

3.11 Prescribe, Review and Revoke a Hazard

Background

State emergency management arrangements are hazard focused and incorporate a hazard management and emergency coordination structure (State EM Policy statement 2.2.1).

A hazard is an event, situation or condition that is capable of causing or resulting in loss of life, prejudice to the safety, or harm to the health of persons or animals; or destruction of, or damage to property or any part of the environment and is defined in the Emergency Management Act 2005 (WA) (EM Act) and prescribed in the Emergency Management Regulations 2006 (WA) (EM Regulations).

The Western Australian emergency management landscape is dynamic, with changing risk profiles and vulnerabilities. A potentially hazardous event, situation or condition may need to be prescribed as a hazard in the EM Regulations if a significant risk emerges. Furthermore, some existing prescribed hazards may no longer present the same level of risk or require a coordinated response.

The State Emergency Management Committee (SEMC) is responsible for the development and coordination of risk management strategies to assess community vulnerability to emergencies (EM Act section 14(c)) and to develop advice for the Minister for Emergency Services on emergency management and preparedness of the State (EM Act section 14(a)).

Procedure 3.11 defines the processes required to prescribe a new hazard, review existing hazards, and revoke a currently prescribed hazard that no longer meets the criteria for prescription.

Procedure 3.11 is to be read in conjunction, and may be carried out concurrently, with State EM Preparedness Procedures:

- 3.12 Prescription of a Hazard Management Agency (HMA)
- 3.2 Development and Review of State Emergency Management Plans
- 3.3 Revocation of State Emergency Management Plans

3.11a Prescribe a Hazard

Identification of a proposed hazard

Where a public authority or other person identifies a potentially hazardous event, situation or condition that may pose a significant risk to the State and believes it should be assessed for prescription as a hazard under the EM Regulations, they must submit a formal request to the SEMC. The public authority/person making the request is to include an overview of the proposed hazard and a clear justification for why it should be assessed for prescription, addressing the following criteria:

The potentially hazardous event, situation or condition has potential:

- to cause or result in in loss of life, prejudice to safety or harm to the health of persons or animals, OR destruction or damage to property or any part of the environment;
- to become an emergency of such a nature or magnitude that it may require a significant and coordinated multi-agency, district- or state-level coordinated response (as per EM Act section 3);
- to require a comprehensive emergency management approach encompassing prevention, preparedness, response and recovery arrangements;

- to require the appointment of an appropriate HMA, with the relevant functions, expertise, knowledge, and/or resources, to manage the proposed hazard.

Preliminary Review

Any submission to the SEMC requesting the assessment of a hazard for prescription will first be reviewed by the SEMC Business Unit in collaboration with the relevant SEMC subcommittees to determine if it meets the relevant criteria.

- If the submission does meet the criteria, the proposed hazard will be referred to the SEMC for approval to progress to a consultative hazard assessment.
- If the submission does not meet the criteria, the matter will be referred to the SEMC to notify the public authority/person making the request of this decision.

Consultative Hazard Assessment

Following SEMC approval, the SEMC Business Unit will arrange for a consultative hazard assessment of the proposed hazard in collaboration with the relevant SEMC subcommittees and other stakeholders such as:

- HMAs;
- other EM agencies (EMAs), including local government who may have a role in the management of the proposed hazard;
- relevant subcommittees;
- organisations who may have a role in providing support services;
- essential service providers;
- industry and commercial sectors which may be affected; and
- subject matter experts (for example, Geosciences Australia and the Bureau of Meteorology).

The hazard assessment process will:

- develop a credible worst-case scenario for the proposed hazard;
- assess the proposed hazard and the systemic risks it presents;
- evaluate the extent to which current emergency management arrangements could be utilised to manage the proposed hazard;
- determine whether the appointment of an appropriate HMA, with the relevant functions, expertise, knowledge, and/or resources, to manage the proposed hazard is required.

