

**INQUIRY INTO RESPONSE TO MAJOR FLOODING
ACROSS NEW SOUTH WALES IN 2022**

Organisation: Police Association of NSW

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2022 NSW Flood Inquiry
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Whenever there is an emergency in NSW, everyone looks to the NSW Police Force for leadership. Time and time again, police officers have seen this state through the greatest challenges, whatever form they take.

Nothing exemplifies this more than the events of the previous 3 years, where the leadership and emergency management skills of the NSWPF has led us through unprecedented floods, fires and pandemics.

Police have coordinated large-scale multi-agency efforts. They have been required to perform this with a combination of both broad and specialised skillsets not possessed by any other agency.

NSW is immensely grateful and proud of the men and women of the NSWPF for their dedication and achievements.

The rate at which we have experienced emergencies has dramatically increased and are predicted to continue to increase.

So far NSWPF continue to meet the demand as these challenges arise, but significant time from all ranks, from Constable to Commissioner, is being deployed to meet these challenges in addition to the already significant demand in NSW for the other services police officers provide.

It is time that these functions police officers are performing are formally allocated to devoted, fully funded positions to meet the ever-increasing demand.

The events surrounding the response and recovery to the 2022 floods is a stark example of why this is necessary.

Reliance on NSW Police in the 2022 Flood Response and Recovery

NSW experienced intense rainfall, which caused unprecedented major flooding, flash flooding and storm damage.

The death toll, loss of homes and businesses, and scale of people displaced from their homes and their community was devastating.

Police Officers all over the State put their hands up to help those communities impacted by the floods. For months, police officers travelled to the Northern Rivers on flood deployment, often more than one hundred per week. They performed challenging roles, and often in very difficult living conditions, but they knew they were needed.

The Police Association of NSW worked with the NSWPF regarding these deployments, supporting members and ensuring their needs were met whilst on the ground in these flood affected communities.

We have also watched closely the *NSW Parliamentary Select Committee on the Response to Major Flooding across New South Wales in 2022* (the Parliamentary Committee) including the evidence given by the senior leaders of agencies and organisations involved in the flood response and recovery, and members of the community who experienced the devastation and operations first hand.

What is clear from our involvement with the police deployments and from the evidence presented to the Parliamentary Committee is that inevitably, the response and recovery efforts end up relying

on leadership from police – be it officers on the ground, EOCONs, or the appointment of a police officer as the Recovery Coordinator.

Keeping people safe, coordinating operations, supplying people with what they need to get by – whatever the challenge, however “unprecedented”, police are always the last left standing and finding a way.

Just as they did during the pandemic.

Just as they did during the bushfires.

Every police officer, from students at the academy, to constable, right up to the Commissioner of Police and her Senior Executive team, their core skill set, training and ongoing education, and experience, prepares them for these challenges.

Police officers are the only personnel with the skills needed to manage any crisis thrown at them.

The NSWPF is the only organisation with the capacity to deploy large numbers of officers to any where in the State, at any time of day, month or year, and with the skill set needed to get the job done.

We submit therefore that the NSWPF be formally allocated the responsibilities of coordination early in the process, rather than being called in to fix a situation when it has already gotten beyond the capacity of others, and valuable time has already passed.

The NSWPF is also utilising the time of officers who have other core duties to perform. It is time to give the NSWPF devoted resources to meet the demand for emergency response and recovery, that will inevitably increase.

One only need to look at the contribution of Deputy Commissioner Mal Lanyon. Mr Lanyon is the Deputy Commissioner – Metropolitan Field Operations. The Deputy Commissioner served as the State Emergency Operations Controller during the flood response, until on 8 March 2022 when he was then appointed as the Northern NSW Recovery Coordinator.

The NSWPF was relied upon for both the flood response and the recovery.

The Premier said of that appointment:

“The scale of this disaster has been enormous, and our recovery effort will require vast and highly linked coordination to get people, communities, and businesses back on their feet and help them thrive again,” Mr Perrottet said.

“We understand the enormity and complexity of this work and this appointment reflects our commitment to this region that we will bring every resource to where it is needed.

“Deputy Commissioner Lanyon brings a breadth and depth of experience running highly challenging and complex operations that is second to none.”¹

The Government Media Release announcing the appointment also stated:

¹ NSW Government Media Release, Released by: Deputy Premier, Minister for Emergency Services and Resilience, 8 March 2022, “Mal Lanyon appointed Northern NSW flood recovery coordinator”.

Deputy Premier, Minister for Regional NSW, and Minister for Police Paul Toole said Mal Lanyon would retain his role as Deputy Commissioner, allowing him to deploy the full resource of the NSW Police Force while effectively marshalling all other Government resources.

“As the recovery for our regional communities begins, we need a multi-agency response to ensure every city, town, and person impacted receives the right support, right now,” Mr Toole said.

