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# Tinpot

On giving Tinpot a bad name. National politicisation of the NSW bushfires 2019 - early 2020.

*“I wonder what our kind of tipping point in Australia’s going to be when people will start burning stuff? I look forward to it.”[[1]](#endnote-1)*

‘*Modern linguistic usage suggests that the present age is one of “emergencies”, “crises”, “dangers” and “intense difficulties”, of “scourges” and other problems.  They relate to things as diverse as terrorism, water shortages, drug abuse, child abuse, poverty, pandemics, obesity, and global warming, as well as global financial affairs.  In relation to them, the public is endlessly told, “wars” must be waged, “campaigns” conducted, “strategies” devised and “battles” fought.  Often these problems are said to arise suddenly and unexpectedly.  Sections of the public constantly demand urgent action to meet particular problems.  The public is continually told that it is facing “decisive” junctures, “crucial” turning points and “critical” decisions.  Even if only a very narrow power to deal with an emergency on the scale of the global financial crisis were recognised, it would not take long before constitutional lawyers and politicians between them managed to convert that power into something capable of almost daily use.  The great maxim of governments seeking to widen their constitutional powers would be: “Never allow a crisis to go to waste.”’[[2]](#endnote-2)*

*‘The most dangerous person is the one who listens, thinks and observes.’ –* Bruce Lee.

## 1. Introduction

Before we start, over the last few years my articles have said negative things about the talk and actions of Mr Andrew Constance MP as NSW Transport Minister. It is only fair to acknowledge his outstanding effectiveness in helping bush fire affected communities, not just in his Bega electorate. He has done a remarkable job in this, better than any politician I can recall. He deserves enormous praise for that.

Some argue NSW Premier Gladys Berejiklian should be Prime Minister instead of Scott Morrison. Their reasons are her better ‘performance’ in the bushfire ‘crisis’, not least of which was staying in NSW rather than holidaying overseas as Mr Morrison did. Other criticisms of Mr Morrison are that he did not demonstrate sufficient empathy and the Commonwealth was slow to act.[[3]](#endnote-3)

The Prime Minister is considering a Royal Commission into the fires. While the ABC etc. present this as an opportunity for his Government to reconsider policies on climate change, he apparently sees it as an opportunity to expand the power of his office. He stated a wish to be able to pre-emptively intervene in ‘emergencies’ and his actions show a willingness to use the military.

His extraordinary wish was even more extraordinarily overlooked by many who have railed against the Government on issues including the treatment of asylum seekers, anti-terrorism laws and actions, media raids and secret trials.

How a ‘progressive’ political push for change to environmental policy is morphing into a proposal usually associated with ‘reactionaries’ - to use the military in nascent local ‘emergencies’ - is worth a new maxim: you don’t need to visit the Eurobodalla to see a tinpot.

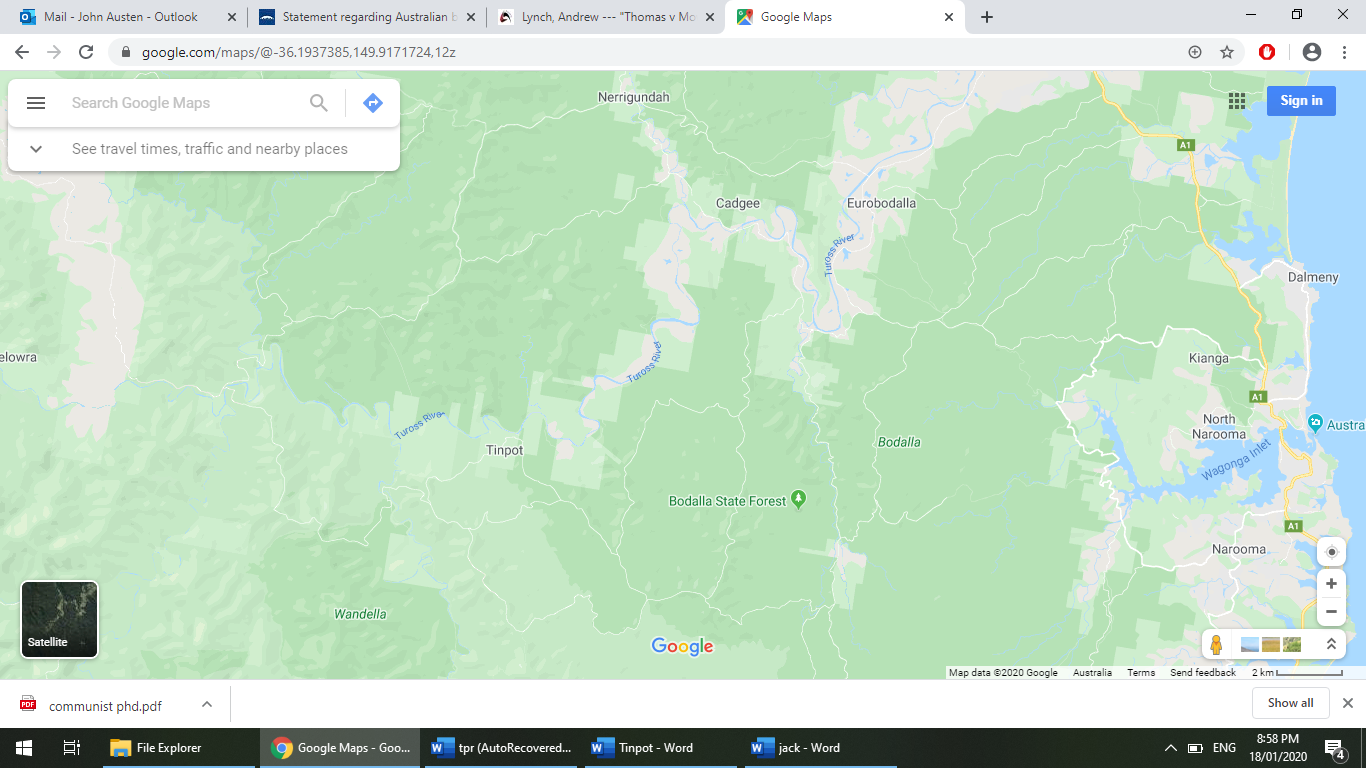
## 2. Noun

Tinpot is a small New South Wales Rural Location in the Eurobodalla Shire, located approximately 289kms south from Sydney, covering an area of 103.576 square kilometres. Tinpot has a population of 9 residents. Postcode 2546. It is a 5 hours 18 minutes’ walk to Dignams Creek. Its Rural Fire Services shed opened in 2015. It has a fire plan.[[4]](#endnote-4)

A sign of Tinpot’s ability to speak for Australia is at Domain.com.au, a popular real estate website. If Domain is to be believed, Tinpot is in the grip of real estate mania with some 4665 properties sold.

Tinpot came to prominence on 31 December 2019 – New Year’s Eve - when it suffered the Badja fire, the one causing the Prime Minister so much trouble in Cobargo. Several people were injured. Reports had the Royal Australian Navy assisting:

*‘A navy helicopter has flown three people suffering burns from the tiny south coast hamlet of Tinpot this morning’.*[[5]](#endnote-5)



The locality might wish to change its name to avoid being associated with…….

## 3. Adjective

### 3.1 Definition:

*not*[*important*](https://dictionary.cambridge.org/dictionary/english/important)*or*[*deserving*](https://dictionary.cambridge.org/dictionary/english/deserving)[*respect*](https://dictionary.cambridge.org/dictionary/english/respect)*:*

*tinpot*[*dictator*](https://dictionary.cambridge.org/dictionary/english/dictator)

*they*[*treated*](https://dictionary.cambridge.org/dictionary/english/treat)*us like a tin-pot*[*banana*](https://dictionary.cambridge.org/dictionary/english/banana)[*republic*](https://dictionary.cambridge.org/dictionary/english/republic)[*instead*](https://dictionary.cambridge.org/dictionary/english/instead)*of a*[*sovereign*](https://dictionary.cambridge.org/dictionary/english/sovereign)[*country*](https://dictionary.cambridge.org/dictionary/english/country)*.*[[6]](#endnote-6)

### 3.2 Conflagration and conflation

The east Australia bushfires started in earnest mid-August 2019 on the NSW north coast – timing apparently not as premature as popularly believed.[[7]](#endnote-7)

Not so long after NSW State and Federal elections which saw conservative Coalition Governments - of Ms Berejiklian and Mr Morrison - returned. Mr Morrison’s success surprised many and maddened some who said the election would be about (what they want to happen re) climate change.[[8]](#endnote-8)

‘Climate election’ lost - except in Canberra and inner-city electorates - the fires were an opportunity for the electorally disappointed to re-spread the word.[[9]](#endnote-9)

Starting with reports of former fire chiefs vainly attempting to see the Prime Minister to warn of dangers of the coming fire season. Dangers due, in their view, to climate change.[[10]](#endnote-10)

The 2019 NSW fires were very large. By November they extended from Forster on the mid north coast to near the Richmond River – a near continuous 400km. Non-stop reporting included stories of smoke, homes destroyed and wildlife killed – notably koalas.[[11]](#endnote-11)

There was a split in the media on causes: the Sydney Morning Herald, the ABC etc. provided endless commentary about climate change causes – the human fault being carbon emissions. The Murdoch press and some ‘talk-back’ radio stations blamed drought and mismanagement of national parks etc. In their view the relevant human intervention was arson. The split was encouraged by ad hominin attacks on ‘denialists’ of one side and ‘alarmists’ of the other.[[12]](#endnote-12)

Polarity was elevated by praise and disparagement of Ms Greta Thunberg, Swedish sometime school pupil who ‘inspired’ school climate strikes including in Australia. Ms Thunberg addressed the United Nations Climate Action Summit in September and was named Time’s person of the Year. She also offered opinions about the fires. As later did Sir David Attenborough.[[13]](#endnote-13)

The arguments for and against the contribution of climate change to the fires would seem straightforward but largely escaped attention.

