

Memorandum of Understanding

Procedures for broadcasting of emergency information by Eastern Community Broadcasters Inc.

The State of Victoria

Eastern Community Broadcasters Inc ABN 85 174 748 127

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Memorandum of Understanding

between

Minister for Police and Emergency Services on behalf of the State of Victoria pursuant to the *Emergency Management Act 2013 (Vic)*

(Minister)

and

Eastern Community Broadcasters Inc. ABN 85 174 748 127

(Radio Eastern FM 98.1)

Background

1. The role of the Minister, as the Minister of Emergency Management for the purposes of the *Emergency Management Act 2013 (Vic)*, is to:
 - (a) ensure that adequate emergency management measures are taken by government agencies; and
 - (b) co-ordinate the activities of government agencies carrying out their statutory functions, powers, duties and responsibilities in taking such measures.
2. The EMMV is an emergency management manual maintained by Emergency Management Victoria and contains policy and planning documents for emergency management in Victoria, including information on what roles different government organisations play in the emergency management arrangements.
3. Eastern Community Broadcasters Inc. 85 174 748 127 owns and operates FM community radio station Radio Eastern FM 98.1 which is a Community Radio Station. Radio Eastern FM 98.1 broadcasts in the Melbourne outer-east, Dandenong Ranges, north-west and part of the Yarra Valley. The station reaches the following towns: Croydon, Ringwood, Mooroolbark, Lilydale, Warrandyte, Kilsyth, Montrose, Boronia, The Basin, Mt Evelyn, Mitcham, Chirnside Park, Healesville, Yarra Glen and Eltham.
4. The Victorian Bushfires Royal Commission was established by the State of Victoria in order to investigate the Victorian Bushfires, including the Black Saturday bushfires of 7 February 2009, which caused extensive loss of life.
5. The Commission considered options for the improvement of state-based warning systems, and this was reflected in recommendations on warnings in the Commission's Interim Report of 17 August 2009.
6. This MOU is entered into by the Parties in recognition of the vital importance of timely, tailored and relevant warnings in protecting human life during emergency events.
7. The Parties will work in partnership to provide effective broadcasts of warnings, emergency information and official advice, before, during and after emergencies for Radio Eastern FM 98.1 listeners in Victoria.

Introduction

8. This MOU constitutes an arrangement between the Minister and Radio Eastern FM 98.1 to facilitate the broadcasting of emergency information and warnings during emergency events.
9. The Parties acknowledge that this MOU is not legally binding, and that no liability or other sanctions will attach to any Party following any departure from the aims or obligations set out in this MOU. Notwithstanding this clause, the Parties' intention is to adhere to the procedures set out in this MOU.
10. This MOU does not affect the capacity of the Minister, Control Agencies or Radio Eastern FM 98.1 to enter into other agreements. The Parties acknowledge that there will be other emergency broadcasting agreements.
11. The Minister will ensure that Radio Eastern FM 98.1 is known as an official emergency broadcaster and promoted as an official emergency broadcaster by Control Agencies.
12. Radio Eastern FM 98.1 will work in collaboration with the relevant local emergency management committee, and local government in matters relating to signage.
13. The Minister will put in place arrangements for the monitoring of broadcasting of emergency information and warnings during emergency events.
14. This MOU and the procedures set out in this MOU may also apply to future or developing means of broadcasting, including online broadcasting and broadcasting through digital radio, as agreed by the Parties from time to time.

Definitions

15. The following terms are used in this MOU:

Commencement Date means the commencement date of this MOU set out in Item 1 of Schedule 1.

Control Agency has the same meaning as in the EMMV. In this regard it is noted that: various emergency services agencies may be the Control Agency depending upon the emergency and, as at the date of this MOU include the agencies listed at Item 3 in Schedule 1:

- (a) the Control Agency for a specified type of emergency is responsible for media and public information dissemination;
- (b) the Control Agency may change as the emergency response progresses or is clarified; and

EMMV means the Emergency Management Manual Victoria is governed by the *Emergency Management Act 2013* (Vic) which is provided as a series of files on the web site <http://www.emv.vic.gov.au/policies/emmv>

MOU means this memorandum of understanding as amended from time to time.

Party and **Parties** means severally the parties to this MOU.

SEWS means the standard emergency warning signal which alerts the community to the broadcast of an urgent safety message related to a major emergency or disaster.

SEWS Guidelines means the SEWS guidelines issued by Emergency Management Victoria and published on the website emv.vic.gov.au.

Interpretation

16. In this MOU unless the context indicates to the contrary:
- (a) words importing persons includes a partnership and a body whether corporate or otherwise;
 - (b) words in the singular include the plural and the words in the plural include the singular; and
 - (c) clause headings are inserted for convenience only and have no effect in limiting or extending the language of provisions to which they refer.

