Local Government Victoria

Councils and Emergencies Directions Paper

Wellington Shire Council Submission

April 2017

Part 1 - Submission Explained

Local Government Victoria (LGV), through its Directions Paper, is seeking submissions on a list of 154 tasks or responsibilities (descriptors) that are described in the Paper as either being councils' current emergency management responsibilities and actions through legislation, regulations policy and statutory planning (blue font), and those which have come from other sources including LGV's 2016 consultation workshops. The colour font is continued in this submission.

While some of the references given in the Paper are incorrect, and some quotes from legislation have been paraphrased our submission feedback is based on the actual wording of the existing legislation, regulations, or policy.

It is noted there is repetition in the 154 descriptors, just worded differently, we have identified these and only provided feedback once. Many of those in black font descriptors are already covered in the EMMV and require no further statutory definition.

It is also noted that there is no specific reference in the list of tasks of Council responsibilities under the DELWP/CFA policy and guidelines – Replacement of Essential Water Used During Bushfire Fighting Operations and yet this was certainly raised at the LGV's workshop held in Sale. While the policy and guidelines were amending in late 2016 Wellington Shire Council and other councils remain steadfast that councils not be tasked under theses DELWP/CFA policy and guidelines. Refer to descriptor 134 and Case Study 3.

In its submission, Wellington Shire Council strongly supports its leading role in relief and recovery at the municipal level. However, some tasks currently undertaken that relate to reinstatement work following fire suppression should be transferred to the relevant response agency. And, Council should no longer be responsible for maintaining assets that either belong or are required by an agency or authority to carry our it's core business. Legislation relating to such matters have not kept pace with change over time and require amendment. These matters are details in the attached Case Studies.

Council is supportive of its role in facilitating all-hazard planning, and supports the proposed introduction of the Planning Bill which should address the issue that Municipal Emergency Management Plans (MEMPs) and subplans are no longer considered council plans, but instead recognised as multi-agency plans for the municipality.

Wellington Shire Councils submission is divided into four parts:

Part 1 - Submission Explained

Part 2 – Council Responsibilities and Actions

Council has used a *Maturity Model* in recognition that not all councils will have the same capacity, capability, or risk profile. There can be a vast difference between metro and metro-rural interface councils; and regional and remote councils. This must be considered during the submissions stage.

Our *Maturity Model* has been divided into five columns;

    a. The 16 category headings that align with the core capabilities outlined in the State Government's *Preparedness Goal* have been used to frame the 154 descriptors

    b. Legislative – *minimum standard, containing most the blue descriptions, with comments in black text*

    c. Best Practice

    d. Extended (where resources allow and / or justified by risk profiles)

    e. Other Agency Role / Transfer to more appropriate Agency

Part 3 – Case Studies

Case studies have been provided to explain why Council believes certain responsibilities and task better sit with other agencies and should not involve Council. Case studies fall into two groups:

    a. Where Council currently undertakes a legislative, regulatory or policy responsibility and action but it is felt such responsibilities and actions more suitable sit with another agency

    b. Where some of the proposed black text responsibilities and actions are not considered Councils role.

Part 4 – Comment on the proposed principles for defining responsibilities and actions

Part 2 - Council Responsibilities and Actions

	Legislative - <u>minimum standard</u>	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
Planning	1. Lead an all-agencies approach to community-based risk assessment and planning including compliance with relevant legislation and policy at the municipal level. **Comment**: Council establishes a multi-agency Municipal Emergency Management Planning Committee (MEMPC) which drafts the 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. Councils does not lead the all-agencies risk assessment – SES runs the Community Emergency Risk Assessment (CERA) process with a number of agencies responsible for contributing.			
	2. Prepare and maintain municipal emergency management plans and sub plans. **Comment:** As the MEMPC, MEMPlan and its sub plans are all multi-agency Council's role is one of facilitate/coordination. Preparation and maintenance of these plans is a joint responsibility of the MEMPC membership.			
	3. Appoint a municipal emergency management planning committee. **Comment:** The word appoint should be replaced with establish, see comment above in 1.			

	Legislative - <u>minimum standard</u>	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
	4. Support hazard-specific risk assessment to inform plans and community resilience-building strategies, using local knowledge and information based on community needs. **Comment:** Yes, Councils does support this process, in partnership with other agencies to identify risks at the local level and working with the other agencies and the community to develop risk reduction strategies. Legislation should reflect this common arrangement.			
	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. **Comment:** This reference above is from Part 7 of the EMMV so it should not be in blue. The above statement is relevant for Council land, and the fire inspection program on private land. However, other agencies also lead implementation and coordination of specific risk treatments on private land and should be reflected appropriately. It is unclear what is meant by the register of at-risk groups. Does this relate to the Vulnerable Persons Register, which is a policy requirement that only apply to councils in the CFA area. Or, does it refer to the VFRR-B? This should be clarified.			

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
				DHHS 6. Lead the maintenance and administration of the Vulnerable Persons Register (VPR). **Comment:** Council has a support role based on a funding agreement with DHHS. Were this funding to cease Council would no longer be involved in the administration of the Vulnerable Persons Register on behalf of DHHS/VicPol. With the introduction of the NDIS there may be significate changes to those agencies who provide personal care, support and/or case management services and the DHHS Policy will need to be reviewed.
				DHHS 7. Support the profiling of the community to identify and record what makes people vulnerable in emergencies and work with Red Cross, DHHS and other agencies to establish a plan to support vulnerable people in the community. **Comment:** The DHHS Vulnerable people in emergencies policy has a narrow criteria for the meaning of 'vulnerable' whereas vulnerable people, in the broader sense (refer SERP pg. 3-23 and 3-24), in the community can include an large part of the general population; and therefore such a profiling and identification project would be prohibitive for Council without significant resources.
		8. Develop council business continuity plans detailing procedures and systems to maintain core business and emergency management activities, including: • backfilling for staff with emergency management expertise when they are on leave • planning to identify and address gaps in council's emergency knowledge and action. **Comment:** This is part of Councils normal business continuity planning process and should not be legislated in emergency management legislation as is covered elsewhere.		

