



Emergency Management Legislation Amendment Bill 2018 – planning reforms

Frequently Asked Questions

Background

The Emergency Management Legislation Amendment Bill 2018 (Bill) includes proposed reforms to emergency management planning in Victoria. These reforms were included in an exposure draft of the bill, which was subject to public consultation in mid-2016. The feedback was greatly appreciated and was invaluable in informing the development of the Bill.

The following frequently asked questions are intended to assist with understanding the legislative reforms and associated work to promote successful implementation. The Bill is structured to facilitate phased implementation of the reforms to support a smooth and orderly transition that begins with the State level, then the regional level, then the municipal level. It is expected that all three levels would be in place by December 2020. The following discusses the reforms in totality, but it is important to remember that it will take time before some of the changes take effect.

It is also important to note that the reforms are designed to support evolutionary growth in improving planning for emergencies. The legislative framework establishes the core structure of a new emergency management planning system and Emergency Management Victoria (EMV) looks forward to working with stakeholders to build a system that brings agencies together, leverages existing work and delivers greater benefits for the community. This is the beginning of a journey. EMV expects that it will take years before all elements of the system are in place and it will take even longer before the system is operating as intended. However, EMV considers the investment will be worthwhile in reaching the objective of safer and more resilient communities.

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FAQs

GENERAL

What is the purpose of the planning reforms in the Bill?

The key reform in the Bill is to establish a new, integrated framework for emergency management planning in the *Emergency Management Act 2013* (EM Act 2013) to strengthen Victoria's emergency preparedness. These stronger, more integrated arrangements will contribute to minimising the likelihood, effect and consequences of emergencies on the community.

The Bill will repeal the existing fragmented and outdated emergency management planning requirements in the EM Act 2013, in the *Emergency Management Act 1986* (EM Act 1986), and in the *Country Fire Authority Act 1958*.

What are the drivers of the emergency management planning reforms in the Bill?

The Victorian Emergency Management Reform White Paper of December 2012 (the White Paper), identified a need for broad reform of Victoria's emergency management planning arrangements. It proposed a comprehensive and integrated approach that applies to all emergencies at the state, regional and municipal levels. The White Paper also highlighted the need for shared responsibility for emergency management planning across all relevant agencies.

Recent public inquiries have also highlighted shortcomings in the existing arrangements to plan for emergencies. Most recently, recommendation 3 of the Hazelwood Mine Fire Inquiry in 2014 identified the need for more integrated fire management planning.

The Bill will address the need for reform by introducing a new, integrated and co-ordinated framework for emergency management planning. The new framework will apply at the state, regional and municipal levels. It will provide for integrated arrangements for mitigation, response and recovery activities.

The Victorian Emergency Management Strategic Action Plan 2017-2020 (the SAP) includes a key governance priority to define emergency management roles and responsibilities across agencies, business and the community. The Bill contributes to this priority by establishing clear governance structures for emergency management planning.

Will the Bill alone give effect to stronger and more effective planning?

The Bill is a key measure to strengthen, clarify and integrate Victoria's preparedness for emergencies. The Bill establishes a new governance structure for emergency management planning. It also sets out core requirements for emergency management plans and the planning process.

The Bill provides for Ministerial guidelines to give agencies the detailed, practical guidance they will need to undertake emergency management planning "on the ground". The guidelines will be refined over time to meet changing community needs and the emergency management sector's response to those needs.

The reforms in the Bill formalise and build on the existing participation and goodwill of agencies in planning for emergencies. Agencies' continued commitment and expertise will remain fundamental to successfully implement the reforms in the Bill.

EMERGENCY MANAGEMENT PLANNING GOVERNANCE ARRANGEMENTS

What will be the new governance arrangements for emergency management planning?

