



Moirira Shire Council Submission to Local Government Victoria - Councils and Emergencies Directions Paper

Executive Summary

The Moira Shire Council has gained considerable experience in emergency management in recent years. In fact, Council has effectively been continuously involved in active recovery since 2006 through drought, flood, tornado, fires, blue green algae, and more recently last year's high water event.

This gives Council's officers a unique perspective on the demands that the recovery process can place on local government during, following and sometimes years after the emergency event occurred. In light of this the following comments are made in relation to the Directions Paper:

- Council understands its recovery role in emergency management and is well connected to its community through its staff and its community planning processes, structures and relationships that these involve. This should not be seen as a licence for the State through its various departments to delegate or assign their responsibilities to Councils for delivering any or every function connected to the community.
- There needs to be strong separation between the essential activities required of Councils and the discretionary tasks that Council might choose to undertake or assist the State in the delivery of.
- A rural council such as Moira cannot afford dedicated Emergency Management staff to be on hand to deliver relief and recovery service when required. Instead, Moira Shire relies on staff to volunteer to fill many of the Emergency Management roles that exist within the Council.
- Council does have issues with capacity, particularly in those extended events where Council has to balance its emergency management response with business continuity and ensuring that it meets its OH&S obligations to all staff in terms of work load and wellbeing.
- Once an emergency was a bushfire or a flood, there is now heatwave, storms, house fires, gas leaks, smoke from fires and even, it would appear, looking after people who sleep rough (refer to Case Study).
- The directions paper provides an example in itself of how a guideline or 'good practice' can become a standard in a number of places where the MAV submission has highlighted activities from the 'indicative list' in Part 7 of the EMMV being identified as statutory requirements.

In determining a Council's responsibilities for relief and recovery, the capability and capacity of Council staff is the most significant consideration. This is relevant as Council staff are:

- often volunteers;
- may be personally impacted, and,
- still need to deliver services to those communities not impacted by the event.

Mandating only the most critical relief and recovery functions is seen as the most appropriate response as Council's capability and capacity to respond is impacted by the magnitude and duration of an emergency event, which in a large rural Council can be significant.

Finally, Moira Shire would prefer to cooperate with the State as the State delivers its emergency management obligations rather than have the State delegate those obligations to Local Government. The second option is not sustainable in the long run and in the end it is the community who will be adversely affected.

Principles

It unusual to have principles for defining responsibilities and actions at the end of the document rather than at the beginning where the principles could provide a lens through which to view all of the 154 activities listed.

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

1. Reflect the Council's strengths and capabilities and align to its normal business function
2. Complement those of other agencies, businesses and the public
3. Be engaged only where the Council is the best placed organisation to do so (meaning is should not be used as an intermediary on behalf of other agencies, particularly for processes over which it has no control or ownership)
4. Be applicable to emergencies of different scales and complexity
5. Be consistent with its capability and capacity, along with its other legislative responsibilities and core business
6. Provide a platform to collaborate and build partnerships with other councils to enhance the delivery of services.

However, Principle No 2, *Complement those of other agencies, businesses and the public* is not supported in its current form as it could be interpreted in a way that becomes a 'catch-all' for all of those responsibilities that the State and its agencies do not want to be responsible for, either because of cost, resources, or the possibility for negative publicity and therefore pushed onto Local Government. The case study attached to this document is a perfect example where this principle is being applied and it should be removed or have further qualification.

Essentially, the issue is about Council's ability to undertake and respond to all of the roles and responsibilities that the various State Departments are looking to assign to it. Where once an emergency was a bushfire or a flood, there are now heatwaves, storms, house fires, gas leaks, smoke from fires and even, it would appear, looking after people who sleep rough (refer to Case Study). How Council will be able to fund the increase in capability and capacity these roles will demand when its revenue is being squeezed through rate capping and freezing of grants remains to be seen and is a significant challenge.

We do agree with the suggestion of the MAV for an additional principle '*State involvement in local incidents should recognise local governance structures and relationships*'. It is important that the State recognises that Local Government has many links and relationships with the community driven through the community planning that is undertaken and facilitated by Local Government. These links and relationships can be fractured, or poorly utilised, if the State through its various departments deal directly with the community without consulting with Local Government during relief and recovery.

However, we do not see this as licence for the State through its various departments to delegate or assign responsibilities to Councils for delivering any and every function connected to the community (this is happening already, for example, the DHHS 'Responding to people who are sleeping rough policy'). Council struggles to fully resource our obligations in the emergency management field now and in an era of rate capping where our revenue becomes more and more constrained, it is difficult to see this situation improving.

