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[REDACTED]
Local Government Victoria
Department of Environment, Land, Water and Planning
PO Box 500
EAST MELBOURNE VIC 8002

Dear [REDACTED]

I am pleased to present CFA's submission in response to the *Councils and Emergency Management Directions* paper. Thank you for the opportunity to respond to the paper.

This submission is based on a comprehensive internal consultation process which included input from all CFA Districts and Regions, as well as contributions from subject matter experts within CFA. CFA members involved in the discussion around this submission draw on many decades of experience in working with Councils in emergency management.

Please note that an extension to the submission deadline was agreed to by [REDACTED] Manager Emergency Capacity and Capability.

Any queries in relation to this submission should be directed in the first instance to [REDACTED] Planning and Service Delivery, on [REDACTED].

Yours sincerely

[REDACTED]
enc

CFA submission in response to Councils and Emergency Management Directions Paper

Introduction

CFA has long-standing relationships with Councils across the Country Area of Victoria. Councils and CFA have historically worked productively together in supporting volunteers, planning for emergencies, and working toward the safety of the community. There are many ways in which CFA and Councils work together, ranging from formal commitments arising from the *Country Fire Authority Act 1958* (CFA Act) and other legislation, to well-established informal working relationships.

The Victorian Preparedness Goal sets out the competencies that agencies need to possess to enact their emergency management duties. CFA identifies thirteen competencies from that framework. The Councils and Emergencies Directions Paper identifies sixteen capabilities for Councils. There are nine capabilities which are common to both CFA and Councils. CFA's comments are directed at those capabilities that are common to both. Those capabilities shared by CFA and Councils are

- Planning
- Public information and warnings
- Operational management
- Intelligence and information sharing
- Public order and community safety
- Building community resilience
- Fire management and suppression
- Logistics and supply chain management
- Impact assessment

CFA has taken an 'all hazards' approach to this paper. Consideration has been given not just to bushfire but structure fires, grass fires, HAZMAT incidents and flood, among others. Councils have specific responsibilities and duties under the CFA Act. This paper addresses those specific responsibilities in the context of Councils' capabilities. Given CFA's strong and long-standing relationship with Councils we have extensive experience in how Councils execute other functions, whether legislated or 'business as usual'. This paper also addresses those other activities.

Preparation of this paper involved a series of workshops with the Regional Leadership Teams of CFA's five regions, as well as a headquarters workshop. There has been extensive input into this paper from a range of CFA members with experience across all hazards and emergencies. This paper consolidates their experience in working with bushfires, grassfires, HAZMAT, floods, domestic fires and industrial fires.

Planning

Planning is the backbone to emergency management at the municipal level. Councils have responsibility for preparing and administering a Municipal Fire Management Plan under the Emergency Management Manual Victoria, which incorporates the Municipal Fire Prevention Plan required by the CFA Act and involves input from all agencies. They are also a key participant in Municipal and Regional Fire Management Planning Committees, Municipal and Regional Emergency Management Planning Committees and Municipal Emergency Management Enhancement Groups.

