or light aircraft);
- d. searches for hidden materials (including the use of ADF personnel, equipment and/or dogs);
- e. provision of communications and control facilities;
- f. provision of interpreters;
- g. transportation; and
- h. administrative support.

7. DACC Category 6 is provided on the basis of full cost recovery, unless a cost variation/waiver is approved. Before Defence assistance is provided, the party requesting assistance must meet indemnity and insurance requirements as detailed in annex K, [appendix 2](#) of this instruction. The provision of assistance must be formalised in a memorandum or agreement, as appropriate, as detailed in this instruction and set out in [annexes J](#) and [K](#).

8. When the provision of DACC Category 6 involves the loan or hire of Defence stores or equipment, policy and procedures for such loan or hire are to be in accordance with DI(G) LOG 07-13—*Hire and Loan of Defence Stores and Equipment* and appropriate Service Headquarters instructions except that a memorandum or an agreement in the form set out in [annex J](#) or [K](#), as applicable, is to be used instead of the pro forma agreement provided in DI(G) LOG 07-13, annex A.

9. **Task registration.** Units or organisations receiving the request for assistance are responsible for ensuring that the task is registered with the Regional Corporate Services and Infrastructure Centre (CSIC) (Operations Support staff) and that a task registration number is obtained.

**DACC Post Task Report** (to be submitted no later than two weeks after the completion of the task).

10. On completion of Category 6 assistance, a DACC Report (mandatory), in the form in [annex L](#), is to be forwarded to Command Headquarters, the local Defence CSIC (Operations Support Staff) and HQAST (J34). On occasion, the sensitivity of the task conducted may require that the DACC Report be classified.

11. Details of the task must also be added to the DACC Progressive Pro forma shown in annex L, [appendix 1](#).

**ANNEX I TO****DI(G) OPS 05-1**

File as: (NAVY OPS 11-2

(ARMY OPS 49-1

(AIR FORCE OPS 1-2

**(Complete Revision)**

## **DEFINITION OF COSTS**

### **Direct costs**

1. Direct Costs are costs that can be attributed specifically to an activity. They include operating and maintenance costs of plant and equipment, vehicles, aircraft or vessels. Direct costs also include personnel costs (salaries, salary allowances), capital costs (depreciation of assets over the extended life of the asset), interest on capital to cover the opportunity costs to Defence, consumable stores and travel costs, etc.

### **Indirect Costs**

2. Indirect Costs are costs or outlays that cannot be attributed specifically to an activity, and are sometimes referred to in Defence as on-costs. Indirect costs include overhead expenses for general administration (eg activity overheads and management overheads), capital costs (depreciation of assets over the expected life of the asset), interest on capital to cover the opportunity cost to Defence and costs associated with the use of buildings such as heating, cleaning, fuel, light and power, etc.

### **Full Cost**

3. The Full Cost is the total cost of an activity determined by adding together all direct and indirect costs.

### **Additional Costs**

4. Additional Costs are costs that are specifically attributed to an activity but exclude expenditure which would normally have been incurred whether the activity had been carried out or not. For example, Additional Costs could include expenditure directly attributed to an activity for such items as fuel, spares and maintenance, but would exclude expenditure on items such as salaries and superannuation which would have been incurred regardless of whether the activity was carried out.

### **Source of rates**

5. Rates for Defence Service and civilian personnel are available from the Chief Finance Officer home page on the Defence Restricted Network Intranet, the *Manual of Costing, Charging and Cost Recovery* Part One *Personnel Costs and Related Overheads*.

6. Rates for ships, aircraft, vehicles etc are contained in the *Manual of Costing, Charging and Cost Recovery*, Part Two—*Schedule of Rates and Charges*.



**ANNEX J TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **PRO FORMA MEMORANDUM TO OTHER COMMONWEALTH DEPARTMENTS OR AGENCIES UNDER COMMONWEALTH DIRECTION**

### **MEMORANDUM TO PARTY TO BE ASSISTED**

(Name of party to be assisted)

(Heading—'DEFENCE ASSISTANCE FOR (title of assistance requested)')

2. I refer to your request for the provision of Defence assistance for [title of assistance requested].

3. The requested assistance as detailed in the appendix to this memorandum will be provided for '\* the costs detailed in the appendix' (for Categories 3, 4 and 6)/\* free of charge' (for Category 5) (\* delete whichever is inapplicable).