Following the consultative hazard assessment, the SEMC Business Unit will arrange for the preparation of a consultative hazard assessment report that includes:

- a definition and overview of the proposed hazard;
- outcomes of the consultative hazard assessment including consolidated stakeholder feedback;
- whether the proposed hazard meets the criteria for prescription under the EM Regulations;
- recommendations and a clear justification on whether the proposed hazard should be prescribed in the EM Regulations;

- any implications to emergency management if the proposed hazard is or is not prescribed;
- if prescription is supported, a recommendation on the appropriate HMA with a justification of the capacity and capability of the proposed HMA to fulfill their duties as part of the arrangements in accordance with 3.12 Prescription of a Hazard Management Agency (HMA), and
- if prescription is not recommended, any alternative arrangements identified through the assessment to manage the proposed hazard.

SEMC Approval

Following the completion of the consultative hazard assessment, the SEMC Business Unit will arrange for the preparation of formal submissions for consideration by the relevant SEMC subcommittees and the SEMC. The submissions will include:

- an agenda paper;
- the original request for the hazard assessment;
- the consultative hazard assessment report;
- if applicable, a request for progressing the prescription of a new HMA with justification in accordance with State EM Preparedness Procedure 3.12;
- if applicable, a letter of agreement from the nominated HMA;
- if applicable, the proposed drafting amendment instructions; and
- if applicable, a marketing and communications strategy to advise EM stakeholders.

Following endorsement by the SEMC Response Policy subcommittee and other relevant SEMC subcommittees, the SEMC Business Unit will arrange for the formal submission to the SEMC with a request to either:

- approve a submission to the Minister seeking approval of a new hazard to be prescribed within the EM Regulations;

OR

- note that the proposed hazard has been assessed as not requiring prescription; and
- approve to notify the public authority/person making the request of this decision.

If the proposed hazard is approved for prescription, the nominated HMA is responsible for preparing comprehensive emergency management arrangements in accordance with State EM Preparedness Procedure 3.2. Where a new HMA is required, the assignment of a HMA must be carried out in line with State EM Preparedness Procedure 3.12.

The SEMC Business Unit will arrange to notify the public authority/person making the request of the SEMC decision.

Prescription

Upon SEMC approval of the prescription of a new hazard under the EM Regulations, the Department of Fire Emergency Services (DFES), Legal and Legislative Services branch, in collaboration with the proposed HMA, will arrange the drafting, endorsement and publication of the enabling Amendment Regulations. This process includes:

- seeking Ministerial approval for the proposed amendments to the EM Regulations;
- collaboration with the Parliamentary Council's Office (PCO) for legislation drafting;
- obtaining endorsement by the Governor in Executive Council;
- publication of the instrument in the Western Australian Government Gazette; and
- arranging the provision of documentation to the Joint Standing Committee on Delegated Legislation.

Communication

Following the prescription of a new hazard, the SEMC Business Unit and assigned HMAs must communicate the prescription to all stakeholders in accordance with the marketing and communication strategy.

3.11b. Review of a Prescribed Hazard

A hazard review may be prompted by a change in the emergency management landscape, following a major emergency or inquiry, upon the introduction of significant government reform or legislative change affecting Western Australian emergency management (State EM Policy 1.5.10), as part of a comprehensive or targeted review, or whenever the SEMC considers it appropriate.

Initiation of Hazard Review

A hazard review of one or more currently prescribed hazards may be initiated by the HMA, or directed by the SEMC or the Minister for Emergency Services.

Preliminary Review

Once initiated, the SEMC Business Unit, in collaboration with the relevant SEMC subcommittees, will arrange for a preliminary assessment to determine whether the hazard(s) under review continues to meet the criteria for a prescribed hazard, such that:

- it has potential to cause or result in loss of life, prejudice to safety or harm to the health of persons or animals, OR destruction or damage to property or any part of the environment.
- it has potential to become an emergency of such a nature or magnitude that it may require a significant and coordinated multi-agency, district- or state-level coordinated response (as per EM Act section 3);
- it requires a comprehensive emergency management approach encompassing prevention, preparedness, response and recovery arrangements;
- the current HMA, has the relevant functions, expertise, knowledge, and/or resources, to manage the proposed hazard.

