MUNICIPAL ASSOCIATION OF VICTORIA

**Royal Commission into National Natural Disaster Arrangements**

**Issues Paper: Local Governments and Natural Disasters**

**Submission**

**June 2020**

# 1 Introduction

The Municipal Association of Victoria is the peak representative and advocacy body for Victoria's 79 councils. The MAV was formed in 1879 and the *Municipal Association Act* 1907 appointed the MAV the official voice of local government in Victoria.

Our role is to represent and advocate the interests of local government; raise the sector's profile; ensure its long-term security; facilitate effective networks; support councillors; provide policy and strategic advice; and insurance services to local government.

The MAV welcomes the opportunity to respond to the Royal Commission into National Natural Disasters Arrangements *Issues Paper: Local Governments and Natural Disasters.* We are pleased to see the important role councils play in emergency management recognised by the Commission.

As the Commission will no doubt discover through this process, the role of councils in each jurisdiction differs to varying degrees across the spectrum of emergency management activities.

This submission is intended to provide a Victorian local government sector-level response to each of the questions. It is not intended to capture the local circumstances or experiences of individual councils.

In Victoria, the role of councils in emergency management and their integration into Victoria's arrangements has increased over the last couple of decades. Their role has changed from being viewed largely as a support agency in the 1980s (responsible for supporting response agencies through the supply of plant and equipment) to a more sophisticated facilitator of multi-agency municipal plans and leader in relief and recovery.

For the 64 Victorian councils in areas of the state covered by the *Country Fire Authority Act* 1958 (**the CFA Act**), the increase in responsibilities has come with a small amount of additional funding (the equivalent of .5 EFT pa in most cases) through the Municipal Emergency Resourcing Program (**MERP**), but significant capability and capacity gaps still exist when measured against the increasing expectations.

Councils have different approaches to managing the financial burden of their increasing emergency management activity depending on their individual capacity, risk profile, recent experience and political will. Smaller councils can often struggle to invest up-front in emergency management planning and staffing, instead focusing their limited budgets on more basic and tangible services with immediate and visible benefits.

The MAV views the Victorian escalation arrangements as appropriate for most emergencies and allow for each level of government to play to its strengths. It is critical however, that appropriate operational and funding support is provided so that each level of government can play its role.

## 2 Responses to questions

**1 a. What information do local governments have access to and rely on in preparing natural disaster management plans, conducting risk assessments and in otherwise preparing for natural disasters?**

In Victoria, planning for natural disasters is a shared responsibility involving many people, organisations and agencies.

As the Commission may be aware, significant reform of Victoria's emergency management governance and planning arrangements at the state, regional and municipal levels is underway. These reforms further embed the principle of shared responsibility for emergency management planning.

The phased reforms are set out in the *Emergency Management Legislation Amendment Act* 2018. The *Emergency Management Act* 2013 will be progressively amended, and the remaining parts of the *Emergency Management Act* 1986 will be repealed as new arrangements come into effect. The amendments will be completed by 1 December 2020.

The process to develop new municipal planning guidelines will commence shortly and is being led by Emergency Management Victoria (**EMV**).

The following outlines Victorian councils' current role in natural disaster planning and risk assessments, however, these will change by 1 December 2020 when the new municipal governance arrangements come into effect.

Part 4 of the *Emergency Management Act* 1986 requires councils to:

- establish a municipal emergency management planning committee (**MEMPC**) s21(3); and
- facilitate the development and maintenance of the municipal emergency management plan (**MEMP**) by the MEMPC, for consideration and adoption by Council s21(4)).

Part 6 of the Emergency Management Manual Victoria (**EMMV**) contains the current Ministerial Guidelines for municipal emergency management planning, including guidelines for MEMPCs. As per EMMV p6-1:

Emergency management planning at the municipal level is a multi-agency responsibility with councils playing an important role as direct participants as well as facilitating the planning process through the appointment of the planning committees.

