

# TRANSCRIPT

## LEGISLATIVE COUNCIL ENVIRONMENT AND PLANNING COMMITTEE

### **Inquiry into the 2022 Flood Event in Victoria**

Melbourne – Wednesday 25 October 2023

#### **MEMBERS**

Sonja Terpstra – Chair

David Ettershank – Deputy Chair

Ryan Batchelor

Melina Bath

Gaelle Broad

Wendy Lovell

Samantha Ratnam

Rikkie-Lee Tyrrell

Sheena Watt

#### **PARTICIPATING MEMBERS**

John Berger

Ann-Marie Hermans

Joe McCracken

Evan Mulholland

Rachel Payne

**WITNESS**

Tony Pearce, Inspector-General for Emergency Management.

**The CHAIR:** I declare open the committee's public hearing for the Inquiry into the 2022 Flood Event in Victoria. This public hearing is for the Environment and Planning Committee, an all-party committee of the Parliament looking into the October flood event. We will be providing a report to Parliament, which will include recommendations to the government. Please ensure that mobile phones have been switched to silent and that background noise is minimised.

I would like to begin this hearing by respectfully acknowledging the Aboriginal peoples, the traditional custodians of the various lands we are gathered on today, and paying my respects to their ancestors, elders and families. I particularly welcome any elders or community members who are here today to impart their knowledge of this issue to the committee. I welcome any members of the public in the gallery and remind those in the room to please be respectful of proceedings and to remain silent at all times.

If you are giving evidence to our hearing today, all evidence that is taken is protected by parliamentary privilege as provided by the *Constitution Act 1975* and provisions of the Legislative Council standing orders. Therefore the information you provide during the hearing is protected by law. You are protected against any action for what you say during this hearing, but if you go elsewhere and repeat the same things, those comments may not be protected by this privilege. Any deliberately false evidence or misleading of the committee may be considered a contempt of Parliament.

All evidence is recorded, and you will be provided with a proof version of the transcript following the hearing. Transcripts will ultimately be made public and posted on the committee's website.

I will now take the opportunity to introduce myself to you, and committee members will introduce themselves to you as well. My name is Sonja Terpstra. I am the Chair of the Environment and Planning Committee and also a Member for North-Eastern Metropolitan Region.

**Gaelle BROAD:** I am Gaelle Broad, Member for Northern Victoria.

**Melina BATH:** Melina Bath, Member for Eastern Victoria Region. Good afternoon.

**David ETTERS HANK:** David Ettershank, Western Metro Region.

**Ryan BATCHELOR:** Ryan Batchelor, Southern Metropolitan Region.

**Wendy LOVELL:** Wendy Lovell, Northern Victoria Region.

**Samantha RATNAM:** Samantha Ratnam, Northern Metropolitan Region.

**Rikkie-Lee TYRRELL:** Rikkie-Lee Tyrrell, Member for Northern Victoria Region.

**Tony PEARCE:** Good morning.

**The CHAIR:** Okay. Thanks, everyone, for that. With that, I welcome you to make your opening remarks, and I will prompt you when your time has expired. That will leave plenty of time for committee members to ask questions. You have about 10 minutes for your opening remarks, so I will hand over to you. Thank you.

**Tony PEARCE:** Good morning. Thank you, committee, for the invitation to attend. I too would like to acknowledge the traditional owners of the lands on which we are meeting, the Wurundjeri people of the Kulin nation, and pay my respects to elders past, present and emerging.

My name is Tony Pearce. For some context before I get into my role and responsibilities, I have some 40-odd years experience in emergency management and crisis management, holding numerous positions operationally going right back to 1983, the year of Ash Wednesday, up to the current day obviously, and senior positions, including the Director-General of Emergency Management Australia within the federal Attorney-General's Department. That organisation recently became the National Emergency Management Agency, following the 2020 Royal Commission into National Natural Disaster Arrangements.

On 28 July 2014 the Victorian government announced my appointment as Victoria's first Inspector-General for Emergency Management, and I commenced in the role on 2 August 2014. On 17 October 2018, following passage of the Emergency Management Legislation Amendment Bill, the inspector-general role became a Governor in Council appointment reporting to the Minister for Emergency Services, thereby giving greater independence to the crucial assurance functions that it performs. I am also provided with an office by the Department of Justice and Community Safety and staff that assist me in the performance of legislative functions and in the exercise of my legislative powers.

Regarding the role, the role of Inspector-General for Emergency Management – or IGEM, as I will refer to it from here on, if that is okay – was established on 1 July, as I said, under part 7 of the *Emergency Management Act 2013*. It was one of the Victorian government's significant reforms to the state's emergency management arrangements following the Black Saturday bushfires. In part, IGEM's introduction responded to findings from both the 2009 Victorian bushfires royal commission and the independent inquiry into the 2010 Victorian floods, which has been referred to earlier this morning. The royal commission considered that the shortcomings identified in connection with Black Saturday could not be overcome simply by doing more of the same, even if that was done better. In effect it identified the need for continuous improvement of our system, which was not being applied at the system level. It also found that recommendations of previous inquiries had not always been implemented nor advocated for and identified the need for an independent monitor. The floods review conducted by Neil Comrie revealed a void that existed in the emergency management arrangements, that being a mechanism for standards, audit and assurance, thus also identifying the need for an independent assurance body – and that obviously became IGEM as a result of those two inquiries.

IGEM's objectives in legislation are to provide assurance to the government and the community in respect of emergency management arrangements in Victoria and to foster their continuous improvement. IGEM operates independently of government departments and bodies like Emergency Management Victoria to progressively monitor the performance of the emergency management sector and to identify opportunities for improvement. A rigorous evidence base is the foundation of all assurance activities undertaken by my office, and where appropriate our own assurance activities are informed through my observation role in high-level emergency management forums and committees, including the State Crisis and Resilience Council. All of IGEM's assurance activities are guided by the assurance framework for emergency management, which provides the foundation for a coordinated and collaborative approach to sector-wide assurance, and the framework is specified in the *Emergency Management Act 2013*. My office supports public accountability in addition to the core objectives of encouraging a culture of continuous improvement and best practice in emergency management within Victoria. Our website [igem.vic.gov.au](http://igem.vic.gov.au) provides a wealth of information about our work and includes all published reports into the inquiries, reviews and evaluations that we have undertaken to date as well as those relating to our implementation and performance monitoring functions, and that is obviously publicly accessible.

As Inspector-General my legislative responsibilities under the Act include developing and maintaining the monitoring and assurance framework for emergency management to assess the capacity, capability and performance of the emergency management sector; undertaking system-wide reviews of Emergency Management Victoria based on an annual forward plan of reviews prepared with the emergency management sector or conducting reviews or inquiries at the request of the Minister for Emergency Services; monitoring and reporting on the implementation of the state's emergency management *Strategic Action Plan*; providing assurance to the government, the emergency management sector and the community on the ability of the Emergency Services Telecommunications Authority to meet agreed levels of performance; evaluating statewide training and exercising arrangements in consultation with the sector; monitoring, reviewing and assessing critical infrastructure resilience at a system level; and monitoring, reviewing and assessing emergency management planning at the system level.

As far as reviews go, undertaking objective and system-wide reviews, evaluations and assessments allows me to identify emerging issues for the emergency management sector; to provide reliable, evidence-based information on what is working well and where improvements can be made; to identify ways for Victoria's emergency management sector to continue to learn and improve; and to provide the government and the community with some level of confidence that the emergency management arrangements are fit for purpose. I undertake system-wide reviews, including reviews of the emergency management functions of responder agencies and government departments as prescribed in section 66 of the *Emergency Management Act*. These reviews are based on an annual forward plan of reviews developed by my office in consultation with the

emergency management sector and shared with the Minister for Emergency Services. In addition, I conduct reviews or inquiries at the request of the Minister for Emergency Services under the provisions of section 64(1)(c) of the *Emergency Management Act*.

