

COVID-19 Hotel Quarantine Inquiry
Witness Statement - NTP-131
Craig William Lapsley
Former Emergency Management Commissioner - Victoria
7th September 2020

Introduction

1. What is your current role?

Innovation Pro Pty Ltd 2018/present - Chief Executive providing consultancy and leadership focused on community resilience; emergency, disaster and crisis management; crisis and reputation management; leading innovation and technology integration and utilisation. Engagements include private and public sector agencies and organisations in Queensland, New South Wales, Victoria, Tasmania, South Australia, California and Canada.

2. When were you appointed Emergency Management Commissioner for Victoria, and for how long did you hold that appointment?

Victorian **Emergency Management Commissioner 2014/2018** - appointed as a result of the Victorian Government White Paper responsible for the preparedness, response and recovery of all emergencies and being the senior operational emergency management officer in Victoria. This role included managing the implementation of the emergency management reform program being all emergencies, all communities approach.

3. When were you appointed Fire Services Commissioner, and for how long did you hold that appointment?

Victorian Fire Services Commissioner 2010/2014 - appointed as a result of the Victorian Bushfires Royal Commission to a new role of Fire Services Commissioner responsible for the overall control response activities in relation to major fires and being the senior operational fire officer in Victoria. This role included managing the implementation of the fire services reform program for the three Victorian fire services being CFA (Country area), MFB (Metropolitan district) and DELWP (Forest areas).

Note:

Refer to Attachment A for comprehensive career history including:

(1) **Victoria, Department Health and Human Services - 2007/2010** - Director Emergency Management responsible for emergency recovery state coordination, pre hospital capability and operations, major medical emergencies including pandemic.

(2) As per Emergency Management Act 2013 - The Emergency Management Commissioner is the successor in law to the Fire Services Commissioner under the Fire Services Commissioner Act 2010.

The Emergency Management Framework

4. What was the role and purpose of the office of the Emergency Management Commissioner when that office was first enacted?

Emergency Management Victoria - Purpose

The creation of EMV by the Victorian Government was an outcome of two catastrophic emergencies, Black Saturday in 2009 and the Victorian floods of 2010. As a result of these two events there was a Green and White paper process that provided a blueprint for the creation of a more resilient and community facing organisation to deliver an integrated, all communities all emergencies, sector capability to manage emergencies in Victoria.

Objectives as contained in Section 5 of the Emergency Management Act 2013;

- (a) foster a sustainable and efficient emergency management system that minimises the likelihood, effect and consequences of emergencies;
- (b) establish efficient governance arrangements that—
 - (i) clarify the roles and responsibilities of agencies; and
 - (ii) facilitate cooperation between agencies;
 - (iii) ensure the coordination of emergency management reform within the emergency management sector; and
- (c) implement an "all communities— all emergencies" approach to emergency management; and
- (d) establish integrated arrangements for emergency management planning in Victoria at the State level.

These objectives were satisfied through transforming the emergency management sector from a siloed approach to a community centric integrated sector.

Section 17 Functions of Emergency Management Victoria

- (1) Emergency Management Victoria has the functions conferred on Emergency Management Victoria under this Act or any other Act.
- (2) Without limiting the generality of subsection (1), Emergency Management Victoria has the following functions—
 - (a) to act as the agency responsible for the coordination of the development of the whole of government policy for emergency management in Victoria;
 - (b) to provide policy advice to the Minister in relation to emergency management;
 - (c) to implement emergency management reform initiatives given to Emergency Management Victoria by the Minister;
 - (d) to liaise with the Commonwealth Government on emergency management;
 - (e) to provide support to the Emergency Management Commissioner to enable the Emergency Management Commissioner to perform the functions conferred on the Emergency Management Commissioner under this Act
- (3) In performing its functions, Emergency Management Victoria must—
 - (a) have regard to decisions made by the State Crisis and Resilience Council; and
 - (b) collaborate and consult with the emergency management sector; and
 - (c) have regard to the fundamental importance of the role that volunteers play in the performance of emergency management functions in Victoria.

Emergency Management Commissioner - Role

The role of the Emergency Management Commissioner was laid out in various sections of the Emergency Management Act 2013, specifically the relevant sections are as follows;

Section 7 Role of State Crisis and Resilience Council

The role of the State Crisis and Resilience Council is—

- (a) to act as the peak crisis and emergency management advisory body in Victoria responsible for providing advice to the Minister in relation to—
 - (i) the whole of government policy and strategy for emergency management in Victoria; and
 - (ii) the implementation of that policy and strategy; and
- (b) to consider any state emergency response plan or updated state emergency response plan submitted by the Emergency Management Commissioner to the State Crisis and Resilience Council for approval; and**
- (c) to consider the state emergency management plan submitted by the Emergency Management Commissioner to the State Crisis and Resilience Council for approval; and**
- (d) when consulted, to provide advice on any guidelines to be issued by the Minister under section 77.

Section 8 Constitution of the State Crisis and Resilience Council

(1) The State Crisis and Resilience Council consists of the following members—

- (a) the Department Head of each Department;**
- (b) the Chief Commissioner of Police;
- (c) the Chief Executive, Emergency Management Victoria;
- (d) the Emergency Management Commissioner;**
- (e) the Inspector-General for Emergency Management as an observer;
- (f) the Chief Executive Officer of the Municipal Association of Victoria as a representative of local government.

(2) The Secretary for the Department of Premier and Cabinet is the Chairperson of the State Crisis and Resilience Council.

(3) The Secretary for the Department of Justice and Regulation is the Deputy Chairperson of the State Crisis and Resilience Council.

(4) A member of the State Crisis and Resilience Council may nominate a person who holds a specified office to act as alternate member.

(5) An alternate member has, while acting for the member, the powers and authority of the member.

(6) The Inspector-General for Emergency Management cannot vote on any matter or propose a resolution at a meeting of the State Crisis and Resilience Council but is otherwise entitled to participate in the business of the meeting.

(7) The Chief Executive, Emergency Management Victoria and the Emergency Management Commissioner are responsible for advising the State Crisis and Resilience Council in relation to any matter being considered by the State Crisis and Resilience Council on behalf of the following—

- (a) Fire Rescue Victoria;
- (b) the Country Fire Authority;
- (c) the Victoria State Emergency Service Authority;
- (d) the Emergency Services Telecommunications Authority

EMC Function / Powers

The Emergency Management Act 2013 detail in sections 32, 33, 34, 35 the functions, powers and information requirements of the EMC. Sections 32 and 33 are provided with highlighted areas relating to class 2 emergencies.

