

Sharing responsibility with governments and their agencies

Dr Michael Eburn &
Professor Stephen Dovers

Background

- The *2009 Victorian Bushfires Royal Commission* called or shared responsibility for managing bushfire risk.
- Responsibility *is* shared between ‘the State, municipal councils, individuals, household members and the broader community’.
- What is required is explicit acceptance of that position.

Protection of human life to be the paramount consideration in fire policy

- Is that consistent with the concept of shared responsibility?
- Consider the Keelty Review into the 2011 Perth Hills Fires.
- Does the community really accept ‘shared responsibility’? Consider the legal outcomes from 2003 Canberra fires; 2009 Victorian Fires; 2011 Mitchell (Urban) fire.

Our research

- Looks through the legal and policy lens.
- We wanted to understand what the fire agency leaders understand by shared responsibility.
- What are they sharing, and with who?

Three positions identified

- Those that supported a view of shared responsibility;
- Those that believed the ultimately responsibility lay with the resident; and
- Those that believed that fire safety is ultimately the fire agencies responsibility.

Some knew what *they* meant

- ‘Shared responsibility entails identifying the issues and constraints (including budget and resources) coming up with priority actions and agreeing on an implementation plan that involves actions and outcomes from all stakeholders.’
- ‘We have a responsibility to provide advice. They have a responsibility to take up on that advice or to adhere to that advice.’

Responsibility is personal

‘The problem with the shared responsibility is that being a shared responsibility implies that there is still significant government contribution towards particular risks and community issues.

... we try to avoid the shared responsibility catch line. Rather, we make it your responsibility to ensure that you're adequately prepared to either relocate from your property and/or defend in place... putting the onus onto the householder ... is preferable so that we actually get some action.’

Or it lies with the fire agencies

'you can have a shared responsibility and you can make an informed decision up to the point' but at some point the event is too large and *'... a judgement call has to be made on the survivability of a fire'* so it's the fire brigade that has to make the call as only the brigade will have the experience to make that judgement.

Preparing for catastrophic events

- Requires political judgment to balance objectives for
 - Personal autonomy;
 - Environmental protection;
 - Managing other risks.
- What do we want the world to look like?
- How safe do we want to be?
- Who's responsible for those decisions?

So, what does ‘shared responsibility’ mean, and what are its implications?

- There is no clear view - individuals will understand the risks they face and will accept that they have to prepare for hazard events, but the detail is missing.
- It is unclear who they are ‘sharing’ responsibility with and for what.

What's the policy objective?

- Saving lives or
Sharing responsibility?
- Why do I have to exercise *my*
responsibility to meet *someone else's*
policy goal?

Translating policy into action

- Legal regimes impose duties and obligations on agencies, but not on individuals. What's the price for not preparing ?
- Which government's prepared to deliver the hard message after the event?
- 'Mutual obligation' – if you're home's not prepared, we're not coming?

Questions? Comments?

- Thank you for your attention.

Michael Eburn

ANU College of Law &

Fenner School of Environment and Society

P: + 61 2 6125 6424

E: michael.eburn@anu.edu.au