All of my assurance activities are guided by the assurance framework for emergency management, which provides the foundation for a coordinated and collaborative approach to sector-wide assurance. In the interests of efficiency and effectiveness of public monies, the application of this framework in determining the most appropriate assurance path is obviously relevant. In circumstances where I undertake review of a significant major emergency at the request of the Minister for Emergency Services, it is preferable that this work is done after any planned agency or multi-agency assurance activities have been undertaken so I can draw upon those rather than go through duplicative processes.

From a monitoring perspective, regular monitoring, reporting and communicating process of the implementation of state-based improvements is the cornerstone of my legislative function, delivered to government and the community. My current monitoring activities include implementation of the Victorian emergency management *Strategic Action Plan*, which will contribute to a sustainable and efficient emergency management system that reduces the likelihood, effect and consequences of emergencies on Victorian communities; the inquiry into 2019–20 Victorian fire season, which was an inquiry that I undertook; review of the 10 years of emergency sector management reform; and more recently the 000 service reform program. Under the *Emergency Management Act* I also monitor, investigate and report on the non-financial performance of ESTA, the emergency telecommunications authority, soon to become Triple Zero Victoria, in its management of the call-taking and dispatch system for around 7000 emergency and non-emergency calls daily as well as other communications for the state's emergency service organisations. This work provides government and Victorian communities with the confidence that reform actions are actually being turned into sustainable improvements in the state's emergency management arrangements.

Finally, I will just mention the *Assurance Framework for Emergency Management*, relevant to this inquiry. As the Inspector-General, my legislative responsibilities under the Act include the development and maintenance of the *Assurance Framework for Emergency Management*. The framework supports continuous improvement and promotes a coordinated sector-wide approach to assurance. Guided by the framework and its four principles, Victoria's emergency management sector aims to support a more coordinated, less burdensome and more valuable approach to assurance activities, such as reviews, evaluations, monitoring and reporting. The four principles are: continuous improvement, which is obviously the ongoing effort to improve over time; collaboration and coordination, which means working together and organising activities to increase efficiency and effectiveness of the system; reducing burden, which means respecting and minimising the amount of time and resources which stakeholders need to devote to an assurance activity; and adding value, which is the difference between the benefits of the final service provided and the cost of providing that service. In addition, adoption of the framework and its principles drive continuous improvement of the emergency management system and contribute towards better outcomes for Victorian communities before, during and after emergencies.

All sector organisations have a role in assurance; it is not just my responsibility. Assurance activities such as monitoring, debriefing, reviewing, investigating, auditing and evaluating contribute to identifying opportunities for better emergency management practice. The subject matter, methods and timing of organisational-level and system-level assurance activities are determined by the respective sector organisation who are performing the assurance activity in line with their own requirements, their needs and the governance arrangements. And IGEM activities examine the performance of the emergency management arrangements at the system level, so I do not look at individual organisations or delve into their individual responsibilities as such unless it is actually applicable to a larger emergency or a larger issue. That is my opening statement.

**The CHAIR:** Great. Thanks very much for those opening remarks, Mr Pearce. We will now hand over to the committee for questions. I will start off with a question, and I note your broad brushstrokes about what IGEM does. Its function is to review, and it also aims for continuous improvement in how government agencies and emergency responders respond to events. I am just wondering whether we see floods in the same way as fire. After there have been catastrophic fires, there are a lot of learnings that come out of those events, and I think floods are seen slightly differently. I am wondering from your point of view, even from an emergency response point of view, what sorts of learnings we can take in looking at how we can increase all of our knowledge and understanding about floods. Floods can be quite devastating. Often a fire coming through cleans

everything out – everything is gone and burnt. But with floods often there is a lot of debris. There is the need to pull houses down – whatever is left of them – walls, furniture and the like. Then of course sometimes it takes a long time for floodwaters to recede as well. That presents a special kind of circumstance that we do not normally see with fires. In other words, there can be a long tail to a flood event. What sorts of things do you think could be improved upon just in looking at the sorts of responses that we have had from the floods in comparison to fires?

**Tony PEARCE:** The first thing I would say is that floods I think by their insidious nature, as you have described, certainly have a longer tail. They also have quite often a longer build-up, other than obviously in the catastrophic release sense. Often communities see floods and they know they are approaching. They are waiting and waiting and waiting, and finally it gets there. Then, as you said, you have the long tail. That does have a different impact, certainly from a psychological perspective. But from an operational perspective, other than the time itself, the way in which organisations respond, and certainly from the last decade of my office being open and conducting inquiries and reviews, and the way in which the sector responds to floods is really no different to the way it responds to any other emergency, other than the specific nature of it itself. A water impact will be different to a fire impact certainly, but as far as the way the system responds, there is actually no difference at all. The state emergency management plan, and all of the responsibilities of organisations within that, is designed to make sure that it is an all-hazards approach. So you will certainly see different time line outcomes. You will see different outcomes from one event to another based on decision-making and other things like that. And you will see that in different fires – you will see different outcomes in different fires. It is not only between floods and fires. But in the broad context, there is no difference in the way that the sector would respond to floods and the way that it would respond to fires or other hazards.

**The CHAIR:** We have been talking throughout this inquiry about the impacts of climate change. That is part of the terms of reference: the impacts of climate change and the ability to respond to those things. But I have noticed that some of the emergency agencies have noted that because we are having more frequent and more severe events, the demands on the agencies are increasing as well in terms of people needing to be rescued and the like – those sorts of things. Do you think there are any improvements that can be made in terms of attracting volunteers at those peak demand times to make sure that we have got the right amount of resources, I guess for want of a better term, to flex up and flex down as needed? Some of the reports we are hearing in regional areas are that some of the volunteers were not able to assist because their own houses and properties were impacted as well. How can we look to make improvements around those sorts of issues?

**Tony PEARCE:** It is a perennial problem in that we have looked – when I say ‘we’, IGEM in the bushfire inquiry and in previous inquiries has looked at the capacity and capability of the system, including volunteers obviously. The reality is that I personally have not yet been able to identify a single way or a small group of ways in which you might improve volunteer capacity. The problem that we have had over particularly the last decade – but even before that it was happening – is we have seen a reduction in the ability of community members to volunteer. As the demographics change and as the rural decline has continued to increase, we have seen younger people moving out of rural areas into urban areas, taking away a lot of the base that you would have had normally to actually start building your volunteer capacity. That has been a real problem. In most rural towns, as you would all know yourselves, we have volunteers who are virtually volunteers in multiple organisations. Therefore if you have more frequent events and compounding events occurring, you are actually falling on the same people for the same events, and in very, very close time frames. Their ability to physically and mentally continue to actually accommodate that is extremely wearing for them.

The agencies themselves, I know, and the sector more broadly – and EMV has had a big part to play in this over the last few years – are looking at how we can attract more volunteers and then retain them. The fact is it is a lot to do with numbers, and it is a lot to do with the increase, as you have identified, of the compounding nature of emergencies and the complexity of emergencies. I do not think there is a silver bullet. Unless you are in a nirvana state where governments are in a position to say, ‘Well, it’s going to cost us \$16 squillion to have a capability to respond to these events ongoing,’ we are going to continue to have difficulty in attracting and retaining volunteers, and that is going to have a continued impact on our ability to then respond to emergencies. As I said, there are certainly programs and strategies that are being applied by all of the agencies to try and increase their volunteer base and retain it, but it is very, very difficult.

**The CHAIR:** Okay. I have only got about a minute and a half left on my clock, so I will throw to Mr Ettershank for a question. Thank you.

