26 April 2017

Councils and Emergencies Directions Paper Consultation
Local Government Victoria
Department of Environment, Land, Water and Planning
PO Box 500
MELBOURNE VIC 8002

By Email: lgv.emergencies@delwp.vic.gov.au

Dear Sir or Madam

LOCAL GOVERNMENT VICTORIA COUNCILS AND EMERGENCIES DIRECTIONS PAPER

In response to the LGV Councils and Emergencies Directions Paper the attached is the submission from the Greater Shepparton City Council.

The overriding concerns for us are the increasing emergency management expectations emerging from the current Victorian emergency management reform which is beyond the capacity and capability of most Council’s. The inconsistent interpretation and application of the Victoria emergency management framework creates confusion over what is and what is not seen as an emergency management function for Council’s. While emergency management has always been a small part of Council’s core business this is becoming confused as we are expected to operate in the same 24/7 environment as the emergency services. In the current economic environment faced by Councils this is not possible or sustainable without consideration of support with finances and resources to fulfil our responsibilities.

A more comprehensive submission to the Directions Paper is attached.

If you have any further questions in relation to our feedback, please do not hesitate to call

Yours sincerely

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Greater Shepparton City Council Submission to Department of Environment, Land, Water and Planning (Local Government Victoria) with Emergency Management Victoria – Councils and Emergencies Directions Paper

- Prepared by [Name] Greater Shepparton City Council - [Name] Greater Shepparton City Council
- Approved by [Name] Greater Shepparton City Council

26 April 2017

Greater Shepparton City Council has reviewed and provided comment to the MAV Submission to the LGV Councils and Emergencies Paper. We support and include the MAV Submission as part of our submission. In addition to that we provide the following:

QUESTION FOR COUNCILS: Is the current emergency management responsibilities and actions of councils described in the directions paper correct, and correctly described?

The LGV document references an outdated version of the EMMV Part 4, Appendix 2, issued in September 2015, the current version of the EMMV Part 4 was issued in December 2015. The incorrect referencing affects some of the EM descriptions.

Council has a number of other current emergency management responsibilities and actions not included in the Directions Paper, but are worth noting as they fit in the Directions Paper section on ‘Public order and community safety’;

<table>
<thead>
<tr>
<th>Event Plans and supporting plans</th>
<th>Receiving applications for and approving applications for events. Working with event organisers and other stakeholders to ensure that event plans and supporting arrangements are developed and submitted.</th>
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</thead>
<tbody>
<tr>
<td>Building Services – Municipal Building Surveyor</td>
<td>Places of public entertainment (POPE) requirements, Victorian Building Act and Regulations. Also includes receiving and approving applications for events.</td>
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<td>Inspection in regard to public safety i.e.: structural safety, hazardous debris, site security (external fences to limit access).</td>
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<td></td>
<td>Consideration of Emergency Order (dangerous and immediate action to secure or demolish).</td>
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<td>Consideration of serving a building notice (30 days to show cause why works should be completed – site security and safety).</td>
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<tr>
<td>Environmental Health Officers</td>
<td>Assessment in relation to Prescribed Accommodations Reg’s (maintenance and sanitary facilities).</td>
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<td>Commercial kitchen, suitability to continue serving food (after an emergency).</td>
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<td>Septic tanks, still functional for occupants in relation to habitation (after an emergency).</td>
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</table>
Defining Council’s role as ‘lead’ in the emergency management environment is difficult and confusing. The Directions Paper proposes Council’s role as:

Lead: signifies a council provides overall direction and coordination of the responsibility or action: it plans, implements, directs, funds and resources most aspects of it. It is usually also the point of contact with government agencies, non-government groups, businesses and the community.

Supports: signifies a council may contribute to the action, but responsibility is with another agency. It makes sure the other agency takes account of and respects its interests and those of its community. It may provide resources for some aspects of the responsibility or action. Often, involvement and resourcing is at the council’s discretion.

Other active verbs: (such as ‘appoint’, ‘develop’ and ‘improve’) indicate council will usually directly take the action, often with community or other external participation.