	Legislative - <u>minimum standard</u>	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		9. Improve recovery plans and procedures by exercising and reviewing them. **Already sufficiently covered in the EMMV**		
		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). <u>**Comment:**</u> Duplication of what is already covered in VPP re flood and bushfire management overlays.		
	11. Apply local planning schemes and building controls including development assessments, inspections, and advice. s212 Building Act 1993, BMO, clause 52.47 Bushfire protection: planning requirements (BF5) & clause 44.06 Planning provisions. **Yes, agree**			
	12. Prepare local recovery plans after emergencies. <u>**Comment:**</u> Amend to include *"in conjunction with other Recovery agencies and Community Recovery Committees as appropriate"*			
		13. Assess capability and capacity needs for undertaking relief and recovery activities, determine councils' ability to meet these needs and plan to obtain additional staff and resources as required. <u>**Comment:**</u> Adequately covered in EMMV Pt 4, normal escalation process. The Protocol for Inter-Council Emergency Management Resource Sharing also covers.		

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Community information & warnings	14. Support agencies to plan, prepare and deliver consistent, all-hazards customised information and messages to the community, using council communication networks. State Emergency Relief and Recovery Plan. **Yes, appropriate role.**			
		15. Plan, together with neighbouring councils and regionally, community information. **Comment:** Already sufficiently covered in EMMV and, within regional and municipal committees Terms of Reference, and establishment of Gippsland MEMEGs.		
	16. 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). **Duplication of D 14**			
		17. Support agencies to develop emergency management communications that are relevant and credible to the community. **Duplication of D14, Q23**		
		18. Support implementation of flood warning systems in at-risk areas of the municipality. **Comment:** As per a current multi-agency Agreement. Recently reviewed as part of developing the Gippsland Regional Flood Strategy, and usually covered by Agreements.		
			19. Support a whole-of-government approach to emergency preparedness and awareness campaigns. **Comment:** Subject to capacity. Already covered in EMMV.	

	Legislative - <u>minimum standard</u>	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		20. Communicate with elected councillors and the senior/executive management team to keep them informed and up-to-date. <u>Comment:</u> This is an internal process and adequately covered in the Local Government Act.		
	21. Support agencies to develop and disseminate information and warnings that are relevant and credible to the community by: <u>Comment:</u> Council does not usually 'develop' information and warnings, this is the role of the control agency. Council does however support through the dissemination of such information and warnings.	21. continued • disseminating information through council communication channels and local networks • developing accurate, timely risk information tailored to community needs. <u>Comment:</u> Already covered in the EMMV Part 3 Chapter 5.		
		22. Respond to community calls for local relief and recovery assistance (including assistance with equipment, food, clothing, accommodation, and health needs) and be the central point to identify resources and information. <u>Comment:</u> Already covered in the SERP (EMMV Part 3) and EMMV Part 4 – State Emergency Relief and Recovery Plan. The EMMV Part 7 – Emergency Management Agency Roles lists the agencies responsible for providing relief services.		
	23. Deliver timely, coordinated, accessible and tailored information to the community so it understands relief and recovery assistance mechanisms and processes including through community briefings and meetings. **Yes, agree**			
		24. Assess community needs, to inform recovery information. <u>Comment:</u> Is a process within any effective municipal relief and recovery plans, does not require legislation.		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		25. Organise local broadcasts through the mayor and/or chief executive officer (for example, recovery newsletters). **Comment:** This is a local process and is already covered in the EMMV Part 3 Chapter 5.		
		26. Support agencies to provide community-led recovery information (for example using social media or notice boards). **Already covered in EMMV**		
	27. Provide and staff a recovery centre. **Yes, agree**			
		28. Support agencies to analyse community needs to inform recovery messages and planning from a range of sources (such as public meetings, a call centre, a recovery centre, and debriefings). **Already covered in EMMV and guidelines.**		
Operational management	30. Appoint a municipal emergency resource officer. **Yes, agree**			
	31. Appoint a municipal recovery manager. **Comment:** The Municipal Recovery Manager role should be legislated, just as the MERO is.			
		32. Identify council-owned and operated resources, assets, and services available for emergency prevention, response, or recovery; specify their preparedness; and plan to deploy them. **Comment:** Duplicates MEMP Guidelines in EMMV, and is also covered by the Practice Note: SOURCING SUPPLEMENTARY EMERGENCY RESPONSE RESOURCES FROM MUNICIPAL COUNCILS.		

