

LGV Councils and Emergencies Directions Paper

City of Greater Bendigo response

Introduction

The City of Greater Bendigo welcomes the opportunity to respond to Local Government Victoria's (LGV) *Councils and Emergencies Directions Paper* (the '**Directions Paper**').

City officers have reviewed the Directions Paper and attended regional briefings, and Councillors and council officers have participated in LGV and MAV workshops regarding the Directions Paper. Council officers have also provided input into the development of the MAV's draft submission.

The City recognises that the 154 responsibilities and actions listed as being councils' current emergency management responsibilities and actions have been grouped under 16 categories, to align with the 21 core capabilities outlined in the State Government's Preparedness Goal. The paper asserts that councils have no responsibilities under the remaining five of the core capabilities. However councils have had very limited opportunities to be involved in the drafting of the Preparedness Goal and Framework and there is significant confusion about how these two pieces of work relate to each other.

The paper acknowledges that this document is released at a time when there are multiple processes taking place in emergency management reform at the same time, with different lead agencies.

These include:

- Emergency Management Acts 1986 and 2013
- Emergency Management Legislation Amendments (Planning) Bill 2016
- Resilient Recovery Discussion Paper
- Councils and Emergencies Project

The City is concerned that these reforms are occurring in isolation to each other given that some are occurring concurrently or prior to the final version of other reforms (such as the Emergency Management Legislation Amendments (Planning) Bill 2016) being released.

During this time of significant change in emergency management it is critical that the various elements of the change process link more closely to each other - we don't need more silos ! There may be changes that occur in other reforms that ultimately will affect the outcome of the Councils and Emergencies Project. LGV need to be aware of this and ensure that additional consultation takes place.

We are glad that the Directions Paper acknowledges 'councils' need to balance community priorities across all service areas including emergency management when budgeting and reviewing service provision' (page 13). Emergency management is just one of approximately 110 core services delivered by local government. The Municipal Emergency Resourcing Program (MERP) is critical in supporting councils' capacity to respond both to community expectations and to meet statutory requirements. We note that many rural

councils with limited financial capacity would struggle to meet even some of the basic emergency management requirements without access to this funding after 2020.

Core Capabilities

The Directions Paper lists 21 core capabilities that the emergency management sector needs to meet. The City has reviewed these capabilities and descriptors as listed in the Paper. Following review those listed below are thought to be inaccurate, and feedback has been provided on each. Those not listed below are supported by the City.

Table one – Mark up of Victorian Preparedness goal core capabilities descriptions

(italics indicate where the Directions paper has listed councils as having no direct involvement)

Core capability	When	Description	City of Greater Bendigo comment
Community information and warnings	Before, during, after	Deliver public information and warnings that are authoritative, consistently constructed and relevant for all Victorians and visitors in all emergencies. Provide timely and tailored information that supports the community to make informed decisions before, during and after emergencies.	Current wording implies that councils have a core capability regarding community information and warnings. The City does not provide official warnings via our media channels. Any information we issue regarding emergencies is either educational or in relation to our role in relief and recovery phases during or after an emergency. These are not warnings regarding active emergencies such as Watch and Act or Emergency warnings.
Fire management & suppression	Before, during	Provide firefighting capabilities to manage and suppress fires of all types, kinds, and complexities while protecting lives, property, and the environment in the affected (land and water) area.	Councils do not provide firefighting capabilities. Some councils have a role in supporting fire services through the provision of plant equipment such as water trucks or graders. These activities do not involve active firefighting. The City is not a response agency. The City acknowledges the

			roles we play working with other agencies and the community in relation to compliance, education, mitigation and land management prior to an emergency.
<i>Critical transport</i>	<i>No council involvement</i>	<i>Plan for and provide response and recovery services during emergencies that affect the road network including alternative routes, emergency permits and escorts for responders, clearing, restoration of damaged roads. Provide response to major public transportation emergencies including infrastructure access and accessible transportation services to ensure community movement including coordination of all private rail, tram and bus services to support response priority objectives.</i>	<p><i>Councils are road managers and therefore do have a role in critical transport.</i></p> <p><i>We are required to amongst other requirements :</i></p> <ul style="list-style-type: none"> • <i>Assist with clearing and restoration of Council roads</i> • <i>Establish alternative routes on Council roads</i>
Health protection	Before, during, after	The coordination and implementation of legislation, programs and monitoring procedures to minimize public health risk from infectious disease, contaminated food, and contaminated drinking water supplies, radiation and human environmental health hazards. This includes the development and implementation of strategies to promote and protect public health.	The City is involved in health protection before, during and after emergencies through the role of Environmental Health Officers.
<i>Health emergency response</i>	<i>During</i>	<i>The planning, provisioning, response and coordination of pre hospital and health emergency care, including</i>	<i>The City has a role in health emergency response through our Environmental Health Officers. Roles include</i>