Would the fires have occurred, to the extent they have, without climate change? Certainly, some sections of the media say ‘no’, most recently citing Dr Garnaut’s 2008 report which warned of changes in Australian bushfires as a consequence of climate change.[[14]](#endnote-14)

However, the strength of a link between climate change and these fires is difficult to prove, at least it will be until later. A November 2019 article by CSIRO scientists said establishing any such link – particularly estimating its strength - would be complex, and a link was yet unproven. This was reaffirmed in December. Similarly, the accuracy of Garnaut’s prediction is not proof of his hypothesis. Nonetheless, the precautionary principle implies it would be better to err on the side of caution, and assume climate change is a factor.[[15]](#endnote-15)

Indeed, according to the NSW Rural Fire Service Commissioner:

*‘Climate change, Fitzsimmons says, has been a consideration in the Rural Fire Service’s planning for more than a decade and the business is underpinned by that thinking.’[[16]](#endnote-16)*

The extent to which Australian action could have prevented such climate change, also apparently a straightforward matter, also was largely overlooked in the media.

The answer, ‘no’, does not mean Australia should shun actions to reduce climate change – as explained in an article by a former Assistant General Secretary to the United Nations. Yet responses to his views are telling, most being combative and inconsistent with any reading of the article.[[17]](#endnote-17)

In the meantime, in the absence of ‘proof’, some quarters downplayed other potential – more direct – contributory factors such as arson, shortcomings in ‘hazard reduction’ or alleged cuts in firefighting workforces and cost savings.[[18]](#endnote-18)

Use of the fire events to promote climate change responses and other political causes became symbiotic with views about mainstream politicians. These include personal dislike of Prime Minister Morrison, notably harking back to when he sought to antagonise ‘alarmists’ by bringing a lump of coal into Parliament, and culminating in claims he lacked conspicuous empathy.

In contrast, the view of Ms Berejiklian – a ‘climate believer’ - being ‘good in a crisis’ tallied with reports ignoring her possible contributions to the crises, and her Government’s misuse of public monies for example to knock-down / rebuild football stadiums rather than buy more fire trucks.[[19]](#endnote-19)

Negative views about the Prime Minister sought respectability by blaming the Commonwealth for inaction. This became a neat circle: the Commonwealth has poor climate change policies and has ‘national responsibility’ for the fires, ergo, those policies are the root cause of the fires.

It is true the Commonwealth is in charge of Australia’s international stance and influence regarding climate change – at which it is failing badly. However, to reiterate, there is as yet no established link between this stance and the fires – at least so says the science of the CSIRO, and a former Assistant General Secretary to the United Nations.

The Commonwealth has no responsibility – to the people – for the fires because it has no powers to control factors that directly contributed to the fires or the damage they cause.[[20]](#endnote-20)

The States, not the Commonwealth, have powers over land use, land clearing, forestry, national parks and the locations of infrastructure, agriculture, industry and housing – even if some of this is put into the hands of agencies, local governments or privatised. The States, not the Commonwealth, have powers for policing, fire-fighting and relevant declarations of emergency.[[21]](#endnote-21)

Some States, notably NSW, chose to deal with non-urban fires via organisations which have a largely volunteer membership. The Rural Fire Service was established by the *NSW Rural Fires Act 1997.* It has more than 72,000 volunteer members and 900 staff across more than 150 stations in the State. It – and its equipment such as fire trucks - is funded by the NSW Government and via donations/ fundraising activities. In 2018-19 it received a NSW Government recurrent grant of $429m and a capital grant of $14m. It recorded a loss of $32m, although it had budgeted for a $48m loss.[[22]](#endnote-22)

Also involved in rural fire-fighting is the NSW National Parks and Wildlife Service.[[23]](#endnote-23)

There are claims the NSW Government reducing funding to these organisations. However, any such reduction does not give rise to Commonwealth responsibility or powers. Further, over a period of decades its funding to the Rural Fire Service has substantially increased.[[24]](#endnote-24)

Lack of co-ordination between States regarding fires is no reason for Commonwealth responsibility. There is no public evidence of such failures. Even if there was, this does not create Commonwealth responsibility. The fact that severe fires developed in parts of Queensland, South Australia and Victoria does not create Commonwealth fire-fighting or land management powers.

Nor does Commonwealth responsibility arise from the fact some fires crossed the Victorian-NSW State border – in any event such fires were a very small fraction of total fire activity.

The size of the fires and losses are unlikely to be any reason for Commonwealth responsibility. In the relevant sense they were not a national emergency, despite popular views. While the scale of the fires was large, it did not threaten the ability of any State or the Commonwealth to govern, and the disaster was not an event which was solely within the capability of the Commonwealth as a national government to address. The fires clearly differed from the Global Financial Crisis, or international threats from e.g. terrorism.[[25]](#endnote-25)

However, the Commonwealth had undertaken some activities that might have created a popular impression – even self impression - of some ‘responsibility’. It had created a Home Affairs Department, and a Minister for Emergency Services. Within these it has – as a Division of the Department in Canberra - an Emergency Management authority. The authority, formerly in the Attorney General’s Department, is not backed by legislation and has no power to take emergency action. Unfunnily enough, it closed one day in early January due to smoke from the fires.[[26]](#endnote-26)

The Commonwealth had made a ‘funding agreement’ with the States in relation to firefighting aircraft etc., and agreed to provide the States emergency and disaster control and relief assistance – when requested by the States.

Yet Ministerial titles, Departmental organisation and funding agreements are not responsibilities – to the people - but administrative arrangements. The States have the responsibility – to their people - for the fires and for seeking any desired Commonwealth assistance.

When Mr Morrison stated the fact responsibility for domestic emergencies lies with the States, many commentators were enraged. They saw it as an attempt to weasel out of his ‘leadership obligations’, compounding a failure of lack of ‘empathy’. Catch 22. None seemed aware of the basic tenet of governance, a basic test of any leadership: responsibility must be matched with power.[[27]](#endnote-27)

While any objective link among the fires, climate change and Commonwealth responsibility is yet to be established, near hysterical commentary shows a link between conflagration and conflation. An attitude risking recurrence of such natural disasters and encouraging tinpot politics and government. Risks which, given intentions and quality of political debates and leadership, might be high.

### 3.3 Tin ear

It came to pass: Prime Minister - once Managing Director of Tourism Australia during the reputed $180m ‘where the bloody hell are you?’ campaign - went on holiday to Hawaii in mid-December.[[28]](#endnote-28)

Unbeknown by most at the time, due to a concerted effort to hide the fact. An effort started by breach of long-standing highest-office protocol – failure to nominate who would act as Prime Minister. And apparently continued with lies from his office.[[29]](#endnote-29)

Soon came calls for him to return to confront a ‘national crisis’ - bushfires. Which some held to be but part of, consequent to, a ‘climate emergency’. An emergency which they had for some time earnestly sought the Commonwealth Government to declare but were less clear how the Commonwealth powers should be expanded or used/not used in such an emergency...

Among asks of the Commonwealth for this crisis: send money and the army – the latter contemplated by the Commonwealth since early November.[[30]](#endnote-30)

Despite the given defence of his vacation – ‘everyone deserves a holiday’ - return the Prime Minister did. Reputedly some two days early, 22 December 2019.[[31]](#endnote-31)

In the meantime - between him being found (out) and returning - some 40 homes were razed and two people killed by fires in the NSW Southern Highlands – between his electorate and Canberra. His response, including some expressions of regret, was called a classic case of ‘tin ear’.[[32]](#endnote-32)

### 3.4 Knee, jerk

On return from Hawaii the Prime Minister’s words and actions received more scrutiny than, say, a night at Engadine McDonalds.[[33]](#endnote-33)

Words at first to the effect that the crisis is a matter for the States, and if they asked for help…. long-standing protocols for emergencies and all. No knee-jerk reaction. Compensating volunteers not a priority. It was almost Christmas Eve after all. Just before normal holidays.[[34]](#endnote-34)

A Christmas Eve celebrated by more than mere words. By the Government offering Federal public servants leave to fight fires. A few days later, post Santa, came a Prime Ministerial promise to compensate volunteers such as in the NSW Rural Fire Service. The rationale was some had been fighting fires for months instead of being at their job. Compensation of up to $300 per day, was of a ‘sort of’ stingy nature, precluding many volunteers. At first.[[35]](#endnote-35)

And timely help requested by the States? At least two States might have had problems asking. The Queensland Premier had been on a vacation – a cruise – later claimed to be in Queensland. The veracity of it remaining within the 12 nautical mile territorial limit is yet to be confirmed.[[36]](#endnote-36)

The relevant NSW Minister, the one with ‘emergency’ in his title, happened to be on holidays – in Europe. His temporary replacement ‘defended’ the holiday thus:

*"David’s been on the line for about 112 days before he took his family away for a holiday that he'd already postponed a number of times…. He’s had the death of his father this year and of his wife's father, it's been a very difficult year for him. We have a very clear chain of command, we have the Premier, the minister and the commissioner."*[[37]](#endnote-37)

Which might have passed muster, but for the Minister saying he considered his own behaviour ‘inexcusable’.[[38]](#endnote-38)

Overseas also was the Deputy Premier/leader of the NSW Nationals - a party supposedly dedicated to the areas suffering the fires. He made headline grabbing calls for Sydney’s New Year’s Eve fireworks to be cancelled, to show respect to the fire-affected. Calls from London, England.[[39]](#endnote-39)

Did someone in the ‘*very clear chain of command*’ sign their leave forms?