4. The assistance will be provided on the basis that (name of Commonwealth Department or agency) will meet any costs in addition to those outlined in the appendix arising out of the provision of the assistance—in particular, costs associated with any claims against the Commonwealth and costs of any loss of, damage to, or required cleaning of the property of this Department.

#### **Appendix:**

1. [Details of assistance to be provided](#)



**APPENDIX 1 TO  
ANNEX J TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
**(Complete Revision)**

**DETAILS OF ASSISTANCE TO BE PROVIDED**

1. Details of assistance is to be provided.



**ANNEX K TO****DI(G) OPS 05-1**

File as: (NAVY OPS 11-2

(ARMY OPS 49-1

(AIR FORCE OPS 1-2

**(Complete Revision)****PRO FORMA AGREEMENT****LETTER TO PARTY TO BE ASSISTED**

[Name and address of party to be assisted (must be a legal entity)]

[Date]

Dear [.....]

[Heading—‘DEFENCE ASSISTANCE FOR (title of assistance requested)’]

I refer to your request for the provision of Defence assistance for [title of assistance requested]

The requested assistance detailed in attachment 1 to this letter will be provided by the Commonwealth to [name of party to be assisted] for ‘\* the costs detailed in attachment 1’ (for Categories 3, 4, and 6)/‘\* free of charge’ (for Category 5) [\* delete whichever is inapplicable], subject to the terms and conditions in this letter and its attachments 1 and 2, which shall constitute the agreement between the parties for the provision of the assistance.

The assistance shall be provided [period of assistance—eg ‘from ..... to .....’ or ‘during the period from the date of the acceptance by (name of party to be assisted) of the terms and conditions contained herein to .....’].

If the terms and conditions set out herein are acceptable to [name of party to be assisted], would you kindly attend to the execution of the attached copy of this letter and return that copy to me.

Yours faithfully

[Officer responsible]

[Name of party to be assisted] hereby accepts and agrees to the terms and conditions set out in this letter and its attachments 1 and 2<sup>1</sup> in respect of assistance to be provided by the Commonwealth for [title of assistance requested].

*(Signature(s) (of approved recipient))***Appendixes:**

1. [Terms and conditions for Defence Assistance](#)
2. [Defence Assistance to the Civil Community—indemnity and insurance arrangements](#)

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1 Attachment 1 will be a list of the assistance to be provided. Attachment 2 ([appendix 1](#) to this annex) is the terms and conditions for Defence Assistance.





**APPENDIX 1 TO  
ANNEX K TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
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(AIR FORCE OPS 1-2  
(Complete Revision)