These requirements are:

Section 32 Functions of the Emergency Management Commissioner

(3)

The functions of the Emergency Management Commissioner are to—

(a) be responsible for the coordination of the activities of agencies having roles or responsibilities in relation to the response to Class 1 emergencies or Class 2 emergencies; and

(b) ensure that control arrangements are in place during a Class 1 emergency or a Class 2 emergency and that the relevant agencies act in accordance with the state emergency response plan and any directions made under section 55A(4); and

(c) appoint a State Response Controller in relation to a Class 1 emergency; and

(d) manage the State's primary control centre on behalf of, and in collaboration with, all agencies that may use the primary control centre for emergencies; and

(e) ensure that the Minister is provided with timely and up to date information in relation to

(i) the actual or imminent occurrence of events which may lead to major emergencies; and

(ii) the response to major emergencies; and

(f) be responsible for consequence management for a major emergency in accordance with section 45; and

(g) be responsible for coordinating recovery under Division 5; and

(h) lead and promote the implementation of the Strategic Action Plan to the extent that it relates to the improvement of the operational capability of responder agencies; and

(i) where relevant, oversee the continuation of the operational reforms provided for in the fire services reform action plan; and

(j) develop and maintain operational standards for the performance of emergency management functions by responder agencies; and

(k) develop and maintain incident management operating procedures for responder agencies; and

(l) coordinate data collection and impact assessment processes; and

(m) provide advice to the Minister on any matter relating to the functions of the Emergency Management Commissioner; and

(ma) issue guidelines in relation to community emergency management planning; and

(mb) be responsible for the preparation of the state emergency management plan; and

(n) perform any other function conferred on the Emergency Management Commissioner by or under this or any other Act.

(2)

In performing the functions specified in this section, the Emergency Management Commissioner must have regard to the fundamental importance of the role that volunteers play in the performance of emergency management functions in Victoria.

Section 33 Powers of the Emergency Management Commissioner

The Emergency Management Commissioner has power to do all things that are necessary or convenient to be done for or in connection with the performance of the functions of the Emergency Management Commissioner.

Section 39 Control of emergency response to Class 2 emergencies

- (1) The officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency may, with the consent of the officer in charge of another agency and in accordance with the state emergency response plan, transfer control of any response activity in relation to that emergency to any officer of that other agency.
- (2) Acting in accordance with the state emergency response plan, the officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency or an officer in charge of another agency to which control of any response activity is transferred under subsection (1) may—
 - (a) appoint one or more controllers in relation to—
 - (i) planning for each anticipated Class 2 emergency in any area of the State; and
 - (ii) each Class 2 emergency in any area of the State that is occurring or has occurred; or
 - (b) transfer control of any response activity to one or more other persons.
- (5) An appointment of a controller under subsection (2)(a) has effect for the period specified in the instrument of appointment.
- (6) The officer in charge of another agency to which control of any response activity is transferred under subsection (1) or a controller appointed under subsection (2)(a) may exercise the powers of the chief operational officer of the agency having overall control of response activities in relation to the emergency.

Section 40 Emergency Management Commissioner may advise or direct officers to exercise control powers

The Emergency Management Commissioner may advise, or if the Emergency Management Commissioner considers it necessary, direct -

- (a) a Chief Officer or other officer appointed under section 38(3) or (4) to exercise his or her power under section 38(5); or
- (b) the officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency, or an officer in charge of another agency to which control of any response activity is transferred under section 39(1), to exercise his or her power under section 39(2).**

EMC - EM Plans

CRITICAL NOTE: The provision in Part 6A Emergency Management Plans were inserted in 2018, however the approach to develop State Emergency Management Plans and planning was developed and utilised between 2014 to 2018 and then formalise with 2018 legislative amendments. I summarise in bold the areas that operated without legislation prior to 2018.

EM Act 2013 - Part 6A—Emergency management plans

Division 1—General

Section 60AA Principles underlying the preparation and contents of emergency management plans

- (1) The following principles underlie the preparation of emergency management plans—
 - (a) emergency management plans are to be **prepared in a collaborative manner**;
 - (b) emergency management plans are to be **prepared efficiently and effectively**;
 - (c) emergency management plans are to be prepared in a manner that acknowledges and reflects the importance of community emergency management planning.
- (2) The following principles underlie the contents of emergency management plans
 - (a) the main aim of emergency management plans is to reduce—
 - (i) the likelihood of emergencies; and**
 - (ii) the effect of emergencies on communities; and**
 - (iii) the consequences of emergencies for communities;**
 - (b) emergency management plans are to ensure **a comprehensive and integrated approach** to emergency management;
 - (c) emergency management plans are to **promote community resilience** in relation to emergencies;
 - (d) emergency management plans are to **promote appropriate interoperability and integration of emergency management systems**.
- (3) In performing any duties or functions or exercising any powers under this Part, the State Crisis and Resilience Council and the Emergency Management Commissioner are to have regard to the principles referred to in subsections (1) and (2).

Section 60AB Definitions

In this Part—

relevant approver means, in relation to the state emergency management plan, the State Crisis and Resilience Council;

relevant preparer means, in relation to the state emergency management plan, the Emergency Management Commissioner.

Division 2—Preparation of emergency management plans

Section 60AC

General requirement on relevant preparers

A relevant preparer must ensure that—

- (a) an emergency management plan is prepared in accordance with this Act; and
- (b) any relevant guidelines issued under section 77 are had regard to in the course of preparing the emergency management plan; and
- (c) to the extent possible, **the emergency management plan does not conflict with, or duplicate, any other plans in relation to emergency management that are currently in force within Australia.**

Section 60AD Preparation of state emergency management plan

The Emergency Management Commissioner must arrange for the **preparation of the state emergency management plan to provide for an integrated, coordinated and comprehensive approach to emergency management at a State level.**

60AE Contents of emergency management plans

An emergency management plan must contain provisions—

- (a) providing for the mitigation of emergencies; and**
- (b) providing for the response to emergencies; and**
- (c) providing for the recovery from emergencies; and**
- (d) specifying the roles and responsibilities of agencies in relation to emergency management.**

Division 3—Consultation during preparation

Section 60AF Consultation during preparation of state emergency management plan

(1) During the course of preparing the state emergency management plan, the Emergency Management Commissioner—

- (a) must ensure that the following **bodies are consulted— each responder agency; each Department; Victoria Police; Ambulance Service— Victoria; the Municipal Association of Victoria; and**

(b) may **consult any other sector of the community** that the Emergency Management Commissioner considers appropriate.