**David ETTERS**HANK: Thank you, Chair. And thank you, Mr Pearce.

**Tony PEARCE**: No worries. Thank you.

**David ETTERS**HANK: It was a very thoughtful presentation. This committee has received a diverse range of submissions regarding the flooding at the Maribyrnong – Western Metro is my front, or back, yard – and the sort of success or otherwise of emergency agencies. Can I ask: as Inspector-General, what view have you formed with regard to the actual nature of the response, or the success or otherwise of the response, in the Maribyrnong catchment, particularly the Maribyrnong township?

**Tony PEARCE**: To be totally honest with you I have not formed a formal view at all, and the reason for that is I have not actually inquired into it nor looked in any great detail into that or even the broader flood situation here. As I explained before, my capacity to inquire into these types of events is dependent, because of the way the legislation is written, on being actually requested to do that, so I cannot actually conduct an inquiry or a review into an event such as this of my own volition.

**David ETTERS**HANK: Okay.

**Tony PEARCE**: When I talked about the forward plan before, they are things where we would look at the system as it is functioning almost in its day-to-day sense and say, ‘Well, there are some things here we think would be worth looking at that might be able to be improved overall by us conducting a review.’ That would be done in consultation with the sector, but it is not specific to an incident. So the only incidents that I specifically look at are the ones where I am actually requested by government to do that, in which case I can then go in and do this, and in this case what you are doing in effect is the version of what I would be doing if I was doing that as the IGEM.

**David ETTERS**HANK: I think I would prefer that you were doing it rather than us actually.

**Tony PEARCE**: I guess what it shows is if you go back to this event, for example, I certainly monitor these events from the minute they start, because of the fact there is the potential I might be asked to conduct an inquiry – that is the first thing. As a background activity for us, we will look at what is happening and compare that to previous recommendations as well, inquiries we have done, to see whether or not we can see any change in behaviour by the sector or by the community or whoever it is that we have directed our recommendations to. So I monitor from that perspective but I do not monitor it in the context of saying, ‘Well, is this an effective response to this particular event?’ We were aware obviously in November last year that the Premier at the time had said that the Maribyrnong inquiry was going to be conducted, so the minute that that was announced – even though that was only for one element of the bigger picture event – it was clear that it was probably unlikely that we were going to be asked to do anything substantial by government. Then of course following that, there was the announcement of the parliamentary inquiry itself. So in the context of inquiries, I would find it difficult to expect that the government would have then asked us to do something like the Victorian bushfire inquiry, which I did, when you have got the Maribyrnong flood inquiry and then also your parliamentary inquiry.

**David ETTERS**HANK: Death by review, do you reckon?

**Tony PEARCE**: Whilst it is a comment that is often used, it actually is real. It has a significant impact on people and has a significant impact on communities too. So from my perspective, it is not for me to say which I think is better – I do not have a view on that. There are a layer of ways in which inquiries are conducted of which yours is a legitimate part. If that happens to be undertaken as it is now, I would not expect the government to ask me to do anything in regard to this one.

**David ETTERS**HANK: Can I just be clear, though – you actually have no capacity currently to initiate a review?

**Tony PEARCE**: Into an event? Into an emergency? No. Because the legislation is written in that way. As I said, section 66 is the part that says the forward plan, and that is looking at the more business-as-usual system elements that I might review on a yearly basis. Then those that relate to anything else are at the request of the Minister for Emergency Services, and that is section 64.

**David ETTERS**HANK: Okay. I think your answer might have demolished a number of my carefully prepared questions.

**Tony PEARCE**: That was not my plan.

**David ETTERS**HANK: But I have never let reality get in the way of a good discussion, so let us carry forward. We have heard from a number of witnesses and agencies of their disappointment, I suppose, in the absence of an after-event review by the SES in Maribyrnong. Recognising that this is not something you have looked at specifically, I am wondering if you could perhaps share your thoughts on whether such a process would be desirable at a general level.

**Tony PEARCE**: Certainly, and that is more a process issue about what you might do or might not do after these events, and what we would expect to see. In a general sense, after-action reviews are something that have been around obviously for decades and are still good practice. Having said that, one of the problems that you have with after-action reviews, if you follow them to the way in which they have always been done – which is have the event, give people a bit of time to recover and so on, and then conduct an after-action review – is that whilst you are doing that, we are now seeing other emergencies occurring at the same time, so you are actually getting into a situation where you would be trying to conduct these sorts of things at the same time as they are getting over the last emergency and starting to get into the next one, for example. Those are the ones where emergencies happen concurrently. As result of that, the assurance framework that I spoke about – and as I say, it is on our website – is a good-practice guidance document. It is not a prescriptive document that says agencies have to do these things in this way. But it is a good-practice guidance document that assists agencies to understand that assurance is actually something that you can do in many different ways, and it does not have to be always the way that you have done it in the past. I listened to EMV's and VICSES's evidence last week, I think it was, when they were here, and I listened to the way in which Tim Wiebusch was describing the way that they had gone through their process, and in the perfect situation – with time available – an after-action review is a good thing to do, but if you cannot, there are many other things that you might choose to do depending on what the circumstance is.

The way that Tim described what they had been doing with their online reviews and so on for me is a perfectly acceptable way to get the information you need following an event, so long as you are including the right people. The people who have the information – one of the problems you have with all post-event scenarios is that everybody thinks that they should be heard and because they have seen something or heard something or experienced something that they individually should be able to sit down and talk to someone about that and describe that et cetera and make recommendations. The reality is that is just not a practical way to do it. So from an agency perspective you have to rely upon them identifying the right people from the right parts of the scenario to actually interrogate – I do not mean interrogate; I mean to actually get the information from – to ensure that they have picked up the issues that need to be learned.

The other thing that can be done is communities themselves through local government and through their agencies – many are members of those agencies anyway – can actually make sure that they are aware, and the agency should be able to provide a way for them to know what they are going to conduct in the way of a process and feed information to those who are actually going to contribute to the process rather than having to be there themselves. I think there are multiple ways you can do it. The test for me always when I conduct an inquiry is I look at what it is an agency has done in detail to their after-action reviews or whatever process they have put in place. I want to be satisfied in myself that the information that they have derived is the relevant information and it addresses the issues that are seen to have come out of that event. If that is the case, then for me it does not matter which process they use.

**The CHAIR**: Thanks, Mr Pearce. We are going to have to move on. Ms Lovell, with a question, please.

**Wendy LOVELL**: Tony, thank you for your presentation.

**Tony PEARCE**: My pleasure.

**Wendy LOVELL**: The Pagone review is just Melbourne Water, and we really have not had anything that encompasses all of the floods. Obviously we are not an expert panel, even though we are looking at all of the floods. Every fire is different. Every flood is different. This is the first truly major event on the Goulburn since 1974, so the first major event since the formation of Goulburn–Murray Water and the disbandment of state

rivers and the first major event since the introduction of computerised data collection. Why is there no all-agency review? You have self-referral powers, don't you?

**Tony PEARCE:** No.

**Wendy LOVELL:** No, you don't?

**Tony PEARCE:** No, that is what I was just describing before. I actually do not.

**Wendy LOVELL:** Sorry. You do not have them. So why has the government not, when this is such a significant event and with the importance of data capture and future planning, had a review?

**Tony PEARCE:** I obviously cannot speak on behalf of the government; that is not my role. But having said that, I would assume, as I sort of commented earlier, that with the smaller – and I do not mean this in a size comparison way – Maribyrnong flood review and then the announcement of the parliamentary inquiry the government's opinion was that to have another level of inquiry again running at the same time would be something that would be both burdensome and probably not cost-effective. As I said, I can only assume that, because there were two significant levels of inquiries that were being conducted. Whether or not the government or anybody else would see value in my office doing the work that we would normally do if we were requested, would be based, I would think particularly on –

**Wendy LOVELL:** Communities are crying out for it.

**Tony PEARCE:** I understand; I have heard that.

**Wendy LOVELL:** Following the flood event what advice has the minister sought from you for improvement of emergency management for future flood events?