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		The MEMPC is a multi-agency plan so this requirement should be met by all agencies.		
	33. Support agencies to develop procedures to use council resources. **Yes, agree**			
	34. Lead risk-mitigation measures through business-as-usual works by: • where council is a road authority, managing vegetation on roadsides to ensure a safe, efficient road network. • mitigating risks to council-owned assets and infrastructure. **Comment:** Reference (Road Management Act 2004, s20, 34 and 40) is incorrect.			
		35. Manage and maintain a council emergency coordination system and/or council operations and facilities that can be used during emergencies. **Staging areas and ERCs already covered in EMMV. See also D 50**		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		36. Ensure council staff are trained to safely undertake emergency management roles and responsibilities (such as traffic management, emergency management liaison officer and municipal recovery manager). **Comment:** Covered under LG EM Handbook. Training for relief and recovery generally involves a combination of on-the-job mentoring and external formal training programs. Current external training is not accredited and should be in the same way CFA and DELWP training is. This will require external resources and support from the State Govt.		
			37. Develop response, relief and recovery activities and participate in those led by agencies and other councils.	
		38. Engage relevant stakeholders in gathering, analysing, and sharing recovery information. **Duplicates Q48**		
		39. Implement council's business continuity plan. **Whole of business responsibility not just EM.**		
		40. Implement collaborative plans and arrangements to maintain council's capacity, including by using neighbouring (partner) councils' resources.		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
	41. Support response agencies to effectively deliver emergency response services locally by: • after consultation, making council resources, facilities, and services available to agencies during response, relief, and recovery phases. • providing council resources as requested by agencies to secure affected areas • providing a council liaison officer (emergency management liaison officer) to an emergency management team to: . share knowledge, data and information about community needs and consequences . ensure council is consulted and involved in emergency decisions that will affect the council and community. **Comment:** Wording needs to reflect that providing support to response agencies is within capability and capacity constraints, and where it is safe to do so. <u>Council staff and resources are not capable/suitable for deployment to a fire ground.</u>			
	43.Provide agencies with resources and information to partially or fully close roads and determine alternative transport routes. **Yes, agree**			**Response agency/VicPol** 42. Support response agencies to access affected areas.
	44.Conduct local recovery activities. **Yes, agree**	45. Support the transition from relief to recovery with relevant emergency management teams. **Duplication of SERP**		
		46. When safe, deploy council staff to affected communities to deliver recovery services. **Comment:** This is a multi-agency activity and is already covered under various documents e.g. EM_COP Library IMT Toolbox, Impact Assessment Guidelines, Outreach agreements, etc.		
		47. Work with the community and recovery agencies to adapt recovery plans to reflect newly identified or changing community needs and priorities.		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
	48. Scope requirements for planning to establish a municipal / community recovery committee and if necessary form, lead and support the committee. **Yes, agree**			
			49. Support agencies to analyse community needs for the planning of service provision. **Comment:** What is this in reference too? Water services, additional fire stations, construction of flood mitigation works? Needs to be clarified. If so, these are covered under separate legislation.	
		50. Establish processes to gather information from a range of sources (such as public meetings, a call centre, a recovery centre, and debriefings) to inform recovery planning. **Comment:** Covered under - . . . duties of the MRM see the EMMV (Part 6, Appendix 3, 'Key Municipal Emergency Management Roles – Indicative Functions')		
		51. Continually assess recovery needs, redeploy staff to recovery roles and implement surge arrangements to fill gaps. **Comment:** **For large events usually require funding & employment of a Recovery Officer**		
		52. Establish a recovery centre, coordinating across agencies to ensure sufficient staff, resources, and equipment. **Already covered in EMMV no need to legislate**		
		53. Support recovery case management and gather data from relevant agencies locally. **Already covered in EMMV no need to legislate**		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		54. Conduct post-emergency needs assessments, coordinating with response and recovery agencies locally. **Already covered in EMMV no need to legislate**		
		55. Coordinate local outreach with relief and recovery agencies to undertake the initial assessment of relief needs. **Already covered in EMMV no need to legislate**		
				DHHS 56. Work with local services including psychosocial services to utilise existing services and programs to support recovery efforts and reassure the community.
				DHHS 57. Support agencies to take a coordinated approach to recovery at the regional level.
		58. Conduct the transition of local recovery arrangements back to the previous management arrangements. **Already covered in EMMV no need to legislate**		
	59. Clear blocked drains and local roads including by removing trees on council land and on roads. **Comment:** Partly appropriate. Councils clear blocked council-owned drains, but do not clear private drains or drains belonging to other authorities.			
		60. Lead the management of environmental health issues (such as food and sanitation safety, vector control and animal disposal) with relevant agencies. **Comment:** Yes at Staging Areas, ERCs and alike.		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
	61. Support agencies to coordinate volunteer efforts after emergencies. **Comment:** Can be subject to capacity, and usually funding required to engage a Recovery Officer.			**DHHS now responsible for coordinating spontaneous volunteers**
	62. Coordinate animal welfare within council resources. **Yes, Agree**			
	63. Support agencies to coordinate and manage services to meet the immediate needs of affected livestock locally. **Comment:** Can be subject to capacity, and usually requires escalation to DELWP/DEDJTR.			**DELWP/DEDJTR**
			64. Support agencies to monitor emerging needs and adapt services to minimise the long-term consequences on health and wellbeing. **Comment:** Not to be legislated, should be through agency to agency request as is dependent or resources at the time.	
Intelligence & information sharing		65. Implement standardised systems and processes to facilitate surge arrangements and exchange staff between neighbouring (partner) councils to maintain capability and capacity during and after emergencies by:• identifying data needs for relief provision and planning for data management• establishing data-sharing agreements and procedures with agencies.		
		66. Collect, analyse, and share information about current and emerging local risks, hazards and consequences with agencies, businesses, service providers, the community and other emergency management partners. **Part of normal risk assessment by MEMPC, covered in EMMV**		

	Legislative - <u>minimum standard</u>	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		67. Clarify and communicate council's emergency management role locally, to develop a shared understanding of emergency management activities with agencies and the community. **Already covered in EMMV**		
		68. Work with other organisations to integrate information systems, tools, and networks of trained personnel to deliver intelligence requirements (such as by using Crisisworks and Emergency Management Common Operating Picture ([EM-COP]).		
		69. Support regional and state information-sharing forums, committees, and meetings. **Already covered in EMMV**		
		70. Support agencies by providing council-owned data and intelligence about properties, residents, assets, facilities, community demographics, needs and consequences. **Some data covered by privacy and would require an Agreement.**		
			71. Capture, process and manage large volumes of data from multiple sources to share with the community and stakeholders.	**DHHS, ABS**
		72. Capture and analyse lessons, share the findings with other councils and agencies, and work cooperatively to identify and implement solutions. **Via a MEMEG**		
			73. Conduct ongoing intelligence-gathering and information-sharing activities about local mitigation and recovery activities.	

