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PART J – IMPROVING EMERGENCY MANAGEMENT ARRANGEMENTS

The emergency management arrangements in place at the time of the fires on 4 January were applied by Tasmania Police (TASPOL), Tasmania Fire Service (TFS) and other responsible agencies and organisations. There is no suggestion that there was any lack of commitment by any person or organisation in undertaking their duties. To the contrary, responsible people generally applied themselves assiduously and in a professional manner. Many people should be highly commended for their efforts. However, the emergency management arrangements currently in place were not adequate and substantial improvement should be sought.

Comments on the effectiveness of the arrangements have been made in PARTs E to I and recommendations made in relevant sections to improve specific aspects of the arrangements or related issues. The Inquiry recommends that the Government makes more substantial changes to the emergency management model and the way it works, within which these recommendations can sit. If a new model is not adopted, these recommendations are still valid.

Change is Necessary

A number of principles for effective and practical arrangements are outlined in PART C. They are equally relevant in developing a new model and are restated for application:

- roles and responsibilities, especially lines of authority, should be clear and unambiguous – there is not time to develop or debate this in an emergency
- people with operational roles should not be distracted by meetings which are either unnecessary or of marginal value for that person
- operational structures should be as direct and as simple as possible
- action should be proactive wherever possible
- ‘cold’ starts should be avoided

- arrangements should be made which can be scaled up and do not have gaps due to hand-over arrangements
- all necessary elements for managing emergencies – command, control and coordination – should be included
- arrangements should be prepared, ready to use
- there are limited significant emergencies in Tasmania to gain experience in – use every opportunity to test and practice arrangements.

In summary, the main difficulties with the operations for the fires during January 2013, as they relate to the emergency management model were:

- the concept of operations was not properly focussed on response and recovery operations at a state level
- responsibilities were not clearly defined at a state level
- there was an over-reliance on committees
- there was no established structured arrangement for coordinating response operations across agencies and organisations
- plans were not sufficiently comprehensive and ready for implementation.
- key policy issues were not determined and planned for
- facilities to support principal leadership roles in response and recovery were not well established
- arrangements were not designed to be ready for implementation
- there was not sufficient emphasis on proactive action
- the model at municipal level is not clear and appropriately conceived
- there should be greater scope for declarations of emergency
- there should be broader access to emergency powers
- the need for three levels of emergency management is questionable.

Reform is being progressed by the State Emergency Management Committee (SEMC) and the Security and Emergency Management Advisory Group (SEMAG) (for example, on interoperability), but it is vitally important to get the fundamentals right as a higher priority.

For the two primary agencies in managing fire emergencies, some changes should be considered to enhance their overall effectiveness.

TFS is well positioned to deal with fire and other emergencies within its mandate. Maintaining focus on its core purpose and competencies, and improving its proficiency and capability, should be at the forefront of the good governance of the organisation. In particular, there should be a continued emphasis on improving the control, continuity and accountability of its operations and ensuring that the strategies and tactics it uses are the most effective to fulfil its role.

It is beyond the scope of the Inquiry to undertake a comprehensive evaluation of TASPOL's capability in emergency management. However, it appeared to the Inquiry that TASPOL is not so well positioned for emergency management and could enhance its capacity, consistent

with the reasons for change discussed below. More specifically, TASPOL could embrace a culture of emergency management throughout the organisation, not just at the higher levels and in certain positions. Emergencies occur at all levels and suitable capabilities should be fundamental throughout the organisation.

To enhance its capability in line with contemporary emergency management practices throughout Australia, resources need to be dedicated to building expertise, embedding a suitable culture, progressing change and supporting state emergency management arrangements. Investment also needs to be made in examining the arrangements in place in other jurisdictions, not only to establish suitable arrangements, but to remain abreast of developments and change in Australia.

Recommendation 97 – that Tasmania Police conducts a review to ensure emergency management is treated as a priority and a core function throughout the organisation, including the development of contemporary capabilities, and is supported by an appropriate culture.

Recommendation 98 – that Tasmania Police establishes a section within its structure with responsibility for developing and maintaining contemporary expertise in emergency management, progressing innovation, assisting organisational change initiatives and supporting its responsibilities in state emergency management arrangements.