**Tony PEARCE:** There has not been any request for advice on that. Again, I would not have expected that, because I actually have not done a review on this event. Therefore, as I say, any response that I gave would be reasonably speculative without having the ability to actually interrogate the actual response to this event. Again, I would assume that would be the reason why. In addition to that, government has access to many subject matter experts in flood and in every other hazard too, and they would traditionally default to those.

**Wendy LOVELL:** Are you aware, other than Maribyrnong, of any other location-specific reviews and internal reviews that are going on, reviews around Rochester or communities immediately downstream of Lake Eildon?

**Tony PEARCE:** No. I am only aware of the Maribyrnong review and this parliamentary inquiry.

**Wendy LOVELL:** What would your recommendations be to government, if they were requested of you, for management of future flood events with your knowledge of this event?

**Tony PEARCE:** I would have to conduct it first to be able to make recommendations. It is a big, big question. As I said, without actually having the capacity and the time to actually look at the system it would be difficult to suggest what I might or might not recommend.

**Wendy LOVELL:** Do you believe there are major learnings to be had that should be reported on?

**Tony PEARCE:** There would be absolutely no doubt there would be major learnings to be had, absolutely. There is in every emergency. That is the very nature of them. If there was not, my role would not exist, and we would not be sitting here talking today. If I think back to the bushfire inquiry as one example – the recommendations there – I can guarantee you that within the next three to five years we will be conducting another large inquiry into another large fire because, as I try to say to people, as hard as you might try you cannot achieve perfection in this business and also in the environment that we are in, but you can progressively improve. So that is what we should be striving to do, not striving for perfection. You just will not get there.

**Wendy LOVELL:** So that means that you believe there should be a review of every major emergency in the state so that we can continuously add to our learnings.



**Tony PEARCE:** In some form, absolutely. That does not necessarily mean it is me. It does not mean it is you. There should be a review into all of them, and there are none that have occurred where there has not been.

**Wendy LOVELL:** But isn't that the whole reason for having an IGEM?

**Tony PEARCE:** Well, it depends on what the legislation says the IGEM can do with regard to emergency events. As I said, the legislation is very clear as to what I can do and what I cannot do of my own volition, and I am required to adhere to that, as anyone else would be.

**Wendy LOVELL:** We realise that you cannot do that. Okay. Thank you.

**The CHAIR:** Thanks, Ms Lovell. Mr Batchelor with a question, please.

**Ryan BATCHELOR:** Thank you, Chair. Thanks, Mr Pearce, for coming in today.

**Tony PEARCE:** No worries.

**Ryan BATCHELOR:** Just to clarify, you said through evidence to Ms Lovell that you think that all events should be reviewed but also that there are none where they have not been.

**Tony PEARCE:** I was saying that I am not aware of any – and it depends on how you want to define 'major' – large-scale event where there has not been a review of some type conducted into it.

**Ryan BATCHELOR:** I just want to clarify: you have got powers under one section of the Act, which are to do things on request of the minister, and then you have got essentially your annual plan of normal work.

**Tony PEARCE:** Yes, which does not look at an event that might have occurred. It will be looking at some element of the system.

**Ryan BATCHELOR:** You would be able to, under the exercise of that function and forward plans, do a systemic review of response to a type of natural disaster, would that be right? Or would it be about specific elements of disaster response?

**Tony PEARCE:** Yes, you could, absolutely.

**Ryan BATCHELOR:** So you could do a systemic review of responses to flooding, for example?

**Tony PEARCE:** Yes.

**Ryan BATCHELOR:** Exercising your powers under the Act, there would be nothing to prevent you from looking at the systemic issues relating to preparedness and response and recovery to flooding events.

**Tony PEARCE:** Not at all. No problem. In fact very often the forward plan reviews are based upon things that have happened in the past that we may not have inquired into specifically, where we have seen something and thought, 'Hang on, that is something systemically that requires looking at.'

**Ryan BATCHELOR:** What sorts of things have you done those kinds of systemic reviews on in your forward plans in the past?

**Tony PEARCE:** I will give you one recent example, which is a not a natural hazard one but is one that we have just finished. If you look at the drowning situation in Victoria – right around Australia it is horrendous – it has been horrendous for the last three years. Around about 60-odd people a year have been drowning, and for all of the efforts of government and agencies that has not come down. I looked at that and said that in my view that was something that would warrant us looking at the way in which the government and the system responds to drowning and preparedness for water safety in a broad sense. We did a review over the last 12 months into Victoria's water safety arrangements and preparedness and delivered that to government. We have just currently started a new one on chemical, biological and radiological incidents in non-terrorist settings – so from chemical factories and so on and medical laboratories and those sorts of places. Again, in my mind, whilst we might be, I have not seen the evidence to show how well prepared we are there for that type of an event versus the terrorist event, which I know we are well prepared for. We are doing that one currently. It can be literally anything.

**Ryan BATCHELOR:** The decision-making about what goes in your forward plan, is that yours?

**Tony PEARCE:** The final decision is mine, but we consult with the sector. We will prepare a projection each year, a list of things that we think might be relevant that we think are worth considering. We will put that out to the agencies right across the sector and say –

**Ryan BATCHELOR:** Do you do consultation with people –

**Tony PEARCE:** Yes, we do, absolutely.

**Ryan BATCHELOR:** about what should be included in your forward plan reviews, these more systemic investigations? But ultimately you get to decide.

**Tony PEARCE:** Yes, I can make the final decision; absolutely I can.

**Ryan BATCHELOR:** In your 10-year review –

**Tony PEARCE:** Ten years of reform.

**Ryan BATCHELOR:** there are some interesting findings and observations about community preparedness. Obviously this inquiry is looking at what happened in the event, but we are obviously also concerned with the future and how we help communities and what recommendations we can make to help communities get ready for the inevitability of future disasters, because unfortunately they are a regular and it seems increasing feature of life here in Victoria. You make some comments about the importance of local knowledge in preparedness and community preparedness, and particularly I was interested in the comments in finding 14. They are about how local and spontaneous community-led planning is often the best way to do preparedness rather than having a diktat from some central place. I wonder if you, on the basis of your knowledge and experience, could talk a bit about how we support local communities to do that kind of work and who is best placed in local communities to lead that preparedness work.

**Tony PEARCE:** I think if I give you some context to where that came from, in a number of reviews and inquiries that I have done – and I go out and spend a lot of time in the community. I do not sort of do these things from Melbourne and just take a yes and say that sounds all right; it is actually informed by the community itself on many, many occasions. I have had repeated commentary from communities, particularly in fire situations, saying that nobody is taking regard of the local knowledge here and that, ‘You have people coming in from outside of our area to control this incident, and we have families, farmers and landholders who have been here for generations who actually have seen this happen two or three times over the last 60-odd years and know exactly under certain conditions where things are going to go what they are going to do. Yet you’re not preventing that from happening. Why is that? People need to start talking to us more locally.’ There is a practical element in the heat of the moment as to whether you can do that or not, so –

**Ryan BATCHELOR:** That seems to me to be a response example. I am interested in preparedness.

**Tony PEARCE:** It is, but I am using that to come back to your question. My thinking about that was that in a response situation, that can be very difficult when you have got a lot of other things going on and a lot of other inputs to it. However, in the lead-up to an emergency like that, if communities know and if agencies know that community members have this sort of historical knowledge and awareness of events and what happens and what the community itself thinks are the valuable assets that it wants to protect – they are not always the same as the agencies might think they are – then in the preparation you should be engaging with the community themselves and inviting them to be participants in the planning for those events as they come forward. Now, some would argue, ‘Well, that happens through the municipal planning process, and there are community representatives there.’ But these are more informal, so they are not necessarily your CFA captain or your SES unit controller or whatever. These are local people who have been in the area for a long time who have a lot of knowledge about their environment. We were saying that the sector needs to think more about how you actually draw that knowledge out and then build that –

**Ryan BATCHELOR:** My next question is: how do we capture that? If there are a lot of people who know a lot of detail about their local community, you have got to find a way to translate individuals’ memories into community plans and into process. How do you do that?

