

Friday 6 March 2015.

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Curriculum Vitae Dr Michael Eburn

I am Australia's leading authority on legal issues relating to emergency services and Australia's emergency management arrangements. I have published extensively in the area and I am the chief investigator on a Bushfire and Natural Hazard CRC funded project on 'Policies, Institutions and Governance of Natural Hazards'.

I am admitted as a legal practitioner and continue to hold a practicing certificate as a Barrister in the ACT.

I have been admitted to the degrees of:

- Bachelor of Commerce and Bachelor of Laws (New South Wales, 1988);
- Bachelor of Arts with Honours (New England, 1995);
- Master of Laws (Newcastle (NSW), 1998);
- Master of Professional Education and Training (Deakin, 2003); and
- Doctor of Philosophy (Monash, 2009).

Prior to joining the ANU College of Law I have worked as:

- An academic (Associate Lecturer, Lecturer then Senior Lecturer) at the School of Law, University of New England, Armidale, NSW (1994-2010);
- A Barrister (Sydney, 1991-1993);
- A Solicitor (Orange NSW, 1993; NSW Health, 1990-1991; Coonamble NSW, 1989-1990); and
- A probationary ambulance officer (NSW Ambulance) (1988).

Projects and grants

I am the chief investigator on the Bushfire and Natural Hazard CRC funded project on 'Policies, Institutions and Governance of Natural Hazards' 2014-2016.

With Professor Stephen Dovers I have completed a three year funded Bushfire Cooperative Research Centre project on *Mainstreaming Fire and Emergency Management Across Legal and Policy Sectors: Joint Research and Policy Learning*. That project has contributed to learning and policy development across the Australian emergency management sector.

In 2010 I completed a study on *Legal preparedness for international disaster response in Australia: Laws, Policies, Planning and Practices* which was published by the International Federation of Red Cross and Red Crescent Societies, as part of their International Disaster Law project. I have recently completed further work on that IDL project by contributing to a report on international progress in implementing the Hyogo Framework for Action (International Federation of Red Cross and Red

Crescent Societies and UN Development Program, *Effective law and regulation for disaster risk reduction: a multi-country report* (Geneva, 2014)).

I have provided consultancy services to a number of state government agencies on issues to do with emergency management.

Other appointments/membership

- Visiting Fellow, Fenner School of Environment and Society.
- Affiliate, the Disaster Development Network, University of Northumbria (UK).
- Member, *Australian Emergency Management Institute* Advisory Board.
- Member, Editorial Advisory Board, the *Australian Journal of Emergency Management*.
- Member, Editorial Board, *Journal of Geography and Natural Hazards*.
- Member, Editorial Board, *Salus Journal* (Australian Graduate School of Policing and Security).
- Member, International Association of Wildland Fire (IAWF).
- Volunteer, NSW State Emergency Service.

Selected Publications

Books

1. *Emergency Law: Rights, liabilities and duties of emergency workers and volunteers* (1st ed 1999; 2nd ed 2005; 3rd ed 2010, 4th ed 2013; The Federation Press, Sydney).
2. *Hayes and Eburn: Criminal Law and Procedure in NSW* (with Robert Hayes, 1st ed 2002, 2nd ed 2005, 3rd ed, 2009; with Rod Howie and Paul Sattler, 4th ed, 2013, Lexis/Nexis Butterworths).
3. *Legal preparedness for international disaster response in Australia: Laws, Policies, Planning and Practices* (2010, International Federation of the Red Cross and Red Crescent Societies, Geneva).

Book chapters

1. 'Bushfires and Australian emergency management law and policy: Adapting to climate change and the new fire and emergency management environment' in Burton, L and Sun, L (eds) *Cassandra's Curse: Law and Foreseeable Future Disasters* (Studies in Law, Politics and Society; Elsevier, at press).
2. 'Managing 'civil contingencies' in Australia' in Clive Walker (ed) *Contingencies, Resilience and Legal Constitutionalism* (Routledge, 2015).
3. 'Disaster Risk Reduction in the Shadow of the Law' in Andrew E. Collins, Samantha Jones, Bernard Manyena and Janaka Jayawickrama (eds) *Hazards, Risks, and Disasters in Society* (Elsevier, 2015, Hazards and Disasters Series)
4. 'Sharing responsibility and community resilience: The role of law in converting policy to action' in Clarke, M and Griffin, G (eds) *Next Generation Disaster Management* (Australian Security Research Centre, 2012).

5. 'International Disaster Law' in Shawkat Alam, Jahid Hossain Bhuiyan, Tareq M.R. Chowdhury and Erika J Techera (eds) *Routledge Handbook of International Environmental Law* (Taylor & Francis/Routledge, Oxford, 2012).