Purpose and implementation of this MOU

17. The purpose of this MOU is to:
- (a) help protect human lives during emergency events; and
 - (b) facilitate the effective dissemination of emergency information via Radio Eastern FM 98.1 in Victoria.
18. The procedures set out in this MOU are “all hazards” procedures, so they apply equally to a wide range of significant emergency events. These include, for example, flood, fire, transport accidents, terrorist incidents, earthquakes or environmental emergencies. These hazards include emergencies which may not have been previously experienced in Victoria.

Co-operation and consultation

19. Under this MOU the Parties agree to work together closely to achieve the overall purpose of enhancing the dissemination of emergency warnings in Victoria.
20. While working under this MOU the Parties agree to approach any discussions and operational matters in a co-operative, consultative and transparent manner.
21. The Parties will ensure that the arrangements under this MOU for the broadcast of warnings, emergency information and official advice will be adequately tested at the local level, at times agreed between the Parties, including prior to the beginning of the season each year.
22. The Parties will ensure that meetings are arranged at the local level to review emergency procedures and arrangements under this MOU as necessary, and after major emergency events, to ensure ongoing, open communication between the Parties.
23. The Parties will ensure that pre-season briefs and post-season debriefs are arranged at the local level.

24. The Parties will encourage ongoing development of locally tailored arrangements and working relationships between Radio Eastern FM 98.1 and Control Agencies, particularly with those Control Agencies on the relevant Municipal Emergency Management Planning Committees or Regional Emergency Response Planning Committees.

Radio Eastern FM 98.1 undertakings

25. Radio Eastern FM 98.1 commits to broadcasting emergency messages in the agreed form provided by a Control Agency, in a timely manner, in order to notify Radio Eastern FM 98.1 listeners that a significant emergency is occurring in their area.
26. Radio Eastern FM 98.1 agrees to break into programming to broadcast emergency warnings and, in collaboration and agreement with Control Agencies, move to continuous coverage where necessary during major emergencies.
27. Radio Eastern FM 98.1 agrees to use SEWS as requested by the Control Agency, and in accordance with the SEWS Guidelines.
28. Radio Eastern FM 98.1 will be available to broadcast emergency warnings and advice 24 hours a day, 7 days a week, each day of the year.
29. Radio Eastern FM 98.1 will work in partnership with the Control Agencies where possible to educate the community about preparation and response to emergencies.
30. Where possible, Radio Eastern FM 98.1 will also broadcast emergency recovery information to assist the community to recover from emergencies.

Contact mechanism

31. So that the Control Agencies are able to contact Radio Eastern FM 98.1 quickly and easily when they have a warning message which needs to be broadcast, Radio Eastern FM 98.1 agrees to provide contact details that can be used 24 hours a day, 7 days a week, each day of the year for contact by the Control Agencies. Radio Eastern FM 98.1 agrees to promptly advise EMV in writing of any changes to its contact details.
32. Radio Eastern FM 98.1's contact numbers will provide ready access to senior and experienced staff who are authorised to interrupt broadcasts for their station(s).
33. Radio Eastern FM 98.1 agrees to establish other points of contact, including facsimile and email, so Radio Eastern FM 98.1 may be contacted during, or in advance of, an emergency event, by any Control Agency.
34. It is important that the phone, facsimile or email systems supporting Radio Eastern FM 98.1's 24 hour 7 day points of contact are all designed and maintained by Radio Eastern FM 98.1 with the necessary technical capacity for an emergency event, so that they are generally able to withstand situations involving a large number of emergency messages.

Control Agencies undertakings

35. The Minister will ensure that Control Agencies provide contact details that can be used 24 hours a day, 7 days a week, each day of the year for contact by Radio Eastern FM 98.1 to ensure information is up to date and current.

36. The Minister will ensure that Control Agencies provide warnings and emergency information to Radio Eastern FM 98.1 in a timely, tailored and relevant manner, so Radio Eastern FM 98.1 is in turn able to broadcast them.
37. Where possible, as part of the planning phase and process, the Parties will ensure that work is undertaken at the local level to help facilitate the quick repair and access to Radio Eastern FM 98.1's transmission infrastructure, to assist Radio Eastern FM 98.1 in maintaining transmission during emergency events.
38. Local incident controllers will retain discretion in relation to allocating and prioritising the deployment of resources for the protection or access to all local infrastructure including that owned, leased or operated by broadcasters. Protection of human life remains the priority of all incident management.
39. The Minister will ensure that, where possible, Radio Eastern FM 98.1 is advised of extreme weather forecasts to help with preparation for potential emergency events.
40. The Parties will investigate technological solutions that can provide access to an online resource that contains emergency warnings, information and audio grabs for Radio Eastern FM 98.1, to assist Control Agencies in meeting a high demand for interviews during emergencies.
41. The Parties will ensure that Control Agencies (in the case of the Minister) and Radio Eastern FM 98.1 jointly establish systems for recording and communicating the receipt of warnings.
42. The Parties will ensure that Radio Eastern FM 98.1 and the Control Agencies establish systems and processes capable of dealing with high volumes of warnings during large-scale emergency events. These systems and processes should be appropriately resourced, to cope with situations where there are a large number of emergency warnings that need to be broadcast. The Parties reserve their rights to manage their resources at their own discretion.