The Bill establishes clear governance arrangements to identify who is responsible for emergency management planning. These arrangements are:

- The Emergency Management Commissioner (EMC) is responsible for preparing the state emergency management plan. The State Crisis and Resilience Council is responsible for approving the state level plan.
- New Regional Emergency Management Planning Committees (REMPCs) are responsible for preparing emergency management plans at the regional level. The EMC is responsible for approving these regional level plans.
- New Municipal Emergency Management Planning Committees (MEMPCs) are responsible for preparing municipal emergency management plans at the regional level. The new REMPCs are responsible for approving the new municipal level plans.

How does the Bill provide for shared responsibility for emergency management planning?

The Bill replaces the existing outdated arrangements for emergency management planning at the regional and municipal levels with new regional and municipal planning arrangements.

At the municipal level, councils are currently responsible for emergency management planning. Under the new arrangements, the MEMPCs will be responsible collectively for emergency management planning. This will ensure that key agencies all participate in the planning process together and contribute their expertise.

Similarly at the regional level, the new REMPCs will be responsible collectively for emergency management planning. This ensures that key agencies participate in, and inform, the planning process.

Why will the REMPCs and MEMPCs have both initial and invited members?

Both the REMPCs and MEMPCs consist of:

- initial members from agencies specified in the Bill
- additional invited members from agencies nominated by each committee.

Specifying the initial members of these committees promotes clarity and certainty regarding their membership. Many of these initial members are drawn from agencies that have legislated roles in emergency management, which are the same in every region and municipality.

The ability for each committee to invite additional members gives flexibility to add further members who are appropriate for each specific region or municipal district. In practice, these additional members can be selected based on the risks and needs of each area. For example, the Department of Environment, Land,

Water and Planning could be represented on a MEMPC in a municipality with substantial areas of national parks. In this way, each committee can tailor its membership according to the risks and circumstances that apply in its footprint.

The initial and additional members collectively make up each committee, and are jointly responsible for exercising that committee's functions.

How are councils represented on the REMPCs?

Every council has guaranteed representation on the relevant REMPC for its region. This gives councils a strong voice at the regional level in the new emergency management planning arrangements.

However, the Bill allows for councils to nominate joint representatives if they wish to do so. This gives councils flexibility in the way they are represented on the REMPCs to meet their different needs. Some councils will wish to have their own separate representative, while others will prefer to join together to nominate a single member to represent them on the REMPC.

Who will chair the new REMPCs and MEMPCs?

Each MEMPC will be chaired by a representative from the council in the relevant municipal district. This role recognises councils' particular expertise and networks within their municipalities, and their ability to coordinate across agencies at this level.

This role of councils chairing the MEMPCs is consistent with the direction outlined in the Victorian Emergency Management Reform White Paper (2012), which highlighted that councils will have a key role in the planning process and bringing key stakeholders together.

At the regional level, there is no separate level of government akin to that at the municipal level. Accordingly, each REMPC will elect its own chairperson. This will allow a REMPC to select the most appropriate chairperson for its regional footprint.

What procedures will apply to the new REMPCs and MEMPCs?

The Bill empowers the REMPCs and MEMPCs to determine their own procedures, having regard to any Ministerial guidelines issued under the EM Act 2013. This will allow each REMPC and MEMPC to set procedures that best meet its own needs. For example, this may include matters such as the frequency of meeting, voting at meetings, and establishing sub-committees.

The Bill allows the Minister to issue guidelines in relation to the REMPCs' and MEMPCs' business and meetings. Further practical guidance on these matters can be included in the guidelines, as appropriate.

What if the committees cannot agree or other disputes arise in the emergency management planning process?

It is expected that those involved in the preparation of emergency management plans will work collaboratively and reach agreement wherever possible in the planning process. A key principle in the Bill is that emergency management plans are to be prepared in a collaborative manner.

Nonetheless, disagreements may arise within the new REMPCs and MEMPCs or with other agencies with proposed roles or responsibilities under the new plans.

The Bill includes a power to issue guidelines for dispute resolution to resolve any such disagreements that may arise. Addressing dispute resolution in the guidelines is consistent with feedback on the Exposure Draft of the Bill. Most feedback favoured including these arrangements in the guidelines, rather than in the Bill. This will afford more flexibility in refining these arrangements over time, as required.