## **TERMS AND CONDITIONS FOR DEFENCE ASSISTANCE**

1. In these terms and conditions, unless the contrary intention appears:
  - a. 'assisted party' means the party to whom the assistance is provided;
  - b. 'Commonwealth' means the Commonwealth of Australia; and
  - c. 'Department' means the Department of Defence.
2. In these terms and conditions the term:
  - a. 'assistance' includes, as appropriate, the provision of services by Commonwealth officers, employees or agents, the hire or purchase of Commonwealth equipment or stores, and the use of Commonwealth facilities; and
  - b. 'Commonwealth officers, employees or agents' includes members of the Australian Defence Force.
3. Unless otherwise mutually agreed, the assisted party shall pay to the Department the costs, detailed in attachment 1 prior to the provision of assistance.
4. The assistance provided may be varied by agreement in writing between the Commonwealth and the assisted party. If so varied, at the conclusion of the provision of assistance the Department shall calculate the costs of assistance actually provided and adjust the sum so calculated against the costs paid by the assisted party. Any costs which then remain unpaid by the assisted party shall be due and payable on notification to the assisted party by the Department, and any costs paid by the assisted party in excess of the costs calculated by the Department shall be repaid by the Department.
5. The Commonwealth does not give any assurance as to the suitability for any purpose of the assistance provided by the Commonwealth to the assisted party.
6. The assistance shall be provided only if it or any part of it is not required by the Department for other activities. In the event that the Department does not provide any part of the assistance detailed in attachment 1, the Department shall refund on a pro rata basis costs paid for that part of the assistance not provided, but the Commonwealth shall not be liable for any loss or damage suffered by the assisted party as a result of any reduction in assistance.
7. The assisted party shall indemnify the Commonwealth, its officers, employees or agents from and against all claims, actions, proceedings, demands, costs and expenses arising or relating to any loss, damage or injury (including death) to any person (including Commonwealth officers and employees) or property (including Commonwealth equipment) caused by or arising out of the assistance, except where such loss, damage or injury (including death) was caused by, or arose out of, any act or omission by the Commonwealth, its officers, employees or agents<sup>1</sup>.
8. The assisted party shall effect and maintain insurance in respect of the indemnification in clause 7, which policies shall be endorsed with the name of the Commonwealth as loss payee. The party assisted shall provide the Commonwealth with a copy of any insurance policy or policies so effected and a certificate of currency<sup>2</sup>.
9. This agreement for the provision of assistance shall be governed by and construed in accordance with the laws of the State or Territory of Australia in which the largest part by cost of the assistance is provided, and the assisted party shall submit to the jurisdiction of the courts of that State or Territory.

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1 For Special Aeromedical Evacuation as DACC Category 4, delete [paragraphs 7.](#) and [8.](#) of appendix 1 to this annex.

2 For State/Territory and Local Governments, and for DACC Category 5 where it has been decided not to insist on insurance, delete [paragraph 8.](#) of appendix 1 to this annex.

10. If the assistance includes the provision of Commonwealth equipment or stores, the assisted party shall nominate a person or persons, who may be a Commonwealth officer, employee or agent, as being authorised on behalf of the assisted party to collect the equipment or stores from the sites on which they are located, and to return hired equipment or hired stores to the sites from which they were collected, or other sites agreed between the parties. The assisted party shall be responsible for all equipment and stores from the time of collection of the equipment or stores. The responsibility of the assisted party for hired equipment or hired stores shall cease when the hired equipment or hired stores are returned.

11. Hired equipment and hired stores shall be returned in a clean condition to sites from where they were collected, or other sites agreed between the parties. The assisted party shall be liable for the cost of any cleaning assessed by the Department to be required for the equipment or stores and for any loss of, or damage to, the equipment or stores which is assessed by the Department to be in excess of fair wear and tear. Such assessments by the Department shall be final and binding on the parties.