		<i>triage, treatment and distribution of patients, in a timely and structured manner, using all available resources to maximise positive health outcomes.</i>	<i>assisting with outbreaks of pandemic influenza, and epidemics such as gastroenteritis outbreaks.</i>
<i>Environmental response</i>	<i>Before, during</i>	<i>To assess and manage the consequences to the community, environmental values, domestic animals and livestock of a hazardous materials release, naturally occurring pests or biological hazard.</i>	<i>Councils provide support to Agriculture Vic for stock disposal, burial sites EHOs would undertake a supporting role at the request of DHHS</i>
Economic recovery	After	Return economic and business activities (including food and agriculture) to a healthy state and develop new business and employment opportunities that result in a sustainable and economically viable community.	The City works with the business sector before, during and after emergencies. This includes supporting business resilience prior to an emergency.

Council's emergency management responsibilities

The City generally supports the approach taken by MAV and councils such as Mount Alexander Shire Council (also part of the Northern Victoria Emergency Management Cluster) in their draft submissions. There appears to be considerable consistency with issues raised by other councils such as Mitchell and Murrindindi in their draft submissions.

The City agrees with the recommendations made by the MAV in their submission about the need to clearly delineate core requirements and non-core tasks, and to develop local government specific descriptors for each of the categories and agreed role descriptions for local government responsibilities.

Rather than addressing each of the 154 proposed responsibilities the City would like to highlight just a few in this response (please refer to the table overleaf). The City of Greater Bendigo does not currently undertake all 154 of these responsibilities and would not be in a position to do so with current resourcing.

It was noted that some of the references provided in this section (e.g. to clauses in the EMMV) were incomplete, in error or not clear.

Current responsibilities and actions (pp 18-34)

Desc.	Descriptor	Accuracy	Appropriateness
1	Lead an all-agencies approach to community-based risk assessment and planning including compliance with relevant legislation and policy at the municipal level.	Inaccurate. By not quoting directly from the Act, the meaning has changed. Councils do not lead the all-agencies risk assessment – VicSES runs the Community Emergency Risk Assessment (CERA) process. Council appoints a multi-agency Municipal Emergency Management Planning Committee (MEMPC) which drafts a MEMP for consideration by the Council. Councils are not responsible for other agencies' compliance with legislation or policy that might be outlined in the MEMP or other plans at the municipal level.	The current descriptor is inappropriate Facilitating local planning is an appropriate council role, as long as there is administrative support (if required) and legislation and policy makes it clear that local or municipal emergency management plans are not council plans. They are plans for the local, municipal or sub-regional footprint and many agencies are responsible for contributing to, and executing relevant sections of the plan. The current misconception that the plans are council plans, the lack of support for their administration, and the fact that councils alone are the organisation that must respond to the audit of the plans, is not acceptable.
2	Prepare and maintain municipal emergency management plans and subplans.	The MEMPC prepares the draft MEMP for Council consideration. Other agencies often take the lead on subplans.	See comment above
3	Appoint a municipal emergency management planning committee		See comment above
4	Support hazard-specific risk assessment to inform plans and community resilience-building	This statement does not align to the guidance in EMMV 6-5. On the previous page there are suggestions about planning committee structure that use similar language, but they are not describing a requirement for councils: 'A planning committee structure may also include a Risk Management	Councils, in partnership with other agencies, have a role to play in identifying risks at the local level and working with the other agencies and the community to develop risk reduction strategies, using local knowledge and information based on community needs Councils can support control agencies with hazard-specific risk assessment and planning.

