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

Dear [Redacted]

Council and Emergencies Directions Paper Submission

Please find attached Benalla Rural City Council's submission on the LGV 'Councils and Emergencies Directions Paper'.

Local Government Victoria is to be commended for carrying out the 'Local Government in emergencies' project, including a thorough review of the role of municipal government in emergency management.

Please find attached our response that addresses the questions asked as part of the submission process.

For further information please contact [Redacted]  
Development and Environment by email [Redacted]@benalla.vic.gov.au or by phone [Redacted]

Yours faithfully,
Email: [Redacted]@benalla.vic.gov.au

Name of Council Benalla Rural City Council

What council or organisation do you work for? Benalla Rural City Council

Phone number (if you would like us to call you to discuss the directions paper or your submission)

[Redacted]

Are you providing this submission as an individual or on behalf of an organisation (organisational responses are preferred)

This submission has been prepared and provided on behalf of Benalla Rural City Council.
Appendix 2

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

The Directions Paper references an outdated version of the Emergency Management Manual Victoria (EMMV) Part 4, Appendix 2, issued in September 2015. The current version of the EMMV Part 4 was issued in December 2015 and does not have Appendices. This will affect some of the emergency management descriptions.

The Council has a number of other 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 service agencies and stakeholders to ensure that event plans and supporting arrangements are developed and reviewed to minimise risk.</th>
</tr>
</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. Inspection in regard to public safety i.e.: structural safety, hazardous debris, site security (external fences to limit access). Consideration of Emergency Order (dangerous and immediate action to secure or demolish). Consideration of serving a building notice (30 days to show cause why works should be completed – site security and safety).</td>
</tr>
<tr>
<td>Environmental Health Officers</td>
<td>Assessment in relation to Prescribed Accommodations Regulations (maintenance and sanitary facilities). Commercial kitchen, suitability to continue serving food (After an emergency) Septic tanks, still functional for occupants in relation to habitation (After an emergency)</td>
</tr>
<tr>
<td>Caravan Park Emergency Plans</td>
<td>Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2010 (Regulations 22-25).</td>
</tr>
</tbody>
</table>

Defining the 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.

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

- Directions Paper; Descriptor 1 - 3

*Emergency Management Act 1986
20 Municipal emergency management plan*
21 Municipal co-ordination and planning
Councils do not 'lead' they 'support' and 'appoint' at the municipal level. The legislation does not indicate Councils having a 'lead' role.

EMMV Part 6; page 4 & 11
Council to establish the Municipal Emergency Management Plan (MEMP) and the Municipal Emergency Management Planning Committee (MEMPC) to operate as a planning committee.

The narrative around the MEMP and MEMPC is that they are a collaborative plan and committee not owned by the Council, however the Council has a significant role in coordinating and directing the development and maintenance of the MEMP and MEMPC, which implies the Council has a 'lead' role.

The confusion arises with the legislation and the EMMV providing for Councils to appoint and support; however the expectation is that the Councils 'lead' this process. Using the active verb 'lead' suggests Councils have accountability for the action and/or activity.

The words 'facilitate' and 'coordinate' reflect the Council role in the MEMP and MEMPC and are preferable to using the word 'lead'.

- Directions Paper; Descriptor 5

Emergency Management Manual Victoria
Part 7 - Emergency Management Agency Roles
Municipal Roles. Page 7-76 - 77

Most of the activities of the Council listed in Part 7 are carried out in close conjunction with, or with direct support by, government departments and agencies. 'Lead' is not consistent with the intent of Part 7. Using 'lead' also contradicts EMMV Part 6, p6-14 - "The responsibility for treatment of risks is shared by all agencies and the community."

- Directions Paper; Descriptor 6

Vulnerable people in emergencies policy – May 2015
6.2 The role of municipal councils in coordinating local implementation of Vulnerable Persons Registers (VPR)
7.1 The role of municipal councils in developing and maintaining a list of local facilities where vulnerable people are likely to be situated

It is dubious that the Council has a 'lead' role in this process. The policy states that the Council's role is coordinating local implementation of the VPR. This implies a 'support' role to DHHS in managing the VPR.

Emergency Management Manual Victoria
Part 3 - State Emergency Response Plan

The EMMV Part 3, page 3-24; "Municipal councils .......... oversee the maintenance of a Vulnerable Persons Register"
Appendix 2

The definition of ‘lead’ in the Directions Paper needs to change or be replaced with active verbs ‘facilitate’ and ‘coordinate’. Lead implies a level of responsibility and accountability by the Council for actions of the MEMP and MEMPC, whilst there is nothing in existing statute or policy that states that the Council is responsible or accountable in this aspect.

- Directions Paper; Descriptor 34

Using the active verb ‘lead’ in this context is not the right word. All agencies have a responsibility to mitigate risk; Council does not have a ‘lead’ role in this area beyond providing a place for its discussion. In the examples provided, this is part of business-as-usual the Council to maintain and protect assets.

An active verb i.e. perform/conduct/ undertake would describe Council role in risk mitigation measures via its business-as-usual activities.

- Directions Paper; Operational Management Descriptors 44-60

A number of descriptors in this section describe Council’s role in planning and delivery of emergency relief and recovery services. EMMV Part 7 – Emergency Management Agency Roles; Municipal Councils, page 7-76 & 77, clearly states that:

“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 the Council’s scope and role.

