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Emergency Management Act Review Secretariat
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Re: SACOSS Comments on the Review of the Emergency Management Act

Thank you for the opportunity to comment on the review of the Emergency Management Act 2004. As the peak body for the non-government health and community service sector in South Australia, SACOSS is recommending amendments that would increase transparency and accountability, improve decision making processes and better support disaster impacted communities and the volunteers that support them.

Our comments are informed by our work in disaster risk reduction in the past five years with the health and community service sector and our *People at Risk in Emergencies: A Collaborative Approach Project* which we have delivered over the past two years in partnership with the Australian Red Cross and other organisations in the sector. This work included *Lessons from the Flood: a focus on people at risk in emergencies* engagements in 2023. A report with recommendations was a key outcome of this initiative. That report can be found [here](#).

Our submission primarily focuses on the Review's questions that are most relevant to our experience and expertise.

Question 1: Does the EM Act contain the right objects and guiding principles?

The first object should reference a whole of government approach. Emergency management is everybody's business. The way that state government agencies deliver or fund services or programs can have an enormous impact on either increasing or reducing risk or resilience (this is also true of Commonwealth funded programs). The whole of government approach could impact on accreditation requirements applying to government funded services and programs. Currently, accreditation requirements address organisational risk, but not promotion of resilience, or minimising risk for service or program users. Ensuring contracts are flexible to enable service providers to address response and recovery needs of the people who utilise their services can also minimise the consequences of emergencies. It is also important to articulate what or who the Act is designed to protect.

The following example, loosely based on Victoria's *Emergency Management Act 2013* (as provided in the discussion paper, p.14 identifies the whole of government approach, descriptive qualities and the application to all of South Australia.

"... foster a systemic, effective and collaborative whole of government approach to emergency management that minimises the likelihood, effect and consequences of

emergencies on people, the environment, animals, assets, businesses and the economy in South Australia.”

The guiding principles are appropriate and comprehensive with the inclusion of the State Emergency Management Plan (SEMP) principles as shown in the Discussion Paper, p.13. However, we recommend adjusting the language in principles 2 and 3 to be more inclusive and strengthen the focus on emergency planning so that community members can be more prepared.

2. Emergency management educates and empowers people and communities to build resilience through targeted, inclusive and effective engagement and collaborative efforts to promote effective emergency planning and reduce hazard risks.

3. Emergency management safeguards people at risk during and following an emergency with specific consideration given to the needs of Aboriginal and Torres Strait Islander peoples, people from culturally and linguistically diverse backgrounds, older people, people living with disability and people who are experiencing family or domestic violence and others who are marginalised or living with poverty.

Question 5: Should the EM Act include a reference to mitigation? If so, what form should this take?

The Act should reference mitigation. Supporting people and communities to plan and prepare for emergencies would qualify as mitigation as it encourages people to get themselves out of harm's way, or better prepare their properties. It is not possible to eliminate all risk, but in an increasingly hazardous environment, mitigation becomes even more important. For example, during the River Murray Flood event, a stronger focus on mitigation may have ensured that levees were better maintained.

Question 10: Should the position of Commissioner of Police (or person acting as Commissioner) be the only person who can hold the role of State Co-ordinator?

SACOSS believes that it would be better for the role of State Co-ordinator to be held by an elected official. In a parliamentary democracy elected officials are required to provide a higher level of transparency and accountability for their decision making, with more avenues for questioning and parliamentary scrutiny. The current system enables a situation where political pressure may be applied behind the scenes, whether or not that pressure influences final decision making. Elected officials are likely to be subject to greater public scrutiny if it is thought (or suspected) that party politics have influenced decision making.

Question 11: Should there be a change to who has the power to declare an identified major incident, major emergency or state disaster?

The State Co-ordinator is the appropriate position to declare an emergency with the proviso that this role is held by an elected official, being either the Minister for Emergency Services or the Premier. This increases accountability and transparency with elected officials having a much stronger mandate to communicate their decision making with the parliament and the public.

Question 13: Would it be desirable for there to be a new class of declaration that supports the scaling up and down of emergency messaging? If so, should it be based on a State of Alert model, or another alternative?

A new class of declaration that supports the scaling up or down of emergencies would be beneficial. This is consistent with recommendation 1 in our *Lessons from the Flood: A focus on people at risk in emergencies* report that:

Provisions should be made in the Fire and Emergency Services Act 2005 or Functional Support Group memoranda of understanding to activate a pre-emptive response to directly prepare communities when a disaster or emergency is imminent.

A State of Alert system that can be used for scaling up or down would be appropriate. In the example of the River Murray Flood, this system would have enabled activation of NGOs and emergency service personnel into the region to work with and prepare CALD community members with whom mainstream services may be unable to communicate, and to ensure that *all* people in the affected area are able to respond to alerts or warnings. Deploying NGO and emergency management resources into the region early would also have enabled more targeted community education to occur through community meetings or door-knocking high-risk properties. This could have resulted in more residents knowing how to secure and safe-guard their properties. It would also have provided a platform for educating community members about how electricity supply and disconnection would be managed during the flood which would have enabled better preparation and reduced losses. Some community members have a limited ability to prepare themselves or their properties without support, and NGOs may have been able to provide the support they needed. As suggested, the COVID-19 pandemic provided an excellent example of how a step down to a state of alert would have enabled more consistent messaging in response to the conditions in the state at the time.

Q 14. Should the temporary (section 25) powers from the COVID-19 Emergency Response Act 2020 be reinstated to the EM Act?

While we understand that the provisions in the COVID-19 Emergency Response Act were required during the pandemic, and may at some stage in the future be required again, we do not believe they should be reinstated into the EM Act on an ongoing basis. Any decisions which impact on people's human rights, freedom of movement or ability to gather should be made with due consideration to the context and situation at a specific time and with the full support of the parliament.

Question 17: In recognition of emerging threats, should the State Co-ordinator or another authorised person have available to them information gathering powers to determine whether there is (or is likely to be) an emergency that warrants a declaration being made?

Yes, the State Coordinator should have access to current, accurate and relevant information on which to base their decisions.

Question 18: Should there be any specific requirements attached to written directions, such as the requirement to brief Members of Parliament or to publish information or advice in connection with a written direction?

Accountability and transparency of decision making are important features of an effective democracy. That is why SACOSS believes that the State Co-ordinator should be an elected official, being either the Emergency Services Minister or the Premier, with decision making that is more accountable to the public and to the Parliament. We believe that whoever holds the role of State Coordinator must provide written directions to be made available to the Members of Parliament and published for public access.

**Question 28: Do the employment protections for volunteers need to be strengthened?
Should there be a remedy attached to these provisions?**

The Act should provide a remedy and process attached to these provisions. This would enhance protections for volunteers and provide clarity for both employers and employees about volunteer rights and likely consequences for any breaches by employers.

Thank you for your consideration of this submission and for the work done in what could be positive reforms to the Act.

If you have any queries or want further information on the issues raised in our submission, please contact our Senior Project Officer, Disaster Resilience, Kathy Micken at kathy@sacoss.org.au or on 8305 4231.

Yours,

A handwritten signature in blue ink, appearing to read 'R Tooher'.

Dr Rebecca Tooher
Acting Chief Executive Officer