



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2021-195

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	Published
4. Additional information identified	No
5. Fees	Waived
6. Processing time (in working days)	35
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

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4 August 2021

FOI Information Officer  
Chief Minister, Treasury and Economic Development  
Directorate  
GPO Box 158  
CANBERRA ACT 2601

**By Email:** CMTEDDfoi@act.gov.au

Dear Sir/Madam

## FOI Application

We act for [REDACTED] in relation to property damage caused by a fire which ignited on 27 January 2020 at or near the Orroral Valley in Namadgi National Park in the ACT. Attached is a copy of our client's authority form and drivers licence.

The fire is commonly referred to as the Orroral Valley fire (**the fire**).

We are instructed that the fire ignited as a result of a search light attached to a helicopter owned and/or operated by the Australian Defence Force coming into contact with vegetation.

We are instructed to make an application under the *Freedom of Information Act 2016* for a copy of the following documents in the possession of the Chief Minister, Treasury and Economic Development Directorate regarding the fire:

- (a) internal memoranda, notebook entries, logs and correspondence relating to any and all requests to the ACT Government for a coronial inquest to be conducted as to the cause of the fire;
- (b) the details of the coronial inquest announced by ACT Chief Coroner Lorraine Walker on 28 July 2021;
- (a) internal memoranda, notebook entries, logs and correspondence relating to any and all claims to the Australian Federal government or its insurers pertaining to compensation for property damage suffered as a consequence of the fire; and
- (b) internal memoranda, notebook entries, logs and correspondence from the ACT Insurance Authority pertaining to property damage caused by the fire.

Please provide us with your bank account and BSB details so that we can arrange for the filing fee to be paid by direct transfer.

We otherwise request that you acknowledge receipt of our FOI request and provide us with copy of the requested documents by return email (if possible) as soon as possible.

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Please feel free to contact us with any queries.

Yours faithfully



Encl



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2021-195

Your ref: [REDACTED]

[REDACTED]

via email: [REDACTED]

Dear [REDACTED]

### **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 4 August 2021, in which you sought access to:

1. Internal memoranda, notebook entries, logs and correspondence relating to any and all requests to the ACT Government for a coronial inquest to be conducted as to the cause of the fire;
2. The details of the coronial inquest announced by ACT Chief Coroner Lorraine Walker on 28 July 2021;
3. Internal memoranda, notebook entries, logs and correspondence relating to any and all claims to the Australian Federal government or its insurers pertaining to compensation for property damage suffered as a consequence of the fire; and
4. Internal memoranda, notebook entries, logs and correspondence from the ACT Insurance Authority (ACTIA) pertaining to property damage caused by the fire.

On 17 August 2021 a notice of Intention to refuse was sent to you stating that the request in its current form would require an unreasonable and substantial diversion of resources pursuant to section 44(1) of the Act.

On 24 August 2021 you returned a modified scope being:

- point 1 of the request be withdrawn;
- point 2 of the request be withdrawn;
- point 3 of the request be amended to read:

*'Claim documentation prepared on behalf of the ACT Government for the ACT Insurance Authority regarding property damage suffered as a result of the fire'; and*

- point 4 of the request be amended to read:

*'Correspondence from the ACT Insurance Authority to the Australian Federal Government regarding property damaged suffered by the ACT Government as a result of the fire.'*



Unfortunately, this did not reduce the number of documents in any real capacity.

On 6 September 2021, following a telephone call with Peter Osbourne from ACTIA, you submitted the following amended and agreed upon scope:

- point 1 of the request be withdrawn;
- point 2 of the request be withdrawn;
- point 3 of the request be withdrawn; and
- point 4 of the request be amended to read:

*‘Correspondence or documents from the ACT Insurance Authority (or the ACT Government) to Comcover (or the Australian Federal Government) regarding the existence of an indemnity for property damaged suffered by or on behalf of the ACT Government as a result of the fire, but excluding:*

- *third party claim substantiation documents; and*
- *documents relating to the quantum of the ACT Government claims only.’*

### **Authority**

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### **Timeframes**

In accordance with section 40 of the Act, CMTEDD was required to provide a decision on your access application by 5 October 2021 however, following on from third party consultations, the due date is now 26 October 2021.

### **Decision on access**

Searches were completed for relevant documents and eight documents were identified that fall within the scope of your request.

I have included as **Attachment A** to this decision the schedule of relevant documents. This provides a description of the documents that fall within the scope of your request and the access decision for those documents.

I have decided to grant access in full to three documents and partial access to five of the documents as I consider them to contain information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as **Attachment B** to this letter.

In accordance with section 54(2) of the Act a statement of reasons outlining my decisions is below.

## Statement of Reasons

In reaching my access decisions, I have taken the following into account:

- the Act; and,
- the content of the documents that fall within the scope of your request.

## Exemption claimed

My reasons for deciding not to grant full access to the identified documents are as follows:

Information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act

### Public Interest

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lie. As part of this process, I must consider factors favouring disclosure and non-disclosure.

In *Hogan v Hinch* (2011) 243 CLR 506, [31] French CJ stated that when ‘used in a statute, the term [public interest] derives its content from “the subject matter and the scope and purpose” of the enactment in which it appears’. Section 17(1) of the Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the Act.

Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the ‘public interest’.