“Deputy Commissioner Lanyon has the experience to deliver a swift response now and knows how to drive the long-term recovery these areas desperately need.”

It is clear that the NSW Government, and the people of NSW, trust and rely on the skill sets of police officers, and the coordination, resources and structure of the NSW Police Force.

For the good of the people of NSW, this should be a formal, permanent arrangement, and the NSWPF be provided resources devoted to meeting that demand.

PANSW Recommended Plan for NSWPF to Manage Emergencies

Recommendations

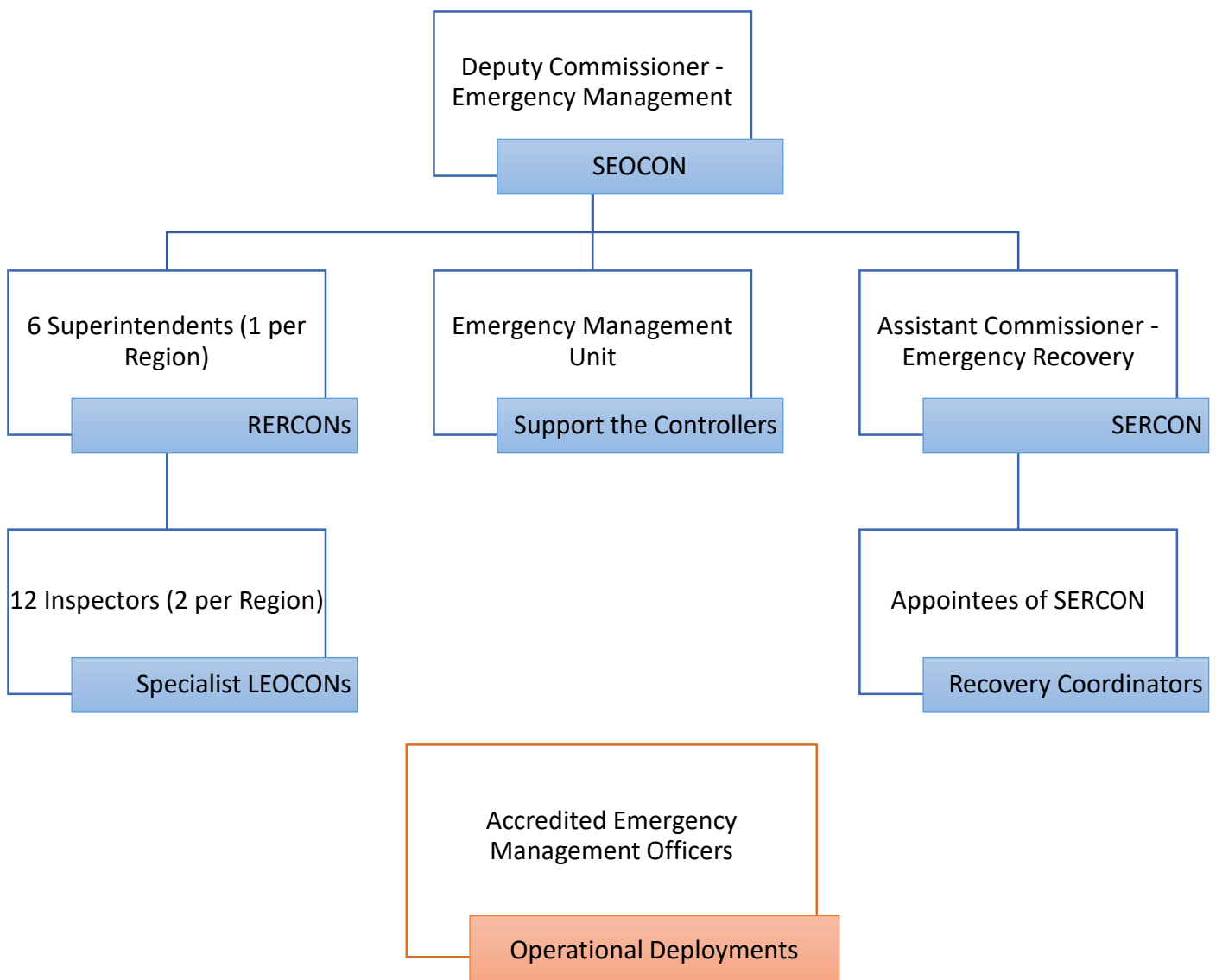
1. The NSWPF receive funding for the following additional positions:
 - a. An additional Deputy Commissioner – Emergency Management, to serve as a devoted SEOCON.
 - b. An additional Assistant Commissioner – Emergency Recovery, to serve as a devoted SERCON.
 - c. 6 additional Superintendents to serve as devoted REOCONs (1 in each Region),
 - d. 12 additional Inspectors to serve as devoted specialist LEOCONs (2 per Region) supported by the existing LEOCON structure,
 - e. Support staff to assist the above structure (total number to be set through consultation with NSWPF), and
 - f. An expanded Emergency Management Unit (total number to be set through consultation with NSWPF).

