

26 August 2022

Mr Darren Hine
Commissioner of Police
State Controller
Department of Police, Fire and Emergency Management

Dear Darren

Tasmanian Emergency Management Arrangements Review (Issue 2)

Thank you for providing the Local Government Association of Tasmania (LGAT) with an opportunity to make a submission on the Tasmanian Emergency Management Arrangements (TEMA) (Issue 2) Review.

LGAT is incorporated under the *Local Government Act 1993* and is the representative body and advocate for Local Government in Tasmania. Where a council has made a direct submission to this process, any omission of specific comments made by that council in LGAT's submission should not be viewed as lack of support on that matter.

We collaborated with the State Emergency Service (SES) to run regional forums with municipal emergency management coordinators and recovery coordinators to inform this submission. In addition, a number of councils have provided written feedback.

Several areas have been identified within TEMA for amendment, these specific areas are included in the attached table (see attachment [Table 1 - Specific Comments](#)). In addition, general commentary has also been provided against broader policy issues and observations from the COVID-19 emergency management arrangements which were raised at the local government forums.

General

We recognise the critical statutory role that the TEMA plays in outlining the roles, authorities, and responsibilities for emergency management in Tasmania across the full spectrum of emergency management - prevention, preparedness, response, and recovery. The TEMA aims to inform how responsible management authorities (RMA) work in partnership with support organisations, communities and individuals. Feedback from local government is that further detail is needed within the TEMA to ensure councils' roles and responsibilities are clear and that councils are appropriately informed of these.

Broad feedback from municipal and recovery coordinators found that the TEMA did not always clearly articulate council roles and responsibilities during the response and recovery stages. It was particularly unclear when multiple support organisations were named. The links between roles and responsibilities prescribed in the TEMA are not always aligned to the Regional Emergency Management Plans (REMP) and Municipal Emergency Management Plans (MEMP). Feedback from councils also suggested that the State Special Plans were not well understood or accessible at the local level.

Local government considers that the TEMA does not adequately explain recovery to the same extent as the other phases of emergency management. The TEMA notes that the detail for recovery is provided within the State Recovery Plan, which we note is dated and requires review. The TEMA should ensure that the recovery chapter provides similar detail to that provided in the other phases of emergency. Clearly articulating these responsibilities and duties across all recovery documents would provide clarity to all stakeholders about their roles.

Councils raised the following additional issues in relation to recovery:

- There was concern from councils about the uncertainty of current arrangements for regional recovery, particularly the role and function of the Department of Health and Tasmanian Health Service in social recovery efforts¹.
- Based on experience from past events, there were concerns that the State Government pulls out of long-term recovery well before the community has fully recovered. This has left councils with the ongoing responsibility to support communities. Often the costs associated with recovery efforts are dispersed over time and are inevitably placed on local government. The *Royal Commission into National Natural Disaster Arrangements* raised this issue and cited the need for state and territory governments to take responsibility for the capability and capacity of local governments in preparing for, responding to, and recovering from natural disasters².

A significant area of concern for local government is the lack of clarity around the financial arrangements associated with the escalation of an emergency from a municipal level to a regional level. In these instances, the arrangements for how costs are captured need to be more clearly defined and outlined within the TEMA³. While the Tasmanian Relief and Recovery Arrangements is the key document for tracking this detail and processes, the TEMA should indicate the broader financial responsibilities of parties at the different phases of recovery.

¹ Table 26: *Recovery Functional Responsibilities* – p. 124

² *Royal Commission into National Natural Disaster Arrangements*, 2020, Recommendation 11.1 p. 262

³ See TEMA pp. 121-123

COVID-19

COVID-19 has tested every aspect of Tasmania's emergency management and public health capabilities. The unprecedented nature of this challenge demonstrated the necessity for flexibility and agility in decision-making and action to combat the pandemic. However, it is crucial that the experiences of COVID-19 inform our future capacity and capabilities to respond to other emergencies that are complex and far-reaching in their impacts.

Local government is uniquely placed to understand the availability of local and regional resources, and community capability. Councils are also uniquely placed to leverage local knowledge to capture a level of detail in planning that an RMA may not be able to replicate.

The unprecedented nature, scale and speed of COVID-19 meant that the State Government's response didn't necessarily follow pre-existing emergency management arrangements, particularly in relation to recovery. It is important that the State Government works with its partners, including local government, as a matter of urgency to ensure partners understand their role in recovery ahead of any other emergencies. This should be done through the review of the State Recovery Plan, that is now overdue for updating.