**Tony PEARCE:** Again, it is complex, but I guess everything for me more often than not comes back to time. You have actually got to provide the time and the vehicle, if you like, for people to be able to contribute to that. As I say, I do not know that the planning processes that we have in this state necessarily can facilitate that, being as structured as they are and having the objectives that they do. I do not know that the amount –

**Ryan BATCHELOR:** Sorry, when you talk about planning, you mean emergency –

**Tony PEARCE:** I mean the emergency management planning.

**Ryan BATCHELOR:** Sorry, we have had evidence about planning in a whole lot of contexts.

**Tony PEARCE:** You have had planning from everyone; I get you. So from an emergency management planning perspective, I do not know that you can facilitate the time that you would need and also use that as the specific vehicle. But you do need time and you also need – again, as someone said to me once, ‘Well, that’s all well and good, but everyone in the community will reckon they are the local knowledge and therefore how do you then start to work through that and identify what is right and what is wrong?’ Again, I said, ‘That’s a very time-consuming process of working with the community to get their collective views on who they think are the ones who have the advice and the information that you need to draw upon.’

**The CHAIR:** All right. Thank you. The clock has just beaten us there, so I will probably need to move on to a question now from Dr Ratnam.

**Samantha RATNAM:** Thank you very much, Mr Pearce, for being here with us today. I wanted to speak about the 2020 IGEM report, the *Review of 10 Years of Reform in Victoria’s Emergency Management Sector*. It seems to be one of the most significant pieces in terms of the future of emergency services management and response. There were some very clear observations, findings and recommendations. After having had a number of inquiry hearings now and receiving a lot of evidence, it maps very consistently with what we have been hearing. In fact it could be a report that was probably written after this inquiry, so consistent are some of the observations that we are making with the observations that you made in this very significant inquiry. I just want to take you to a few findings and recommendations, particularly 3, 5, 6, 7 and 8, which talk about strategic and operational elements aligning more consistently in the future, a lack of clear communication, role clarity, responsibility clarity, governance, this tendency to be reactive and operational as opposed to strategic given the current structure, and also you made a finding of a lack of consultation and a number of improvements. My understanding is post that 2020 review some resources were put in to implement the recommendations. Could you give us an update? Do you have any line of sight over what has happened since that review to implement the observations, findings and recommendations, which are very consistent with what we are hearing?

**Tony PEARCE:** Yes, I absolutely do. I would have to take that on notice and go back and actually have a look at where we were at with each one of those. I mentioned in my opening statement the other legislative function I have, which is probably more important. I mean, a lot of very smart people can conduct reviews and inquiries, but the thing that had been missing, as was identified by the royal commission, was that a lot of these things were never implemented or acquitted at the end of the day. So in the legislation they have made sure that with any recommendation from any inquiry at all that has an emergency management focus, including parliamentary inquiries such as Fiskville and so on, my responsibility is to actually monitor the implementation of those annually and report back to government or to Parliament, depending on what level the inquiry was, on progress for each of those recommendations.

**Samantha RATNAM:** Including this 2020 report?

**Tony PEARCE:** Absolutely, including that one, which we do. If you go onto our website, every year once we have done that the report is then published, and it stays on our website under our reports section. You can actually see each year’s progress since then for the implementation, and the same for any other inquiry we have done or any other inquiry for which we are monitoring the recommendations. And we monitor those through to acquittal, so we do not just sort of stop. For example, the Hazelwood mine fire inquiry, we did that – we did not do the inquiry; we did the monitoring. That only just finished 12 months ago, and yet the event was nine years ago.

**Samantha RATNAM:** From your perspective – and it is really great to hear that you have got such a strong monitoring of the implementation and the findings role as well – where are we in the implementation of those

findings? In 2020 this report came out. We have had very significant events since then with the pandemic – I am sure that slowed things down, and we understand that – and then a very significant disaster situation in 2022. Should we have expected some of those recommendations and findings to have been implemented to a greater level than what we have now seen in this inquiry?

**Tony PEARCE:** As I said, I would have to take that on notice and go back and just have a look at these specific recommendations you are talking about. But the reality is – I think I just gave you a sense of it there – with a lot of the recommendations whilst some people might go, ‘Oh, that’s easy, now go away and do it,’ it is very, very complex and complicated for the sector to actually implement some of these recommendations because of the things that impact upon it, which include, for example, COVID. If you look at COVID, COVID not only impacted in a human resource availability way; it impacted significantly and massively in a budget way, and we are seeing the tail of that now obviously with the current budget situation going forward. That means that any reduction in budget in any part of government service at all is going to impact upon how quickly you can implement recommendations. I would not say whether we should or should not have seen better progress, but what I can say is that for all recommendations and all of those that we have made that have been accepted we have seen progress; I would say to you most of them would be, I would consider, appropriate progress. There will be others potentially that have probably not progressed as quickly as we would like to have seen. However, when we report on those, we do not just simply make a statement and say, ‘It’s ongoing and it’s in progress.’ If it is ongoing and it is expected to be ongoing, then I am happy with that. If it is ongoing only because there has been something that has impacted on the agency’s ability to implement it, then we call that out as well. If it is about budget or if it is about resources, then we will say, ‘The ability to implement that is being impacted by these factors.’

**Samantha RATNAM:** What do you think we have progressed further than other areas? So communication roles, responsibility, governance, reactive versus operational – are we doing any of those things at a faster pace than others? Because it will help us in terms of our focus areas for recommendations as well.

**Tony PEARCE:** I have got absolutely no doubt we are. The problem that you have is that for most inquiries that I do you can almost identify the top few themes. They will be the same things as they were for the last inquiry and the ones prior to that.

**Samantha RATNAM:** Yes. The same themes are coming up for us as well.

**Tony PEARCE:** Exactly right, but to varying degrees. The measure for me is when I do the inquiry and I look at it, I then have a look to see: whilst there might have been communications issues, as an example, were those communications issues as severe as they were in the previous event? Any recommendation we had made specifically about communications – has that been implemented? And then: what effect and impact did that have on this particular event, recognising that there will still be communications issues? I am confident from my seat, from my perspective, that in all cases we do make satisfactory progress, but it is easy for me to say that being the IGEM sitting here at 121. If you are sitting out at Rochester somewhere with water around your knees, on the day that that water is around your knees you will have a very different view about whether things have progressed well or not. So as I say, a lot of it is in the eye of the beholder, but from an inquirer’s perspective then I would say to you: yes, they are all being progressed. Most of them are progressed at a rate that I would be comfortable with, and where they are not, we call that out.

**Samantha RATNAM:** Okay. Do you think there would have been value – I think this question has been touched on before – if you were commissioned with some sort of inquiry post the 2022 event?

**Tony PEARCE:** Well, if there were not to be anything else in place, then absolutely. I mean, an event that size, you could not not inquire into it. If you compare this back to 2010–11, if you compare it to the fire inquiries and events and so on, the impacts on community are massive. Therefore you could not not inquire into it for the purposes of finding out how you could improve, absolutely.

**Samantha RATNAM:** Another theme that has emerged through the evidence we have heard over the last few months is that a number of folks have said they believe the model of emergency response is appropriate. What they are finding is that the implementation, if it is not done to the full effect – they have got a theoretical model, but if you do not do the implementation well, you do not get the full benefit of the theoretical model. Is

that consistent with what you found in your 2020 review, for example, and ongoing monitoring? Is the model okay?