Recommendation 99 – that Tasmania Police develops and implements a program for examining emergency management arrangements and facilities in Australia.

In addition to the commentary above, there are other compelling reasons justifying improvement in the emergency management arrangements. Foremost of these is public expectation. The community expects better services from the public sector today, and emergency services are no exception. Indeed, in a complex and changing world, having the assurance and security of sound emergency services is fundamental to the proper functioning of the community. Police have responded to this imperative in other ways, with significant change to many of their services. This is another area where it is necessary to look at things differently.

Global warming and the prospect of an increase in frequency and magnitude of emergency events is another significant reason for change. While it is not possible to precisely predict the future in this area, it is not something which can be ignored.

A smaller state with more limited resources than others may find it challenging to make appropriate investments. However one particular risk in this area is that committees and networking are seen as a way of making things work. Collaboration and networking are important but they are not substitutes for appropriate and effective structures and systems.

The largest investment is not necessarily monetary; it is in a willingness to change. In this context, the close working relationships people have in Tasmania can be used to an advantage, by setting an aspiration of having 'integrated and interoperable' emergency management

arrangements. Establishing suitable arrangements at a state level would also provide a platform for managing change, not only to build contemporary emergency management capability, but to prevent and mitigate risk and develop community resilience. Funding may well be a problem to support change; however, failing to establish suitable arrangements would seem to the Inquiry to not be a suitable alternative.

Considering the principles of practical and effective emergency management, the assessments in various parts of the Report, the summary of difficulties in the operations for the fires and the comments above, the Inquiry recommends change to the concept of operations and the model applied for emergency management at a state level.

The emphasis is at the state level, as that is the principal level for managing significant emergencies like those that occurred on 4 January. For these emergencies, effective leadership is necessary for the community and for both within and across agencies and organisations. There needs to be clarity in authority, unity of purpose, unambiguous commitment, and coordination across response and recovery operations. Arrangements below this are then designed to integrate and operate effectively at lower levels of emergency. However, they should not be considered as secondary in importance, as capabilities should be imbedded as core business and complement emergency management operations at all levels.

There are differences in the emergency management arrangements in the various jurisdictions in Australia, some of which relate to the scale of the jurisdiction or the way emergency services are structured. Change is also occurring: for example, there is a white paper on Victorian Emergency Management Reform (the Victorian White Paper).¹

The Inquiry has not been able to develop a detailed emergency management model in the time available. However, the discussion below outlines some important elements for the way a model might be conceived; a broad model is then provided for consideration.

Victoria's example

Reference can be made to the Victorian State Emergency Response Plan (the Victorian Plan) to illustrate some features of an emergency management model and how it is intended to operate. Unlike the Victorian model (and South Australia's, too), in Tasmania there is no structured approach to coordinating response operations across agencies and organisations.

Extracts from the Victorian Plan are provided to indicate the policy positioning of this function, and the practical application of the models should be assessed within those jurisdictions (note changes proposed in the Victorian White Paper):

Principles of Response Planning and Operational Management

The Victorian Government's approach to any emergency, consistent with the philosophy adopted Australia-wide, is to ensure that:

- *Agencies, which are trained and equipped to provide a particular emergency response service, respond; and*

¹ Victorian Emergency Management Reform, Government of Victoria, December 2012.

- *Responding agencies are co-ordinated in their activities to counter the effects of the emergency and to meet the immediate needs of affected, or potentially affected, people and impacts upon the community as a whole.²*

Response Management Arrangements – Co-ordination

Introduction

Co-ordination involves the bringing together of agencies and resources to ensure effective response to and recovery from emergencies. The main functions of co-ordination are:

- *To ensure effective control has been established and maintained in response to an emergency.*
- *Ensuring effective information sharing, and*
- *The systematic acquisition and allocation of resources in accordance with the requirements imposed by emergencies.³*

Principal Roles of Emergency Response Co-ordinators

Emergency response co-ordinators at all levels are accountable to:

- *Ensure the appropriate control and support agencies are in attendance – or have been notified by the incident controller and are responding to an emergency*
- *Ensure effective control has been established by the control agency in responding to an emergency*
- *In consultation with the Incident Controller, ensure an Emergency Management Team has been formed ...*
- *Ensure the effective co-ordination of resources and services ...*
- *Arrange for the provision of resources requested by control and support agencies*
- *Ensure allocation of resources on a priority basis*
- *In the event of uncertainty, determine which agency is to perform its statutory response role ...*
- *Ensure the recovery co-ordinator has been notified ...*
- *Ensure timely information and warnings are provided to the community and support agencies by the control agency*
- *Consider registration of persons evacuated or otherwise affected*
- *Consider provision of relief needs ...*
- *In consultation with the control agency, consider the need for declaration of an emergency area*
- *Co-operate with participating agencies and authorities⁴.*

² Victorian Emergency Management Manual, State Emergency Response Plan, at 3-2.

³ Victorian Emergency Management Manual, at 3-22.

⁴ Victorian Emergency Management Manual, at 3-23.

The Victorian White Paper proposes further reform. It is not expected the fundamental features of emergency management referred to above will be substantially changed, except for responsibility for coordination at the state level.

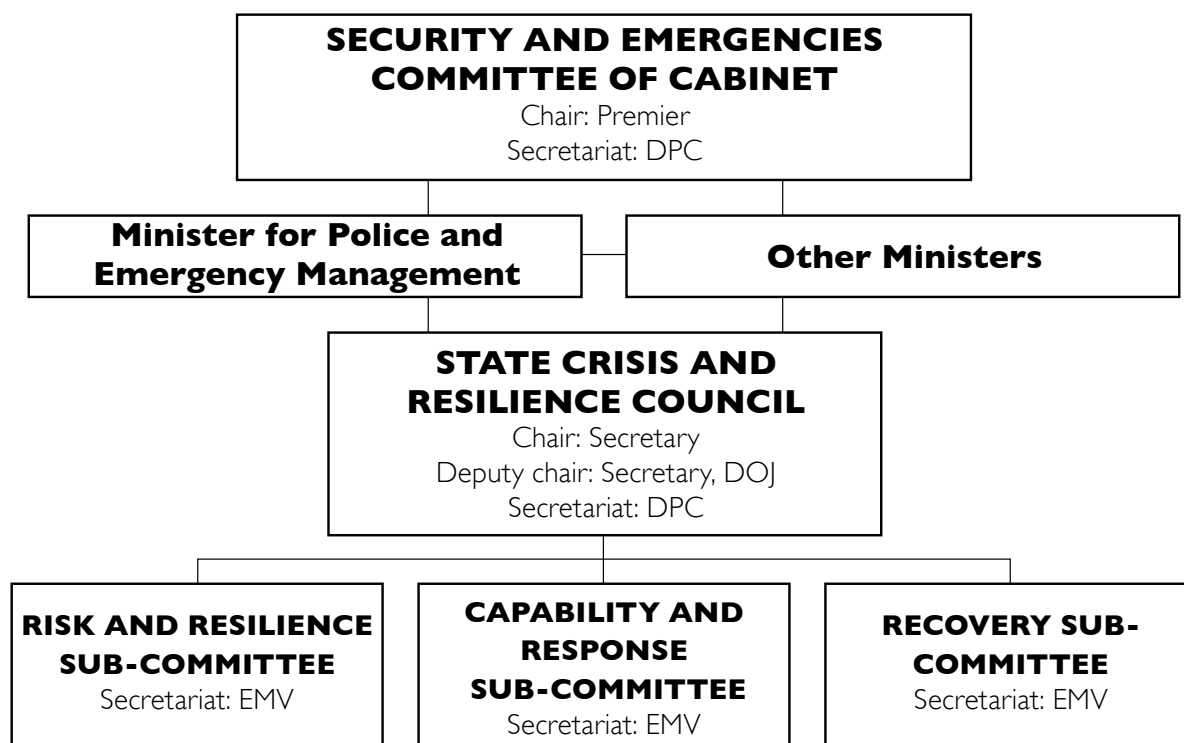
A schematic for the proposed state level management (not operational) structure in Victoria is provided at figure J.1.⁵

Figure J.1

Changes in this area are intended to streamline governance arrangements: to clarify roles and responsibilities, embed cooperation across agencies, and ensure emergency management reform is coordinated.⁶ The proposed Victorian State Crisis and Resilience Council is the equivalent of Tasmania's State Emergency Management Committee. The three sub-committees are logical and, while nomenclature and detail on functions may vary, they are typical of emergency management arrangements.