This is a useful definition of Council’s ‘lead’ role but is not necessarily reflected in legislation, EMMV and other guidance documents. For example:

**Note:** In the absence of a comment to a description, council accepts the responsibility and action.

<table>
<thead>
<tr>
<th>Directions Paper, Descriptor No</th>
<th>Comments</th>
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<tbody>
<tr>
<td>1-3</td>
<td>Lead an all-agencies approach to community-based risk assessment and planning including compliance with relevant legislation and policy at the municipal level. Prepare and maintain municipal emergency management plans and subplans. Appoint a municipal emergency management planning committee. Councils do not ‘lead’, they ‘support’ and ‘appoint’ at the municipal level. As per the legislation; S.21(1) – a municipal council appoints a person (MERO). S.21(3) – a municipal council appoints the MEMPC. S.21(4) – the function of the MEMPC is to prepare a draft MEMP. S.21(5) – a MEMPC must give effect to any direction or guidelines issued by the minister. S.21(6) – a MEMPC determines its own procedures. EMMV Part 6, p6-4 (March 2015) – Council – establish the MEMPC. EMMV Part 6, p6-11 – the committee should operate as a planning committee.</td>
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</table>
The narrative around the MEMP and MEMPC is that they are a collaborative plan and committee not ‘owned’ by council, however council has a role in coordinating and directing the development and maintenance of the MEMP and MEMPC.

The legislation and the EMMV indicate councils appoint and support, however the expectation is that councils ‘lead’ this process. Using the active verb ‘lead’ suggests councils have responsibility and/or accountability for the action and/or activity.

The words facilitate and coordinate reflect council role in the MEMP and MEMPC and are preferable to using “lead”.

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<tr>
<td>4</td>
<td>Support hazard-specific risk assessment to inform plans and community resilience-building strategies, using local knowledge and information based on community needs.</td>
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</table>

Not able to locate this action in the way it has been written using the reference provided. EMMV Part 6, p6-5 (March 2015). This relates to the municipal; emergency management planning process and which body is responsible for each step in the process.

Risk Management is found at EMMV Part 6.5, p6-13 (March 2015).

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<tr>
<td>5</td>
<td>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.</td>
</tr>
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</table>

The use of the active verb ‘Lead’ is not consistent with the narrative in the EMMV Part 7, p7-76.

Most of the activities of council listed in Part 7 are carried out in close combination with, or with direct support by, government departments and agencies.

‘Lead’ is not consistent with the intent of Part 7.

The use of the active verb ‘Lead” also contradicts EMMV Part 6, p6-14 – “The responsibility for treatment of risks is shared by all agencies and the community.”

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<tr>
<td>6</td>
<td>Lead the maintenance and administration of the Vulnerable Persons Register (VPR).</td>
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</table>

The use of the active verb ‘Lead’ contradicts the VPR Policy and the EMMV Part 3, p3-24;
“Municipal councils…oversee the maintenance of a Vulnerable Persons Register.”

Vulnerable people in emergencies policy – May 2015
6.2 The role of municipal councils in coordinating local implementation of Vulnerable Persons Registers.
7.1 The role of municipal councils in developing and maintaining a list of local facilities where vulnerable people are likely to be situated.
<table>
<thead>
<tr>
<th>Page</th>
<th>Text</th>
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<tbody>
<tr>
<td>Questionable if council ‘lead’ this role. The policy states that council role is coordinating local implementation of the VPR. This implies a ‘support’ role to DHHS in managing the VPR. The VPR is also a DHHS Policy, how does responsibility of State policy transfer to municipal councils?</td>
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<tr>
<td>16</td>
<td>Identify appropriate and preferred communication channels for the community and particular groups and people (such as those who are vulnerable and those who are culturally and linguistically diverse). This action relates to community information and warnings in the ‘Before’, or planning, stage of emergencies and is referenced by EMMV Part 4, Appendix 2. This version of the EMMV Part 4, Appendix 2 is no longer current.</td>
</tr>
</tbody>
</table>
| 33 | Identify council-owned and-operated resources, assets and services available for emergency prevention, response or recovery; specify their preparedness; and plan to deploy them.  
Not an accurate interpretation of the Act. S.20(2) relates to a requirement for councils to identify and include in the MEMP council owned or controlled resources able to be used in an emergency. This requirement is currently included in the MEMP Audit questionnaire.  
Agencies are required to develop and maintain their own resource arrangements. Council’s role is to provide supplementary resources when an agency exhausts their own resources is managed via the MAV MEMEG Protocol. Also addressed at EMMV Part 6, p6-16. |
| 44-60 | A number of Descriptors in this section describe Councils role in planning and delivery of emergency relief and recovery services. EMMV Part 7 – Emergency Management Agency Roles; Municipal Councils, page 7-76 & 77, states:  
“Municipal councils are the lead agency at the local level for the following relief and recovery activities.............”  
This is the only area where it is clearly stated and reflects Councils role. |
| 85 | Engage the community in developing and delivering recovery activities including by appointing community development and/or community recovery officers.  
References the EMMV Part 4, Appendix 2. This version of the EMMV Part 4, Appendix 2 is no longer current. |
| 92 | Lead council’s impact-assessment processes, systems and tools for core council services.  
Council does not lead or undertake an impact assessment process in the planning/before stages of the emergency management context because there would be no need, there is no impact to assess consequences. |
| 132 | With the support of Heritage Victoria, develop ways to mitigate or avoid adverse impacts to cultural heritage sites during recovery, reconstruction or rehabilitation works. |
It is unclear what role council has to "develop ways to mitigate or avoid adverse impacts to cultural heritage sites during recovery, reconstruction or rehabilitation works". Council's role is to manage compliance with relevant planning overlays.