Can MEMPCs collaborate in the emergency management planning process?

The Bill expressly supports collaboration in planning for emergencies.

Currently, councils collaborate with each other in a variety of ways when planning for emergencies. Through these arrangements, councils can share knowledge, information and skills to build their capacity and capability. Collaboration can also promote efficiencies in the planning process. Existing section 18 of the EM Act 1986 facilitates these arrangements by allowing councils to cooperate in preparing emergency management plans.

Similarly, the Bill provides for MEMPCs to collaborate with each other when planning for emergencies, including in preparing emergency management plans. The Bill makes it clear that this collaboration can include incorporating, replicating or referring to documents prepared collaboratively.

There were some divergent stakeholder views about whether MEMPCs that collaborate should be able to prepare a single, joint emergency management plan. Some favoured joint plans for efficiency. Other stakeholders favoured retaining the accountability to prepare separate plans.

The Bill requires each MEMPC that collaborates to have its own emergency management plan. This ensures that each MEMPC remains responsible for preparing a plan that addresses the unique risks and needs of its local community and municipality. Arrangements that span across multiple municipalities can be addressed in regional emergency management plans, as required.

How will communities participate in the new arrangements?

The new arrangements in the Bill are centred on communities and the need to ensure they are resilient in the face of emergencies. The Bill includes two key mechanisms to involve communities directly in the emergency management planning process. These are built into the municipal level arrangements, as the level closest to the community.

First, the Bill ensures that there is direct community representation on the MEMPCs. This is a flexible mechanism that allows for different types of community representation. For example, this could include individual members of the community, or representatives from local businesses, clubs, business or other local groups.

Second, each MEMPC must consult the community when preparing the emergency management plan for its municipality.

In addition to these avenues for direct community involvement, MEMPCs must also have regard to relevant community emergency management plans when preparing their plans for the municipality.

How will industry participate in the new arrangements?

Industry will participate in the new arrangements in three main ways.

First, industry representatives can participate as members of the new REMPCs and MEMPCs. The most appropriate industry participants will vary depending on the risk profile of each area and the infrastructure present. Suitable industry representatives can be invited as additional members of a REMPC or MEMPC.

Second, Departments have obligations in the Bill to consult with agencies (which includes industry) when the state and regional level emergency management plans are being prepared. Departments also have obligations to consult with responsible entities that operate vital critical infrastructure when those plans are being prepared.

Third, industry may be given roles and responsibilities under the new emergency management plans. Industry already has obligations under existing arrangements and plans for emergencies in Victoria. For example, electricity businesses have a key role in reinstating electricity assets and restoring electricity supply after an emergency. Such roles for industry will continue under the new emergency management planning arrangements in the Bill.

How will the new arrangements in the Bill affect alpine resorts?

Victoria's alpine resorts are distinct areas that do not form part of the geographical area of councils. As such, alpine resort boards are currently required to plan for emergencies in the same way as councils to ensure that alpine resorts are prepared for emergencies. Alpine resort boards are deemed to be municipal councils for this purpose under existing section 5 of the *Alpine Resorts (Management) Act 1997*.

Similarly, the new arrangements in the Bill to plan for emergencies at the municipal level apply to both councils and alpine resort boards. An alpine resort board will be required to establish a MEMPC to undertake emergency management planning for its alpine resort or resorts. This obligation is similar to the requirement for each council to establish a MEMPC. However, an alpine resort board will be able to appoint another alpine resort board or a council as its principal to undertake these obligations on its behalf.

This approach recognises that most alpine resort boards have only a small number of permanent staff, and limited capacity and capability to plan for emergencies. The power to appoint a principal allows for joined up arrangements to address these capacity limitations.

ROLE OF COUNCILS, MUNICIPAL EMERGENCY MANAGEMENT OFFICER, AND MUNICIPAL RECOVERY MANAGER UNDER EMERGENCY MANAGEMENT PLANNING REFORMS

How will the role of councils change under the new arrangements?