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
Public order & community safety	74. Undertake municipal functions as required by local government, building, electricity, water and land use planning legislation and regulations i.e. *Emergency Management Act 1986, Emergency Management Act 2013, Local Government Act 1989, Country Fire Authority Act 1958, Metropolitan Fire Brigades Act 1958, Public Health and Wellbeing Act 2008, Water Act 1989, Water Industry Act 1994, Electricity Safety Act 1998, Planning and Environment Act 1987 and the Building Act 1993*			**CFA** Issuing of Permits to Burn should solely be a CFA role. **Refer Case Study 1** **CFA/Water Authorities** The provision, maintenance, and associated cost of maintenance of FH/FP and markers should be a shared role of CFA & Water Authorities. **Refer Case Study 2**
	75. Proactively enforce relevant regulations and laws that relate to emergency management. **Is this not a duplication of D 74?**			
Building community resilience		76. Build local partnerships with businesses and not-for-profit organisations.		
		77. With other partners, support agencies to empower individuals and the community to exercise choice about and take responsibility for risks.		
			78. Encourage and assist the community to participate in emergency management education and training programs provided by council and agencies.	
		79. Advocate for community needs at the regional and state level including for: • community preparedness and local leadership • adequate emergency management funding and resources • compatible and consistent emergency management information systems • consistent and streamlined legislation that supports council's role in emergency management at all stages of an emergency.		
		80. Gather knowledge about local assets, values and support systems including about the community's history and what people value as important, now and for the future.		

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
			81. Develop and deliver emergency management and community resilience training for council staff.	
			82. Monitor and evaluate the community's engagement with emergency management and its capacity to prepare for, act during and recover from emergencies.	
		83. Support emergency management teams by ensuring local information and contacts are provided as part of community decision-making during emergencies. **Comment:** "…community decision-making during emergencies." Need to be very clear about the level of influence and scope of any decisions the community may make during an emergency.		
			84. Conduct community engagement activities to implement lessons learned about community resilience. **Comment:** Unlikely to achieve due to lack of resources.	
	85. Engage the community in developing and delivering recovery activities including by appointing community development and/or community recovery officers. **Comment:** Can be done through establishment of Community Recovery Committees. Appointment of a community development and/or community recovery officers would require external funding. Historically Delays in State-Commonwealth funding for recovery officers has been a barrier to timely recovery activities.			
Fire management & suppression	86. Support agencies in line with relevant fire legislation and regulations by: **Note these activities are all 'Before' not 'Before/During'**			
	• appointing a municipal fire prevention officer			

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
	• developing and maintaining a municipal fire prevention plan (Municipal Fire Management Plan) **Comment:** Insert the words "Facilitate the" before the word developing. As like the MEMPlan the MFMPlan is the responsibility of the multi-agency MFMPC.			
	• 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. **Yes, agree**			
				CFA Issuing of Schedule 13 Permits to Burn should solely be a CFA role. **Refer Case Study 1**
	. 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. **Comment:** Council is severely restricted in its ability to create separation between residential areas and unmanaged vegetation on council owned land by the creation of fuel breaks. While there is an exemption from native vegetation protection regulations under VPP 52.17 allowing the creation of fuel breaks, this exemption is not available to Local Government as it is not a 'Public Authority' under the Planning and Environment Act (1987). Legislation needs to be amended to include LG under the meaning of a 'Public Authority'. We believe this to be an oversight at the time legislation was created as it was not anticipated that LG would be heavily involved in this space.			
				CFA/Water Authorities **providing pillar fire hydrants in reticulated areas when the CFA issues written notice to do so** The provision, maintenance, and associated cost of maintenance of FH/FP and markers should be a shared role of CFA & Water Authorities. **Refer Case Study 2**

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				CFA or Water Authority • meeting the costs of providing, installing, marking, and maintaining all fire plugs in the municipality. **Refer Case Study 2**
				87. Develop emergency management resource-sharing protocols between councils. **Already exists at State level**
				Response Agencies 88. Maintain and store essential equipment and materials to support emergency management activities and meet the needs of affected communities (such as sandbags). **Comment:** Council no longer maintain large stores of equipment and materials as it once did. Usually council contract plant in when required for projects. Some councils now totally outsource. This responsibility needs to transfer to response agencies, and indeed DELWP do hold stores of equipment and materials and, have an extensive contractor list. Likewise, SES are now responsible for sandbags. Council is only required to supply sandbags for the protection of council assets. Where response agencies requiring equipment outside their normal inventory, and are not available from councils' inventory, the response agency are required to hire or purchase at their own expense. Refer PRACTICE NOTE - SOURCING SUPPLEMENTARY EMERGENCY RESPONSE RESOURCES FROM MUNICIPAL COUNCILS
				IMT/EMT 89. Support agencies to source and supply personnel, equipment, materials, services, and facilities to support emergency management activities and meet the needs of affected communities. **Comment:** Duplication with the IMT Logistics team. If Logistics request LG assistance then LG will help (within capacity, but not for personnel) think this should be one of those IEMT functions in the "During" phase.

