



**Community Development and Justice  
Standing Committee**

**EMERGENCY SERVICES  
LEGISLATION IN WESTERN  
AUSTRALIA**

**Report No. 2**  
In the Thirty-Sixth Parliament

2002

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**Community Development and Justice  
Standing Committee**

**EMERGENCY SERVICES  
LEGISLATION IN WESTERN  
AUSTRALIA**

**Report No. 2**

Presented by:

**DAVID TEMPLEMAN**

Laid on the Table of the Legislative Assembly  
on Thursday 7 November 2002



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## COMMITTEE'S FUNCTIONS AND POWERS

On 30 May 2001, the Legislative Assembly established the Community Development and Justice Standing Committee.

The functions of the Committee are to review and report to the Assembly on:

- The outcomes and administration of the departments within the Committee's portfolio responsibilities;
- Annual reports of government departments laid on the Table of the House;
- The adequacy of legislation and regulations within its jurisdiction; and
- Any matters referred to it by the Assembly including a bill, motion, petition, vote or expenditure, other financial matter, report or paper.

At the commencement of each Parliament and as often thereafter as the Speaker considers necessary, the Speaker will determine and table a schedule showing the portfolio responsibilities of the Committee. Annual reports of the government departments and authorities tabled in the Assembly will stand referred to the Committee for any inquiry the Committee may make.

Whenever the Committee receives or determines for itself fresh or amended terms of reference, the Committee will forward them to each standing and select committee of the Assembly and joint committee of the Assembly and Council. The Speaker will announce them to the Assembly at the next opportunity and arrange for them to be placed on the notice boards of the Assembly.

The general provisions for standing and select committees of the Legislative Assembly apply to the Community Development and Justice Standing Committee.

### **Areas of Responsibility for the Community Development and Justice Standing Committee**

- |   |                         |
|---|-------------------------|
| • Premier                                 | • Emergency Services    |
| • Public Sector Management                | • Local Government      |
| • Federal Affairs                         | • Community Development |
| • Science                                 | • Women's Interests     |
| • Citizenship and Multicultural Interests | • Seniors and Youth     |
| • Attorney General                        | • Disability Services   |
| • Justice and Legal Affairs               | • Culture and the Arts  |
| • Electoral Affairs                       | • Racing and Gaming     |
| • Police                                  |                         |



## **INQUIRY TERMS OF REFERENCE**

That the Committee examine, report and make recommendations on emergency management in Western Australia, benchmarked against other Australian States, with particular reference to:

1. The means by which legislation puts in place effective measures to respond to emergencies and disasters;
2. The effectiveness or otherwise of command structures in emergency services;
3. The effectiveness or otherwise of the information flow in times of emergency;
4. The effectiveness or otherwise of the system of reporting of emergency management; and
5. The effectiveness or otherwise of the existing Western Australian legislation.

The Committee will report its findings to the Legislative Assembly on or before Thursday 31 October 2002.



## CHAIR'S FOREWORD

I have great pleasure in tabling the Community Development and Justice Standing Committee's report on Emergency Services Legislation in Western Australia.

This report is the result of a wide-ranging inquiry into the current emergency management arrangements in Western Australia. This is an important subject at all times, due to the threats posed each year by cyclones, floods and bushfires in this State. The ever-increasing threat of terrorist attack, as witnessed in the United States in 2001 and closer to home in Bali last month, has further emphasised the important role that emergency management plays in the well-being of the people of Western Australia.

In undertaking this inquiry, the Committee has held formal hearings, including one in regional Western Australia, in Port Hedland. It has gathered information from within Australia and internationally, has held briefings in Perth, the NorthWest, Queensland, Victoria, and in three provinces in Canada. The Committee has also received submissions from interested parties, and attended conferences in Perth and in Toronto which addressed issues of emergency management. In particular, the World Conference on Disaster Management in Toronto in July brought together the leading emergency management professionals around the world and gave the Committee the opportunity to discuss issues with people who are at the leading edge of the field.

Underpinning the work and expertise of the various emergency management agencies in Western Australia is a large, well-trained group of volunteers. These volunteers continue to make a very significant contribution to the State's emergency management arrangements and deserve acknowledgment.

This report outlines the evidence taken and information gathered and makes a series of findings and one major recommendation that the Committee believes will make emergency management in Western Australia more effective.

The key recommendation of the Committee is that an Emergency Management Act should be introduced into the Parliament as soon as possible. The Committee has prepared drafting instructions for this legislation and believes the Government should give it high priority.

In tabling this report, I would like to thank the Members of the Committee for their hard work. The Members for Pilbara, Nedlands, Perth and Joondalup have put in long hours and have addressed the complex issues in a bipartisan and professional manner, and I believe they should be commended for their efforts. In particular, I would like to acknowledge the contribution of the Member for Pilbara for providing both his knowledge and his long-standing commitment to the issue of emergency management in Western Australia. I would also like to thank the staff for their professional and very able assistance throughout the inquiry. Principal Research Officer, Michael Baker, and Research Officer, Nici Burgess, have provided highly competent, friendly and enthusiastic support to the Committee and are to be commended for their work.

I commend the report, its finding and recommendation, to the House.

DAVID TEMPLEMAN, MLA  
CHAIR



## EXECUTIVE SUMMARY

Western Australia is regularly subjected to natural disasters in the form of cyclones, bushfires, floods and, on occasions, earthquakes. In addition to these threats, events in New York in 2001 and in Bali on October 12 this year have shown that emergencies can arise at any time and they represent a significant threat to life and property. Despite these threats, Western Australia remains the only state in Australia that does not have legislation covering its response to these potential disasters.

To address the issue of the legislation that supports the Western Australian emergency management system, the Community Development and Justice Standing Committee launched a major inquiry in November 2001.

As a result of its inquiry, the Committee's report has identified major legislative weaknesses in the Western Australian system. Since 1985, Western Australia has operated its system of emergency management under a series of Policy Statements.

These Policy Statements each lay down the operational rules for particular incidents or processes. Policy No. 7 underpins the emergency management arrangements in Western Australia. These arrangements have no legislative base which can lead to:

- Risks of uncertainty within command structures;
- Lack of legal authority for emergency management agencies to take appropriate action; and
- Litigation in the aftermath of the emergency.

In 1996, the State Government appointed Bob Barchard and Associates to undertake a review of Western Australia's emergency management arrangements. The most significant recommendation of this review related to the need for legislation in emergency management in Western Australia. The implementation of that recommendation remains outstanding.

The Committee is concerned by these delays in introducing the legislation. Within a legislative base, certain powers need to be provided to emergency management agencies to ensure they can fulfil their responsibilities of protecting life and property. These powers include:

- (a) To require the owner or person in possession of any real or personal property that is needed to assist in combating an emergency to place it under the control, or at the disposition of an authorised officer.
- (b) Direct the evacuation and removal of persons or the removal of animals from the emergency area.
- (c) Enter and, if necessary, break into any land, building, structure or vehicle within the emergency area.
- (d) Take possession of any land, body of water, building, structure, vehicle, or other thing within the emergency area.

- (e) Order the owner or the person apparently in charge of any place of business, worship or entertainment within the emergency area to close to the public that place for such period as ordered.
  - (f) Remove, demolish or destroy any building, structure, vehicle, or vegetation within the emergency area.
  - (g) Shut off or cut off any supply of fuel, gas electricity or water, or any drainage facility, within the emergency area.
  - (h) Direct or prohibit the movement of persons, animals or vehicles into or within the emergency area.
  - (i) Remove any person who obstructs or threatens to obstruct emergency management operations.
  - (j) Close to traffic any road or other access route within or leading to the emergency area.
  - (k) Excavate land or form tunnels.
- The administrative arrangements in Western Australia also represent historical factors and may not represent best practice in 2002.
  - The Committee recognises that Western Australia would be unable to meet its emergency management needs without the commitment of many thousands of volunteers. The Committee has been deeply impressed by the level of skill and dedication that volunteers show for no financial reward.
  - It is clear that emergency management agencies need to better recognise and acknowledge the skills and valuable contributions made by the volunteers.
  - The Committee visited Canada, NorthWest Australia, Queensland and Victoria during the course of its inquiry. In all of these jurisdictions, it is now policy that emergencies must be addressed at the local level wherever possible.
  - Throughout the inquiry it has been made clear that the willingness and capacity of local government authorities in regards to emergency management is variable. The Committee considers that all local governments should have, as a minimum requirement, a clear understanding of the risks faced by its community. Each local government as a matter of routine policy should develop and maintain a plan to manage each of these risks.



## FINDINGS

**The Committee has found that:**

**Western Australia is the only State in Australia that does not have emergency management legislation.**

**The Committee has found that:**

**The strong recommendations for legislation contained in the Barchard Report of 1997 have not resulted in legislation in Western Australia.**

**The Committee has found that:**

**The lack of a legal framework in Western Australia places emergency service workers, lives and property at unnecessary risk in times of emergency.**

**The Committee has found that:**

**Without the active and willing involvement of local authorities, Western Australia is unlikely to have a world class emergency management system.**

**The key features of world's best practice in emergency management are:**

- **A relevant and responsive emergency management organisation;**
- **Competent and detailed planning at all levels of government;**
- **Interdepartmental/interagency cooperation;**
- **Civic leadership; and**
- **A capable and current legislative and regulatory framework.**



## RECOMMENDATION

**The Committee recommends that:**

**The Government give a high priority to an Emergency Management Act.  
The State's Emergency Management Act should be in accord with the  
drafting instructions contained at Appendix One of this report.**



## MINISTERIAL RESPONSE

Standing Order 277(1) of the Standing Orders of the Legislative Assembly states that:

*A report may include a direction that a Minister in the Assembly is required within not more than three months, or at the earliest opportunity after that time if the Assembly is adjourned or in recess, to report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendations of the Committee.*

Accordingly, the Community Development and Justice Standing Committee directs that the Minister for Emergency Services, Hon. Michelle Roberts, MLA, report to the Assembly as to the action, if any, proposed to be taken by the Government with respect to the recommendation of the Community Development and Justice Standing Committee in report number 2, Emergency Services Legislation in Western Australia tabled in the Legislative Assembly on Thursday 7 November 2002.



# CHAPTER 1 INTRODUCTION

## 1.1 BACKGROUND TO INQUIRY

The Community Development and Justice Standing Committee resolved to undertake an inquiry into Emergency Services legislation in Western Australia on 24 October 2001. The Committee agreed to the following terms of reference:

That the Committee examine, report and make recommendations on emergency management in Western Australia, benchmarked against other Australian States, with particular reference to:

1. *The means by which legislation puts in place effective measures to respond to emergencies and disasters;*
2. *The effectiveness or otherwise of command structures in emergency services;*
3. *The effectiveness or otherwise of the information flow in times of emergency;*
4. *The effectiveness or otherwise of the system of reporting of emergency management; and*
5. *The effectiveness or otherwise of the existing Western Australian legislation.*

The Committee will report its findings to the Legislative Assembly on or before Thursday 31 October 2002.

There were a number of factors motivating the Committee to undertake this inquiry, its first since its inception in early 2001. Clearly, international events such as those of September 11 were fresh in the minds of most people and the adequacy of Western Australia's emergency response was recognised as a key public concern.

However, it is not the cause of the emergency that concerns the Committee. Whether destruction of buildings and danger to people is caused by human actions or an act of nature, the problems can be similar. It is the adequacy of the response and the frameworks that underpin that response that form the basis of this report.

Western Australia is regularly subjected to natural disasters in the form of cyclones, bushfires, floods and, on occasions, earthquakes. These can represent a threat to life and property. Despite these regular and real threats, Western Australia remains the only state in Australia that does not have legislation covering its response to these potential disasters.

Western Australia has been reasonably well served in the past by the administrative arrangements that have existed.

A lack of legislative base can lead to:

- Risk of uncertainty within command structures;
- Lack of legal authority for emergency management agencies to take appropriate action; and

- Litigation in the aftermath of the emergency.

The fear of litigation has been a recurring theme throughout the Committee's inquiry. The emergency management community feels vulnerable about what they see as an increasingly litigious society. This is particularly of concern to volunteers.

The lack of legislation causes concern in other areas, including:

- The powers available to authorities to act in an emergency;
- The difficulty in persuading the public to accept the legitimate directions of emergency personnel during an emergency; and
- The effect on business of emergency measures before, during and after emergencies.

## 1.2 THE CONTRIBUTION OF VOLUNTEERS IN EMERGENCY SERVICES

Emergency services in Western Australia rely very heavily on the commitment of its volunteers.

According to the State Government:

- There are at least 250,000 active volunteers in Western Australia;
- One in five adults contributes a total of more than 46 million hours of unpaid work;
- Costed at the minimum adult wage of \$11.35 per hour, and worked on about 3.5 hours per week, their contribution provides more than half a billion dollars worth of service every year to the Western Australian community;<sup>1</sup> and
- About 10 per cent of these, or 25,000 people, work in emergency services.

The Committee has been impressed by the expertise of the volunteers it has talked to during this inquiry, and amazed by the level of commitment to serving their communities shown by these people.

For example, the Committee was told that the entire State Emergency Service organisation in Port Hedland is voluntary. The emergency coordinator works 50 hours per week, and her deputy, in addition to his full-time employment works a further 30 hours.

Additionally, the organisation's members have to fund raise for equipment and many use their annual leave for training courses. Without this level of commitment and hours worked, the State could not afford to effectively operate emergency management arrangements.

Volunteers provide significant social capital by instilling a sense of community and caring, a level of civic pride, and a sense of self-reliance and security for their own community.

The Committee heard that volunteers in emergency management in Western Australia feel undervalued by their professional counterparts. They cite, for example, changes being made

<sup>1</sup> Calculated using the *Minimum Conditions Of Employment Act* scales



without consultation and an assumption that they will always respond to an emergency regardless of circumstances.

The Committee recognises that the model of volunteerism in Western Australia provides the volunteers with a sense of achievement and community belonging as against the Canadian model where volunteers are paid for their contribution. The Committee has been told during the inquiry that the volunteers are not interested in getting paid. They value both their community contribution and the autonomy afforded by their volunteer status. What they seek is recognition of their value in tangible ways, including being involved in decision-making processes.

Volunteers have made it clear to the Committee that emergency management agencies need to better recognise and acknowledge their skills and valuable contributions. This need has in fact been acknowledged by the Fire and Emergency Services Authority. In evidence before the Committee, the Chief Executive Officer of FESA, Mr Bob Mitchell, said:

*We would all agree that volunteers in Western Australia do an outstanding job. Without them, the State would not have an adequate emergency service. It is a matter for the State to determine what price is put on that service and what rewards it gives. In the normal sense of reward -I do not necessarily mean financial, I mean recognition and so on -we try very hard, although FESA and the community must do more to recognise the input of the volunteers who service the community.<sup>2</sup>*

### **1.3 SCOPE OF THE INQUIRY**

In accordance with its terms of reference, the inquiry has focussed almost entirely on legislation related to Emergency Services, rather than operational matters. Not included in this review is legislation already before the Parliament regarding the State Emergency Service and volunteer marine rescue groups.

In undertaking its inquiry, the Committee:

- Reviewed the legislation of all Australian states;
- Reviewed the current emergency management arrangements in Western Australia;
- Reviewed the legislation of Canada and its provinces;
- Heard formal evidence from the emergency management agencies, Police and other interested parties in Western Australia;
- Attended conferences on disaster management;
- Met with the emergency management agencies in three provinces in Canada; and
- Met with emergency management organisations and communities in the North West of Western Australia, Queensland and Victoria.

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<sup>2</sup> Evidence, 12 April 2002, p17

The selection of Canada for review was based on a number of factors:

- Similar political arrangements;
- Similar administrative systems;
- Canadian legislation is recognised as being at the forefront of international emergency management; and
- The World Conference on Disaster Management in July 2002 in Toronto provided an opportunity for the Committee to meet with the world's leading emergency management professionals.

The report also includes detailed descriptions of the current emergency management arrangements in Western Australia.

## **1.4 DEFINING EMERGENCIES**

An important element of any legislation is the set of definitions that underpin it. This is particularly true of Emergency Services legislation, as the actions of people in an emergency may well vary according to what is considered an emergency, and the rules laid down for particular emergencies. This can impact on peoples' lives.

The definitions used by the Committee are provided in the proposed drafting instructions at Appendix One.

## **1.5 POTENTIAL FOR EMERGENCIES/NATURAL DISASTERS IN WA**

Western Australia endures emergency events regularly. Tropical cyclones are a threat to NorthWest communities. Bushfires can have a devastating effect, as can floods. In addition to these regular events, the terrorist attacks in Bali and the US show that disasters can occur at any time with little or no warning.

Even without terrorist activity Western Australia faces substantial and on-going risks.

To illustrate these risks, Western Australia has endured a number of severe emergencies over the past decade, including -

- 1993 Kimberley Floods
- 1994 Severe Storms
- Tropical Cyclone Annette
- Tropical Cyclone Bobby
- Gascoyne River Flooding (and flooding resulting from TC Bobby)
- Tropical Cyclone Olivia
- Winter Storms in the Midwest, Metropolitan Area and the Southwest

- Gracetown Landslide
- Flooding – Oombulgarri
- Tropical Cyclone Thelma
- Tropical Cyclones Elaine (Moora Flooding)
- 1999 Cyclone Vance
- 2000 Tropical Cyclone Rosita
- 2000 Tropical Cyclone Steve
- 2001 Bellevue Fire
- 2001 Flooding Kiwirrkurra
- 2001 Flooding Kimberley

Specific data is difficult to obtain on these events, although it is safe to say that there have been more than 20 deaths as a result of these events, many thousands of people have been displaced and losses have been in the hundreds of millions of dollars.

On the subject of costs, the Insurance Council of Australia has told the Committee that it only collects data where claims exceed \$10 million but on that basis it has identified \$90 million in claims for just two of the above events. The ICA further told the Committee that:

*there have been many events resulting in damage where insurers have had significant claims of up to \$10m. It is also necessary to recognise that in many disasters uninsured or uninsurable losses exceed insured losses considerably i.e. Floods cause a great deal of damage in the North West, i.e. Carnarvon but is not insured as was much of Moora's damage. Similarly Local and State Government infrastructure and utilities are largely uninsured. It is likely that four to five times the amount claimed is lost but uninsured.*<sup>3</sup>

Clearly, the losses to both the taxpayer and private insurers have been enormous and the effective management of emergencies is vital both in human and economic terms.

