

Emergency Management Planning Reform

UPDATED JUNE 2020
INITIAL IREMPC WORKSHOP FAQ

Frequently Asked Questions

This FAQ has been developed in response to questions raised during Regional Emergency Management Planning Committee (REMPC) workshops held at the end of May 2020. If you require further information, please visit [EMV's emergency planning webpage](https://www.emv.vic.gov.au/emergency-planning) or email us at emergencyplanning@emv.vic.gov.au.

Is it my organisation or me as an individual from my organisation, that sits on the committee?

The *Emergency Management Legislation Amendment Act 2018* (EMLA Act) sets out the core membership of your committee. The EMLA Act requires representatives from core agencies to be represented on your REMPC. Your Secretary/CEO has nominated you to be your agency's representative on your REMPC. Therefore, it is you, the individual that sits on your REMPC as a representative for your agency in its entirety (not only the business unit/section that accompanies your role).

If you are no longer able to be your agency's representative, or if your organisation wishes to change its representative, it must follow the guidance on changing membership available in the new Management of Regional Emergency Management Planning Committee membership factsheet available in the Emergency Management Planning Resource Library.

There was an agency represented on our region's previous REMPC but it is not considered a core member of this REMPC, why is this?

The core membership of REMPCs across the state is designed to reflect agencies that have core responsibilities for emergency management planning in all regions across Victoria. The EMLA Act enshrines these agencies membership in legislation.

We acknowledge that different regions have different relationships with various agencies in emergency management planning for mitigation, response and relief and recovery activities. If there has been an agency represented in your previous REMPC and your committee wishes to continue that representation on your current REMPC, it is able to do so. Under the EMLA Act, your committee is able to invite additional agencies to sit on your REMPC.

Can we only have one community representative on our committee?

The EMLA Act requires regional committees to have at least one additional member who has a role or responsibility for recovery together with at least one industry/business/community or agency representative. (Municipal committees must have at least one recovery representative and at least one community representative).

There are no limits on the number of additional members your committee can invite to join your REMPC and it may be appropriate to invite several community members to reflect the diverse communities that make up your region. Ultimately, this decision lies with your committee as to how many community representatives you invite.

Is my membership on the committee for a set term?

No. Any nominated member will remain as the nominated member on your REMPC until the committee is advised otherwise by your agency's CEO/Secretary. In the case you are no longer the nominated member, your organisation will be required to nominate another member to the REMPC. Guidance on changing membership available is available in the new Management of Regional Emergency Management Planning Committee membership factsheet available in the Emergency Management Planning Resource Library.

What is the liability for emergency management plan preparers and approvers?

If your REMP (or the MEMPs that your REMPC will approve) is prepared and approved in accordance with the EMLA Act and the *Emergency Management Act 2013*, and in good faith, the risk of personal liability attaching to any individual committee member is low.

To the extent that a person is preparing or approving a regional or municipal plan in their capacity as an employee or volunteer (including of a department, statutory entity, Victoria Police, a local council or the Red Cross), and they engage in tortious conduct (such as negligence), their respective employer or the agency they volunteer with will be vicariously liable in most circumstances (i.e. responsible for any liability that may otherwise attach to the employee or volunteer). If the individual acted in bad faith or engaged in serious or wilful misconduct or was acting outside the scope of their duties under the Act, they will not receive the benefit of any vicarious liability and will therefore be personally liable. Serious or wilful misconduct is a very high threshold, often involving some level of deceit, dishonesty, or criminal conduct.

Additionally, the State of Victoria has the discretion to indemnify any such employer and volunteer agency that is vicariously liable for such conduct. The State may also indemnify any individual who is not protected by vicarious liability, for example, a private citizen. The State considers these indemnities on a case by case basis in accordance with the State's Indemnities and Immunities Policy, which is administered by the Department of Treasury and Finance.

What administrative support is available to my REMPC during the interim period, to support the delivery of the REMP?

The development of your REMP remains the responsibility of your committee.

EMV will be providing support to your committee in several ways, including:

- The EMV Planning Reform team, which will continue to provide practical assistance to your REMPC, such as providing guidance in establishing robust governance arrangements for your REMPC; developing resources and tools to support efficient committee management
- EMV's Information Management and Intelligence (IM&I) team, which will develop an environmental scan and regional profile for your region to assist in the development of your REMP. Your committee will be able to validate and contextualise this information as you see appropriate. The IM&I team have committed to engage with your committee throughout the development of these products, at your invitation.

What are the transitional arrangements for existing committees and sub-committees?

The EMV Planning Reform Team recommends that you allow your previous sub-committee and working groups to continue as-is for the duration of your IREMP. Your sub-committee and working group structure can then be considered when your IREMP transitions to the REMPC proper, later this year.

Next steps

EMV's Planning Reform Team will continue to distribute information and resources to support to your REMPC. As always, any questions or suggestions can be directed to emergencyplanning@emv.vic.gov.au.