(2) A body referred to in subsection (1)(a) must cooperate with the when it is consulted under that subsection.

(3) While the Emergency Management Commissioner is preparing the state emergency management plan—

- (a) **the Department Head of each Department must consult any agency** that the Department Head considers appropriate and that has a role or responsibility under the proposed state emergency management plan; and

(b) each relevant Department (within the meaning of section 74B) must consult any responsible entity (within the meaning of section 74B) that the Department considers appropriate.

5. **What role did you (and Emergency Management Victoria) play in the development of the Emergency Management Manual Victoria (Manual)?**

The EM ACT 2013 provides the following requirements:

Part 5—State emergency response plan

Section 53 Preparation, approval and updating of state emergency response plan

(1) The **Emergency Management Commissioner must—**

(a) **arrange for the preparation of a state emergency response plan for the coordinated response to emergencies by all agencies having roles or responsibilities in relation to the response to emergencies; and**

(b) as required, ensure that the state emergency response plan is updated.

(2) After a state emergency response plan is

prepared or updated, **the Emergency Management Commissioner must submit the state emergency response plan or updated state emergency response plan to the State Crisis and Resilience Council for approval.**

(3) The State Crisis and Resilience Council may approve the state emergency response plan or updated state emergency response plan.

(4) The state emergency response plan which is in force under this section immediately before the commencement of section 12 of the Emergency Management (Control of Response Activities and Other Matters) Act 2015 is taken to have been prepared and approved under this section.

Section 53A Urgent update of state emergency response plan

(1) This section applies if the **Emergency Management Commissioner is of the opinion that an update to the state emergency response plan is urgent** and—

(a) there is a significant risk that life or property will be endangered if the state emergency response plan is not updated; and

(b) complying with the requirements of section 53 is not practicable in the circumstances.

(2) The **Emergency Management Commissioner** is not required to comply with the requirements in section 53 in relation to updating the state emergency response plan.

(3) The **Emergency Management Commissioner** may update the state emergency response plan in accordance with this section.

(4) An update to the state emergency response plan made by the **Emergency Management Commissioner** under this section—

(a) comes into operation when it is published in accordance with section 55(a); and

(b) remains in force for a period of 3 months after it is published.

(5) The State Crisis and Resilience Council may revoke any update made to the state emergency response plan under this section.

Section 54 Contents of state emergency response plan

The **state emergency response plan must contain provisions—**

(a) identifying, in relation to each form of emergency specified, the agency primarily responsible for responding to the emergency (the control agency); and

(b) relating to the coordination of the activities of other agencies in support of a responsible agency in the event of an emergency; and

(c) specifying the roles of agencies in the event of an emergency; and

(d) with respect to any act, matter or thing relating to consequence management; and

(e) specifying the roles and responsibilities of coordinators appointed under section 56; and

(ea) specifying the process by which the State Response Controller is appointed and controllers in relation to Class 1 emergencies are appointed or deployed under section 37; and

(eb) **specifying the process by which controllers in relation to Class 2 emergencies are appointed under section 39; and**

(ec) specifying the roles and responsibilities of the State Response Controller and controllers who are appointed or deployed under section 37 or 39, as the case may be; and

(ed) enabling the determination of the priority of the response roles of agencies having roles or responsibilities under the state emergency response plan; and

(f) defining regions for the purposes of section 56.

Section 55 Publication of state emergency response plan or updated state emergency response plan.

As soon as practicable after the state emergency response plan or updated state emergency response plan is approved under section 53(3) or made under 53A, the **Emergency Management Commissioner must—**

(a) publish the state emergency response plan or updated state emergency response plan in a manner determined by the Emergency Management Commissioner; and

(b) forward a copy of the state emergency response plan or updated state emergency response plan to each agency to which it applies.

Section 55A Compliance with state emergency response plan

(1) Subject to subsection (3), an agency that has a role or responsibility under the state emergency response plan in relation to the emergency response to a Class 1 emergency or a **Class 2 emergency must act in accordance with the state emergency response plan.**

(2) Subsection (3) applies if there is a conflict between the state emergency response plan and any duty, function or power conferred on an agency referred to in subsection (1) by—

(a) the common law; or

(b) an Act or regulation (whether of Victoria, another State or the Commonwealth); or

(c) a licence granted under an Act or regulation referred to in paragraph (b); or

(d) an intergovernmental agreement, arrangement or plan that is specified in the state emergency response plan and relates to the emergency response to a Class 1 emergency or a Class 2 emergency; or

(e) a term or condition of an agreement to which an agency referred to in subsection (1) is a party and that is in relation to the emergency response to a Class 1 emergency or a Class 2 emergency.

(3) The Act, regulation, common law, intergovernmental agreement, arrangement or plan or term or condition referred to in subsection (2) prevails to the extent of its inconsistency with the state emergency response plan and the agency referred to in subsection (1) is taken to have complied with the state emergency response plan if it performs that duty, function or power.

(4) The **Emergency Management Commissioner** may direct in writing an agency referred to in subsection (1) to act in accordance with the state emergency response plan if the Emergency Management Commissioner is of the opinion that—

(a) the agency has failed to act in accordance with the state emergency response plan;

(b) the agency's failure is likely to have significant consequences.

(5) If requested by the Emergency Management Commissioner, an agency referred to in subsection (1) must provide reasons in writing to the Emergency Management Commissioner for any failure on its part to act in accordance with a direction given under subsection (4) that has significant consequences.

6. What role did you (and Emergency Management Victoria) play in the development of the State Emergency Response Plan (Response Plan)?

The EMC is accountable for any updates of the State Emergency Response Plan to be presented to the State Crisis and Resilience Council for their approval and utilised the SCRC Capability and Response Subcommittee to discuss, develop and produce any updates to the State Emergency Response Plan (Part 3) of the EMMV.