**140**  
*Coordinate the rebuilding and redevelopment of council and private assets.*

The EMMV Part 7, p7-76&77 has been referenced; this does not include reference to private assets.

**150**  
*Assess and deliver financial re-establishment assistance.*

This descriptor implies that council provides financial support to people affected by the emergency event. DHHS provides the financial assistance, council's role is to support and coordinate, it does not assess or deliver financial reestablishment assistance.

**OVERALL**

The descriptors provide a collective list of council's current emergency management responsibilities and accountabilities resulting from legislation, policy and planning obligations. The list is also indicative of the increasing expectations, roles and responsibilities from other agencies and the community. In some instances the roles expected of councils are without full consideration of appropriate guidance, governance and potential liabilities. This is possibly a result of the lack of formal avenues for councils to raise concerns.

The narrative on Council’s Strengths and Capabilities, in particular the challenges councils face with their emergency management responsibilities and actions, should have been more prominent within the Directions Paper. It could also include clarification that the 154 descriptors are a consolidation of emergency management functions performed by all councils. They are not indicative of emergency management functions performed by all councils as most have limited capacity to carry out most of them.

The same can be said of the significance of the Principles for defining responsibilities and actions. It would be our assertion these are pivotal to council feedback and the other projects the Directions Paper is aligned too. Its placement in the Directions Paper may have understated its significance.

**QUESTION FOR COUNCILS:** Do the descriptions within the directions paper provide clarity to the level of council’s responsibility, initiative and involvement in a particular task? (Note: when providing feedback, please refer to the responsibility by number)?

Throughout the Directions Paper active verbs i.e. support, provide, work, etc., these do not reflect council's responsibility, initiative or involvement. For example:

<table>
<thead>
<tr>
<th>Directions Paper, Descriptor No</th>
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<tbody>
<tr>
<td>42</td>
<td>Support response agencies to access affected areas.</td>
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<tr>
<td>58</td>
<td>Conduct the transition of local recovery arrangements back to the previous management arrangements.</td>
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<td>----</td>
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<tr>
<td></td>
<td>This descriptor is not totally clear on who it applies to and what.</td>
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<tr>
<td>71</td>
<td>Capture, process and manage large volumes of data from multiple sources to share with the community and stakeholders.</td>
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<td></td>
<td>This descriptor is also unclear. Council does assist agencies by supporting their EM messaging. But the use of the words ‘data’ and ‘manage’ puts a different context to the descriptor, particularly as it’s in the ‘During’ or response phase and can be interpreted as impact assessment data and council is responsible for managing the data.</td>
</tr>
<tr>
<td>132</td>
<td>With the support of Heritage Victoria, develop ways to mitigate or avoid adverse impacts to cultural heritage sites during recovery, reconstruction or rehabilitation works.</td>
</tr>
<tr>
<td></td>
<td>It is unclear what role council has to “develop ways to mitigate or avoid adverse impacts to cultural heritage sites during recovery, reconstruction or rehabilitation works”. Councils role is to manage compliance with relevant planning overlays</td>
</tr>
</tbody>
</table>

Comment/Observation:

There are a significant number of Descriptors that describe business continuity actions of council as emergency management actions. There is a grey area between business continuity and emergency management which has not always been identified or accepted.

The Directions Paper has clearly identified the link between an emergency event impacting the community and council, and how council responds and manages its business-as-usual actions. The business continuity descriptors will assist council with clarifying the links between business continuity and emergency management.