**APPENDIX 2 TO  
ANNEX K TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY—INDEMNITY AND INSURANCE ARRANGEMENTS**

### **AUSTRALIAN DEFENCE FORCE PROCEDURE**

1. Complete [annex B](#) to this instruction, [paragraphs 1.](#) to 10., detailing requesting organisation, nature of assistance required and resources needed.
2. Assess the nature of the body seeking assistance, ie what kind of body or organisation it is. This is important in assessing whether or not the body is accepted as a 'self insurer', or whether it will be required to obtain commercial insurance in support of its indemnity provided to the in respect of Defence Assistance to the Civil Community (DACC).
3. Accepted 'self insurers' would include the following:
  - a. Commonwealth Department or Agency; or
  - b. State/Territorial/Local Government department or Agency;
4. Bodies required to obtain commercial insurance would include the following:
  - a. Commonwealth Government Business Enterprise (GBE) or Statutory Authority;
  - b. State/Territorial GBE or Statutory Authority;
  - c. private company, firm/partnership, incorporated association; and
  - d. civilian unincorporated association (such as a community group).
5. Assess the potential liability in terms of dollars in the event of misadventure, accident, loss of resources, equipment etc. The assessment may involve replacement valuation of Australian Defence Force (ADF) resources committed to the DACC task, or it may involve assessment of 'worst case scenario' damages to which the ADF might be exposed as a consequence of undertaking the DACC task. This might require consideration of the amounts commonly addressed in standard public liability coverage (eg a common figure for public liability insurance is \$20 million). Keep in mind that it might be more appropriate to undertake the task as 'hire or loan' of stores, rather than as DACC.
6. Ask whether indemnity and insurance is appropriate in the circumstances. (This requires a degree of risk management and subjective assessment.) This may entail consideration of the following issues:
  - a. the level of financial risk to the Commonwealth,
  - b. the ability of the requesting body to obtain or pay for insurance cover, and
  - c. whether it is reasonable to apply the indemnity and insurance requirement.
7. For any organisation receiving assistance, the insurance cover for the organisation must be assessed against the provided assistance to determine whether the assistance is covered by the organisation's insurance policy. Depending on the level of assistance, it may be necessary for the organisation to obtain a separate insurance policy, or the organisation may be requested to arrange with its insurer to endorse the interest of the Commonwealth as a loss payee.
8. Always apply the indemnity requirement to all DACC agreements<sup>1</sup>. Ensure that the indemnity agreement is consistent with annex K, [appendix 1](#) of this instruction. A sample agreement, with guide to completion, is shown in [appendix 3](#) to this annex.

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1 An Agreement (and hence Indemnity) is not required for DACC Category 1 or 2.

9. Ensure that the person signing the agreement on behalf of the civilian body is empowered and authorised to do so. If a company seal must be affixed to the agreement, ensure that this is done in addition to the signature of the authorised person or persons.
10. Ensure that the person signing the indemnity agreement on behalf of the ADF is authorised to do so (ie the properly authorised person).
11. Ensure that two identical originals of the agreement are prepared and signed. One is retained by the ADF and the other is retained by the body receiving the assistance and providing the indemnity to the ADF.
12. If in doubt about any of the steps outlined above, consult Budgets and Financial Planning Division (DC&A) and/or The Defence Legal Service.

**APPENDIX 3 TO  
ANNEX K TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **GUIDE TO COMPLETING DEED OF INDEMNITY**

### **GUIDE TO COMPLETING DEED OF INDEMNITY**

**‘DRAFT’ DEED FOR THE PROVISION OF DEFENCE ASSISTANCE FOR THE** *[insert name of event]*

THIS DEED is made on the ..... day of *[month]* *[year]*

BETWEEN

COMMONWEALTH OF AUSTRALIA (represented in this Deed by the Department of Defence) of the one part

AND

*[name of assisted party]*, the assisted party of the other part

### **RECITALS**

- A. The Commonwealth has been asked by the assisted party to provide the assistance described in Item 2 of the attached Reference Schedule.
- B. In providing assistance to the assisted party any Commonwealth capabilities and assets utilised to assist the assisted party always remain subject to the command and control of the Department.
- C. The Commonwealth has agreed to provide assistance to the assisted party on the terms and conditions detailed in this Deed.

### **NOW THIS DEED WITNESSES AS FOLLOWS:**

1. In these terms and conditions, unless the contrary appears:
  - a. ‘assisted party’ means the party identified in Item 1 of the attached reference Schedule to whom assistance is provided;
  - b. ‘Commonwealth’ means the Commonwealth of Australia and includes the Department of Defence and the Australian Defence Force;
  - c. ‘Department’ means the Department of Defence and includes the Australian Defence Force;
  - d. ‘Commonwealth officers, employees and agents’ includes members of the Australian Defence Force; and
  - e. ‘Item’ means the relevant item number as set out in the Reference Schedule.
2. The costs for provision of the assistance referred to in Item 2 are waived by the Commonwealth. In accordance with Clause 12 the assistance may be varied by agreement in writing between the Commonwealth and the assisted party.<sup>2</sup>
3. Unless otherwise mutually agreed, the assisted party shall pay to the Department the costs detailed in Attachment 1, prior to the provision of the assistance. In accordance with Clause 12 the assistance may be varied by agreement in writing between the Commonwealth and the assisted party. If so varied, at the conclusion of the provision of assistance the Department shall calculate the costs of assistance actually provided and adjust the sum calculated against the costs paid by the assisted party. Any costs which then remain unpaid by the assisted party, shall be due and payable on notification to the assisted party by the Department. Any costs