If the hazard(s) continues to meet the criteria for hazard prescription, a report with a recommendation to retain the hazard prescription will be submitted to the SEMC for noting and the relevant stakeholders advised.

Any hazard that no longer meets the criteria will be referred to the SEMC for approval to progress a consultative hazard assessment to determine if a revocation of that hazard is required.

Consultative Hazard Assessment

Following SEMC approval, the SEMC Business Unit will arrange for a consultative hazard assessment of the proposed hazard in collaboration with the relevant SEMC subcommittees and other stakeholders such as:

- HMAs;

- other EM agencies (EMAs), including local government who may have a role in the management of the proposed hazard;
- relevant subcommittees;
- organisations who may have a role in providing support services;
- essential service providers;
- industry and commercial sectors which may be affected; and
- subject matter experts (for example, Geosciences Australia and the Bureau of Meteorology).

The hazard assessment process will:

- develop a credible worst-case scenario for the prescribed hazard(s);
- assess the hazard(s) and the systemic risks it presents;
- evaluate the effectiveness of the current emergency management arrangements in managing the prescribed hazard(s);
- determine whether the current HMA of the prescribed hazard is still appropriate or if there is a more suitable HMA with the relevant functions, expertise, knowledge, and/or resources, to manage the prescribed hazard.

Following the consultative hazard assessment, the SEMC Business Unit will arrange for the preparation of a report to be submitted to the SEMC an relevant subcommittees on the prescribed hazard(s) under review that includes:

- a definition and overview of the prescribed hazard(s) under review;
- outcomes of the consultative hazard assessment including consolidated stakeholder feedback;
- whether the hazard(s) under review continue to meet the criteria for prescription;
- recommendations on whether the hazard(s) should continue to be prescribed in the EM Regulations or if a revocation of the hazard(s) should be progressed;
- a clear justification for the recommendations;
- any implications to emergency management if the hazard prescription is revoked;
- if prescription is to be retained, the appropriateness of the current HMA, or if a transfer of HMA is recommended, the justification for an alternative HMA prescription, in accordance with State EM Preparedness Procedure 3.12; and
- if revocation of a hazard is recommended, any alternative arrangements identified to manage that hazard.

SEMC Approval

Following the completion of the consultative hazard assessment, the SEMC Business Unit will arrange for the preparation of formal submissions to the relevant SEMC subcommittees and the SEMC for their consideration. The submissions will include:

- an agenda paper;

- the original submission;
- the consultative hazard assessment report;
- if applicable, a request to progress the revocation of hazard and the current HMA with justification in accordance with State EM Preparedness Procedure 3.12;
- if applicable, a letter of agreement from the current HMA for which the revocation applies;
- if applicable, request for the prescription of an alternative HMA with justification in accordance with State EM Preparedness Procedure 3.12;
- if applicable, a letter of agreement from the current and alternative HMA for which a transfer of HMA applies;
- if applicable, the proposed drafting amendment instructions; and
- if applicable, a marketing and communications strategy to advise EM stakeholders.

Following endorsement by the relevant SEMC subcommittees, the SEMC Business Unit will arrange for the formal submission to the SEMC with a request to either:

- note the retention of the prescription of the hazard(s) under the EM Regulations;

OR

- approve that the revocation of the prescribed hazard(s) and the current HMA under the EM Regulations be progressed.

Where the SEMC has resolved that a prescribed hazard no longer meets the requirements for classification and a revocation is to be progressed, amendment to the EM Regulations must be undertaken, guided by Procedure 3.11c Revocation of a Hazard.

The SEMC Business Unit will arrange to communicate the outcomes of the review the prescribed hazard/s and the SEMC decision with relevant stakeholders.