	Legislative - <u>minimum standard</u>	**Best Practice**	**Extended (where resources allow and / or justified by risk profiles**	**Other Agency Role / Transfer to more appropriate Agency**
				Response agencies 90. Manage, coordinate, supply and deliver resources promptly and efficiently using best-practice methods locally.
Impact assessment		91. Develop impact-assessment processes and data-collection systems.		
		92. Lead council's impact-assessment processes, systems, and tools for core council services.		
	93. Collect secondary impact-assessment data about the scale and characteristics of the impact on the social, economic, built and natural environments. **Yes, with multi-agency support**			
				Is responsibility of control/response agencies 94. Initially assess impacts on essential infrastructure and services. **LG asset specialist staff may be requested to accompany IIA Team - will need to be provided with PPE**
				DELWP & DEDJTR 95. Support agencies to gather information about how the emergency is affecting animals.
		96. Support agencies to use council's spatial data to verify property losses. **LG staff would operate with agency staff present.**		
		97. Conduct a process to gather incident and impact intelligence from initial and secondary impact assessments to inform relief and recovery planning. **Initial impact intel part of transition to recovery template. Refer EM-COP IMT Toolbox**		
			98. Conduct longitudinal mapping of the impact focusing on wellbeing, liveability, sustainability, and viability.	

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Health protection	99. Undertake municipal functions as required by public health and wellbeing legislation and regulations. **Duplication of D 74**			
		100. Include emergency management in council plans including in the municipal public health and wellbeing plan and the council plan.		
		101. Establish programs to detect and identify risks to public health locally (such as through heatwave planning). **Already covered in EMMV**		
		102. Conduct epidemiological and other investigations.		
		103. Communicate information about public health locally.		
Relief assistance			104. Coordinate relief agencies and the community to develop local relief plans. **May require support from DHHS**	**DHHS**
		105. Develop protocols and procedures that are agreed with relief agencies.		**DHHS**
		106. Design a scalable organisational structure to deliver relief services.		
		107. Work with other councils to develop a collaborative approach to relief. **Works best through establishment of a MEMEG**		
		108. Contribute to regional relief planning. **Already covered in EMMV**		
		109. Identify, plan and document relief centres or other locations to provide emergency relief services that meet health and other community needs.		
		110. Develop plans and procedures for emergency shelter.		

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		111. Plan for the needs of domestic animals as part of relief activities. **Already covered in EMMV, duplication of earlier Descriptor.**		
		112. Support service providers and local groups to educate the community about donated goods and volunteering and develop messages and procedures about donated goods and volunteers. **Already covered in EMMV**		
				DHHS/AV role 113. Work with health practitioners to understand the health and psychosocial implications of emergencies and the implications for relief.
		114. Develop surge arrangements for relief, recovery, and business-as-usual activities in the short, medium and long-terms. **Already covered in EMMV**		
		115. Coordinate relief services locally.		
		116. Establish and manage relief centres where appropriate, including: • register relief centre attendees • coordinate the provision of food, water, and materials to affected communities **Already covered in EMMV**		
				DHHS role • provide temporary shelter options for displaced local people
				DHHS Role • coordinate and manage services to meet the physical and psychosocial needs of affected local people.
		117. Start recovery case management by gathering data from relevant agencies.		
				DHHS Role 118. Inform the community about financial hardship assistance payments.
		119. Manage enquiries about donations of goods and offers to volunteer.		**DHHS for spontaneous volunteers**

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				Red Cross & VicPol role 120. Support efforts to reunify family and others separated during an emergency.
		121. Support a coordinated approach to relief at the regional level. **Duplicates D 108**		
Economic recovery		122. Help affected businesses to access information and advice locally. **Comment:** Covered in EMMV Page 7-13. Main players are ICA, VMIA, RFCV DEDJTR, DTF. Council can support with local knowledge		
		123. Support the community to work with insurers. **Comment:** Covered in EMMV Page 7-13. Main players are ICA, VMIA, RFCV DEDJTR, DTF. Council can support with local knowledge		
		124. Support organisations to offer technical advice about re-establishing local businesses. **Comment:** Covered in EMMV Page 7-13. Main players are ICA, VMIA, RFCV DEDJTR, DTF. Council can support with local knowledge		
		125. Assess business and economic needs. **Covered in EMMV Page 7-13. Main players are ICA, VMIA, RFCV DEDJTR, DTF. Council can support with local knowledge**		
Natural & cultural heritage rehabilitation		126. As part of emergency planning, identify at-risk cultural heritage sites. **Comment:** **Yes for European sites (Heritage Victoria database). However, for indigenous sites this information is usually restricted access - DELWP/PV, also AAV, GLaWAC.**		**For indigenous sites this information is usually restricted access - DELWP/PV, also AAV, GLaWAC.**

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
			127. Coordinate natural environment rehabilitation works locally. **Only for council land. Other than that, this is a DELWP/PV/EPA role.**	**DELWP/PV/EPA role.**
			128. Restore local cultural heritage sites. **Only for council sites and this will depend on the asset.**	
			129. Assess impacts to natural and cultural heritage sites. **Only for council sites**	
			130. Coordinate remediation and stabilisation works on private and public land. **Only for council sites**	
				Not a council role, unless council asset 131. Monitor natural and cultural heritage sites.
				Not a council role, unless council asset 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.
Built recovery			133. Identify community needs and priorities for restoring the built environment including essential services, commercial and industrial facilities, public buildings and assets and housing. **Refer D 139, 140, 141, 143.**	
		134. Identify standards for clean-up and recovery.		**DELWP/CFA - Not a council role** Responsible for the provision and administration of the Replacement of Essential Water Used During Bush Firefighting Operations (Victorian Government Essential Water Replacement Scheme Policy & Guidelines **Refer Case Study 3**