<sup>2</sup> Delete as applicable. Only one of the clauses is to be used. Remove italics and reference to note 4.

paid by the assisted party in excess of the costs calculated by the Department shall be repaid by the Department.[refer to note 4]

4. The assistance shall be provided only if it or any part of it is not required by the Department for other activities. Any Commonwealth capabilities and assets utilised by the Department in providing assistance to the assisted party under this Deed are subject to the operational requirements of the Department. The Department reserves the right to assign its capabilities and assets, and in particular military elements, at its absolute discretion and to withdraw capabilities and assets utilised in providing assistance to the assisted party if the Department considers this to be necessary.
5. The Department retains absolute discretion to not provide assistance to the assisted party under this Deed if the Department considers that it is not safe to conduct the activity constituting the assistance, as detailed in Item 2. In the event that the Department does not, for whatever reason, provide all, or any part of, the assistance detailed in Item 2, the Commonwealth shall not be liable for any loss or damage suffered by the assisted party as a result of any reduction in assistance.
6. The assisted party shall indemnify the Commonwealth, its officers, employees or agents from and against all claims, action, proceedings, demands, costs and expenses arising relating to any loss, damage or injury (including death) to any person (including Commonwealth officers and employees) or property (including Commonwealth equipment) caused by or arising out of the provision of the assistance, except where such loss, damage or injury (including death) was caused by, or arose out of any act or omission by the Commonwealth, its officers, employees or agents.
7. The assisted party shall, at its own cost, effect and maintain relevant insurance policies in respect of the indemnification at Clause 6. Such policies shall include:<sup>3</sup>
  - a. Public Liability insurance, to be issued in the name of [<sup>4</sup>] for the amount specified in Item 3; and
  - b. Workers Compensation insurance in respect of Clause 6.
8. The assisted party shall provide the Commonwealth with copies of insurance policies so effected and a certificate of currency on or before the execution of this Deed. All insurance policies are to be in a form acceptable to the Commonwealth.
9. If, in the provision of the assistance, any personal injury (including death) or damage to property occurs which may give rise to a claim, including a claim from a third party, as a result of any act or omission of the Commonwealth, its officers, employees or agents, whether such act or omission is negligent or otherwise, the assisted party shall as soon as reasonably practicable:
  - a. inform the Commonwealth of such injury (including death) or damage to property; and
  - b. if requested by the Commonwealth, provide all documentation and other information to the Commonwealth concerning such injury (including death) or damage to property.
10. The assisted party shall provide all assistance to the Commonwealth as may be necessary or reasonably required by the Commonwealth for the purpose of enforcing any rights and remedies, or of obtaining relief or indemnity from other parties to which the Commonwealth

<sup>3</sup> Insert details of specific insurance policies here. The policies listed under clauses 7(a) and 7(b) represent the minimum requirement. Defence may seek additional insurance from an assisted party depending upon the type of DACC activity involved. Prior to approving any DACC assistance, Defence units are required to carry out detailed risk assessments in order to identify all risks, including insurable risks, associated with that DACC activity. Refer to Guide for Completing Deed of Indemnity for further details.

<sup>4</sup> Insert '*the Assisted Party and the Commonwealth jointly*' or '*the Assisted Party*'. Where the Assisted Party is a Commercial body, the Commonwealth would normally require the Assisted Party to obtain Public Liability insurance in the name of the Commonwealth and the Assisted Party. Where this is the case insert '*the Assisted Party and the Commonwealth jointly*'. Where the Assisted Party is a non-commercial body, it may be sufficient to have Public Liability insurance in the name of the Assisted Party only. Where this is the case insert '*the Assisted Party*'.

may be subrogated, whether such assistance be required before or after the indemnification of the Commonwealth by the assisted party.