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<sup>3</sup> Letter from ICA, 3 October 2002



## CHAPTER 2 LEGISLATION

### 2.1 CURRENT ARRANGEMENTS

#### 2.1.1 *Australia*

##### 2.1.1.1 *Introduction*

Australia's emergency management system reflects the fact that the States and territories, under the Australian Constitution, have the responsibility for the protection of the lives and property of their citizens. A State is responsible for arrangements to protect its community from the effects of disasters.

In almost all cases identified by the Committee, the arrangements also reflect that most States have suffered at least one major disaster. These disasters have led to the development of legislation. In Tasmania, for example, bushfires in 1967 were a significant driver of the legislation. In Queensland the Brisbane floods in 1974 led to major reviews of arrangements and legislative change.

Despite a number of major disasters in the State, Western Australia remains the only jurisdiction the Committee found that has no emergency management legislation.

The following sections summarise the various emergency management arrangements in the Australian States and selected Provinces in Canada.

Each Australian State and Territory has established a peak committee of senior members of appropriate departments and agencies to consider emergency management matters. The names and functions of these organisations differ, but they are basically responsible for ensuring that proper plans and arrangements are made at State or Territory and local government level to deal with emergencies and disasters.

##### 2.1.1.2 *Federal*

While emergency management in Australia is a state-based activity, the Commonwealth undertakes a variety of support roles, particularly in financial assistance to states.

The Commonwealth Counter Disaster Task Force (CCDTF) is the peak Commonwealth body with emergency management responsibilities. Comprised of representatives of Commonwealth Government departments and agencies this interdepartmental committee responsible to the Minister for Defence provides policy advice on emergency response matters. It is chaired by the Department of Prime Minister and Cabinet.

The Australian Emergency Management Committee (AEMC) is Australia's peak consultative emergency management forum. AEMC, chaired by the Director General, Emergency Management Australia, comprises chairpersons and executive officers of State emergency management committees. The AEMC meets annually to provide advice and direction on the coordination and advancement of Commonwealth and State/Territory interests in emergency management procedures and arrangements.

Emergency Management Australia (EMA) is the Commonwealth agency through which the Attorney General exercises responsibility for Australia's emergency management matters. EMA's prime functions are, in the event of a disaster or emergency, to coordinate Commonwealth physical assistance to States and Territories and assist them to develop their emergency management capabilities.

EMA assists in developing, coordinating and supporting effective national emergency management arrangements.

The Committee met with senior officials of Emergency Management Australia at their Mount Macedon training facility in Victoria. Meeting details are provided in Appendix Two.

### 2.1.1.3 Queensland

Queensland's disaster management system, like a number of the Australian states is based on a system of committees and disaster coordination centres at State, District and Local levels. The *State Counter Disaster Organisation Act 1975* establishes the:

- State Counter Disaster Organisation (SCDO);
- Central Control Group (CCG); and
- State Emergency Service (SES).<sup>4</sup>

The peak policy and planning group for disaster management in Queensland is the SCDO. The SCDO is comprised of the Directors-General of most State Government departments (with Director-General, Department of State Development as Chair), a representative from both the Department of Defence and the Local Government Association of Queensland and members of the CCG. The CCG is the executive arm responsible for making policy decisions in the overall management of emergencies in Queensland. It is comprised of Chief Executive Officers (CEO's) from the: Department of Premier and Cabinet (Chair); Department of State Development; Department of Emergency Services; Department of Health; Department of Primary Industries; and the Commissioner of the Queensland Police Service<sup>5</sup>.

Below the State level of emergency management Queensland has both District and Local levels. Queensland is divided into Disaster Districts (based on the Queensland Police Districts) with the senior Police Officer in each district appointed as the Disaster District Coordinator (DDC) and Chairperson of a Disaster District Control Group (DDCG).

A Disaster District Control Group is comprised of representatives from regional Government agencies and responsible for implementing emergency management policy, developing district disaster plans, approving local disaster plans and coordinating disaster support to local governments when requested.

At the local level it is the role of the Local Government Counter Disaster Committee (LGCDC) to coordinate the response to a disaster and implement their Local Government Counter Disaster Plan. Queensland's emergency management system relies on Local Governments acting as the key emergency managers within the community during a disaster and requesting assistance if the scale of the emergency escalates to a level where they require support. If a Local Government

<sup>4</sup> EMA, Australian Emergency Management Arrangements, Manual 2 pp19-21

<sup>5</sup> State Counter Disaster Organisation website [www.disaster.qld.gov.au](http://www.disaster.qld.gov.au)

needs more resources or is unable to provide an adequate response to a disaster it will request support from their DDC, who may in turn, if required, seek support at the State level from the SCDO.

A Local Government Counter Disaster Committees is comprised of the Mayor as Chairperson (or a nominee), the Local Government Chief Executive Officer as the committee's Executive Officer and representatives from Police, SES, Counter Disaster and Rescue Services, local industry and the community. This committee is responsible for initialising emergency prevention strategies, developing local disaster plans, coordinating disaster operations and establishing a local emergency service.

Queensland is currently conducting a review of its legislation with a view to modernising and updating it.

The Committee held 11 meetings in Queensland and spoke with a number of emergency management professionals from State and local government. A full list of meetings is provided at Appendix Two.

The key points to come out of the Queensland meetings included:

#### 2.1.1.3.1 Overview

- The Department of Emergency Services (DES) has a budget of about \$558 million.
- There has been a significant push towards community engagement.
- Mitigation is Queensland's highest priority.

#### 2.1.1.3.2 Local community focus

- The focus is on local communities and local government. The DES is engaging with local government authorities to develop disaster mitigation plans to a higher standard.
- The dispersed and disparate nature of the communities means that support and training is vital.
- An issue is the differing boundaries of government agencies such as police, local government, health, and main roads etc.
- Generally Mayors chair their local government counter disaster committees.
- The Cairns City Council advised that their current annual budget for emergency services is about \$240,000.

#### 2.1.1.3.3 Role of Police

- Emergency management district coordination is arranged according to the 23 Police Districts and the District Disaster Coordinator (DDC) is the Senior Police Officer.
- When acting in the DDC role, Police uniforms are not worn and the police provide a replacement in that officer's substantive position.

- During emergencies the DDC role is one of coordination, not operational direction. The need to give the SES formal authority to operate is being considered in the current review of the Act.
- The increasing role of the emergency management professional is also being considered in the review.

#### 2.1.1.3.4 Powers in legislation

- Various powers are established by the legislation. The details are contained in regulations and codes of practice.
- The review of legislation can be expected to attract much public interest. We were not informed of any abuses of the powers contained in the legislation.
- Anthrax scares have led to consideration of establishing the power to detain people during an emergency. The Health Act only applies to “reportable diseases” and there is a long processes required before any action can be taken.
- At a recent Council of Australian Governments (COAG) meeting there was discussion about the real fear of litigation within the community, particularly at the local government level. It is essential for local government to understand its risks.
- The fear of litigation is causing emergency managers to seek the protection provided by legislation, formal plans, standard operating procedures and clearly defined processes.

#### 2.1.1.3.5 Planning for emergencies

- The legislation requires plans be developed but there is no uniform standard.
- Some local government authorities don't wish to be involved in emergency management planning.
- The key elements of the Cairns plan are:
  - A formal emergency management structure;
  - Clearly defined roles and responsibilities;
  - Risk assessment;
  - Assessment of the special requirements of the community;
  - Highly specialised details for unusual events; and
  - The Cairns plan may be developed as a template for all Queensland local government emergency management.

#### 2.1.1.4 South Australia

In South Australia, the legislative framework for the State's emergency arrangements are embodied in the *State Disaster Act* enacted in 1980 and amended in 1995. The *State Disaster Act 1980* is responsible for establishing the following:

- State Disaster Committee;



- State Disaster Plan;
- State Coordinator;
- State Emergency Operations Centre; and
- State Controllers.<sup>6</sup>

The Act further provides for

- State Disaster Committee (SDC);
- The preparation of a State Disaster Plan;
- The establishment of a State Disaster Organisation (SDO); and
- Implementation of the State Disaster Plan by the State Coordinator, who is the Commissioner of Police.

The SDC reports to the Premier and is chaired by an official from the Department of Premier and Cabinet.

The SDC, the Emergency Management Council, State Disaster Recovery Committee, State Emergency Operations Centre (operated by the State Coordinator) and State Controllers make up the SDO. The Act authorises the Commissioner of Police to implement the State Disaster Plan in his capacity as the State Coordinator.

South Australia is divided into Emergency Management Divisions (based on Police Local Service Areas) with the Officer in charge of each area appointed as the Divisional Coordinator (DC) and Chairperson of a Divisional Disaster Committee (DDC). A DDC also includes the State Emergency Service Divisional Officer in the role of Executive Officer.

#### 2.1.1.5 Northern Territory

Emergency management arrangements in the Northern Territory find their legislative basis in the *Disasters Act 1982*. This Act establishes the roles and functions of the:

- Northern Territory Counter-Disaster Council;
- Northern Territory Counter-Disaster Controller; and
- Northern Territory Emergency Service.<sup>7</sup>

The Northern Territory Police, Fire and Emergency Services (NTPFES) is a tripartite organisation incorporating Police, Fire and Rescue and Emergency Service. The Commissioner of Police is the Chief Executive Officer of all three services. Under the *Disasters Act 1982* the Commissioner of Police is the Northern Territory Counter-Disaster Controller (Territory Controller) whose function is to exercise control and direction of counter-disaster operations. The Territory Controller also receives direction from the Northern Territory Counter – Disaster Council (NTCDC).

<sup>6</sup> EMA, Australian Emergency Management Arrangements, Manual 2, pp 30-32

<sup>7</sup> Ibid, pp 34-36

The *Disasters Act 1982* provides for the (NTCDC) comprising of the Territory Controller, Director of the Northern Territory Emergency Services and at least three members appointed by the Minister. The Minister, with overall responsibility for the Act, receives advice from the NTCDC on counter-disaster policy and issues. The NTCDC is also responsible for the approval of local, regional and Territory counter disaster plans. These plans are produced by the Northern Territory Emergency Service, also established by the *Disasters Act 1982*, and submitted to the NTCDC by the Director.

In the Northern Territory responsibility for emergency management is not only dealt with at State level but at Regional level and, where necessary, Local level. The Northern Territory is divided into Regions with the senior Police Officer in the Region appointed as the Regional Counter Disaster Controller and Chairperson of a Counter Disaster Planning Committee. At the local level the Regions are further divided into localities with the officer in charge of the local police station, or if there is no police station, a local resident appointed as the Local Counter Disaster Controller and Chairperson of the Local Counter Disaster Planning Committee.

#### 2.1.1.6 *New South Wales*

Whilst there are a number of Acts of parliament that set out the duties and responsibilities of the emergency services it is the *State Emergency and Rescue Management Act 1989*, including subsequent amendments, that establishes the legislative base for emergency management arrangements in New South Wales. In particular the Act specifies the:

- Responsibilities of the Minister for Emergency Services;
- Establishment and functions of the State Disaster Council;
- Establishment and functions of the State Emergency Management Committee;
- Production of a State Disaster Plan (Displan);
- Arrangements for a State Emergency Operations Controller (SEOCON); and
- Arrangements for a State Emergency Operations Centre (SEOC).<sup>8</sup>

The Minister for Emergency Services is the Chairperson of the State Disaster Council (SDC), which includes the State Emergency Operations Controller (SEOC), and any other person determined by the Minister. The SDC is convened to provide advice on all matters relating to the prevention of, preparation for, response to and recovery from emergencies (including the coordination of the activities of government and non-government agencies in connection with those matters).

The responsibility for emergency planning at the State level is with the State Emergency Management Committee (SEMC). The SEMC consists of a Chairperson appointed by the Minister; the State Emergency Operations Controller (SEOC), appointed by the Governor on recommendation by the Minister but must be either the Commissioner of Police or a member of the Police Senior Executive Service; and representatives, determined by the Minister, from emergency organisations and relevant agencies. The Department of Planning, the Department of Local Government, the Department of Public Works and Services, the Premier's Department and Treasury are some of the agencies represented on the SEMC.

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<sup>8</sup> Ibid, pp 21-23

Emergency management committees are also established at District (DEMC) and Local (LEMC) levels. The Committees reflect, where appropriate, the membership of the State Emergency Management Committee. The districts are roughly based to coincide with police regions and a Police Officer, holding the position of Region Commander, is appointed as the District Emergency Operations Controller (DEOCON) and, as per the *SERM Act*, Chairperson. At the local level the emergency management structure is based on the Local Government Authority areas, a Police Officer is appointed to be the Local Emergency Operations Controller (LEOCON) and the Local Government Councils provide the Chairperson.

#### 2.1.1.7 Victoria

In 1985 the *State Disasters Act 1983*, which embodied a provisional set of arrangements made in response to the Ash Wednesday fires in February 1983, underwent a major review. The *Emergency Management Act 1986* developed as a result of the findings of this review. The *Emergency Management Act 1986* establishes the following:

- Coordinator in Chief of Emergency Services;
- Victorian Emergency Management Council; and
- Responsibilities of Municipal Councils.<sup>9</sup>

Victoria's emergency management arrangements are designed to coordinate the capacity to prevent, respond to and help the community to recover from, a wide range of emergency events. They operate within a three-tiered framework of State, regional and municipal.

The Minister for Police and Emergency Services is the Coordinator in Chief of Emergency Management and chairs the Victorian Emergency Management Council (VEMC). The VEMC, consisting of representatives of both government and non-government agencies (with the Emergency Services Commissioner as its Executive Officer), advises the Coordinator in Chief on emergency planning and operational management matters. At State level the following committees operate: State Emergency Prevention Committee; State Emergency Response Planning Committee; State Emergency Recovery Planning Committee; and the State Emergency Management Community Awareness Committee. Each committee is responsible to the Minister as Coordinator in Chief and must develop and coordinate plans and strategies that involve all the responsible agencies.

The Chief Commissioner of Police is the Deputy Coordinator in Chief (with delegated responsibility for preparation and review of the State Emergency Response Plan) and also the State Response Coordinator (all response operations are coordinated by Victoria Police personnel). A Senior Officer of the Department of Human Services is the State Recovery Coordinator (with responsibility for development and maintenance of the State Emergency Recovery Plan). The chairs of the State Emergency Prevention Committee and the State Emergency Management Community Awareness Committee are appointees of the Coordinator in Chief.

At a regional level it is the role of the Regional Emergency Response Coordinator to coordinate response operations with the support of the Regional Response Planning Committee. A Regional Recovery Coordinator is appointed to carry out regional recovery planning and management functions with the support of the Regional Recovery Committee. There are no regional

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<sup>9</sup> Ibid, pp 25-27

equivalents to the State Emergency Prevention Committee and the State Emergency Management Community Awareness Committee.

The role of local government in Victoria's emergency management systems is a critical one. Under the *Emergency Management Act 1986* each municipal council must appoint a Municipal Emergency Management Planning Committee (MEMPC) to prepare a Municipal Emergency Management Plan (MEM Plan). MEMPC's receive planning assistance from regional personnel of the Victoria State Emergency Service. The council must also assign at least one Municipal Emergency Response Officer (MERO) whose role it is to coordinate use of municipal resources in emergency response. Whilst not a legislated requirement of Councils they will usually appoint a Municipal Community Safety Manager (MCSM), responsible for a wide range of community safety issues, including emergency management, and a Municipal Emergency Manager (MEM) who will chair the MEMPC and manage emergency management activities.

The Committee met with a number of senior emergency management officials in Victoria, including the Commissioner for Emergency Services. A full list of these meetings is included as Appendix Two. The key issues discussed in these meetings included:

- The 6 main points of emergency management in Victoria are:
  - Safety is everybody's business;
  - It is about relationship management;
  - Mitigation – land use planning and development;
  - Political buy in – data sets that show value of mitigation – the rule is \$1 spent on mitigation saves \$22 in response;
  - Perceptions are as important as reality; and
  - Community sustainability – they need better data sets that show effectiveness of service. Mitigation doesn't show its value as obviously as response so in order to illustrate its value data needs to be collected that shows how mitigation an emergency greatly reduces its financial and personal costs.
- The principles being worked with are that emergency management cannot be done in isolation. They need to be rid of silos. There are mutual obligations for government, private sector and the community.
- Emergency management is community-centred and there needs to be a net community benefit of any changes.
- Aspects of emergency management include:
  - Planning is constant. The plan itself is only the outcome of the planning process, which is the important element;
  - State emergency response plan says who is responsible but it doesn't tell people how to do things. It identifies control and support agencies and specifies their roles;
  - In Victoria, Police are the emergency response coordinators in all emergencies. Coordination aims to ensure that the response is appropriate and that resources are available to the control agency; and

- In Victoria, during an emergency people cannot be forced out of a property in which they have a pecuniary interest.

### 2.1.1.8 Tasmania

In 1976 the Tasmanian Parliament passed the *Emergency Services Act*. The main features of the Act include provision of:

- A State Disaster Committee;
- A State Disaster Executive;
- A State Emergency Service; and
- Counter Disaster Plans.<sup>10</sup>

This Act not only established the State Emergency Service but also:

- Established the State Disaster Committee (SDC), responsible for overseeing all emergency management policy, and
- The State Disaster Executive (SDE), responsible for coordinating all emergency operations.

Tasmania is divided into three regions and similarly to the Northern Territory each Region has a Region Disaster Planning Committee (RDPC) and a Region Disaster Controller (a Superintendent of Police). The Police District Commander chairs the RDPC. An RDPC also includes the SES Regional Management Officer in the role of Executive Officer.

At the local level each Council or group of Councils has an Emergency Planning Committee, chaired by the Mayor or a senior councillor and assisted by a person appointed from the State Emergency Service as Local Coordinator.

## 2.1.2 Canada

### 2.1.2.1 Introduction

Canada has a similar political and administrative structure to Australia, with 11 Provinces (States) and a Federal government. It is also a country of enormous physical area, with a population not much larger than that of Australia. As a result, Canada is often used as a useful comparative model by Australian government and bureaucracy. While some disasters faced by Canada can be different from those in Australia, often being due to extreme cold as opposed to extreme heat, the two countries share many hazards and many emergency management challenges.