The planning process includes the identification of risks that are likely to affect the assets and people in the municipal district, and documenting the steps to be taken to address those risks.

To assess risk, MEMPCs use the Community Emergency Risk Assessment (**CERA**) tool facilitated by the Victorian State Emergency Service (**VicSES**). The CERA was developed by VicSES and is aligned to the National Emergency Risk Assessment Guidelines.

Where a natural disaster is identified as a priority risk, hazard-specific plans should be developed as sub-plans to the MEMP. Sub-plans detail the relevant prevention and response arrangements and are referenced in the MEMP.  Where a risk is not as significant, the MEMP itself may contain hazard-specific arrangements and information for that risk (EMMV p6-8).

MEMPCs draw on the expertise of the agencies and community representatives around the table, as well as historical data and local knowledge drawn from the membership.  Hazard specialists such as the VicSES and fire agencies lead planning and risk assessment tool development to address priority risks. For example, VicSES leads the development of Municipal Flood Emergency Plans.

MEMPCs and/ or Municipal Fire Management Planning Committees (**MFMPCs**) in areas of the state covered by the CFA Act use the Victorian Fire Risk Register and tools developed by the Department of Environment, Land, Water and Planning (**DELWP**) to address bushfire risk and maintain municipal fire management plans.  Guidelines for municipal fire management planning are contained in Part 6A of the EMMV.

There are also mechanisms in place to share information across the emergency management sector.  Councils and MEMPCs regularly access information from the Emergency Management Common Operating Picture (**EM-COP**), the State's emergency management incident management and document storage portal.

Further, there is a strong culture of sharing information within regions and across the local government sector.  This is addressed later in this submission.

**b. What information do local governments rely on in assessing the impact of natural disasters?**

Victoria's impact assessment process includes three stages as per the State Emergency Response Plan (EMMV Part 3, page 27):

-   initial impact assessment is a high-level assessment conducted by response agencies as soon as possible after the impact of the emergency and is managed by controllers during the emergency response.

-   Secondary impact assessment is the subsequent assessment of the impact of the emergency on the natural, built, social, economic and agricultural environments and is managed by relief and recovery coordinators/managers, including councils.

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- Post emergency needs assessment is a longer term, more thorough estimate of the effects and consequences of the emergency on the health and wellbeing of the community, property, the economy and the environment. This is managed by relief and recovery coordinators/managers, including councils.

Councils rely on the prompt and accurate transfer of data from initial impact assessments to effectively commence secondary impact assessments (**SIA**). This data allows councils to prioritise properties and infrastructure inspected by SIA teams.

Over summer, an arrangement was put in place to transfer the initial impact data collected by the State initial impact assessment teams (made up of Metropolitan Fire Brigade officers) into the affected councils' Crisisworks incident management systems. This was a welcome development and a project has commenced to streamline this process for future emergencies.

Councils also undertake inspections of essential public assets to estimate and later determine the cost of damage.

Each council will work with local service providers, businesses and community organisations to further understand local impact and determine recovery needs.

**c. How can the information available to, and relied on by, local governments be improved to assist their role in planning for, responding to and recovering from natural disasters?**

As a general principle, where government decision-making has implications for councils' operating environment and/or communities, appropriate consultation must be undertaken in order to achieve the best outcomes. Consultation needs to take account of council resourcing constraints and the requirement of at least six weeks if something needs to go to Council, or if the State would like a consolidated sector response facilitated by the MAV.

While there can always be improvements in the flow of information between state agencies, incident/ regional control centres (**ICC/ RCCs**) and local government, the MAV has not identified major and consistent gaps in the information available to Victorian councils in response and recovery.

Through our role on the state emergency committees including the State Emergency Management Team (**SEMT**), State Relief and Recovery Team (**SRRT**) and the Emergency Management Joint Public Information Committee (**EMJPIC**), the MAV routinely keeps councils informed or requests that information be shared with councils.