2. The NSWPF develop additional emergency response and recovery training to be offered to NSW police officers. Officers who have completed the training are accredited as specialist emergency management officers. Initial roll out of this training be to OSG and PORS, and any other units nominated by the Deputy Commissioner – Emergency Management. Once delivered to those units, training be offered to achieve distribution throughout the state, with the ultimate goal being adequate coverage so all communities have accredited officers attached locally so they are already on the ground when required. When emergency operations require deployment of additional officers to supplement the local capacity, these accredited officers should form part of that deployment. Accredited officers should receive appropriate on call and deployment allowances.

3. EOCONs at the appropriate level (State, Regional or Local) are automatically responsible for the control and coordination of emergency response operations, rather than the current process of assuming control, or determining designated controlled or combat agency.

Proposed NSWPF Emergency Management Structure

In the following Org Chart, all blue resources be additional, fully funded positions within the NSWPF, with Role Descriptions entirely devoted to Emergency Management functions. The orange resource represents existing NSWPF personnel performing other Role Descriptions, capable of performing emergency management functions when demand requires.



EOCONs to automatically control and coordinate emergency response operations

A member of the Parliamentary Committee made the following assessment of the evidence provided to the Committee:

The Hon. PENNY SHARPE: ... We spent quite a lot of time in the last week or so on the North Coast and talked to many different people about what they've been through. It's safe to say it is a community still in trauma, I would argue. One of the things that has been raised consistently is just the lack of what the community described as authorised leadership during the disaster and continuing today. Whether it was rescue coordination, use of helicopter resources and even the set-up—who is in charge and who is looking after evacuation centres—the general reports that we have had are that it was extremely confused.

...

The Hon. PENNY SHARPE: ... the issue here, which was consistently—whether it was local government, whether it was other organisations, the evidence to this inquiry was that no-one knew who was in charge and it was extremely confusing.²

This situation needs to be avoided in future emergencies.

We submit there should be one agency always responsible for the control and coordination of emergency response operations. The consistent performance of this role by the same agency will ensure there is no ambiguity regarding who is in control; it is not dependent on circumstances and therefore no confusion over who is controlling and coordinating operations. It also means that agency will have the greatest level of experience and knowledge to perform the role in all emergency situations.

The NSWPF is best placed to perform that role.

The SERM Act and Emergency Plan already designate NSWPF personnel as the EOCONs. This recommended change is only regarding the circumstances under which the EOCONs are responsible for controlling and coordinating operations rather than supporting the Combat Agency.

² Select Committee on the Response to Major Flooding across New South Wales in 2022, Uncorrected Transcript of Evidence, Wednesday, 15 June 2022, page 3-4.

NSWPF formally take on Recovery roles

As shown by the appointment, performance and community reaction to Deputy Commissioner Mal Lanyon in the role of Recovery Coordinator, NSWPF is also best placed to control and coordinate emergency recovery.

The advantages of the skill sets of police officers, their core ability and experience in controlling and coordinating multi-agency operations, plus the efficiency with which they can deploy the full resource of the NSW Police Force, make this structure and method of utilising expertise ideal.

Also, in our recommended structure the direct working line between the SEOCON and SERCON is highly suitable for these two roles as set in the State Emergency Management Plan.

The SERCON would still have the ability to appoint Recovery Coordinators. We envision this will frequently be done from the expanded Emergency Management Unit, but would also retain the flexibility to appoint from other agencies or organisations where beneficial.

The formalisation of NSW Police Force in recovery roles would allow a police contingent to coordinate the response to the emergency and simultaneously commence preparing for recovery. Shared skills, information and learnings would allow for the recovery effort to commence in discrete areas as the emergency subsided and seamlessly commence without a formal handover from one agency to another.

NSW Police has significant experience in deploying a range of resources to manage, combat and recover from emergencies and disasters. No other agency has taken on such diverse range of duties in such a wide range of emergencies including;

Newcastle Earthquake

Black Saturday Bushfires (Vic)

Brisbane Floods (QLD)

Christchurch Earthquake (NZ)

Black Summer Bushfires

Covid 19 Pandemic Response

Ruby Princess Pandemic Management

2022 NSW Floods

The NSW Police Commissioner was appointed early in the pandemic response allowing seamless coordination of response, procurement, and community assurance. When brought into other emergencies late, NSW Police have been able to correct course of recovery, however not before significant disruption, loss of confidence and community concern. This proposal will insulate vulnerable communities from enduring disjointed responses and the aggravation of trauma and suffering.