The major significant difference between Australia and Canada is the role played by local government in Canada. Throughout North America, local government provides significant services to their communities, including emergency services such as police and fire services. In order to do this, municipalities use their substantial taxing powers. The Committee held meetings with municipalities, provincial and federal government bodies. The Committee undertook a review of all Canadian provinces' emergency management legislation during the course of the inquiry.

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<sup>10</sup> Ibid, pp 28-30

The key theme throughout the Committee's discussions was that emergencies are addressed at the local level wherever possible.

### 2.1.2.2 *Federal*

On February 5, 2001 the Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP) was established. The role of the Office is to develop and implement a comprehensive approach to protecting Canada's critical infrastructure. The Office is also the government's primary agency for ensuring national civil emergency preparedness.

To a significant extent, OCIPEP plays a similar coordination role to Emergency Management Australia. It is established as a department and does not operate under a specific Act.

In a meeting with Mr Jim Harlich, Assistant Deputy Minister, the Committee was told that:

- Canadian emergency management is built on the principle of response at the lowest possible level;
- The provinces take their role in emergency management very seriously;
- The federal government only has a monitoring role in emergency management;
- The emergency management legislation at federal level is very skeletal;
- The federal government has provided more than \$1 billion over the past 5 years in financial assistance; and
- Emergency Preparedness used to be the first area to get cutback in tight fiscal times, until 'September 11'.

Critical Infrastructure Protection (CIP) has become the key focus for the federal government.

The meeting with Mr Harlich represented an overview of the federal role and as such was particularly useful. Many of the issues raised at this meeting became recurring themes.

### 2.1.2.3 *British Columbia*

#### *Provincial Emergency Program (PEP)*

The function of the PEP is to maintain effective awareness, preparedness, response and recovery programs to reduce the human and financial costs of actual or imminent emergencies and disasters. It operates under the *Emergency Program Act 1996*.

From its Victoria headquarters and its regional offices, PEP works closely with local governments, provincial ministries and agencies, federal departments and volunteers.

#### *Public Awareness*

PEP takes an active role in increasing public awareness of B.C.'s risks and hazards, and the need for preparedness. Brochures, posters, presentations and the Web site are part of this awareness program. PEP also organises annual Emergency Preparedness Week activities and supports province-wide events to encourage individual preparedness initiatives in the home, workplace and community.

### *Preparedness*

PEP helps local governments analyse hazards and risks, develop and test emergency plans, and train and organise emergency staff and volunteers. PEP may provide financial assistance for these activities through the federal/provincial Joint Emergency Preparedness Program.

Provincially, PEP develops long-term strategies and contingency plans with various ministries and agencies - determining who will do what in the event of an emergency or disaster, which cannot be handled locally.

PEP also works with the federal government on preparedness initiatives, such as the National Earthquake Support Plan, and provides emergency planning advice and assistance to industry.

### *Response*

PEP maintains a 24-hour Emergency Coordination Centre. Through a toll-free number, agencies and individuals can report incidents, such as floods, earthquakes, landslides, industrial accidents, lost persons, oil spills, marine accidents and so on. In a typical year, more than 100,000 calls are received.

In the event of a major disaster or emergency, in cooperation with other ministries, PEP will open a provincial regional emergency operations centre(s) from which it will coordinate the provincial response and provide a liaison with local governments and federal agencies.

PEP monitors every incident report through to its resolution to ensure that all identified needs are met. Local governments can access advice and assistance directly from their PEP regional office.

### *Recovery*

Recovery programs help restore communities and the environment after an emergency or disaster. PEP may coordinate recovery efforts with various agencies, as required. PEP is also responsible for administering the Disaster Financial Assistance Program, designed to replace or restore items essential to a home, livelihood or community.

### *Volunteers*

Thousands of emergency volunteers across the province provide critical services in the areas of search and rescue (air, land and inland water), PEP air, highway rescue, emergency social services and radio communications.

Volunteers register with their local emergency program and are supported by PEP through training, Worker's Compensation Board coverage, third party liability insurance and some direct funding. PEP also has numerous volunteer recognition programs, including an annual award ceremony.

The Committee met with a number of key officials in both Vancouver and in Victoria. A list of meetings held is attached as Appendix Two, however some of the key issues covered included:

- Vancouver has perhaps the most sophisticated emergency communications centre in North America, a facility of which the Committee was fortunate to be given a detailed tour;

- Costing some \$77 million, the facility provides the technical resources to manage British Columbia's numerous threats. In addition to constant forest fires and flooding, British Columbia has approximately 1 earthquake per day and about 70% of the population are at risk from earthquakes;
- The Committee also had a tour of the Justice Institute of British Columbia (JIBC) and met with key personnel. The JIBC is the training facility for police, fire officers and paramedics. The JIBC has about 23,000 students and is currently focusing a lot of energy on online training, with about 27% of its teaching being done online;
- The Committee also visited the Forest Fire Control Centre in Victoria, British Columbia and met with key officers; and
- The issue of community awareness was a recurring theme. It is only at times of major disasters that emergency management becomes topical.

The final formal meeting in British Columbia was with Mr Bob Bugslag, the Deputy Director of the Provincial Emergency Program (PEP). Mr Bugslag told the Committee that emergency management has to be across ministry and across government.

The Committee was told that the principle issues of emergency management are:

- Communications;
- Ambiguity of authority;
- Number of responders;
- Poor use of special resources; and
- Unplanned media.

The Emergency Management Act in British Columbia is very strong. They prefer to focus on local state of emergency. There has only ever been one provincial state of emergency, although the province has to vet the local declarations. This reinforces the focus on the local response.

Under the Act, the municipalities have to have plans and a coordinator. In addition, there are 28 regional districts, which don't have plans of their own. The province takes a "hands on" role with these districts.

#### *2.1.2.4 Manitoba*

Manitoba Emergency Measures Organisation (EMO) is responsible for the overall provincial emergency program, ensuring safety for citizens, their property and the environment. EMO's activities include planning and research, training, response operations and the administration and delivery of disaster financial assistance programs.

The EMO was established in 1959 with the original purpose of developing emergency procedures for dealing with events related to nuclear attack. Over the years, the risk of natural and human-caused disasters has increased, and the emphasis has shifted towards peacetime emergencies.



The *Emergency Measures Act* requires that EMO to prepare, maintain and implement policies and procedures relating to preparedness, response and recovery from emergencies and disasters in Manitoba.

The EMO maintains the Manitoba Emergency Plan which provides provincial emergency response, emergency response structure, and the roles and responsibilities of provincial departments and agencies responding to emergencies and disasters.

EMO coordinates the disaster response process and provides assistance by way of:

- Consulting services;
- Planning support;
- Event activity;
- Post emergency reporting; and
- Public information on response activities.

The Committee met with officers of both the EMO and the City of Winnipeg. The key points to come out of those meetings included:

- The response of municipalities is not always consistent;
- Resource and equipment sharing can provide municipalities with increased resources;
- The provision of information to the public by electronic means is increasing rapidly. For example, during the 1997 floods there were 12,800 phone calls and over 14,000 internet hits;
- Mitigation is seen as the future of emergency management;
- Personal and corporate responsibility and negligence are emerging as key issues, particularly in litigation; and
- Legislation is being reviewed with a view to strengthening and increasing the planning powers and responsibilities of municipalities.

The Committee held detailed discussions with the Manitoba Emergency Measures Organisation (MEMO). While some of the same issues were covered in these meetings, there were some different emphases from the provincial perspective. The key themes from these meetings included:

- When another level of government becomes involved in an emergency it never removes the accountability and responsibility of local government. Nearly all emergencies are dealt with at the local level;
- The *Emergency Measures Act* establishes:
  - The power to declare a State of Emergency;
  - Emergency management powers and the method of application;
  - Obligations to provide aid;

- Control mechanisms;
- Evacuation powers;
- Restriction on public movement;
- Powers of entry;
- Power to demolish structures, including private homes;
- The ability to procure services and produce;
- The restoration of essential services; and
- The expenditure of municipal funds;
- Procedural information is contained in the plans;
- Local government is required under the Municipal Act to provide fire services;
- Municipalities need to conduct annual exercises. This requirement may be included in the review of the legislation;
- An 8 month risk assessment project is being conducted. The results of this will be included in the municipal emergency plans;
- Risk and cost of emergencies are emerging as issues within the insurance industry;
- The hierarchical command and control system is no longer considered to be the appropriate management method during emergencies;
- During emergencies, the internationally accepted incident command system (ICS) applies. Under this system, the Office of the Fire Commissioner will make the decision about who is in command after asking the key questions:
  - Who is the incident commander at the time?
  - Do they have an incident command structure in place?
  - Do they know what personnel and resources they have?
  - Do they have a contingency plan?; and
- There have been 3 mandatory evacuations in the recent past.

#### 2.1.2.5 Ontario

Emergency Measures Ontario (EMO) is responsible for monitoring, coordinating and assisting in the formulation and implementation of emergency management programs in Ontario. EMO operates under and administers the *Emergency Plans Act*.

As part of its ongoing response role, Emergency Measures Ontario (EMO):

- Coordinates provincial emergency management;
- Manages the daily operations of the Provincial Operations Centre (POC);
- Produces a daily emergency situation report;
- Provides scientific and technical advice;

- Develops the provincial exercise program;
- Coordinates emergency preparedness and response training;
- Coordinates federal/provincial emergency activities and programs, including the Joint Emergency Preparedness Program (JEPP); and
- Provides advice and assistance to support community emergency response.

In the event of a serious incident, the POC is activated by bringing together the duty team. The team has the power and authority to monitor, coordinate and assist communities during an emergency. The POC coordinates and directs emergency management at a provincial level.

If the emergency broadens in scope, the POC may be fully staffed with representatives from the 11 ministries with special responsibility in an emergency.

Other provincial emergency management groups may also be activated, such as the Technical Group, Information Group or Joint Information Centre. In an emergency, EMO area staff can be deployed to the affected area to assist in the emergency response.

Emergency Measures Ontario works closely with municipalities and First Nations in Ontario to develop and evaluate emergency preparedness and response arrangements.

EMO has an online Guide to Emergency Planning for Community Officials to assist with emergency planning.

EMO is responsible for the response in the Provincial Nuclear Emergency Plan and the Provincial Emergency Plan.

The Joint Emergency Preparedness Program (JEPP) in Ontario is a federal initiative that provides financial assistance to communities who seek to improve their emergency preparedness programs. It is a cost-sharing initiative that is administered by the EMO.

The Committee met with officers of the EMO and the Ontario government. The key points to come out of those meetings included:

- Events on September 11 have significantly raised the priority of emergency management;
- There is \$1.3 billion daily in commerce between Ontario and the US;
- Ontario equates to the 10<sup>th</sup> biggest state in the US, and has:
  - 12 million people;
  - 21 nuclear facilities;
  - Numerous and large Chemical plants;
  - A large and exposed rail network;
  - Tornadoes;
  - Annual flooding; and
  - High level of forest fires;

- The current review of the Ontario legislation is driven by:
  - Terrorist activities around the world, including ‘September 11’;
  - Y2K ;
  - The ice storm of 98;
  - Global warming; and
  - Population growth.
- The focus up to now has been on planning, preparedness, and response. This is changing to a full program approach;
- Every Minister has an emergency management role within their portfolio;
- A public safety culture needs to be developed;
- Communities are seeking to be disaster resilient;
- Economic instabilities of emergencies are now being recognised. There is a risk beyond the direct safety of people within the emergency area; and
- Emergency Measures Ontario has 12 people working full time with communities.

## **2.2 HISTORICAL ARRANGEMENTS IN WESTERN AUSTRALIA**

### **2.2.1 History – Policy Statements**

Western Australia has never had emergency management legislation. The emergency management arrangements in Western Australia have operated under a series of Policy Statements. These Policy Statements each lay down the operational rules for particular incidents or processes. Policy No. 7 underpins the emergency management arrangements in Western Australia. In the main, the Committee has focussed on Policy Statement No. 7.

The Policy Statements are:

Policy Statement No. 1	Emergency Management Information Dissemination System
Policy Statement No. 2	Standard Emergency Warning Signal
Policy Statement No. 3	Local Community Emergency Management Planning Policy
Policy Statement No. 4	Emergency Management in the Perth Metropolitan Region
Policy Statement No. 5	Bushfire Evacuation Decision Policy
Policy Statement No. 6	Change of Titles Emergency Management Committees
Policy Statement No. 7	Western Australian Emergency Management Arrangements

Policy Statement No. 8	Integration of Emergency Plans for Offshore Petroleum Operations With the Emergency Management Arrangements of Western Australia
Policy Statement No. 9	Commonwealth Physical Assistance
Policy Statement No. 10	Procedure for Activating State Support Plans
Policy Statement No. 11	Development and Promulgation of Hazard Management Agency Hazard Plans
Policy Statement No. 12	Post Operation Reports
Policy Statement No. 13	Funding for Multi-Agency Emergencies
Policy Statement No. 15	State Level Emergency Management Exercises
Policy Statement No. 16	Appeals and Donations During Emergencies

#### *2.2.1.1 Policy Statement No. 7*

- Describes emergency management concepts;
- Establishes Emergency Management Boundaries; and
- Establishes and describes Organisation for Emergency Management.

Policy Statement No. 7 was issued under the authority of the State Emergency Management Committee and approved by Cabinet in July 1985. A cabinet decision of 10 August 1992 renamed the State Counter Disaster Advisory Committee (SCDAC) as the State Emergency Management Advisory Committee (SEMAC). A further cabinet decision of 8 January 2001 again renamed that Committee as the State Emergency Management Committee (SEMC).

Emergency management arrangements in Western Australia as defined in Policy Statement No. 7 are as follows -

#### *2.2.1.2 Emergency Management Concepts*

The emergency management concepts for Western Australia are based on:

- a. All Hazards Approach. This approach deals with all types of emergencies or disasters and civil defence using the same set of management arrangements. Specific emergency response measures may vary from hazard to hazard. However, the broad-based management structure will remain the same.
- b. Comprehensive Approach. This approach separates the managing aspects of each hazard into the four elements of Prevention, Preparedness, Response and Recovery (PPRR). Which make up the full scope of a legitimate and valid system of emergency management.
  - **Prevention** activities eliminate or reduce the probability of occurrence of a specific hazard. They also reduce the degree of damage likely to be incurred.

- **Preparedness** activities focus on essential emergency response capabilities through the development of plans, procedures, organisation and management of resources, training and public education.
- **Response** activities combat the effects of the event, provide emergency assistance for casualties, and help reduce further damage and help speed recovery operations.
- **Recovery** activities, support emergency affected communities in reconstruction of the physical infrastructure and restoration of emotional, social, economic and physical wellbeing. During recovery operations, actions are taken to minimise the recurrence of the hazard and/or lessen its effects on the community.

c. All Agencies (or Integrated) Approach. Arrangements for dealing with emergencies and disasters involving active partnerships between Commonwealth, State and Territory, and local levels of government, statutory authorities and voluntary and community organisations.

d. Community Emergency Risk Management. Western Australia has adopted AS/NZS Standard 4360:1999 (Risk Management) which provides communities with a systematic process in which they can identify, analyse, evaluate and treat risks within their community.

e. Prepared Community. A community which has developed effective Emergency Management arrangements at the local level; resulting in:

- An alert, informed and active community which supports its voluntary organisations;
- An active and involved local government;
- Agreed and coordinated arrangements for prevention, preparedness, response and recovery (*SEMC Policy Statement No. 3 refers*); and
- An appropriate knowledge of emergency management arrangements.

### 2.2.1.3 Emergency Management Boundaries

Western Australia is divided into emergency management Districts and sub-Districts aligned with Local Government and Police District and sub-District boundaries.

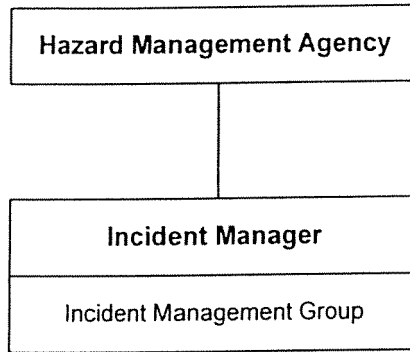
### 2.2.1.4 Organisation for Emergency Management

The State emergency management organisation is based on a committee structure established within the community at State, district and local level, to assist the Coordinating Authority in the development and implementation of the emergency management arrangements;

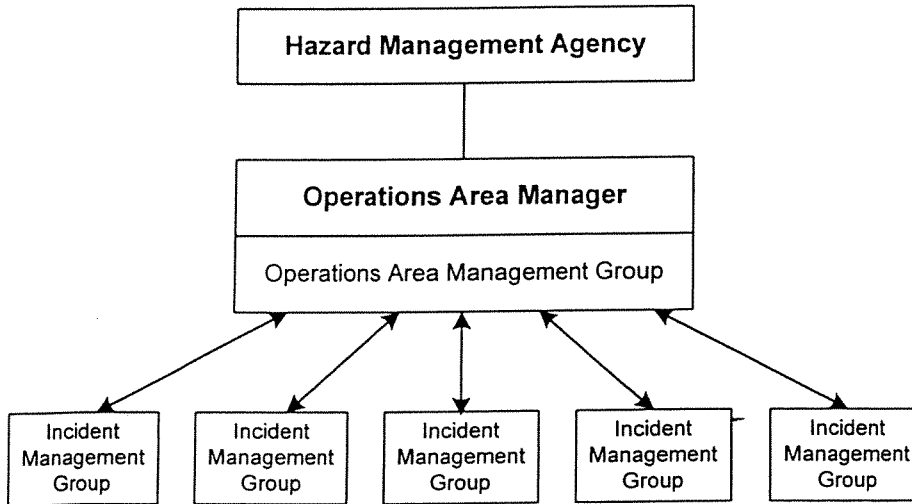
- A coordination structure, responsible for ensuring the development and implementation of emergency management arrangements on a State wide basis; and to assist the Hazard Management Agency (HMA) in the provision of an integrated management approach to incidents and operations;
- A hazard management structure that utilises government departments and non-government organisations identified as “hazard management agencies”, “combat agencies” and “support organisations” to prevent, prepare for, respond to and recover from (PPRR) the effects of an emergency;

- An operations management structure, managed by the respective hazard management agency, for the provision of a coordinated multi-agency response to an emergency; and
- A recovery management structure based upon the principle that recovery should be coordinated and managed at the community level.