### Factors favouring disclosure in the public interest:

*(a) disclosure of the information could reasonably be expected to do any of the following:*

*(i) promote open discussion of public affairs and enhance the government’s accountability*

*(ii) contribute to positive and informed debate on important issues or matters of public interest*

I consider that disclosing the contents of the information sought would significantly contribute to open discussion and informed debate on the matters contained in the documents including the process of working towards the return of the Namadgi Visitors Centre and Birrigai Outdoor School to functionality. The release of this information would help to create positive and informed debate on issues of importance to the public following on from the Orroral Valley fire of January 2020.

I am satisfied that these are relevant considerations favouring disclosure in this case, and in the interests of enhancing transparency and accountability, I afford them significant weight.

I also note the FOI Act has an express pro-disclosure bias which reflects the importance of public access to government information for the proper working of a representative democracy. This concept is promoted through the objects of the FOI Act. I have considered this overarching concept in making my decision in relation to access.

Factors favouring nondisclosure in the public interest:

(a) *disclosure of the information could reasonably be expected to do any of the following:*

(ii) *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004*

I consider that the protection of an individual's right to privacy, especially in the course of dealings with the ACT Government is a significant factor as the parties involved have provided their personal contact information for the purposes of working with the ACT Government. I have considered this information and in my opinion the protection of these individuals' personal details (such as names personal signatures which are not publicly available) outweighs the benefit which may be derived from releasing them. I consider that these individuals are entitled to expect that the personal information they have supplied as part of this process to the ACT Government will be dealt with in a manner that protects their privacy.

Having applied the test outlined in section 17 of the Act and deciding that release of personal information contained in the documents is not in the public interest to release, I have chosen to redact this specific information in accordance with section 50(2). Noting the pro-disclosure intent of the Act, I am satisfied that redacting only the information that I believe is not in the public interest to release will ensure that the intent of the Act is met and will provide you with access to the majority of the information held by CMTEDD within the scope of your request.

### **Charges**

Processing charges are not applicable for this request because the number of pages to be released to you is below the charging threshold of 50 pages.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published on the CMTEDD disclosure log 3 days after the date of my decision. Your personal contact details will not be published.

You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

**ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,



Katharine Stuart  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate

26 October 2021



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## FREEDOM OF INFORMATION REQUEST SCHEDULE

WHAT ARE THE PARAMETERS OF THE REQUEST	Reference NO.
Correspondence or documents from the ACT Insurance Authority (or the ACT Government) to Comcover (or the Australian Federal Government) regarding the existence of an indemnity for property damaged suffered by or on behalf of the ACT Government as a result of the fire, but excluding: <ul style="list-style-type: none"><li>- third party claim substantiation documents; and</li><li>- documents relating to the quantum of the ACT Government claims only.</li></ul>	CMTEDD 2021-195

Ref No	Page number	Description	Date	Status	Reason for Exemption	Online Release Status
1	1	Email chain	10-Dec-2020	Full release	N/A	Yes
2	2-4	Email chain	1-Dec-2020	Partial release	Out of Scope	Yes
3	5	Email chain	9-Jul-2020	Full release	N/A	Yes
4	6	Email	22-Jun-2020	Partial release	Out of Scope	Yes
5	7	Letter as attachment to above email	22-Jun-2020	Partial release	Sch 2 s2.2(a)(ii)	Yes
6	8	Email	18-Jun-2020	Partial release	Out of Scope	Yes
7	9-19	Email chain	27-May-2020	Partial release	Out of Scope	Yes
8	20-22	Email chain	1-Apr-2020	Full release	N/A	Yes
Total No of Docs						
8						

**From:** "Strachan, Shaun"  
**Sent:** 10/12/2020 7:25 AM  
**To:** "Jaggers, Andrew" <Andrew.Jaggers@finance.gov.au>  
**Cc:** "Danks, Andrew" <Andrew.Danks@finance.gov.au>  
**Subject:** Re: ACT Orroral Valley bushfire main claim [SEC=OFFICIAL]

Andrew many thanks for the update and assistance provided with the claims. I also look forward to catching up next week.

Thanks

Shaun

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**From:** Jaggers, Andrew <Andrew.Jaggers@finance.gov.au>

**Sent:** Thursday, December 10, 2020 6:17:32 PM

**To:** Strachan, Shaun <Shaun.Strachan@act.gov.au>

**Cc:** Danks, Andrew <Andrew.Danks@finance.gov.au>

**Subject:** ACT Orroral Valley bushfire main claim [SEC=OFFICIAL]

**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

**SEC=OFFICIAL**

Hello Shaun

I am pleased to update you on the Department of Finance's (Comcover) assessment of the claims emanating from the Orroral Valley fire of January 2020.

The claims related to the [Namadgi Visitor Centre](#) and the [Birrigai Outdoor School](#) have both been finalised. A payment of \$145,508.08 has already been made to ACTIA covering both of these matters consistent with the ACTIA's assessor recommendations.

The main claim has been accepted consistent with the recommendations of the ACTIA quantity surveyor to a total of \$8,250,196.96 GST exclusive. As agreed with ACTIA, payments will be made in due course as they are incurred. The final claim for around \$515,000 for road infrastructure will be completed as soon as the required information is received from the ACTIA assessor. I understand the focus to date has been on settling the main claim, and I can assure you Finance will finalise its work on the outstanding claim as soon as we receive the requested information. I look forward to catching up with you on 17 December 2020.