**Tony PEARCE:** Yes, as I said, there are certainly things that impact on the effectiveness of implementation. The Emergency Management Legislation Amendment Bill in 2018, for example, did not only change some accountability perspectives for my role; we also asked that there be an inclusion in the Act. Neil Comrie in his implementation monitor Act for the 2010–11 floods had a part in the legislation that said he could not only monitor the implementation of the recommendation, which sometimes could be an easy tick and flick – ‘Yes, we’ve done it’ – to the letter of the recommendation; but what he was concerned about, quite rightly, was how effective the implementation of that recommendation has been, and did it meet the intent? Now, I did not have that capacity in my legislation at the time, so we actually asked for that to be put in. We now monitor – well, we have done since 2018 – not only the implementations of the letter of the recommendation, but we also look at the effectiveness of that recommendation et cetera. Often you cannot see it for a number of years, but if it does not look like it is going to meet the intent, we would then come back to government and say, ‘Look, this is not doing what you thought and we thought it might do; you need to reconsider this.’ So we would make that recommendation.

**Samantha RATNAM:** Thank you. A couple of quick questions: post a disaster event, what is an appropriate –

**The CHAIR:** Sorry, Dr Ratnam, can I just interrupt you there for a moment. Ms Tyrrell has just informed me that she does not have any questions for Mr Pearce, so what I propose to do is split her time with you and Ms Broad.

**Samantha RATNAM:** Thank you very much. I appreciate that. Thank you, Chair. Just a couple of quick questions from me: what do you consider an appropriate time frame for which a government minister could commission a report from IGEM? Is there something set in the legislation around that? What is an appropriate time frame? So post an event, if an inquiry was required because there is no other inquiry happening, for example, what is an appropriate time frame they should ask you?

**Tony PEARCE:** As I say, there is no prescribed time frame at all. However, I mentioned it before too: in order for the state to get the best value out of me inquiring into something, it is far better that any agency and EMV processes that they would normally put in place after an event have been conducted first.

**Samantha RATNAM:** First, yes.

**Tony PEARCE:** Absolutely. We draw upon that. It saves a hell of a lot of time and work to do that, and it also saves duplication, so we would draw upon that. So that is really important. The other thing that is probably most important about that, though – and I will get to your issue about time in a moment – is not to use IGEM just to throw at everything and then effectively allow the sector to abrogate its own responsibility to improve. We should only be utilised in really big things that have genuine systemic consideration and allow the sector to actually go through its normal processes for everything else and also leading up. So I would say in an event like this you would be looking probably at somewhere between three and even up to six months.

**Samantha RATNAM:** Three and up to six months. Okay, that is interesting, because –

**Tony PEARCE:** Because a flood is such a long –

**Samantha RATNAM:** Indeed. This parliamentary inquiry was not commissioned until five months after the flooding event, so I am just thinking about the timing and the appropriateness of calling a different inquiry.

**Tony PEARCE:** But you can. The Victorian bushfire inquiry, for example, that I did – we commenced that whilst that event was still going on. So you can do both.

**Samantha RATNAM:** Depending on the severity et cetera.

**Tony PEARCE:** Yes, absolutely.

**Samantha RATNAM:** One final question: do you believe that there are adequate resources to implement the findings of the 2020 review that we have just been discussing? Is it adequately resourced to get the full impact of all the findings, observations and recommendations that you have made?

**Tony PEARCE:** Look, you can always use more.

**Samantha RATNAM:** Do with more resources, yes.

**Tony PEARCE:** Well, you can, seriously. I mean, the system could always use more.

**Samantha RATNAM:** But are there any gaps basically for us to know?

**Tony PEARCE:** Again, I would have to go back and look at the specific recs to tell you whether I think each one of them could be resourced. But the reality is that the system is very adept at continuing to move its money around and move its priorities around, so it has capacity within itself to do those things. It just means, though, that as a result of that, if you cannot get more money and more resources, it just takes slightly longer, or sometimes a lot longer. But you would hope that the things that take a lot longer are not the priority things that should be done in the first instance.

**Samantha RATNAM:** You would hope, that is right.

**Tony PEARCE:** Again, we would be looking to that through our monitoring process to see exactly what the sector is doing and pull that up if we think that is not being done in the timely way in which it should be.

**Samantha RATNAM:** Great, thank you. We will take a closer look at your annual reports as well in terms of implementation. Thank you, Chair. That is all for my questions.

**The CHAIR:** Ms Bath with a question, please.

**Melina BATH:** Thank you. Thank you, Mr Pearce, for speaking to us today. We really appreciate it.

**Tony PEARCE:** That is fine.

**Melina BATH:** Going back to having a time frame: you just mentioned it there with the bushfire inquiry – December 2019 and then 2020. And then the government announced that you, IGEM, would take instigation of an inquiry on 14 January. So that is 14 days after, we will say, new year, which was that peak time. Yet we do see that the floods were mid-October 2022, and our upper house inquiry was instigated and supported in the upper house four months later, in February 2022 – and I know I asked the Minister for Emergency Services last week in Parliament. I am seeking to understand: was there engagement between you and her? Do you meet regularly?

**Tony PEARCE:** When these sorts of events are on, we will certainly meet and discuss the issues. It depends on what it is that is happening as to whether or not there is something that the government wants my advice and guidance on. But obviously, yes, we would.

**Melina BATH:** Correct. This was a statewide significant flood event. Fourteen days after the fire came through – we will say the peak of the fire – the minister instigated an IGEM review. Four months after the floods, she had not, and then she referred to our inquiry as the lead kind of investigation. I think in the community they would feel that there is a gap in that responsibility.

**Tony PEARCE:** If you are asking me to comment on that, I cannot speak on behalf of government. It is as simple as that. I mean, the government will make its decisions as to what process it wants to go through and when it does. Whether I have a personal opinion or not – and I am not going to express a personal opinion – is neither here nor there. The legislation is very clear about how this works and what I can and what I cannot do, and I will do that as per the legislation. That is really it.

**Melina BATH:** Thank you. Absolutely. The minister said there is ongoing real-time monitoring, they are responding and there is a parliamentary committee. We had an opportunity to discuss it with Emergency Management Victoria, ERV and VICSES. We had at most 2½ hours. Can you tell me if you would have had a

greater capacity to investigate in a more thorough way than in 2½ hours with an upper house parliamentary team?

**Tony PEARCE:** If we were conducting an inquiry –

**Melina BATH:** Your inquiry.

**Tony PEARCE:** Well, you would, but it is done over a much longer period. Not only that, in that case we would be engaging virtually every agency that was involved regardless of who they were, whether that was local government or otherwise.

**Melina BATH:** Volunteer brigades?

**Tony PEARCE:** Yes, absolutely.

**Melina BATH:** CFA?

**Tony PEARCE:** Yes. For the Victorian bushfire inquiry I think we conducted 60, or thereabouts, community meetings, for example. I conducted a community meeting in every single community that was affected by fire. That takes time and it takes money, but having said that, that is the depth to which we go. But not all processes are done to that depth obviously.

**Melina BATH:** I put it to you, just in comparison, an upper house state inquiry into the floods versus an IGEM: far more resources, far more ability to delve into and understand not only the victims, we will say, but volunteers and the whole fabric of the response. Is that correct? That is a fair assessment?

**Tony PEARCE:** I think so.

**Melina BATH:** A difference?

**Tony PEARCE:** Yes.

**Melina BATH:** Thank you. To that point, we had Darrell Phillips, who was a CFA volunteer at Echuca Village. He said at our inquiry – you may or may not have seen the transcript – that he was really concerned about the chain of command. He said that there was no SMEACS, and for the record SMEACS is situation, mission, execution, admin, command and safety. There was none there in the divisional command ICC in that space, near Echuca, and there was no plan. Noting your 10-year review, what recommendations have you made about that chain of command in the past for emergency management incidents?