The following graphic illustrates the current operational model used according to the size and severity of the emergency.



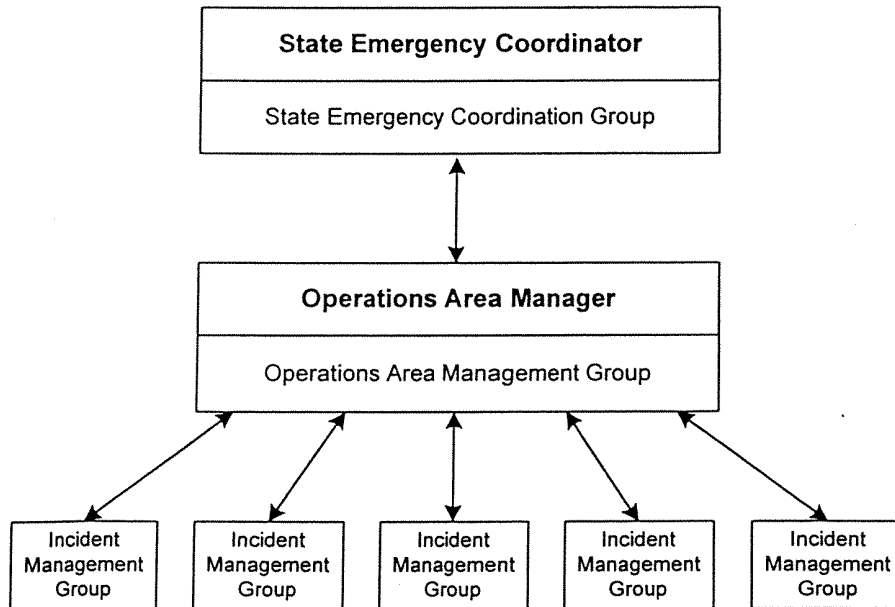
**Figure 1 The model used for a localised incident.**<sup>11</sup>



**Figure 2 The model for Multiple Incident Event or beyond a localised area.**<sup>12</sup>

<sup>11</sup> Policy Statement No. 7, November 2001, p 9

<sup>12</sup> Ibid



**Figure 3 Model for Major or Complex Emergency**<sup>13</sup>

#### 2.2.1.4.1 The Committee Structure

The emergency management committee system is based on a three-tier structure at the State, district and local level.

**State Emergency Management Committee (SEMC).** Chaired by the Commissioner of Police, as State Emergency Coordinator, with the Chief Executive Officer of the Fire and Emergency Services Authority (FESA) as Deputy Chair. The Executive Director, Emergency Management Services, FESA, is the Executive Officer. The SEMC is comprised of an executive and four functional groups whose membership includes those organisations essential to the State’s emergency management arrangements. The chair of each of the functional groups is also a member of the SEMC Executive group. The functional groups are:

- Emergency Services Group;
- Public Information Group;
- Lifeline Services Group; and
- Recovery Services Group.

**District Emergency Management Committees (DEMC).** Based on emergency management districts and chaired by Police District Officers, as District Emergency Coordinator, (except for the Metropolitan Emergency Management Coordination Group which is chaired by the Assistant Commissioner Metropolitan) with a Regional Director of Fire and Emergency Services Authority as Deputy Chair. Executive Officer support is provided by FESA managers nominated by CEO FESA.

**Local Emergency Management Committees (LEMC).** Based on either local government boundaries or emergency management sub-districts. Chaired by the Shire President (or a delegated person) with the Local Emergency Coordinator, whose jurisdiction covers the local

<sup>13</sup> Ibid, p 10



government area concerned, as the Deputy Chair. Executive support should be provided by the Local Government.

#### 2.2.1.5 *Coordination Structure*

The State Emergency Coordinator reports to the Minister for Police and Emergency Services.

As the State Emergency Coordinator, the Commissioner of Police delegates emergency coordination responsibilities at district and local level to the Assistant Commissioner (Metropolitan), Police District Superintendents and Officers in Charge of Police sub-Districts.

The responsibilities of the Emergency Coordinator at district/local level are divided into two distinct areas: -

##### 2.2.1.5.1 Planning (in non-emergency situations)

Chair and manage the activities of the State, Metropolitan, and District Emergency Management Committees to ensure that the roles and functions of the committee are performed. (*Refer to Policy Statement No. 4 for separate Metropolitan arrangements*); and

In partnership with local government, and other agencies and stakeholders, Emergency Coordinators at the local level will ensure that the roles and functions of the Local Emergency Management Committee are performed.

##### 2.2.1.5.2 Operations (in emergency situations)

- (1) Participate as a member of the Operations Area/Incident Management Group(s) as determined in consultation with the relevant Operations Area/Incident Manager;
- (2) Chair and manage the State Emergency Coordination Group, as required, during major multi-agency emergency events;
- (3) Assist the Hazard Management Agency (HMA) with the coordination of resources and/or services, when required;
- (4) Monitor the Incident or Operation, maintaining a strategic overview; and
- (5) Provide input to the HMA for a Post Operation Report.

#### 2.2.1.6 *Hazard Management Structure*

The hazard management structure consists of “hazard management agencies”, “combat agencies” and “support organisations” who are at some level involved with preventing, preparing for, responding to and recovering from the effects of a hazard.

##### 2.2.1.6.1 Hazard Management Agency (HMA)

A HMA is an organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources, is responsible for ensuring that emergency management activities pertaining to the prevention of, preparedness for, response to and recovery from a specific hazard are undertaken.

#### 2.2.1.6.2 Combat Agency

A Combat Agency is an organisation with expertise and resources that has responsibility for performing a task or activity such as fire fighting, rescue, temporary building restoration, evacuation, containment of oil spills, monitoring of radioactive materials.

#### 2.2.1.6.3 Support Organisation

A Support Organisation is an organisation whose response in an emergency is to provide support functions such as welfare, medical and health, transport, communications, engineering and essential services.

#### 2.2.1.7 Operations Management Structure

The Operations Management Structure consists of:

- Incident Management Group(s) (IMG);
- Operations Area Management Group (OAMG); and
- A State Emergency Coordination Group (SECG).

#### 2.2.1.8 Recovery Management Structure

The recovery management structure applied in Western Australia comprises the following components:

- A Local Recovery Coordinator, appointed by the relevant local government authority;
- A Local Recovery Committee, chaired by the elected municipal head. Its membership should include relevant local community and business leaders, a representative from the HMA and appropriate State Government officers;
- A State Recovery Management Agency, being the Department of the Premier and Cabinet;
- A State Recovery Coordinator, appointed by the Department of the Premier and Cabinet to coordinate the management of recovery at the State level; and
- State Recovery Coordinating Committee, chaired by the Department of the Premier and Cabinet, with the Department for Community Development as Deputy Chair. Membership includes senior state government officers and representation from the Insurance Council of Australia, Lord Mayor's Disaster Relief Fund and the WA Municipal Association. The role of the committee is to detail the arrangements for the provision of recovery from emergency and assist the State Recovery Coordinator coordinate the management of recovery at the State level.

#### 2.2.1.9 Operational Process

A brief summary of the operational procedures when an emergency is imminent may assist in placing the current arrangements into context.

As outlined in Policy Statement No. 7, when an emergency occurs or warning of a possible emergency is received the following sequence of events is required:

- The Hazard Management Agency will nominate an Incident Manager;
- The Incident Manager will define the Incident Area. This is the locality or geographical area affected or likely to be affected by the emergency;
- The Incident Manager, in consultation with the relevant Local Emergency Coordinator, may establish and chair an Incident Management Group, to assist in the provision of a coordinated multi-agency response to the Incident;
- If the Incident escalates beyond the capabilities of local resources or beyond a single localised community or geographical area (Incident Area) the Incident Manager may seek the appointment of an Operations Area Manager by the HMA;
- If required, the HMA will nominate an Operations Area Manager. For some events, such as a cyclone the HMA may appoint an Operations Area Manager prior to impact, and subsequently appoint Incident Manager(s) once the impact area is known;
- The Operations Area Manager defines the Operations Area. This is the entire community or geographical area impacted, or likely to be impacted, by the emergency and may incorporate a single or multiple Incident Areas;
- The Operations Area Manager, in consultation with the relevant District Emergency Coordinator(s), may establish an Operations Area Management Group to assist in the overall management of the Operation;
- The Chair of the Operations Area Management Group is to be determined by consultation between the Operations Area Manager and the relevant District Emergency Coordinator;
- A State Emergency Coordination Group (SECG) may be established by the State Emergency Coordinator at the request of or in consultation with, the HMA to assist in the provision of a coordinated multi-agency response to the emergency;
- The requirement for an SECG may be determined by the Operations Area Manager based upon criteria specified in the HMA's Hazard Management Plan.

### **2.3 BARCHARD REPORT**

In 1996, the State Government appointed Bob Barchard and Associates to undertake a review of Western Australia's emergency management arrangements. In commissioning this review, the Government provided the following terms of reference:

The documented Terms of Reference required the Consultant to, among other things:-

- Review the current emergency management policy arrangements in Western Australia;
- Review the level of inter-agency co-ordination, co-operation, planning and preparedness;
- Review the requirement for, and content of, proposed Emergency Management legislation in Western Australia;

- Review the existing three tiered Emergency Management Advisory Committee structure; and
- Review the current arrangements and reporting mechanisms to Government, through the Minister for Emergency Services, to ensure they are appropriate in respect to Government policy and desired outcomes.

The review, which commenced in September 1996, involved a review of documentation and an extensive series of interviews with key people within the emergency management field in Western Australia. Following the receipt of submissions and the conduct of interviews, the consultants evaluated the material and reported to the Minister for Emergency Services in March 1997.

### **2.3.1 The Barchard Findings and Recommendations**

The Barchard Report, as it has become known, made 36 recommendations and made some significant findings regarding the emergency management arrangements in Western Australia. It made key operational and organisational recommendations, as well as a number of findings and recommendations related to the lack of a legislative base in Western Australia.

While Barchard addressed all elements of emergency management in Western Australia, this Committee's focus has been on the legislative requirements. On that subject, Barchard states clearly that Western Australia needs emergency management legislation.

He found that:

*“Policy development is inhibited by a lack of legislative foundation ...”*

In addition to the policy development deficiencies, Barchard saw a lack of legislation as a weakness in the authority of emergency plans, which are essential in a crisis. His report states:

*“...current emergency management plans have no authority or offer no protection in law to either the agencies involved or the public. A State Plan underpinned by legislation is imperative.”<sup>14</sup>*

Finally, and most significantly for the issue of legislation, Barchard stated that:

*“A lack of legislative base for emergency management arrangement in Western Australia is a fundamental cause of emergency management dysfunction.”<sup>15</sup>*

#### **2.3.1.1 Report recommendations**

The Report also made a number of quite unambiguous recommendations regarding a legislative base to emergency management in Western Australia. A Key recommendation of this report was that:

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<sup>14</sup> Ibid, p 4

<sup>15</sup> Ibid, p4

***Specific Emergency Management Arrangements Be Adopted And Established In Legislation.***

In addition, Barchard recommended that:

- It is recommended that legislation governing the roles and functions of the Western Australia State Emergency Service be enacted consistent with the details of this report;
- Emergency Management Plans be legitimised in legislation; and
- When legislation is enacted, a State Emergency Management Plan be produced to provide strategic direction to the legislative requirements.<sup>16</sup>

Other key recommendations of the Barchard review are addressed elsewhere in this report.

### ***2.3.1.2 Response to Barchard Report***

The Government responded positively to the Barchard review with almost all of his recommendations being agreed. The Government has made a number of operational changes as a result. Among these changes, was a rewrite of Policy Statement No. 7, and the introduction into the Parliament of *Fire and Emergency Service Legislation Amendment Bill 2001*. The Government established an evaluation group that evaluated the Barchard review, and in January 2001 provided its final report.

In evidence to the Committee, the Commissioner of Police said:

*Sometimes all the recommendations of that nature are implemented if they are applicable and sometimes they do not sit comfortably in our system and we deliberately choose not to implement them.*<sup>17</sup>

Of the 36 recommendations made in the Barchard review, most have been implemented in some way. The Evaluation Group set up by the Government made a number of recommendations regarding the Barchard report. In particular, the key recommendations related to the structure of the emergency management arrangements were only partially agreed to. The Evaluation Group's report said:

*...there are some good aspects of our existing structure which, with some modification to accommodate the salient aspects of the Barchard proposal, will provide the best solution for WA.*<sup>18</sup>

This then left the first four Barchard recommendations not applicable as his recommended arrangements were adopted in part. Of the remaining 32 recommendations, 31 were supported by the evaluation group, with or without minor changes. The only recommendation not supported related to the allocation of "Lead Agency" status to the State Emergency Management Committee for various unassigned emergencies.

<sup>16</sup> Ibid, pp 9-11

<sup>17</sup> Evidence, 5/4/02, p10

<sup>18</sup> Evaluation Group Report on the recommendations of the Barchard Report, Attachment 1

Despite the high degree of support for Barchard recommendations, perhaps the most significant recommendation, related to the need for legislation in emergency management in Western Australia, remains outstanding.

The Committee is concerned by these delays in introducing the legislation. The following chapter addresses this concern in greater detail.

## CHAPTER 3 CURRENT ARRANGEMENTS IN ACTION

### 3.1 OPERATING UNDER POLICY STATEMENT NO. 7

It is important that Western Australia has the best possible emergency management arrangements. The Committee was informed that the record of the State owes as much to good luck as to good management. In evidence before the Committee, Deputy Commissioner (Operations) Brennan said:

*The former head of the Bureau of Meteorology, Len Broadbridge, said that by the grace of God we have not had a huge cyclone go through towns like Broome, Onslow, Port Hedland or Carnarvon. We are in the lap of the gods.*<sup>19</sup>

In terms of determining the lead agency, mobilising the necessary personnel and working cooperatively the current arrangements appear to work satisfactorily for the main emergency management organisations. There are, however, some limitations of the current arrangements that leave the State, and its citizens, at risk.

### 3.2 THE RISKS OF THE CURRENT ARRANGEMENTS

In relation to legislation, the Government's response to Barchard has not yet led to legislation being introduced into the Parliament. The recommendation of Barchard that 'legislation governing emergency management be enacted in Western Australia' was accepted by Government, with the evaluation group report stating that the status of the recommendation was:

*"ONGOING – Cabinet approval to proceed with the drafting of legislation granted on 10 February 2000. Awaiting drafting priority"*<sup>20</sup>

The report of the evaluation group has allocated a priority 15 status to the legislative recommendations. The other recommendations related to legislation are also listed as on going and the carriage of them is the responsibility of the Fire and Emergency Services Authority.

Barchard's view that Western Australia needs over-arching legislation appears to be a widely-held position.

The need for legislation is reflected in evidence given to the Committee during the inquiry. Mr Bob Mitchell, Chief Executive Officer of Fire and Emergency Services Authority told the Committee in a formal hearing that:

*There is no doubt that in this State the emergency management arrangements have worked reasonably well to date, based on the 1985 cabinet minute. There is no doubt that legislation is the preferred option for underpinning emergency management within Western Australia.*

<sup>19</sup> Evidence, 5/4/02, p 17

<sup>20</sup> Emergency Management Review – Evaluation Group Detailed Workplan, Final Report as at 24 January 2001, p 5

*That is our preferred view for this State. The current arrangements are a little loose around the edges in times of difficulty.*<sup>21</sup>

Similarly, Commissioner of Police, Mr Barry Matthews, who is also Chair of the State Emergency Management Committee, said in evidence:

*Although from my observations and those of others involved Policy Statement No 7 seems to have worked very well, we do not have any legislation. We are certainly very keen to have that. If the policy were enshrined in legislation with some additional elements, we think it would work very well.*<sup>22</sup>

There are certain provisions within legislation that are seen by emergency management organisations as important to their capacity to assist in protecting the community. In particular, the power to evacuate people from areas of high risk is an essential provision according to both Fire and Emergency Services Authority and the Police Service. In evidence before the Committee, Deputy Commissioner (Operations) Bruce Brennan, said:

*One of these days we will be caught out by not being able to force people to leave ... I would rather take that type of action when people's lives are in deep peril than appear before a coroner's court as the commander of a police operation and say "Yes, sir, 20 people lost their lives because we did not have the power to physically and forcibly eject them from their own premises."*<sup>23</sup>

The Committee is aware that there is a counter-view expressed, particularly within the firefighting community that suggests that evacuation represents a risk to both property and life. According to this view, people are sometimes safer to stay inside or to fight the fire from their own property, than to try to escape it. Such an approach is also credited with saving several houses during the recent NSW bushfires.

The relative merits of forced evacuation cannot be decided hypothetically, as the circumstances of each emergency will dictate to the emergency management organisations in charge the appropriate action. However, the Committee recognises that the inability to forcibly evacuate in certain circumstance constitutes a significant weakness in the current arrangements.

However, it is not merely inconvenience of residents that needs to be considered in any evacuation. The aforementioned risk of leaving needs to be considered, along with facilities in which to house and care for them. There is also a significant issue of loss of income where businesses are forced to close due to an evacuation also needs to be taken into account.