Current Responsibilities and Actions

Moira supports the general tone of the MAV submission and especially the comments in the table in Section 2. However, in section 4, the danger is whilst the intent is to reasonably limit Council's obligations to undertake certain activities by grouping under; essential, good practice, and extended, what is viewed as reasonable before an event can be viewed as unreasonable after an event.

The directions paper provides an example in itself how a guideline or 'good practice' can become a standard in a number of places where the MAV submission has highlighted activities from the 'indicative list' in Part 7 of the EMMV being identified as statutory requirements.

There needs to be strong separation between the essential activities required of Councils and the discretionary tasks that Council might choose to undertake or assist the State in the delivery of. The amount of trust that exists between Council and the State is low in relation to the State's propensity to shift cost and responsibility to the local government sector. The reason seems simply, to reduce State costs or avoid the negative publicity that can be associated with these functions that may appear to be found wanting during a major event. An example of this is the State approach to the management of rural levees where the push is for Local Government to manage rather than the State Authority responsible for managing the flood plain, the local CMA.

Council's Capability and Capacity

The main concern when considering the LGV document is the apparent expectation that Council will provide a 24 hour, seven days a week service in the same manner that the other emergency services do. This is simply not possible. A rural council such as Moira cannot afford the dedicated Emergency Management staff to be able undertake such a service. Instead, Moira Shire relies on staff to volunteer to fill many of the Emergency Management roles that exist within the Council. In these circumstances, other staff are required to cover those filling EM roles in order to maintain normal service to those parts of the 4000 square kilometre municipality that remain unaffected by the event.

It would be fair to say that Council has very capable staff who have volunteered to take on Emergency Management roles to assist Council in providing this service to the community. Where Council does have issues is with capacity, particularly in those extended events where Council has to balance its emergency management response with business continuity and ensuring that it meets its OH&S obligations to all staff in terms of work load and wellbeing. As an example, the recent 2016 'high water' event had Council staff in EMLO roles attending the ICC for a week as well as relief centre staff on standby and Operations staff active for much of the time. The recovery phase is expected to continue into July 2017 as Council works to repair roads that were damaged by the flood waters.

The other complication is that in large scale events, staff who are assigned or have volunteered to fill EM roles could themselves be impacted by the event and consequently their first priority is to their family and home.

In acknowledging the challenges faced in meeting the demands in the emergency management sphere, Council has included a strategic action in its draft Council plan to '*Define Council's capacity to undertake emergency management functions*'.

Council's recent history of drought, floods, tornado, fires, and blue green algae outbreak gives it a good understanding of its obligations in managing recovery functions after an emergency. Council also

understands its capacity to respond depends upon the scale of the event which can be local or widespread across the municipality. In some circumstances where the number of people affected is high (200), the extent of recovery activities undertaken will be less than when the number of people affected is small (20).

For this reason it is important that the discretionary recovery functions undertaken for small affected populations are not mandated, as Council will not have the capacity to deliver those same functions to the larger population. The risk is that critical recovery actions may be overlooked for less critical but mandated actions or, the delivery of recovery actions will not be equitable across the affected population.

Other

Emergency Management administrative environment

The directions paper fails to make any mention of the impost upon Council in simply responding to the number of reviews and consultation processes in the emergency management space. This poses a significant impost upon staff time to provide measured feedback on proposals or changes in legislation that might impact upon how Council delivers its services to the community.

Moirā has been fortunate in the Municipal Emergency Resourcing Program that the shared resource with Shepparton City Council has been able to provide the necessary focus to update Council's MEMPlan that was unable to be provided by staff where the Emergency Management role is secondary to their substantive job.

Council is very concerned that the administrative processes being employed within the Emergency Management realm give Council very little say in what responsibilities are being assigned to it. This concern extends to the proposed 'Ministerial Guidelines' process. Council has experienced how other State Government departments have used Guidelines to impose cost or defacto regulation without any regulatory impact process to assess cost or capacity to deliver, one example being EPA Landfill guidelines.

Recently we came across the attached case study as an example where the Emergency Management process is being used to transfer obligations, cost and responsibility to Local Government. There has been no consultation, no discussion as to whether Council has the resources or capacity to be able to undertake the actions assigned to it within the document. If this is an example of how the proposed 'Ministerial Guidelines' process is going to operate then, Local Government is going to find itself very challenged indeed to be able to deliver the services expected of it.

Conclusion

In determining a Council's responsibilities for relief and recovery, the capability and capacity of Council staff is the most significant consideration bearing in mind that many are often volunteers and may also be impacted directly by the emergency taking place.