Currently, councils are responsible for emergency management planning at the municipal level in accordance with Part 4 of the *Emergency Management Act 1986*. These arrangements make each council the "owner" of each municipal plan. In some instances, councils have found it difficult to secure the participation of other agencies that should be involved in the planning process.

The Bill makes emergency management planning a shared responsibility at the municipal level. Each new MEMPC will be collectively responsible for preparing a municipal emergency management plan for its municipality. This will mean that other key agencies, not just councils, will be required to participate and contribute their expertise to this process. The new municipal plans will be "owned" by these MEMPCs, rather than the council.

Councils will still have a lead role in facilitating emergency management planning at the municipal level. This will include establishing and chairing the new MEMPCs to bring key agencies together. This role recognises the local knowledge of councils and their experience in coordinating across agencies at this level.

Does the Bill clarify the role of councils more generally in emergency management?

The Bill modernises and clarifies the role of councils in emergency management planning. The Bill does not seek to clarify the role of councils in emergency management more broadly. Rather, the Government is undertaking a related project to examine the broader role of councils in emergency management.

Local Government Victoria (LGV) is leading this important project, to “Enhance the capability and capacity of local government to meet their obligations in the management of emergencies”.

This project is bringing councils and emergency management agencies together to:

- clarify and confirm the emergency management roles of councils
- undertake a capability and capacity assessment to determine what skills and expertise councils need to meet these obligations
- develop action plans to address capability and capacity gaps.

LGV completed Phase 1 of this project with the release of the *Councils and Emergencies Position Paper* in December 2017. Phase 2 of this project will involve LGV working with councils to understand their emergency management capability and capacity based on the position paper and the *Victorian Emergency Management Capability Blueprint 2015-2025*.

What changes does the Bill make in relation to the roles of the MERO, MEMO and MRM?

The Bill repeals the existing, outdated role of the Municipal Emergency Resource Officer (MERO). Councils are currently required to appoint one or more MEROs under the *Emergency Management Act 1986*. The MERO is responsible for coordinating municipal resources used in emergencies. That position reflects a time when a key role of councils in emergencies was providing council-owned resources (eg heavy machinery) in responding to emergencies. This no longer reflects councils’ contemporary role in an emergency.

The Bill provides for the new role of the Municipal Emergency Management Officer (MEMO). The MEMO has a coordinating and liaison role in relation to emergency management, which spans across mitigation, response and recovery. The MEMO is responsible for assisting in emergency management coordination internally within a council, and for liaising externally with other agencies.

The Bill also requires each council to appoint one or more Municipal Recovery Managers (MRM). This is an existing position within councils, which has a key role in coordinating emergency recovery at the local level. However, this role has no existing legal basis. The Bill gives this role a statutory basis to recognise and formalise this important function.

The Bill specifies that a MRM is responsible for:

- coordinating resources for emergency recovery
- liaising with the MEMO in relation to using council resources for recovery
- assisting the MEMO with planning for recovery.

OVERSIGHT AND ASSURANCE OF EMERGENCY MANAGEMENT PLANNING

What oversight and assurance measures will apply to the planning process?

The Bill provides for a combination of oversight and assurance measures to promote consistent, comprehensive and effective emergency management planning.

The relevant preparer must prepare a statement of assurance in relation to their emergency management plan as a self-assessment mechanism. This statement sets out the extent to which the relevant preparer has complied with the Act. This will help to ensure that none of the statutory requirements are overlooked when preparing a plan.

The Bill requires the EMC, REMPCs and MEMPCs to submit their plan for approval to the next planning level as a key oversight measure.

The statement of assurance is submitted together with the plan to the relevant approver. The statement of assurance will assist the relevant approver in considering the plan, by indicating the extent to which it complies with relevant requirements.

In addition, the Bill gives the Inspector-General for Emergency Management the express function of monitoring the new emergency management planning arrangements at a system level. This will provide for independent monitoring and assurance of the new planning framework.

What will approval of plans involve?