		Group and sub-committees that are risk/hazard specific, with one focused on understanding and promoting community resilience.'	There are many instances where councils integrate emergency management and resilience building strategies into regular community engagement activities, but this is subject to resource constraints, especially for small rural councils. Community engagement regarding specific hazards should be led by expert agencies.
5	Lead implementation and coordination of specific risk treatments on private and council land in partnership with emergency management agencies, including flood/fire management, maintaining a register of at-risk groups.	This reference is from Part 7 of the EMMV (see comment about the authority of Part 7 above) so it should not be in blue. It has also been paraphrased. The actual reference is: 'implementation/coordination of specific risk treatments for identified risks and exposed elements in the community, including, flood/fire management, maintaining a register of at-risk groups, fire risk reduction (private and council lands).'	Use of 'lead' implies that councils are the lead agency for risk mitigation on private property - which is incorrect and inappropriate. Though it is not made clear we assume that 'the register of at-risk groups' is referring to the Vulnerable Persons Register, which is a policy requirement that only apply to councils in the CFA area. The City considers that the Vulnerable People in Emergencies policy and associated register needs a thorough review, including review of the current roles for councils.
12	Prepare local recovery plans after emergencies.	EMMV Part 7 states that municipal councils are responsible for the coordination of local relief and recovery activities, but has no mention of a local recovery plan. EMMV Part 4 describes specific council responsibilities relating to recovery.	Councils are best placed to coordinate local recovery. This would generally include the preparation of local plans. However depending on the scale of the event it will not be possible for councils to undertake all aspects of recovery without more certainty about funding arrangements including through NDRRA and Department of Treasury and Finance.
44	Conduct local recovery activities.	Very general statement and reference.	Councils are the appropriate lead agency for coordinating local recovery activity. However, capability and capacity will vary and quick and reliable funding for some activity will be necessary

			This review needs to be undertaken alongside the Resilient Recovery Discussion paper.
85	Engage the community in developing and delivering recovery activities including by appointing community development and/or community recovery officers.	Reference incorrect: needs updating to latest version of EMMV Part 4. The EMMV does not state that councils need to appoint community development and/or community recovery officers	Many municipalities do not have a community development officer or the resources to self-fund community recovery officers. Depending on the scale of the emergency, these roles may be incorporated into existing council roles. Delays in State-Commonwealth funding for recovery officers has been a barrier to recovery.
86	Support agencies in line with relevant fire legislation and regulations by: <ul style="list-style-type: none"> • appointing a municipal fire prevention officer • developing and maintaining a municipal fire prevention plan • identifying, designating, signing, maintaining and annually reviewing bushfire safer places and their plans, and (for councils in Country Fire Authority [CFA] areas) reporting back annually to the CFA • issuing permits to burn • taking all practicable steps (including with planned burning) to prevent the occurrence and spread of fires and minimise their danger on land that council manages or is responsible for 	Unclear why these are combined into one point. Would work better to separate them. Part 6A of the EMMV should be referenced as the requirement to develop and maintain a fire prevention plan can be met by a multi-agency municipal fire management plan. Councils in the MFB area do not have to develop a Municipal Fire Management (Prevention) Plan. Councils in the CFA area are authorised to issue permits to burn, however it is not a requirement. It is not correct that councils are responsible for meeting the costs of providing, installing, marking and maintaining all fire plugs in the municipality. Section 165(2) of the Water Act states that a council must meet the costs of providing, installing, marking and maintaining	Councils can play a supporting role in fire suppression and management, however have no direct role in suppression. Similar to the approach of the MEMP, the development and maintenance of the MFMP is a 'multi agencies' approach – it is not just the responsibility of local government. However this is not currently reflected in legislation. A review of the Neighbourhood Safer Places legislation and shelter options policy is required. The City supports the current review of the Schedule 13 'permit to burn' arrangements by the MAV and this requires further consideration. Councils are not fire management agencies and council officers do not have specific training in fire behaviour. Specific training offered by the CFA is required. It is not appropriate for councils to pay for the installation and maintenance of fire plugs and

	<ul style="list-style-type: none"> providing pillar fire hydrants in reticulated areas when the CFA issues written notice to do so meeting the costs of providing, installing, marking and maintaining all fire plugs in the municipality. 	all fire plugs that the council requires under subsection (1) to be installed in its municipal district. A planning permit requirement does not equate to a council request.	fire hydrants. This should be the responsibility of water authorities.
140	Coordinate the rebuilding and redevelopment of council and private assets.	Incorrect statement. Part 4 of the EMMV (pp46-47): Respective asset managing agency [sic] undertake the assessment, restoration, clearing and rehabilitation of assets within portfolios e.g. roads, bridges, sporting facilities, public amenities schools, hospitals, managed by respective agencies within their service / asset portfolios. Municipal councils oversee and inspect rebuilding/ redevelopment.	Councils have some control over the rebuilding of private assets through issuing planning and building permits, however these are not referenced here. Councils are not responsible for the coordination of rebuilding or redevelopment of private assets.
141.	Restore council-owned assets, prioritising business operations and commercial or community facilities essential for community wellbeing or recovery activities.	This statement is incorrect	Councils should determine their own priorities for restoration of municipal assets. If the asset is not covered by the Natural Disaster Relief and Recovery Arrangements (the Commonwealth-State funding program), councils may not be in a position to restore some assets at all.