Regards

Andrew

**SEC=OFFICIAL**

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Finance Australian Business Number (ABN): 61 970 632 495  
Finance Web Site: [www.finance.gov.au](http://www.finance.gov.au)

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**From:** "Shields, Penny" <Penny.Shields@act.gov.au>  
**Sent:** 01/12/2020 11:45 PM  
**To:** [REDACTED]@finance.gov.au>  
**Cc:** [REDACTED]@finance.gov.au>; "Osborne, Peter" <Peter.Osborne@act.gov.au>  
**Subject:** RE: ACT Bushfire Claim - UPDATE [SEC=OFFICIAL]

OFFICIAL

Hi [REDACTED]

I have just spoken with [REDACTED] and we have arranged to discuss further on Tuesday next week.

The Deputy Under Treasurer and I are meeting with Andrew Jagers the week following, so it would be great to have a thorough understanding of where things are up to prior to that meeting – particularly the issue of depreciation.

Look forward to speaking with you on Tuesday.

Many Thanks,

**Penny Shields | General Manager**

PHONE: (02) 6207 0268 | FAX: (02) 6207 0301 | MOBILE: 0435 051 672 | [penny.shields@act.gov.au](mailto:penny.shields@act.gov.au)

**ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 3 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** [REDACTED]@finance.gov.au>  
**Sent:** Wednesday, 2 December 2020 8:27 AM  
**To:** Shields, Penny <Penny.Shields@act.gov.au>  
**Cc:** [REDACTED] Osborne, Peter <Peter.Osborne@act.gov.au>  
**Subject:** FW: ACT Bushfire Claim - UPDATE [SEC=OFFICIAL]

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SEC=OFFICIAL

Good morning Penny

We received an out-of-office notice for you – we understand that you are now back in the office.

Can we arrange a time to touch base with you about the email below please?

With thanks, [REDACTED]

SEC=OFFICIAL

**From:** [REDACTED]  
**Sent:** Monday, 30 November 2020 12:03 PM  
**To:** 'Shields, Penny' <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>  
**Cc:** Osborne, Peter <[Peter.Osborne@act.gov.au](mailto:Peter.Osborne@act.gov.au)>; [REDACTED] <[\[REDACTED\]@finance.gov.au](mailto:[REDACTED]@finance.gov.au)>  
**Subject:** ACT Bushfire Claim - UPDATE [SEC=OFFICIAL]

SEC=OFFICIAL

Good afternoon Penny

We just left a phone message for you.

We are sincerely apologetic for the delay in being able to confirm a quantum and payment arrangements.

There have been a variety of tasks undertaken internal to government, and we were asked to wait the outcome of those processes. We chased them diligently. So you know, a public announcement is expected this week in relation to the event.

Noting that outcome, we can confirm that the costs for the various aspects of the claim – incorporating clean-up, replacement and rebuilding of Park infrastructure, helicopter flights, and all of the building works and management fees – are all covered as claimed. There are just two issues to note:

- As discussed with the assessor, Comcover pays on a GST exclusive basis. Noting that the ACT Government will purchase the items direct (i.e. will be charged GST at the time of purchase, with the invoice issued in the ACT Government's name), it will therefore already have paid GST and be able to directly claim back the input tax credits. There is therefore no basis for Comcover to also pay GST on the items.
- Comcover is also making a small allowance for depreciation – while usually applying between 30% to 40%, we are applying only a 15% discount for depreciation only across the whole of the claim. This is done noting the severity of the fire event, the circumstances of the fire event, the fact that it impacted approximately 90% of infrastructure and assets within the Park, and the variable stages of life of the various pieces of infrastructure.

We are able to send you a spreadsheet etc with the outcome. In summary:

- from the quantity surveyor's report, the claim was valued at \$9,075,216.66
- we have deducted an amount of \$425,682.41 to allow for the application of depreciation across items 5 to 18 as listed in the quantity surveyor's report (I note that we have not applied the 15% depreciation to items such as the clean-up, the fencing, or the major works program related to the reconstruction of the numerous footbridges) and
- of this balance, we have then deducted GST given this cannot be applied twice.

The total claim value based on information provided to-date is therefore: \$7,824,514.55.

We would welcome discussing this outcome with you – noting we can make payments promptly from now on.

We note that our new Assistant Secretary, Rachel Antone, has been briefed on this claim. Rachel has consulted with her senior colleagues on this outcome. Rachel would welcome discussing the claim with you at any time.

Thanks, [REDACTED]

[REDACTED]

[REDACTED] | Director  
Comcover Claims Team, Risk & Claims Branch  
Commercial & Government Services  
Department of Finance  
**T:** [REDACTED]  
**E:** [REDACTED]  
**A:** One Canberra Avenue, Forrest ACT 2603



**SEC=OFFICIAL**

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Finance Australian Business Number (ABN): 61 970 632 495  
Finance Web Site: [www.finance.gov.au](http://www.finance.gov.au)

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**From:** "Strachan, Shaun"  
**Sent:** 09/07/2020 7:56 AM  
**To:** "Jaggers, Andrew" <Andrew.Jaggers@finance.gov.au>  
**Cc:** "Danks, Andrew" <Andrew.Danks@finance.gov.au>; "Nicol, David" <David.Nicol@act.gov.au>  
**Subject:** Re: draft words [SEC=UNCLASSIFIED]

Andrew

Much appreciated and we will reflect this directly in our response.

Thanks

Shaun.

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**From:** Jaggers, Andrew <Andrew.Jaggers@finance.gov.au>

**Sent:** Thursday, July 9, 2020 5:53 pm

**To:** Strachan, Shaun

**Cc:** Danks, Andrew

**Subject:** draft words [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Shaun - this is how we would describe the claim:

The Australian Government has accepted a compensation claim from the ACT Government in relation to damage caused by the ACT Bushfires in early 2020. The claim is under assessment.