SERP updates were achieved by engaging a working group made up from representatives of control and support agencies. As the Emergency Management Commissioner I provided oversight, set the strategic direction and was regularly briefed and was provided the opportunity to comment.

7. To what extent has the Manual changed since your term as Emergency Management Commissioner, with particular reference to:

(a) the Response Plan;

From my understanding, there has been no changes made to regarding longstanding well defined terms of command, control and coordination. These terms are defined in the State Emergency Response Plan with control being described under the term 'effective control' in the definition terms contained in the 'response plan'. There maybe other minor changes due to the machinery of government changes. The intent and operation of SERP remains unchanged.

(b) the role of agencies as described in Part 7 of the Manual;

From my understanding, there has been no changes made regarding intent and content of Part 7 apart from machinery of government changes with different government department changes and the introduction of FRV replacing MFB.

(c) underlying principles of emergency management, such as coordination, command, control, consequence management and communication?

From my understanding, there has been no changes made regarding intent and definition of the six C's being Command, Control, Coordination, Consequence, Communication and Community connection. (NOTE: only 5 C's are listed in the SERP with Community connection being left off)

8. What role did you play in the development of the Victorian Action Plan for Influenza Pandemic (Pandemic Action Plan)?

I in partnership with the Chief Health Officer and DHHS sponsored the development of the Victorian Action Plan for Influenza Pandemic (2015). The Pandemic Action Plan is a Victorian government plan to manage pandemic influenza across all sectors of society. The plan was updated in 2015 in light of a revised health management plan and the creation of Emergency Management Victoria. The plan is primarily for Victorian Government departments and their agencies, however other organisations, including local government, businesses and non-government organisations can also use it.

The Pandemic Action Plan is a subordinate plan of the State emergency response plan and therefore approved by the Emergency Management Commissioner in consultation with the Chief Health Officer, the State Crisis and Resilience Council (SCRC) and the SCRC Capability and Response Subcommittee.

9. **To what extent did the Pandemic Action Plan provide for the Emergency Management Commissioner to coordinate a response and ensure effective control arrangements were established? If it did not, how did you anticipate you would perform those roles?**

Under the Emergency Management Act 2013, the Emergency Management Commissioner has legislated responsibilities across major emergencies in Victoria, with the exception of a warlike act, act of terrorism, a hijack, siege or riot. Influenza pandemic is a class 2 emergency under the Act.

The Emergency Management Commissioner's responsibilities include response coordination, ensuring effective control arrangements are established, consequence management and recovery coordination.

Mindful of the legislation surrounding the management of a class 2 emergency the EMC has section 32 and section 40 of the EM Act that are critical to the successful and ongoing management of a class 2 emergency.

These being:

Section 32 Functions of the Emergency Management Commissioner

The functions of the Emergency Management Commissioner are to—

- (a) be responsible for the coordination of the activities of agencies having roles or responsibilities in relation to the response to Class 1 emergencies or Class 2 emergencies; and
- (b) ensure that control arrangements are in place during a Class 1 emergency or a Class 2 emergency and that the relevant agencies act in accordance with the state emergency response plan and any directions made under section 55A(4);

Section 40 Emergency Management Commissioner may advise or direct officers to exercise control powers

The Emergency Management Commissioner may advise, or if the Emergency Management Commissioner considers it necessary, direct -

- (a) a Chief Officer or other officer appointed under section 38(3) or (4) to exercise his or her power under section 38(5); or
- (b) the officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency, or an officer in charge of another agency to which control of any response activity is transferred under section 39(1), to exercise his or her power under section 39(2).

10. To what extent do the arrangements set out in the Manual and Pandemic Action Plan that you prepared, represent emergency management best-practice?

The Pandemic Action Plan is a best practice approach with lessons and learnings from the 2009 Pandemic Influenza A (H1N1) virus as a back drop and the most recent global pandemic that impacted on Australia. The first wave of the 2009 Pandemic influenza A (H1N1) virus infection lasted 18 weeks in Australia, from mid May to late September 2009.

Key lessons from the 2009 H1N1 Pandemic have been captured and included in the Pandemic Action Plan 2015.

The Pandemic Plan has applied the learnings and provided an action plan that includes the principle functions:

- Purpose, Objective and Scope,
- Defines key elements and functions, including:
 - Control Agency,
 - State Controller,
 - Government Governance structures,
 - DHHS leadership and responsibilities
 - Government Department responsibilities
- Context of the Emergency - Level of Impact
- Consequence Management
- Community Resilience
- Collaboration
- Communications
- Capability

The elements of the Pandemic Action Plan include:

Pandemic Action Plan - Objectives

The action plan's objectives are for Victorian Government departments and their agencies (including emergency management agencies), local government, and all sectors of society to:

- plan for pandemic influenza
- undertake preparedness activities to reduce the impacts of pandemic influenza
- take action to contain the disease and assist all sectors of society to continue functioning
- facilitate accurate, timely and helpful communications to and within all sectors of society.

The action plan sets out:

- the potential impacts and consequences of pandemic influenza
- the preparation and response actions to mitigate these risks
- communication considerations to ensure accurate, timely and helpful information is provided to all sectors of society
- resources where further information can be obtained.

Pandemic Action Plan - Scope

Victoria has two specific plans for human pandemic influenza:

- Victorian health management plan for pandemic influenza 2014 (the health management plan)
- this plan, the Victorian action plan for pandemic influenza 2015.

The health management plan outlines the health sector's preparedness and response strategies to minimise morbidity and mortality and protect public health and safety.

Defines the Control arrangement and designates DHHS as the 'Control agency'.

The Department of Health & Human Services is the control agency for Victoria's response to a pandemic influenza. The Department of Health & Human Services, as the Incident Control Agency, will provide overall direction and ensure that adequate planning and logistics are in place to support the response to a pandemic influenza. The Department of Health & Human Services will also ensure that agencies are tasked to support the response, as the situation dictates.

Defines the 'State Controller' and details the primary responsibilities.

State Controller: Chief Health Officer

The Chief Health Officer assumes the role of State Controller with authority to activate the Victorian health management plan for pandemic influenza, including the response stage and each of the standby, action and stand-down sub-stages.