Feedback to the MAV indicates that on the whole, councils are well integrated into the system during emergencies, particularly through their inclusion in emergency management teams and as emergency management liaison officers in RCCs and ICCs. This is a significant improvement from arrangements ten years ago when councils were not readily accepted in control centres and the value they could offer was not well understood.

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The biggest source of frustration in recent years has been the time taken to access situation reports and initial impact assessment data, however, the MAV is confident this issue will be resolved by the next fire season through the project mentioned in response to the previous question.

Another positive step last summer was having council officers seconded into the State Control Centre to focus on secondary impact assessment planning, who also served as informal liaison officers to the MAV.  This was extremely useful and something the MAV hopes to activate in future major emergencies.

**d. To what extent is the information referred to in (a) and (b) shared or coordinated with other local governments and with the community?**

Information sharing and coordination across local government

Victorian councils have a strong culture of collaboration, and emergency management is no exception. It is recognised that very few councils (if any) have the resources and experience to manage a large or sustained emergency without support from other councils and the State Government.

In 2007, the MAV developed a *Protocol for inter-council emergency management resource sharing* (**the protocol**) in partnership with the Municipal Emergency Management Enhancement Group (**MEMEG**) – a group of council emergency management practitioners and representatives from emergency services and state agencies - and the State Government.  The protocol outlines the basic rules of engagement for councils supporting each other in an emergency.  The MAV is now the custodian of the protocol and today nearly all councils are signatories to the protocol.  It is also the basis of a number regional MoUs.

During the 2019/20 summer bushfires, the response, relief and recovery (including SIA) task exceeded the capacity of Towong and East Gippsland Shires. As a result, significant support was provided by unaffected councils. Some of this was provided directly to the affected councils, some through regional networks and some via the MAV.

The MAV worked with the developers of the Crisisworks incident management software to establish the MAV Human Resource Sharing Database. It was created to complement the work in fire-affected regions and fill gaps in councils' resourcing. Throughout January and early February 2020, more than 420 individual offers of assistance were entered in the database from 54 participating councils.

Support received via these offers included emergency management operational roles, human resources, communications, secondary impact assessment team coordinators, building surveyors and environmental health officers.

One of the benefits of most councils using the Crisisworks software is that council officers from unaffected councils can support data entry and contribute to a higher standard of record management throughout the emergency. This can be done remotely or on location. It is also possible to share information between councils' systems.

Since 2009 a number of groups of councils have progressed beyond supporting each other during an emergency and have developed formal agreements with other councils in their region across the spectrum of emergency management activity. Regional groups of councils have started to prepare for emergencies together, often by standardising documents and procedures, and by training and exercising together.

The Northern Victorian Emergency Management Cluster goes a step further. The Cluster is a collaboration between five councils in the Loddon Mallee Region. The five councils meet their statutory obligations through appointing an Integrated MEMPC and preparing a joint (integrated) MEMP. This model has increased agency participation in planning, supported the lower-resourced councils to meet their obligations and freed up resources to increase community engagement and resilience building activity across the region.

The Emergency Management Cluster Pilot Project for Councils was initiated by the MAV through the Australian Government's Natural Disaster Resilience Grants Scheme in recognition of the need for a sustainable resource sharing model for emergency management purposes within Victorian local government.

There is an appetite to replicate the cluster model in other groups of councils that are resourced-stretched or share a common area of high risk.

State support and cooperation is vital if collaborations are to reach their potential benefits and efficiencies. To facilitate collaborations the emergency management arrangements should allow for councils to collaborate and cooperate for emergency management purposes in a way that suits their needs.


Sharing information with the community

Information is shared with the community in a variety of ways including through council websites, social media, customer service centres and libraries.

It is a requirement that all MEMPs are published on the council website.

While current MEMPCs and MEMP sub-committees often include representatives from local community or volunteer organisations, the requirement for community representation on MEMPCs will become a legislative requirement under the new planning arrangements.