- The quality of emergency planning varies between councils. Some take a very strategic approach to their planning responsibilities while others may produce planning documents that are 'stapled together' extracts from other agencies. The size and capacity of Councils determines the quality. Generally, larger, well-resourced Councils do this well; smaller, typically rural Councils struggle to commit adequate resource to the task.
- Resource restriction is often seen by CFA as the main barrier to effective emergency management planning by Councils. Councils often cite 'rate capping' as the reason for this.
- While Councils have statutory obligations for undertaking and participating in emergency management planning, there are no performance standards mandated for this work. While support is provided via MAV and others, and there are audits of plans undertaken by SES and CFA, there remains no documented expectations of performance standards in emergency management for Councils.
- Some Councils have developed networks or consortia to undertake their emergency planning. This is more prominent among some rural Councils. Where this is in place it results in a much higher quality of emergency planning being undertaken. It appears that some of these arrangements are dependent on fixed-term funding which may jeopardise their continuation.
- Plans, particularly Municipal Fire Prevention Plans, tend to focus on bushfire related matters, and then mostly on roadsides and generic pre-summer preparations. The Municipal Fire Prevention Plan needs to specify agency accountability, location and timing of actions. Generally, plans omit structural fire risks (although it is noted that mitigation of these risks will occur through building regulations, etc) and human behavioural factors are also omitted as a potential prevention measure.
- Within the Paper, Capability 10 '*Develop settlement and issue-based policies and strategies in planning schemes that clearly express and give direction to urban change, including implementing risk-mitigation strategies (such as flood and bushfire management overlays)*' has been presented as actions that are not a responsibility under legislation, regulations, policy or plans, but which some Councils consider to be appropriate emergency management actions for them to undertake. The *Planning and Environment Act 1987* and the Victoria Planning Provisions make this a clear responsibility for Councils.
- Similarly, Capability 11 '*Apply local planning schemes and building controls including development assessments, inspections and advice*' omits the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) comprising the Municipal Strategic Statement (MSS) and Local Planning Policies and the zones and overlays needed to implement the SPPF and LPPF. Within these requirements

Clauses 44.06 and 52.47 both impose specific responsibilities on Councils in relation to bushfire management.

CFA's position

Councils must continue and strengthen their role in emergency management. Resource limitations should be addressed. Performance standards, support and training need to be developed and provided to those involved in this function within Councils. Councils must expand their focus from bushfire to 'all fires', including grass and structure fires, etc.

Councils have a natural and primary connection to their communities. This is their key strength and should be utilised to further promote fire and emergency planning municipally and regionally.

Community information and warnings

The task of issuing community warnings is the remit of response agencies. Councils, however, have strong roles in supporting and enhancing the flow of information to the community.

- The consistent and sustained provision of Emergency Management Liaison Officers (EMLOs) to Incident Control Centres is crucial to Councils contributing to warnings. It is acknowledged that many warnings are issued speedily, before an ICC is set up, or required.
- Councils have a strong role in disseminating information to their communities during and after an event. They are the experts in knowing their community and the channels of communication best used to reach them. Councils have their own networks of information sharing that can be vital in an emergency. They conduct this function well.
- Councils' main role is during a sustained event, and during recovery. There is little expectation that they are involved in developing the content of emergency warnings, but have a vital role in supporting dissemination to their communities.
- In some areas of community information, particularly to do with preparedness, there is a lack of willingness to provide information. An example of this is the 10/30 and 10/50 provisions which are sometimes de-emphasised by some Councils.

CFA's position

Councils must continue and increase their commitment to providing dedicated Council staff to assist CFA with community information during sustained incidents. Councils must improve the clarity and consistency with which they communicate preparedness information to the community.

Operational Management

Councils partner with CFA in the provision of plant, equipment and expertise to help manage incidents. There are also mandated Council positions that work closely with CFA.

- Councils appoint Municipal Emergency Resource Officers (MEROs) and Municipal Recovery Managers (MRMs). The functions of those roles are prescribed broadly in legislation and by instrument. In relation to MEROs, there is an absence of consistent, state-wide performance standards. In most cases these roles are assigned to individuals holding other functions. There is limited time those individuals can commit to these roles.
- Council officers are key members of Regional Emergency Management Teams and provide a key link to local resources and knowledge.
- There are markedly different experiences within CFA of Councils' ability to respond speedily to resource requests. Some Councils have 'duty' systems in place so that MEROs can be easily contacted and this generally works well. With other Councils, CFA can experience difficulty in contacting the MERO (or deputy).
- There are also marked differences between Councils in the provision of plant and equipment. Those Councils that retain ownership of their own plant and equipment tend to respond quickly. Councils which have outsourced functions to external contractors tend to respond less satisfactorily. It would appear, and this has not been fully examined, that contractual arrangements by Councils do not adequately cover out-of-hours emergency work by contractors or pre-approved (trained) contractors for fire ground work.
- Councils do, however, network well to share resources (owned or contracted) across municipal boundaries. While this can overcome some limitation, during an incident across several municipalities (a large fire or flood for example) a single provider can quickly become overwhelmed.
- Councils do have a strong role in coordinating and organising the spontaneous volunteers who can emerge during a large emergency. Coordination of Blazeaid is a good example of this.
- The duties relating to municipal roads are broader than solely vegetation management and extend more generally to a statutory duty to inspect, maintain and repair them. There is a clear and unambiguous duty for Councils in the Country Area of Victoria under s43 of the CFA Act '*to take all practicable steps (including burning) to prevent the occurrence of fires on, and minimise the danger of the spread of fires on and from*

