



AIHS

Australian
Institute of
Health & Safety

Think forward

Inquiry into the 2022 Flood Event in Victoria:

Inquiry Submission

9 June 2023

Acknowledgement of Indigenous Peoples

We acknowledge the Traditional Owners of Australia and their ongoing strength in practising the world's oldest living culture. We acknowledge the Traditional Owners of the lands and waters on which we live and work, and we acknowledge that sovereignties of these lands and waters were never ceded. We pay our respects to Traditional Owners' Elders past and present, and commit to supporting them and Indigenous emerging leaders to create more equitable, healthy, and safe workplaces for all Australians, and in particular for those most disadvantaged.

About us

The Australian Institute of Health and Safety (AIHS) is the national association for people who work in generalist health and safety roles (practitioners and professionals). The AIHS represents more than 1,000 occupational health and safety (OHS) practitioners and professionals in Victoria, and more than 4,000 nationally. Beyond our membership, we advocate for the >20,000 people who work in health and safety across Australia (see www.aihs.org.au).

In July 2019 our name changed from the Safety Institute of Australia to emphasise the importance of occupational health as well as safety. For more than 70 years we have worked towards our vision of safe and healthy people in productive workplaces and communities. Our voice as a profession and association of health and safety experts is often distinct from those of government, employers, and workers. Our focus is on the science-, evidence-, and risk-based practice of health and safety, to create safer and healthier workplaces.

Our submission

Our response focuses on items 2), 3) and 9) of the terms of reference. As the peak body representing those who advise workplace stakeholders on health and safety risks in emergency response (including flood) settings, we submit the following points:

1. Significant flood events will likely increase in their frequency and intensity across Victoria, placing increasing physical and psychological strain on volunteers, workers, emergency response organisations, businesses, and communities.
2. Under Victorian OHS legislation, volunteers are considered to have the same rights, duties, and be afforded the same protections as workers. Section 23 (1) of the Victorian OHS Act (2004) states that an employer must ensure, so far as is reasonably practicable, that persons other than employees of the employer are not exposed to risks to their health or safety arising from the conduct of the undertaking of the employer (see pg. 26 <https://content.legislation.vic.gov.au/sites/default/files/2022-10/04-107aa043%20authorised.pdf>). Explanatory notes in the OHS Regulations (2017) confirm that this includes volunteers (see pg. 21 at <https://content.legislation.vic.gov.au/sites/default/files/2022-07/17-22sra013%20authorised.pdf>).
3. WorkSafe Victoria guidance emphasises that the best way duty holders can manage the health and safety of volunteers is to treat them as paid employees (see <https://content-v2.api.worksafe.vic.gov.au/sites/default/files/2018-06/ISBN-Volunteer-health-and-safety-handbook-for-community-service-organisations-2008-10.pdf>).
4. Volunteers are also considered to be eligible to early treatment and support, provisional payments, and compensation when performing duties for specific government agencies, including SES Victoria (see <https://www.worksafe.vic.gov.au/volunteers>).
5. Volunteering trends are changing; less people are willing to commit their time in the way citizens did historically, and the nature of volunteering is changing; younger citizens are more likely to contribute via online/digital or other means, through shorter-term commitments (see <https://volunteeringstrategy.org.au/wp-content/uploads/2022/10/Volunteering-in-Australia-2022-The-Volunteer-Perspective.pdf>).

6. Volunteering can be considered as 'spontaneous' (or informal) or 'trained' (or formal). Given the trends raised in our submission, we foresee proportionally more spontaneous than trained volunteering occurring.
7. Faced with more intense, frequent, and potentially simultaneous emergencies, volunteering may be getting more dangerous nationally. Recent events in Queensland (see <https://www.abc.net.au/news/2022-02-26/queensland-bom-weather-flooding-warnings/100863596>) and Victoria (see <https://www.abc.net.au/news/2020-01-11/victorian-firefighter-dies-in-omeo/11860722>) provide tragic examples of these risks.
8. Disasters such as floods can have significant impacts on workers, volunteers, and community members. This includes:
 - Water-borne and other forms of disease
 - Lacerations and other bodily injuries sustained in flood waters
 - Hypothermia and other low temperature-related health impacts
 - Potentially fatal drowning risks.
9. Despite the injuries and health and safety impacts on people not occurring in a tradition work-based context, there are many areas of overlap between OHS practices, concepts, and theories, and the risks involved with significant floods. Further, whenever workers or volunteers take action, OHS laws, duties, and frameworks are triggered. At the smaller, organisational scale, effective emergency management is a core aspect of OHS practice (see <https://www.ohsbok.org.au/chapter-36-emergency-management/>).
10. Our members' perceived WorkSafe Victoria to be more reactive to the 2022 flood events and their impacts rather than proactive. This was demonstrated by guidance being slow to be developed and provided, and a lack of targeted communications being released, either in the lead-up to the events or immediately following. This is not to say that those communications were not released; just that our members did not receive them, and/or are unable to recall them.
11. **Victoria's OHS regulator WorkSafe Victoria should invest more into developing guidance and information resources for stakeholders in relation the OHS hazards and risks associated with flood events.** Other jurisdictions such as Queensland provide good examples of these resources. For example, WorkSafe Queensland provide information about both storms and floods (see <https://www.worksafe.qld.gov.au/safety-and-prevention/hazards/workplace-hazards/dangers-in-your-workplace/storms-and-floods>) and Infection risks from flood recovery and response work (see <https://www.worksafe.qld.gov.au/safety-and-prevention/hazards/hazardous-exposures/biological-hazards/infection-risks-from-flood-recovery-and-response-work>). Issues our members would like to see WorkSafe Victoria develop material for, perhaps in conjunction with SES Victoria, include water-borne disease risks, and lithium battery fire risks, including safe storage and disposal post-flood events.
12. **Incorporating WorkSafe Victoria representatives into pre-emergency warnings and communications may help the regulator be better prepared for future flood events.**
13. Effective responses to environmental emergencies like floods require impacted people to have appropriate skills, knowledge, and capabilities. As floods become more frequent and intense, we are concerned about Victorian communities' ability to prepare for, endure, and respond to significant flood events.
14. Long term, we believe it is imperative that Victorian communities build self-sufficiency and constrain reliance on SES Victoria and other public emergency services. Whilst ideally