**Tony PEARCE:** Again, I would have to go back and have a look to see exactly what we have talked about, because it would not be in that context. Anything I have said would not be to that level of detail that has been mentioned there, so I would have to go back and have a look to see exactly what we have said about command and control and chain of command. But I can tell you now, without actually looking at the detail, that we would have an expectation through any inquiry that there is an appropriate command and control chain in place, which we know there is. I can tell you I know personally that there is from the state right the way down to the local level. So the chain of command is very clear. It is very clear as to which agency is the control agency, which are the support agencies. It is very clear in each local area at the time, depending on which resources are around, as to who will be doing what in relation to that event. So I think in a broad answer to your question, because I have not got the detail obviously, I would say to you that whilst it would not surprise me that there were local-level issues in some locations, they would not have been the same elsewhere. The actual state system would have been functioning – I would be surprised if it was not functioning in exactly the way it was meant to, because in that structural sense I have not yet seen a situation in an inquiry where it has not functioned that way. But there are always local-level issues.

**Melina BATH:** There is clearly this person's direct response, and he provided that response about Echuca Village in terms of sandbags and emergency. Can I draw you to SES Volunteers Association's recommendation to us, to our inquiry, which went to improving interoperability by providing more cross-agency training to upskill SES and CFA volunteers who are already skilled and experienced and not rely on EMV plans to train public servants as a surge workforce as outlined in their 2022 operating model review. Can you speak to that? Do you have any context around your dealings in the past?

**Tony PEARCE:** The issue of surge is one that has existed for quite a number of years, and the public service has been looking at how it can actually contribute to the issues that the lack of a surge capacity involves. I guess if what VSESVA are saying is 'Invest money in providing training to more volunteers to be able to do that,' the issue from my perspective is surge is exactly that. Surge is something you have when you actually do not have a physical resource. You cannot buy volunteer capability and capacity. You can buy people and pay them to do a job – fine – but you cannot buy volunteers, so to speak. So the problem that you have is that whilst I understand where VSESVA are coming from, there might be – I have not looked at it – a greater capacity to have greater interoperability. There always is, but it would not be to the extent that you would mitigate any of the issues that we have seen in this event or any of the previous big events either, because you just do not have a volunteer base large enough to be able to meet that need. You still need to find other ways to surge.

**Melina BATH:** I guess not communicating with volunteers does not really induce them to engage further as well, Mr Pearce.

**Tony PEARCE:** No, of course.

**Melina BATH:** Mr Pearce, thank you very much. In the same context, VICSES Volunteers Association's submission spoke about the representatives on a multi-agency EMV. It was called a volunteer consultative forum, and that was actually shut down in April this year. Have you in your dealings in the past or in the 10-year review had any recommendations about these sorts of consultative volunteer forums?

**Tony PEARCE:** No, I have not. I was certainly aware of the consultative forum and its existence, but it has never come up as an issue in anything that we have looked at before. It has never been raised with us or raised with me at all. I was aware of the forum, and I was also aware that it had been disbanded. But for why – I have not looked at it.

**Melina BATH:** Your opinion was not sought as to whether it stays or goes?

**Tony PEARCE:** No. And I would not expect it would be either.

**Melina BATH:** In finding 13 of your 10-year review, you go to:

However, community engagement is not coordinated and there is an opportunity to better leverage local knowledge within communities, community service organisations and councils.

Do you still hold to those? That was a finding in your 2019 report.

**Tony PEARCE:** It goes back to the points that I made before to Ms Ratnam about engagement with local people and local knowledge – about having to find better ways to do that that are not just simply engaging with the local fire captain in the heat of the moment and the response, for example.

**Melina BATH:** No. It is post a multi-agency review.

**Tony PEARCE:** Yes, exactly. It should be an intuitive action, if you like, a behaviour within community and between government agencies and community to actually instil that engagement, absolutely.

**Melina BATH:** Yes. It can be not the next week after – it can be a few weeks after or it can be a month. There is no time limit, do you feel, in which you should be engaging?

**Tony PEARCE:** No, there is no time limit at all.

**Melina BATH:** Thank you. I do not know how long I have got, Chair.

**The CHAIR:** You have got about 2 minutes.

**Melina BATH:** Thank you very much. I appreciate that. In relation to the floods, we are going to make recommendations. You are constrained within your legislative requirements, but what do we need to recommend to government? I will put that within the constraints – you are not allowed to say a whole lot of things, because you have not been asked by government. So is one of the recommendations we could put that we would change the legislation so that the IGEM can self-refer? Would that be an option?



**Tony PEARCE:** If the committee thought that appropriate, then it would be.

**Melina BATH:** You would be willing to be able to self-refer?

**Tony PEARCE:** We would obviously do that if we had the power to do that, and if we thought that there was something that was worthy of our investment in time and effort, then we would do that.

**Melina BATH:** Noting that 2½ hours with the SES and Vic emergency et cetera is not a great deal of time for us to investigate, as opposed to 60 community briefings post the bushfires of 2019–20.

**Tony PEARCE:** Obviously it stands to reason that if you have the time and the capacity to do something like this on a broader scale, then that is a probably good thing.

**Melina BATH:** A good thing for humans, a good thing for the environment, a good thing for the overall cost–benefit to government in the end.

**Tony PEARCE:** I go back to Mr Batchelor’s point or the discussion we had earlier: with our forward plan, even though I might not conduct an inquiry into this event, for example, you can almost back it in that, depending on what comes out of what you are doing, there will be elements that I will look at to say, ‘You know, we now need to specifically look at this.’ It would not surprise me if you would see down the track forward planning reviews that we are conducting that actually relate to this event or can clearly be seen to have come out of it. The other thing if I could, really quickly before I run out of time, is even if I was to conduct another inquiry now, and there is the one you are conducting and you will make recommendations, when we look at those, as I said, because there will be a relationship and a correlation with previous issues and previous events, I can again almost guarantee you that a lot of the things that you will recommend in part will already be in the process of being addressed but will be at various stages of finalisation. I would not want people to think that just because you have to have another inquiry after an event, which you should do, that a lot of those issues would not already be being addressed, because I know they would be.

**Melina BATH:** It is a willingness to actually adopt the recommendations and then action the recommendations. That is the key.

**Tony PEARCE:** Yes, of course, absolutely.

**The CHAIR:** Sorry, Ms Bath, your time has now expired. We will move to Ms Broad for a question, please.

**Gaelle BROAD:** Thank you very much for returning today.

**Tony PEARCE:** No, that is all right.

**Gaelle BROAD:** Your experience does shine through. I guess I am interested in: we have talked a lot about the reviews not being requested by government. You mentioned the benefit of self-referral. Do you think you should be doing a review?

**Tony PEARCE:** Into this event? No, not whilst – I mean, as I said, if we were going to do one, you need to look at what is involved when I do an inquiry into something, and the bushfire inquiry is probably the best one to look at. That in itself was a more than 12-month process. It was a very, very significant piece of work, and whether you like it or not and whether the community has accepted it or not, in order to really do something thoroughly and effectively it really does take that much time after a really big event. You just cannot do it any other way. Now I would say there is no huge value in doing it, because you already have the smaller Maribyrnong one and you have this inquiry here, and as I said, a lot of what you find and a lot that you do not identify will already be being addressed through the bushfire inquiry, as one example. So for now, I think no, there would be no value in us doing work on this. In the future, in the way that there was the Victorian bushfire inquiry, I think when you go later on in time and you have a look backwards to see that, you will see that that will have provided very, very significant benefits to the community and to the sector of having done that inquiry. So as I say, it depends on what is going on, but there is definitely a benefit in doing them, and you absolutely need to inquire in some way into an event this size, because whether you like it or not there are many, many learnings that you will identify. That is just a fact.