- 11 This Deed shall be governed by and construed in accordance with the laws of the State or Territory of Australia in which the largest part of the assistance is provided (from a costing perspective), and the assisted party shall submit to the jurisdiction of the courts of that State or Territory.<sup>5</sup>
12. The failure by the Commonwealth at any time to enforce a provision of this Deed shall not be construed as a waiver of that provision by the Commonwealth or in any way affect the validity of this Deed or any part of it.
13. This Deed constitutes the entire agreement between the parties and supersedes all prior communications, negotiations, arrangements and deeds whether oral or written between the parties with respect to the subject matter hereof and shall not be varied unless agreed in writing and signed by the parties hereto.
14. The address for service of notices on the Commonwealth is set out in Item 4.
15. The address for service of notices on the assisted party is set out in Item 5.

**IN WITNESS WHEREOF** the parties have executed this Deed on the date first written.

**SIGNED SEALED AND DELIVERED** )

for and on behalf of the )

**COMMONWEALTH OF AUSTRALIA** ) .....

by ..... )

Authorised to act for and on behalf of the  
Minister for Defence

Full Title of Position: .....<sup>6</sup>

.....

The Common Seal of )<sup>7</sup>

[<sup>8</sup>] )

ACN [<sup>9</sup>] )

Was hereunto affixed in accordance with its )

Articles of Association )<sup>10</sup>

Secretary

Director

.....

<sup>5</sup> If assistance is delivered wholly in one State/Territory – e.g. for the NRL Grand Final in NSW, then nominate the law of that State/Territory ie ‘*This deed shall be governed by and construed in accordance with the laws of the State of New South Wales, and the assisted party shall submit to the jurisdiction of the courts of that State*’.

<sup>6</sup> Ministerial authorisation allows holders of particular positions to exercise the Minister’s power on his behalf. Accordingly, authorised officers are required to provide the full title of their positions in the Deed as an evidence of their authority. (Please note that authorisations must be re-issued by successive Ministers).

<sup>7</sup> The Assisted Party can insert its own signature block or alternatively, the standard signature block provided below can be used.

<sup>8</sup> Insert name of the Assisted Party seeking the Deed.

<sup>9</sup> Insert the ACN of the Assisted Party seeking the Deed.

<sup>10</sup> This is a standard signature block. The Assisted Party can provide its own signature block as required by its Articles or Memorandum of Association – such as for a Common Seal to be affixed.



**Reference Schedule**

**Item 1** The Assisted Party is:<sup>11</sup>

(refer to Clause 1)

**Item 2** The following assistance will be provided:<sup>12</sup>

(refer to Recital A)

**Item 3**

Amount of Insurance required:<sup>13</sup>

(refer to Clause 6)

**Item 4** Address for service of notices on the Commonwealth:<sup>14</sup>

(refer to Clause 1)

**Item 5** Address for service of notices on the Assisted Party:<sup>15</sup>

(refer to Clause 13)

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<sup>11</sup> Insert name of the Assisted Party running the event – this will be the same as the signature block.

<sup>12</sup> Insert type of support provided.

<sup>13</sup> Insert amount of insurance required – for each individual instance and in the aggregate.

<sup>14</sup> Insert details for the service of notices upon the Commonwealth.

<sup>15</sup> Insert details for the service of notices upon an individual representing the Assisted Party.

**NOTES ON COMPLETION OF A DEED OF INDEMNITY****CLAUSE 3**

Depending on the circumstances, only one of the 'Clause 3' alternatives must be accepted.

The first Clause is used when the defence costs for the activity are to be waived/varied – such as in PES authorised events.

The second Clause is to be used when the Defence costs for the activity are to be recovered from the assisted party.

**Subsequent Change to waiver/cost recovery arrangements**

If using the first clause when recovery of the Defence costs are waived but it is later decided that the assistance to be provided will change and the Defence costs will be recovered:

- a. A new Deed is required which includes the second Clause 3, and
- b. A new Attachment 1 detailing the changed assistance and Defence costs.

**CLAUSE 7 – INSURANCE COVERAGE**

It must be determined if insurance is required to protect the interests of the Commonwealth (Defence).