Proposed responsibilities (in black font)

City of Greater Bendigo officers were involved in the LGV workshops and brainstorming sessions that led to the list of proposed responsibilities. As LGV recognises, there is great variation in the capability and capacity of councils, due to a range of factors including resourcing, size, location and risk profile (p36). As noted by the MAV in their draft submission, some of the statements in workshops may have been made by councils with the resources to be able to undertake them; some may have been undertaken once, because the responsible agency was not present and councils did what had to be done to support their community; some may have been done on behalf of another agency through an agreement. Just because a council undertakes an activity does not make it a current responsibility.

Some of the proposed responsibilities are repetitive, inaccurate or partially inaccurate. This could be in part because they have been written to align with the language of the Victorian Preparedness Goal and Framework.

To give just one example:

D149 Provide access to short, medium and long term housing options

The City provides very short term emergency shelter through relief centres when necessary. Relief centres are NOT 'housing options' and it is not council's role to directly provide housing options.

Proposed Principles

The City generally supports the principles listed on p 35. It is clear that they align closely with the principles outlined in the MAV position paper on the role of councils in emergency management, and provide a strong basis for ongoing discussion and negotiation about future changes in role. The MAV position paper (2011 and revised in 2015) was developed with strong input from across the local government sector and provides a clear overview of potential leadership roles for local government in emergency management, what could be supporting roles and what should be considered 'out of scope' for future role descriptions. Activities in which councils can play a lead role in emergency management are there because they are similar to activities being undertaken as part of councils' normal business.

The principles in the MAV position paper are still very relevant. One of these principles is that "Councils are not, in general, structured as emergency response organisations and any role definition should recognise this". This needs to be remembered in a context where there is ever-increasing demand on local government to meet new or expanded emergency management responsibilities.

Maturity Model proposal

The City has been part of conversations with MAV and many other councils (including members of the Northern Victoria EM cluster) about the value of exploring a 'maturity model', where council responsibilities would be split into 'essential' (blue font – directly relating to legislation and statutory responsibility – very specific) 'good practice' (as outlined in guidance documents and non-statutory policy) and 'extended' (where a service may only be provided if there is a high risk profile and council has capacity). We consider that this is well worth exploring further, and has the potential to offer a lot more clarity than the framework outlined in the Directions paper. This would have implications for quality assurance and audit /self-audit processes.

Conclusion

More work needs to be done before finalising the list of proposed responsibilities and tasks for local government. This work must link to changes in the broader emergency management arrangements and councils must have further opportunities to contribute to the development of state policy in emergency management. The City does not support the adoption of the 'list of 154 responsibilities' in its current form.

Given that 'the choice of action verb' reflects a council's degree of responsibility, initiative and involvement (p36) it is essential that this is done carefully and accurately. As outlined above, the current wording in relation to many of the core capability areas requires further consultation and amendment.

Once agreement has been reached on what are the essential elements of council role in emergency management, the next challenge will be to achieve clarity and certainty about which aspects will receive funding support from other levels of government, and processes for ensuring this occurs in a timely manner. (e.g. funding to support local council role in recovery). The City also asks that consideration be given to the provision of recurrent funding for the Municipal Emergency Resourcing Program (MERP) through LGV, as this would provide some baseline capacity for local councils currently funded under the MERP program and make it easier to plan for the most effective use of this resource.

There are many instances where councils have the capability to undertake particular emergency management activities but will inevitably rely heavily on other levels of government to provide the necessary resources, especially in major events where there is the need to 'scale up' at short notice. Many councils are simply not able to do this without much more certainty about what will be covered under the Natural Disaster Relief and Recovery funding arrangements.

There needs to be greater recognition of the role played by collaborative relationships between councils in supporting the role of local government in emergency management. The Northern Victorian emergency cluster (consisting of Campaspe, Central Goldfields, Loddon, Mount Alexander Shires and the City of Greater Bendigo) is just one example where joint planning and resource sharing maximises the effectiveness of limited council resources and provides better outcomes for the community.