



Examining the future task of Victoria's Environment Protection Authority

Submission to the Ministerial Advisory Committee

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WORKING IN CONJUNCTION WITH
COMMUNITIES, GOVERNMENT,
AGENCIES AND BUSINESS.



Climate change and shifting demographics have created a new backdrop to emergency management in Victoria. There is an increased likelihood of more frequent and more intense emergencies, coupled with a geographically redistributed community more sensitive to issues such as health and wellbeing, including broad environmental considerations.

Managing community expectations and organisational change will be critical in understanding and managing future demands across government in relation to emergency management. Environmental management is a key issue in this.

The emergency management context

Emergency Management Victoria (EMV) has been established to better enable Victoria's emergency management sector to function effectively.¹

EMV's approach to emergency management is community-centric. In other words, the Victorian community is at the centre of all our activities rather than government or agencies.

Our vision is for the development of safer and more resilient communities across Victoria. To achieve this EMV works in conjunction with communities, government, agencies and business in pursuit of a shared goal. That goal is a sustainable and efficient emergency management system that reduces the likelihood, effect and consequences of emergencies.

This means that the departments, agencies and offices of government with responsibilities in emergency management – which is, in fact, most of them – are empowered to perform their roles in a co-ordinated and cohesive manner.

EMV has a critical role in providing leadership and guidance from government across the broader EM sector, including non-government bodies and private enterprise. To that end, EMV leads emergency management in Victoria by working with communities, government, agencies and business to strengthen their capacity to withstand, plan for, respond to and recover from emergencies.

We do this by:

- maximising the ability of the emergency management sector to work together and achieve joined up outcomes that are community focused
- leading and facilitating key initiatives focused on system-wide reform with integrated policy, strategy, planning, investment and procurement
- ensuring a stronger emphasis on shared responsibility, community resilience, consequence management and post emergency recovery activities
- embedding emergency management across government, agencies and business
- leading and coordinating emergency preparedness, response and recovery with the emergency management sector and community.

¹ Emergency Management Victoria (2015) *Vision, Goal Role and Values of EMV*, www.emv.vic.gov.au

EPA's current role in emergency management

As the discussion paper points out, both EPA's origins and its legislation have continued to define the agency's operations since it commenced more than 40 years ago.²

While EPA's primary role is that of an environmental regulator, it also performs a range of functions that extend well beyond this and which involve both the emergency services and the broader emergency management sector before, during and after emergencies

As such, EPA is an important and valued partner in Victoria's emergency management sector. EPA is already engaged at State level through its active membership of the State Emergency Management Team.

EPA's work in responding to a range of events is characteristically urgent in terms of the consequences that potentially flow from these emergencies. At one level, it may be in attending and providing advice to emergency responders at a small chemical spill or structure fire. At the other extreme are major events such as those referred to in the discussion paper: the 2008 Brookland Greens Estate methane event and the Hazelwood Mine fire in 2014.³

The increasing complex nature of emergencies with an environmental overlay was demonstrated in the multi-agency, multi-department response to an emergency in February 2012 at the Port of Portland involving liquid pitch (tar) leaking from a 4000 tonne storage tank. That incident – in which EPA was a critical participant – helped redefine the structures and approach to incident management in Victoria.⁴

Curiously, the discussion paper suggests that “the EPA has not had a role as an emergency response agency except in limited circumstances”.⁵ On the contrary, over many years EPA has played a significant role in emergency response by responding officers to incidents and through providing technical advice and expertise.

Moreover, under the current emergency management arrangements EPA holds the formal role of control agency in relation to pollution of inland waters.

The details of EPA's current role in emergency management – including its response functions – are set out in Part 7 of the *Emergency Management Manual*:

Environment Protection Authority

Prevention / Mitigation / Risk Reduction Activities

- Enforcing of the *Environment Protection Act 1970*.
- Enforcing the *Pollution of Waters by Oil and Noxious Substances Act 1986*.
- Training external agencies in the management of hazardous materials incidents.

² Independent Inquiry into the EPA (2015), *Examining the Future Task of Victoria's Environment Protection Authority* (Discussion paper), August, 1.

³ Discussion Paper, 23.

⁴ Fire Services Commissioner (2012), *Review of the Port of Portland Emergency, June 2012*. http://fire-com-live-wp.s3.amazonaws.com/wp-content/uploads/Operational_Review_-_Port_of_Portland_Emergency_-_Final_Report_-_June_2012.pdf

⁵ Discussion Paper, 22.

- Licensing and inspecting industrial facilities.
- Tracking prescribed wastes from generation to disposal.
- Undertaking legal proceedings as appropriate.