Evacuation is not the only weakness in the current non-legislative arrangements. Mr Matthews said to the Committee in evidence:

*I will put as succinctly as I can some of the things that the legislation will assist and that are not in the policy statement: seizure of property, such as sand, bulldozers and boats; closure of premises such as hotels and other public venues; evacuation of housing; power to exclude tourists and non-residents from designated areas; authority to close roads and remove*

<sup>21</sup> Evidence 12/4/02, p 2

<sup>22</sup> Evidence 5/4/02, p 3

<sup>23</sup> Ibid, p 14



*vehicles; authority to issue orders to clean up premises; compensation provisions for seizing property and injury to volunteers; protection from criminal or civil litigation; employment protection for volunteers; and budget considerations from a whole-of-government approach rather than from the operating budgets of agencies. Those are some of the things to which I think we are potentially exposed under the policy statement.*<sup>24</sup>

This view is largely reflected in Canadian legislation. For example, the legislation of British Columbia provides for a number of powers to those responsible for emergency management, allowing them to:

- Acquire or use any land or personal property considered necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- Authorise or require any person to render assistance of a type that the person is qualified to provide or that otherwise is or may be required to prevent, respond to or alleviate the effects of an emergency or disaster;
- Control or prohibit travel to or from any area of British Columbia;
- Provide for the restoration of essential facilities and the distribution of essential supplies and provide, maintain and coordinate emergency medical, welfare and other essential services in any part of British Columbia;
- Cause the evacuation of persons and the removal of livestock, animals and personal property from any area of British Columbia that is or may be affected by an emergency or a disaster and make arrangements for the adequate care and protection of those persons, livestock, animals and personal property;
- Authorise the entry into any building or on any land, without warrant, by any person in the course of implementing an emergency plan or program or if otherwise considered by the minister to be necessary to prevent, respond to or alleviate the effects of an emergency or disaster;
- Cause the demolition or removal of any trees, structures or crops if the demolition or removal is considered by the minister to be necessary or appropriate in order to prevent, respond to or alleviate the effects of an emergency or disaster;
- Construct works considered by the minister to be necessary or appropriate to prevent, respond to or alleviate the effects of an emergency or disaster; and
- Procure, fix prices for or ration food, clothing, fuel, equipment, medical supplies or other essential supplies and the use of any property, services, resources or equipment within any part of British Columbia for the duration of the state of emergency.

The Committee heard in Port Hedland that there are other important powers that are needed during an emergency. In particular, the coordinator of the State Emergency Service in Port Hedland, Ms Kerry Angel, told the Committee that:

*The two main areas of concern for the town relate to the closure of commercial venues, including liquor outlets and shopping centres, and the closure of roads. Some of the concerns identified under the closure of commercial venues are that the liquor outlet*

<sup>24</sup> Ibid, p 16

*businesses feel that they are ostracised or set apart from other commerce when we request that they close early in the yellow alert phase, which is just a verbal agreement that the police have with these businesses. These businesses feel that they are being singled out by our request that they close before other commerce closes. We do this because we have found that certain members of the community take the opportunity to buy copious amounts of liquor that they drink during the yellow and red alert stages. This puts at risk not only themselves but also their families during the yellow and red alert stages. The people that get themselves into that state are then a risk to the community.<sup>25</sup>*

To add to this argument, the Mayor of Port Hedland, Mr Brent Rudler, told the Committee that:

*Public liability, that favourite phrase these days, comes into play. On talking to the SES the other day I also found that insurance factors come into play. Many businesses are not aware that if they are operating in a red alert phase, which is deemed a hazard, their insurance policies could be null and void, let alone the duty of care with the staff in getting them home to prepare their own property.<sup>26</sup>*

The Committee accepts that, like evacuation powers, the ability to close businesses and roads will reduce the risks not only to those in those places, but also to the emergency services workers who may have to rescue people during the emergency.

The concern with the existence of emergency powers appears to be based on their inappropriate use. The Police acknowledged this concern. In evidence, Deputy Commissioner (Operations) Brennan said:

*At the end of the day, what the legislation can provide emergency services people with is important. That is not to say we want to go around flexing our authority and telling everyone to get out on a whim. It's something that ought to be carefully thought through. It should be exercised carefully. As you know, the Police Service has been entrusted with enormous powers by the community and we do not run around using them all the time. Discretion is needed to know when to use powers. That is very important.<sup>27</sup>*

In addition to the granting of specific powers, legislation can also protect emergency services workers from litigation.

Establishing these powers in legislation provides clarity and certainty to all parties. A further benefit is that by enshrining the emergency management arrangements in legislation, they can be readily accessed and understood by the community.

The Committee has included proposed drafting instructions as Appendix One that it believes will provide a sound framework for emergency management in Western Australia.

The Committee recommends that:

The Government give a high priority to an Emergency Management Act.  
The State's Emergency Management Act should be in accord with the drafting instructions contained at Appendix One of this report.

<sup>25</sup> Evidence, 6/8/02, p 5

<sup>26</sup> Ibid

<sup>27</sup> Ibid

### 3.3 THE ROLE OF CENTRALISED DECISION-MAKING

Another concern the Committee has is that there is a perception that the current arrangements are largely centralised, and the mobilisation of emergency management activities appears to be based in Perth, which is rarely where the emergency is taking place.

This is not necessarily a problem. Clearly, a coordinating function in the administrative centre makes sense in a statewide emergency, as it does in providing overall coordination outside of the emergency area. Problems arise when decisions are made that either disregard local conditions, or where there is a lack of understanding of local communities.

Without going too much into operational matters, examples can be found where the emergency management organisations, which are based in Perth, have not considered the local circumstances sufficiently and problems have been created.

In an informal briefing, Mr Bob Mitchell, Chief Executive Officer of Fire and Emergency Services Authority, told the Committee that FESA were developing Community Centred Emergency Management (CCEM), a new philosophy to make the community part of the solution. While the current focus is on aboriginal communities in the Kimberley and Pilbara, other communities would benefit from a new approach. As an example, Mr Mitchell discussed the Moora floods. He said that FESA followed the traditional emergency management approach of telling the community what to do. This approach caused some problems and FESA was strongly criticised. The community looked to community leaders for guidance, in particular local government. Out of that experience, FESA has learnt to work with community and local government to ensure effective community ownership of initial response but also recovery process.

Mr Mitchell, also alluded to this in formal evidence, when he told the Committee:

*When the disastrous Moora floods occurred a few years ago, FESA and the State Emergency Service acted as a hazard management authority. However, the people did not look to the SES for guidance during that disaster; they looked to local government. It is important that our legislation clearly outlines that there is a role for the State Government and a role for local government.<sup>28</sup>*

This view was supported by the Moora Shire President, Mr Mike Bates, who told the Committee that:

*As far as I am concerned, it is essential that local government be involved at the recovery stage, first, because of its local knowledge and, second, because of the respect that the community has for local government. You must understand that there is a hierarchy in all communities. The local government is the hierarchy, as it were, of the local community. Somebody who is an accepted peer will be shown more respect than somebody who is forced on the local community. That is the local government's role.<sup>29</sup>*

<sup>28</sup> Evidence, 12/4/02, p 5

<sup>29</sup> Evidence, 21/8/02, p 2

The role of local government is a fundamental one in Western Australia, particularly in the regional parts of the State. The following chapter addresses this very important element of Emergency Services.

## CHAPTER 4 THE ROLE OF LOCAL GOVERNMENT

### 4.1 THE ROLE OF LOCAL GOVERNMENT IN CURRENT ARRANGEMENTS

The local government role in emergency management occurs largely at the Local Emergency Management Committee (LEMC) level. LEMCs are based on either local government boundaries or emergency management sub-districts. They are often chaired by the Shire President (or a delegated person) with the Local Emergency Coordinator as the Deputy Chair.

Under Policy Statement No. 7, the Local Emergency Coordinator is the local Police Officer and:

- executive support should be provided by the Local Government;
- the LEMC has the following composition:
  - Chair - Shire President/Town or City Mayor (or nominee);
  - Deputy Chair - Local Emergency Coordinator;
  - Executive Officer - A nominee of Local Government; and
  - Members - To include those agencies which have specific emergency management responsibilities (i.e. HMAs) or have expertise which are essential to the development of emergency management arrangements.
- The role of the LEMC is to assist the Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area. The policy requires the LEMC to:
  - Liaise with participating agencies in the development, review and testing of emergency management arrangements;
  - Assist with the preparation of emergency management operating procedures for application in the local area;
  - Prepare an annual report on Committee activities for submission to the District Emergency Management Committee;
  - Participate in the emergency risk management process; and
  - Carry out other emergency management functions as directed by the District Emergency Management Committee.

Barchard stressed the importance of local government in emergency management arrangements. In his report, he said:

*“...given the enormous geographical dispersion in this State, an emergency management system soundly based on Local Government is imperative.”<sup>30</sup>*

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<sup>30</sup> Barchard Report, p 29

He went on to say that:

*“It also becomes important that emergency management policy development is accepted by local government and the LEMAC...”<sup>31</sup>*

Barchard’s findings in this regard left no room for doubt as to his views of the current role for local government in emergency management. He found that:

*There is inadequate importance placed on the crucial role of Local Government in the LEMA Committee and in State policy documentation...*

*There is no obligation in law for Local Government involvement in emergency management, such absence having a severe detrimental effect on the way that emergency management practices are evolving in the State, particularly the State Emergency Service.<sup>32</sup>*

To support these findings, Barchard recommended that:

*SEM Committee and the West Australian Municipal Association develop strategies for greater Local Government and community involvement in emergency management.*

And that:

*The State Emergency Service review its philosophical links with Local Government and all the probable ramifications of movement from previously established positions.<sup>33</sup>*

In conjunction with local government the State Government held a Workshop in March 2000 to address the Barchard recommendations.<sup>34</sup>

The Committee has been told that one of the obstacles to emergency management is variable levels of commitment to the process at the local government level.

The Commissioner of Police told the Committee, that in the face of an actual emergency the local government authorities are likely to be committed to the process, but in the area of planning and preparation the commitment tends to vary.

In formal evidence, he said:

*I think they (local government) would show commitment when an emergency occurred. I am not sure that there would be consistency of commitment across the whole state from local authorities in all the preparatory work that is so essential in successfully responding to and managing a disaster.<sup>35</sup>*

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<sup>31</sup> Ibid, p 30

<sup>32</sup> Ibid, p30

<sup>33</sup> Ibid, p 10

<sup>34</sup> Local Government Workshop, Sheraton Perth Hotel, 30 March 2000, p 4

<sup>35</sup> Evidence, 5/4/02, p 9

The Commissioner of Police went on to say:

*Emergency management requires planning, training personnel, linking up appropriate equipment and participating in practice exercises so that when it happens everybody has a clear understanding of what to do and they can draw on their professional training.*<sup>36</sup>

The Committee sought the views of local government on the issue of its role in emergency management. The Chief Executive Officer of the Western Australian Local Government Association (WALGA), Ms Ricky Burges, appeared before the Committee to provide the local government perspective.

At this hearing, Ms Burges read to the Committee the resolution of the WALGA State Council, which stated that:

*That the Fire and Emergency Services Authority be advised that Local Government supports an independent person assisting Local Government representatives visiting and assessing damage assessment claims in the event of disasters, but does not support:*

1. *the expansion of Local Governments' role in emergency management beyond that which is generally understood to cover its current role in respect to community recovery, and*
2. *any moves to formalise a role for Local Government without consideration being given to adequately resourcing that role.*<sup>37</sup>

There may well be a difference in the attitudes of country councils depending on their size, resources and their vulnerability to emergency-type situations. Ms Burges said of a small shire council:

*It would feel that it does not have the resources, capacity or ability to take on extra responsibilities. It would look to State Government to take the lead to take responsibility.*<sup>38</sup>

Ms Burges went on to say:

*There would be some anxiety by some councils as to their ability to plan and conduct operations. That is where the concerns rest.*<sup>39</sup>

Given the importance of planning in successful emergency management, this concern raised on behalf of local government presents something of a problem.

The State Council of WALGA, on the issue of the emergency management, also resolved:

*That the police remain the lead agency in coordinating disaster and emergency situations and that there is an option that the police chair the LEMC where possible.*

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<sup>36</sup>

Id

<sup>37</sup>

Evidence, 26/6/02

<sup>38</sup>

Evidence, 26/6/02, p4

<sup>39</sup>

Ibid, p 5

These responses appear to suggest that local government is, far from trying to gather for itself a stronger role in emergency management, attempting to divest itself of some responsibility.

However, in response to a Committee question about whether local government would support a legislative power that gave the local authority the ability to nominate the chair of the local emergency management committee, Ms Burges said that:

*I believe if that position were put to local governments, and they were given an opportunity to vote on it, they would probably support that.<sup>40</sup>*

It is clear that some local authorities have both a significant interest and substantial expertise in emergency management.

## **4.2 THE DESIRE OF SOME LOCAL GOVERNMENT AUTHORITIES TO HAVE A GREATER ROLE**

The Committee is aware that the views expressed by WALGA are not universally held within local government. As part of the inquiry, the Committee visited the Northwest of the State, namely Port Hedland and Karratha.

In meetings and a formal hearing in Port Hedland, it was made clear to the Committee that some local communities are interested in controlling their own emergency management processes, and the somewhat remote decision making processes, even at district level, are seen as less effective than those of the local community.

In the informal meetings a number of issues were raised, including:

- Local knowledge is absolutely vital in an emergency;
- Relationships that are built up over time become essential during an emergency;
- It is vital that the State Emergency Service understand the different cultural requirements of the various communities;
- State Emergency Service try to get close to key people in the community. According to the people the Committee talked to, local people must run operations, although everything is always done according to Fire and Emergency Services Authority policy and procedures; and
- Staff turnaround policies increase the difficulty for government officials, particularly Police, in the local decision-making positions.

The Committee also visited Yandeyarra Community, east of Port Hedland. In discussions with the community Chair and officials the issue of isolation was a key one. The Committee was told that the community has had extreme cases where it has been cut off by high water for up to 5 months. Even for shorter periods, problems can arise regularly and the community feels it is very much on its own.

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<sup>40</sup>

Ibid



These problems are not unique to Yandeyarra and are faced by many isolated Western Australian communities and it reinforces the need to address issues at a local level.

Clearly, these issues cannot be addressed from Perth and communities need to have the resources available to them to cope in an emergency.

#### **4.3 THE QUEENSLAND EXPERIENCE WITH LOCAL GOVERNMENT AND EMERGENCY MANAGEMENT**

In Queensland, the focus of emergency management is very strongly at the local level. Local government authorities are required to have an emergency management plan.

In country Queensland, the State Emergency Service is seen as an arm of local government rather than the State government.

The Committee was also informed that operations can't be run from Brisbane and that the control of events is best managed at the local level. The role of the central office is seen as relating to logistics, strategy, and accountability – and it is the view expressed to the Committee that the Department of Emergency Services does this well now.

It was suggested that as communities may become isolated during an emergency they should be reliant on their own resources. Therefore, it is essential that communities can cope on their own during the emergency.

The Committee was informed of the increasing tendency to expect the government to do everything. More people are expecting a State response and are not adequately preparing for predictable emergencies.

#### **4.4 THE CANADIAN EXPERIENCE WITH LOCAL GOVERNMENT AND EMERGENCY MANAGEMENT**

In Canadian Emergency Services legislation, local government has a significant role to play. A number of provisions in provincial Acts make local government responsible for natural disasters.

For example, in the British Columbian *Emergency Program Act*, the Act states that:

*“... a local authority is at all times responsible for the direction and control of the local authority's emergency response.”*

It further requires that:

*“A local authority must prepare or cause to be prepared local emergency plans respecting preparation for, response to and recovery from emergencies and disasters.”*

And that

*“A local authority or a municipality or an electoral area must, for the municipality or*

*electoral area for which it has responsibility, establish and maintain an emergency management organisation to develop and implement emergency plans and other preparedness, response and recovery measures for emergencies and disasters...”*

In Manitoba, the Committee was told that the fact that another level of government comes in does not take away the responsibility of local government. Even if the control is taken by the province the responsibility remains local. In fact, nearly all emergencies are dealt with at the local level.

It is acknowledged in Canada that some communities can handle just about any emergency, whereas the next community probably could not – it is important to recognise the different capacities of communities. Some emergencies cannot be handled at the local level and to assist in alleviating this some local government authorities have mutual aid agreements with their neighbours.

This focus on local community control over the emergency management arrangements appears to be almost universal in all of the jurisdictions examined. There has been no suggestion made to the Committee that centralised control is desirable, and yet there is a perception that the arrangements in place do not always reflect this focus.

## **4.5 CONCLUSION**

The Committee recognises that the local government community is not a single homogenous entity, but is a diverse collection of bodies facing different issues. Some local government authorities, because of their geographic location and the risks it brings will have substantial interest and expertise in emergency management. Others who face limited risks will often be happy for others, such as the Police, to manage those risks.

In order to ensure that a local focus is maintained, the Committee considers that legislation should, like Policy Statement No. 7, give the option of the chairmanship of the LEMC to the local government body in the first instance. It should then be open to local governments to assume control of the LEMC or to nominate someone else, such as the local Police Officer.

Currently, the role of the LEMC is to assist the Local Emergency Coordinator (Officer in Charge of Police sub-district) to develop and maintain effective emergency management arrangements for the local area.<sup>41</sup> Many concerns were expressed during the inquiry that in some cases, the local Police sergeant may not have the requisite skills or experience. The Committee considers that emergency management would suffer significant risks if the legislation becomes too rigid and prescriptive over the role of the Local Emergency Management Coordinator and Chair positions.

The Committee considers that all local governments should have, as a minimum requirement, a clear understanding of the risks faced by its community. Each local government as a matter of routine policy should develop and maintain a plan to manage each of these risks.

Throughout the inquiry it has been made clear that the willingness and capacity of local government authorities in regards to emergency management is variable. This is because of the varying risks they face and the resources at their disposal. However, the Committee considers

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<sup>41</sup> Policy Statement No. 7

that it is essential that all Western Australian communities have an emergency plan that is current and operational. This is best done at the local level.

In order to assist the local government authorities with the costs of the development of plans, there may be an opportunity for the new *Emergency Services Levy Bill 2002* to be utilised to assist local government in developing its emergency management capabilities.

It may also benefit some local government authorities, particularly the smaller ones with a lower rates base, that they form joint LEMCs from a grouping of smaller Councils. This would further reduce the planning and operational cost to individual councils.



## CHAPTER 5 COMMAND STRUCTURE

### 5.1 ROLE OF THE EMERGENCY MANAGEMENT AGENCIES

The role of the various emergency management agencies in Western Australia depends on the nature of the emergency being faced. The operational arrangements are based on hazard management structures. These consist of “hazard management agencies”, “combat agencies” and “support organisations” who are at some level involved with preventing, preparing for, responding to and recovering from the effects of a hazard.<sup>42</sup>

Under the All Agencies Approach outlined in Policy Statement No. 7, each of the emergency management organisations undertakes a predetermined role according to the hazard. Because emergencies themselves recognise no boundaries, levels of response, organisations or timings, their magnitude and scale of impact may effect all agencies at all levels.