During recovery, councils run community meetings, operate recovery centres publish newsletters and work with local businesses and community recovery committees to support

local recovery. Communication and engagement methods are tailored to the needs of the community and will differ between communities and events.


**Question 2 a. What is the responsibility of local governments for communicating with, and educating their communities about, natural disaster risks, preparedness, response and recovery? b. How is this put into effect? c. How could this communication and education be improved?**

As stated above, councils must publish MEMPs on their websites. For the 64 councils covered wholly or partly by the CFA Act, there is also a requirement to publish the location of Neighbourhood Safer Places (**NSPs**) in MEMPs and on websites (for further information about NSPs see Question 5a).

For bushfires, the Department of Health and Human Services, in conjunction with municipal councils, and other support agencies will provide tailored advice to vulnerable people. This advice will include the need to develop personal safety plans with an emphasis on leaving early and identification of appropriate support to do so.

Beyond these requirements, councils are not hazard experts, and are not required to educate communities about specific natural disaster risks. They do, however, support State communications, campaigns, warnings and advice.

Each year the Victorian Department of Justice and Community Safety partners with the MAV to run a pre-summer briefing for council communication and media staff. This provides council communications staff with a greater understanding of the State's planned summer campaigns. Councils are also provided with key messages and other collateral to distribute locally.

Councils also often support local agency-led community preparedness and engagement activity. Councils' advice to the MAV is that the more integrated and localised an activity, the more successful. People are less likely to travel to hear about a single hazard from a single agency than they are to participate in a multi-agency event.

Where resources allow, councils proactively support community-led planning and resilience building initiatives, particularly in townships with high bushfire or flood risk or communities recovering from a major emergency. Council support for these projects is usually reliant on grant funding or funding through the Municipal Emergency Resourcing Program (**MERP**), administered through Local Government Victoria (**LGV**). Without MERP funding, most rural and regional councils' capacity to do much in emergency management preparedness beyond meeting statutory obligations would be very limited.

As stated above, councils will use a range of methods to engage with the community during recovery. These will be tailored to the needs of the community and will differ between communities and events.

**Question 3 Are local governments provided with sufficient guidance, training and standards to perform their role in relation to natural disaster mitigation, preparedness, response and recovery?**

The resourcing constraints on many councils mean that *in most cases council officers hold emergency management positions on top of their substantive role. Maintaining a trained and willing disaster-ready workforce is a challenge.*

The growing necessity for council officers to perform multiple roles within one position, coupled with limited professional development opportunities and a lack of accredited, competency-based training is problematic.  It could be limiting the capacity of councils to meet their obligations, particularly in large or protracted events.

There is no training for the statutory roles of Municipal Recovery Manager and Municipal Emergency Resource Officer and limited training for Municipal Fire Prevention Officers.

The closure of the Australian Emergency Management Institute at Mount Macedon has meant there are fewer low-cost options for council professional development and emergency management training. This is why resource sharing is critical – it provides critical on-the-ground experience across the state.

LGV's Councils and Emergencies Project is a three-phased project that aims to enhance the emergency management capability and capacity of local governments to meet their obligations in the management of emergencies.  The first phase aimed to document the statutory roles and non-statutory activities of councils in emergency management, and the second phase, completed last year, evaluated councils against the proposed responsibilities.

The evaluation report published by LGV has identified significant capability and capacity gaps, which are intended to be addressed in the third phase of the project.  Phase Three has been delayed due to the summer fires and Covid-19, and councils are concerned that no action will be taken to address identified gaps in capability and capacity ahead of the next fire season.

**Question 4 How can local governments ensure accountability for, and compliance with, land-use planning or hazard management obligations designed to mitigate and increase resilience to natural hazard risks?**

Victorian councils play a central role in the regulation of land use and the built environment. The management of hazards is subject to many of the challenges that affect these regulatory systems more broadly, as well as some unique ones.