Conclusion

The timing of this review presents challenges and opportunities for continued development of emergency arrangements. The current Future of Local Government Review may bring shifts in areas of responsibility of local government between the finalisation of Issue 2 and the next interval for a review. Similarly, potential changes arising from any progress on the *Fire Services Act 1979* Review will further necessitate change to the TEMA. It is strongly recommended that the review for Issue 3 should commence as scheduled in 12 months' time, in line with the original timeframe. This will ensure that changes within emergency management are appropriately updated and feedback from local government can be included.

If you have any further questions in relation to this submission please contact Ben Morris, Policy Director, on 03 6146 3743 or Ben.Morris@lgat.tas.gov.au.

Yours sincerely



Dion Lester
CHIEF EXECUTIVE OFFICER

Attachment 1 - Specific comments (Table 1)

Specific feedback relating to sections of the Draft Tasmanian Emergency Management Arrangements (TEMA) is provided below:

Key Points of Review	TEMA Reference	Comment
<p>Ensuring Roles and Responsibilities for agencies and support agencies are clearly articulated, particularly where more than one agency is named up for the same responsibility</p>	<p>p. 35 Municipal Operational Liaison Officer</p>	<p>The TEMA refers to a ‘Municipal Operational Liaison Officer’. This role does not exist but is instead the Municipal Coordinator.</p> <p>Municipal Coordinators are the response officer.</p> <p>If further officers are required, funding is to be provided by the State Government.</p>
	<p>p. 36 “provide facilities and resources for the council-supported volunteer SES Unit/s. This includes storage and maintenance of the units’ equipment and training areas (section 49 of the Act).”</p>	<p>LGAT note that while this is a <i>Fire Services Act</i> Review issue – SES resourcing and volunteer units remains a constant concern for local government and was raised during the regional forums.</p> <p>LGAT calls on the State Government to deliver certainty to councils and progress the <i>Fire Services Act</i> Review in a timely manner. Stakeholders are concerned about the lack of progress with this review, now in its 5th year.</p>

Key Points of Review	TEMA Reference	Comment
	<p>p. 41 (S. 3.4.7 Land-use planners) – “Planning needs to ensure that legislative and policy frameworks enable recovery operations and that urgently required works are not constrained during and after an emergency.”</p>	<p>The commentary in the TEMA does not consider that there are legislative timeframes and processes required.</p> <p>This commentary could undermine prudential assessment of risk in favour of urgency.</p>
	<p>p. 53 Pollution Management Marine: in port - support agencies</p> <p><i>More than 3 nautical miles from the Tasmanian Coastline</i></p>	<p>Councils are named as having a role for pollution more than 3 nautical miles from Tasmanian coastline. Councils have no on-sea role in this emergency.</p>
	<p>p. 57 Animal welfare (wildlife)</p>	<p>Should be the same as Animal welfare (pets & companion animals) and (livestock).</p> <p><i>Municipal councils (if facilities available).</i></p>
	<p>p. 113, 6.14.8 Financial Management</p> <p>When the Policy has been activated, the Tasmanian Government may fund up to 75 per cent of eligible assistance measures made available by councils to individuals and communities. Eligible assistance measures may include:</p> <ul style="list-style-type: none"> • Personal hardship and distress assistance, including the operation of evacuation and recovery centres; • Counter disaster operations; and 	<p>Feedback to LGAT indicated that many councils were not aware of current relief arrangements. The State Government needs to ensure that municipal and recovery coordinators are fully informed of these arrangements and that any future changes are appropriately communicated.</p> <p>The State Government needs to ensure that information and reporting barriers are reduced for councils seeking to make a claim in relation to an emergency. As an example, Break O’Day Council did not pursue a claim following an emergency, but rather absorbed the costs due to the onerous eligibility criteria placed on councils and the increased burden of</p>

Key Points of Review	TEMA Reference	Comment
	<ul style="list-style-type: none"> The reconstruction of essential public assets. 	reporting requirements to reclaim the costs from the emergency. This is inappropriate.
Ensuring clarity around triggers for escalation of municipal to regional level especially where costs are attributed	p. 49 Support Roles	The TEMA lists organisations in a support capacity by function/consequence. Where there are more than one support organisation it would be useful to list the differing support roles to provide clarity and understanding and to minimise confusion.
	p. 52 Function/Consequences Liaison (in emergencies)	Clarification is needed on the roles and responsibility of councils. What support are councils expected to provide? How will they be expected to function?
	p. 55 Rescue Trench	Councils are listed as having a support role in a trench rescue. Why do councils have a specific role in this emergency under the TEMA, yet are not listed under other incidents? What role do councils specifically play?
	p. 56 Waste Management	Councils should be listed as having a support role, but are not currently.