A pool of Emergency Management Response and Recovery accredited police officers

With increasing demands on the NSWPF to both coordinate emergency operations, and deploy larger numbers of frontline officers to these response and recovery operations, this is an opportune time to further enhance the emergency management skill sets of police officers around the State.

During the 2022 Flood Operations, the increased demand for police officers in those flood affected communities meant hundreds of police officers were deployed from around the State, to travel and perform roles in the flood operations.

Police officers from all over the State put their hands up to help and perform crucial work.

To address that increasing demand in the long term, we submit it would be beneficial to build a pool of accredited Emergency Management officers who receive additional training above that already delivered to all officers.

Initially this training should be delivered to PORS, OSG and any other units nominated by the Deputy Commissioner – Emergency Management. This would enable these units to be available for deployment to emergency operations.

Once those units have received the training, it should be made available to all officers, with the delivery strategy designed to ensure coverage around the State. Each community would benefit from the presence of accredited officers attached to their local PAC or PD, so accredited officers are on the ground at all times.

When the scale of an emergency demands larger numbers, these accredited officers would form a proportion of additional deployments to supplement local police resources.

Appropriate on call and deployment allowances would need to be determined for these accredited officers. Consistency of training and methodology would also allow for unaffected regions to provide already trained and accredited personnel on a surge basis or for relief in long running emergencies.

Work Health and Safety obligations and relationship to Emergency Management

The PANSW notes some discussions in the Parliamentary Committee hearings has claimed Work Health and Safety obligations are an obstacle to emergency operations, and proposed consideration of exceptions to WHS obligations in some circumstances.

We strongly refute this assertion and submit any proposed exceptions would be an ill-informed and unsustainable approach to emergency management operations.

The primary obligations under the WHS framework is to ensure, so far as is reasonably practicable, the health and safety of workers.³

WHS obligations do not prohibit emergency services agencies from performing dangerous operations. This is plainly evident from the fact that emergency services personnel perform highly dangerous operations every day, in compliance with WHS obligations.

What the WHS obligations do require, is that workers tasked with performing these dangerous yet essential tasks, are as safe as reasonably practicable while they perform those inherently dangerous tasks. This is achieved through risk control and mitigations strategies such as training and provision of suitable equipment.

If there are personnel or agencies not able to perform the operations expected of them by politicians and the community, the solution is not to create exceptions to the WHS obligations, it is to train those personnel and provide them with the equipment needed to do those tasks as safely as is reasonably practicable.

Those who propose exceptions to WHS demonstrate a flawed assumption that WHS obligations are simply red tape that gets in the way of emergency operations, and if the obligations were removed, those activities would be performed and nothing would go wrong. This is an incorrect and dangerous assumption. What would inevitably occur is emergency services personnel would be required to perform tasks they are not adequately trained or equipped to perform, and without adequate safety measures in place. Without adequate training or equipment, emergency personnel would be injured or killed during those operations, and the quality of the performance of those tasks would be adversely affected, also putting members of the public in danger.

We cannot reiterate strongly enough – if any agencies or personnel are currently not able to perform tasks that the community, government or parliament expects them to, the solution is not to create exceptions to WHS obligations, it is to ensure they have the adequate training and equipment to perform those tasks safely and effectively, in compliance with long-standing legislative (and moral) obligations.

Any consideration of proposals to the contrary of this principle will be opposed by the Police Association of NSW in every avenue of consultation and public debate.

³ Work Health and Safety Act 2011, s19.

A far more constructive approach to improving emergency management is implement the PANSW recommendations, and consult with other emergency management agencies regarding any gaps in training, equipment or capacity.

Conclusion

The 2022 Floods were devastating to so many communities and people.

Every person in the emergency services gave their complete commitment, expertise and effort, and deserve recognition for their heroism and service.

We also need to learn hard lessons for continuous improvement to emergency management as the rate and severity of emergencies inevitably increases.

The PANSW has submitted a structure that will best serve the people of NSW, by placing responsibility for controlling and coordinating emergency operations with those most qualified and experienced to do so, and with the direct lines of authority and reporting for the deployment of the largest emergency services agency in the state.

Regarding emergency response, our proposed structure closely resembles the current structure, with NSWPF personnel already performing as the EOCONs. The changes we have proposed is simply ensuring the NSWPF has the devoted resources for those coordinating roles, coverage of specially trained frontline officers throughout the state, and that there is no ambiguity about who is responsible for coordination and control, right from the start of any operation.

Our proposal regarding coordination of recovery efforts does represent a substantive change to the status quo, but is effectively making permanent the arrangement the NSW Government already decided was necessary for the 2022 Flood recovery. That decision has been proved to be the right one, and so should be the ongoing permanent structure.

We thank you for your consideration of this submission, and welcome the opportunity to provide any further input that would assist this Inquiry.

Kevin Morton

President – Police Association of NSW