Regards

Andrew

UNCLASSIFIED

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Finance Web Site: [www.finance.gov.au](http://www.finance.gov.au)  
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**From:** [REDACTED]@finance.gov.au>  
**Sent:** 22/06/2020 3:24 AM  
**To:** "Strachan, Shaun" <Shaun.Strachan@act.gov.au>  
**Cc:** "Comcoverclaims" <Comcoverclaims@finance.gov.au>; "Osborne, Peter" <Peter.Osborne@act.gov.au>; "Shields, Penny" <Penny.Shields@act.gov.au>  
**Subject:** Letter - Claims [SEC=UNCLASSIFIED]  
**Attachments:** Letter - ACTIA - Bushfire claims - signed.pdf

UNCLASSIFIED

FOR-OFFICIAL-USE-ONLY

Mr Strachan

Please note attached letter, following a conversation with Mr Osborne and Ms Shields last week.

Thanks, [REDACTED]

[REDACTED]

[REDACTED] | Director  
Comcover Claims  
Risk & Claims Branch  
Department of Finance  
E: Comcoverclaims@finance.gov.au

UNCLASSIFIED

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## Australian Government

### Department of Finance

Mr Shaun Strachan  
Deputy Under Treasurer  
Commercial Services and Infrastructure  
Chief Minister, Treasury and Economic Development  
GPO Box 158  
CANBERRA ACT 2601

Sent via email: [Shaun.Strachan@act.gov.au](mailto:Shaun.Strachan@act.gov.au)  
[Peter.Osborne@act.gov.au](mailto:Peter.Osborne@act.gov.au)  
[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)

Mr Strachan

I am writing to confirm that the claims arising in relation to the 27 January 2020 bushfire in the Namadgi National Park – referred to separately as the Roads Claim, the National Parks Claim, the Namadgi Visitor Centre Claim, and the Birrigai Outdoor School Claim – are all covered under Comcover's *Statement of Cover*.

As previously advised, all reasonable costs incurred in relation to the above claims will be reimbursed by Comcover.

I note that all relevant information regarding the Namadgi Visitor Center, and Birrigai Outdoor School claims has been provided to Comcover. These claims will be finalised this week, with payment to be made in early July.

I look forward to working with the Australian Capital Territory Insurance Authority in resolving the remainder of the claims.

Yours sincerely

Sebar, Gareth

Schedule 2.2(a)(ii)

2020.06.22

11:31:51 +10'00'

Gareth Sebar  
Assistant Secretary  
Risk and Claims Branch  
22 June 2020



**From:** "Shields, Penny" <Penny.Shields@act.gov.au>  
**Sent:** 18/06/2020 9:09 AM  
**To:** "Sebar, Gareth" <Gareth.Sebar@finance.gov.au>; [REDACTED]  
[REDACTED]@finance.gov.au>  
**Cc:** "Osborne, Peter" <Peter.Osborne@act.gov.au>  
**Subject:** ACT Bushfire Claim

UNCLASSIFIED Sensitive

Hi Gareth and [REDACTED]

Thank you again for your time this morning to discuss the Territory's 4 current bushfire claims.

ACTIA acknowledge Comcover's position not to initiate any interim payments and the need for invoices to be produced for payments to commence in relation to these claims.

As discussed, we would appreciate formal written correspondence (letter) from Comcover confirming liability has been accepted for each of these claims. In addition, any further detail you can include such as plans for payment (i.e. upon receipt of invoice) would be greatly appreciated.

In relation to the Namadgi National Park and Roads claims, we understand that you will be utilising the Quantity Surveyor's finalised report as a basis to determine reasonable costs. If you could also confirm this in your correspondence it would be appreciated.

As discussed, it would be ideal for ACTIA to receive this correspondence this week.

In the meantime, we will ensure Comcover are in receipt of all available invoices in relation to these claims so that payments can commence. If you require any further details to enable this to occur, please let me know.

I wanted to take the opportunity to again thank you both for your time, ongoing open communication and collaboration with ACTIA in relation to these matters. Both Peter and I have appreciated your willingness to discuss all aspects of the claims and their ongoing management.

Kind Regards,

**Penny Shields | General Manager**

PHONE: (02) 6207 0268 | FAX: (02) 6207 0301 | MOBILE: 0435 051 672 | [penny.shields@act.gov.au](mailto:penny.shields@act.gov.au)

**ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government**

Level 3 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)

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**From:** "Sebar, Gareth" <Gareth.Sebar@finance.gov.au>  
**Sent:** 27/05/2020 4:01 AM  
**To:** "Shields, Penny" <Penny.Shields@act.gov.au>; [REDACTED]  
<[REDACTED]@finance.gov.au>  
**Cc:** "Osborne, Peter" <Peter.Osborne@act.gov.au>; "Strachan, Shaun" <Shaun.Strachan@act.gov.au>; [REDACTED]@finance.gov.au  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Shaun

Noting your phone call to my colleague, [REDACTED] I confirm that the claims arising from the recent bushfires – specifically the Roads Claim, the National Parks Claim, the Namadgi Visitor Centre Claim, and the Birrigai Outdoor School Claim – have all been accepted for cover under Comcover's *Statement of Cover*.

All reasonable costs incurred in relation to the claims will be met by Comcover, noting that such costs will be subject to the review and verification by appointed assessors.

We will continue to work with Peter and Penny to resolve these issues.