- Directions Paper; Descriptor 92

Emergency Management Manual Victoria
Part 4 - State Emergency Relief and Recovery Plan
2.2 Relief and recovery are consequence-driven

This is considered as normal business for Council recovery following an emergency or crisis event and more an internal process connected with business continuity.

If it implies this is a process used during the relief and recovery phase, then Council’s role is to coordinate impact assessments for secondary impact assessments, and post-emergency needs assessment.

The active verb to be used is coordinate not lead.

Overall, the descriptors provide a detailed list of Council’s collective current emergency management responsibilities and accountabilities resulting from the various pieces of legislation, policy and planning obligations, as well as the expectations of other agencies and the community.

The Directions Paper section on Council’s Strengths and Capabilities needs to be more prominent within the Directions Paper, clearly articulating that the 154 descriptors is a consolidation of Council responsibilities and actions, in particular the challenges Councils face with their emergency management responsibilities and actions.

Reading every one of the 154 descriptors indicates that every Council performs these actions, when in fact Councils have limited capacity to undertake most of them and for many
of the non-legislated functions the level of involvement or application may be diverse in
different localities around the state.

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, and the like are
used. These words do not reflect Council’s responsibility, initiative or involvement, for
example:

- **Directions Paper; Descriptor 42**

  States; Support response agencies to access affected areas.

  Does not indicate what level of support each Council can or should provide. In reality
Council has very limited capacity to enter the Control Agency’s operational zone as
Council staff are not trained or equipped to do so. Advice can certainly be provided,
however this descriptor implies more active support than advice.

- **Directions Paper; Descriptor 58**

  This descriptor is unclear as to whom it applies. It seems to indicate a transition from
recovery to normal business arrangements, assuming for the Council business
and/or facilities.

- **Directions Paper; Descriptor 71**

  This descriptor implies that the Council is performing this action exclusively. Many
agencies capture, process, analyse and manage large volumes of data, and do not
always share it or allow other organisations to access it.

  This descriptor needs to clearly indicate that it is the Council data not other agencies
data unless it is shared with the Council.

- **Directions Paper; Descriptor 132**

  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”. The Council’s role is to manage compliance with relevant planning overlays.

- **Directions Paper; Descriptor 150**

  This descriptor implies that Council provides financial support to people affected by
the emergency event. DHHS provides the financial assistance and Council’s role is
to support and coordinate. DHHS information does not indicate that Council
assesses or delivers financial reestablishment assistance.

**Other Comments:**

There are a significant number of descriptors that describe business continuity actions of the
Council as emergency management actions. His is not a valid assumption as business
continuity and emergency management which are not necessarily interrelated.
Appendix 2

The directions paper has clearly identified the link between an emergency event impacting the community and Council, and how Council responds and manage its business-as-usual actions. This is not necessarily a matter for the state to define.

What do you consider to be the top (5) five council emergency management responsibilities as described in the directions paper? (responsibilities can be referred to as numbered in the directions paper Required

1. Planning
   - Directions Paper; Descriptor 4

   Supporting hazard specific risk assessments identifies risks that a community faces, assessing the vulnerability of the community to those risks and provides options to reduce or eliminate the risks.

2. Operational management
   - Directions Paper; Descriptor 32

   Councils perform this action now, and it is a key responsibility of Council to support agencies and the community before, during and after an emergency event. Each Council’s capacity and capability varies and is not consistent, reflecting resourcing and funding gaps.

3. Building community resilience
   - Directions Paper; Descriptor 77

   Councils already work with communities via a number of community development service delivery activities and programs. There are a number of ‘drivers’ in the emergency management space promoting and supporting communities to undertake emergency management planning.

   Most Councils do not have the resources or capacity to support communities to undertake emergency planning to learn about and take responsibility for the risks they face.

4. Fire management & suppression
   - Directions Paper; Descriptor 86

   Legislation drives Council’s role in this area, and on behalf of the community, Council plays a critical role in representing community interest and concern regarding fire management. There are concerns about some of the responsibilities allocated to Council i.e. issuing permits to burn, which Council do not necessarily have the knowledge and skills to perform.

5. Relief and recovery

   There are many descriptors which describe Council’s role and responsibility for relief and recovery services following an emergency event. Our community expects
Appendix 2

Council to coordinate and manage emergency relief and recovery services on their behalf and experience has shown that the community will refer to the Council in the first instance to access these services.

Rural and interface Councils such as Mitchell Shire Council, have limited resources and funding which affects the ability to escalate Council response without outside support.

The descriptors do not reflect the limited resources and funding available to rural and interface Councils to rapidly escalate response to community emergency relief and recovery needs.
Engage Victoria - Quick Poll

Email Required
@benalla.vic.gov.au

☐ Tick one of the following

In general terms, does the Councils and Emergencies Directions paper appropriately reflect councils current responsibilities and actions in emergency management?

☑ Yes
☐ No

Do you believe your organisation has a good understanding of councils current responsibilities in emergency management?

☑ Yes
☐ No

Do you believe the councils and emergency management sectors as a whole have a good understanding of councils current responsibilities in emergency management?

☑ Yes
☐ No

There is significant work and reform being undertaken in the emergency management sector. Some of that work directly affects councils in their emergency management service delivery. What current work being undertaken is the MOST important to you?

☑ The Councils and Emergencies Project (enhancing the capacity and capability of local government)
☐ The Emergency Management Legislation (Planning) Bill 2016
☑ The Emergency Management Planning Guidelines
☐ Victorian Preparedness Goal