The media roll-call of politicians noted some other absentees including the NSW Opposition Leader and Commonwealth Defence Minister.[[40]](#endnote-40)

Before moving on, a comment on Ministers taking holidays: ‘no’. Being a Minister is not a normal job. It involves being elected and then representing the people via Government. It is not something to take a holiday from. If Ministers want a relaxing break from work, they should leave the job to someone else. They should resign.

### 3.5 Emergency!

To the observant, the impression must have been these two State Governments, and responsible Ministers, weren’t on crisis footing. But why be observant when there is a Prime Minister, not in the ‘very clear chain of command’, to slag-off for failing to be aboard during an ‘emergency’ whose only national status arose from ill-informed demands in social and standard media?

Possibly because the Prime Minister was saying stupid things. Like – in response to a suggestion by the Opposition Leader for a meeting of the Council of Australian Governments – the Council was not due to meet until March 2020. Or now is not the time to talk about……[[41]](#endnote-41)

The proximate cause – the Rubicon crossing – for Federal political alarm was December fires on the NSW southern highlands and south coast, coinciding with the traditional season for hot weather.

Yet what of the (then) bigger fires – near and even in bigger centres - on the north coast burning since July – and the unusually hot and dry weather since then? True, those were further away from Sydney and didn’t interfere with the holiday plans of many Canberra residents.

Then, in late December, the NSW Premier declared an emergency, which gave some powers to the Rural Fire Commissioner to move people and assets. Not to escape climate change but to facilitate fire-fighting. Actually, it was the second such emergency declaration – the first being in November.[[42]](#endnote-42)

Noteworthy was hyperbole and fabrications from sources pleading for readers and listeners to ‘look at the Science’ - such as maps purportedly showing most of Australia to be ‘on fire’. Overseas and media ‘experts’ spoke with a surety that eluded Australia’s scientific institutions – but were nonetheless widely repeated as if authoritative. Repeated also were irrelevant or misleading arguments, anecdotes and statistics, some supposedly proving climate change is not happening, or is happening and due/not due to human activity. So intense was the barrage of bullshit the Australian Academy of Science eventually felt the need to warn about the falsifications and rumour spreading and say that only a few sources could be trusted. But in a most convoluted manner.[[43]](#endnote-43)

Prominent too were calls to ‘bring in the army’ – to fight the fires or climate change – including from those who should know much better.[[44]](#endnote-44)

### 3.6 The second funding

Public opprobrium continuing apace, Scomo once disparaged as Scummo, became known as Smoko.

Opprobrium was stoked by what looked to be State Government inspired newspaper articles whinging about a lack of Commonwealth funding – for aircraft etc. At opportune clickbait moments.

It was a rerun of a well-practiced moan – ‘the Feds have all the money; ------(insert name of State) are not getting our fair share'. A refrain amplified and exploited for years by the infrastructure club.

A supposed ‘lack’ of Commonwealth funding which deserves some attention. Because, as Timothy said, love of money is the root of evil. In Commonwealth-State relations this translates as: a funding or national partnership agreement is the root of most problems. [[45]](#endnote-45)

These things are hardly agreements. At least the ones in transport aren’t. Their substance is the Commonwealth gives money to a State, say several $00m, to get mentioned on a road side sign. The bureaucratic terminology: ‘signage’, for which there were pages of formal procedures.[[46]](#endnote-46)

Did the States lack money? Possibly NSW did, after a blow-out of $100m on a $700m bill to needlessly demolish and rebuild a football stadium. Among other wastes.

And the firefighting aircraft for which funding was sought? Apparently good for stopping a little fire from becoming big – i.e. getting it early, before it is an emergency. Very useful in an emergency to protect specific property.

And what of the tale of the fire chiefs – past – seeking to warn and/or lobby the Prime Minister? They seem to be part of a climate change lobby group – emergency leaders for climate action.

Curious was no mention of them seeking to warn and/or lobby those supposedly responsible for practical mitigation activities and actual firefighting - State Ministers and Premiers. Equally curious was the absence of reference to those Ministers and Premiers warning the Commonwealth. [[47]](#endnote-47)

Is the way things get done in our Federation? Is it expected (former) heads of State agencies unhappy about their level of resourcing from State Governments will make publicised entreaties to the Prime Minister? Mr Collins, of Sydney Trains, where are you?[[48]](#endnote-48)

Or rather than serious public policy or reporting, was this just part of a pile on of the hapless early-holidaying PM, supporter of the hapless early holidaying Sharkies?[[49]](#endnote-49)

The Leader of the Federal Opposition, a Rabbitohs supporter, did his best to make it look like he was not part of a mob mentality. Yet his request for a Council of Australian Governments meeting didn’t say what for. Other than to ‘coordinate’ States – implying severe criticism of State Ministers, firefighting strategy, capability and efforts? Who cares? Why not meet. And pass a resolution for action Reg?[[50]](#endnote-50)

The Opposition’s foray should have been accompanied by a subtext, a reason. But wasn’t, even as an afterthought. A reason like: some deficiency of the States – or even interstate co-ordination – that could only be rectified by Commonwealth ‘leadership’. In fact, real national leadership might have taken the bullshit by the horns and said the Commonwealth will act through - at invitation of - the States except on matters the States are not capable of doing. Readers can look in vain for that.

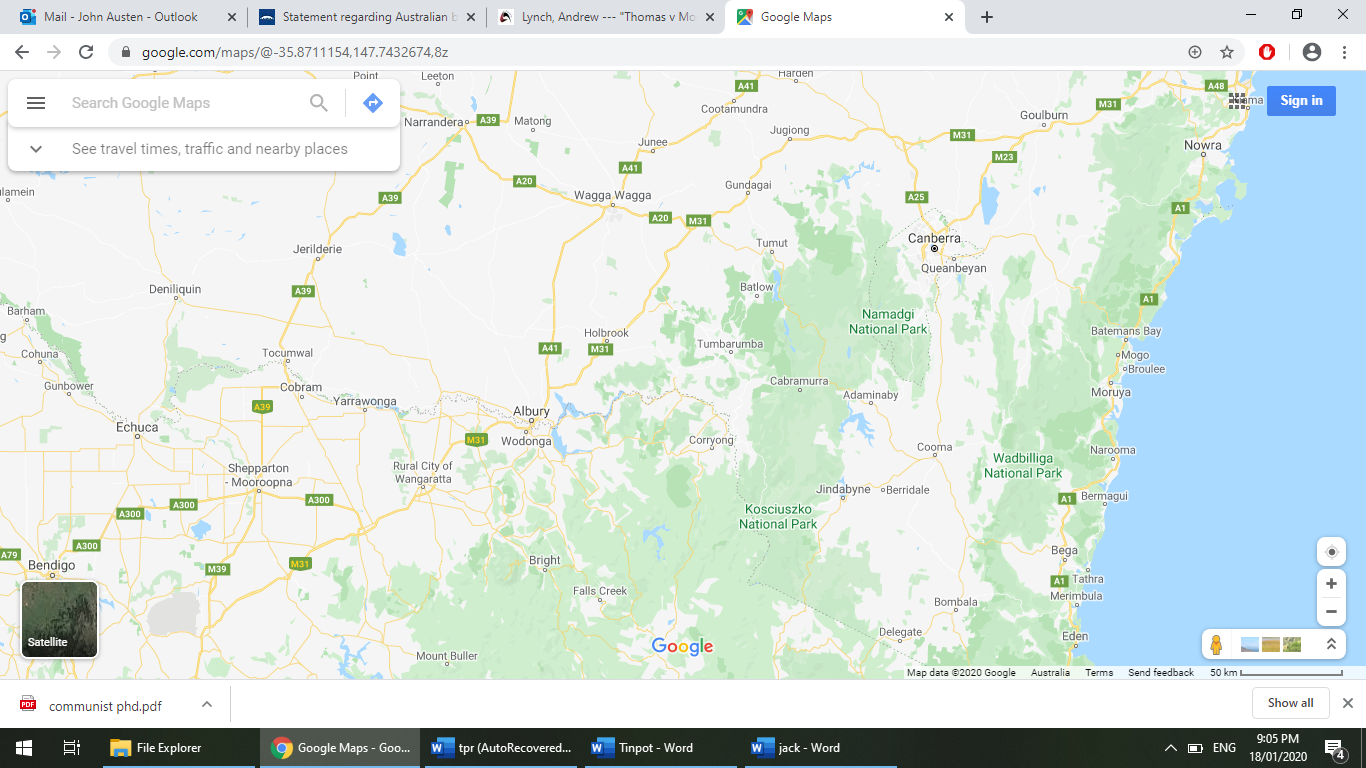
### 3.7 New Year’s Day

The main route between Canberra and the NSW south coast, the Kings Highway, had been closed between Braidwood and Batemans Bay due to fire since the end of November.