Key improvements which could be made to assist councils in managing hazards through planning and building regulation are:

- State-led processes consistent across different hazards to translate evidence-based hazard mapping into planning controls

- Reviewing regulatory and enforcement systems to ensure they are fit for purpose, and appropriately match resourcing to responsibilities
- Supporting councils to resource hazard expertise in their planning processes
- Ensuring that relevant agencies (such as fire authorities and floodplain management authorities) have the capacity and capability to fulfil the referral roles they have been assigned in the planning system

Introducing hazard mapping to planning schemes

The development of hazard mapping itself lies outside the scope of the planning system. The translation of those maps into planning controls can be a complex and controversial process.

The move to state-led application of bushfire hazard mapping in planning schemes is a relatively recent one (implementation of new mapping took place in late 2017). A significant state-wide mapping program was undertaken to establish a baseline. Following that, a rolling review was put in place. Landowners and councils can apply to have properties removed from the Bushfire Management Overlay if the hazard is no longer present (most commonly as development fronts advance and remove vegetation). This largely mirrors the process that was already in place for Bushfire Prone Areas, which trigger increased construction requirements under the building regulatory system.

Decision-making at a state level brings increased consistency to the application of controls. It also means that resource constrained councils, particularly rural councils who are most at risk to some of these hazards, have controls applied in a more timely manner.

Landowners often see the application of hazard controls as a significant burden on their property. They view controls as restricting their right to use the property, increasing the cost of development to meet mitigation standards, decreasing potential resale value, and increasing insurance premiums. As a result, there can be significant local pressure not to apply hazard controls and this can be challenging to manage at a local level.

Some councils have expressed that the changes to bushfire hazard mapping to the planning system has led to inaccuracies and a lack of responsiveness. We believe that this can be remedied through reforms in process, and that the benefits of a state-led process outweigh these difficulties.

The understanding of hazards must be responsive to and incorporate local knowledge. However, once a hazard has been mapped we believe that the translation of those maps into planning controls best lies at a state level. This approach should be applied to other hazards such as flooding, with learnings taken from its implementation for bushfires.

Strategic planning incorporating hazards

In addition to the application of specific hazard-based controls such as overlays, councils must consider hazards in their strategic planning activities. The most explicit such requirement was introduced alongside other measures in December 2017. Councils are prohibited from strategic

planning that would result in the introduction or intensification of development in an area that would have a BAL rating above 12.5 on completion.

Directing development away from high-risk areas is one of the most effective interventions to reduce risk to life and we support the introduction of this measure. Its implementation has caused significant problems for some councils. Councils have found it hard to resource the expertise to incorporate this measure into their strategic planning. This has been particularly challenging for councils who were significantly advanced in strategic planning projects prior to the introduction, which had to then be revisited. More could be done to support councils in resourcing this.

Development approvals within identified hazard areas

Development approvals in Victoria consist of both planning and building permits. Councils are responsible for assessing planning permit applications, while the majority of building permits are handled through private practitioners.

Planning applications must have regard to a wide range of considerations including hazard mitigation and the protection of life and property. The protection of life from bushfire hazard specifically takes priority over all other policy considerations.

For flood and bushfire hazards, applications within mapped controls require referral of applications to external authorities for advice. Effective referral processes are vital, as councils can't reasonably retain this expertise in-house.

Requirements through development approval can't be retrospectively applied to existing buildings and uses. They trigger only where redevelopment or new development occurs. Many areas most at risk of natural disaster experience relatively low development churn. Controls themselves may further suppress demand for new development. Many properties within high-risk areas do not meet modern hazard mitigation requirements and can't be compelled to do so.

In some cases, the trigger for new controls applying may be the repair or replacement of buildings damaged by a disaster. Landowners may see the imposition of stricter controls as unjust and a further burden on them in their recovery. Perception of "red tape" in approval processes following a disaster are common, even when those processes are necessary to reduce future risk.