3.11c. Revocation of a Hazard

Revocation

Upon SEMC approval of the revocation of a prescribed hazard under the EM Regulations, the DFES, Legal and Legislative Services branch, in collaboration with the proposed HMA, will arrange the drafting, endorsement and publication of the enabling Amendment Regulations. This process includes:

- seeking Ministerial approval for the proposed amendments to the EM Regulations;
- collaboration with the Parliamentary Council's Office (PCO) for legislation drafting;
- obtaining endorsement by the Governor in Executive Council;
- publication of the instrument in the Western Australian Government Gazette; and
- arranging the provision of documentation to the Joint Standing Committee on Delegated Legislation.

Communication

Following the official revocation of a prescribed hazard, the SEMC Business Unit and relevant HMAs will communicate the revocation to all stakeholders in accordance with the marketing and communication strategy developed as part of the review process.

3.12 Prescription of a Hazard Management Agency

Background

The SEMC is responsible for ensuring the prescription of relevant HMAs for prescribed hazards in Western Australia.

Procedure

Identify

- Where a public authority or other person identifies the need to prescribe a new HMA or modify an existing prescribed HMA, a formal request must be made to the SEMC. It is the responsibility of the agency/person making the request to ensure a thorough investigation has been conducted to support any request and
- Where a hazard or potential hazard exists that requires the appointment of a HMA, the SEMC may direct a person or public authority to undertake an investigation as to the prescription of a HMA in accordance with this procedure.

As part of the investigation to support the appointment of a HMA, the following actions must be undertaken.

Define

The requirements of HMAs must be defined in accordance with section 4 of the EM Act. This includes:

- the prescribed hazard to which the appointment would relate (*new or existing*)
- defining the area of the State (whole or specific parts) for which the person or public authority would be the HMA
- whether the HMA is to be prescribed for all, or specific emergency management aspects
- the reasons why the person or public authority should be prescribed as the HMA (i.e. legislation, *specialised knowledge, expertise and resources*)
- if the proposed HMA is not an individual or body corporate, which position in the organisation will be designated the HMA under section 4(4)(a) & (b) of the EM Act
- identification of relevant delegations.

Consult

Before a HMA is presented for consideration by SEMC, broad consultation must be undertaken. This consultation should be undertaken with all key stakeholders including:

- the SEMC Business Unit
- the SEMC Subcommittees
- any HMAs currently prescribed for the same or similar roles
- relevant Combat Agencies and Support Organisations
- relevant local government(s) as required

- industry and commercial sectors which may be affected.

Results of all consultation undertaken (both positive & negative) should be included in any request.

Justify

A clearly defined justification for the requirement of the new or alternative HMA prescription must be provided. This should include the following type of information:

- to which prescribed hazard the request relates
- whether the hazard is new or existing?
- if it refers to a new hazard, has the hazard been prescribed under the EM Regulations yet?
- if not, how will the hazard be prescribed within the EM Regulations
- if the role relates to an existing hazard, what are the circumstances to add/change the prescribed HMA?
- what, if any, alternatives have been identified?
- what will the implications be in respect to emergency management if the proposed prescription is not undertaken?
- what stakeholder consultation has been undertaken and what are the outcomes of such consultation?
- a recommendation in relation to the need for a State Hazard Plan for a new hazard.

Document

All requests for the prescription of a new HMA and alteration to an existing one must address the issues outlined in this procedure and provide sufficient information to justify the recommendation and adequately inform the SEMC Response Policy Subcommittee and the SEMC.

Approval

Once completed, the request must be submitted for endorsement to the SEMC Business Unit.

The SEMC Business Unit will arrange for preparation of the draft enabling regulations and consult with the proposed HMA in respect to that process.

Once that has been completed, the submission and the draft enabling regulation will be considered by the SEMC Response Policy Subcommittee for endorsement.

Following endorsement by the Response Policy Subcommittee, the SEMC Business Unit will prepare a formal submission to the SEMC. This submission must include the following information:

- the SEMC agenda paper
- a communications and marketing plan for the proposed changes
- the supporting submission
- the draft enabling regulation.

Prescription

Upon endorsement by the SEMC, the approved request will be returned to the SEMC Business Unit to undertake the approved prescription process.

Communicate

Following completion of the prescription, the HMA will implement its communications and marketing plan to communicate the outcome to key stakeholders.