Refereed journal articles

2010-2015:

1. With Dovers S., 'Learning lessons from disasters: alternatives to Royal Commissions and other quasi-judicial inquiries', (2015) *Australian Journal of Public Administration* (Online) DOI: 10.1111/1467-8500.12115
2. With Dovers, S., '[Legal Aspects of Risk Management in Australia](#)' (2014) 4(1) *Journal of Integrated Disaster Risk Management* 61-72.
3. With Dovers, S., 'How chief officers view the measures of success in fire policy and management', (2014) 29(3) *Australian Journal of Emergency Management* 16-21.
4. McLennan, B., Weir, J., **Eburn, M.**, Handmer, J., Dovers, S. and Norman, B., 'Negotiating risk and responsibility through law, policy and planning', (2014) 29(3) *Australian Journal of Emergency Management* 22-28.
5. With McLennan B., 'Exposing hidden value trade-offs; sharing wildfire management responsibility between government and citizens' *International journal of Wildland Fire* (Online early publication).
6. 'Managing 'civil contingencies' in Australia', (2014) 18(2) *International Journal of Human Rights* 143-158, DOI: 10.1080/13642987.2014.889391.
7. 'Do Australian fire brigades owe a common law duty of care? A review of three recent cases' (2013) 3(1) *Victoria University Law and Justice Journal* 65.
8. With Dovers, S 'Mainstreaming Fire and Emergency Management across Legal and Policy Sectors: Preliminary Findings on Measures of Success' (2012) 27(2) *Australian Journal of Emergency Management*, 15-19.
9. With Handmer, J 'Legal Issues and Information on Natural Hazards' (2012) 17 *Local Government Law Journal*, 19-26.
10. With Dovers, S, 'Australian wildfire litigation' (2012) 21(5) *International Journal of Wildland Fire* 488-497.
11. 'The emerging legal issue of failure to warn' (2012) 27(1) *Australian Journal of Emergency Management* 52-55.
12. 'Responding to catastrophic natural disasters and the need for Commonwealth legislation' (2011) 10(3) *Canberra Law Review* 81-102.
13. 'Changes to occupational health and safety laws and the impact on volunteers in the emergency services' (2011) 26(4) *Australian Journal of Emergency Management* 43-47.
14. With Jackman, B 'Mainstreaming fire and emergency management into law' (2011) 28(2) *Environmental and Planning Law Journal* 59-76.
15. 'International Law and Disaster Response' (2010) 36(3) *Monash University Law Review* 162-189.

16. With Bendall, J 'The provision of Ambulance Services in Australia: a legal argument for the national registration of paramedics' (2010) 8(4) *Australasian Journal of Paramedicine* Article 4.
17. 'Media Access to Emergencies - Command, Control or Co-ordination?' (2010) 25(1) *Australian Journal of Emergency Management* 13-17.

Non-refereed publications, policy submissions etc

2010-2015

1. 'Are Fire Brigades Liable for Poor Operational Decisions' (2015) 37(1) *The Bulletin* (Official journal of the Law Society of South Australia), 8-11.
2. With Townsend, R., 'Professional Discipline for Registered Health Professionals: Lessons for Australian Paramedics' (2014) Vol 41 No 3 *Response* (Official Journal of Paramedics Australasia) pp 41-43.
3. With Townsend, R., 'Restricting Paramedic Practice - An Issue of Professional Practice' (2014) 41(2) *Response* (Official Journal of Paramedics Australasia) 33-35.
4. 'Incident Controllers – making decisions in the shadow of the law' (2014) 170 *Phoenix* (Official Journal of the Victoria Emergency Services Association) 17-19.
5. With Townsend, R., 'Crossing the line – the law and ethics of going beyond the wire' (2014) 41(1) *Response* (Official Journal of Paramedics Australasia) 41-42.
6. 'The Role of Law in Disaster Management' (2013) *Journal of Geography and Natural Disasters* 3: e113. doi: 10.4172/2167-0587.1000e113.
7. 'The law of driving under emergency conditions', (2013) 163 *Phoenix*; Official Journal of the Victoria State Emergency Service 24-26.
8. 'Recent Trends in and Preparedness for Extreme Weather Events'. Submission to the Senate Environment and Communication References Committee: Inquiry into Recent Trends in and Preparedness for Extreme Weather Events, 8 January 2013 (Oral evidence given to the Committee 11 April 2013).
9. With Dovers, S, 'Mainstreaming fire and emergency management – What's possible? What's feasible?' (2012) 97 *Fire Note*.
10. With Townsend, R., Submission to the Australian Health Ministers Advisory Council's Consultation Paper: Options for regulation of paramedics, 5 September 2012.
11. 'Background Report - Law and Regulation for the Reduction of Risk from Natural Disasters -in Australia - A National Law Desk Survey September 2012'. Report written for the *International Federation of Red Cross and Red Crescent Societies International Disaster Law project*, 13 September 2012.
12. 'Emergency services and health and safety' (2012) 8(1) *Crisis Response* 10-13
13. 'Protecting those who protect us', (2012) 25(2) *National Emergency Response* 5-7.
14. 'Reforming Victoria's emergency management arrangements: Towards a more disaster resilient and safer Victoria – Who is in charge?' Submission to the Victorian Emergency

Management Reform Green Paper, *Towards a more disaster resilient and safer Victoria*, 30 October 2011.

15. With Dovers, S., 'The Stakes Are High for Australian Emergency Managers' (October 2011) *IAEM Bulletin: Online Edition*, 31, 33.
16. With Dovers, S 'Better understanding needed of legal risks from fires' (Winter 2011) *Australia Fire* 20.
17. With Dovers, S., 'Understanding Fire Law' (2011) 82 *Fire Note*.
18. 'Liability of Volunteers and good Samaritans: making it safe to volunteer or restricting claims for damages?' (2010) 7(2) *Australian Civil Liability* 14-18.



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