Much of the proposed change in Victoria is within the public sector structures for emergency management services. It includes a new Emergency Management Commissioner to replace the existing Fire Services Commissioner and reflects the all-hazards approach to emergency management. It should be noted that in Victoria there are multiple fire agencies, and there is a need to integrate and coordinate emergency services across a larger and more complex scale than is the case in Tasmania.

The Inquiry has not examined the public sector structural arrangements relating to emergency services and does not make any recommendations about this. The Government may wish to consider whether there is any need for reviewing those arrangements.



⁵ Victorian Emergency Management White Paper, at p. 20.

⁶ Victorian Emergency Management White Paper, at p. 16.

Under the proposed Victorian reforms:

- the new Emergency Services Commissioner would be responsible for appointing a State Controller for any natural hazard emergency
- for terrorist or criminal incidents, police will be the control agency
- for other kinds of emergency, the State Controller will be nominated by the responsible agency in their plans
- in all major emergencies, except for police matters, the Emergency Services Commissioner will be responsible for ensuring that control of the response is effectively established and maintained.⁷ The Emergency Services Commissioner will be able to replace an Incident Controller and assume the role of Incident Controller if necessary. In the latter case the Commissioner needs to inform the Chief Commissioner of Police, who would undertake the role of the Commissioner in ensuring there is effective control for the emergency.

This arrangement is consistent with one of the responsibilities attached to the coordination role discussed by the Victorian Bushfires Royal Commission, which is currently with the Chief Commissioner of Police as the State Coordinator of their emergency management arrangements.

The point is that there is a means of ensuring that response operations are being effectively managed. Another point to note is that the Commissioner will also be responsible for leading the broader 'consequence management'. Consequence management can be construed to go further than recovery in dealing with the consequences of an emergency.

Victoria has three levels of emergency management; state, regional and municipal. A number of proposals may be relevant to a consideration of the model suitable for Tasmania. Police have had a coordination role at all levels in Victoria (refer to the extract from the State Emergency Response Plan above) and it is proposed that this would continue at the regional and municipal levels. However, it is proposed to change the municipal arrangements. Incident Controllers would be responsible for sourcing resources, not councils, and councils would not be required to maintain Municipal Emergency Coordination Centres.

Councils are considered important in the proposed Victorian emergency management model, for a range of emergency services, though only mitigation of risk is mentioned. The significant role councils play in engaging communities, building resilience and helping communities to plan for emergencies was acknowledged. The White Paper proposes that the role of councils in emergency management be reviewed.

These issues and proposals are relevant in considering the concept of operations for Tasmania.

⁷ Victorian Emergency Management White Paper, at p. 24.

A Tasmanian emergency management model

Taking all these matters into account, a suitable model for Tasmania may be as outlined in figures J.2 and J.3.