**Gareth Sebar** | Assistant Secretary  
Risk and Claims Branch  
Procurement and Insurance Division  
Department of Finance  
**T:** 02 6215 3516 | **M:** [REDACTED]  
**E:** [Gareth.Sebar@finance.gov.au](mailto:Gareth.Sebar@finance.gov.au)  
**A:** One Canberra Avenue, Forrest ACT 2603

UNCLASSIFIED

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**From:** Shields, Penny <Penny.Shields@act.gov.au>  
**Sent:** Friday, 22 May 2020 5:56 PM  
**To:** [REDACTED]@finance.gov.au; Sebar, Gareth <Gareth.Sebar@finance.gov.au>  
**Cc:** Osborne, Peter <Peter.Osborne@act.gov.au>; Strachan, Shaun <Shaun.Strachan@act.gov.au>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED] and Gareth,

I am following up on the below correspondence in relation to the ACT Bushfire Claim.

I would be grateful if you could provide an update on Comcover's position at your earliest convenience.

Kind Regards,

**Penny Shields** | General Manager  
PHONE: (02) 6207 0268 | FAX: (02) 6207 0301 | MOBILE: 0435 051 672 | [penny.shields@act.gov.au](mailto:penny.shields@act.gov.au)  
**ACT Insurance Authority** | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Level 3 Canberra Nara Centre | GPO Box 158 Canberra ACT 2601 | [www.act.gov.au](http://www.act.gov.au)



**From:** Shields, Penny

**Sent:** Wednesday, 20 May 2020 6:18 PM

**To:** [REDACTED]@finance.gov.au>

**Cc:** Osborne, Peter <Peter.Osborne@act.gov.au>; Shaun Strachan (Shaun.Strachan@act.gov.au) <Shaun.Strachan@act.gov.au>

**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED]

Thank you for your email and time on the phone earlier this week.

As discussed, we would like to see resolution of these claims as quickly as possible and seek from Comcover an indicative agreement and timeframe in which we can expect resolution and payment of agreed monies.

As you have noted, the reports provided are the initial reports, and as such in some instances, there is limited supporting documentation or formal quotes at this time that we can provide to you. In addition, whilst we consider it unlikely at this time, there is always the potential that further damage or costs are identified as we move forward resulting in a further claim, particularly given the remote location of some of the damaged areas.

In relation to the specific queries you have raised:

#### **Roads Claim**

- As you have noted, the Crawford's report is an initial report only and the figure of \$515k is a preliminary estimate and represents the assessor's initial view based on the information currently available.
- ANSWER TO QUERY: ACTIA asks that Comcover recognise the figure of \$515k and confirm agreement to cover the costs when the final amount can be confirmed. In the alternative, ACTIA would ask that Comcover make an indicative initial payment, noting that the final amount could potentially be higher or lower.
- RESPONSE TO REQUEST: As stated, the information currently to hand is an initial assessment only. Once detailed information becomes available we will forward this to Comcover.

#### **National Parks Claim**

- As with the Roads Claim, the Crawford's report is an initial report only and as such Crawford have recommended a reserve based on their initial assessments. A more precise figure will emerge when the Quantity Surveyor's findings become available.
- ANSWER TO QUERY 1: Neither option has been formally agreed at this stage. Subject to Comcover's agreement, ACTIA's intention would be to appoint a Quantity Surveyor to work with Crawford to advise on the reasonableness or otherwise of the amounts claimed with a view to agreeing an appropriate cash settlement.
- ANSWER TO QUERY 2: ACTIA asks that Comcover recognise the figure of \$10million and confirm agreement to cover the costs when the final amount can be confirmed. In the alternative, ACTIA would ask that Comcover make an indicative initial payment, noting that the final amount could potentially be higher or lower.

- **RESPONSE TO REQUEST:** As stated, the information currently to hand is an initial assessment only. Once detailed information from the Quantity Surveyor becomes available we will forward this to Comcover.

#### **Namadgi Visitor Centre Claim**

- **RESPONSE TO REQUEST:** ACTIA has requested the cleaning quotes and will forward as soon as we receive them.

#### **Birrigai Outdoor School**

- This claim is not mentioned in your email of 18 May, however details were provided to Gareth Sebar by email on 1 May by ACTIA.
- Current estimate on this claim is \$25,000.
- Please let ACTIA know if you require any further details in relation to this claim.

Please feel free to contact me directly should you have any further questions.

I look forward to receiving confirmation of Comcover's position in relation to these claims.

Kind Regards,

**Penny Shields | General Manager**

PHONE: (02) 6207 0268 | FAX: (02) 6207 0301 | MOBILE: 0435 051 672 | [penny.shields@act.gov.au](mailto:penny.shields@act.gov.au)

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**From:** <[REDACTED]@finance.gov.au>

**Sent:** Monday, 18 May 2020 4:59 PM

**To:** Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>

**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

**UNCLASSIFIED**

FOR-OFFICIAL-USE-ONLY

Hi Penny

It was really good to speak with you.

I have summarised the queries below – I am very happy to provide any additional information.

I have provided the information in relation to the three separate claims in relation to this event.

#### **Roads Claim**

- The Crawford assessor report for this claim is dated 6 April 2020.
- It recommends an estimate of \$315k (for damages) and \$200k (for BI) – a total of \$515k.
- We query if this is a first report only – that is, whether the report just provides information that summarises the enquiries undertaken to date and proposes a preliminary reserve only. The report includes statements



suggesting it may be a preliminary report only, such as paragraph 1.1 “acquaint you with our enquiries to-date”.