The Bill requires each emergency management plan to be submitted to the relevant approver for approval, together with a statement of assurance. The relevant approver is the State Crisis and Resilience Council for the state level plan, the EMC for regional plans and the relevant REMPC for municipal plans.

The relevant approver may approve the plan if satisfied that the plan complies with the Act. They must make this decision having regard to the accompanying statement of assurance. Further practical guidance on the approval process will be included in the proposed Ministerial guidelines made under the Bill.

Why isn't the auditing role of VICSES being repealed straight away?

The Victoria State Emergency Service (VICSES) is currently required to audit councils' municipal emergency management plans prepared under the EM Act 1986. During consultation on the Bill, some councils suggested that this audit role should be repealed *before* the new municipal emergency management planning arrangements commence. They suggested this would allow them to focus on developing plans to comply with the new arrangements, rather than meeting audit requirements for existing plans.

However, it is important that the existing VICSES audit role continues until the new municipal arrangements in the Bill commence. Without this role, there would be an oversight "gap" in the existing arrangements before the new arrangements in the Bill take effect.

The arrangements to implement the Bill will allow ample time for the new MEMPCs to transition to the new arrangements. This will include a period of three years to review existing municipal plans to ensure they comply with the requirements in the Bill.

PREPARATION OF EMERGENCY MANAGEMENT PLANS

What will emergency management plans contain?

The Bill provides an overarching framework that specifies what emergency management plans must contain. An emergency management plan must address mitigation, response and recovery, and specify the role and responsibilities of agencies in relation to emergency management.

More detailed guidance on the contents of these plans can be provided in the proposed Ministerial guidelines issued under the Act. This guidance can be tailored to the needs and unique focus of each planning level (state, regional or municipal).

Why does the Bill use the term “mitigation” instead of “prevention”?

“Mitigation” is preferred because it recognises that some emergencies (for example, heatwaves) cannot be prevented, it is only possible to mitigate their impacts. Prevention is an element of mitigation.

How will the Bill acknowledge and support community emergency management planning?

Community emergency management plans are prepared by local communities at the “grass roots” level to build their own preparedness for emergencies. The Bill acknowledges and supports this important task in a number of ways.

The Bill amends the objectives of the EM Act 2013 to include implementing an “all communities - all emergencies” approach to emergency management. This objective reinforces that communities are at the centre of Victoria’s emergency management arrangements.

The Bill also establishes express principles to underpin emergency management planning. A key principle is that emergency management plans must be prepared in a way that acknowledges and reflects the importance of community emergency management planning.

Further, the Bill requires a MEMPC in preparing a municipal emergency management plan to have regard to relevant community emergency management plans. This obligation promotes a co-ordinated approach to planning by the MEMPCs by requiring them to consider community-led plans for emergencies in their municipality.

The Bill also empowers the EMC to issue guidelines for community emergency management planning. This enables the EMC to support community emergency management planning by providing guidance to inform this process.

These measures recognise the importance of community emergency management planning, while allowing communities to continue to plan in the ways that best meet their own needs.

What are the implications for other plans and arrangements that apply to specific industries or emergencies?

The new framework in the Bill will underpin an integrated and co-ordinated approach to planning for emergencies in Victoria for all communities.

These over-arching arrangements will not replace the need for more specific plans for particular industries, sectors, and emergencies, as appropriate. For example, this includes existing plans that are required in the energy and water industries under industry-specific legislation.

If there is an inadvertent conflict between an emergency management plan under the EM Act 2013 and a more specific plan or statutory obligation, that specific plan or obligation will prevail. This will prevent agencies from being subject to conflicting obligations under an emergency management plan and another specific plan or statutory obligation.

How will emergency management plans be updated and kept current?

Currently, the EM Act 2013 and EM Act 1986 do not include an explicit requirement to review emergency management plans regularly or to keep them current. This may mean that plans become outdated and are no longer effective in practice.

The Bill addresses this shortcoming by requiring a relevant preparer to ensure that its plan is reviewed as required, and at least every three years. The purpose of these reviews is to ensure that a plan remains current, and to consider whether a plan remains effective.