The Chief Health Officer has overall responsibility for emergency response operations during an influenza pandemic. These responsibilities may include:

- establishing incident control facilities
- assessing emergency causes and impacts
- establishing appropriate incident control system structure, including participation by relevant agencies
- developing incident action plans
- liaising with emergency services organisations and other support agencies
- providing briefings to emergency managers
- allocating tasks to emergency managers
- ensuring safety of personnel involved in response activities
- preparing reports on situation
- managing media and public information requirements
- managing risks associated with incident control
- reviewing the progress of incident control activities.

Defines State governance arrangement from the State Controller to the Government bureaucratic leadership committee and the political leadership committee.

• **State Controller: Chief Health Officer**

The Chief Health Officer assumes the role of State Controller and has the authority to activate the Victorian health management plan for pandemic influenza, including the response and each of the standby, action and stand-down sub-stages of the response.

• **State Crisis and Resilience Council**

The State Crisis and Resilience Council is responsible for providing advice to the Minister for Emergency Services, other relevant ministers and the Security and Emergency Management Committee of Cabinet on whole-of-government emergency management policy and strategy, its implementation and any complex or emerging issues. The State Crisis and Resilience Council is not responsible for operational or tactical decisions during an emergency

- **Security and Emergency Management Committee**

The Security and Emergency Management Committee of Cabinet is the Victorian Government's decision-making body for a major incident requiring whole-of-government coordination. In the event of a pandemic, the Security and Emergency Management Committee of Cabinet will consider all the consequences of pandemic influenza.

Defines key leadership roles that exist in DHHS and are defined in the State Health Emergency Response Plan (SHERP).

Key leadership roles in the Department of Health & Human Services include the State Health and Medical Commander and the State Health Coordinator. The State Health and Medical Commander will direct health and medical resources. The State Health Coordinator is responsible for health coordination including hospital (including Primary Health) and health service coordination, (including Aged Care), and will also work closely with Health Commanders (Ambulance Victoria) and the State Controller by contributing to the incident strategy.

Defines State government departments, their sectors and agencies responsibilities.

All state government departments, their sectors and agencies are responsible for preparing for and supporting the response to a pandemic.

Each state government department is required to have in place:

- preparedness arrangements, including a business continuity plan
- a pandemic influenza response plan that outlines operational actions the department will consider undertaking in response to a pandemic.

Additionally, state government departments will advocate the need for their agencies to plan for managing pandemic influenza. Under the Victorian health management plan for pandemic influenza, some facilities are given guidance to assist their planning.

- **Residential aged care services, disability accommodation services and youth justice facilities** – Department of Health & Human Services

In addition to its emergency management role, Department of Health & Human Services, its sector agencies and stakeholders have ongoing engagement and particular responsibilities for at-risk groups and those with special needs. Some of these groups may be especially vulnerable in the event of a pandemic.

The Victorian health management plan for pandemic influenza provides information for residential aged care services, disability accommodation services, youth justice facilities and disability forensic assessment and treatment services, to assist them to plan for pandemic influenza, and to maintain the care and protection of staff, clients and others who come into contact with these facilities.

- **Schools and early childhood services** – Department of Education & Training

The Victorian health management plan for pandemic influenza provides schools and early childhood services with guidance on the actions and measures that should be taken in the various stages of a pandemic.

- **Custodial facilities** – Department of Justice & Regulation and Department of Health & Human Services

The Victorian health management plan for pandemic influenza provides information to correctional facilities, youth justice and Victoria Police (for police cells) to assist them with planning for a pandemic, and to maintain the care and protection of staff, clients and others who come into contact with these facilities.

- **Emergency services organisations**

Emergency services organisations should develop a pandemic influenza plan. The Victorian health management plan for pandemic influenza provides information to emergency services to assist them to develop this plan.

- **Local Government**

Local government is the closest level of government to the community and is often the first point of contact for information, advice and assistance. Local government has a pivotal role in emergency management. Local governments will provide leadership during a pandemic, and have established relationships within their local community.

Local governments should develop an influenza pandemic plan for their municipality and ensure that business continuity planning includes pandemic considerations. The Victorian health management plan for pandemic influenza provides a guide to help local government organisations develop this plan.

- **Businesses and non-government organisations**

By itself, government cannot manage the spread of pandemic influenza or maintain the essential services that businesses and the community will require. Businesses and non-government organisations will also play a vital role to help contain the disease and assist communities to continue functioning.

The Victorian Government encourages all organisations to be prepared. Organisations that provide key services or operate critical infrastructure must be able to continue operations. Business continuity planning that includes pandemic-specific considerations will help minimise the impact of a pandemic on the organisation, protect staff and contribute to community functioning. Considerations should include the potential for:

- extended loss of personnel
- extended impact on critical supply chains.

Business and non-government organisations should note the Victorian Government's preparedness and response approach in this plan and consider the implications for them.

Level of impact - Scenarios

The level of impact of a pandemic influenza will depend on a number of factors, including the clinical severity of the disease, the transmissibility of the virus between humans, the capacity of the health system, the effectiveness of interventions and the vulnerability of our population. It will only be possible to quantify the overall impact of the pandemic once it has run its course. However, the State Controller will estimate clinical severity of the disease early in the response, as either low, moderate or high, based on the available evidence and emerging epidemiology.

The scenarios described in the Australian health management plan for pandemic influenza and the Victorian health management plan for pandemic influenza help to illustrate the differences in potential impact at each clinical severity level.

11. **The State Health Emergency Response Plan (SHERP) was published in 2017, while you were Emergency Management Commissioner. The SHERP says (at p 23) that:**

State Health Emergency Response Plan (SHERP) - Context:

The State Health Emergency Response Plan (SHERP) provides an overview of the arrangements for the management of health emergencies in Victoria. SHERP describes the integrated approach and shared responsibility for health emergency management between the Department of Health and Human Services (DHHS), the emergency management sector, the health system and the community.