- Related to this, it is not clear if the figure of \$515k is an preliminary estimate or a final estimate. This is particularly in reference to information in the report that indicates that 82% of the Park was destroyed.
- More generally, none of the amounts in the report are supported by any documentation (which is not unusual for a first report which is about providing initial observations and establishing a preliminary reserve only).
- QUERY: Are you asking if we will (a) accept/confirm a payment of \$515k, or (b) recognise this as a precautionary reserve only noting that the amount could increase?
- REQUEST: Can you provide information to support the request for \$515k – that is, can you please provide more detailed information which we can review in our assessment of the figures please?

#### **National Parks Claim**

- The Crawford assessor report for this claim is dated 24 April 2020.
- It recommends a reserve of \$10 million, noting that the first page of the report indicates this is the limit of liability.
- The Crawford report also identifies that the recovery costs are in excess of \$10 million – refer page 12 which indicates that costs of \$10,272,579 have been incurred based on an extrapolation methodology.
- QUERY: Referring to page 10, can you advise if you have confirmed implementing Option 1 (an amount calculated based on an extrapolated methodology) or Option 2 (to undertake a comprehensive, formally costed assessment for every asset which is estimated at taking 18 months to prepare)?
- QUERY: Are you seeking reimbursement to the limit of \$10 million? What about the additional costs that are being incurred (i.e. the amount of \$10,272,579)?
- Similar to above, none of the amounts in the table at pages 11 and 12 are supported by any documentation.
- REQUEST: Can you provide information to support the request for \$10 million – that is, can you please provide more detailed information we can review in our assessment of the claim? I note that the Crawford reports refers to the appointment of a Quantity Surveyor – if this has occurred, then the information should become readily available.

#### **Namadgi Visitor Centre Claim**

- The Crawford assessor report for this claim is dated 20 March 2020.
- It recommends a reserve of \$90,000, noting that the first page of the report indicates this is the limit of liability.
- The claim is supported by two quotes: (a) \$31,000 for the purchase and installation of a rainwater tank at Riverview Cottage, and (b) \$38,750 for the purchase and installation of a rainwater tank at the Namadgi Visitor Centre plus some safeguards to the stormwater system.
- The assessor report also refers to two cleaning quotes valued at \$20,000.
- The total value of the claim is therefore  $\$31,000 + \$38,750 + \$20,000 = \$89,750$ .
- REQUEST: For completeness, can I please obtain copies of the cleaning quotes.

Happy to discuss.

Thanks, [REDACTED]

[REDACTED]

[REDACTED] | Director  
Comcover Claims Team, Risk & Claims Branch  
Commercial & Government Services  
Department of Finance  
T: [REDACTED]  
E: [REDACTED]  
A: One Canberra Avenue, Forrest ACT 2603

UNCLASSIFIED

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**From:** [REDACTED]  
**Sent:** Monday, 18 May 2020 2:48 PM  
**To:** 'Shields, Penny' <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Penny

Just checking when you are free to chat about this claim.

Thanks, [REDACTED]

[REDACTED]

[REDACTED] Director  
Comcover Claims Team, Risk & Claims Branch  
Commercial & Government Services  
Department of Finance  
T: [REDACTED]  
E: [REDACTED]  
A: One Canberra Avenue, Forrest ACT 2603

---

**From:** Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>  
**Sent:** Friday, 15 May 2020 2:43 PM  
**To:** [REDACTED] <[\[REDACTED\]@finance.gov.au](mailto:[REDACTED]@finance.gov.au)>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED]

After or around 3:30pm is fine.

Kind Regards,

**Penny Shields | General Manager**

PHONE: (02) 6207 0268 | FAX: (02) 6207 0301 | MOBILE: 0435 051 672 | [penny.shields@act.gov.au](mailto:penny.shields@act.gov.au)

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**From:** [REDACTED] <[REDACTED]@finance.gov.au>

**Sent:** Friday, 15 May 2020 2:38 PM

**To:** Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>

**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Good afternoon Penny

I am in calls until 3:30pm but can readily call you on your mobile after that time.

Would that be convenient for you please?

Many thanks, [REDACTED]

UNCLASSIFIED

UNCLASSIFIED

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**From:** Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>

**Sent:** Friday, 15 May 2020 1:56 PM

**To:** [REDACTED] <[REDACTED]@finance.gov.au>

**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi [REDACTED]

I just tried to give you a call to discuss however you were unavailable.

If you wouldn't mind giving me a call later today on my mobile – 0435 051 672 – that would be great.

Kind Regards,

**Penny Shields | General Manager**

PHONE: (02) 6207 0268 | FAX: (02) 6207 0301 | MOBILE: 0435 051 672 | [penny.shields@act.gov.au](mailto:penny.shields@act.gov.au)

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**From:** [REDACTED] <[REDACTED]@finance.gov.au>

**Sent:** Friday, 15 May 2020 11:51 AM

**To:** Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>

**Subject:** FW: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Penny

Hope to speak with you about this claim and next steps.

Many thanks, [REDACTED]

[REDACTED]

[REDACTED] | Director

Comcover Claims Team, Risk & Claims Branch  
Commercial & Government Services  
Department of Finance

T: [REDACTED]

E: [REDACTED]

A: One Canberra Avenue, Forrest ACT 2603

UNCLASSIFIED

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**From:** Osborne, Peter <[Peter.Osborne@act.gov.au](mailto:Peter.Osborne@act.gov.au)>

**Sent:** Friday, 15 May 2020 11:25 AM

**To:** Sebar, Gareth <[Gareth.Sebar@finance.gov.au](mailto:Gareth.Sebar@finance.gov.au)>

**Cc:** [REDACTED] <[\[REDACTED\]@finance.gov.au](mailto:[REDACTED]@finance.gov.au)>; Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>

**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Gareth

Further to our previous correspondence, I have been contacted by ACT Parks & Conservation Service about this matter.