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		135. Identify likely resource and equipment requirements for council recovery activities in the short, medium, and long terms and determine supply chains in consultation with other agencies to ensure adequate resourcing.		
	136. Survey and determine the occupancy of damaged buildings.			
		137. Conduct stabilisation and remediation works on council or community infrastructure and land to prevent further damage to the built environment. **Comment:** Agree for council land. NB: Some community infrastructure is on DELWP and PV land and would be their role.		
		138. Support safety assessments for essential and critical assets and infrastructure. **Only for council assets.**		
		139. Working with the community, prioritise the restoration of local assets and infrastructure, ensuring the restored assets and infrastructure are sustainable and more resilient to future emergencies. **Can work with community through establishing Community Recovery Committee (already a council role). Refer D 140, 141, 143.**		
		140. Coordinate the rebuilding and redevelopment of council and private assets. **Comment:** Only for council assets. Refer D 141 and D 143. This would also depend on the amount of council and private assets affected. Significant losses may be coordinated at State level as it was for 2009 Black Saturday losses.		

	Legislative - __minimum standard__	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
		141. Restore council-owned assets, prioritising business operations and commercial or community facilities essential for community wellbeing or recovery activities. __Comment:__ 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.		
		142. Coordinate clean-up activities including the disposal of dead animals. __Comment:__ Councils are responsible for cleaning up council land. Any policy relating to clean up of private property must be underpinned by the principles of equity and encouraging adequate insurance.		__DEDJTR for major losses of stock__
		143. Support the restoration of private and non-council assets within the scope of existing council services. **These are normal planning and building processes.**		
		144. Review physical infrastructure needs and establish long-term recovery infrastructure where necessary.		
				145. Support agencies to restore essential assets and infrastructure. **Not a council role other than through normal planning and building processes.**

	Legislative - minimum standard	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
				146. Establish planning scheme exemptions for emergency accommodation and clean-up works, and streamline planning and building construction approvals.**Disagree unless directed by Minister. Any reconstruction must comply with Planning Schemes and Building Regulations.**
Social recovery		147. Coordinate health programs to ensure the continuity and availability of advice and activities. **Part of any Recovery Plan which will vary depending on the circumstances.**		
		148. Assess and deliver services for the medium- to long-term psychosocial needs of the community. **Part of any Recovery Plan which will vary depending on the circumstances and funding. DHHS usually play a big role in this area.**		DHHS
				DHHS 149. Provide access to short-, medium- and long-term housing options for displaced people.
				DHHS 150. Assess and deliver financial re-establishment assistance.
				DHHS 151. Support community services to provide shelter, food, counselling, and other assistance to people at socioeconomic disadvantage.
Assurance & learning		152. Conduct after-action reviews of council operations during emergencies, to inform future planning. **Normal business no need to legislate.**		

	Legislative - **minimum standard**	Best Practice	Extended (where resources allow and / or justified by risk profiles	Other Agency Role / Transfer to more appropriate Agency
			153. Conduct incident management reviews and modify council plans and procedures to draw on lessons learned. **Comment:** Incident management reviews usually done by lead response agency. Noting that 90% of emergency management plans at the municipal level are multi-agency plans not council plans.	
		154. Assess and review outcomes for the community after an emergency, looking for opportunities to improve outcomes in future.		

Part 3 – Case Studies

Case Study 1 – Municipal Fire Prevention Officers (MFPOs) are authorised to issue schedule 13 permits to burn

Statutory Reference[1]

1. The *Country Fire Authority Act 1958* restricts the use of fire in the open air in the country area of Victoria (not including land within a fire protected area) during a declared FDP.

2. Municipal councils appoint fire prevention officers and assistant fire prevention officers, who may issue Schedule 13 permits:

    a. to enable persons to burn off grass, stubble, weeds, scrub, undergrowth or other vegetation (whether dead or alive) or other material, during the FDP,

        i.   within a specified period of time,

        ii. for purposes that are determined to be essential (e.g. agribusiness),

    b. with the mandatory condition that all fires must be extinguished before sunrise on the day following the day on which they were lit. By necessary implication, this will limit such burn offs to short duration fine fuel burning.

Feedback

1. Wellington Shire Council and CFA District 10 began a local arrangement in November 2014 for the issuing of schedule 13 permits:

    a. The CFA are the issuing authority for schedule 12 permit to burn by a brigade and schedule 14 permit to light a fire for miscellaneous purposes.

    b. both CFA and Council can issue a schedule 13 permit to burn by a private person, however only the CFA will issue permits for broad acre burns (including stubble burns). The CFA is the subject matter experts for broad acre burns on private land and are better able to assess risk.

2. From 2015, Wellington Shire Council (along with the five other Gippsland councils - Gippsland Municipal Emergency Management Enhancement Group (MEMEG) - advised all CFA Regions that Gippsland councils would no longer be issuing any permits to burn during the Fire Danger Period (FDP) in view of:

    a. Limiting unnecessary fire in the landscape.

    b. Permits to burn are an administrative function of the Fire Danger Period. The CFA impose the FDP restrictions and should therefore wholly manage the administration.

    c. Stubble burning is not a widespread method used in Gippsland, and so historically, most requests to the MFPO for a schedule 13 permit to burn were for green waste from property owners who had failed to prepare their properties prior to the FDP being introduced.

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[1] Excerpt from the CFA Discussion Paper 'Schedule 13 Permits to Burn by a Private Person', 3 March 2017.