An expectation was this road, and perhaps the one between Braidwood and Moruya, would serve as a firebreak for the ‘Currowan’ fire that had been burning between Ulladulla and Batemans Bay. In late December, several other fires started in the ranges further south - between Moruya and Bega – ‘Badja’, not too far from Tinpot.

New Year’s Eve was the turning point. Overnight the fires on the NSW ranges moved rapidly towards the south coast before a 40degree day.

There were substantial property losses in Conjola north of Ulladulla and in parts of the Batemans Bay area. Mogo and the old town of Cobargo were largely demolished. Several people were killed and the major roads along the coast were closed in several places.



Expecting further hot weather on 4 January, a ‘tourist leave zone’ was declared by NSW between Nowra and the Victorian border – a distance of around 400km. It is unclear exactly who did so, and whether this gave authority to the Rural Fire Service to evict people from the area or whether it was merely advisory. The NSW Government declared another state of emergency for 7 days starting 2 January, 2020.[[51]](#endnote-51)

Large fires were burning over the border in Victoria including in that State’s north and adjacent to the NSW coast. Most tourists and many residents in Mallacoota were evacuated. The Victorian Premier declared a disaster area in east Gippsland – similar to a NSW emergency declaration.[[52]](#endnote-52)

The Prime Minister went to badly damaged Cobargo on 2 January to receive a widely publicised ‘mixed’ reception – one he probably deserved according to the local member NSW Transport Minister Constance. Among the causes of anger were the Prime Minister’s overseas holiday and a litany of State Government issues laid at his feet: lack of firefighting equipment deployed to the town; lack of money for fire trucks; failure of people to ‘listen’ to concerns about these matters and the (in)adequacy of hazard reduction burns.[[53]](#endnote-53)

The media went into a frenzy about people not shaking hands with the Prime Minister and the Prime Minister allegedly turning his back on one disaffected local.[[54]](#endnote-54)

Meanwhile, there was an exodus of holiday makers and others from the entire south coast in anticipation of problems on the coming Saturday. Those remaining were told to move to larger towns such as Bega, Narooma and Batemans Bay which could be ‘defended’.[[55]](#endnote-55)

On 2 January, the Prime Minister said the Commonwealth was doing everything it could to support State Governments. The media reported a meeting of the National Security Committee of Cabinet had been scheduled for Monday 6 January.[[56]](#endnote-56)

Apparently, there was a ‘snap one’ in advance.

After television reports on 4 January, an opinion piece in *The Australian*, 6 January, reported the announcement of a National Bushfire Recovery Agency to be headed by the former chief of the Australian Federal Police, and a call-up of 3,000 defence reservists as well as more naval and air force ‘assets’ to be deployed to fire-affected areas.

The piece, co-authored by a former Director General of the Commonwealth’s ‘Emergency Management Australia’ – a Division in the Department of Home Affairs – also said domestic disaster response should be a ‘core’ role for the military and argued for a national disaster agency, claiming parallels with ‘war’ and terrorism.[[57]](#endnote-57)

*The Australian* was not the only source of information on the new agency and call-up. A series of advertisements, including social media posts seeking donations for the Liberal Party – Mr Morrison’s Party - were noted as far away as London. And deservedly condemned.[[58]](#endnote-58)

The Commonwealth Minister for Emergency Services (there is one) appeared far and wide on social media as well – even if only under his title as Federal Member for Maranoa (an electorate in Queensland). At least this publicity appeared well-coordinated.[[59]](#endnote-59)

The new arrangements were less well coordinated with the States. The NSW Rural Fire Commissioner said he was unaware of the decision for Commonwealth ‘boots on the ground’ and expressed some frustration over that.[[60]](#endnote-60)

On a related matter – whether NSW had refused assistance from the Navy - both he and the Premier flatly contradicted the Prime Minister.[[61]](#endnote-61)

It was unmistakeable political panic.

### 3.10 Following through

Following the scheduled Cabinet meeting – of ‘*great resolve*’ described with ‘*whatever it takes*’ bluster - the Prime Minister announced some $2bn in disaster recovery funding and confirmed establishment of the Bushfire Recovery Agency.[[62]](#endnote-62)

There have been many subsequent announcements of more funding, for example of up to $75,000 for farmers. Seemingly surpassed in frequency by criticisms of inadequacy.[[63]](#endnote-63)

Considerable sums and aid were collected by charities such as the Salvation Army and Red Cross. News reported glowed with descriptions of community spirit and generosity of strangers. The very little crime – theft – was swiftly dealt with.

Yet criticisms also have been made, including by the NSW Minister Constance, that Commonwealth payments are too slow despite recent fast-tracking. Most recently he called the charities to account for apparent slowness of distributing donations – and got results.[[64]](#endnote-64)

### 3.11 CB or CD

Among later events, which included ongoing announcements of more Commonwealth funding, was the Prime Minister being interviewed by ABC TV on January 12.[[65]](#endnote-65)

Essentially, he said three things: he and his Government could have done more and done things differently; people expect a more direct Commonwealth presence; a Royal Commission might look at these. It is worth looking at:

*"the people for the first time, I think arguably, have wanted to see a more direct involvement of the Federal Government in responding to these national disasters," (the Prime Minister said).*

*The Prime Minister noted the current crisis had "pushed the constitutional authorities" for the Commonwealth to act "to its very edge".*

*"This should be one of the important steps going forward," Mr Morrison said.*

*"This is the first time where I think the Federal Government has ever been in a position where we had to take this action.*

*"And to ensure that in the future it can be done in a way that is more pre-emptive posturing, that we can do that, I think, more seamlessly."*

*(Labor leader Anthony Albanese said): "…we want scrutiny of the Government's performance, and the inadequacies, and the need to act now."*

It is difficult to avoid the conclusion that personal criticism of the Prime Minister, including his supposed lack of empathy and lack of action, was the catalyst for these remarks.

However, rather than such criticism leading him to the critics desired conclusion - that ‘climate policy’ be reconsidered - it suggested to him a need for more power to act, and act early – ‘pre-emptive’ - including to ‘send in the army’. At least for natural disasters.

One idea, I think, was the Prime Minister would be able to declare a national emergency on the advice of the defence chief. Luckily that is presently illegal, and luckily any decent Royal Commissioner would most carefully examine that type of proposal.[[66]](#endnote-66)

Yet after a short period of reflection, some interested parties loudly and widely disseminated their view that a Royal Commission was not needed. Their argument: there have been endless inquiries into bushfires, such as the ‘Black Saturday’ Commission in Victoria; Governments have been repeatedly told what to do, and they don’t do it. Which is a reasonable argument if a Royal Commission was merely to consider firefighting techniques. But which misses the point of a Royal Commission examining the adequacy of Commonwealth response and therefore powers.[[67]](#endnote-67)

There are two mechanisms to provide the Prime Minister with further powers: a referendum to change the Constitution; a referral of some emergency powers from the State legislatures to the Commonwealth Government. A Royal Commission might be considered by the Government as a mechanism to ‘soften-up’ the public for such a power grab. However, a Royal Commission might also look at the pros and cons of further centralisation of power in the Commonwealth Executive.

If the idea of this Conservative Government – described by a long-standing political observer as the most reactionary right wing one since the 1930s - making a power grab is no surprise, neither is the initial ABC’s reporting of its ‘scoop’ interview with the Prime Minister. Initially headlined by PM to reconsider climate change policy. Later apparently changed.[[68]](#endnote-68)

David Solomon, however, saw this differently. As do I.[[69]](#endnote-69)

Which brings us to the form guide.

### 3.12 Commies and terrorists

Commonwealth Governments have ‘form’ in calling ‘national emergency’ - fear-mongering - to expand their powers.

Founder of the Liberal Party, Sir Robert Menzies, sought to do so via a scare about communism. While Prime Minister in 1950, Parliament passed legislation to outlaw the Communist Party, declare people communists, seize their property and debar them from certain employment. The Executive Government – the Governor General - was to determine who was a communist.

The circumstances included: communist doctrine of overthrowing democratic institutions; post-war communist expansion and differentiation from democracies in Europe; ‘Red scares’ in the US and other western countries; Australia’s participation in the United Nations -South Korea war against North Korea which was backed by other communist states; communist ‘infiltration’ of Australian trade unions and support of strike activities.