It would assist emergency managers within councils if the introductory section of the Directions Paper identifies and comments on the strength of the link between business continuity and emergency management.

Councils submission on the “Principles for defining responsibilities and actions”.

It is unusual to have principles for defining responsibilities and actions at the end of the document rather than at the beginning where they could have been a defining consideration for each of the activities listed. Where it was placed within the paper may have understated their relevance.

Five of the six principles listed are supported and if the 154 activities had been filtered through them, the number of activities would be reduced.

We also offer specific comments on the following individual principles.
"Reflect the council's strengths and capabilities and align to its normal business functions"

In the current emergency management reform process the principle of Council strengths and capabilities aligned to normal business functions is often discussed. However we query if this has really been considered in terms of its relevance to and ability to evolve into emergency management.

Council's strengths and capabilities in relation to its normal business functions are multi-faceted and can include, but not limited to: financial management, town planning, building compliance, engineering, enforcement of local laws, management of infrastructure, maternal child health and child care, ageing population and disability services and community development.

Emergency management is a 24/7 environment and historically the domain of the emergency services. It is also a sector under increased accountability with an expectation to perform at a higher level. Council has historically performed a small emergency management role but the expectations to deliver emergency management services are becoming complicated. To meet its responsibilities councils are expected to add emergency management roles, with associated commitment and investment in training, to staff with life and career paths completely foreign to emergency management. Municipal Councils also have to consider introducing changes to positions descriptions, enterprise bargaining agreements, workplace practices and budgeting which are compounded by rate capping and other financial constraints.

The level of resource commitment associated with the 'before', 'during' and 'after' phases of an emergency is changing. The emergency services are now multi-faceted and operate as one sector to support each other. Local government has a role in all forms of emergencies but don't have the luxury of having access to the same multi agency approach and emergency management training. Council staff apply for positions in Local Government as planners, engineers, accountants and many other roles. They do not apply or aspire for the additional emergency management tasks they are often appointed too. Increased emergency management expectations, even outside of emergency events, is increasing beyond the capacity of most councils. Collaboration might be seen as a possible solution but this only creates pressure to normal business functions in another municipal council.

Council's emergency management responsibilities should be carefully considered to ensure they reflect, and not confuse or conflict with, its strengths, capabilities and normal business functions. It should also not be expected to deliver a service simply because it is a convenience for another statutory authority. It then needs to be supported with finances and resources to be ongoing and sustainable.

"Complement those of other agencies, businesses and the public"

We disagree with the inclusion of this principle as it has the potential to contradict the principles immediately before and after and complicate any process to determine the emergency management role of local government.

There will never be agreement between municipal councils and the emergency service agencies on what this means and how it should be applied and that will not provide certainty or clarity around what are the emergency management functions of local government. By retaining this Council performing an administrative function on behalf of another agency can be interpreted as 'complementary' to other agencies, business and the public and become
part of normal business. It could be argued this is the reason behind the role creep experienced by municipal councils which sees the sector undertaking functions that are outside of what is seen as normal council business as well as entirely on behalf of another organisation. Examples include, but are not limited to; at the most basic level a council as a third party being requested by another agency to source and request everything from catering to heavy plant, including processes involving PO’s and invoices, CFA s.13 permits, developing and maintaining municipal fire prevention plans, fire plug inspections, DEWLP Water Replacement Policy and the DELWP Emergency Water Supply Points Policy. Councils representing municipal emergency management committees at regional level emergency management committees and participation in workshops and committees.

Council’s emergency management responsibilities, and those of other agencies in the emergency management sector, should appeal to the community, industry and business as a natural ‘fit’. It should make sense.

"Provide a platform to collaborate and build partnerships with other councils to enhance the delivery of services."

In principle reasonable but in practice the functional challenges associated with collaboration and building of partnerships needs support to be ongoing and sustainable.

Comments on LGV Councils and Emergencies Directions Paper

Council’s emergency management responsibilities should be carefully considered to ensure they reflect, and not confuse or conflict with, its strengths, capabilities and normal business functions. It should also not be expected to deliver a service simply because it is a convenience for another statutory authority. It then needs to be supported with finances and resources to be ongoing and sustainable.

Greater Shepparton City Council understands and accepts that we have a role in protecting our community during and after an emergency, but this role needs to be clear and achievable. The Directions Paper does not assist in making this role clear and certainly raises concerns regarding sustainability.