Operation of this MOU

43. The Parties acknowledge that for the procedures under this MOU to operate, it is important that emergency warnings and information are considered as separate from editorial, news and other content on Radio Eastern FM 98.1, and that this MOU does not affect Radio Eastern FM 98.1's journalistic independence.
44. Radio Eastern FM 98.1 acknowledges that information about broadcasting coverage area and geographic location is important to Control Agencies so that they know which broadcaster to provide warning information to. Radio Eastern FM 98.1 agrees to provide this information to the Control Agencies.
45. In the interests of public safety, Radio Eastern FM 98.1 will ensure that best endeavours will be made by Radio Eastern FM 98.1 to ensure the accuracy of information being broadcast during an emergency by spokespeople other than a Control Agency, particularly in situations involving talkback callers.
46. In broadcasting news in relation to emergencies, Radio Eastern FM 98.1 will ensure that content is presented accurately and not in such a way as to intentionally create public panic or unnecessary distress to listeners, and is in the best interests of public safety.

47. Where possible, Radio Eastern FM 98.1 will develop and put in place disaster contingency plans for implementation of the procedures set out in this MOU.

Representatives

48. Each Party will nominate a representative to act as the contact point for all communications under this MOU.
49. Item 2 of Schedule 1 contains details of the representatives for the Minister and Radio Eastern FM 98.1. These representatives will be responsible for communications under this MOU on behalf of their respective Parties.
50. Parties may replace their representatives, and if they do this they must give written notice to the other Party. The representatives are authorised to act as the agents of the Parties in relation to the exercise by the Parties of their rights and discretions under this MOU.

General

51. This MOU will commence on the Commencement Date and will continue until it is terminated. To continue to improve emergency broadcasting arrangements, this MOU and the procedures set out in this MOU will be reviewed annually by the Parties.
52. No variation or amendment of this MOU is binding unless it is agreed in writing by both Parties.

Termination

53. This MOU may be terminated by one Party giving two weeks notice to the other Party.
54. If a Party does not agree to the termination, then the Parties agree that this will constitute a Dispute to be resolved in accordance with clause 55, 56 and 57.

Dispute resolution

55. For the day-to-day operation of this MOU, in the first instance the Parties agree to address any operational difficulties, disputes, issues or disagreements together in a transparent manner and through open discussion.
56. If the Parties are unable to resolve a dispute, the Parties may refer the dispute to the Emergency Management Commissioner for resolution.
57. Even if a dispute is taking place, the Parties to the dispute should make best efforts to continue to comply with this MOU in the interests of public safety.

Signed by the Parties this 29th day of October 2014.

Executed by Eastern Community Broadcasters Inc. ABN 85 174 748 127 in accordance with s37 of the Associations Incorporation Reform Act 2012 (Vic):

R Woods

Signature of committee member

LYN WOODS

Name of committee member (print)

2/16 Houns St RINWOOD

Address of committee member (print)

3134

Kevin Morrish

Signature of committee member/secretary (delete as applicable)

KEVIN MORRISH

Name of committee member/secretary (delete as applicable)

12 BLUE WREN CT, MT. EVERLYN

Address of committee member /secretary (delete as applicable)

3796

Signed by the Minister for Police and Emergency Services

in the presence of:

Joe Buffone

Witness signature

Joe Buffone

Witness Name (print)

[Signature]

Minister for Police and Emergency Services (signature)

Schedule 1

Item 1 **Commencement Date:** 17 November 2014

Item 2 **Address of Representatives:**

State of Victoria

Name: Craig Lapsley

Position: Emergency Management Commissioner

Address: Level 23, 121 Exhibition Street, Melbourne, Victoria 3001

Telephone: (03) 8684 1388

Email: craig.lapsley@emv.vic.gov.au

Radio Eastern FM 98.1

Name: Kevin Morrish

Position: President

Address: 13-23 Hull Road, Croydon 3136

Telephone: (03) 9722 9981

Fax: (03) 9723 7305

Email: kevin.morrish@radioeasternfm.com.au

Item 3 **Control Agencies include the following agencies:**

Country Fire Authority

Department of Environment and Primary Industries

Department of Health

Department of Human Services

Department of Transport, Planning and Local Infrastructure

Metropolitan Fire and Emergency Services Board

Victoria Police

Victoria State Emergency Service

(and other agencies as represented under the emergency management arrangements)