Figure J.2 State Emergency Management – Prevention and Preparation

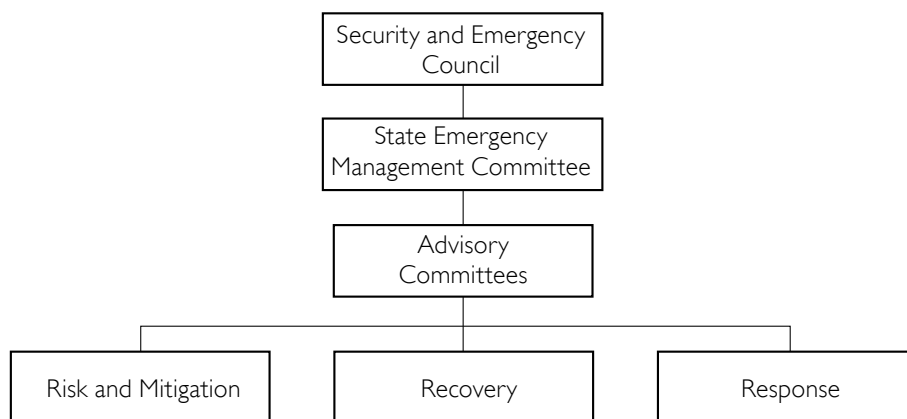
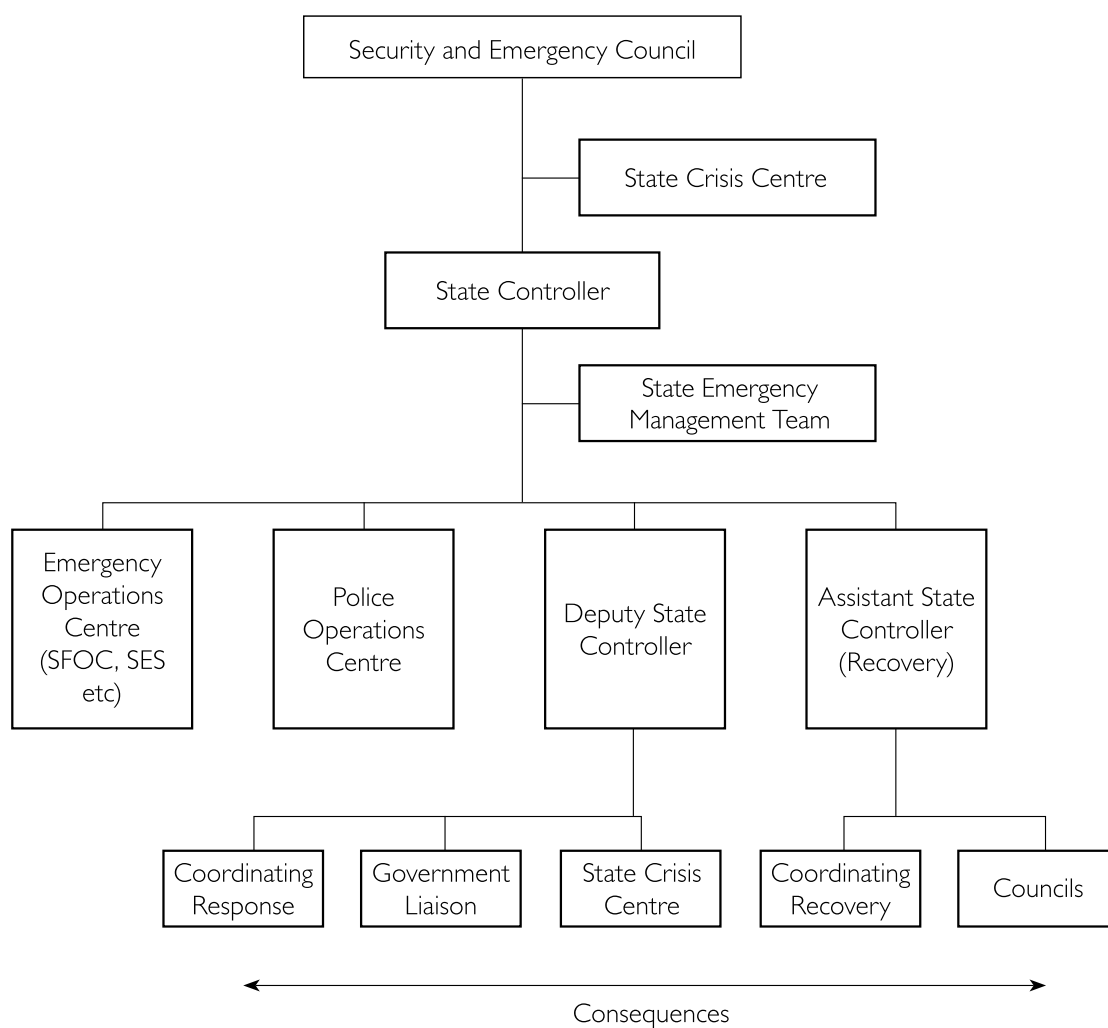


Figure J.3 State Emergency Management – Response and Recovery



The Inquiry is not in a position to propose a detailed and definitive explanation for the roles and responsibilities for each part of the arrangements set out in these structures. However, a brief explanation follows.