(a) any land vested in it or under its control or management; and

(b) any road under its care and management.'

CFA's position

These functions of Councils should be strengthened so that there is certainty and consistency across Victoria. Internal arrangements, such as contracting for service provision, and resource issues should not be allowed to be a barrier to CFA obtaining support as requested.

Intelligence and information-sharing

CFA works with Councils and other agencies to collect, share and utilise information to support decisions and actions.

- Councils generally share information with CFA when requested and practicable.
- Information relating to bushfire and grassfire is generally more readily accessible than data relating to structural, residential and industrial risks.
- Councils are the custodians of much data relevant to emergency management needs. Access to that data should be mandated and made accessible to the EM sector as appropriate. EMCOP may be the platform for this.

CFA's position

Capability should be developed to allow 'real time' sharing of Council data. This will obviate the need to make requests to Councils during an incident, preparedness activities and/or for prevention works.

Public order and community safety

Councils have powers provided by legislation and regulation primarily directed at preventing and mitigating emergencies. Execution of these duties is essential for the safety of the community and complements CFA's functions.

- Councils generally execute their legislated responsibilities well. However, it is a common experience to CFA that Councils have very limited capacity to proactively conduct inspections and reviews to ensure compliance. Where that does occur it may be on a random or 'small sample' basis.
- With building and/or development permits, for example, the necessary provisions will be imposed at the time the permit is issued, but there is severely limited follow-up to ensure proponents maintain those provisions over time. Requirements as to vegetation management around homes, for example, can quickly be breached within a few seasons of growth.
- Councils tend to undertake such enforcement reactively, that is, in response to complaints, rather than proactively.
- Councils often cite inadequate resources to undertake these tasks fully and proactively.

CFA's position

Councils should be resourced internally to have adequate capability and capacity to proactively undertake their responsibilities for fire safety.

Building community resilience

Community resilience building is a responsibility for the entire emergency management sector. At the municipal level, Councils have established networks and relationships to enable this.

- Community resilience building is a core capability and responsibility of Council and is achieved through
 - community building activities;
 - legislated responsibilities in the *Planning and Environment Act 1987* and the Victoria Planning Provisions;
 - fire prevention and other emergency management roles;
 - the role of the Municipal Building Surveyor in ensuring that building standards are achieved and maintained to a level expected by the community.
- While Councils may not have dedicated resources to community building, much could be achieved by strategically planning toward resilience as a 'whole of local government' responsibility. Clear outcomes to help describe resilience would support this work.
- The 'powerhouse' for resilience resides in the community, not in agencies. Councils should find ways to tap into this resource. Councils are well pre-positioned to do this via their existing networks and relationships with the community.
- Previous projects aimed at a community resilience approach have been short-lived. Consequently, such artefacts as LEAPs and LIMPs are left unsupported and unintegrated into the Emergency Management sector.
- Community disaster resilience is often not considered as an objective or driver in planning at the municipal level. Council personnel traditionally involved in developing these plans tend to come from technical, rather than community focused, backgrounds.
- The objectives of the *Planning and Environment Act* and the Victoria Planning Provisions, in the State Planning Policy Framework (SPPF) place responsibilities on Councils in relation to land-use planning, notably:
 - Clause 1 Settlement-
 - Clause 11.13-6 Resilient Communities
 - Clause 13 Environmental Risks-
 - Clause 13.05 Bushfire, where there is the stated objective '*To assist to strengthen community resilience to bushfire*'
 - Clauses 44.06 (BMO) and 52.47 Planning for Bushfire which have the purpose of ensuring that the development of land prioritises the protection of human life and strengthens community resilience to bushfire.