When a relevant preparer updates an emergency management plan, the updated plan is subject to the same requirements under the Bill as the initial plan. For example, the requirements to consult on the plan and submit it for approval apply to an updated plan. This ensures that key planning obligations continue to apply into the future.

However, the Bill also allows for emergency management plans to be updated more quickly and easily in urgent circumstances. This process applies where there is a significant risk to life or property, and it is not practical to comply with the usual approval process. These urgent updates are subject to important safeguards. An urgent update remains in force for three months only, and can be revoked at any time by the relevant approver of the plan.

COMPLIANCE WITH NEW EMERGENCY MANAGEMENT PLANNING ARRANGEMENTS

How will the Bill address participation on the REMPCs and MEMPCs?

The existing EM Act 2013 and EM Act 1986 do not require agencies to participate in the emergency management planning process. In some cases, key agencies have not contributed their expertise to the planning process.

To address this problem, the Bill requires key agencies to participate in the planning process. Key agencies specified in the Bill will be required to contribute members to the new REMPCs and MEMPCs.

The members of these committees are collectively responsible for emergency management planning in accordance with the Bill.

How will the Bill ensure that agencies undertake their roles and responsibilities under the plans?

The Bill includes a specific statutory obligation for agencies to comply with their roles and responsibilities under an emergency management plan. This is intended to ensure that they fulfil their identified roles in an emergency.

The obligation to comply is subject to an exception where compliance with an emergency management plan would conflict with a more specific legal obligation or emergency management agreement. In these circumstances, the more specific obligation prevails. This exception prevents a breach of the statutory obligation to comply with an emergency management plan, where that plan conflicts with another plan.

This new obligation to comply is similar to the existing obligation in the EM Act 2013 for an agency to comply with the state emergency response plan. However, the new obligation applies at the regional and municipal levels as well as the state level.

During consultation, some stakeholders suggested that the Bill should impose penalties for non-compliance with emergency management plans. However, it is not appropriate to impose criminal liability on agencies in these circumstances. A statutory obligation to comply with the plans is an appropriate and sufficient incentive for agencies to take their responsibilities seriously.

Does the Bill change the way volunteers participate in planning?

Existing emergency management planning arrangements in the *Emergency Management Act 1986* and *Emergency Management Act 2013* contemplate roles or functions for different agencies. These arrangements do not specify whether particular functions must be undertaken by volunteers or paid staff. Rather, individual agencies determine how their functions are best delivered within their own organisations. Similarly, the Bill also creates obligations to participate in planning at the agency level, so this has not changed.

In practice, CFA and VICSES volunteers are currently involved in some of the existing municipal planning committees. It is expected that this would continue under the new planning arrangements given the wealth of knowledge and experience they bring to the table.

It is also expected that other volunteer agencies, particularly agencies with a role in the recovery from emergencies, will also be involved in the new emergency management planning arrangements. A number of volunteer agencies are involved in emergency relief and recovery. The Bill includes an explicit requirement for the new regional and municipal committees to include representatives from recovery agencies.

The Bill also introduces a new requirement for community representatives to be involved in emergency management planning at the municipal level. A community representative could be a volunteer, but the Bill does not require this.

Does the Bill mean bushfire planning will no longer occur?

The *Country Fire Authority Act 1958* (CFA Act) currently provides for fire prevention planning at the regional and municipal levels, which the CFA leads. The hazard-specific statutory framework in the CFA Act is subsumed by the new arrangements in the Bill. These regional and municipal planning provisions of the CFA

Act will be repealed when the regional and municipal level amendments in the Bill commence operation, respectively.

This does not mean that hazard-specific planning, including bushfire planning, will no longer occur. Rather, hazard-specific planning is brought under the new all-hazards planning framework established by the Bill. This is intended to ensure that planning for specific hazards occurs in a more integrated and co-ordinated way.