As in other countries, there was a post-war wave of strikes in Australia some suspected to be politically motivated. In response to the coal strike of 1949, Labor Prime Minister Chifley concluded ‘*the Reds must be taught a lesson*’ and ‘sent in the troops’ despite there being a Commonwealth police force charged with upholding Federal law.

In the same year, high profile communist Mr Sharkey had been charged with sedition for saying that if Soviet forces, in pursuit of aggressors, entered Australia, Australian workers would welcome them. The High Court upheld his conviction.[[70]](#endnote-70)

Menzies’ campaign in the December 1949 election included a promise to outlaw the Communist Party. After his victory he introduced a Bill whose preamble recited the threat of communism and called on the Constitution’s Defence and Executive powers as validation.

The legislation was declared invalid by the High Court – *‘a celebrated triumph of constitutionalism and rule of law over national hysteria*’. Among the reasons for invalidity was the circularity of the Commonwealth asserting power over people by declaring them to be communists. Underlying this rejection was the Court’s view that Defence powers in peacetime are more circumscribed than during global wars. The Court also took the view the Defence power was available for use against threats to institutions – Commonwealth and State polities – rather than threats to people or property.

The Court voiced concerns about internal threats – by Governments - to democratic institutions. Justice Dixon famously said:

*‘History and not only ancient history, shows that in countries where democratic institutions have been unconstitutionally superseded, it has been done not seldom by those holding the executive power.’[[71]](#endnote-71)*

Prime Minister Menzies then sought a referendum to give the Commonwealth power on the topic. This was defeated.

Post the September 11, 2001 attacks in the United States, anti-terrorism legislation was passed in a number of countries. When Mr Howard was Prime Minister, Australia more than followed suit. The Australian legislation, like that for communists, was and remains extraordinary.

Some of the Australian legislation is apparently modelled on that introduced in the United Kingdom after the 2005 London bombings. Yet Australia did not have the legal ‘loophole’ the United Kingdom legislation was aimed at closing.[[72]](#endnote-72)

The legislation is concerned with identification of people – labelling them terrorists - rather than behaviour. Its operation is pre-emptive. Among other things it allows for control/preventative detention orders initiated by the Australian Federal Police - an agency within the Home Affairs Portfolio - which include temporary detention, frequent reporting to the police, prohibition on phone use and wearing of location devices. Originally, the orders needed to be issued with the consent of the Attorney General – now this function lies with the Minister for Home Affairs.

The orders need to be issued/confirmed by a court. The latest annual report records only one such order.[[73]](#endnote-73)

To further support Commonwealth anti-terror legislation, there was some referral of powers from State legislatures. By September 2019, some 82 anti-terror laws had been enacted – many in haste - and 6 more were in progress. This is far greater in number and scope than the United States or United Kingdom. The regime has been described as ‘*hyper-legislation*’ and demonstrating *‘just how far lawmakers have strayed from the fundamental human rights and principles of criminal justice’.[[74]](#endnote-74)*

The validity of the core legislation was tested in the ‘Jihad Jack’ – Thomas - cases of 2007. Mr Thomas had been charged with terrorism offences. He was acquitted of some by a jury and the remainder were quashed by a court. Following acquittal, he was subjected to control orders. A magistrate confirmed most of the control orders – including that he not contact Osama Bin Laden(!) – but reduced the ‘do not contact list’ somewhat from the 300 pages sought by the Federal Police.

The Commonwealth asserted the laws to be valid on the basis of the Constitution’s Defence power. The majority of the High Court agreed, meaning the Defence power is now available for internal use, against Australian citizens, and can be pre-emptive rather than limited to a declared state of war. The threat to which the Defence power is available was widened from the ‘polity’ doctrine of the Communist Party case to the prospect of harm to people.

Justice Kirby issued a powerful dissent, based on the Communist Party case, which was notable for not being spooked by so called ‘emergencies’. Also noted was the fact State police forces protect life and property – a matter seemingly overlooked by some High Court justices.[[75]](#endnote-75)

The ability for the Commonwealth to declare ‘emergency’ in order to spend wherever the Government liked was examined by the High Court in the Pape case, 2007. That case involved Commonwealth tax-bonus payments to citizens to forestall economic damage from the Global Financial Crisis. The majority held the payments to be valid in the circumstances, relying on the ‘nationhood’ doctrine. [[76]](#endnote-76)

The nationhood doctrine allows the Commonwealth Executive Government to undertake activities peculiarly adapted to a national government than can only be undertaken by that Government. These are activities that cannot be undertaken by the States. A given example was the Bi-Centennial celebrations.

Justice Heydon dissented in Pape, with part of his reasons – an overabundance of supposed national emergencies would otherwise up-end the Federation - given in the introduction to this article. He emphasised the nationhood power cannot change the balance of the Federation because it is to be limited to those things States cannot do – rather than things which might be convenient for the Commonwealth to undertake.[[77]](#endnote-77)

The view on convenience as not being among the bases for the Commonwealth nationhood power was supported by the Court in the two Williams cases.[[78]](#endnote-78)

This may be the reason for Prime Minister Morrison saying in his ABC interview the Commonwealth actions during the bushfires were at the ‘limit’ of the Constitution. Many people may think the fires were a national emergency, but in legal terms it is likely they are not. Among other things, the State could – and did – organise fire-fighting, including interstate and intergovernmental coordination. Commonwealth fire fighting and recovery actions needed invitations from the States.

There are substantial concerns about the behaviour of the Commonwealth Government in recent years – in the name of other emergencies. These include secrecy over immigration controls as being ‘operational matters’; certain activities of ‘Borderforce’ in the Home Affairs portfolio; unauthorised or illegal detention of people including citizens; secret trials, verdicts and imprisonment for alleged ‘national security’ matters; police raids on citizens and the media in efforts to obtain information. In addition, there is the politicisation and downgrading of the public service – in favour of Minister’s private offices, and most public policy discussions and report ignore – or downplay – limits to the scope of the Commonwealth Government.[[79]](#endnote-79)

Controversies over Executive Government activity are not confined to Australia. There are general concerns with the world-wide rise of ‘strongmen’ i.e. autocracy and fascism. The United States and the United Kingdom have their share: in the former, current impeachment proceedings against President Trump are essentially on the ground that he has acted unconstitutionally – in excess of his powers. In the case of the United Kingdom, Prime Minister Johnson misled the Queen in an attempt to avoid Parliament – and was slapped down by the courts.[[80]](#endnote-80)

Mr Morrison is reported to admire Mr Trump and, implicitly, Mr Johnson.[[81]](#endnote-81)

Against such a backdrop, a likely response of Mr Morrison to criticism of not doing enough would be to seek more power.

### 3.13 Conspiracy

Onto conspiracy theories. So thoughtfully supported by bigotry in the name of ‘calling out’… bigotry, and ‘burn the place down’ calls such as that appearing at the top of this article. [[82]](#endnote-82)

Just on the latter, the claims of hundreds of people charged with bush-fire arson appear overblown. For example, while it has been reported 183 people were charged with bushfire related offences in NSW between early November 2019 and early January 2020, some ‘fact-checkers’ held that by mid-January ‘only’ 24 had been charged with deliberately starting a bushfire. Others put the figure at 55 (adults) between August 1 2019 and 24 January 2020 and that 716 out of 1700 fires were not due to natural causes.[[83]](#endnote-83)

One conspiracy theory is: race - some fires were lit by people who want to ‘burn the place down’. Another: people under ISIS orders engaged in un-Australian activities.

There is no point ‘progressives’ blaming ‘right-wing nutters’ for theories they shamefully add to.

However, the best conspiracy theory relates to Bruce Lee’s saying at the head of this article – along the lines of the quiet ones are the one to watch.

Where has the Minister for Home Affairs, the Minister responsible for Emergency Management Australia and - along with Mr Morrison - most of the disturbing Commonwealth Government behaviour identified above, been during the fire controversy?

During which time Mr Morrison publicly contemplated seeking more powers along the lines of what the Minister’s portfolio has done in ‘wars’ against terrorism, illegal immigrants etc? A portfolio which along with Mr Morrison is said to believe:

*‘keeping Australians safe is largely about keeping enough Australians scared.’*

According to one commentator: hiding.[[84]](#endnote-84)

Which makes sense in circumstances where the military – which normally is under a different Minister – is called on for domestic assistance. Even if – possibly more so when - the big announcement related to the army reserve, whose military status is below that of regular troops.

Amid the ongoing, better-intentioned than informed ‘national-crisis-demands-Prime Minister-leadership’ babble– that portfolio might be recalling Napoleon’s maxim: never interrupt the enemy when it is making a mistake.[[85]](#endnote-85)

# 4. Result

The 2019-20 fires, to the extent they were avoidable, resulted from State Government failures.

A claim the damage they caused was unavoidable – or due to climate change – would deny a problem. Few would agree with that. It does not sit well with reports firefighting agencies have long taken climate change into account in their planning.

The question to be asked – for a yes/no answer - is: at the State level, did the firefighting have enough resources?

The question of resource adequacy is one for State Governments. They should be solely accountable - to the electorate - for this. Those who dispute by arguing only the Commonwealth has sufficient this might reflect on the enormous sums spent by the NSW Government knocking down and rebuilding football stadiums etc.