The Hazard Management Agencies for the various emergencies is described in the following table:

<b>Hazard/Emergency</b>	<b>Hazard Management Agency</b>
Air Transport Emergencies	WA Police Service
Dam Break (including major hydraulic structures)	Water Corporation of WA
Earthquake	Fire and Emergency Services Authority
Exotic Animal Disease	Department of Agriculture
Gazetted Fire Districts	Fire and Emergency Services Authority
Fire (CALM Managed Land)	Department of Conservation and Land Management
Other: Gazetted Fire Districts	Fire and Emergency Services Authority
Fire (Rural and Urban)	Local Government Authorities
Flood	Fire and Emergency Services Authority
Fuel Shortage Emergencies	Office of Energy
Hazardous Materials Emergencies	Fire and Emergency Services Authority
Human Epidemic	Department of Health
Land Search and Rescue	WA Police Service
Landslide	Fire and Emergency Services Authority
Marine Oil Pollution	Department for Planning and Infrastructure
Marine Transport Emergencies	Department for Planning and Infrastructure
Nuclear Powered Warships	WA Police Service
Offshore Petroleum Operations Emergencies	Department of Minerals and Petroleum Resources
Rail Transport Emergencies	Westrail
Road Transport Emergencies	WA Police Service
Sea Search and Rescue	WA Police Service

<sup>42</sup> Policy Statement No. 7, p 8

Hazard/Emergency	Hazard Management Agency
Space Re-Entry Debris	WA Police Service
Storm/Tempest	Fire and Emergency Services Authority
Tropical Cyclone	Fire and Emergency Services Authority
Tsunami	Fire and Emergency Services Authority

**5.1.1 The WA Police Service**

At a Statewide level, the Police have an Emergency Operations Unit, which is responsible for "ensuring the Western Australia Police Service has the capability to effectively undertake its emergency operational and management responsibilities."

One of the roles of EOU is to write and amend regularly the 6 state level Hazard Management Plans the WAPS is responsible for, as listed above. They are:

- Air Transport Emergencies;
- Road Transport Emergencies;
- Land Search and Rescue (LandSAR);
- Sea Search and Rescue (MarSAR);
- Space Re-Entry Debris (SPRED); and
- Nuclear Powered Warship Visits (NPW).

The Committee is advised that under the Delta reforms regarding devolution, the EOU is not responsible for attending all emergencies in every Police District. Each Sub District and District have Local Emergency Management Plans (LEMP's) which provide the process for dealing with emergencies at the appropriate level. EOU provides support and will attend if invited by the Districts.

In evidence before the Committee, Superintendent Bob Coops of the WA Police Service said:

*When police are notified of an emergency, in accordance with Policy Statement No 7 we would be the overall coordinator of that emergency. In a major fire, the hazard management agency would be the Western Australian fire service under FESA. However, we would be there in a coordination role to assist FESA in any way that we could to make sure that it delivers its service; that is, combats the fire. If we were required to close roads or arrange for other equipment, that would be our role. We would be there in a coordination role to ensure that the hazard is brought under control as soon as practicable and in a way that is as safe as possible for the community.<sup>43</sup>*

Regardless of the emergency, however, the Police maintain a primary role in the emergency management arrangements in Western Australia, due to the requirement of the Policy Statement No. 7 that the Commissioner of Police chairs the State Emergency Management Committee.

While acknowledging the undoubted expertise the Police Service has in a range of operational emergency matters, the Committee considers that this requirement is unnecessarily restrictive. As the arrangements stand now, it is not open to the Minister appointing anyone other than the

<sup>43</sup> Evidence, 5/12/02, p 2

Commissioner of Police, regardless of skills and experience. This arrangement is based on historical factors and no longer reflects 'best practice'. Contemporary thinking demands that positions be filled by the most appropriately skilled and experienced person. While this may well be the Commissioner of Police, it may also be someone in another position.

### **5.1.2 Fire and Emergency Services Authority**

THE Fire & Emergency Services Authority of WA provides the Western Australian community with a comprehensive range of services to deal with fire and emergencies - both natural and man made.

FESA was established as a statutory government authority on January 1, 1999, following recommendations made by the Emergency Services Taskforce appointed by the State Government in 1997.

The Fire & Rescue Service (FRS) comprises 850 career firefighters and 2 500 volunteer firefighters operating from more than 130 locations throughout Western Australia within fire districts in urban areas and the Christmas and Cocos Islands. The work of the FRS involves combating fire emergencies and hazardous materials incidents, as well as undertaking road and other types of rescues.

The fire fighting function is further enhanced by the Bush Fire Service (BFS), which is responsible for the administration of the Bush Fires Act in Western Australia. It provides the 700 Bush Fire Brigades operating within local government authorities around the State with training and advisory services in preventing and suppressing fires. There are more than 16 000 BFS volunteer firefighters.

In addition to the fire fighting function, the Fire and Emergency Services Authority has an Emergency Management Services division, which is responsible for providing an emergency management structure for Western Australia. The work of this division involves developing policies, plans and procedures, as well as monitoring their effectiveness.

### **5.1.3 State Emergency Service**

The State Emergency Service now comes under the administrative control of Fire and Emergency Services Authority. The *Fire and Emergency Service Legislation Amendment Bill 2001* is intended to provide, amongst other things:

*legislative recognition for combined volunteer units, which may undertake more than one of the traditional fire / emergency services roles. Such recognition is primarily required to ensure that the units receive the protection from liability.*<sup>44</sup>

The role of the SES is multi-faceted and primarily includes dealing with natural disasters such as storms, cyclones, floods, earthquakes and tsunamis. In addition, the division carries out search, cliff and cave rescue, and vehicle rescue (in specific locations).

<sup>44</sup> *Fire and Emergency Service Legislation Amendment Bill 2001, Explanatory Memorandum*

The 2 500 volunteers from the SES also provide support services to the Police and other emergency service organisations. These include radio communications, transport services, and catering for emergency service personnel involved in protracted incidents.

#### **5.1.4 Support Agencies**

In addition to the frontline agency operating as Hazard Management Agency, a number of other agencies are involved in the management of an emergency. These agencies' functions include:

- Restoring essential services affected by the emergency;
- Providing “function” support as part of the tactical plan, e.g. Department for Community Development to provide welfare services;
- Managing their own resources and those given to them in support of their specific function;
- Providing progress reports to the designated Incident Manager or Operations Area Manager;
- Providing progress reports to the higher levels of their organisation; and
- Contributing a post operations report.<sup>45</sup>

<b>Support Functions</b>	<b>Responsible Agency</b>
Communications	Respective HMA
Health and Medical Services	Department of Health
Lifelines	Office of Energy
Public Information	WA Police Service
Recovery	Department of the Premier and Cabinet
Resources	Respective HMA
Welfare Services	Department for Community Development

<sup>45</sup> Policy Statement No. 7, p 28



## CHAPTER 6 INFORMATION

### 6.1 THE IMPORTANCE OF INFORMATION IN AN EMERGENCY

Information is the core of any management arrangement, and emergency management is no different. It is only with accurate and timely information that decision-makers can be confident that their decisions will be correct and their intended outcomes will be achieved.

Within emergency management, there are two important types of information, both of which play a role in minimising the impact of an emergency.

- Operational information – this is information that is required by decision-makers within the emergency, which includes meteorological, demographic or other rapidly changing information; and
- Public information – this informs the public in the relevant emergency area about the status of the threat, the arrangements in place, evacuation timetables and the like.

Public safety demands information is accurate and timely, and must be accessible to the people who are in danger. According to Emergency Management Australia,

*People must be aware of hazards they face and how to avoid them, or reduce their effects. They need to be aware of emergency/disaster management arrangements in their local area and when a threat emerges they must be warned of it and advised what to do prior to and post-impact.<sup>46</sup>*

Under Policy Statement No. 7, the State Emergency Management Committee has within its formal structure a public information group. It is composed of:

- Bureau of Meteorology (Chair);
- Australian Journalists Association;
- Department for Community Development;
- Department of Conservation and Land Management;
- Fire and Emergency Services Authority ;
- Government Media Office;
- WA Police Service; and
- Emergency Management Services, FESA.

Its role is to develop and maintain arrangements for the provision of public information and public education related to emergencies in accordance with SEMC policies. More specifically, the Public Information Group is intended to:

<sup>46</sup> Concepts and Principles in Emergency Management, National guidelines on emergency risk management and many other topics, Emergency Management Australia

- (1) Prepare and maintain a plan for the provision of public information and public education related to emergencies; and
- (2) Provide advice to SEMC on all aspects of emergency public information and education.<sup>47</sup>

### **6.1.1 Public Information**

In addition to this Group, the Hazard Management Agency in an emergency also carries responsibility for public information and community awareness.

The provision of information in an emergency is an essential task and cannot and must not be considered a peripheral or secondary function of the emergency services.

There are a huge number of incoming calls into operations centres during an emergency. The Committee was told that in Port Hedland the State Emergency Service now log all communications and they can get 12,000 calls during an emergency. This indicates the fundamental need people have for information in a crisis.

Similarly, the Committee was told in Manitoba that during the floods of 1997, the local community access TV station, which usually would have an audience of a few hundred people, rated higher than all of the major networks for the only time in its history.

The response of Mayor Guiliani on 'September 11' in New York has also had a significant impact on the attitudes to public information in emergency management. At the World Conference on Disaster Management in July, in all of the provinces the Committee visited and in all of the States visited in Australia, the impact of the Mayor providing accurate, timely and regular information following the disaster has had a profound effect on emergency services professionals.

The Committee was told that as a result, the policy on public information has now changed in Victoria and this approach is now standard procedure.

### **6.1.2 The Role of the Media in an Emergency**

As in all facets of modern life, the media plays a crucial role in informing people of issues related to emergency management. It is through the media that the public information is disseminated.

The media must, therefore be treated not as a problem to be managed, but as a part of the process. Throughout the inquiry, the Committee has been told that the media can provide an essential community service during an emergency, but if they are kept out of the information loop, their deadlines pressure can lead to inaccurate or misleading information being provided to the public. This is a far greater risk than providing the media with information.

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<sup>47</sup> Policy Statement No. 7, p17

The City of Winnipeg, Manitoba, provides the media the chance to follow up on stories by holding the briefings early so that additional information can be provided to assist where necessary. This is also the case in Queensland, where it was recognised that the role of the media in an emergency can be a significant issue.

In the Committee's view, the role of the media in emergency management is one of a number of issues that should not be controlled by legislative means. It is one where relationships need to be established and maintained, and where there needs to be an understanding from both emergency services personnel and media people that both have legitimate and important functions, and both they and the community will benefit from a cooperative approach.



## CHAPTER 7 POST EMERGENCY ASSESSMENTS/ACTIONS

In order to remain appropriate and effective, procedures must be regularly reviewed. In emergency management an effective post-incident assessment and reporting process is vital.

The Committee's terms of reference require it to address the system of reporting of emergency management.

As such reports are operational matters the Committee has limited its comments.

Policy Statement No. 12 defines the requirements of Lead Agencies in reviewing the management of an emergency. It states that reports on an incident will enable the HMA to:

1. Provide an overview of the total operation;
2. Determine the effectiveness, or otherwise, of a particular operation;
3. Identify those operational activities that were well executed and those that were not;
4. Report on the effectiveness, or otherwise of inter-agency cooperation; and
5. Report on the performance and/or adequacy of communications and equipment.
6. Determine the action needed to rectify any shortcomings of the operation, particularly those relating to the need to amend emergency management plans and the development and conduct of specific emergency management training activities.
7. Identify, and make recommendations as necessary, in order to improve the conduct of future operations.<sup>48</sup>

While the lead agency is responsible for conducting the review and producing the report for the SEMC, input from all other agencies involved in a specific emergency management operation is essential, and they will all gain from the process.

In his discussion about this review process, Bob Barchard said in his report:

*“Despite the best of intentions, rarely are detailed and accurate reports compiled and sent to the Coordinator to contribute firstly to the historical base, and secondly as a basis for future evaluation.”*

Barchard even goes as far to say that there should be a direct connection between the submitting of reports and the ability to receive funding. Barchard recommended

*That the importance of final reports be strengthened throughout all agencies involved in emergency management as a basis for the evaluation of mitigation programmes and organisational performance<sup>49</sup>.*

In its review of the responses to the *Barchard Report Recommendations* the Evaluation Group supported this recommendation and reminded the agencies of the requirement to submit post

<sup>48</sup> Policy Statement No. 12

<sup>49</sup> Barchard Report

operations reports at the SEMC meeting held in March 1998.<sup>50</sup> It also acknowledged that the SEMC would closely “monitor operations and require such reports to be forwarded whenever appropriate.”<sup>51</sup>

The Committee heard in evidence from the Commissioner of Police about the importance of post operation reports and how amendments and changes to Policy No. 7 had come in response, not only to the Barchard review, but also information received from post operation reports. His description of the process was as follows:

*After each major operation, a debrief is undertaken. As a result of that, some suggestions may be made for changes to various aspects of emergency response arrangements. Flowing from that the State Emergency Management Committee meets and talks about how best to respond to the suggestions. As a result, SEMC looks at modifying the policy statement to take those into account.*<sup>52</sup>

The Committee believes that Post Operation Reports are an important element in emergency management and are aware that by collecting, analysing and discussing information many valuable points for change and improvements in arrangements and procedures can be identified.

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<sup>50</sup> Emergency Management Review - Evaluation Group Detailed Workplan Final Report as at 24 January 2001

<sup>51</sup> Evaluation group report on the Barchard Report Recommendations Implementation Programme February 1998

<sup>52</sup> Evidence Transcript 5 April 2002

## **APPENDIX ONE**

### ***PROPOSED DRAFTING INSTRUCTIONS FOR EMERGENCY SERVICES LEGISLATION***

## **EMERGENCY MANAGEMENT LEGISLATION**

### **DRAFTING INSTRUCTIONS**

## **PART 1 - GENERAL**

### **TITLE OF ACT**

There should be provision to name the Act “Western Australian Emergency Management Act”

### **PURPOSE OF ACT**

The purpose of the Act is to provide for the prompt and coordinated organisation of emergency management in Western Australia.

### **CROWN TO BE BOUND**

There should be provision for the Act to bind the Crown.

### **LIMITATIONS OF ACT**

The Act should be restricted from having application during industrial disputes or civil disturbances.

### **APPLICATION OF ACT**

There should be provision for this Act to prevail over any other Act once a local emergency area or a State of Emergency has been declared.

There should be a provision for the Act to have application in Western Australian waters.

### **DEFINITIONS**

There should be provision to define the following terms in the Act:

**“authorised officer”** – means an officer who has been appointed as an authorised officer by the State Emergency Coordinator during, and for the purpose of combating, a State of Emergency.

**“Combat Agency”** – means an organisation which, because of its expertise and resources, is responsible for performing a task or activity to combat and emergency. An emergency operation may involve a number of Combat Agencies.

**“command”** – means the direction of members and resources of an organisation in the performance of the organisations’ role and tasks. Authority to command is established in legislation or by an agreement within an organisation. Command relates to organisation and operates vertically within an organisation.

**“control”** – means the overall direction of emergency management activities in a designated emergency. Authority for control is established in legislation or in an emergency management plan and carries with it the responsibility for tasking and coordinating other organisations in accordance with the needs of the situation. Control related to situations and operated horizontally, across organisations.

**“coordination”** – means the bringing together of organisations and elements to ensure effective emergency management response and is primarily concerned with the systematic acquisition and application of resources (organisational, human and equipment) in accordance with the requirements imposed by the threat or impact of an emergency. Coordination relates primarily to



resources, and operates vertically, within and organisation as a function of the authority to command; and horizontally, across organisations, as a function of the authority of control.

**“emergency”** – means an event, actual or imminent, which endangers or threatens to endanger life, property or the environment, and which requires a significant and coordinated response.

**“emergency area”** – means the area of the state identified as the local or State emergency area by the State Emergency Coordinator during a Declaration of a State of Emergency.

**“emergency management”** – means the development of policies, procedures, systems, arrangements and practises to prevent, prepare for, respond to and recover from the effects of identified hazards.

**“Hazard Management Agency”** – means the organisation which, because of its legislative responsibility or specialised knowledge, expertise and resources is responsible for ensuring that all emergency management activities pertaining to the prevention of, preparedness for, response to and recovery from a specific hazard are undertaken.

**“State of Emergency”** – means an emergency which, in the opinion of the Minister for Emergency Services, requires extraordinary measures to protect life, property or the environment due to the magnitude of the emergency or because the resources required to combat the emergency are significant.

**“Strategic Emergency Coordination Group”** – means an organisation which acts as the operational arm of the State Emergency Management Committee, Metropolitan Emergency Management Committee or a Local Emergency Management Committee to assist Hazard Management Agencies to combat emergencies.

**“Support Organisation”** – means an organisation whose responsibility in an emergency management operation is to either provide support in restoring essential services, to carry out functions of a humanitarian nature or to carry out functions of a technical nature.

**“volunteer emergency worker”** – means a volunteer worker who engages in emergency activity at the request (whether directly or indirectly) or with the express or implied consent of a hazard management authority or an emergency coordinator.

## OBJECTIVES OF THE ACT

The objectives of this Act are to ensure that the following components of community centred emergency management are organised within a structure which facilitates planning, preparedness, operational co-ordination and community participation –

- (a) risk management and mitigation – the identification, elimination or reduction of the incidence or severity of emergencies and the mitigation of their effects;
- (b) response – the combating of emergencies and the provision of rescue and immediate relief services
- (c) recovery – the assisting of persons and communities affected by emergencies to achieve a proper and effective level of functioning.

## **PART TWO – STATE ARRANGEMENTS**

### **STATE DISASTER COUNCIL**

There should be provision for the establishment of the State Disaster Council, chaired by the Minister for Emergency Services.

There should be provision for the membership of the Council to be established by regulation.

### **ROLE OF THE STATE DISASTER COUNCIL**

There should be provision for the role of the State Disaster Council to be to minimise the effects of major disasters in Western Australia by:

- (a) providing prompt timely and accurate advice to the Cabinet and the State Emergency Management Committee
- (b) providing support for the Cabinet and the State Emergency Management Committee.
- (c) acting as a link between the Cabinet and the State Emergency Management Committee.

### **STATE EMERGENCY COORDINATOR**

There should be provision for the Governor acting on the advice of the Minister for Emergency Services to appoint a State Emergency Coordinator.