Maintenance of properties

Development approvals involving hazards assess the potential risk in line with a proposed level of maintenance. Examples include the extent of vegetation contributing to bushfire risk and maintenance of earthworks and drainage to manage flood or landslide risk.

As discussed below councils face several challenges in planning and building enforcement. These challenges are exacerbated where compliance is a matter of ongoing maintenance rather than a point in time. Regulation under other legislation is sometimes favoured to address ongoing or operational matters. This includes through the Environment Protection Act, the

nuisance provisions of the Public Health & Wellbeing Act, local ordinance under the Local Government Act, or Fire Prevention Notices under the Country Fire Authority Act. However, these effectively consist of entirely separate assessments, and do not speak directly to the nature of the development approval and the risk assessment performed at that time.

Fire Prevention Notices are largely used by councils to require private landowners to clear fine fuels such as bark, leaves, and long grass. While these fuels are the main contributors to fire hazard on properties, shrubs and trees close to buildings can also pose a risk.

Clearing vegetation, even vegetation that would otherwise be protected through the planning scheme, is allowed through a permit exemption within a specified distance of buildings built before 10 September 2009 (commonly known as the 10/30 rule). There are no permit barriers to doing this, but there are also no hooks in the planning system to require it if the council believes it is necessary to reduce risk.

Planning enforcement

Councils have responsibility for enforcing planning controls within their municipality. There are several challenges to councils in pursuing effective enforcement.

Planning enforcement rarely operates at cost recovery and must compete with other council priorities for resources.

The enforcement tools available to councils under legislation are unwieldy and often not fit for purpose. Enforcement is onerous. In some cases, councils may be required to pursue a matter through both the Victorian Civil and Administrative Tribunal (to rectify the non-compliance) and the courts (to apply penalties).

Detection of non-compliance is largely complaint driven. This means detection is less likely in rural and remote areas. Illegal land use or development can go undetected for long periods of time. Resourcing and geographic constraints make it impractical for many councils to monitor this actively.

Landowners are often hostile to enforcement and compliance activities, or even the presence of council officers. This can make enforcement a difficult proposition for councils. In the most extreme circumstances, councils must consider the safety of officers in undertaking enforcement against belligerent landowners.

Building regulation

Councils, through their Municipal Building Surveyors, also have a frontline role in the building regulatory system. Many of the responsibilities placed on council pre-date privatisation of the building regulatory system. This has created a mismatch between current responsibilities and resourcing. The vast majority of building permits in most municipalities are now issued by private practitioners. This means council is constrained both in the resources available to the building unit (through reduced permit revenue), as well as the level of knowledge it holds of what is being built.

**Question 5 a. What is the responsibility of local governments for evacuation, evacuation centres and safe places?**

Evacuation

Primary responsibilities for evacuation are held by the control agency and Victoria Police.  This is detailed in Evacuation Guidelines, which can be found in the *EMMV, Part 8 – Appendixes and Glossary, Appendix 9*.

The guidelines list the following council responsibilities:

- Coordinate the provision of council resources as required
- Establish and manage relief centres as required
- Assist Victoria Police with management of traffic flow including provision of information regarding road availability, capacity and safety
- Assist VicRoads to maintain list of road closures (public information).

With Municipal Emergency Management Planning Committees:

- Develop and maintain Municipal Emergency Management Plans
- Assist CFA with the development of Township Protection Plans for bushfires
- Assist SES with development of Flood Emergency Plans
- Identify and document within Municipal Emergency Management Plans facilities where vulnerable people are likely to be located
- Maintain within Municipal Emergency Management Plans a list of those services/agencies with awareness of vulnerable people within the community

Emergency Relief Centres

In Victoria, evacuation centres are known as emergency relief centres.  Councils are responsible for managing ERCs, which should be clearly identified in MEMPs.  The decision to open a relief centre is the responsibility of the Incident Controller, in consultation with the council and other relevant agencies. In an emergency, relief centres are only advertised once they are open, to avoid people travelling through potentially high-risk areas.