Under the new all-hazards arrangements, the CFA will be represented on the new Regional and Municipal Emergency Management Planning Committees in those areas of Victoria serviced by the CFA. It will be open to the CFA to decide who represents it. This could be either paid or volunteer personnel. It is expected that CFA volunteers would continue to participate in emergency management planning

EMERGENCY MANAGEMENT PLANNING GUIDELINES

What is the purpose of the Ministerial guidelines?

The proposed Ministerial guidelines will give more detailed guidance on the requirements for emergency management planning. They will provide practical information on developing emergency management plans “on the ground”. This will include tailored guidance for this process at the State, regional, and municipal levels.

Clear and practical guidelines will promote an effective and consistent approach to emergency management plans at all three planning levels.

How are the guidelines being prepared?

EMV is developing the draft guidelines in partnership with the emergency management sector. A number of stakeholders have requested practical and concrete guidance about implementing the new arrangements. EMV is investigating whether this might be best achieved with a toolkit to supplement the guidelines.

Consultation on the guidelines will also occur through regional forums and the subcommittees of the State Crisis and Resilience Council. The sector’s input and feedback will be essential in developing a practical and user-friendly resource to support emergency management planning.

IMPLEMENTATION OF THE EMERGENCY MANAGEMENT PLANNING REFORMS

Why are the emergency management planning reforms being implemented in phases?

The emergency management planning reforms are structured to be implemented in phases to facilitate a smooth and orderly transition to the new arrangements. Phased implementation also promotes an integrated approach to planning between the three planning levels.

The State level emergency management planning arrangements will take effect first. During this phase, the EMC will develop and issue a new state emergency management plan.

Once that plan is in place, the regional planning arrangements can commence operation. A new REMPC will be established for each region, which will be responsible for preparing a regional emergency management plan. Each REMPC is required to ensure that its regional plan is consistent with the new state level plan.

After the new regional emergency management plans are in place, the municipal level arrangements can take effect. A new MEMPC will be established in each municipal district, which will be responsible for municipal level emergency management planning. Each MEMPC is required to ensure that its municipal emergency management plan is consistent with the relevant regional level plan and the state level plan.

When will the Bill be fully implemented?

The Bill will be fully implemented by 1 December 2020. This allows time to implement the new arrangements at each of the three planning levels (state, regional and municipal). This will occur via the phased approach described above.

Where can I find further information about how the Bill will be rolled out?

As implementation of the Bill progresses, EMV intends to regularly update the Bill's webpage at <https://engage.vic.gov.au/emergency-management-legislation-amendment-planning-bill-2016>. If you have specific questions, you can email emergencyplanning@emv.vic.gov.au. EMV will also continue to keep the emergency management sector updated more generally with its monthly EM Updates. You can subscribe to the EM Updates at <https://www.emv.vic.gov.au/about-us/newsletters-and-subscriptions>.

What extra work will the emergency management sector have to do as a result of the Bill?

Planning for emergencies is not new; agencies already do a lot of work to prepare for emergencies. The Bill seeks to leverage this existing work so that it is more efficient and effective. It does this by supporting the development of a planning system across the State, regional and municipal levels that brings together planning for mitigation, response and recovery.

However, building this system and transitioning across will take a number of years because it is important to make sure the new system works for everyone involved. The phased implementation of the Bill is intended to support this approach.

How will the new planning arrangements be resourced? Will there be extra resources?

Agencies and councils are expected to continue to participate in emergency management planning using their existing resources. For many agencies and for all councils, planning for emergencies is not a new responsibility and resources are already allocated for this purpose. Taking a more integrated and coordinated approach to planning should yield efficiencies, although this might take time to eventuate while implementation of the new arrangements progresses.

EMV currently supports emergency management planning at the state and regional levels. EMV is examining what additional support and guidance it can provide and it looks forward to working with all stakeholders to develop approaches that best suits everyone's needs.

What will happen to existing plans when the new arrangements take effect?

Victoria has a number of different types of plans in place that govern our emergency management arrangements.

The new emergency management planning arrangements in the Bill will replace the existing planning obligations in the EM Act 1986 and the EM Act 2013. The new emergency management plans will provide for co-ordinated and integrated arrangements that cover all relevant emergencies.