### **FUNCTIONS OF THE STATE EMERGENCY COORDINATOR**

There should be provisions for the following functions of the State Emergency Coordinator:

- (a) To appoint a local coordinator or the metropolitan emergency coordinator.
- (b) During a State of Emergency, to co-ordinate the activities of all available resources considered necessary to counter the effects of the emergency.
- (c) To provide advice to the State Disaster Council on significant emergencies in Western Australia.
- (d) To enter into agreements and protocol arrangements with international, national and local organisations and persons to assist Western Australia to counter the effects of emergencies.
- (e) To carry out other emergency management functions as directed by the Minister of Emergency Services.

## **STATE EMERGENCY MANAGEMENT COMMITTEE**

There should be provision for the establishment of a State Emergency Management Committee.

There should be provision for the Minister for Emergency Services to appoint the Chair of the State Emergency Management Committee.

There should be provision for the membership of the committee to be established by regulation.

### **POWERS OF THE CHAIR OF THE STATE EMERGENCY MANAGEMENT COMMITTEE**

There should be provision for the chair of the State Emergency Management Committee to have the following powers:

- (a) To ensure that State Emergency management policy and plans are developed.
- (b) In order to ensure an efficient emergency management capability for the State of Western Australia, to provide direction, advice and support to Government agencies, industry, commerce and the community.
- (c) To appoint the local government nominee as the Chair of the Local Emergency Management Committee.
- (d) Through the Minister for Emergency Services provide advice to Cabinet on the state of preparedness to combat emergencies.

### **ROLE OF THE STATE EMERGENCY MANAGEMENT COMMITTEE**

There should be provision for the role of the State Emergency Management Committee to:

- (a) To develop emergency management policy.
- (b) To develop emergency management plans.
- (c) To provide direction, advice and support to Government agencies, industry, commerce and the community.
- (d) To ensure the provision of an efficient and effective emergency management capability for the State of Western Australia.

### **FUNCTIONS OF THE STATE EMERGENCY MANAGEMENT COMMITTEE**

There should be provision for the State Emergency Management Committee to have the following functions:

- (a) To provide a forum for the whole of community coordination for the minimisation of the effects of emergencies.

- (b) To provide a forum for the development of community wide information systems to improve communications during emergencies.
- (c) To develop and coordinate risk management strategies to assess community vulnerability to emergencies.
- (d) To provide state plans and policies governing emergency management (prevention, preparedness, response and recovery).
- (e) Ensure that emergency management becomes a standard planning consideration across the community.

There should be provision for the State Emergency Management Committee meeting procedures and conduct to be established by regulation.

There should be provision for the State Emergency Management Committee to establish and operate Sub committees.

There should be provision for the function and membership of sub committees of the State Emergency Management Committee to be established by regulation.

### **EMERGENCY MANAGEMENT DISTRICTS**

For emergency management purposes and acting on the advice of the State Emergency Coordinator, there should be provision for the Minister for Emergency Services to divide the State into districts.

There should be a requirement that as far as is practicable the districts should reflect local government boundaries.

### **METROPOLITAN EMERGENCY COORDINATOR AND METROPOLITAN MANAGEMENT COMMITTEE**

There should be provision for the State Emergency Coordinator to appoint a metropolitan Coordinator for the Metropolitan Emergency Management Committee.

There should be provision for the functions, membership and meeting requirements to be established by regulation.

### **HAZARD MANAGEMENT AGENCIES**

There should be provision for the establishment of hazard management agencies.

There should be provision for the role and functions of hazard management agencies to be established by regulation.

There should be provision for responsibility of each particular hazard, or classification of hazard, to be established by regulation.

For each hazard, there should be provision for the appointment of a hazard controller by the respective hazard management agency.

There should be provision for the role and functions of hazard controllers to be established by regulation.

### **STRATEGIC EMERGENCY CO-ORDINATION GROUPS**

There should be provision for the establishment of strategic emergency coordination groups.

There should be provision for the membership and functions of the strategic emergency coordination groups to be established by regulation.

### **ROLE OF STRATEGIC EMERGENCY CO-ORDINATION GROUPS**

There should be provision for regulations to enable the Strategic Emergency Co-ordination Groups to act as the operational arm of the State Emergency Management Committee, the Metropolitan Emergency Management Committee, the Local Emergency Management Committee and any relevant sub committees.

### **COMBAT AGENCIES**

There should be provision for the establishment of Combat Agencies.

There should be provision for the functions of these combat agencies to be established by regulation.

### **SUPPORT ORGANISATIONS**

There should be provision for the establishment of support organisations.

There should be provision for the functions of these support organisations to be established by regulation.

### **DECLARATION OF A STATE OF EMERGENCY**

There should be provision for the Minister for Emergency Services acting on the recommendation of the Chair of the State Emergency Coordination Group to declare a State of Emergency. Such declaration should only be made if the Minister for Emergency Services is satisfied that the actual or impending magnitude of the emergency or resources available to combat the emergency require extraordinary measures to protect life, property or the environment.

There should be provision for a requirement that any Declaration of a State of Emergency be made in writing.

There should be provision for a Declaration of a State of Emergency to:

- (a) come into force immediately the declaration is made, and

- (b) unless revoked earlier, continue in force for three days from the time of the declaration, or
- (c) on the advice of the Chair of the State Emergency Coordination Group, be extended for such periods as considered necessary. Extensions must not exceed fourteen (14) days in each case.

### **AUTHORISED OFFICERS**

There should be provision for the State Emergency Coordinator to have the authority to appoint persons to be authorised officers during a State of Emergency.

### **POWERS DURING A STATE OF EMERGENCY**

There should be provisions for the State Emergency Coordinator and authorised officers to exercise the following powers during a State of Emergency:

- (a) To require the owner or person in possession of any real or personal property that is needed to assist in combating an emergency to place it under the control, or at the disposition of an authorised officer.
- (b) Direct the evacuation and removal of persons or the removal of animals from the emergency area.
- (c) Enter and, if necessary, break into any land, building, structure or vehicle within the emergency area.
- (d) Take possession of any land, body of water, building, structure, vehicle, or other thing within the emergency area.
- (e) Order the owner or the person apparently in charge of any place of business, worship or entertainment within the emergency area to close to the public that place for such period as ordered.
- (f) Remove, demolish or destroy any building, structure, vehicle, or vegetation within the emergency area.
- (g) Shut off or cut off any supply of fuel, gas electricity or water, or any drainage facility, within the emergency area.
- (h) Direct or prohibit the movement of persons, animals or vehicles into or within the emergency area.
- (i) Remove any person who obstructs or threatens to obstruct emergency management operations.
- (j) Close to traffic any road or other access route within or leading to the emergency area.
- (k) Excavate land or form tunnels.

## **PART THREE – LOCAL ARRANGEMENTS**

### **LOCAL GOVERNMENT**

There should be provision for local government to:

- (a) Establish a local emergency management committee.
- (b) Nominate the chair of the local emergency management committee.
- (c) Ensure that local emergency management arrangements are developed and maintained.
- (d) Ensure that local recovery plans are developed and maintained.
- (e) Nominate a local recovery coordinator.
- (f) Be responsible for the recovery services following an emergency affecting their community.
- (g) Be responsible for ensuring the identification and development of emergency hazard mitigation strategies within their community.
- (h) On the advice of the respective hazard management authority, designate their area of responsibility as a cyclone area for the purposes of this Act.
- (i) In designated cyclone areas, remove, destroy or demolish any building, structure, vehicle, vegetation or facility that poses, or may pose, a threat during a cyclone.
- (j) In designated cyclone areas require that appropriate preparatory action is taken by property owners to prevent, remove or significantly reduce cyclone damage from flying debris.

### **LOCAL EMERGENCY COORDINATOR**

There should be provision for the State Emergency Coordinator to appoint a local emergency coordinator for each local government area or combined local government areas.

### **LOCAL EMERGENCY MANAGEMENT COMMITTEE**

There should be provision for a local government or combined local governments to establish a Local Emergency Management Committee.

There should be provision for Cabinet to approve the formation of Local Emergency Management Committees.

There should be provision for local government to nominate the chair of the Local Emergency Management Committees.

There should be provision for the function and membership of Local Emergency Management Committees to be established by regulation.

### **DECLARATION OF A LOCAL EMERGENCY AREA**

There should be provision for a hazard management agency to request the local emergency coordinator to declare an area to be a local emergency area.

Subject to the preceding request, there should be provision for a local emergency coordinator to have the power to declare an area a local emergency area.

There should be provision for a requirement that any declaration of an area as a local emergency area should be in writing.

There should be a provision that any declaration of an area as a local emergency area can only be varied or revoked in writing.

There should be provision for requirement that any declaration of an area as a local emergency area be publicised.

There should be provision to allow publicity of any declaration, decision, authorisation or announcement to be only by authorised announcement on any medium, including but not exclusively, radio broadcasting, television or newspapers.

There should be provision for the procedures for and authority to make announcements to be established in regulation.

There should be a provision that notwithstanding any other power contained in this Act, the declaration is entirely revoked immediately the circumstances leading to its issue cease to apply.

There should be provisions for any declaration made under this act that has not already been revoked to be automatically revoked after a period of 24 hours from the time it was first issued.

There should be a provision that;

- (a) notwithstanding any other provisions of this act, and
- (b) if hazard management agency is satisfied that the circumstances leading to the initial declaration of the local emergency area still exist;

the declaration of a local emergency may be extended for a further period not exceeding 24 hours.

There should be provision for;

- (a) the most senior officer of the WA Police Service and
- (b) who is in attendance and
- (c) on the advice of the responsible hazard management agency,



to direct the evacuation and removal of persons or the removal of animals from the emergency area.

There should be provisions that enable an officer of the WA Police Service, in or adjacent to the emergency area to exercise any or all of the following powers:

- (a) Close or cause to be closed any road, footpath or open space otherwise providing access through the emergency area.
- (b) Prohibit any person or vehicle from entering or passing through the emergency area.
- (c) For emergency purposes to override any permit required under or condition of the Road Traffic Act.
- (d) Order the owner or person apparently in charge of any place of business, worship or entertainment within the emergency area to close to the public that place for such a period as ordered.
- (e) Direct any person on any road or footpath or in any open space or in any vehicle on any road, footpath or open space, within the emergency area to immediately leave the emergency area by the safest and shortest route.
- (f) Direct any person to remain indoors during the period of a cyclone, or other defined emergency.
- (g) Authorise a person to enter or remain in the emergency area subject to such conditions as the officer considers appropriate.

There should be provisions to enable an agency primarily responsible for managing an emergency for the reasons of the actual size, nature or location of an emergency that it is necessary to exclude persons from a local emergency area so as to:

- (a) prevent loss of life, or
- (b) ensure public safety, or
- (c) ensure the security of evacuated premises, or
- (d) ensure the safety of persons engaging in emergency activity, or
- (e) prevent the obstruction of persons engaging in emergency activity, or
- (f) prevent the interference or hindrance to persons engaging in emergency activity.

There should be a provision that should an officer of the WA Police Service in or adjacent to an emergency area has reason to suspect that an offence against this Act is being or is about to be committed the officer may order a person to leave the emergency area.

There should be provision to enable an officer of the WA Police Service to use such force as is reasonable necessary to remove a person from the emergency area or to prevent a person from entering the emergency area.

There should be a provision for a sign;

- (a) declaring the area affected is an emergency area, and
- (b) declaring access is restricted to authorised emergency personnel;

that must, as far as is practicable, be posted at points of access to the emergency area.

There should be provision that enables the declaration of a local emergency area and the proper exercise of powers under this act is not to be nullified simply because the requirement of placing signs has not taken place.

## **PART FOUR – OFFENCES**

There should be provision for the following to constitute offences under this Act;

- (a) A refusal to comply with any lawful direction given by an authorised officer.
- (b) The obstruction of any emergency management operation or any person carrying out their functions authorised under this Act.
- (c) The hindrance of any emergency management operation or any person carrying out their functions authorised under this Act.
- (d) Providing a false or misleading statement to, or otherwise misleading or attempting to mislead and authorised officer in the conduct of their duties under this Act.
- (e) The dismissal of, or acting to prejudice the employment of an employee because the employee is absent from work in order to perform emergency operations under this Act.

There should be provision for the above offences to incur a maximum penalty of:

- (a) Members of the public - \$ 50,000 for each offence.
- (b) Bodies Corporate or corporations - \$500,000 for each offence.

## **PART FIVE - MISCELLANEOUS PROVISIONS**

### **PROTECTION FROM LIABILITY**

There should be provision for the protection from civil liability for anything that a person does, in good faith, in the performance of a function under this Act.

There should be a provision to absolve a volunteer emergency worker from personal liability in respect of any loss or injury sustained by any other person because of the engagement of the volunteer emergency worker in emergency activity. (Note the protection referred to in this part should not extend to wilful damage or deliberate negligence).

### **PROTECTION OF EMPLOYMENT RIGHTS**

There should be provision to protect the employment of a person who is absent from employment in order to perform authorised emergency operations.

There should be a provision to protect from prejudice in employment and employment conditions of a person who is absent from employment in order to perform authorised emergency operations.

### **BODIES CORPORATE**

There should be provision for directors/managers of a body corporate to be held responsible for offences committed under this Act by the body corporate.

### **FINANCIAL ARRANGEMENTS**

There should be provision for moneys appropriated by Parliament for the purposes of this Act to be allocated by the minister for Emergency Services to organisations such sums and for such the purposes as the Minister determines.

### **COMPENSATION FOR PERSONAL INJURIES**

There should be provision for compensation of personal injury, including death where;

- (a) at the time the personal injury was suffered, the volunteer emergency worker had been employed by the Crown; and
- (b) the injury or death arose out of or in the course of that employment.

This provision shall only apply where the provisions of the Fire and Emergency Services Authority Act 1998 do not apply.

### **REGULATIONS**

There should be provision to make regulations as subsidiary legislation to this Act.



## APPENDIX TWO

### *BRIEFINGS HELD*

<b>Date</b>	<b>Name</b>	<b>Organisation</b>	<b>Location of Briefing</b>
8-Aug-01	Barry Matthews, Commissioner	WA Police Service	Perth, WA
22-Aug-01	Jane Brazier, Acting Director General	Department of Community Development	Perth, WA
12-Sept-01	Prof. Richard Harding	Office of the Inspector of Custodial Services	Perth, WA
	Bob Stacey	Office of the Inspector of Custodial Services	Perth, WA
14-Nov-01	Superintendent Bob Coops	WA Police Service	Perth, WA
	Neil Warner	WA Police Service	Perth, WA
21-Nov-01	Robert Mitchell	Fire and Emergency Services Authority (FESA)	Perth, WA
	Barry Hamilton	FESA	Perth, WA
28-Nov-01	Bob Barker	St John Ambulance	Perth, WA
	Bill Thomson	St John Ambulance	Perth, WA
8-Jul-02	Jim Harlich, Ass. Dep. Minister, Emergency Management	Office of Critical Infrastructure Protection and Emergency Preparedness (OCIPEP)	Toronto, Ontario
	John Eckholm, Director, Preparation Planning	OCIPEP	Toronto, Ontario
	Sandra Wright, Senior Policy Analyst	OCIPEP	Toronto, Ontario
	Jacques Grenier, Director, International Relations	OCIPEP	Toronto, Ontario
11-Jul-02	Neil McKerrell, Director	Emergency Management Organisation (EMO)	Toronto, Ontario
	Doug Harrison, Deputy Director	EMO	Toronto, Ontario
	Wayne Brocklehurst	OCIPEP	Toronto, Ontario
12-Jul-02	Jack McFadden, Director, Flood and Fire Management Branch	Ministry of Natural Resources	Toronto, Ontario
	Don Haley, Toronto Region	Conservation Authority (CA)	Toronto, Ontario
	Dick Hunter, General Manager	Conservation Ontario	Toronto, Ontario
	Nicole Leger	OCIPEP	Toronto, Ontario
15-Jul-02	Randy Hull, Emergency Coordinator	City of Winnipeg	Winnipeg, Manitoba
	Capt Ron Shaw, Operations Officer		Winnipeg, Manitoba
	Andrea MacDonald, Regional Director	OCIPEP	Winnipeg, Manitoba
	Cathy Chartier, Ass. to Emergency Coordinator		Winnipeg, Manitoba

Date	Name	Organisation	Location of Briefing
	Don Brennan, Preparedness and Response Coordinator		Winnipeg, Manitoba
	Larry French, Ass. Regional Director	OCIPEP	Winnipeg, Manitoba
	Linda Yaworski, Coordinator, staffing branch	City's Emergency Preparedness and Coordination Committee	Winnipeg, Manitoba
	Patti Regan, Manager of Customer Services	City's Emergency Preparedness and Coordination Committee	Winnipeg, Manitoba
	Craig Cormack, City of Winnipeg	City's Emergency Preparedness and Coordination Committee	Winnipeg, Manitoba
	Paul Kentziger, Winnipeg Police Service	City's Emergency Preparedness and Coordination Committee	Winnipeg, Manitoba
	Randy Hull, Emergency Coordinator	City's Emergency Preparedness and Coordination Committee	Winnipeg, Manitoba
	Gwen Howe, City of Winnipeg	City's Emergency Preparedness and Coordination Committee	Winnipeg, Manitoba
16-Jul-02	Chuck Sanderson, Executive Coordinator	Manitoba Emergency Measures Organisation (MEMO)	Winnipeg, Manitoba
	Rick Bowering, Manager, Surface Water Management	MEMO	Winnipeg, Manitoba
	Hon Steve Ashton,	Minister for Transportation and Government Services	Winnipeg, Manitoba
	Andrew Horosko	Deputy Minister for Transportation	Winnipeg, Manitoba
18-Jul-02	Ron Martin, Emergency Coordinator		Vancouver, BC
	Jack McGee, President	Justice Institute of British Columbia (JIBC)	Vancouver, BC
	Bob Aldcorn, Deputy Director	JIBC	Vancouver, BC
	Peggy John, Manager, PR	JIBC	Vancouver, BC
	Heather Lyle, Coordinator	JIBC	Vancouver, BC
19-Jul-02	Peter Fuglem, Director	British Columbia Forest Fires Operations Centre	Victoria, BC
	John Flanagan, Fire Management Research Analyst	British Columbia Forest Fires Operations Centre	Victoria, BC
	Bob Bugslag, Deputy Director	Provincial Emergency Program (PEP)	Victoria, BC
	Mr Arnie Hamilton, MLA	British Columbia Legislative Assembly	Victoria, BC
	Mr Brian Kerr, MLA	British Columbia Legislative Assembly	Victoria, BC
6-Aug-02	Vince Hughes	Bureau of Meteorology	Port Hedland, WA
	Kerry Angel, Coordinator	Port Hedland State Emergency Service	Port Hedland, WA
	Peter Angel, Deputy Coordinator	Port Hedland State Emergency Service	Port Hedland, WA
	Richard O'Connell, Manager Public Affairs	BHP Billiton	Port Hedland, WA