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3. Wellington Shire Council provides public education and free green waste days prior to the FDP. Disposing of green waste during the FDP is in place is available at all Council tips.

   a. Our council website advises property owners about how to manage fire on their property through permits, with extensive guidance on the penalties.[2]

   b. Our customer service centre is trained in directing calls to the CFA District 10 office. Requests to council for permits to burn are very few as:

      i. The public know that burning off (piles of rubbish) is not supported by any agency during the FDP, and

      ii. That Wellington Shire Council are no longer an issuing authority for FDP permits.

   c. In reality, the number of requests for permits to burn in the Wellington Shire are very few and often not approved (by the CFA) due to the non-urgent nature of the request.

   d. In the summer of 2016/2017 council received one request for a Permit which was redirected to CFA. CFA District 10 advised they have issued only 10 permits to burn.

   e. As you can see Council's education program has been quite effective and local arrangements work well.

4. While circumstances may differ around the State, a one-size-fits-all solution being pushed aggressively by CFA is not appropriate. Local arrangement should be allowed and it should be noted that while councils in the CFA area are authorised to issue permits to burn, it is not mandatory that they do so.

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[2] www.wellington.vic.gov.au/fire.

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Case Study 2 – Provision of pillar hydrant or hydrants including the costs of providing, installing, marking, and maintaining all fire plugs in its municipal district

References: A. Country Fire Authority Act 1958

B. Water Act 1989

S.36 CFA Act 1958
The Authority (CFA) may by notice in writing require any municipal council any part of the municipal district of which is supplied with water by a permanent reticulated water supply system to provide a pillar hydrant or hydrants at any specified place or places in or near a public street or road within the said part of the municipal district.

S.165 Water Act 1989
(1)   A council may require an (Water) Authority that has a water district situated wholly or partly within the council's municipal district to fix fire plugs (hydrant) to any of the works of the Authority within the water district in suitable locations for the supply of water for fire-fighting purposes.

(2)   A council must meet the costs of providing, installing, marking, and maintaining all fire plugs that the council requires under subsection (1) to be installed in its municipal district.

(3)   An Authority may provide, install, mark and maintain any extra fire plugs that it thinks necessary or that are requested by a landowner, either at its own cost or at the cost of the landowners benefited by them.

(4)   An Authority must—

(a)   keep all fire plugs in its water district in working order; and

(b)   provide conspicuous markers for fire plugs supplied by it; and

(c)   make sure that at all times water is available from fire plugs in its water district for cleaning sewers and drains, unless the water is unavailable due to a shortage of water or another unavoidable cause, or due to repairs.

(5)   Subsection (4)(a) does not require an Authority to make sure that water pressure is adequate for firefighting.

1. Historically many councils were also water and/or sewerage authorities. In December 1994, the Wellington Shire Council predecessor body transferred all water and sewerage assets to Gippsland Water. No council in Victoria is now a water and sewerage authority.

2. Prior to 1998 when CFA became a Referral Authority under the *Planning and Environment Act 1987* the practise of "notices in writing" between CFA, Gippsland and Council, and Council to Gippsland Water (from 1995) appear ad-hoc.

3. Post CFA became a Referral Authority there has been no "notices in writing". The MAV has advised that it believes councils are not responsible for meeting the costs of providing, installing, marking, and maintaining all fire plugs (hydrant) in the municipality as "notices in writing" are not the same as a planning permit requirement and do not equate to a council request. It is likely that this scenario may need to be settled legally but is supported by this council.

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4. Regardless of any legal outcome Council strongly believes it should no longer be involved in the provision, installation, marking and maintenance of fire plugs for firefighting as:

    a. The responsibilities are historical and the *Country Fire Authority Act 1958* and the *Water Act 1989* have not kept pace with changes to the *Planning and Environment Act 1987* and the *Subdivision Act 1988.*

    b. Developers, not Council provide and install fire plug and markers. The Statement of Compliance and the transfer of these assets from the developer can be either to Council or a public authority (Gippsland Water), *Subdivision (Miscellaneous Amendments) Act 1991.* Many utilities have assets in or on Council roads without Council maintaining them.

    c. The fire plug is a contiguous asset of the water main, although water authorities may disagree.

    d. Many councils have agreements with water authorities to maintain fire plugs and markers. Wellington Shire Council is in early discussions with Gippsland Water regarding such an agreement. The future question is who pays and this Council is proposing that maintenance cost move to either CFA or the water authority on the principle that the water authority is in the best position to maintain the assets, and CFA is the end user of the assets. Councils for historical reasons are an unnecessary "middle-man".

Case Study 3 - Replacement of Essential Water Used During Bush Firefighting

Reference   *A. Victorian Government's policy – 'Replacement of Essential Water Used During Bushfire Fighting Operations*

B. Guidance document for: Implementation of the scheme by Municipalities and State Government

Summary of municipal action under Reference B:

- *Where required, municipalities will assist landholders who are unable to access and fill out the form electronically. Request forms are to be emailed to the DELWP Bushfire Recovery email bushfire.recovery@delwp.vic.gov.au.*

- *The municipality will forward the approved essential water replacement request/authorisation form to water delivery contractor/s and to the local water corporation for action. Water required for human consumption is to be provided by the 'Urban' Water authorities and stock and irrigation provided by bulk water suppliers.*

- *Upon completion of delivery, contractors/depot will forward all forms and invoices to the municipality for matching with earlier documentation.*

- *The municipality will record replacement quantities and locations.*

- *Upon completion of deliveries, municipality to lodge claim form/invoice plus supporting documentation with DELWP finance hub. DELWP will provide payment for cartage only, as water is provided for free under this policy.*

- *If the invoice from the municipalities for the water cartage costs is being processed during a bushfire by the Logistics Officer at the IMT, that Logistics Officer must use the purchase book of the control agency.*

   Note: If there is a concern regarding whether water is 'essential', for agricultural operations, DEDJTR Agricultural Productivity can provide an advice service. If DEDJTR Agricultural Productivity are used in this capacity the agency (CFA or DELWP) seeking advice should inform DEDJTR Agricultural Productivity once the request is complete (i.e. water supplied or request rejected) so that DEDJTR Agricultural Productivity can close out the request in their referral system.