Key Points of Review	TEMA Reference	Comment
	<p>p. 97 “The Regional EM Controller will be notified by the RMA that an evacuation is required and will instruct the SES REMP to contact the relevant Municipal EM Coordinator to open the evacuation centre in the affected or neighbouring municipality.”</p>	<p>This matter needs to be resolved. If a municipal council is asked by the RMA to activate an evacuation centre for an event that is occurring in a neighbouring municipal area - is this an example of escalation from Level 1 to Level 2 response?</p> <p>This situation occurred during the January 2019 Riveaux Road Fire between Huon Valley and Kingborough.</p> <p>Significant costs were incurred and it was unclear who was responsible for the costs. What responsibility does the State Government have for evacuation centres when escalation occurs?</p>
	<p>p. 124 Emergency catering</p>	<p>The Department of Health (Tasmanian Health Service) and councils have joint responsibility for emergency catering.</p> <p>There is currently no function identified for provision of bedding and other essentials in an evacuation centre. This should be identified and responsibility attributed.</p>
<p>Ensuring the TEMA clarifies roles and responsibilities for river restoration and riparian management.</p>	<p>p. 126 - Recovery Functional Responsibilities.</p>	<p>The TEMA does not identify the responsibility of river restoration and management. This has been an issue in previous events and formed Recommendation 11 of the Independent Review into the Tasmanian Floods, which is yet to be resolved. This should be incorporated into the TEMA.</p>
<p>Reflection on the recovery arrangement during COVID and the need</p>	<p>p. 118 ‘Key Points’</p> <p>“Recovery is focused on and led by affected communities. Government recovery efforts aim to support communities through</p>	<p>Recovery arrangements during COVID largely excluded local government despite repeated attempts by councils to engage.</p>

Key Points of Review	TEMA Reference	Comment
for clarity around roles and responsibilities for recovery arrangements moving forward.	<p>the recovery process and should recognise the key leadership role of landowners, local communities, and their leaders.”</p> <p>“Effective coordination, planning and communication is essential. Recovery efforts generally involve all levels of government, including municipal, regional, and state emergency management structures, as well as non-government and community organisation.”</p>	<p>It is important that recovery arrangements are well understood and that key organisations involved in recovery have the confidence that the agreed arrangements will be used. If arrangements change from event to event there is a risk agencies/stakeholders will reduce the effort placed on resourcing and planning for recovery.</p> <p>Over the course of the pandemic, LGAT was able to secure access to information that we provided to councils.</p>
	p. 121 Councils have a responsibility and/or support role across all levels (1, 2 & 3) of recovery – (table 25)	While councils have responsibilities and/or support roles, they were not involved or engaged appropriately during COVID and recovery.
General Comments		
Water supply	p. 125 Water supply and wastewater treatment	<p>The responsible agency is listed as TasWater and councils.</p> <p>We note that TasWater is the statewide water and sewerage provider for urban centres and has primary responsibility. In other areas without reticulated water and/or sewerage, councils are often the regulators from an environmental health perspective.</p> <p>Clarity is needed around the responsibility and roles of councils. Further input on the intention of this responsibility should be made clear.</p>
Emergency Warnings –	p. 141 and p. 52	Are evacuation centres expected to open during catastrophic conditions (p. 141)?

Key Points of Review	TEMA Reference	Comment
Catastrophic Fire Danger		What are the triggers on how this is communicated to municipal coordinators (p. 52)?
Tasmanian Relief and Recovery Arrangements (TRRA)	p. 123	<p>Only paragraph referencing TRRA.</p> <p>If the aim of the TEMA Review is to ensure the responsibilities are made clearer, funding, and financial aspects for response and recovery need to be clarified further.</p>
Local government's responsibilities throughout the TEMA		<p>The <i>Emergency Management Act</i> and TEMA is unique in that they both establish shared responsibility for emergency management across all three levels of government.</p> <p>With the Future of Local Government Review process already underway, it is important that the TEMA is reviewed and incorporates any changes that arise from the Review.</p>
Role of the municipal coordinator, MEMC, and recovery		<p>The municipal coordinator role is a function that for most councils is an adjunct to a person's primary role.</p> <p>The challenge for councils in ensuring that plans and equipment are current and fit for purpose with local government needing more support in this area. This may be supported with a regional coordinator who works for the region, but can also work with councils on specific projects</p> <p>To alleviate this issue, some councils suggested that other resourcing options be investigated as was recommended in <i>Royal Commission into National Natural Disaster Arrangements</i> (Recommendation 11.1) that seeks for state and territory governments to take responsibility for capability and capacity in local government.</p>

Key Points of Review	TEMA Reference	Comment
		<p>Alternatively, the State Government should investigate options which investigates the strategic and operational role of local government.</p>