As the Covid-19 restrictions are eased, they are anticipating that they will come under pressure from the public to open the Namadgi National Park and so would like to start the remedial works to enable this as soon as possible.

Do you anticipate any issues with this? We can arrange to have all the works run through Crawfords if that will assist.

Happy to discuss.

Best wishes

Peter

---

Peter Osborne | Assistant General Manager

Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714

ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government

Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

---

**From:** Osborne, Peter

**Sent:** Friday, 8 May 2020 2:34 PM

**To:** Sebar, Gareth <[Gareth.Sebar@finance.gov.au](mailto:Gareth.Sebar@finance.gov.au)>



**Cc:** [REDACTED] <[REDACTED]@finance.gov.au>; Shields, Penny <Penny.Shields@act.gov.au>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Gareth

Thanks for your time on the phone earlier.

Attached is the initial assessor's report for the damage to the Namadgi Visitor Centre, together with copies of the quotations discussed in the report.

Please let me know if you need any further details.

Best wishes

Peter

---

Peter Osborne | Assistant General Manager  
Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714  
ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

---

**From:** Osborne, Peter  
**Sent:** Friday, 8 May 2020 12:14 PM  
**To:** Sebar, Gareth <Gareth.Sebar@finance.gov.au>  
**Cc:** [REDACTED] <[REDACTED]@finance.gov.au>; Shields, Penny <Penny.Shields@act.gov.au>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Gareth

Thanks for your email.

I am writing to see how your review of the Crawfords reports is going.

Please let me know if there is any assistance that you need from our end.

Best wishes

Peter

---

Peter Osborne | Assistant General Manager  
Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714  
ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

---

**From:** Sebar, Gareth <Gareth.Sebar@finance.gov.au>  
**Sent:** Monday, 4 May 2020 10:26 AM

**To:** Osborne, Peter <[Peter.Osborne@act.gov.au](mailto:Peter.Osborne@act.gov.au)>  
**Cc:** [REDACTED] <[REDACTED]@finance.gov.au>; Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks for these Peter.

We'll come back to you later this week on the below information.

Gareth

UNCLASSIFIED

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**From:** Osborne, Peter <[Peter.Osborne@act.gov.au](mailto:Peter.Osborne@act.gov.au)>  
**Sent:** Friday, 1 May 2020 3:17 PM  
**To:** Sebar, Gareth <[Gareth.Sebar@finance.gov.au](mailto:Gareth.Sebar@finance.gov.au)>  
**Cc:** [REDACTED] <[REDACTED]@finance.gov.au>; Shields, Penny <[Penny.Shields@act.gov.au](mailto:Penny.Shields@act.gov.au)>  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Gareth

Further to our correspondence regarding the Namadgi bushfire, I am writing to advise that we have now received the initial reports from Crawfords, the loss assessors engaged on this claim.

Copies of the reports are attached for your review. I am happy to discuss next steps once you have had the opportunity to consider them.

ACTIA has received a total of four claims from this fire to date, details as follows -

Damage to Parks & Conservation assets, our reference PD19/0075. Current estimate \$10,000,000. Crawfords initial report attached (TOL1673102R1-C.pdf)

Damage to Roads ACT assets, our reference PD19/0088. Current estimate \$515,000. Crawfords initial report attached (TOL1677877R1-C.pdf)

Damage to Namadgi Park Visitor Centre, our reference PD19/0080. Current estimate \$90,000. Report outstanding  
Loss of income, Birrigai Outdoor School, our reference PD19/0084. Current estimate \$25,000. Because of the low value of this claim we would usually deal with the agency direct, but are happy to engage Crawfords if you prefer.

ACTIA does not expect to receive any further claims in respect of this matter.

Best wishes

Peter

---

Peter Osborne | Assistant General Manager  
Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714  
ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

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**From:** Osborne, Peter  
**Sent:** Wednesday, 1 April 2020 4:36 PM

**To:** Sebar, Gareth  
**Cc:** [REDACTED]  
**Subject:** RE: ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Gareth

Thanks very much for your prompt response.

We don't yet have a report from our assessors, although they have been providing verbal updates to our Claims Manager.

I anticipate that we should receive an initial report in the near future. I suggest that we forward this to you on receipt and agree with you the best way forward.

I will let you know about timescales etc as soon as I am aware of them.

All the best

---

Peter Osborne | Assistant General Manager  
Phone: 02 6205 2774 | Fax: 02 6207 0301 | Mobile: 0415 109 714  
ACT Insurance Authority | Chief Minister, Treasury and Economic Development Directorate | ACT Government  
Canberra Nara Centre, 1 Constitution Ave Canberra ACT 2601 | GPO Box 158 Canberra ACT 2601 | <http://apps.treasury.act.gov.au/insurance-and-risk-management>

---

**From:** Sebar, Gareth <[Gareth.Sebar@finance.gov.au](mailto:Gareth.Sebar@finance.gov.au)>  
**Sent:** Wednesday, 1 April 2020 3:05 PM  
**To:** Osborne, Peter <[Peter.Osborne@act.gov.au](mailto:Peter.Osborne@act.gov.au)>  
**Cc:** [REDACTED] <[\[REDACTED\]@finance.gov.au](mailto:[REDACTED]@finance.gov.au)>  
**Subject:** ACT Bushfire Claim [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Peter

As discussed, if you can provide us with whatever information you currently have from your assessors, or an understanding of where the assessment process is up to, we can then discuss who will continue the assessment, and the process for payment.