Within the Emergency Management Act 2013, health emergencies can be classified as Class 2 emergencies. The Emergency Management Manual Victoria (EMMV) Part 7 – Emergency Management Agency Roles designates DHHS as the control agency for the following types of health emergencies including:

Public health emergencies (for which DHHS is the control agency), such as:

- biological and radioactive incidents, such as transport accidents involving biological releases or radioactive substances, loss of control of biological releases or radioactive substances associated with an authorised practice (for example: spillage or unintended dispersion), and dispersion of a biological release or radioactive substance
- retail food contamination, such as contamination of food during manufacturing, storage or transport
- water contamination, such as loss of disinfection of a drinking water supply, contamination of a drinking water supply, contamination of food following natural disasters (due to food spoilage), and infectious disease outbreaks arising from food preparation and consumption
- human disease, such as communicable diseases, gastro and respiratory outbreaks, thunderstorm asthma, and clusters of non-communicable disease.

CRITICAL NOTE:

1. **In the event of a Pandemic, SHERP is supported by the Victorian Action Plan for Influenza Pandemic (Pandemic Action Plan) which provides the control arrangements and governance provisions to manage a Pandemic.**
2. **The Public Health Commander function is performed by the Chief Health Officer (or delegate) and reports to the State Controller therefore it is logical in a Pandemic that a Deputy Chief Health Officer or equivalent qualified person would carry out the Public Health Commander role.**

11 (a) the Secretary to DHHS appoints a State Controller;

Legislation provides for the provision for the Secretary DHHS as the officer in charge of an agency to appoint and to assist with this appointment sub plans (Pandemic Action Plan) have been developed to guide and provide logic, a methodology that has been thought through tested and approved prior to the emergency occurring. The officer in charge of an agency will work closely with the EMC regarding these appointments.

The legislation provisions are:

Section 39 Control of emergency response to Class 2 emergencies

- (1) The officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency may, with the consent of the officer in charge of another agency and in accordance with the state emergency response plan, transfer control of any response activity in relation to that emergency to any officer of that other agency.
- (2) Acting in accordance with the state emergency response plan, the officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency or an officer in charge of another agency to which control of any response activity is transferred under subsection (1) may—
 - (a) appoint one or more controllers in relation to—
 - (i) planning for each anticipated Class 2 emergency in any area of the State; and
 - (ii) each Class 2 emergency in any area of the State that is occurring or has occurred; or
 - (b) transfer control of any response activity to one or more other persons.
- (5) An appointment of a controller under subsection (2)(a) has effect for the period specified in the instrument of appointment.
- (6) The officer in charge of another agency to which control of any response activity is transferred under subsection (1) or a controller appointed under subsection (2)(a) may exercise the powers of the chief operational officer of the agency having overall control of response activities in relation to the emergency.

Section 40 Emergency Management Commissioner may advise or direct officers to exercise control powers

The Emergency Management Commissioner may advise, or if the Emergency Management Commissioner considers it necessary, direct -

- (a) a Chief Officer or other officer appointed under section 38(3) or (4) to exercise his or her power under section 38(5); or
- (b) the officer in charge of an agency having overall control of response activities in relation to a Class 2 emergency, or an officer in charge of another agency to which control of any response activity is transferred under section 39(1), to exercise his or her power under section 39(2).**

Section 54 Contents of state emergency response plan

The **state emergency response plan must contain provisions—**

- (a) identifying, in relation to each form of emergency specified, the agency primarily responsible for responding to the emergency (the control agency); and
- (b) relating to the coordination of the activities of other agencies in support of a responsible agency in the event of an emergency; and
- (c) specifying the roles of agencies in the event of an emergency; and
- (d) with respect to any act, matter or thing relating to consequence management; and
- (e) specifying the roles and responsibilities of coordinators appointed under section 56; and
- (ea) specifying the process by which the State Response Controller is appointed and controllers in relation to Class 1 emergencies are appointed or deployed under section 37; and
- (eb) specifying the process by which controllers in relation to Class 2 emergencies are appointed under section 39; and**

11 (b) the Public Health Commander will be appointed State Controller for identified public health emergencies (most likely to occur in circumstances where a public health emergency is anticipated); and

The Public Health Commander function is performed by the Chief Health Officer (or delegate) and reports to the State Controller therefore it is logical in a Pandemic that a Deputy Chief Health Officer or equivalent qualified person would carry out the Public Health Commander role.

11 (c) the Public Health Commander function is performed by the Chief Health Officer (or delegate).

Why was the Chief Health Officer (as Public Health Commander) stated to be appointed the State Controller – Health for those identified public health emergencies? For example, are there particular skills, knowledge and/or accountabilities that the Chief Health Officer would possess, which makes that position suitable to be the State Controller – Health?

The Chief Health Officer has statutory responsibilities to oversee, lead and execute various legislative requirements and provisions and is the most senior and primary Public Health official in the State of Victoria.

The Chief Health Officer is considered the most senior doctor in the State of Victoria and is appointed by the Secretary as the Chief Health Officer a person who is a registered medical practitioner and is under the general direction and control of the Secretary.

The Chief Health Officer has the powers, duties, functions and immunities that are conferred or imposed on the Chief Health Officer by or under the Public Health and Wellbeing Act 2008 or any other Act, therefore the Chief Health Officer has and may exercise all the powers conferred on an authorised officer by this Act.

The Chief Health Officer functions and powers of the Chief Health Officer are broad and are described in the Public Health and Wellbeing Act 2008 (section 21) and includes the Biosecurity Act 2015 and other legislation.

12. Would you envisage any circumstances where the Secretary to DHHS would appoint an officer outside of the public health portfolio as State Controller – Health? If so, please describe those.

On first principles it would be prudent to appoint a person/s with public health and medical qualifications, knowledge and expertise. This appointment would therefore be most likely a medical practitioner however there are some Public Health / Medical experts that are not qualified as a doctor that could be considered as excellent appointees depending on the scale of the emergency.

The legislation provides for this to occur and it maybe also connected to the appointment of Deputy Chief Health Officer type role that would better enable the appointment but might include the Chief Nurse & Midwifery Officer, Chief Medical Officer, Senior Paramedic which are all Victorian Health sector senior executive positions.

Agency roles in emergency response

13. What were the aims of the Response Plan?

The State Emergency Response Plan (SERP) outlines the Victorian arrangements for the coordinated response to emergencies by all agencies with a role or responsibility in relation to emergency response. The State Emergency Management Plan establishes State Emergency Management Priorities which focus effort and are dynamic and flexible to be adapted to every major emergency. The State Emergency Response Plan provides clear guidance on the structures, roles and responsibilities for managing a major Class 1 or 2 emergency in Victoria.