Roles & Responsibilities Municipalities

- *Put in place arrangements at a municipal level for the implementation of the essential water replacement policy as part of their relief and recovery responsibilities.*

- *When a landholder requests replacement of essential water, the municipality will request the landholder to complete and submit a water replacement request/authority form to DELWP Bushfire Recovery email address.*

- *Receive verified essential water request form from either DELWP or CFA to process essential water replacement claims.*

- *Contact the local water corporation and contracted water carter(s) to organise replacement.*

- *Initially cover the cartage costs.*

- *Prepare and forward aggregate invoice and summary sheet to DELWP finance hub for reimbursement. All invoices must come to DELWP who holds the liability for this process.*

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- *Local arrangements will be made to replace essential water following the landholder contacting the municipality. Where essential water has been exhausted, the aim will be to replace water within 48 hours – where it is safe and practical to do so.*

1. The Essential Water Replacement Scheme was introduced following the 2006-07 Great Divide Bushfires and was subsequently enacted in following years due to drought conditions across the state. The scheme was put in place for the replacement of essential water used during bushfire operations by Victoria's fire agencies. The Policy and Guidelines were continued after drought conditions had eased at the direction of the State Government.

2. In October 2010, the Victorian Government's Emergency Management Council endorsed the Essential Water Replacement Scheme as ongoing and is in place regardless of drought conditions. The scheme is implemented as part of the state emergency relief and recovery arrangements outlined in the Emergency Management Manual of Victoria (this only occurred in 2016).

3. The Policy and Guidelines in recent years although titles 'Victorian Government Essential Replacement Scheme' are in fact DELWP/CFA documents with the Guidelines only authorised by DELWP and CFA, no sign off by LGV or MAV.

5. Council sees its role as relief and recovery, including the provision of drinking water. It does not believe it should be involved in the replacement of non-potable water taken by DELWP/CFA for use in fire suppression. Council holds the view that replacement of non-potable water is part of reinstatement works in the same way fire agencies rehabilitate control lines and fencing damaged during suppression activities.

6. Council/s has been long advocating to be removed from the Essential Water Replacement Scheme policy and guideline through MAV and LGV. The process, although improved in late 2016, is still clumsy and involves councils as an unnecessary "middle-man".

7. During recent years (bushfire events) Council, has encountered a number of issues that reinforce why councils should not be involved in the Essential Water Replacement Scheme:

   a. Council often does not have a role in smaller events and is not activated by the IC/MERC except for being asked to coordinate one or two water replacement requests. This means we have to open an incident budget account for small amounts – although local arrangements have been established for DELWP to provide a purchase order number for the contractor so the contractor invoice can be address to DELWP and does not have to go through Council accounts and an invoice raised.

   b. Council spends an inordinate amount of time trying to track down information and application details particularly when the ICC has closed, the relevant person to verify the request has been given time off after the event, and record keeping by CFA is usually non-existent. The process also involved the toing and froing of forms between Council – DELWP – back to Council – to the contractor – back to Council – back to DELWP – and then payment back to Council; very inefficient.

   c. Water has never been delivered within 48 hours and recently two months after the event.

d. There has been no proper assessment as to whether or not the water is essential. In the last two events the water was not essential but DELWP advised Council to replace anyway to avoid a conflict situation. It is not appropriate for DELWP/CFA to agree to ex-gratia arrangements that place an unnecessary workload on Council. If DELWP/CFA continue to do this Council will seek advice from DEDJTR – it is not appropriate that Council be the one to inform landholders, our rate payers, that the water taken is not considered essential.

8. During any large-scale bushfire event, with perhaps several essential water requests, Councils priority will be the delivery of drinking water. Cartage companies have separate vehicles for potable and non-potable water. Gippsland water authorities have advised they will not permit potable water to be used to refill dams or stock water tanks. Cartage companies wash out their waste cartage vehicles (which are also larger than potable water vehicles) to carry raw water. Often these non-potable water vehicles (contractors) will already be engaged by DELPW/CFA to supply water for the firefight and therefore would be much easier for the response agency to direct them to replace essential non-potable essential water to affected landholders – perhaps even within 48 hours.

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Part 4 – Comment on the proposed principles for defining responsibilities and actions

The LGV consultation activities also brought forward ideas for principles to use when assessing whether councils' emergency management responsibilities are appropriate. It is proposed that these principles might have application when considering any future changes to council's current emergency management responsibilities and actions.

These principles are that a council's emergency management responsibilities and actions should:

Principle	Feedback
• reflect the council's strengths and capabilities and align to its normal business functions	This principle should define the council role not reflect its current strengths. If a council is not strong in an area/s, then the council should build those strengths rather than the principles shift to match a councils' weaknesses. This will only be achieved through support from the State Government given regional and remote council's may have limited resourced to do so.
• complement those of other agencies, businesses and the public	Agree.
• be engaged only where the council is the best-placed organisation to do so (meaning it should not be used as an intermediary on behalf of other agencies, particularly for processes over which it has no control or ownership)	Agree
• be applicable to emergencies of different scales and complexity	Agree
• be consistent with its capability and capacity, along with its other legislative responsibilities and core business. *Consider Emergency Management as core business and build Capability and capacity to meet legislative responsibilities*	See Dot 1. Not sure where this principle is going.
• provide a platform to collaborate and build partnerships with other councils to enhance the delivery of services.	Agree but could be better stated as … *will work collaboratively with neighbouring councils to enhance …*

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