CFA's position

Councils are best placed of all agencies to build community resilience, both through and in addition to their mandated roles in the regulatory framework within which they operate. There is considerable scope to increase the capability and capacity of Councils to do so.

Fire management and suppression

Councils play a vital role in supporting response agencies with fire management and suppression.

- Councils' current functions support fire management and suppression and must continue.
- The issuing of Fire Prevention Notices under the CFA Act as well as issuing permits to burn is an essential function undertaken by Councils. These tasks must be added as components of Councils' capability.
- The provision of Neighbourhood Safer Places must also be seen as a core function of Councils.
- Generally Councils approach this task with good will and enthusiasm. Resource and training limitations are often cited as a limit to fuller involvement.
- There is a bushfire focus to this work. Councils' involvement in structural fires is less well developed although, as noted above, building regulations may address some issues. However, there is considerable scope to expand Councils' role.
- Section 3E (1) (g) of the *Local Government Act 1989* prescribes the functions of Councils as '*including exercising, performing and discharging the duties, functions and powers of Councils under the Local Government Act and other Acts*'. CFA has experience of some Councils refusing to issue Permits to Burn, asserting that the MFPO was acting as an administrative arm of CFA. Formal legal advice to the contrary has been provided to Greater Shepparton City Council and Moira Shire Council in 2015. Obligations and powers under the CFA Act do not refer or infer a support role, but represent stand-alone obligations upon Councils.
- Errata is noted in the Paper
 - The requirement to appoint an MFPO arises from the CFA Act not the EMMV Part 6. The EMMV addresses the role of the MFPO and acknowledges that the requirement to appoint lies with the CFA Act.
 - The paper cites s81 of the *Water Industry Act (1994)*, which was repealed with other provisions in 2012. The correct reference is s165 of the *Water Act (1989)*

CFA's position

Councils' functions in this area must be continued and strengthened. Where they exist, resource and skill barriers must be addressed.

The role of the Municipal Fire Prevention Officer (MFPO) is critical to the establishment and monitoring of fire prevention strategies and practices. Local Government needs to be encouraged to continue to support the MFPO in meeting explicit statutory obligations, on behalf of Council.

Logistics and supply chain management

Councils support CFA in maintaining supply lines for operations and to affected communities.

- Councils do not have a legislated role in supply chain management. Their involvement is based on long-standing local arrangements.
- A legislative imperative to undertake these functions would provide greater certainty.
- Supply chain management must be a scalable and adaptable function able to respond to events of varying scale and duration.

CFA's position

Councils have an essential capability in supply chain maintenance. Their role should be mandated and supported.

Impact assessment

Speedy and accurate assessment of impact following emergencies is an increasing expectation within the sector.

- Councils hold existing 'pre-event' data that can be vital to comprehensive impact assessment, for example housing data. Access to this data is usually provided on a needs basis.
- The size of any event will dictate Councils' ability to participate in this function. Large-scale events, such as Black Saturday, would be beyond the capacity of Councils to assess.
- There needs to be an understanding of the scope of Councils' ability, with arrangements in place for when that scope is exceeded.

CFA's position

Systematisation of council held data to support impact assessment will improve effectiveness and efficiency. As noted above, EMCOP may be a suitable tool for Councils to share pre-event data.

Conclusion

Councils are formed from, and within their communities. They are a key link between those communities and the execution of a range of emergency management functions. Of the various specific functions discussed in the capability framework presented by this paper, all must be retained and strengthened as discussed. Specifically, there are no capabilities or specific functions that in CFA's view should be removed from Councils.

This discussion paper identifies a series of legislative responsibilities that are allocated to Local Government. Associated with these responsibilities are systems, processes and resources that have been developed and implemented, to support Local Government to fulfil these responsibilities. Should the paper ultimately recommend a reduction or removal of current responsibilities, then the required resources, systems and processes will need to be transferred to the body/agency that may be required to adopt them.