The type of insurance policy required will depend upon the type of DACC activity involved. Defence units are required to carry out detailed risk assessments prior to accepting the provision of any DACC assistance. Based on this assessment, all risks including insurable risks associated with the DACC activity (for both Defence and the assisted party) are to be identified. The Defence Insurance Office is to be consulted to ensure that Defence's insurable risks are covered by existing COMCOVER insurance arrangements. Defence would require the assisted party to obtain relevant insurance policies to cover its insurable risks identified during the risk assessment process.

Risk management is able to advise on the insurance requirements of COMCOVER. The policies listed under clause 7(a) and 7(b) of the indemnity proforma are normally required.

All enquires regarding Defence's current COMCOVER insurance arrangements including the insurance limits in the Schedule of Cover should be directed to:

Defence Insurance Office  
Simpson Barracks  
MACLEOD VIC 3085  
Telephone: 1800 990 900  
E-mail: [dio@defence.gov.au](mailto:dio@defence.gov.au) and [cmo@defence.gov.au](mailto:cmo@defence.gov.au)

Detailed information on risk assessment, indemnity and insurance can be obtained from:

Enterprise Risk Management  
Organisational Effectiveness Branch  
Organisational Improvement Division – CFO  
Russell Offices Canberra  
Telephone: (02) 6266 7654

**CLAUSE 7 – PARTICULARS OF THE INSURANCE**

Where the assisted party is a commercial enterprise, intending to generate profit from the DACC activity. If the assisted party is required to obtain insurance in the name of the Commonwealth and the assisted party, the following clause is to be added to the Deed to ensure that the insurance policy contains a 'cross liability' clause.

*"The assisted party must ensure that the insurance policy referred to in Clause 7a:*

- i. *note the Commonwealth as a named insured under the policy;*

- ii. *include a waiver of the insured's right of subrogation against the Commonwealth; and*
- iii. *includes a cross liability clause to the effect that the insurance extends to indemnify each of the named insured separately in the same manner and to a like extent as though the policies had been issued in their separate names and in particular (without limiting the foregoing) indemnifies each of the insured in respect of claims made by the others or by employees and agents of the others.*

In circumstances where the assisted party seeks to obtain/use public liability insurance in its name only, the Defence unit involved in the provision of DACC support is to consider the following factors prior to accepting such a proposal:

- i. benefit to Defence of involvement in the activity
- ii. potential amount of financial liability in the event of accidents,
- iii. type and size on non-government organisation,
- iv. limits or special conditions on insurance offered for the activity,
- v. relevance of subrogation, and
- vi. actual effect of not including the Commonwealth as an insured party under the insurance.

If the assisted party is a government or non-profit organisation, it will usually be sufficient for the public liability insurance to be only in the name of the assisted party. In that case, insert the words '*the assisted Party*'.

### **Signing the Deed of Indemnity**

Deeds are to be signed only by authorised persons on behalf of the Commonwealth in accordance with current Defence instruments of authorisation.

An authorised person is a member of the APS or ADF who is authorised by the Minister for Defence as shown in Chief Executive Instructions (CEI).

Enterprise Risk Management or DC&A can provide details of authorised persons approved to bind the Commonwealth through Indemnification (CEI Chapter 2 Section 2.5.A). DC&A can be contacted on:

CFO Directorate of Costing and Analysis  
Department of Defence  
Canberra ACT 2600  
Telephone: (02) 6265 2197

In the past, there have been situations where the authority for signing indemnities under the Financial Management Act 1997 (FMA Act) have been misunderstood. The appointment of officials under the FMA Act has been incorrectly treated as a delegation of the Chief Executive and authority to sign a deed of indemnity. Although this may not necessarily invalidate a deed, the procedural rules contained in the Defence Chief Executive Instructions are to be complied with.

### **Item 3 Reference Schedule**

The amount of insurance will vary with the assistance provided. To determine the appropriate amount of insurance for a particular activity, consideration should be given to the amount of risk or damage that could be caused by Defence assistance. As an example of the highest level of coverage required - for events such as fly-pasts, dump and burns, aerobatic displays - is provided as "Public Liability insurance not less than \$100 000 000 in the aggregate and \$25 000 000 for any one occurrence.