Victoria's existing planning arrangements also include a range of more specific plans that apply to specific sectors, industries, or particular emergencies. Some of these plans are prepared under legislation regulating specific industries, such as water or electricity, or form part of national arrangements.

These more specific plans will continue to serve an important purpose in addressing the particular risks and circumstances to which they apply. The new emergency management plans will link these more specific arrangements together in an integrated way.

What will happen to the Emergency Management Manual of Victoria (EMMV)?

The Bill will be implemented in a phased approach, as described above. As the new planning reforms are progressively implemented the EMMV will be revised and updated.

EMV will consider where the new Guidelines will be located (whether in the EMMV or elsewhere) as work on the Guidelines progresses, in consultation with stakeholders. Similarly, EMV will consider where the new state emergency management plan will be located once it replaces the existing state emergency response plan (Part 3 and the response roles in Part 7 of the EMMV) and state emergency relief and recovery plan (Part 4 and the recovery roles in Part 7 of the EMMV).

Part 6 of the EMMV will continue to apply to guide municipal planning under the *Emergency Management Act 1986* until the new municipal emergency management planning arrangements in the Bill take effect. At this stage, we expect that this is likely to occur in 2020.

How will regions be defined for the purpose of regional level planning?

At present Victoria's emergency management regions are defined under the separate state emergency response plan and the state emergency recovery plan.

The Bill provides for emergency management regions to be declared by Order in Council. This provides a single mechanism to declare these regions to ensure they are clear and certain.

Further consultation will occur with key stakeholders on the regions to be declared under this process.

How will the Bill ensure that unincorporated areas of Victoria (such as French Island) are included in the new arrangements?

There are a number of small unincorporated areas of Victoria that do not form part of any local government municipality. These include French Island in Gippsland and some other small islands. Currently, there is no specific mechanism to bring these areas within Victoria's emergency management planning arrangements. The emergency preparedness of these areas may be overlooked, or occur in a piecemeal way.

The Bill addresses this gap with a specific power to declare unincorporated areas to form part of a region. This will ensure that these areas can be included as part of Victoria's regional emergency management planning arrangements.

CONSULTATION ON EMERGENCY MANAGEMENT PLANNING REFORMS

What consultation occurred on the emergency management reforms in the Bill?

The Government released an Exposure Draft of the Emergency Management Legislation Amendment (Planning) Bill in May 2016 to enable everyone with an interest in the proposed reforms to have their say. Over 50 written submissions on the Bill were received.

EMV also conducted information sessions on the Exposure Draft Bill for the emergency management sector at locations throughout Victoria. EMV held sessions in Traralgon, Benalla, Colac, Bendigo, and Ararat, as well as at a number of metropolitan locations. Consultation also occurred with the Municipal Association of Victoria.

This consultation provided valuable feedback that has informed the further development of the emergency management planning reforms. The reforms in the proposed Emergency Management Legislation Amendment (Planning) Bill have since been consolidated with other changes as part of this Bill.

What changes were made to the emergency management planning reforms following the Exposure Draft process in 2016?

The Government made a range of changes and refinements to the emergency management planning reforms in response to feedback received during the Exposure Draft process in 2016. These include:

- giving all councils guaranteed representation on the REMPCs, rather than only some councils being represented
- providing greater representation for relief and recovery agencies on the REMPCs and MEMPCs
- clarifying that any member of the REMPCs can be elected as chairperson
- including an express power to issue guidelines to resolve disputes arising from the planning process
- providing for an express principle that emergency management plans should promote community resilience
- giving the existing role of Municipal Recovery Manager a statutory basis to recognise the importance of this role
- clarifying the new role of Municipal Emergency Management Officer and its focus on coordination within councils
- providing for an express power to issue guidelines on the responsibilities of the MRM and MEMO roles.

These changes further strengthen the reforms in the Bill in meeting the needs of the emergency management sector. A table that summarises feedback is available at:

<https://engage.vic.gov.au/emergency-management-legislation-amendment-planning-bill-2016>.