Security and Emergency Council

The concept is to create a standing Cabinet committee, chaired by the Premier, to deal with security and emergency management matters. In South Australia, this committee is called the Emergency Management Council; in Victoria, this is the Security and Emergencies Council. The combination of security and emergency management would seem to be appropriate.

This arrangement would provide leadership at times of emergency. It also reflects the priority and importance of security and emergency management across the Government sector, and policy and direction in all aspects of security and emergency management, including response and recovery.

State Emergency Management Committee

This committee should be chaired by the Secretary of the Department of Premier and Cabinet or the State Controller. Membership should be at the Secretary Chief Executive level. It would have a broader range of representation than is currently the case, including key community stakeholders.

The committee's mandate would be to lead all aspects of emergency management, except for response and recovery operations. A work program should be established to ensure that operational arrangements are implementation ready, including:

- creating facilities for those with response and recovery responsibilities to operate from
- establishing appropriate programs to prevent and mitigate risk
- ensuring community resilience is promoted and developed
- ensuring innovation and best practice are pursued.

Advisory Committees

These committees should be established at Deputy Secretary level to provide advice to the State Emergency Management Committee on the prevention and preparation aspects of emergency management. They should have no role in an emergency, and should not meet at a time and in a way which distracts operational commanders.

State Controller

The Police Commissioner should be appointed as the State Controller, as is presently done. The function performed by this person should be clearly defined and the authority of the position unambiguous, as should be the case for all key positions in response and recovery operations. It would not be expected that the State Controller would personally take charge of all operations. Rather the role would be to:

- ensure there is a single Incident Controller appointed for the type of emergency and that person is operating effectively
- ensure police and support arrangements are functioning effectively
- ensure that response and recovery operations are effectively coordinated
- make key policy and strategic decisions on response and recovery operations

- make a declaration of a major emergency
- appoint Deputy State Controllers and Assistant State Controllers (Recovery) (see below), either before or during an emergency
- give directions consistent with this role
- authorise the use of emergency powers before an emergency occurs
- lead the State Emergency Management Team (see below)
- attend the Security and Emergency Council (see above).

An important part of this arrangement is to define the 'trigger point' at which the authority of the State Controller should operate. There would need to be some basis on which to operate, but it should not be one which is bureaucratic, causes a lag in the continuity of operations or is ambiguous. The decision to initiate action is probably best left to a decision by the State Controller on the basis of some defined level of emergency.

Equally, it is important to identify when the role of the State Controller in an emergency should finish as well. This again, may be left to the decision of the State Controller. However, as response operations are likely to finish before recovery operations, there needs to be some arrangement to ensure responsibility and authority for recovery operations continues.

Suitable facilities for the State Controller to perform his or her role will need to be established.

Operations Centres

TASPOL, TFS, State Emergency Services and any other form of operation should be managed from suitable operations centres established for that purpose. For TASPOL, it would be expected that the operations commander at state level would be an Assistant Commissioner. Depending on the scale or type of emergency, the State Controller may wish to have the Deputy Commissioner take charge of police operations, and in that case an alternative Deputy State Controller would need to be appointed.

Deputy State Controller

This person would most likely be the Deputy Commissioner of Police, and the primary purpose of this person is to support the State Controller by performing functions which are likely to distract the State Controller from their primary purpose. An appointment of this person should occur before any emergency, and standing arrangement should be in place so that the functions for this position begin operating before a major emergency.

Functions envisaged for this position include:

- coordinating support to response operations
- coordinating activities with the Assistant State Controller (Recovery)
- liaising with the State Crisis Centre⁸
- liaising with relevant agencies and organisations
- attending committee meetings, if any are necessary

⁸ A location where whole-of-government emergency management policy and strategy is coordinated from during operations and/or exercise

- representing the State Controller as required
- relieving the State Controller in extended emergencies.