As a general rule, Defence should seek a minimum of \$20 000 000 in the aggregate public liability insurance cover from all assisted parties under DACC. However, consideration should be given to the type of organisation requesting assistance and their capacity to pay the extra insurance premiums. If you have any doubt as to the amount of the insurance required, advice should be sought from Enterprise Risk Management.

**ANNEX L TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## **DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY TASK REPORT**

\*Defence Assistance to the Civil Community (DACC) Registration Number ..... (provided by the Regional Corporate Services Infrastructure Centre)

\*DACC Category ..... (insert Category Number)

1. Brief description of task, including location.
2. Date(s) task performed. (from/to)
3. Name and address of party/organisation provided with assistance.
4. Approving/Denying authority.
5. Unit(s) and number of personnel involved (by rank); and Reserve/Regular breakdown.
6. Total mandays (in decimals) for each rank.
7. Type and number of ships/vehicles/aircraft involved.
8. Plant and equipment used (type and hours/km operated).
9. Total flying hours involved (by aircraft type).
10. Type and quantity of stores consumed.
11. Stores loaned/hired to assisted organisation.
12. Stores discrepancies.
13. Costs to be reported (as described in [annex I](#)):
  - a. Additional costs (specify)—includes consumables, allowances, etc.
  - b. Full cost (unless varied or negotiated by Head Public Affairs and Corporate Communications at commercial rates).
14. Cost recovery aspects (if applicable), including details and amount (\$) of any variation or waiver of cost recovery approved.
15. Details (rank/name/position) of authority approving cost recovery variation/waiver.
16. Confirmation that indemnity and insurance, and Pro forma agreements ([annex J](#) or [K](#)) were addressed, if applicable.
17. General remarks, including public relations and/or other benefits achieved or reason for denying request.

### **Notes**

Reports are to be forwarded in accordance with the table in [paragraphs 42.](#) and [43.](#) of this instruction.

The Report may be submitted by message.

Relevant details of this task must be transferred to the Progressive DACC Summary Sheet—see [appendix 1](#) to this annex.

All claims for costs must be capable of being supported by relevant documentation. Cost recovery cannot be made on the basis of estimates. Relevant documentation may include, but not be limited to, Resource and Output Management and Accounting Network/SDSS printouts, vouchers, receipts, log books, accounts or any document which indicates the extent/time/kilometres vehicles or machinery has been operated.

OPS B/2/2004  
16 MAR 2004



**ANNEX M TO  
DI(G) OPS 05-1**

File as: (NAVY OPS 11-2  
(ARMY OPS 49-1  
(AIR FORCE OPS 1-2  
(Complete Revision)

## DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY ANNUAL REPORT

Unit/Organisation: .....

Parent Command: .....

Report for the period: 01 July to \_\_\_\_ 30 June \_\_\_\_

Category of Task	Number of Tasks	Direct Cost (as applicable)	Full Cost (as applicable)	Costs Recovered	Nett Cost to Defence

**Appendix:**

1. [Defence Assistance to the Civil Community summary sheet](#)



DEFENCE ASSISTANCE TO THE CIVIL COMMUNITY  
SUMMARY SHEET

Sequence No	Task Category	DACC Registration Reference	Additional Cost (TD1)	Full Costs	Costs recovered	Nett Cost to Defence
1						
2						
3						
4						
5						
6						
7						
8						
9						
10						
11						
12						
13						
14						
15						
16						
17						
18						
20						
21						
22						
23						
24						
25						
26						
27						
28						
29						
30						

- Notes
- (a)

Task Category (CAT) = Defence Assistance to the Civil Community (DACC) Categories 1-6.
- (b)

DACC Registration Reference provided by Regional Corporate Services and Infrastructure Centre (Operational Support Staff).
- (c)

Additional costs calculated as shown in [annex I](#).
- (d)

Full cost used for Defence Annual Reporting
- (e)

Full cost may be waived, or varied, or negotiated by Head Public Affairs and Corporate Communications at Commercial rates.