State relief arrangements are outlined in the *EMMV Part 4 – State Emergency Relief and Recovery Plan*. Municipal relief arrangements are documented in MEMPs and other operational documents.

At a practical level, most MEMPs reference the *Emergency Relief Handbook – versions 2 or 3* as the basis of the relief centre set up. The handbook was developed by Red Cross and the Department of Human Services in 2011 and revised in 2013 to provide for standardisation in relief coordination.

Councils in many regions collaborate on relief planning and exercise together, meaning there is consistency across regions and supporting other councils' relief operations is common practice.

During an emergency, response agencies are starting to live stream situation reports into relief centres.  This is an effective way of providing up to date information to affected residents. Strong telecommunications are critical. Where mobile towers are affected by an emergency the use of the NBN's portable temporary network infrastructure has been utilised to support relief centres. The MAV welcomed the announcement through the March 2020 Council of Australian Governments (COAG) Communiqué that there would be action taken to improve the resilience of the national telecommunications network.

Neighbourhood Safer Places

In Victoria, Neighbourhood Safer Places (NSPs) are now also known as Bushfire Places of Last Resort (*Neighbourhood Safer Places – Bushfire Places of Last Resort Signage Manual* 2015 https://www.emv.vic.gov.au/publications/neighbourhood-safer-places-bushfire-place-of-last-resort-signage-manual) although they are still called neighbourhood safer places in legislation.

Contrary to their name, NSPs are not safe.  They are most often clearings such as sporting ovals or recreation reserves that meet the CFA guidelines (CFA Act s50E) and criteria in Municipal Neighbourhood Safer Places Plans (**MNSPP**). They are not places people should travel to for safety in a bushfire if they have other options.

Under the CFA Act (s50G-I), councils (covered wholly or partly by the Act) must identify, designate, establish and maintain suitable places as NSPs in their municipality.

This is done in collaboration with the MEMPC or MFMPC. When a potential site has been identified, the CFA undertakes an assessment to ensure that the site complies with radiant heat requirements.

Most NSPs are located on council-managed land such as sports ovals and recreation reserves. Where this is not possible and private property is seen to be a suitable location, a deed of consent is signed between council and the property owners.  This agreement is conditional upon meeting all the requirements documented in the MNSPP.  Only after all agreements are in place and the site has been assessed against the MNSPP, will the site go to Council for endorsement.

These locations are identified accordingly with appropriate signage, added to the council's website, documented in the MEMP and registered with the CFA. The full list of Victorian NSPs is located on the CFA website.

The MAV understands that Victoria is the only state that requires councils to designate NSPs through legislation.

The MAV and councils continue to be concerned about the low community understanding about the protection NSPs can offer. There were several examples of communities putting pressure on councils to designate NSPs and people considering NSPs to be their 'plan A' in a bushfire.

**b. How could these arrangements, including with respect to coordination between local governments, be improved?**

The emergency relief handbook formed good basis for consistent arrangements although it is due for a refresh.

The requirement for councils to designate NSPs came out of the Victorian Bushfire Royal Commission recommendations and may have been an appropriate policy response at the time. The Emergency Management Act (s20 (2) ba (i)) and the CFA Act require councils to designate NSPs, and councils are liable for death or injury of a person when a place is being used as an NSP (CFA Act 50N) with just a policy defence (CFA Act 50N). Given the inherent danger of a 'place of last resort', the MAV and councils have called for a full review of the legislation and policy relating to NSPs and other shelter options, in the context of Victoria's Bushfire Safety Policy Framework.

**Question 6 a. What is the responsibility of local governments for assisting the community with relief and recovery from natural disasters?**

Part 4 of the EMMV outlines the arrangements for relief and recovery in Victoria at the state, regional and municipal levels. Councils are responsible for coordinating relief and recovery at the municipal level.