Tinpot commentary – such as scapegoating the Prime Minister - blurs this accountability. He did and said stupid things. But the fires were not his responsibility. One result of tinpot influence is the likely recurrence of problems similar to the bushfire later – problems that could only have been avoided or mitigated by the States.

As a result of wholesale and misplaced criticism, the Prime Minister is likely to ask for more powers - if not for himself, then for the Home Affairs portfolio. Getting them is possibly the opposite result critics want. Around the world, winding back Government power and excesses has proven far more difficult that even the longest processes of recovery from natural disasters.

When did the fires disaster become a public policy debacle? The day the fires came to Tinpot. That’s good reason to change its name.

J Austen

28 January 2020

1. <https://tvtonight.com.au/2019/11/wave-of-complaints-over-qa-episode.html> [↑](#endnote-ref-1)
2. Justice Heydon in Pape v. Commissioner of Taxation <http://eresources.hcourt.gov.au/showCase/2009/HCA/23> [↑](#endnote-ref-2)
3. <https://johnmenadue.com/tony-smith-gladys-for-prime-minister-winning-friends-in-a-crisis/>

   In response, the beagle barked: *‘In my view the political leadership we need is at least as much about having a decent strategy as being popular. Given the excellent efforts of firefighters and their supervisors, to the extent the fires are a problem (i.e. the results were avoidable) they show a failure of strategy.  
   The relevant strategy is the sole responsibility of the States. As such, the appropriate stance is to hold the States to account. Not let them weasel out by pursuing tangents.  
   There are blameworthy Commonwealth actions: sabotage of international climate mitigation efforts and possibly – with State acquiescence – partial dilution of political blame for any State fire failures. These need to be pursued vigorously.  
   However, the rule of law says the NSW bushfire buck stops at Ms Berejikian’s desk. Not Mr Morrison’s. And like transport it is her responsibility no matter how big, close to Sydney, or impact on ACT holidaymakers the effects might be e.g.*[*https://emergencylaw.wordpress.com/2019/12/25/what-is-a-national-emergency/*](https://emergencylaw.wordpress.com/2019/12/25/what-is-a-national-emergency/)*.  
   On the question of holidays, the NSW ‘team’ were for some time two players short – the Emergency Services Minister and the Deputy Premier. Both on holidays in Europe/UK.*

   *The former said his absence from NSW was ‘inexcusable’. The latter called for abandonment of Sydney’s New Year’s Eve fireworks – from somewhere in London.*

   *The NSW leader’s response to these fine examples? The even finer nothing in public – excusing the inexcusable.*

   *And in a bipartisan, bistate gesture the Queensland Premier reportedly also was on a cruise at some relevant time – her excuse was it was in Queensland.* [↑](#endnote-ref-3)
4. <https://www.naroomanewsonline.com.au/story/3012925/tinpot-rfs-station-opened-medals-awarded/> [↑](#endnote-ref-4)
5. dailytelegraph.com.au/news/nsw/nsw-bushfires-four-men-confirmed-dead-in-raging-infernos/news-story/dce6f1c1c1309e00687b2ae7d322defe [↑](#endnote-ref-5)
6. <https://dictionary.cambridge.org/dictionary/english/tinpot> [↑](#endnote-ref-6)
7. <https://www.abc.net.au/news/2019-08-10/emergency-warning-for-nsw-fire/11402326?site=midnorthcoast>

   Early?: <https://ecos.csiro.au/a-dry-landscape-and-a-dire-season-we-explain-the-current-bushfire-environment/> [↑](#endnote-ref-7)
8. <https://www.nytimes.com/2019/05/19/world/australia/election-climate-change.html> [↑](#endnote-ref-8)
9. <https://www.thejadebeagle.com/election-2019.html> [↑](#endnote-ref-9)
10. <https://www.abc.net.au/news/2019-11-14/former-fire-chief-calls-out-pm-over-refusal-of-meeting/11705330> [↑](#endnote-ref-10)
11. E.g. <https://www.abc.net.au/midnorthcoast/topics/disasters-and-accidents/fires/?page=1> [↑](#endnote-ref-11)
12. E.g. <https://www.theguardian.com/media/2020/jan/04/the-australian-murdoch-owned-newspaper-accused-of-downplaying-bushfires-in-favour-of-picnic-races> [↑](#endnote-ref-12)
13. <https://www.news.com.au/technology/environment/climate-change/climate-change-activist-greta-thunberg-takes-swipe-at-aussie-leaders-during-bushfire-crisis/news-story/fecbf4a0d1c2712306dca0b3061cd019>

    Time’s person of year reflects perceptions about influence rather than merit. Recipients include Gandhi, Roosevelt, Eisenhower and Pope John XXIII. They also include Hitler, Stalin and Khomeini. US Presidents feature prominently, among them being Clinton, George W Bush, Obama and Trump.

    <https://www.theguardian.com/tv-and-radio/2020/jan/17/david-attenborough-calls-australias-bushfires-the-moment-of-crisis-to-address-climate-change> [↑](#endnote-ref-13)
14. Garnaut: <https://www.abc.net.au/news/2020-01-08/economic-bushfires-billions-ross-garnaut-climate-change/11848388> [↑](#endnote-ref-14)
15. Compare: <https://www.theguardian.com/environment/2020/jan/13/explainer-what-are-the-underlying-causes-of-australias-shocking-bushfire-season> with actual scientists:

    <https://ecos.csiro.au/climate-change-and-extreme-events-quantifying-the-changing-odds/>

    <https://www.sbs.com.au/news/fires-not-due-to-climate-change-expert>

    Precautionary principle: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC1240435/> [↑](#endnote-ref-15)
16. <https://www.thesaturdaypaper.com.au/2019/11/02/nsw-rural-fire-services-shane-fitzsimmons/15726132009007> [↑](#endnote-ref-16)
17. <https://johnmenadue.com/ramesh-thakur-australian-bushfires-its-not-always-about-climate-change-straits-times-24-12-19/> [↑](#endnote-ref-17)
18. The argument for: <https://theconversation.com/theres-only-one-way-to-make-bushfires-less-powerful-take-out-the-stuff-that-burns-129323>

    Arguments against: <https://www.smh.com.au/politics/federal/more-hazard-reduction-burns-not-the-answer-experts-warn-20200107-p53p8i.html>

    <https://volunteerfirefighters.org.au/catastrophic-fuel-loads-more-bad-fires-more-business>

    <https://www.abc.net.au/news/2020-01-08/nsw-fires-rfs-commissioner-weights-in-on-hazard-reduction-debate/11850862>

    An assessment: <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/Publications_Archive/CIB/cib0203/03Cib08>

    <https://www.abc.net.au/news/2019-12-20/hazard-reduction-burns-bushfires/11817336>

    Misinformation about the Greens Party: <https://factcheck.afp.com/australian-bushfires-disinformation-spreads-about-greens-party-policy-backburning> [↑](#endnote-ref-18)
19. E.g. <https://womensagenda.com.au/politics/the-bushfire-crisis-is-terrifying-but-female-leaders-are-creating-hope/> [↑](#endnote-ref-19)
20. <https://emergencylaw.wordpress.com/2019/12/25/what-is-a-national-emergency/> [↑](#endnote-ref-20)
21. Except in Commonwealth territories. [↑](#endnote-ref-21)
22. <https://www.rfs.nsw.gov.au/resources/publications/annual-reports>

    <https://www.theguardian.com/australia-news/2019/nov/16/factcheck-how-park-ranger-numbers-stack-up-amid-debate-over-bushfire-readiness>

    <https://www.michaelwest.com.au/budgets-and-bushfires-has-government-cost-cutting-hindered-the-firefighting/> [↑](#endnote-ref-22)
23. <https://www.rfs.nsw.gov.au/about-us/structure> [↑](#endnote-ref-23)
24. <https://www.smh.com.au/business/the-economy/why-i-didn-t-donate-to-the-rural-fire-service-this-time-around-20191231-p53nt1.html>.