Response Activities

- Control agency for pollution of inland waters.
- Assessing the environmental impact of emergencies.
- Determining practical measures to protect the environment.
- Advising the emergency services on the properties and environmental impacts of hazardous materials.
- Ensuring that appropriate disposal methods are adopted for wastes resulting from response activities.

Relief / Recovery Activities

- Assessing environmental impacts of emergencies.
- Ensuring that appropriate disposal methods are adopted.
- Advising affected persons on the properties and environmental impacts of hazardous materials.
- Implementing the Community Environmental Trauma Protocol when required.⁶

EMV believes this range of activities indicates a significant role for the agency not merely as a response agency, but also in other aspects of emergency management. As the Discussion Paper notes, this role has been increasing. An emerging issue for EPA may be the capacity of the agency to resource critical incident response and this is an issue for further discussion within government.

⁶EMV (2015) *Emergency Management Manual Victoria*, Part 7, 7-50, emv.vic.gov.au

EPA emergency management responsibility into the future

EMV considers that the critical role for EPA into the future must include:

- Providing technical environmental advice to emergency management agencies in planning for, responding to and recovery from emergencies
- Leading the state capability in the provision of environmental monitoring that leads to the provision timely advice to inform emergency management decision makers and the community warning system
- Working closely with the key strategic leaders in public health, environmental health, mental health – including the Chief Health Officer, the Chief Veterinary Officer and other emergency management leaders.
- Providing information that is accessible and useful to the community in a timely and informative manner. Achieving this will require EPA participation in state, regional and incident communications plans, including community meetings.
- Developing a collaborative model that provides internal and external mechanisms to lead, influence and deliver quality joined up outcomes across government and with all key partners.
- Providing expertise, knowledge and leadership in the management of an emergency as determined by the Emergency Management Commissioner.

Progressing these six key areas will require modified legislation, policy, procedures and the development of capabilities to deliver services during an emergency anywhere Victoria. To achieve this will require strong partnerships with other emergency management agencies and extend into formal arrangements with both government and the private sector.

What is required on an ongoing basis from EPA is the maintenance of expertise and support systems that will enable the effective management of environmental consequences across a range emergencies.

The critical role of EPA in role of the provision of expert advice, information and data during all phases of emergency management cannot be underestimated.

There is also an increasing expectation that EPA communicate critical information to the broader Victorian community in a manner that is both accessible and readily understood. The experience of the Hazelwood mine fire suggest there is scope to further refine and improve this. One vehicle for this is closer integration of public communications with the emergency management sector through such vehicles as the Emergency Management Joint Public Information Committee (EMJPIC).

A collaborative model

The management of emergencies in Victoria has evolved into a highly collaborative process. This has been a challenging process for many of our emergency management partners, particularly within government and among those who haven't previously considered their role in this space as significant.

Some agencies with a contradictory role – such as regulation and prosecution – have sometimes struggled with the need to collaborate internally and across government, particularly when they may eventually be in a position of having to investigate and even prosecute other arms of government.

EMV believes that there is scope for EPA to develop better mechanisms to connect across functional areas during emergencies. For example, the linkages between environmental and public health considerations and the way in which these are effected need to be strengthened.

EPA also has a significant role in providing monitoring services – in collaboration with the health authorities and the emergency services – aimed at the protection of emergency responders and the broader community.

The agency must retain an adequate capability to deliver these critical services rather than seek to shift them to other arms of government. This may entail need to seek further funding from government.

An informative role

EMV considers that there is a deliberative role for EPA to play at other stages of the emergency management continuum, in particular in the area of prevention (e.g. though influencing planning decisions) and in the recovery phase (e.g. by providing advice on remediation).

While acknowledging that EPA already plays a broad role in such activity through its regulatory functions, EMV believes that the prism of emergency management or even emergency consequence is rarely consciously applied in such contexts. This is certainly not peculiar to environmental management and regulation, but has historically been a common failing in such other areas as land use planning.

A good recent example of the how EPA can play an essential role in this regard has been the development of the *Community Smoke, Air Quality and Health Protocol* in collaboration with the Department of Health and Human Services and EMV.⁷ The protocol provides direction for the protection of community health in response to smoke events resulting in significant levels of fine particles in the outdoor environment. It further outlines the joint role that EPA and DHHS will play in the management of public health emergencies stemming from smoke events, such as bushfires.

⁷ <http://files.portal.em.vic.gov.au/refdocs/EMK-01.19-Community-SAQH-Protocol.pdf> (July 2015)