Part 7 of the EMMV provides an indicative list of council roles and responsibilities in relief and recovery. It acknowledges that: *The nature and extent of work by councils to deliver activities will depend on their capability, capacity and particular circumstances of an event. Municipal councils will utilise a variety of approaches and local arrangements to best affect the delivery of these responsibilities to meet unique municipal needs. (EMMV p7-79)*

Relief / Recovery Activities Relief and recovery coordination responsibilities summary:

- Municipal councils are responsible for the coordination of local relief and recovery activities

- Municipal councils are the lead agency at the local level for the following relief and recovery activities:

    o arranging emergency shelter and accommodation for displaced households

    o providing personal support and counselling referral

    o housing of displaced and lost/stray companion animals. Municipal councils will work with the Victorian Farmers' Federation, RSPCA and Australian Veterinary Association where required

    o secondary impact assessment — gathering and processing of information

    o surveying and making a determination regarding occupancy of damaged buildings

- forming, leadership and supporting Municipal/Community Recovery Committees

- providing and staffing recovery/information centres

- providing and managing community development services and activities

- coordinating clean-up activities, including disposal of dead animals (domestic, native and feral)

- overseeing and inspecting rebuilding/redevelopment

- undertaking the assessment, restoration, clearing and rehabilitation of public buildings and assets (e.g. roads, bridges, sporting facilities, public amenities) where the municipal council is the manager of that building or asset.

Municipal councils support the State agencies in their respective responsibilities to deliver relief and recovery activities.

**b. How do local governments coordinate relief and recovery assistance with other local governments, Australian, state and territory governments, charities and community groups?**

The responses to previous questions outline coordination arrangements between councils in detail.

Federal Government

The most direct involvement of the Federal Government with councils in relief and recovery is through the Disaster Recovery Funding Arrangements (**DRFA**).

State Government

As discussed earlier, the State Relief and Recovery Arrangements are outlined in Part 4 of the EMMV. These include escalation arrangements, regional and state coordination responsibilities.

Following the 19/20 fires, the Victorian Government established Bushfire Recovery Victoria as a permanent directorate within the Department of Premier and Cabinet.

BRV is working with affected councils and is applying the principle that local governance arrangements will be respected through community-led recovery.

**c. How could these arrangements be improved?**

The MAV believes the current escalation arrangements and the delineation of emergency management responsibilities between levels of government are generally appropriate. In Victoria, gaps have been identified in council capability and capacity, which we hope will start to be addressed in Phase Three of the Councils and Emergencies project.

In relation to the role of the Federal Government, the MAV sees the greatest benefit can be provided through further improvements to the DRFA to make sure they are meeting the needs of affected communities and are not leaving councils out of pocket.

Through consultation sessions the MAV ran last year, councils confirmed they were having difficulty understanding the new requirements and making eligible claims. Prevailing concerns with the arrangements are:

- councils' capacity to meet pre- and post-disaster asset condition evidence requirements
- the absence of a day labour policy
- difficulties in making eligible claims for backfilling or bolstering council roles such as communications or human resources
- timeframe from first claim to reimbursement
- councils' inability to restore assets to more disaster-resilient standards (betterment) under the new arrangements (consistent with the National Disaster Risk Reduction Framework
- Community facilities, sport and recreation reserves, and walking trails being ineligible
- Supporting charity organisations such as BlazeAid and Need for Feed – including the set-up of volunteer camps should be claimable

We need to get to a point were councils have the confidence to act quickly to respond to community need and know they will be reimbursed. In recovery, most regular council services must be maintained. Councils can only rely on resource sharing for a short period of time, so it is critical that the money starts to flow when and where it's needed.

The MAV and councils would welcome involvement in the review of the DRFA program agreed to at the March 2020 COAG meeting, so that councils have the opportunity to provide insights into the practical implementation of the policy.