Date	Name	Organisation	Location of Briefing
	John Newman	BHP Billiton	Port Hedland, WA
7-Aug-02	Michael Cummings, Captain	Port Hedland Fire and Rescue Service	Port Hedland, WA
	Staff	Port Hedland Fire and Rescue Service	Port Hedland, WA
	Steve Matthews	FESA	Port Hedland, WA
	Peter Cann	FESA	Port Hedland, WA
	Yvonne Donaldson, Deputy Commander	Volunteer Marine Rescue Service	Port Hedland, WA
	Members	Volunteer Marine Rescue Service	Port Hedland, WA
	Ron Thompson, Captain	South Hedland Fire and Rescue Services	Port Hedland, WA
	Staff	South Hedland Fire and Rescue Services	Port Hedland, WA
	Frank Audas, Senior Sergeant	WA Police Service	Port Hedland, WA
	Brent Stephen Rudler, Mayor	Town of Port Hedland	Port Hedland, WA
	Councillors	Town of Port Hedland	Port Hedland, WA
8-Aug-02	Sai Lim, Administrator	Yandeyarra Community	Yandeyarra, WA
	Willie Jumbo, Chairperson Mugarinya Community Association	Yandeyarra Community	Yandeyarra, WA
	Linda Dorendorff, Committee Coordinator	Pilbara Indigenous Women's Aboriginal Corporation Committee	Yandeyarra, WA
	Community Members	Yandeyarra Community	Yandeyarra, WA
9-Aug-02	Kim Sadlier, Sergeant	WA Police Service	Karratha, WA
	Ivan Dickie, Senior Sergeant	WA Police Service	Karratha, WA
	Rob Cox, Area Manager	FESA	Karratha, WA
	Peta Nottle, Director of Nursing	Nickol Bay Hospital	Karratha, WA
	Di Ferguson	Community Services	Karratha, WA
	Colin Elliott, Deputy Local Manager	State Emergency Service	Karratha, WA
	Roy Guillespie, Manager of Environment & Safety	Dampier Port Authority	Karratha, WA
	Eddie Marsland, Emergency Services Coordinator	Robe River Iron Associates	Karratha, WA
	Peter Lumbus	Airservices, Airport Fire Services - ARFFS	Karratha, WA
	Gary Gifford, Regional Director Pilbara/ Kimberley	FESA	Karratha, WA

Date	Name	Organisation	Location of Briefing
	Guy Thompson, LEMC Chairman and Director Technical & Development Services	Shire of Roebourne	Karratha, WA
26-Aug-02	David Wright, Special Projects, Disaster Operations	Department of Emergency Services	Brisbane, QLD
	Tony O'Rourke, Acting Executive Director, Strategic & Executive Services	Department of Emergency Services	Brisbane, QLD
	Wayne Ripper, Director, Disaster Operations	Department of Emergency Services	Brisbane, QLD
	Carolyn Honeywill, Acting Director, Disaster Mitigation Unit	Department of Emergency Services	Brisbane, QLD
	Graeme Nicholas, Deputy Director Disaster Operations	Department of Emergency Services	Brisbane, QLD
	Peter Wojciechowski, Manager DGSM (Chem Unit)	Department of Emergency Services	Brisbane, QLD
27-Aug-02	Ian Rector, Director	State Emergency Service / Volunteer Emergency Management	Brisbane, QLD
	Leo McNamara, Executive Director Operations	Queensland Ambulance Service (QAS)	Brisbane, QLD
	Hon Mike Reynolds AM MP	Minister For Emergency Services	Brisbane, QLD
	Chris Maguire, Executive Manager, Special Operations	Fire & Rescue Services	Brisbane, QLD
29-Aug-02	Wayne Coutts	State Emergency Service	Cairns, QLD
	Dr Linda Anderson-Berry	James Cook University	Cairns, QLD
	Staff	State Emergency Service	Cairns, QLD
	Staff/Members	Cairns City Council	Cairns, QLD
2-Sept-02	Bruce Esplin, Emergency Services Commissioner	Department of Justice	Melbourne, VIC
	Superintendent Murray Adams, State Emergency Response Officer	Victorian Police	Melbourne, VIC
	James Edis, Senior Legal Policy Officer	Office of the Emergency Services Commissioner	Melbourne, VIC
	Leo Van Der Toorren, Deputy Director	Office of the Emergency Services Commissioner	Melbourne, VIC
3-Sept-02	Dudley McArdle, Director	Emergency Management Australia (EMA)	Mt Macedon, VIC
	Morrie Bradley, Director	EMA	Mt Macedon, VIC



## APPENDIX THREE

### *WITNESSES TO HEARINGS HELD*

<b>Date</b>	<b>Witness</b>	<b>Position</b>	<b>Organisation</b>
5 Apr-02	Barry Matthews	Commissioner	WA Police Service
	Bruce Brennan	Deputy Commissioner (Operations)	WA Police Service
	Superintendent Bob Coops	Response and Specialist Support	WA Police Service
12 Apr-02	Robert Mitchell	Chief Executive Officer	FESA
	Barry Hamilton	Executive Director Community Safety	FESA
	Gary Gifford	Regional Director	FESA
26 June-02	Ricky Burges	Chief Executive Officer	WALGA
	Bruce Whittber	Policy Manager Governance	WALGA
6 August-02	Brent Stephen Rudler	Mayor	Town of Port Hedland
	Azhar Awang	Director, Technical Services	Town of Port Hedland
	Kerry Janice Angel	Local Manager	Hedland State Emergency Service
	Frank Audas	Officer in Charge	Port and South Hedland Police
	Yvonne Donaldson	Secretary/Deputy Commander	Volunteer Marine Rescue Service
	Peter Stanley Angel	Deputy Local Manager	Hedland State Emergency Service
	Michael Cummings	Captain	Port Hedland Fire Services
21 August-02	Leslie Michael Bates	President	Shire of Moora



## APPENDIX FOUR

### *SUBMISSIONS RECEIVED*

<b>Date</b>	<b>Name</b>	<b>Position</b>	<b>Organisation</b>
20 Feb-02	Roger Howell	Deputy Commander	Whitfords Volunteer Sea Rescue Group (Inc)
25 Feb-02	Geoff Merrey	Member of the Public	
8 April-02	Geoff Taylor	President	Safety Institute of Australia (Inc.)
9 April-02	Bruce Teede	Member of the Public	
18April 2002	Mr Fab Zanuttigh	Commander	Whitfords Volunteer Sea Rescue Group (Inc)
20 April 2002	Mr Dale Lings and Ms Jean Lings	OIC Operations Radio Operator	Whitfords Volunteer Sea Rescue Group (Inc)
22 April 2002	Mr Graham Morris	Crew Member	Whitfords Volunteer Sea Rescue Group (Inc)
22 April 2002	Mr Neil Jeary	Member	Whitfords Volunteer Sea Rescue Group (Inc)
28 May-02	David Armstrong	General Manager	Surf Life Saving Western Australia
29 May-02	Colin James	Coordinator	Bush Fire Ready Action Group



## APPENDIX FIVE

### LEGISLATION

<b>Legislation</b>	<b>State/Country</b>
<i>Ambulance Service Act 1991</i>	Queensland
<i>Fire and Rescue Service Act 1990</i>	Queensland
<i>State Counter Disaster Organisation Act 1975</i>	Queensland
<i>Dangerous Goods Safety Management Act 2001</i>	Queensland
<i>State Disaster Act 1980</i>	South Australia
<i>State Emergency Service Act 1987</i>	South Australia
<i>Disasters Act 1982</i>	Northern Territory
<i>State Emergency and Rescue Management Act 1989</i>	New South Wales
<i>State Emergency Service Act 1989</i>	New South Wales
<i>Emergency Management Act 1986</i>	Victoria
<i>Victoria State Emergency Service Act 1987</i>	Victoria
<i>Emergency Services Act 1976</i>	Tasmania
<i>Emergency Program Act 1996</i>	British Columbia
<i>Disaster Services Act</i>	Alberta
<i>Emergency Measures Act 1978</i>	New Brunswick
<i>Emergency Measures Act</i>	New Foundland
<i>Emergency Measures Act</i>	Nova Scotia
<i>Emergency Plans Act</i>	Ontario
<i>The Emergency Planning Act</i>	Saskatchewan
<i>The Emergency Measures Act 1987</i>	Manitoba



## **APPENDIX SIX**

### ***WORLD CONFERENCE ON DISASTER MANAGEMENT PROGRAM***

#### **SUNDAY - JULY 7, 2002**

- Mock Disaster Simulation (Incident Management for Business);  
Des O'Callaghan, Senior Consultant, SunGard Planning Solutions.
- Crisis Communications - An Overview in Setting Up a Crisis Communications Plan;  
Jim Stanton, President, Jim Stanton & Associates.
- How to Begin a Disaster Recovery Planning Program;  
Ron LaPedis CBCP, Sr Product Manager, Business Continuity, Compaq Computer Corporation (USA).
- Setting Up & Operating an Emergency Operations Center (EOC); Bill Campbell, Director of Education, NY State Emergency Management Office.

#### **MONDAY - JULY 8, 2002**

**AM** Opening Address - Julian Fantino, Chief of Police, Toronto Police Services

##### **Session 1**

- From Contingency to Continuity - The Evolution of Disaster Management:  
Where Have We Been? - Where Are We Going?;  
Peter Power, BA FIMgt FBCI MIRM Managing Director, Visor Consultants

##### **Session 2**

- Critical Infrastructure Protection and Emergency Management;  
James Harlich, Assistant Deputy Minister, Department of National Defence (Canada)

##### **Session 3**

- Bioterrorism: What We've Learned since 9/11;  
Dr. Donald E. Low, MD, FRCP, Chairman, National Advisory Committee on Bioterrorism,  
Mount Sinai Hospital

#### **PM**

##### **Session 1**

- 9/11 - A Front Row Seat on the Human Race;  
Steven Armstrong, Manager, Disaster Services, Ontario Zone, Canadian Red Cross
- Incident Response: Forensic Component (Are You Ready?);  
Stan Gatewood, Chief Information Assurance & Privacy Officer, University of Southern California
- The Role of Psychiatry in Disaster Planning and Response;  
Anthony Ng MD, Medical Director, Disaster Psychiatry Outreach
- The FIVE? Phases of Emergency Management;  
Michael Martinet, Coordinator, Office of Disaster Management - Area G (USA)
- Business Continuity - The Natural Evolution;  
Ralph Dunham, General Manager, Business Continuity and Recovery Services, IBM Canada Ltd.
- The Power of Partnerships;  
Bob Andrews, President, IAEM

## Session 2

- Tropical Storm Allison Devastates the Texas Medical Center;  
Richard N. Bradley MD, Clinical Assistant Professor, Department of Emergency Medicine, University of Texas
- Operating Virtual Command Centres;  
Steve Davis, Principal, DavisLogic, Inc.
- Your Crisis: A Set Back or an Opportunity?;  
Joe Coté, Allan Bonner Communications Management Inc.
- The Disaster Domino - Understanding Supply Chain Risk;  
Michael Keating, Business Continuity Practice Leader, Marsh. USA Inc.
- Aviation Terrorism - Strategies for Emergency Preparedness and Response;  
Gunnar Kuepper, Chief of Operations, Emergency & Disaster Management, Inc., Los Angeles.
- Police Major Event Planning;  
Inspector Murray Day, OIC Emergency & Operational Planning Section, Vancouver Police Department.

## Session 3

- World Trade Center Lessons Learned: First Responders;  
Dr. John O'Connell, Professor of Risk Management, Thunderbird: The American Graduate School of International Management.
- Disaster Communications - It's Not Just Radios;  
Peter Dworsky, MPh, MICP, FF, Paramedic, St. Barnabas Health Care System - Union Hospital.
- Communicating in a Crisis: The Best and Worst of the Past Year;  
Bart Mindszenty APR, Fellow CPRS, Partner, The Mindszenty & Roberts Corporation Communications Counsel.
- The Intersection of Security and Emergency Response Planning;  
Jeff Williams BSc,M.Eng,PhD, Binomial Business Recovery Planning.
- Regional Hazmat Response Teams: A Local Perspective;  
Dwayne Mundy, Senior Planner, North Central Florida Local Emergency Planning Committee & North Central Florida Regional Hazardous Materials Response Team Ron McQueen Director of Emergency Management, Gilchrist County (Florida).

## TUESDAY - JULY 9, 2002

**AM** Opening Address - Neil McKerrell, Director, Emergency Management Ontario

### Session 1

- Management of a 600 Household Evacuation & 70,000 gallon Gasoline Spill;  
Gary R. Klepper, Sr. Environmental Scientist & Lansing Michigan Office Manager  
Conestoga-Rovers & Associates.

### Session 2

- Preparing for an International Event: Finding the Balance-International Human Rights & Security;  
Stephen Duncan, Deputy Commissioner, North West Region, Royal Canadian Mounted Police.
- Challenges in Developing Disaster Recovery Programs in Healthcare;  
Kathy Lee Patterson, Disaster Recovery Specialist, Affiliated Computer Services.



### Session 3

- Redefining Risk;  
Don Puccini BSc,P.Eng,MBA, Partner, The Zeta Group Inc.  
Michael Salib, B.Sc. CRSP, Founder, The Zeta Group Inc.
- Disaster Medicine Online: An Internet Based Modular Curriculum;  
Drs. Kenneth Lam, Adam Lund and Paul Parks, Division of Emergency Medicine, University of Alberta.

### PM

#### Gen. Session

- Olympic Games Security - Beyond the "Mag & Bag";  
Peter Ryan, Executive Consultant on Security, 2004 Athens Olympics, Former Commissioner of New South Wales Police Force (Australia).

#### Session 1

- An Emergency Risk Management Program That Works - from the Sydney Olympics to the Sydney Forest Fires;  
David Parsons, Manager - Emergency Risk Management, Sydney Water Corporation.
- Wireless Basics for the Emergency Manager;  
Gordon Gow, Ph.D. Candidate, Communications Studies, Simon Fraser University.
- Development of Animal Health Response Systems;  
Dr. Thomas McGinn, Assistant State Veterinarian, North Carolina Department of Agriculture.
- Maximizing Resources by Including Industry in Your Command Structure;  
Kenneth Kincaid, CEO, Athena MVP, Inc.
- The Evolution of Business Continuity, Fragmented Perceptions and Underestimated Threats;  
Katherine McLuskie, CEO, Continuum Strategic Business Continuity Services.
- Learning From Experience: Volunteer Responders and Community Residents in the Aftermath of a Major Disaster;  
Terry Mitchell, Ph.D, C. Psych, Co-Principal Investigator on Swissair Flight 111, Toronto-Sunnybrook Regional Cancer Centre.  
Barry Manuel Emergency Measures Coordinator, Regional Municipality of Nova Scotia.

#### Session 2

- Securing the Disaster Relief Supply Network: Future Logistics Processes for Weapons of Mass Destruction Incidents;  
Omar Keith Helferich Ph.D., Vice President Supply Chain, Integrated Strategies Incorporated.
- Using Wireless Technology for Rapid Damage Assessment - A Canadian Initiative;  
Les Whitney, Director, Technology Assessment Division, Geomatics Canada.  
Ronald Martin Emergency Coordinator, City of Vancouver.
- A Community Response to Terrorism; LuAn Johnson, SDART Program Manager, City of Seattle Emergency Management.
- The New World - Integrating Emergency Response and Business Recovery;  
Judy Bell CEM, President & CEO, Disaster Survival Planning Network.
- An Integrated Government Emergency Management Response;  
Mervin Harrower, Director, Provincial Emergency Program, Province of BC.
- Ramping Up: A New Approach to Disaster Planning and Response for Hospitals;  
Abigail R. Williams RN, JD, MPhD, Managing Partner, Abigail Williams & Associates, PC.

**Session 3**

- *Leadership and Decision Making in Disaster Response;*  
Tony Moore M.Phil,FICDDS, Visiting Fellow, Cranfield Disaster Management Centre, Cranfield University (UK).
- *International Space Charter: A New Initiative for Disaster Response;*  
Ahmed Mahmood, Manager Data Development, Canadian Space Agency.
- *Expect the Unexpected: Preparing for & Preventing an Act of Workplace Violence;*  
Gerry Smith, Vice President, Specialty Services, Warren Shepell Consultants.
- *Outsourcing Risk and Business Continuity;*  
Damon Arber MBA,FICB,MBCI, Principal, Damon Arber & Associates.
- *"No Plan Survives First Contact With The Enemy" - Key Lessons from a Decade Managing Successful Business Recovery;*  
Timothy Cousins, Director, Tim Cousins & Associates Pty Ltd.
- *Public Health Role in Disaster Management;*  
Dr. Bonnie Henry MD, MPH, FACPM, FRCPC, Associate Medical Officer of Health, Toronto Public Health.

**WEDNESDAY - JULY 10, 2002****SEPTEMBER 11th - THE FIRST 48 HOURS: LESSONS LEARNED**

**AM** Opening Address - Chief Alan F. Speed, Toronto Fire Services.

**Session 1**

- WTC: Challenges from a State Perspective;  
Edward F. Jacoby Jr., Director, New York State Emergency Management Office (SEMO).

**Session 2**

- The New York Experience;  
Richard J. Sheirer, Giuliani Partners LLC., (Former Commissioner, New York City Office of Emergency Management).

**Session 3**

- US Department of Defense Support to Civil Authorities;  
Robert J. Newberry, Principal Director, Territorial Security, US Dept. of Defense (Pentagon).
- The Challenge of Data Recovery in the Aftermath of September 11th;  
Jim Grogan, Vice President – Strategic Alliances, SunGard.
- Closing Address "Our" Commitment, Chief Gerald Tracy, New York City Fire Department.

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