Therefore Moirā Shire's view is that any mandated actions from the 154 actions listed in the Directions Paper should be minimised to only those that are critical to the health and wellbeing of an impacted community.

The Directions Paper demonstrates how optional actions listed in the EMMV can be interpreted as statutory obligations for Local Government. It is not sustainable for this approach to continue and it puts at risk the capacity of Local Government to deliver on its obligations in relief and recovery to its community and support the State in the delivery of its obligations.

Case Study

In early April, Moirra received an email from a neighbouring Council referring to a policy that had been developed by DHHS called '**Responding to people who are sleeping rough in extreme weather**'. This policy was published in February 2017 and this was the first time we became aware of its existence even though on page 8 it states

- *Municipal emergency management planning committees are responsible for the development of local plans that can be implemented in the event of an emergency. Each committee could consider how their local community can support people sleeping rough during extreme weather events. Local government plays a key role in facilitating the development of municipal emergency management plans. They are well placed to draw on resources across the municipality to assist in identifying people sleeping rough who may need additional support.*

Quite clearly this is placing the responsibility for implementing this policy onto Local Government. The State are positioning themselves as facilitators in this process

- *The department's local area managers in the operational divisions will be key in bringing together the homelessness access points, homelessness networkers and local government to identify lead and partner agencies who will take responsibility for actively notifying and providing supports to people who are sleeping rough.*
- *The department's emergency management managers in the operational divisions can assist the local area managers to facilitate linkages between non funded local agencies and local government. Emergency management managers work with local government, service providers and other local agencies to plan, prepare for and respond to emergency events. This role allows them to provide support and advice in relation to implementation of this policy at the local level.*

However, if the non-funded local agencies do not exist, which is often the case in Moirra, then it appears that Local Government will be left to deliver the:-

.... targeted local 24 hour response over consecutive days that provides respite from the extreme weather conditions and monitors peoples' health and wellbeing to avoid mortality and the escalation of chronic health conditions during the summer and winter period, should be proactive and persistent to minimise the harm to people sleeping rough.

No consultation has taken place with the Moirra Shire over the creation or implementation of this policy even though the implementation date for the policy and MOUs is 1 June 2017, not two months away. There has been no discussion with Moirra Shire as to whether we even have the capacity to provide a 24 hour response service to implement this policy let alone whether we would agree to sign an MOU to provide this service.

As mentioned previously under Capacity and Capability, **there is the apparent expectation that Council will provide a 24 hour days a week service in the same manner that the other emergency services do.** Council does not have this capacity. The scale of a rural council measured by its size and relatively broad population distribution means it delivers its emergency management function through the goodwill of many of its staff volunteering to take on the additional responsibilities above and beyond what they are employed to do.

As the State and Federal governments constrict the revenue of Local Government through rate capping and grant freezing, Councils are being expected to fund a staff resource to provide the 24 hour response and, it would appear, all the other costs associated with the practical implementation of this policy such as:

- *Purchase of emergency accommodation, which can take the form of a hotel, motel, caravan park or registered rooming house. This will require partner agencies to develop relationships with motel/hotel operators to accommodate rough sleepers.*
- *Open 24 hour day and night centres for warm/cool places. This could include:*
 - *Neighbourhood houses*
 - *Church halls*
 - *Community halls*
 - *Homelessness day centres (which do not exist in Moira)*
 - *Recreational areas e.g. pools /cinemas*
 - *Gathering places (Aboriginal) (which do not exist in Moira)*

This is not sustainable particularly as the resources to be provided by the state appear to be limited to simply:

A range of tools will also be developed to assist local areas and may include but is not limited to:

- *Memorandum of Understanding templates.*
- *Examples of what a local response may look like.*
- *Communication and messaging for the community.*

If we filter this policy through the principles within the LGV document, it appears to breach Principle 3 where Council should:

Be engaged only where the Council is the best placed organisation to do so (meaning is should not be used as an intermediary on behalf of other agencies, particularly for processes over which it has no control or ownership)

Council does not operate in the social welfare sector, this is a place for the State or the Federal Governments. However, here we have an example where a State department is prepared to take advantage of a structure that has been set up for an entirely different reason, emergency management, to deliver welfare services on their behalf.

The timeline for implementation states that cold weather thresholds were to be established on the 1 April 2017. Council will now wait to see the proposed MOU and the policy implementation plan to clearly define the State's expectations. Council will then need to determine whether it can resource the implementation of this service and whether it is given any choice.