SERP subordinate plans (SERP sub-plans) outline the arrangements for managing specific emergencies where the arrangements for managing these emergencies require greater detail, such as where complex arrangements apply. SERP sub-plans are approved through the same approvals process that applies to this SERP. SERP sub-plans should be written in accordance with the SERP Sub-plan Guidelines 3. Approved (SERP sub-plans) are published on the Emergency Management Victoria website .

14. Was it important that the Response Plan described clear lines of command and control? If so, please describe why.

The State Emergency Response Plan supports the Emergency Management Act 2013 by going to great lengths to establish clear understandings and clear lines of command, control and coordination for the management of Class 1 and Class 2 emergencies.

This is of critical importance from an accountability perspective so that agency/organisational commanders have a clear understanding of who is in control of the major emergency and who is responsible for coordinating effort seamlessly and ensuring there is;

- priority setting occurring,
- a widely understood and shared strategic intent created, both an operational and strategic plan developed,
- actions for; community communication, connecting with communities,
- managing consequences,
- assuring actions are being taken and performance is being measured.

There are numerous examples where emergencies have been poorly managed because of structures and accountabilities being poorly defined, understood and acted upon.

Victoria has learnt from many major emergencies (ie Black Saturday) of the criticality of establishing and operating strong command, control and coordination systems are necessary and critical to success and are supported by consequence management, timely communications and being connected to the community.

Since 2010 (post Black Saturday) there has been an inordinate amount of time taken to develop clear understanding of command, control and coordination and the development of an emergency management system that supports all major emergencies.

15. What factors guided how you prepared the Response Plan?

The SERP was developed with a mandate to modernise the Response Plan based on lessons and learnings from all types of emergencies. The intent was to establish clear and well defined arrangements that provide clarity, confidence and structure that had been previously not clear and inconsistently applied.

The Response Plan is now underpinned by some very well considered principles and approaches that allows the Response Plan to deal with ‘all communities all emergencies’ approach with the following themes:

- State Emergency Control Priorities
- Definition of Class 1, Class 2 and Class 3 emergencies
- A systems approach
- Emergency management governance structure
- State, Region and Incident level tier structure
- Inclusion of Consequence Management and Communications

This approach has changed the way in which emergencies in Victoria are planned for and executed, the Response Plan is well accepted with roles and responsibilities with clear accountabilities being articulated in the Response Plan or sub plans.

16. Please describe how you understood the concept of “coordination” as between agencies involved in emergency response, with particular reference to the role of the Emergency Management Commissioner.

Coordination is the bringing together of agencies and resources to ensure effective response to and recovery from emergencies. Coordination has two key areas being Response and Recovery.

Response coordination

Emergency response coordinators bring together agencies and resources to support the response to emergencies. Broadly, their functions are to ensure:

- effective control arrangements have been established and are maintained to manage the response to emergencies
- effective information sharing
- the necessary resources are accessed to support the response to emergencies.

Recovery coordination

Emergency recovery coordinators/managers bring together agencies and resources to support the provision of relief and recovery from emergencies.

Emergency Management Governance - supporting a coordinated approach

To achieve coordination through collaboration in a structured and providing good governance there are a range of other formal mechanisms including the following Emergency Management governance teams / committee that provide structures to develop and execute operational and strategic actions these include:

- **State Coordination Team** - sets the strategic context of the readiness, response, relief and recovery phases.
- **State Control Team** - implements the strategic context of the readiness, response, and where appropriate relief and recovery phases.

- **State Emergency Management Team** - oversees the management of strategic risks and consequences of the emergency situation.
- **Emergency Management Joint Public Information Committee** - oversees the media and communications functions and responsibilities, sets priorities in communications and engagement and coordinates all public emergency messaging for operational readiness, response and recovery.

The detail of roles, responsibility and membership etc for these emergency management governance teams / committees are detail in the Response Plan at Figure 6 and Figure 7.

To achieve success with a strategic and joined up outcomes requires this emergency management governance structure to be engaged, connected and active which means regular weekly meetings during the readiness, response and recovery phases of an emergency.

17. Please describe the concept of a “control agency” used when you prepared the Response Plan and what general activities that agency was intended to do in emergency response.

Control is the overall direction of response activities in an emergency, operating horizontally across agencies.

The control agency is the agency with the primary responsibility for responding to a specific form of emergency. The EMMV Part 7 – Emergency Management Agency Roles lists control agencies for specific emergencies. (Emergency Management Act 2013 section 54.)

The Control Agency is responsible to lead the response to the emergency, set the strategic direction and develop and execute management plan that involves all agencies supporting the response to the emergency.

The prime focus of a control agency is to set the operational strategy in line with the SERP and the SERP Sub Plan/s. The Control agency has the responsibility to execute the operational and tactical components via the line of control at State, Region and Incident / Municipal levels.

18. Why was it important that there should be a control agency in the Response Plan?

It is a fundamental premise to have a single agency designated for the leadership and management of an emergency so there is no ambiguity of who is accountable for the management of the emergency.

It also enables a clear understanding of who holds accountability for developing capability and the system to support a response to a particular hazard. A further benefit of having a control agency identified is to maximise the use of finite resources and avoiding duplication of effort.

19. What factors guided you in determining which agency should be the control agency for each emergency contemplated in the Response Plan?

In the main the control agency determination is formed by underpinning legislation, organisational purpose and delivering services that are aligned to the mission and capability of the organisation.

For example the Department having the responsibility for Agriculture and has a statutory officer such as the Chief Veterinary Officer would be control agency and state controller for Animal Health emergencies. This logic applies to other emergencies including Human Health emergencies, Flood emergencies with SES having Control Agency responsibilities and the SES Chief Officer being appointed the State Response Controller for floods. This model is constant for Class 1 and Class 2 emergencies, with well established plans.

20. How did you determine what activities would be listed for each agency in Part 7 of the Manual?

EMMV Part 7 matches the emergency type to a control agency and lists support agencies in tables and provides agency role statements that assist define accountability for control, support in the response and recovery phases of an emergency.

The process to define control and support agencies in the main is defined by legislation and where there is no clear control agency or confusion exists, then the EMC would identify the issue, collaborate, provide clarity and publish in the Emergency Management Manual Victoria. This would be achieved via the SCRC Subcommittees and included in the EMMV or sub plans that are approved by SCRC.