    An article claims funding for the NSW Rural Fire Service in 1994-95 was around $50m, in 2001-02 $179m, in 2014-15 $343m. See: <https://volunteerfirefighters.org.au/catastrophic-fuel-loads-more-bad-fires-more-business> in 2018-19 it is reported as $443m. [↑](#endnote-ref-24)
25. See note (ii) above re Pape, which concerned the legality of payments by the Commonwealth to forestall economic damage from the Global Financial Crisis. Relevant issues were also discussed in Thomas v. Mowbray where Justices Kirby and Heydon distinguished between threats to institutions of government – for which the Commonwealth has power to e address– and threats to personal life and property. [↑](#endnote-ref-25)
26. <https://emergencylaw.wordpress.com/2020/01/05/a-commonwealth-emergency-response-agency/>

    <https://www.news.com.au/national/breaking-news/smoke-shuts-canberra-child-care-centres/news-story/2895ec552de5ea3e525ca6c51238cbc7>

    An article lobbying for some formal function for the Emergency Management Australia – a Departmental Division =- by a former head of the Division included:

    *We argued that domestic disaster assistance should be a core military activity….*

    *Our approach to the mega-fires, in terms of assessing and monitoring the risks, developing capabilities to minimise the risks, absorbing whatever harm occurs and then returning to normal as soon as possible is similar to countering terrorism.*

    *Over the past 15 years, there has been considerable planning and investment by the Australian government focused on our capacity to prevent, respond to and recover from a major terrorist attack. While a mass-casualty terror attack remains a possibility, assessed against the risk of probability, we have more to fear from natural disasters, which are regular events……….*

    *‘The states have constitutional responsibilities for overseeing emergency management and they control most of the functions essential for effective disaster prevention, response and recovery.*

    *But there is uncertainty about who will be in charge in the event of a major national disaster and how responses would be co-ordinated across borders…..*

    *In the absence of agreed national emergency management legislation, it is unclear exactly who leads. This makes it harder to meet community needs in any response and recovery situation.*

    *The Commonwealth body seen to be responsible for this, Emergency Management Australia (a division within the Department of Home Affairs), has no mandate, legislation or cabinet endorsement with which to take command, make executive decisions and provide national co-ordination. The delivery of its functions, for the most part, is the result of goodwill on behalf of other agencies.*

    *It’s hardly satisfactory. …..*

    *This authority would need to direct action when the event was such that a state (or states) agreed that the severity warranted overall command and control by the Commonwealth. Think wartime.*

    *Not having officials provide clear messaging may inflict more damage — and does nothing to educate and protect the public.’*

    <https://www.theaustralian.com.au/commentary/national-bushfires-emergency-lets-have-a-national-response/news-story/0580de7bf2e89d109fab6cbce307ae8f> [↑](#endnote-ref-26)
27. <https://johnmenadue.com/mark-buckley-memo-to-scott-morrison/> [↑](#endnote-ref-27)
28. <https://www.smh.com.au/business/workplace/bushfire-emergency-provides-lessons-in-leadership-20200107-p53pfm.html?fbclid=IwAR2SR-64bimcAQpRc2eFfgtDCjFb098NDvy0ACmRaEy-5pooiK17WiOL2ak>

    <https://www.smh.com.au/national/so-where-the-hell-is-he-20060726-gdo1fg.html> [↑](#endnote-ref-28)
29. <https://www.theguardian.com/australia-news/2019/dec/21/scott-morrison-hawaii-horror-show-pr-disaster-unfolded> [↑](#endnote-ref-29)
30. <https://www.smh.com.au/politics/federal/defence-minister-preparing-to-send-reserve-forces-to-support-fire-efforts-20191112-p539zc.html> [↑](#endnote-ref-30)
31. <https://www.abc.net.au/news/2019-12-18/scott-morrison-holiday-sparks-online-criticism/11810688> [↑](#endnote-ref-31)
32. <https://theconversation.com/view-from-the-hill-scott-morrison-returns-with-regret-129189> [↑](#endnote-ref-32)
33. <https://10daily.com.au/news/politics/a190919pwsua/scott-morrison-finally-addresses-lingering-engadine-maccas-jokes-20190919> [↑](#endnote-ref-33)
34. <https://www.abc.net.au/news/2019-12-23/scott-morrison-anthony-albanese-bushfires-meeting/11823128> [↑](#endnote-ref-34)
35. <https://www.smh.com.au/politics/federal/morrison-government-to-compensate-nsw-volunteer-firefighters-up-to-6000-20191228-p53nbg.html>

    <https://www.naroomanewsonline.com.au/story/6560171/qld-fire-boss-critical-of-firey-payment/?cs=7179> [↑](#endnote-ref-35)
36. <https://www.dailymail.co.uk/news/article-7823053/Queensland-Premier-Annastacia-Palaszczuk-takes-cruise-45-bushfires-burn-state.html>

    <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/BriefingBook44p/Oceans> [↑](#endnote-ref-36)
37. <https://www.smh.com.au/national/nsw/inexcusable-emergency-services-minister-apologies-for-european-holiday-20200104-p53oqj.html> [↑](#endnote-ref-37)
38. <https://www.smh.com.au/national/nsw/inexcusable-emergency-services-minister-apologies-for-european-holiday-20200104-p53oqj.html> [↑](#endnote-ref-38)
39. <https://www.abc.net.au/news/2020-01-04/david-elliott-admits-his-absence-from-nsw-was-inexcusable/11840360> [↑](#endnote-ref-39)
40. <https://www.dailytelegraph.com.au/news/nsw/nsw-bushfires-labor-leader-jodi-mckay-latest-mp-to-go-on-holiday-during-crisis/news-story/98c00180cee13c521ac2de93b87b18c5> [↑](#endnote-ref-40)
41. <https://www.sbs.com.au/news/anthony-albanese-urges-scott-morrison-to-bring-on-coag-to-deal-with-the-fire-crisis>

    <https://www.theguardian.com/environment/commentisfree/2020/jan/14/the-government-has-been-forced-to-talk-about-climate-change-so-its-taking-a-subtle-and-sinister-approach> [↑](#endnote-ref-41)
42. <https://www.nsw.gov.au/your-government/the-premier/media-releases-from-the-premier/premier-declares-state-of-emergency/>

    <https://www.nsw.gov.au/your-government/the-premier/media-releases-from-the-premier/premier-declares-state-of-emergency-in-nsw/> [↑](#endnote-ref-42)
43. E.g. <https://www.science.org.au/news-and-events/news-and-media-releases/statement-regarding-australian-bushfires> [↑](#endnote-ref-43)
44. e.g. <https://www.smh.com.au/national/our-greatest-security-threat-is-climate-change-so-mobilise-the-adf-20200115-p53rm7.html>; <https://www.thefifthestate.com.au/urbanism/environment/on-the-australia-fires-and-what-comes-next/> [↑](#endnote-ref-44)
45. <https://compasscatholic.org/money-is-not-the-root-of-all-evil/> [↑](#endnote-ref-45)
46. Infrastructure: see clause 29 of <http://www.federalfinancialrelations.gov.au/content/npa/infrastructure/national-partnership/FINAL_Land_Transport_Infrastructure_.pdf>

    Emergency relief payments: <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1920/Quick_Guides/EmergencyManagementDisasterResilience>

    Emergency management: <https://www.smh.com.au/politics/federal/pleas-made-two-years-ago-for-more-federal-funding-for-water-bombers-20200105-p53ozq.html>

    <https://en.wikipedia.org/wiki/National_Aerial_Firefighting_Centre>

    <http://www.nafc.org.au/> While the Commonwealth provides funding for the Aerial Firefighting centre, members and directors do not appear to include Commonwealth representatives. [↑](#endnote-ref-46)
47. <https://www.climatecouncil.org.au/donate-emergency-leaders-for-climate-action/>

    <https://www.theguardian.com/australia-news/2020/jan/04/morrisons-government-on-the-bushfires-from-attacking-climate-lunatics-to-calling-in-the-troops> [↑](#endnote-ref-47)
48. <https://www.smh.com.au/national/nsw/old-trains-repair-backlog-pile-pressure-on-sydney-s-rail-network-20191231-p53nwg.html> [↑](#endnote-ref-48)
49. <https://theconversation.com/scott-morrisons-biggest-failure-in-the-bushfire-crisis-an-inability-to-deliver-collective-action-129437> [↑](#endnote-ref-49)
50. Taking action: <https://www.youtube.com/watch?v=YawagQ6lLrA> [↑](#endnote-ref-50)
51. <https://www.abc.net.au/radio/programs/pm/pm/11828076> [↑](#endnote-ref-51)
52. <https://www.theguardian.com/australia-news/2020/jan/03/victoria-fires-state-of-disaster-declared-as-evacuation-ordered-and-second-man-found-dead> [↑](#endnote-ref-52)
53. <https://www.abc.net.au/news/2020-01-03/scott-morrison-got-bushfire-welcome-he-deserved-says-liberal-mp/11838476>

    <https://www.news.com.au/technology/environment/prime-minister-scott-morrison-harangued-by-locals-in-bushfire-stricken-town-of-cobargo/news-story/a2b40b36bb6400ad3d71dac053ad0f3a> [↑](#endnote-ref-53)
54. <https://www.sbs.com.au/news/pregnant-cobargo-woman-says-scott-morrison-turned-his-back-on-her-pleas-for-help> [↑](#endnote-ref-54)
55. <https://www.theaustralian.com.au/commentary/national-bushfires-emergency-lets-have-a-national-response/news-story/0580de7bf2e89d109fab6cbce307ae8f> [↑](#endnote-ref-55)
56. <https://www.canberratimes.com.au/story/6564017/i-understand-the-frustration-pm-says-government-is-doing-enough/> [↑](#endnote-ref-56)
57. See note (xxv) above. [↑](#endnote-ref-57)
58. <https://www.abc.net.au/news/2020-01-05/fire-response-puts-focus-on-scott-morrison-political-judgement/11841152>