**Gaelle BROAD:** Yes, I agree. Now, I guess in the review there is quite a body of work that you have already done looking into different matters, and you talked about monitoring the KPIs over time. But multi-agency training is something that you talk about on page 148 of your report. Can you comment to that today – I guess what you have observed? Has that improved over time?

**Tony PEARCE:** Yes, it absolutely has improved. That was an addition again in the amendment Bill in 2018 – that requirement for me to monitor the exercising and training was brought in in 2018. And yes, I have no doubt at all it is improved now. I can guarantee you again that if you were to go and talk to some individual units in different organisations they would say, ‘We’re not getting enough training; we’re not doing enough interagency training et cetera,’ but again you have got to have a look at where they are, as one example. I mean, geographically it is very, very difficult and extremely expensive to be able to pull those together, but if you just ignore the expense and say, ‘Well, damn the expense, it’s about an outcome,’ the actual capacity to physically bring people together in some parts of Victoria is extremely difficult too. So to say that you need to do more, well, you can always do more, and you will benefit from doing more, there is no doubt, but whether you actually have the ability to do more is a whole different story altogether.

My sense from what I have seen is that with the multi-agency training facilities around the state, which again we monitor the performance of those facilities, they are being well and truly utilised by all agencies, and they are being utilised individually and also in an interagency sense, and EMV has been conducting regularly over the last few years really quite significant community-based large-scale community exercises as well, which is something that we had not seen before other than very sporadically, and they are things that really do help all agencies and community understand exactly what will happen in a particular type of event to give them a better understanding. I guess this sort of satisfies some of the expectations that they have about what is real and what is not real in these big events. So I am satisfied that there is a lot of good work that has been going on there.

**Gaelle BROAD:** Thank you. Also in your report you mentioned just in the recovery:

Stakeholders discussed that recovery coordination at all tiers (local, regional and state) is often reactive and siloed. IGEM finds there to be a lack of clarity in the roles and responsibilities of the sector organisations involved in recovery.

As has been mentioned, I guess we have heard from people on the ground that have just said, ‘Who’s in control?’ These are people at local councils and different spaces. Can you comment to that? Has there been any change?

**Tony PEARCE:** Yes, again, there will absolutely be in some circumstances confusion. Again, the confusion usually arises over something that is not regular and not normal, and very often it arises over grants and grants administration and those sorts of things and the complexity of state and federal government engagement in some of the processes of recovery, of which there are many touchpoints. That is where you often get a lot of this complication – not knowing who is in charge, who is controlling, how to do this and how to do that. Probably if you want to get a really good idea of where things were at much more recently, again the bushfire inquiry I did in two phases. I was not asked originally by government, but I requested that they allow me to conduct a recovery inquiry as well as just the response and planning inquiry, which they were quite happy for me to do, so we did the first ever very, very, very big deep dive into our recovery system. What you see now in a governance sense, for example, with Emergency Recovery Victoria, is actually a result of one of those recommendations that we made. All of the improvements that we have seen in recovery are actually in there. You will see exactly what it was that we said was failing, and we went into great detail about the issues of failure, and also about lack of clarity et cetera. As I said before, I can tell you every single time recovery will always be an issue. Always there will be some people who will say, ‘It’s not coordinated, it’s not clear’ et cetera – the same as communications and so on. That is an example of that. But from my perspective as the IGEM, am I satisfied that the recovery system is now one that is effective and is continuing to improve and is a learning part of our system, if you like, so it knows how to learn and improve? Yes, I am. I will always find fault, as will you, in the recovery system to some extent. It just cannot be perfect.

**Gaelle BROAD:** We are hoping to come up with some useful recommendations, so we appreciate your input on that.

**Tony PEARCE:** That report might be valuable for someone to have a bit of a read of, if you like.

**Gaelle BROAD:** Yes, if you can provide that report.

**Tony PEARCE:** It is actually on our website.

**Gaëlle BROAD:** No, that is excellent. Thank you. I also noticed in your report – and when it mentions 2018 national funding arrangements for recovery change, it seems like we are already in 2023, so time goes on. I would just appreciate your feedback on this. It says:

The application process requires a significantly higher amount of evidence than in the past and currently exceeds the capability and capacity of councils. The new arrangements are still being implemented but are causing a substantial amount of frustration for those involved in the application process.

I feel like we are five years down the track. We have heard from councils that have talked about photographic evidence required for every 500 metres, and we are talking about regional roads that go for kilometres. Now, what are your thoughts on that? What can be improved?

**Tony PEARCE:** I would have to go back and have a look at, as I said, what we said specifically to be able to get some context in there and also, more importantly, look at the latest implementation monitoring statistics on what we have seen. I have no doubt in my mind that there are still problems there. As I said to you, I referred to the state–Commonwealth situation. It is extremely complex – extremely complex. It depends on which grants you are applying for as to what the evidence required is for you to be able to access that. Commonwealth is different to state, for example – if you are the poor person who happens to be standing in the room at the time saying, ‘Look, I actually don’t know. All I know is I need this. This has happened, and I believe I meet the criteria.’ We have always said that the evidence requirements – whilst I understand why they are what they are, I still say this – are way too onerous and way too difficult for people to be able to comply with, for community members who are standing around in their worst possible moment. It is their mental capacity as well to be able to satisfy a lot of that, and also the time constraints around grants and so on. Again, in the bushfire inquiry, in that second phase report, we addressed that. We are monitoring, and it is improving, but it is slow because it is all about engagement between two levels of government that have different requirements. I know, for example, that NEMA, the National Emergency Management Agency, and EMV have been working together for a significant amount of time trying to streamline these processes and make them far more user-friendly, if you like. We know it is happening. But if you were to say to me, ‘Is this one of those things that is happening quick enough?’ I would say probably not, but I also understand why it is not happening as quickly as we would all like to see it. That is not a criticism; it is an observation that it is not happening as quickly as you would like.

**Gaëlle BROAD:** Yes, that is right. Part of your role is to provide assurances, and it seems like you cannot provide much assurance of that.

**Tony PEARCE:** No. So all we can do there is assure people that it is progressing. What I cannot do is say, ‘Yes, it’s good and it’s fixed, and it’s the way you would hope to see it.’ That is just something we cannot do at the moment.

**Gaëlle BROAD:** Just from your experience, talking about the disaster recovery arrangements, Victoria does seem to be stuck in a like for like, rather than betterment of funding and improving things when they are rebuilt. Councils have spoken to that – having to wait 10 months. Do you support that recommendation?

**Tony PEARCE:** Yes, absolutely. If you go back again to the royal commission and the comment that the commissioner made there about doing the same thing over and over again, just doing it better is not going to get you an outcome. That is the same as building the same wooden bridge in the same place that has been burnt out three times. It is only going to get you burnt out a fourth time, I would have thought. So intuitively you would suggest that betterment is a much better process. But having said that, again there are lots of things that come into that. It is also about cost effect too. It is such a costly process. Someone has to balance that off. That is not me, but –

**Gaëlle BROAD:** Updating that agreement, I guess, between Victoria and the Commonwealth, with the disaster recovery arrangements – do you think would be appropriate?

**Tony PEARCE:** I think it would be good – yes, certainly.

**The CHAIR:** That is probably an appropriate time to bring our session to a close, as the clock has beaten you, Ms Broad. I want to thank you, Mr Pearce, for providing your evidence today. It has been very helpful,

and the committee really appreciates you coming and speaking to us today. You will receive a copy of the transcript for review within about a week's time. The committee will now take a short break for lunch.

**Witness withdrew.**