21. How did the Response Plan deal with a situation where an activity required to be performed as part of a particular emergency response activity, was not specifically assigned in Part 7 of the Manual, to a control agency or support agency?

When and if a scenario arises, occurs or is created from the emergency and there is not a consideration or provision in the EMMV then the State Control Team and State Coordination Team will be expected to consider and provide guidance. This guidance may require the understanding and utilisation of other legislation and may reach outside the intended legislation and for example maybe a cross border issue. The emergency management governance structure is established to assist and the EMC has legislative provisions to provide leadership and in some cases power to act.

For example - but needs to be considered in context to the issue presented.

Section 32 Emergency Management Commissioner; and

(n) perform any other function conferred on the Emergency Management Commissioner by or under this or any other Act.

and

Section 33 Powers of the Emergency Management Commissioner

The Emergency Management Commissioner has power to do all things that are necessary or convenient to be done for or in connection with the performance of the functions of the Emergency Management Commissioner.

22. Why did the Response Plan establish roles and arrangements, but did not describe how operational responses were to be performed?

The Response Plan provides the overarching principles and guidance for managing emergencies with sub plans providing the next level of details as can be sighted in the State Health Emergency Response Plan (SHERP) and the Pandemic Action Plan, these two sub plans provide detail and guidance. The utilisation of these plans are critical to success as they are approved, tested and published to support multi agency involvement is sometimes complex emergencies.

23. Did you anticipate a role for private companies beyond those listed in Part 7 of the Manual? If so,

EMMV Part 7 - context

The Emergency Management arrangements are strongly underpinned by legislation and government structures, accountabilities and capabilities. To this end the EMMV refers to industry through the government department networks and lists Electricity Businesses, Gas Businesses, Water Corporations, Telecommunications carriers etc, which provide the community essential infrastructure to operate. The Emergency Management arrangement currently do not rely upon nor list private business roles and responsibilities.

(a) what role or roles did you anticipate; and

If private companies provided services to assist a control agency or support agency then the government structure would be engaged to utilise normal established networks to engage. There could be issues if not strategically considered with capability; capacity; operating in an emergency context; therefore any private contract arrangements that are established without preplanning has the potential to be problematic.

(b) why were they not included?

There is no legislation or obligation placed on private business to participate or develop and maintain capability and capacity to emergency response and recovery apart from their own business emergency procedures and business continuity arrangements.

Additional information

24. If you wish to include any additional information in your witness statement, please set it out below.

I offer no additional information.

Signature



Attachment A

Craig William Lapsley - Career history:

Victoria Country Fire Authority, 1981/2007 - obtaining rank of Deputy Chief Officer responsible and carried out leadership roles in Structural Fire, Bushfire and Rescue in areas of mitigation, prevention, preparedness, operations and leadership.

Fiji National Fire Authority, - 1994/1996 - seconded / part time to lead the transformation reform of Municipal Fire Services to a single National Fire Authority.

NSW Fire Brigades (now Fire Rescue NSW) - 1996/1998 - Manager State Operations responsible for statewide Operations, HazMat, Rescue and Bushfire.

Victorian State Emergency Service - Chief Executive Officer, 2005/2006 responsible to transform SES from a Government Department to a Statutory Authority.

Victoria, Department Health and Human Services - 2007/2010 - Director Emergency Management responsible for emergency recovery state coordination, pre hospital capability and operations, major medical emergencies including pandemic.

Victorian Fire Services Commissioner 2010/2014 - appointed as a result of the Victorian Bushfires Royal Commission to a new role of Fire Services Commissioner responsible for the overall control response activities in relation to major fires and being the senior operational fire officer in Victoria. This role included managing the implementation of the fire services reform program for the three Victorian fire services being CFA (Country area), MFB (Metropolitan district) and DELWP (Forest areas).

Victorian Emergency Management Commissioner 2014/2018 - appointed as a result of the Victorian Government White Paper responsible for the preparedness, response and recovery of all emergencies and being the senior operational emergency management officer in Victoria. This role included managing the implementation of the emergency management reform program being all emergencies, all communities approach.

Innovation Pro Pty Ltd 2018/present - Chief Executive providing consultancy and leadership focused on community resilience; emergency, disaster and crisis management; crisis and reputation management; leading innovation and technology integration and utilisation. Engagements include Queensland, New South Wales, Victoria, Tasmania, California and Canada.

- Level 3 Incident Controller - Victoria - accredited and endorsed.
- Graduate Certificate Applied Management (Australian Institute of Police Management)
- Graduate Certificate Business Management (Swinburne University of Technology)
- Graduate Diploma Business Management (Swinburne University of Technology)

Major bushfire and major emergency leadership and management.

Incident Control responsibilities

Major Bushfires:

- Rushworth Bushfire 1987
- Heywood Bushfire 1990
- Red Hill / Arthurs Seat Bushfire 1996
- NSW Bushfires 1994.

Major Structure Fires

- Springvale Industrial Estate - 1995
- Bankstown Civic Centre 1997
- Morwell / Hazelwood Open Cut fire 2006

State CoOrdination responsibilities

Major Bushfires:

- NSW Bushfires 1997
- Linton Bushfire 1998
- Dadswell Bridge Bushfire 2000
- NSW Bushfires 2001
- Glenaroura Bushfire 2002
- Great Divide Bushfires 2003
- Grampians Bushfires 2006
- Great Divide Bushfires 2006
- Tostaree Bushfire 2011
- Abbeyfield / Harrierville / Grampians Bushfires 2013
- East Gippsland - Club Terrace / Goongerah Bushfires 2014
- Morwell / Mickleham / Warrandyte Bushfires 2014
- Lancefield Bushfire 2015
- Wye River Bushfire 2015
- Terang / Campberdown / Cobden Bushfires 2018

Major Emergencies

- Thredbo Landslide 1997
- Ming Mercy - Ship fire 1997
- Gippsland Flood/Storms 2006
- Equine Influenza 2008
- Swine Flu - Influenza A - H1N1 - Pandemic 2009
- Northern Victorian Flood/Storms, 2010
- Blue Green Algae 2015
- 000 Communications failure 2017
- Ship Incident off Wilsons Promontory 2017