Suitable facilities for the Deputy State Controller to perform their role would need to be established.

Assistant State Controller (Recovery)

An appointment of this person should occur before any emergency, though change may be necessary depending on the type of emergency that occurs. It may be a senior police officer. However, it should be recognised that the appointment may need to continue beyond the response phase to an emergency.

This person would be responsible for controlling and coordinating recovery operations and for liaising with municipal councils to help with their functions in an emergency.

Suitable facilities for the Assistant State Controller (Recovery) to perform his or her role would need to be established.

State Emergency Management Team

The Victorian model has both a State Control Team and a State Emergency Management Team provided for in their State Command and Control Arrangements for Bushfire.⁹ Conceptually, it is a sound arrangement for the State Controller to have access to advice and support at the highest level. However, the Inquiry is not convinced that two groups are necessary, particularly as it is proposed in this model that the Deputy State Controller should support the State Controller. This aspect could be considered in the development of a suitable model for Tasmania.

Declarations

The issue of declarations of an emergency or state of disaster have been dealt with in PART E and a recommendation made there. When designing the mechanism for the declaration of emergencies and what consequences would flow from a declaration, care should be taken not to impede the build-up to managing an emergency — for example, by a declaration authorising the use of a particular plan or other action — as this may mean preparatory action is not taken until an emergency reaches a certain stage and this would create a lag in readiness to deal with the emergency.

Emergency Powers

The issue of emergency powers has been dealt with in PART E and a recommendation made there. Arrangements for the use of emergency powers should be made before an emergency occurs — for example, through a process of authorised officers — and they may be triggered by a declaration of emergency. However, it still may be necessary to have a mechanism for authorising emergency powers as required, depending on the type and form of an emergency.

Regional and Municipal (or Local) Levels

The emergency management arrangements below state level should be designed in a complementary way; and the number of levels, the responsibilities assigned to them, and the way they operate are important parts of the model for emergency management.

⁹ Victorian Emergency Management Manual.

A regional approach is established in the emergency management legislation and is institutionalised in the approach to emergency management in Tasmania. In considering what might be a suitable model at this level, it is imperative not to be inflexible and entrenched with the current arrangements, and to examine the issue objectively. In particular, the regional level should not be seen as a surrogate for the state level. Reasons for a state level have been outlined above, and they should be kept in mind when developing these complementary arrangements.

The first question to ask is how many levels are required? Each level will have transaction costs unless very efficient processes are developed for moving from one level to another in an emergency, and there will be other resource and cost issues in establishing facilities and systems. How the January 2013 fires emergency was managed clearly suggests that both state and regional levels are not required, at least with a very serious emergency. It is not imperative that there has to be three levels, though changes to the local level would be required if a two level arrangement is adopted. For example, South Australia has a two level structure: state and local. Considering the population and geography of Tasmania, a two level arrangement is probably also suitable.

At the municipal or local level, it appears to the Inquiry that there are deficiencies. The point has previously been made that councils cannot be expected to have responsibilities across the full range of emergency management. There are functions councils can perform, but there are limits when it comes to managing and coordinating response operations. Quite obviously there is then a potential gap in the arrangements at the local level.

In some other states, notably Victoria and South Australia, police have a role in coordinating response operations at a local or municipal level. There would be a number of benefits accruing from this approach:

- it could establish arrangements across the full range of emergency management
- it engages police more fully in emergency management and could be used to build police capability and develop a culture of emergency management
- it provides a structure on which to establish a greater readiness for emergency management at a local and a state level.

An independent review should be conducted to determine a suitable model for Tasmania and following that, legislative amendment made. Police and emergency services and other participants in the current emergency management arrangements would need to be closely involved. However, though willing to change, sometimes people can't see possibilities when they examine their own operations, so to ensure current arrangements are effectively challenged and objectively evaluated, the Inquiry recommends any review be independent.

Recommendation 100 – that the Department of Justice conduct an independent review to develop a suitable model for integrated and interoperable emergency management arrangements in Tasmania.

Recommendation 101 – that following any review, the Emergency Management Act 2006 be amended.