

# Emergency Management Planning Reform

## Regional Emergency Management Planning Committee membership

This fact sheet provides an overview of the nomination and management of Regional Emergency Management Planning Committee (REMPC) membership, including the process required to change a member agency's representative.

### Nomination of membership

Under the *Emergency Management Act 2013* (EM Act), agency heads (Department Secretaries or Chief Executives) are required to nominate members to represent their agency on each REMPC.

### You, the REMPC member

The EM Act sets out the mandatory core membership of the REMPC committee. Your agency's secretary or CEO has nominated you as the representative for the agency in its entirety (not only the business unit/section that accompanies your role).

### Management of membership

The REMPC is responsible for maintaining an accurate and up-to-date list of its nominated members. This membership list is maintained on the REMPC's Microsoft Teams channel.

EMV, as host of the Microsoft Teams site on behalf of each REMPC, maintains the Teams site to reflect the current membership of the REMPC. EMV will update Microsoft Teams following notification from the REMPC Chair that a change in membership has been approved by the relevant agency head.

### Authority of a REMPC member

In identifying a REMPC member, agencies have been asked to ensure the nominee has the authority to commit resources on behalf of the agency for the purposes of emergency management planning. It is recognised that the member remains subject to regular agency protocols and approvals, and the member is encouraged to escalate any topics or resourcing queries internally to ensure that the agency is fully aware of and engaged in the region's emergency management planning.

### Identifying a proxy

In accordance with the intent of the legislation, REMPC members should prioritise REMPC meetings wherever possible. In the event a member is unable to personally attend a specific meeting, they are encouraged to identify a suitably skilled and authorised proxy. The proxy is considered to have the same voting rights as the substantive committee member, unless the REMPC chair is advised otherwise.

The member is responsible for forwarding the meeting invite any relevant documents to the proxy. The proxy will not have access to the files on Microsoft Teams platform but will be able to attend the virtual meeting.

Members may choose to identify a 'standing proxy' who is empowered to represent the member at any time. The member will notify the chair of the details of this person and the duration of the appointment as a standing proxy.

Where a standing proxy is not recorded, or is unavailable, a member will advise the chair of the name, role and contact details of their nominated proxy, as early as possible before a meeting. This advice should be in writing for the purpose of record keeping and will include any limitations to the voting rights of the proxy for that meeting.

If the committee member is unable to provide advice to the chair of the details of a proxy and their voting rights before the meeting, the attendee will be considered an observer for the meeting.

### Term of REMPC membership

The nomination to a REMPC is not time limited. Nominated REMPC members will continue in the role until the committee is advised otherwise by the relevant agency's CEO or departmental secretary.

### Liability of a REMPC member

If your REMPC (or the MEMPCs that your REMPC will approve) is prepared and approved in accordance with the EM Act and in good faith, the risk of personal liability attaching to any individual committee member is low.

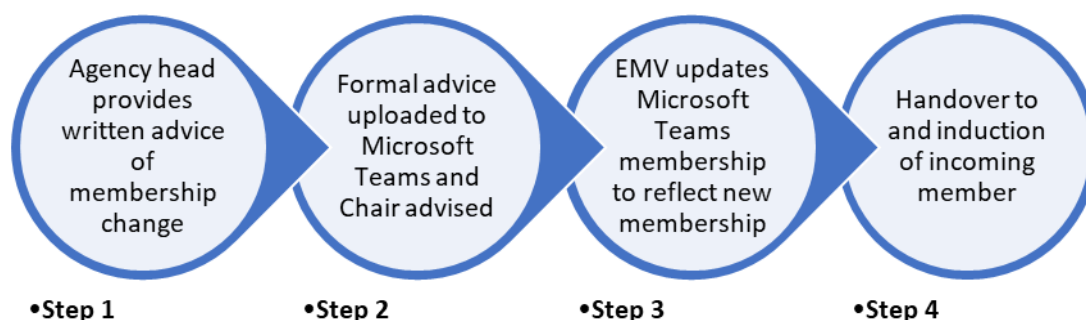
To the extent that a person is preparing or approving a regional or municipal plan in their capacity as an employee or volunteer (including of a department, statutory entity, Victoria Police, a local council or the Red Cross), and they engage in tortious conduct (such as negligence), their respective 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.

### Change of membership

The agency head is responsible for confirming any change to its agency's REMPC membership. Nominated representatives remain the designated members of a REMPC until the agency head formally confirms a change in membership to the REMPC.

Practically, the process to change its agency membership is led by the existing REMPC member who will communicate the change of membership to the REMPC chair.



**Figure 1: High level overview of the change of membership process**

**Step 1:** The REMPC member seeks formal written advice from agency head to confirm a change of REMPC membership. There is no required format for this formal advice.

**Step 2:** The REMPC member uploads the formal change of membership advice to the 'membership' folder in Microsoft Teams and advises the REMPC chair.

**Step 3:** REMPC chair advises EMV of the change of membership. EMV then updates the REMPC's Microsoft Teams channel membership to reflect the change of membership.

**Step 4:** The outgoing REMPC member completes a full handover to the incoming REMPC member and the Meeting Facilitator provides the incoming member with link to the incoming member induction pack.