emergency response organisations would have adequate capacity and capabilities to actively support all Victorian communities through all environmental emergencies, climate, demographic/volunteering, and budgetary trends mean we do not foresee this being feasible.

15. We foresee more scenarios where ‘cascading crises’ occur; multiple environmental and other emergencies coalesce either simultaneously or in rapid succession, further impacting the ability of people to prepare, endure, and respond. These scenarios will require all of us to be creative, including considering novel ideas such as “standing armies” of community and other personnel, who can be rapidly mobilised at large scale to support impacted communities. **The OHS and other legislative frameworks around these initiatives must be carefully considered and designed.**
16. Culturally, we know that many volunteer emergency responders will “work until they drop”. The recent bushfires and other emergencies have shown us those behaviours. It is therefore critical communities do not over-depend on these resources, themselves often also personally impacted by the emergencies they are responding to. “Working until you drop” is not sustainable, it isn’t healthy, and it isn’t safe. We know that under extreme fatigue and stress, decision-making is sub-optimal, and outcomes suffer (see <https://www.ohsbok.org.au/chapter-20-psychosocial-hazards-fatigue/>).
17. Despite Victorian communities and businesses’ increasing reliance on SES Victoria, they remain a largely volunteer-based organisation, and rely substantially on donations and community fundraising.
18. A core tenet of achieving positive health and safety outcomes is ensuring workers (or volunteers) are equipped with the ‘right tools for the job’. **We therefore support the Victorian SES receiving increased investment from the State Government, in order to achieve the actions raised in our submission, and to reduce the often time- and resource-consuming reliance on seeking and securing community fundraising and sponsorship.**
19. We believe that although volunteer OHS is a niche issue, it is important and deserves greater and more dedicated attention. **We welcome the opportunity to partner with relevant stakeholders, including the Victorian SES, in delivering industry event/s focusing on this topic.** This recommendation recognises the excellent work done by the Emergency Services Foundation (ESF) (see <https://esf.com.au/>). We note that the ESF traditionally focuses more on mental health. We see opportunities to focus on building industry and community capabilities across a broader range of skills, including home/property flood preparation, flood enduring skills and actions, and effective and safe flood response measures.
20. Regarding early warning systems, we support any initiative that simplifies information (particularly for non-English speakers), builds community capabilities, and better prepares all stakeholders, **including OHS regulators**, to prepare, endure and response to emergencies.

Should you wish to contact us to discuss any of the points raised above further, please do so via

██████████ We thank you for the opportunity to provide this submission.

Kind regards,

Sajan James

Victorian Branch Committee Deputy Chair

Terms of reference

That this House requires the Environment and Planning Committee to inquire into, consider and report, by 30 June 2024, on the state's preparedness for and response to Victoria's major flooding event of October 2022 (the Flood Event), including but not limited to the —

- 1) causes of and contributors to the Flood Event;
- 2) adequacy and effectiveness of early warning systems;
- 3) resourcing of the State Emergency Service, the adequacy of its response to the Flood Event and the adequacy of its resourcing to deal with increasing floods and natural disasters in the future;
- 4) implementation and effectiveness of the 2016 Victorian Floodplain Management Strategy in relation to the Flood Event;
- 5) location, funding, maintenance and effectiveness of engineered structures, such as floodwalls, rural levees and culverts, as a flood mitigation strategy;
- 6) Flood Event as a whole, including but not limited to, the catchments and floodplains of the —
 - a) Avoca River;
 - b) Barwon River;
 - c) Broken River;
 - d) Campaspe River;
 - e) Goulburn River;
 - f) Loddon River;
 - g) Maribyrnong River;
 - h) Murray River;
- 7) the 2007 decision of the Minister for Planning to approve the construction of a flood wall around Flemington Racecourse and whether the growing impacts of climate change were considered;
- 8) the implications for future planning decisions including —
 - a) how the Victorian planning framework can ensure climate mitigation is a consideration in future planning decisions;
 - b) how corporate interests may influence decision-making at the expense of communities and climate change preparedness; and
- 9) any other related matters.