As I indicated, our preference is to deal with ACTIA directly rather than through your insurers. If you or your team have any questions, give Gabie or I a call.

Thanks



**Gareth Sebar** | Assistant Secretary  
Risk and Claims Branch  
Procurement and Insurance Division  
Department of Finance  
**T:** 02 6215 3516 | **M:** [REDACTED]  
**E:** [Gareth.Sebar@finance.gov.au](mailto:Gareth.Sebar@finance.gov.au)



UNCLASSIFIED

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Finance Web Site: [www.finance.gov.au](http://www.finance.gov.au)

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**From:** "Strachan, Shaun"  
**Sent:** 01/04/2020 1:46 AM  
**To:** "Jagers, Andrew" <Andrew.Jagers@finance.gov.au>  
**Cc:** "Sebar, Gareth" <Gareth.Sebar@finance.gov.au>; "Hunt, Nicholas" <Nicholas.Hunt@finance.gov.au>  
**Subject:** RE: Recent Namadgi Bush Fire [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Andrew,

Many thanks for the email and we look forward to working with your team on this matter in resolving.

Regards

Shaun.

---

**From:** Jagers, Andrew <Andrew.Jagers@finance.gov.au>  
**Sent:** Wednesday, 1 April 2020 12:15 PM  
**To:** Strachan, Shaun <Shaun.Strachan@act.gov.au>  
**Cc:** Sebar, Gareth <Gareth.Sebar@finance.gov.au>; Hunt, Nicholas <Nicholas.Hunt@finance.gov.au>  
**Subject:** RE: Recent Namadgi Bush Fire [SEC=UNOFFICIAL]

UNOFFICIAL

Hi Shaun – thanks for the e-mail. We are happy to discuss this matter further and work towards a resolution – Gareth Sebar manages Comcover and he will be in touch with Peter.

Regards

Andrew

UNOFFICIAL

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**From:** Strachan, Shaun <[Shaun.Strachan@act.gov.au](mailto:Shaun.Strachan@act.gov.au)>  
**Sent:** Monday, 30 March 2020 11:40 AM  
**To:** Jagers, Andrew <[Andrew.Jagers@finance.gov.au](mailto:Andrew.Jagers@finance.gov.au)>  
**Subject:** Recent Namadgi Bush Fire

UNOFFICIAL

Dear Andrew

Following our discussions over the past fortnight, I am writing to you regarding key circumstances surrounding the recent bushfire in the Namadgi National Park.

The background to this matter involves a fire, originally known as the Orroral Valley bushfire, which burnt the Namadgi National Park between 27 January and 17 February 2020. The fire started when a landing light on an army helicopter ignited dry grass in the Namadgi National Park. The fire spread quickly, with the burnt perimeter approximately 134 kilometres long. It subsequently burnt into New South Wales, where several properties were lost. The fire has now been declared “out” and ACT Parks and Conservation Service has been allowed to enter the

damaged area, but there is still significant debris (burnt trees etc) impeding access and the National Park remains closed to the public.

The Territory's losses from this event are currently being managed through its self-insurance program operated by the ACT Insurance Authority (ACTIA) and ACTIA has been advised that ACT Parks and Conservation Service incurred losses to heritage huts, boundary fences, roads, trails and park infrastructure (picnic huts, shelters, bridges on walking trails) as a result of the fire.

ACTIA has appointed Crawfords to act as loss assessor on the claim, but the problems with obtaining access are making it difficult to deliver an accurate estimate of the damage promptly.

Crawfords' initial estimate is that the loss will be in excess of \$10 million.

This estimate currently includes :

- Loss of approximately 180 kilometres of fencing. Because of the challenging terrain and the current difficulty in obtaining access to the park, Crawfords estimate the cost to be in the region of \$3 million.
- Damages to roads, fire trails and park infrastructure are estimated at around \$6 million.
- Two heritage huts have been destroyed and there is fire damage to a further six. The cost of replacement or repair is estimated at approximately \$1 million.

In addition to this claim, other Territory agencies have also experienced losses from the bushfire – notably, damage from retardant at the Visitors Centre, damage to sealed roads and road related assets and lost income from cancelled bookings at Birrigai. The total of these losses is currently estimated at around \$500,000.

ACTIA wishes to enter into discussions with the Commonwealth to agree the best process for both parties and I would welcome the opportunity to discuss this with you further.

At this stage ACTIA's initial views are that it has two options available to it which it is considering carefully.

It can either:

- work with the Commonwealth to process a payment or claim through the Commonwealth via its insurance or other arrangements, or
- trigger ACTIA's reinsurance cover, which will likely cause ACTIA and our insurers to seek recovery from the Commonwealth which is both problematic and legalistic

As either claim would be made on the basis that the Commonwealth caused the fire, not because of its role as the Australian Government, the Territory's view is that any payment made will sit outside the horizontal fiscal equalisation arrangements and that there is no likelihood of the Territory's GST payments being affected.

As this matter has the effect of adversely impacting ACTIA's reinsurance policy setting for 2020/21, I am very keen to agree a way forward with you as a matter of urgency.

In the meantime if you need any further information about the detail of the losses, please feel free to contact ACTIA's Assistant General Manager, Peter Osborne – [peter.osborne@act.gov.au](mailto:peter.osborne@act.gov.au) or by phone on 6205 2774.

Many thanks

Shaun.

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