    <https://www.dailymail.co.uk/news/article-7851115/Scott-Morrison-fire-advert-promoting-Government-amidst-bushfires.html> [↑](#endnote-ref-58)
59. Facebook page of Mr David Littleproud, 7.52am, 4 January 2020. It arrived, the first from any politician regarding the fires, in the beagle’s page. The beagle thanked Mr Littleproud for his effort and asked two questions which remain unanswered, despite a reminder. [↑](#endnote-ref-59)
60. <https://www.abc.net.au/news/2020-01-05/fires-nsw-rfs-confirms-updated-number-of-homes-destroyed/11841386> [↑](#endnote-ref-60)
61. <https://www.theguardian.com/australia-news/2020/jan/06/fires-crisis-senior-nsw-liberals-angered-by-pms-claim-state-refused-offers-of-navy-assistance> [↑](#endnote-ref-61)
62. A tweet from the Prime Minister (bold not added!):

    ‘*Today’s cabinet was one of great resolve.*

    *It was one where we stood together and said,****whatever it takes, whatever it costs,****we will ensure the resilience and future of this country and we will do it by investing in the work that needs to be done and we will do it by investing in the greatest asset it has ever had and it is its people, Australians.*

    *We will be investing in them and their future to give them the support they need as we all work together to rebuild after these terrible disasters.*

    <https://www.theguardian.com/australia-news/live/2020/jan/06/nsw-fires-live-updates-victoria-bushfires-south-australia-fire-sa-australian-bushfire-near-me-rfs-cfa-latest-news-morrison?page=with:block-5e12a7618f08c397226456b1> [↑](#endnote-ref-62)
63. <https://www.abc.net.au/news/2020-01-15/bushfire-grants-a-start-say-farmers-but-not-enough/11870600>

    <https://www.macleayargus.com.au/story/6584731/unions-want-disaster-allowance-increased/> [↑](#endnote-ref-63)
64. <https://www.news.com.au/lifestyle/real-life/news-life/bushfire-victim-says-1280-government-relief-payment-a-slap-in-the-face/news-story/f33b1d72ded6123ec2d5a7387d05b044> [↑](#endnote-ref-64)
65. Later updated to: <https://www.abc.net.au/news/2020-01-12/scott-morrison-fires-historic-change-not-one-his-critics-wanted/11861016> [↑](#endnote-ref-65)
66. ‘*the court held that the validity of a law could not depend upon the opinion of a decision-maker. The mere fact that, in the opinion of the Governor-General, a person was a communist and a threat to the nation was not sufficient to trigger the application of the Commonwealth's defence power’*. In abc.net.au/news/2015-06-10/twomey-have-we-forgotten-the-communism-debate-of-the-50s/6534596 [↑](#endnote-ref-66)
67. <https://www.abc.net.au/news/2020-01-16/we-do-not-need-bushfire-royal-commission-this-is-why/11870824> [↑](#endnote-ref-67)
68. <https://johnmenadue.com/david-solomon-a-hidden-agenda/> [↑](#endnote-ref-68)
69. <https://johnmenadue.com/david-solomon-morrisons-scary-words-on-deployment-of-troops/> [↑](#endnote-ref-69)
70. See for example <http://vuir.vu.edu.au/16065/1/Douglas_Jordan_PhD.pdf>

    <https://en.wikipedia.org/wiki/1949_Australian_coal_strike>

    <https://ro.uow.edu.au/cgi/viewcontent.cgi?article=2136&context=alr>

    <https://www.jstor.org/stable/27516355?seq=1> [↑](#endnote-ref-70)
71. See: <https://www.austlii.edu.au/au/journals/MelbULawRw/1992/6.pdf> [↑](#endnote-ref-71)
72. <http://www5.austlii.edu.au/au/journals/MelbULawRw/2008/37.html> [↑](#endnote-ref-72)
73. <http://www.austlii.edu.au/au/journals/CICrimJust/2006/32.pdf>

    <https://www.ag.gov.au/NationalSecurity/Counterterrorismlaw/Pages/ControlOrders.aspx> [↑](#endnote-ref-73)
74. <https://theconversation.com/australia-has-enacted-82-anti-terror-laws-since-2001-but-tough-laws-alone-cant-eliminate-terrorism-123521> [↑](#endnote-ref-74)
75. <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2007/33.html>

    <https://www.theage.com.au/national/kirby-lashes-judges-over-terror-case-ruling-20070803-ge5hwv.html> [↑](#endnote-ref-75)
76. <https://www.ags.gov.au/publications/express-law/el101.pdf> [↑](#endnote-ref-76)
77. <http://www8.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2009/23.html> [↑](#endnote-ref-77)
78. <http://www6.austlii.edu.au/cgi-bin/viewdoc/au/cases/cth/HCA/2014/23.html> [↑](#endnote-ref-78)
79. Examples include:

    ‘operational matters’: <https://www.abc.net.au/pm/content/2013/s3887267.htm>;

    Borderforce: <https://www.abc.net.au/news/2015-08-28/operation-fortitude-cancelled/6733008>];

    Illegal detention: <https://www.abc.net.au/news/2019-10-21/two-australians-held-in-immigration-detention-in-last-12-months/11622198>,

    <https://kaldorcentre.unsw.edu.au/publication/plaintiff-m682015-v-minister-immigration-and-border-protection-ors-2016-hca-1>];

    secret trials: <https://johnmenadue.com/ernst-willheim-secret-trials-in-the-act-courts/>

    raids:<https://theconversation.com/why-the-raids-on-australian-media-present-a-clear-threat-to-democracy-118334>;

    politicisation and downgrading of the public service: <https://www.themandarin.com.au/104258-politicisation-of-departments-incidents-boil-over-as-opposition-puts-aps-on-notice/>]. [↑](#endnote-ref-79)
80. Strongmen: <https://www.latrobe.edu.au/news/articles/2018/opinion/the-rise-of-strongman-politics>

    President Trump: <https://www.bbc.com/news/world-us-canada-50813696>

    Prime Minister Johnson and the Queen: <https://www.bbc.com/news/uk-politics-49810261>

    <https://www.abc.net.au/news/2019-09-25/brexit-boris-johnson-prorogue-parliament-misled-queen/11544668>

    Admiration e.g.: <https://www.theguardian.com/australia-news/2018/sep/17/i-think-we-both-get-it-scott-morrison-professes-admiration-for-trump> [↑](#endnote-ref-80)
81. <https://www.theguardian.com/australia-news/2018/sep/17/i-think-we-both-get-it-scott-morrison-professes-admiration-for-trump>

    <https://www.msn.com/en-au/news/australia/scott-morrison-congratulates-boris-johnson-on-a-resounding-victory-and-asks-him-to-pass-on-a-message-to-quiet-britons/ar-AAK58RN> [↑](#endnote-ref-81)
82. Lee Lin Chin for Wentworth

    The post had been ‘shared’ over 6,000 times by early January 2020.

    The beagle commented: it has unfortunate connotations. Some of these arise from omission from the check-outs of Hindu, Buddhist and Judaism religions - especially if 'Wentworth' refers to an electorate in Sydney's eastern suburbs and the eating of pork (is said to be) frowned upon by Muslims and Jews alike.

    Others arise from a misstatement of religious and employment practices - for example some religions have practices based on the well-known admonition to render unto Caesar what belongs to Caesar, an example of which is reported regarding Pope Francis.

    Then there is the implied personal attack (and typo) of the last sentence which are at best unnecessary and irrelevant if the objection is to proposed legislation i.e.: it should say 'hides his bigotry behind legislation'.

    Almost last is ignorance of modern Australia - say Western Sydney - where, for example the beagle gets its bacon from supermarkets (Coles and Woolworths) via checkouts operated by lovely ladies who wear scarves over their hair and gets pats from men 'of middle-eastern appearance' with bushy beards (who take Friday off).

    Given Ms Lin Chin was a long time SBS presenter, perhaps the intolerant post ascribed to her was a parody? [↑](#endnote-ref-82)
83. <https://factcheck.afp.com/police-figures-show-far-fewer-people-australia-have-been-charged-bushfire-arson> and

    <https://www.abc.net.au/news/2020-01-15/is-arson-mostly-to-blame-for-the-bushfire-crisis/11865724?pfmredir=sm>

    These fact checks, however, should not be interpreted as suggesting there is no arson problem. In NSW a police strikeforce has been established to look into the causes of the fires, and the number of people charged with deliberately lighting bushfires was substantially in excess of that reported by afp – albeit substantially lower than some other claims in the media. The Daily Telegraph reported since August 1, 55 people had been charged with deliberately lighting bushfires, 70 minors had also been charged with fire related offences and that an investigation plan had been established to determine the cause of 1700 bushfires reported, of which 716 were not from natural causes. <https://www.dailytelegraph.com.au/news/nsw/nsw-police-reveal-measures-to-crackdown-on-bushfire-arsonists/news-story/2993007a606a11fbd037bf1bcafe7f64> [↑](#endnote-ref-83)
84. <https://johnmenadue.com/abul-rizvi-where-have-dutton-and-pezzullo-been-hiding/> [↑](#endnote-ref-84)
85. <https://www.theguardian.com/tv-and-radio/2020/jan/17/david-attenborough-calls-australias-bushfires-the-moment-of-crisis-to-address-climate-change>

    <https://theconversation.com/listen-to-your-people-scott-morrison-the-bushfires-demand-a-climate-policy-reboot-129348>

    <https://theconversation.com/some-say-weve-seen-bushfires-worse-than-this-before-but-theyre-ignoring-a-few-key-facts-129391> [↑](#endnote-ref-85)